

City Council Regular Meeting Minutes

City of Dripping Springs

A Regular City Council Meeting was held Tuesday, November 18, 2014, beginning at 6:00 PM in the 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
City Secretary Kerri Craig
Planning Director Jon Thompson
Planning and Zoning Chair Larry McClung
City Attorney Alan Bojorquez
City Treasurer Gina Gillis
DS Ranch Park Manager Lynne Dickinson

Mayor Pro Tem Bill Foulds called the meeting to order at 6:00pm. All present except Mayor Todd Purcell, Deputy City Administrator Ginger Faught, Planning & Zoning Commission Chair Larry McClung, City Treasurer Gina Gillis and DS Ranch Park Manager Lynne Dickinson. Also present were Historic Preservation Commission Chair Ted Lehr, and Architectural and Land Planning Consultant Keenan Smith.

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).

No executive session is held at this time, but it is held after the business items.

III. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance

Council Member Charles Busbey leads the Pledge.

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.

No one speaks.

Mayor Pro Tem Foulds announces that Board of Adjustment Item A will be tabled for a future meeting because the applicant's attorney could not be present. Council will allow those present to speak on this issue during this meeting, but another opportunity to speak will be given when this item is presented at a future meeting. Notification through posting the meeting agenda will be given when the item has been re-scheduled, no less than 72 hours prior to the meeting.

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, November 11, 2014
- B. Approval of appointment of Ron Jones to serve on the Parks and Recreation Commission as a Dripping Springs Independent School District Representative, term expiring June 2015
- C. Approval of appointment of Trent Edwards to serve on the Founders Day Commission as a Dripping Springs Cook Off Club Representative, term expiring June 2016
- D. Approval of appointment of Brandon Willin to serve on the Farmers Market Association Board, term expiring June 2015
- E. Approval of appointment of Teresa Strube to serve on the Farmers Market Association Board, term expiring June 2015

Council Member John Kroll motions to approve all consent items. Council Member Charles Busbey seconds. VOTE 5-0 in favor, motion passes.

VI. BOARD OF ADJUSTMENT

- A. Request for a Waiver from the Temporary Moratorium on Certain Permits Adjacent To or Near the Historic District for 301 Highway 290, *Rex Baker, Representative of H.C. Carter, Owner*
 - 1. Presentation
 - 2. Planning Director's Report
 - 3. Public Hearing
 - 4. Waiver

The applicant requests that this item be tabled to a future meeting because her Attorney could not make the meeting in time.

Mayor Pro Tem Bill Foulds asks City Administrator Michelle Fischer to give an overview of the moratorium and waiver request.

City Administrator Fischer gives an overview of the timeline, development, and purpose of the temporary moratorium, proposed historic districts and proposed overlay. Clarified that the City did not receive a submittal regarding an Autozone in this location until October 29, 2014. The Historic Preservation Commission initially proposed a Historic Overlay in June 2014. City Council approved the Temporary Moratorium on September 23, 2014.

City Attorney Alan Bojorquez explains the purpose of the Temporary Moratorium and the types of waivers that are available.

Planning Director Jon Thompson states that his report is on file.

Mayor Pro Tem Foulds asks if anyone had questions – no one spoke.

Public Hearing: Bonnie Humphrey – States she will wait to speak on this item when it is presented at a future meeting.

Ted Lehr, Chair of the Historic Preservation Commission – States that he is speaking on his own behalf. In his opinion, this waiver should not be granted. There is no development agreement or hardship. The HPC's recommendation for the overlay does not include this type of business. Allowing the waiver would be inconsistent with the intention of the moratorium. Granting this waiver would be making a mockery of the process we have put in place. Let the process play out, allow for public input. The Commission has given careful, quick, respectful attention to this. Please let that continue.

Carly Shroyer – States she will wait to speak on this item when it is presented at a future meeting.

Amy Moore – States she will wait to speak on this item when it is presented at a future meeting.

George Donahue – Signed up to speak, but chose not to.

Sharon Donahue - Signed up to speak, but chose not to.

Joanne Inscore - Signed up to speak, but chose not to.

Council Member Wade King motions to table this item per the applicant's request. Council Member Santos Alba seconds. VOTE 5-0 in favor, motion passes.

Mayor Pro Tem Bill Foulds encourages those present to communicate with City staff about this issue and that there is a lot of misinformation on Facebook. He states: Just because a project is on an agenda, it's not necessarily something the Council agrees with or disagrees with. Everyone is entitled to their right to ask to come before Council, so many times these items will show up. Many times they will get approved, many times they will get denied. It's

not a reflection beforehand that the Council already agrees with it. Thank you for coming out and you are welcome to stay for the rest of the meeting.

Council Member John Kroll asks City Administrator Michelle Fischer when the next time might be that this item could be presented. City Administrator Fischer states December 9, 2014 is the next scheduled meeting where this item could possibly be presented. Council Member Kroll confirms that the applicant can request that this item be placed on that agenda. City Administrator Fischer replies Yes.

VII. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1075.001: An Ordinance Amending Article A1.000 (General Provisions) of the City of Dripping Springs, Texas Code of Ordinances; Modifying the Standard Fee Schedule and Creating a Separate Fee Schedule for Dripping Springs Ranch Park Fees in the Code of Ordinances (*Sponsor: Mayor Todd Purcell*)

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

- B. Request from Bluebonnet Flea for Reduced Itinerant Vendor Fees and Prorated Sign Fees in connection with proposed Monthly Markets at The Triangle, *Anya Whatley, Owner (Sponsor: Mayor Todd Purcell)*

Mayor Pro Tem Foulds states that the applicant has requested that this item be moved to the December 9th City Council meeting. No action is taken.

- C. Resolution No. 2015-3: Resolution of the City of Dripping Springs, Texas Adopting a Legislative Communications Policy

Council Member John Kroll motions to approve. Council Member Charles Busbey seconds. VOTE 5-0 in favor, motion passes.

Council Member John Kroll leaves the room at 6:20pm because he has a potential conflict of interest concerning the next agenda item (affidavit on file).

- D. Resolution No. 2015-5: Resolution of the City of Dripping Springs, Texas Establishing Priorities for the 84th Legislative Session in Texas, and Authorizing Representation of the Municipality in Advocating Certain Positions

Council Member Santos Alba motions to approve. Council Member Charles Busbey seconds. VOTE 4-0 in favor, motion passes.

Council Member John Kroll re-enters the room at 6:23pm.

Mayor Pro Tem Foulds states that the Council will go into executive session to consult with the City Attorney regarding the request for a Waiver from the Temporary Moratorium on Certain Permits Adjacent To or Near the Historic District for 301 Highway 290 (*551.071 Consultation with City Attorney.*) Council goes into Executive Session at 6:25pm. Those present: Mayor Pro

Tem Bill Foulds, Council Member Santos Alba, Council Member Charles Busbey, Council Member Wade King, Council Member John Kroll, City Administrator Michelle Fischer, and City Attorney Alan Bojorquez.

Reconvened to the Regular Meeting at 6:52pm.

- E. Land Use: Discuss the vacation of a public right-of-way on Cannon Drive on a tract of land known as Texas Heritage Village Section Two.

Staff requested guidance on whether or not to initiate the partial vacation of the Texas Heritage Village, Section Two for the abandonment of the ROW, aka, "Cannon Drive". Council directed staff to begin the proceedings for vacating the ROW.

No action taken.

VIII. ANNOUNCEMENTS

- A. Regular Planning & Zoning Commission Meeting, November 18, 2014 at 7:00 p.m.
- B. Regular Historic Preservation Commission Meeting, December 1, 2014 at 5:30 p.m.
- C. Regular Parks & Recreation Commission Meeting, December 8, 2014 at 6:00 p.m.
- D. Regular Farmers Market Association Board Meeting, December 9, 2014 at 10:00 a.m.
- E. Regular City Council Meeting, December 9, 2014, at 6:00 p.m.
- F. Regular Founders Day Commission Meeting, December 10, 2014 at 6:30 p.m.

IX. ADJOURN

Council Member Charles Busbey motions to adjourn. Council Member Santos Alba seconds. VOTE 5-0 in favor, motion passes. Meeting adjourns at 6:52pm.