

Minutes of City Council Regular Meeting

City of Dripping Springs

A Regular City Council Meeting of the City of Dripping Springs, was held Tuesday, November 11, 2014, beginning at 5:30 PM at 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 5:30 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 Coordinator Lynne Dickinson

Mayor Todd Purcell calls the meeting to order at 5:30pm. All present except City Attorney Alan Bojorquez. Special Counsel Nelson Nease and Assistant City Attorney Natasha Martin also present.

II. WORKSHOP

No action to be taken. Staff Reports regarding Consent, Site Developments, Subdivisions, Zoning, On Site Sewage Facilities, Signs, Variances, Waivers, Special Exceptions, Annexations, Alternate Standards, Business, and Other Agenda Items listed below.

- III. EXECUTIVE SESSION *Begins at 5:56pm*** Mayor Purcell states that the Council is going into executive session to consult with the city's Special Counsel and Assistant City Attorney regarding the items listed under executive session and Business items B and C.
- 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 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 (551.071 Consultation with Attorney and 551:072 Purchase, Exchange, Lease or Value of Real Property)

- B. Utilities: Confer 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).
- C. Discussion of the City's policy and priorities for involvement in the 84th Session of the Texas Legislature (Spring 2014)
- D. Resolution No. 2015-3: A Resolution of the City of Dripping Springs Adopting a Legislative Policy

Council comes out of the executive session at 6:40 pm and recesses.

IV. RECESS at 6:40pm.

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance

Council Member Charles Busbey, who is a veteran, leads the Pledge of Allegiance.

VII. 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.

VIII. 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, October 14, 2014
- B. Approval of Regular Meeting Minutes, October 21, 2014
- C. Approval of Treasurer's Report for October 2014
- D. Approval of Proclamation Declaring November 2014 "Pancreatic Cancer Awareness Month"
- E. Approval of Agreement for Disclosure of Confidential Tax Information Between the City of Dripping Springs and HEB Grocery Company, LP
- F. Approval of Request from the Dripping Springs/Wimberely Girls Scouts to Use the Stephenson Building from January 6th, 2014 through March 3rd, 2014 for the Annual

Girl Scouts Cookie Sale & Storage, *Robert Pursley, Girl Scout Service Unit Director*

- G. Approval of Appointment of Michael Monaghan to the Founders Day Commission to Fill the Unexpired Term of St. Martin de Porres Position 2 (term expires June 2016)
- H. Approval of Changing Job Title of "Dripping Springs Ranch Park Coordinator" to "Dripping Springs Ranch Park Manager"
- I. Approval of Terracon Consultants Inc. Proposal No. P96141269: Construction Materials Observation and Testing Services West Interceptor - Segment 1, Northwest Corner of Ranch Road 12 and FM 150
- J. Approval of Agreement with Gary Keller regarding funding of the Direct Potable Reuse Feasibility Study to be prepared by Carollo Engineers, Inc. and Funding of the Joint Project Proposal- Feasibility Study (Analysis of Consolidating Water Utility Systems) to be prepared by NewGen Strategies and Solutions, LLC.
- K. Approval of Request from Photographers of Dripping Springs ("PODS") to hold their annual Holiday Party at the Dripping Springs Ranch Park Special Event Room in lieu of three (3) monthly uses of the Ranch Park House
- L. Approval of Hotel Occupancy Tax Agreement between the City of Dripping Springs and the Dripping Springs, Texas Chamber of Commerce, Inc.

Council Member Santos Alba motions to approve all consent items. Council Member Wade King seconds. VOTE: 6-0 in favor, motion passes.

IX. BOARD OF ADJUSTMENT begins at 7:02pm

- A. Request for a waiver from the Temporary Moratorium on Certain Permits Adjacent To or Near the Historic District for an Outbuilding located at 107 Creek Road, *Elizabeth and Jerry Mooney, Applicants*. - Planning Director Jon Thompson – Report on file. Staff recommends approval.

Council Member John Kroll motions to approve. Council Member Santos Alba seconds. Vote 6-0 in favor, motion passes.

- B. Request for a waiver from the Temporary Moratorium on Certain Permits Adjacent To or Near the Historic District for Bell Springs Winery located at 501 Old Fitzhugh Road, *Nate Pruitt, Bell Springs Winery, Owner and Applicant*. - Planning Director Jon Thompson – Report on file. Staff recommends approval.

Mayor Pro Tem Bill Foulds motions to approve. Council Member Charles Busbey seconds. Vote 6-0 in favor, motion passes.

- C. Sign Variance Requests for multi-unit monument sign for the Arbor Center, located at 800 HWY 290 West, *Mark Lander, Property Manager and Agent, Arbor Center COA*
 - 1. Presentation – None
 - 2. Sign Administrator's Report – Sign Administrator Michelle Fischer – Report on file. Staff recommends approval with the condition that the applicant will bring the exterior lighting on the south sides of the two buildings adjacent to Highway 290 into compliance with the City's Lighting Ordinance, and to waive \$50 of the variance fee because the applicant had previously applied for the same variance and withdrew it

before the City started working on it.

3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung says that no one spoke at the public hearing on this item during the Planning and Zoning Commission meeting. The Commission recommends approval.
4. Public Hearing – No one speaks.
5. Variance Request to exceed maximum height allowed for a multi-unit monument sign
6. Variance Request from the requirement that the applicant bring all outdoor lighting on the subject property into compliance with the Lighting Ordinance regulations

Council Member Santos Alba motions to approve both variance requests with the condition that the applicant will bring the exterior lighting on the south side of the two buildings adjacent to Highway 290 into compliance with the City's Lighting Ordinance, and to waive the \$50 variance fee. Council Member Wade King seconds. VOTE: 6-0 in favor, motion passes.

X. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/ALTERNATE STANDARDS/ANNEXATIONS

Consideration and Possible Action On:

- A. Ordinance No. 6300.12: An Ordinance Amending Chapter 28, Article 28.06 of the Dripping Springs Code of Ordinances to Create a Tree and Landscaping Escrow During Drought Conditions; And Providing for the Following: Findings of Fact; Enforcement, Including Criminal Fines Not To Exceed \$2,000.00 and Civil Penalties Not To Exceed \$500.00 Per Violation; Enactment; Repealer; Severability; Codification; Effective Date; And Proper Notice and Meeting.

1. Planning Director's Report – Report on file. Staff recommends approval.
2. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that no one spoke during the public hearing for this item at the Planning and Zoning Commission meeting. The Commission recommends approval.

Mayor Todd Purcell asks those present if anyone would like to speak on this item. No one speaks.

3. Approval of Ordinance No. 6300.12

Council Member John Kroll motions to approve. Council Member Santos Alba seconds. VOTE: 6-0 in favor, motion passes.

- B. Replat of Lot 14A of the Amended Plat of Lot 9D & Lot 14, Mountain Oaks Subdivision, Grady T. Moore

1. Presentation - None

2. Planning Director's Report – Report on file. Staff recommends approval.

3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that two people spoke during the public hearing on this item at the Planning and Zoning Commission meeting. Both speakers were concerned about the environmental impacts on adjacent properties. City Staff have determined there is no significant impact. The Commission recommends approval.

4. Public Hearing – No one speaks.

5. Replat

Mayor Pro Tem Bill Foulds motions to approve. Council Member Santos Alba seconds. VOTE: 6-0 in favor, motion passes.

Mayor Todd Purcell left the room at 7:11pm due to a conflict of interest (affidavit on file).

C. Ordinance No. 1220.100 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following properties located within the Corporate City Limits: 26155 Ranch Road 12 and an adjacent 1.28 acre tract out of the PA Smith Survey, ABS 415 (not addressed) from Two Family Residential – Duplex (SF-4) to Commercial Services (CS), *Joy Purcell and Eluturio Falcon*

1. Presentation – None. Mr. Rose, the applicants' representative, is in the audience and available for questions.

2. Planning Director's Report – Report on file. Staff recommends approval of the zoning change to General Retail (GR).

3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that no one spoke at the public hearing on this item at the Commission meeting. The Commission recommends approval to GR.

4. Public Hearing – No one speaks.

5. Ordinance No. 1220.100

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

Council Member Charles Busbey asked the property owner if the property was still for sell. The owner said yes.

Mayor Todd Purcell re-enters the room at 7:16pm.

D. Ordinance No. 1220.101 - An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located within the Corporate City Limits: 1.551 acre tract of out of the PA Smith Survey, ABS 415 (not addressed), located on

Counts Estates Drive, from Single Family Residential – Moderate Density (SF-2) to Government, Utility, Institution (GUI), *Greg Perrin, General Manager, Dripping Springs Water Supply Corporation*

1. Presentation - None

2. Planning Director's Report – Report on file. Staff recommends approval. City Administrator Michelle Fischer states that she recommends that the overlay prohibit signage on the water tower and require that the color of the tower be approved by City Staff. She states that the draft ordinance does not state this, but reflects the Planning and Zoning Commission's recommendation. Mayor Todd Purcell states he thinks this should be added to the ordinance.

3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that one person spoke at the public hearing for this item at the Planning and Zoning Commission meeting. The speaker was concerned about lighting, signage and colors. The Commission recommends approval with the overlay conditions that the City Administrator approves any signage and the tower color.

4. Public Hearing – No one speaks.

5. Ordinance No. 1220.101

Mayor Pro Tem Bill Foulds motions to approve with the overlay including no signage is allowed and the City Administrator is required to approve the tower colors. Council Member Wade King seconds. VOTE: 6-0 in favor, motion passes.

XI. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

A. Farmers Market Manager's Report – Report on file. No questions.

B. Maintenance Director's Report – Report on file. No questions.

C. Report on Proposed Old Fitzhugh Road Historic District, Hays Street Historic District, and Historic District Overlay – Ms. Fischer reports that the documents on file are those recommended by the Historic Preservation Commission for the creation of the Old Fitzhugh Road Historic District and an Historic District Overlay, as well as a map of the proposed Hays Street Historic District initiated by the Historic Preservation Commission and the historic resources survey and historic district assessment reports from Foster-Roark. No questions.

XII. BUSINESS

Consideration and Possible Action On:

A. Change Order No. 1 to Contract between the City of Dripping Springs and Innovative Water Solutions, LLC for Rainwater Harvesting System at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*)

Council Member Santos Alba motions to approve. Council Member Charles Busbey seconds. VOTE: 6-0 in favor, motion passes.

B. Discussion of the City's policy and priorities for involvement in the 84th Session of the Texas Legislature (Spring 2014) – No action taken. Mayor Purcell asks Council members to provide City Staff with comments.

C. Resolution No. 2015-3: A Resolution of the City of Dripping Springs Adopting a Legislative Policy – No action taken. Mayor Purcell asks Council members to provide City Staff with comments.

D. Fiscal Year 2015 Budget Amendment

Council Member Wade King motions to approve as presented. Council Member Santos Alba seconds. VOTE: 6-0 in favor, motion passes.

Ms. Fischer gives an overview of a request from Sherrie Parks, Executive Director of the Dripping Springs Chamber of Commerce, for the City and the Chamber to each pay half of the costs for an advertisement in the Greater Austin Economic Development Guide for 2015. She reports that Patrick Rose, Chair of the City's Economic Development Committee supports this request. Mayor Pro Tem Bill Foulds motions to approve the request and amendment the budget for \$2100 to be added to public relations expenses. Council Member Santos Alba seconds. VOTE: 6-0 in favor, motion passes.

E. Agreement for Professional Services between the City of Dripping Springs and Carollo Engineers, Inc. for a Direct Potable Reuse Feasibility Study (*Sponsor: Mayor Todd Purcell*) – Mayor Todd Purcell describes the purpose of this item, and that Gary Keller has agreed to pay for the feasibility study regarding Direct Potable Reuse in the City of Dripping Springs.

Council Member Charles Busbey motions to approve the agreement and task order. Council Member Wade King seconds. VOTE: 6-0 in favor, motion passes.

F. 1 year Extension to Co-Sponsorship Agreement between the City of Dripping Springs and Texas Hill Country Barrell Racers Association (*Sponsor: Mayor Todd Purcell*)

Council Member Santos Alba motions to approve. Mayor Pro Tem Bill Foulds seconds. VOTE: 6-0 in favor, motion passes.

G. Resolution No. 2015-4: A Resolution of the City of Dripping Springs, Texas, Authorizing the Initiation and Implementation of a Competitive Process for the Selection and Award of a Solid Waste Contract and the Grant of a Solid Waste Franchise (*Sponsor: Mayor Todd Purcell*)

Council Member John Kroll motions to approve the Resolution and the release of the Request for Proposals. Council Member Santos Alba seconds. VOTE: 6-0 in favor, motion passes.

XIII. ANNOUNCEMENTS

A. Regular City Council Meeting, November 18, 2014, at 6:00 p.m.

B. Regular Parks & Recreation Meeting, December 8, 2014 at 6:00 p.m.

C. Regular Planning & Zoning Commission Meeting, November 18, 2014 at 7:00 p.m.

- D. Regular Historic Preservation Commission Meeting, December 1, 2014 at 5:30 p.m.
- E. Regular Founders Day Commission Meeting, January 12, 2015 at 6:30 p.m.
- F. Regular Farmers Market Board Association Meeting, December 9, 2014 at 10:00 a.m.

XIV. ADJOURN

Council Member Santos Alba motions to adjourn. Council Member Charles Busbey seconds.
VOTE: 6-0 in favor, motion passes. Meeting adjourns at 7:27pm.