

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, February 17, 2015, beginning at 6:00 PM at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 6:00 p.m.

Mayor & City Council Members/Board of Adjustment

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Santos Alba
Council Member Charles Busbey
Council Member Wade King
Council Member John Kroll

City Staff/Appointed Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Planning Director Jon Thompson
City Secretary Kerri Craig
Assistant City Attorney Natasha Martin
Planning and Zoning Commission Chair Larry McClung
Historic Preservation Commission Chair Ted Lehr
City Treasurer Gina Gillis
DS Ranch Park Manager Lynne Dickinson

Mayor Todd Purcell called the meeting to order at 6:00pm. All present.

II. EXECUTIVE SESSION

The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

- A. Consultation with City Attorney regarding the West Travis County Public Utility Agency Water and Sewer Service and Development Policy (Tex. Gov't Code §§ 551.071)
- B. Consultation with City Attorney Regarding Allocation of Wastewater Capacities and Potential Alternatives and Options to Currently Planned Wastewater Discharge Permitting Plans, Including Potential Additional Area Needed to Meet Wastewater Service Needs (Tex. Gov't Code §§ 551.071, 551.072)
- C. Consultation with City Attorney Regarding Update on Dripping Springs Water Supply Corporation Exploratory Committee (Tex. Gov't Code §§ 551.071)
- D. Consultation with City Attorney and Outside Legal Counsel Regarding a Proposed Contract, Easement and Economic Development Negotiations with OneGas/Texas Gas Service. (Tex. Gov't Code §§ 551.071, 551.072, and 551.087).
- E. Consultation with City Attorney on the Status of Certain Bills Pending Before the Texas Legislature and Potential Legal Implications for the City (Tex. Gov't Code §§ 551.071)

- F. Consultation with City Attorney regarding regulations for Landscape Irrigation as relates to the City's Building Code and Rainwater Collection for certain new construction for Residential and Commercial (Tex. Gov't Code §§ 551.071)

Convened to executive session at 6:20pm. Those present: Mayor Todd Purcell, Mayor Pro Tem Bill Foulds, Council Member Wade King, Council Member Charles Busbey, Council Member John Kroll, Council Member Santos Alba, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, and Assistant City Attorney Natasha Martin. Reconvened to the regular meeting at 7:20pm.

III. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance- Council Member Charles Busbey leads the Pledge of Allegiance.

Mayor Pro Tem Bill Foulds motions to move Business agenda item B: Resolution No. 2015-15: A Resolution of the City of Dripping Springs Opposing Concrete Batch Plant proposed at 4998 Bell Springs Road and Requesting Texas Commission on Environmental Quality (TCEQ) to hold a Public Hearing on Proposed Registration Number 126306 to before Presentation of Citizens. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

IV. PRESENTATION OF CITIZENS

Floor open to discussion on any subject. No action may be taken by law. Citizens wishing to speak shall do so after being recognized by the Mayor. The Mayor and City Council may establish a time limit as necessary.

Michael Kruickov – Would like to know if the concrete batch plant company applied for an agricultural permit.

Wendy Armstrong – A traffic control study would be very helpful to the residents in the proposed area of the concrete batch plant.

Patti Lawrence – The address for the proposed concrete batch plant might be inaccurate. Would like to know why DSISD was not mentioned in the City's resolution about the concrete batch plant.

V. CONSENT ITEMS

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

- A. Approval of Regular Meeting Minutes, February 10, 2015
- B. Approval of Resolution 2015-14: Supporting Legislation to Establish the Proper Local Regulation of Commercial and Non-Exempt Groundwater Production in Aquifer Areas Currently Outside of the Respective Groundwater Conservation Districts in Hays County
- C. Approval of Co-Sponsorship Application from the Brenda Dewitt for Free Working Equitation Clinic at Dripping Springs Ranch Park

Council Member Santos Alba motions to approve consent items. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

Mayor Todd Purcell and Council Member John Kroll recuse themselves at 7:22pm from the next four agenda items due to a conflict of interest. Conflict of interest affidavit on file.

VI. ZONING & HISTORIC PRESERVATION

Consideration and Possible Action On:

A. Resolution No. 2015-10: A Resolution Of The City Of Dripping Springs Amending The Historic Preservation Program Implementation Manual To Include Design And Development Standards For Historic Districts

1. Staff Report – City Administrator Michelle Fischer, Planning Director Jon Thompson and Consultant Keenan Smith provide presentations which are on file.
2. Historic Preservation Commission Report – Commission Chair Ted Lehr states that the Commission voted to approve Resolution 2015-10.
3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted to approve Resolution 2015-10.
4. Public Hearing

Rex Baker – The property owners along 290 who I represent are concerned about the 2,500 square feet limitations.

5. Resolution No. 2015-10 - Council Member Santos Alba motions to approve the amendments to the implementation manual as recommended by staff. Council Member Charles Busbey makes a friendly amendment to modify the requirements for properties fronting US HWY 290 in the Hays Street District to allow 5,000 contiguous square footage and 3,500 massing index, which Council Member Alba accepts, and seconds. VOTE: 4-0 in favor, motion passes.

B. Ordinance No. 1290.04: An Ordinance Of The City Of Dripping Springs, Amending The Historic Preservation Ordinance, Chapter 24, Article 24.07 Of The Code Of Ordinances, Providing For Site Plan Review By The Historic Preservation Commission and a Process to Review Alternative Exterior Design Standards; And Providing For The Following: Findings Of Fact, Enactment, Repealer, Severability, Codification, Effective Date, And Proper Notice & Meeting

1. Staff Report - City Administrator Michelle Fischer, Planning Director Jon Thompson and Consultant Keenan Smith provide presentations which are on file.
2. Historic Preservation Commission Report - Commission Chair Ted Lehr states that the Commission voted to approve Ordinance 1290.04.
3. Planning & Zoning Commission Report - Commission Chair Larry McClung states that the Commission voted to approve Ordinance 1290.04.
4. Public Hearing

Charlie Hayden – He and his family fully support the Hays Street Historic District and the Historic Overlay District

Shawn Connolly, 315 Hays Street – Supports the Historic Overlay and Hays Street Districts

Karl Shroyer, Owner of Creek Road Cafe – Supports the Hays Street Historic District

Fabienne Bollom, Owner of Rolling in Thyme and Dough – Supports the Hays Street Historic District and the Historic Overlay District

Linda Carter, Property Owner where Creek Road Café is located – Does not support the overlay district.

Carly Shroyer – We do not want an Autozone where Creek Road Café is located.

Jennifer Kaplan – Supports this item so it will protect the unique heritage of Dripping Springs

5. Ordinance No.1290.04 - Council Member Santos Alba motions to approve Ordinance 1290.04. Council Member Charles Busbey seconds. Council discusses the approval process through this ordinance. VOTE: 5-0 in favor, motion passes.

C. Historic Overlay District: Ordinance No. 1220.99: An Ordinance of the City Of Dripping Springs, Amending the Zoning Ordinance, Chapter 30 of the Code Of Ordinances, Altering the Zoning Classifications of Certain Real Property in the City Limits by Creating and Applying a Historic Overlay District upon certain Historic Areas, upon request of the Historic Preservation Commission; Adding the Zoning Designation Historic Overlay (HO) to the Use Chart; Amending the Official Zoning Map to Reflect Changes of the Zoning Classification of Certain Properties; and Providing for the following: Findings of Fact, Enactment, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting

1. Staff Report - City Administrator Michelle Fischer, Planning Director Jon Thompson and Consultant Keenan Smith provide presentations which are on file.
2. Historic Preservation Commission Report - Commission Chair Ted Lehr states that the Commission voted to approve Ordinance 1220.99.
3. Planning and Zoning Commission Report - Commission Chair Larry McClung states that the Commission voted to approve Ordinance 1220.99.
4. Public Hearing

Rex Baker – Opposes the properties fronting US HWY 290 being included in the overlay.

Sylva Kezar – How buildings look and the types of businesses allowed is important in deciding how our town will look. Consider preserving our community for future generations.

Bonnie Humphrey, Chamber of Commerce – We made a recommend use chart and we believe staff listened and incorporated our suggestions. We are in support of the overlay.

5. Ordinance No. 1220.99 - Council Member Santos Alba motions to approve Ordinance 1220.99. Council Member Wade King seconds. Council discusses the use chart and the restrictions on the types of businesses allowed in the overlay, the H.C. Carter property, future traffic issues on Hays Street, site planning, and future changes to US HWY 290. Council Member Wade King removes his second. Council Member Charles Busbey offers a friendly amendment to break hays into 2 districts; 290 properties stay at base zoning and out of the historic overlay – properties fronting hays will be included in the overlay, properties fronting south side of 290 would not be included. Mayor Pro Tem Bill Foulds seconds. VOTE: 2-2, motion fails. Council Member Santos Alba motions to

approve staff's recommendation. Council Member Wade King seconds. VOTE: 2-2, motion fails.

Mayor Todd Purcell and Council Member John Kroll return to the meeting at 10:10pm.

Council Member Wade King motions to approve the overlay as staff recommends. Council Member Santos Alba seconds. VOTE: 3-2 in favor, Charles Busbey and Bill Foulds vote nay. Motion passes.

Mayor Todd Purcell and Council Member John Kroll recuse themselves at 10:20pm due to a conflict of interest. Conflict of interest affidavit on file.

D. Resolution No.2015-11: A Resolution Of The City Of Dripping Springs Amending The Incentives For Historic Districts And Landmark Designation, Zoning, Restoration, And Preservation

1. Staff Report - City Administrator Michelle Fischer, Planning Director Jon Thompson and Consultant Keenan Smith provide presentations which are on file.
2. Historic Preservation Commission Report - Commission Chair Ted Lehr states that the Commission voted to approve Resolution 2015-11.
3. Planning & Zoning Commission Report - Commission Chair Larry McClung states that the Commission voted to approve Resolution 2015-11.
4. Public Hearing – No one speaks.
5. Resolution No. 2015-11 - Council Member Charles Busbey motions to approve Resolution 2015-11. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

Mayor Todd Purcell and Council Member John Kroll return to the meeting at 10:30pm.

VII. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1291.03: An Ordinance of the City of Dripping Springs Terminating the Temporary Moratorium on the Issuance of Certain Permits In and Near Historic Districts - Council Member Charles Busbey motions to approve Ordinance 1291.03. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- B. Resolution No. 2015-15: A Resolution of the City of Dripping Springs Opposing Concrete Batch Plant proposed at 4998 Bell Springs Road and Requesting Texas Commission on Environmental Quality (TCEQ) to hold a Public Hearing on Proposed Registration Number 126306 - Mayor Pro Tem Bill Foulds motions to approve Resolution 2015-15. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- C. Ordinance No. 1100.64: An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2015 Budget - Council Member Charles Busbey motions to approve Ordinance 1100.64. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- D. Mercer Street Giving Tree Wall Construction Contract – City Administrator Michelle Fischer provides an update on this item. No action taken.
- E. License Agreement Between the City of Dripping Springs and Counts Ranch Estates Homeowners Association for Construction on Wall Within Butler Ranch Road Right-of-Way (*Sponsor: Council Member John Kroll*) - Mayor Pro Tem Bill Foulds motions to

remove the fence from the City's right of way. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

- F. Authorization for Creation of a Part-Time (as needed) Maintenance Position at Dripping Springs Ranch Park and Authorization to Hire Employee for the Position - Council Member Wade King motions to approve. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- G. Resolution 2015-16: Supporting a Proposed Merritt Hill Country Housing Community for Senior Citizens and Approving an Application for Low Income Housing Tax Credits to Finance Such Property (*Sponsor: Mayor Pro Tem Bill Foulds*) - Council Member John Kroll motions to approve Resolution 2015-16. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- H. Wastewater Service and Impact Fee Agreement between the City of Dripping Springs and Oryx Holdings, LLC for Approximately 6.86 Acres of Undeveloped Land Located at Tract 76 A-2, Replat of the Remainder of Tract 76A, Springlake and Subdivision of Reed Acreage, a Subdivision in Hays County, Texas, According to the Map or Plat Thereof Recorded In Volume 9, Pages 46-47, Hays County Plat Records (*Sponsor: Mayor Pro Tem Bill Foulds*) - Council Member Santos Alba motions to approve the Agreement. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- I. Resolution 2015-17: Supporting Special Legislation for the Creation of a Municipal Utility District at the Anarene/Double L Development - Mayor Pro Tem Bill Foulds motions to approve Resolution 2015-17. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

VIII. ANNOUNCEMENTS

- A. Regular Founders Day Commission Meeting, February 23, 2015 at 6:30 p.m.
- B. Regular Planning & Zoning Commission Meeting, February 24, 2015 at 7:00 p.m.
- C. Regular Historic Preservation Commission Meeting, March 2, 2015 at 5:30 p.m.
- D. Regular Parks & Recreation Commission Meeting, March 9, 2015, at 6:00 p.m.
- E. Regular Farmers Market Association Board Meeting, March 10, 2015 at 10:00 a.m.
- F. Regular City Council Meeting, March 10, 2015 at 5:30 p.m.

IX. ADJOURN

Council Member Santos Alba motions to adjourn. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 10:35pm.