

Minutes
City of Dripping Springs
City Council & Board of Adjustment
Regular Meeting
September 16, 2014

A Regular Meeting of the City of Dripping Springs City Council and Board of Adjustment was held Tuesday, September 16, 2014, at 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Mayor Pro Tem Bill Foulds called the meeting to order at 6:05 pm. City Administrator Michelle Fischer calls roll.

Mayor & City Council Members/Board of Adjustment

Mayor Todd Purcell-absent

Mayor Pro Tem Bill Foulds-present

Council Member Santos Alba-absent

Council Member Charles Busbey-present

Council Member Wade King-present

Council Member John Kroll-present

City Staff/Appointed Officials

City Administrator Michelle Fischer-present

Deputy City Administrator Ginger Faught-present

Planning Director Jon Thompson-present

Planning and Zoning Chair Larry McClung-absent

City Attorney Alan Bojorquez-present

City Treasurer Gina Gillis-present

DS Ranch Park Coordinator Lynne Dickinson-present

II. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Foulds leads the Pledge.

III. 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.

IV. 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 Proclamation of the City of Dripping Springs Proclaiming October 7, 2014 as "Bathrobe Day"
- B. Approval of Proclamation of the City of Dripping Springs Declaring October 7, 2014 as "National Night Out in Dripping Springs, Hays County, Texas"
- C. Approval of Proclamation of the City of Dripping Springs Proclaiming the Month of October 2014 as "National Domestic Violence Awareness Month"
- D. Approval of Proclamation of the City of Dripping Springs Declaring October 2014 as "National Domestic and Teen Dating Violence Awareness Month"
- E. Approval of Appointment of Aimee Mick to serve on the Dripping Springs Farmers Market Board
- F. Approval of Change Order #7 increasing the construction contract between the City of Dripping Springs and Myers Concrete Construction LP by \$3,459.50 for the Mercer Street Pedestrian Improvement Project CSJ: 0914-33-065 to accommodate revisions needed to meet TDLR and ADA requirements (*Sponsor: Mayor Purcell*)
- G. Approval of Letter of Engagement of Legal Services for Nelson H. Nease, PC in Connection with the Potential Adoption of a Franchise Agreement for Retail Natural Gas Distribution Utilities (*Sponsor: Mayor Purcell*)
- H. Approval of Joint Project Proposal from NewGen Strategies and Solutions for Feasibility Study of Consolidating Water Utility Systems (*Sponsor: Mayor Pro Tem Foulds*)
- I. Approval of Temporary Street Closure Request from Dripping Springs Independent School District to close portions of Mercer Street, N. Bluff, N. College, N. San Marcos, and Wallace Streets on Wednesday, October 8, 2014 from 6pm to 8:30pm to facilitate the Homecoming Parade and Request for Waiver of the Street Closure Application Fee (*Sponsor: Mayor Todd Purcell*)
- J. Approval of Ordinance No. 1550.4 - An Ordinance Amending Volume 1, Article 5, Chapter 10, Subchapter A, of the Dripping Springs Code of Ordinances; Creating a Farmers Market Association & Establishing Regulations and Standards for Activities, Providing For a Board of Directors, and Criteria For Membership; Providing for the Following: Rules; Standards; Procedures; And Severability (*Sponsor: Mayor Purcell*)

Mayor Pro Tem Foulds makes a motion to pull Consent Items A, B, C and D, seconded by Councilman King. VOTE: all in favor. The motion is carried.

Councilman Kroll makes a motion to approve Consent Items E through J, seconded by Councilman Busbey. VOTE: all in favor. The motion is carried.

Councilman King reads the proclamation for item A Bathrobe day. Councilman Kroll makes a motion to approved item A, seconded by King. VOTE: all in favor.

The motion is carried.

Councilman Kroll reads the proclamation for item B National Night Out. Councilman Busbey makes a motion to approve item B, seconded by Councilman King. VOTE: all in favor. The motion is carried.

Councilman King reads the proclamation for item C National Domestic Violence Awareness Month. Councilman Busbey makes a motion to approve item C, seconded by Councilman King. VOTE: all in favor. The motion is carried.

After reading the proclamation for item D National Domestic Violence and Teen Dating Violence Awareness Month, he makes a motion to approve item D, seconded by Councilman King. VOTE: all in favor. The motion is carried.

Councilman Busbey makes a motion to consider Business Item A next, seconded by Councilman Kroll. VOTE: all in favor. The motion is carried.

Business Item A: Request for Reduction in Building Permit Fees for Eagle Scout Project at St. Martin de Porres Catholic Church, *Nathan Little, Boy Scout Troop 280 (Sponsor: Mayor Pro Tem Foulds)*-Mr. Little gives an overview of his project and request. Planning Director Jon Thompson recommends waiving the fees for the sign and building permit. Mayor Pro Tem Foulds makes a motion to approve the request and waive the fees, seconded by Councilman King. VOTE: all in favor. The motion is carried.

V. 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.

Councilman King makes a motion to move the workshop to the end of the meeting, seconded by Councilman Busbey. VOTE: all in favor. The motion is carried.

A. Proposed Fiscal Year 2015 Budget

1. Review and Discuss Proposed FY 2015 Budget
2. Review and Discuss Commission/Committee Budget Requests
3. Review and Discuss Budget Requests

B. Presentation on Proposed Residential Development of a Portion of Tract Two, 42.06 acres of land, more or less, out of the P.A. Smith Survey, Abstract 415, Hays County, Texas, and more being particularly described at Volume 2499, Page 632 of the Deed Records of Hays County, Texas, *Meritage Homes Corporation*-presentation on file. James McCann presents the plan, which has been updated to be more dense, include detention facilities that will benefit other properties, extend Rob Shelton Blvd. North, and which will be accompanied by a Planned Development District Agreement. John Wilson, architect, presents

renderings of the proposed homes. Nathan Brigmon with Civic Analytics, presents analytics on the project using Scenario Suite, which was created by the Sustainable Places Project. No action taken.

- C. **Presentation on Proposed Town Clock Center (Texas Heritage Village, Section 2, Lot 2A), James McCann, PE, Pape Dawson Engineering-** presentation on file. Mr. McCann gives an overview of the project which includes 9,020 square feet of commercial retail space with a maximum impervious cover of 70% and rainwater collection. The applicant has requested 7 LUEs for wastewater service. No action taken.
- D. **Presentation on Proposed Lockhard 24-Hour Emergency Center, Parcel #2, Walker Springs Subdivision, Todd Blenden, PE, Doucet & Associates representing Lockhard Construction-** presentation on file. Tom Blenden gives an overview of the project. The applicant requests two LUEs for wastewater service. No action taken.
- E. **Presentation on Proposed Development of 731 Old Fitzhugh Rd, Rick Hardy, CERT Home-** presentation on file. Mr. Hardy gives an overview of the project which consists of 36 units and is based on the New Urbanism concept. Mayor Pro Tem Foulds states that he would like to see some connectivity. Mr. Hardy is concerned with connecting to the west and stats that it could kill the residential project. No action taken.
- F. **Presentation on Proposed Development of Baird & Davidson tracts (approximately 200+/- acres situated due north of the DSISD Administration Bldg stretching from Springlake Subdivision to the north, abutting RR12 on the east, and DSYSA baseball/softball complex to the west, and DSISD Administration Bldg to the south), Greg Gitcho, Archer Creek Consulting-** presentation on file. Councilman Krolls recuses himself and leaves the dais due to a conflict of interest. Mr. Gitcho's overview includes 600-800 units, a range in home process from the \$200s to \$600s, open space, a proposed Planned Improvement District, the need for 300 LUEs for wastewater service, and a wastewater utility agreement and development agreement are forthcoming. Mayor Pro Tem Foulds requests a draw down schedule for the LUEs. No action taken.

Mayor Pro Tem Foulds states that the Council does not need to go into executive session at this time. Councilman Kroll returns to the dais.

VI. 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. Deliberation regarding Personnel Matters related to salaries, benefits, and compensation of specific employees: City Administrator, Deputy City

Administrator, City Secretary, Deputy City Secretary, Planning Director, Municipal Court Clerk/Utilities Coordinator, Receptionist/Administrative Assistant, City Treasurer, Maintenance Director, and Dripping Springs Ranch Park Coordinator 551.074 (*Personnel Matters*)

- B. Consultation with City Attorney regarding 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)
- C. Consultation with City Attorney Regarding Update on Dripping Springs Water Supply Corporation Exploratory Committee (551.071 *Consultation with City Attorney*)

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

Consideration and Possible Action On:

- A. Preliminary Plat - Headwaters at Barton Creek, Phase One, located at 2410 East Hwy 290 across from Hays Country Acres Rd. and East Creek Dr., *Matt Matthews, Freehold Capital Management, LLC*
 - 1. Presentation-John Doucet, PE gives a presentation on the plat. He states that they have addressed Hays County's comments that were received through the 1445 process.
 - 2. Planning Director's Report-Mr. Thompson states that he received a letter from Clint Garza with Hays County recommending approval. He also recommends approval. Report on file.
 - 3. Planning & Zoning Commission Report-recommends approval.
 - 4. Public Hearing-no one speaks.
 - 5. Preliminary Plat-Councilman Kroll makes a motion to approve the plat, seconded by Councilman Busbey. VOTE: all in favor. The motion is carried.

VIII. BUSINESS

Consideration and Possible Action On:

- A. **Request for Reduction in Building Permit Fees for Eagle Scout Project at St. Martin de Porres Catholic Church, Nathan Little, Boy Scout Troop 280** (*Sponsor: Mayor Pro Tem Foulds*)-considered above.
- B. **Agreement between the City of Dripping Springs and Mercer Street Dancehall, LLC for Alcohol Concessions at the Dripping Springs Fair & Rodeo to be held at Dripping Springs Ranch Park on October 3 through 5, 2014** (*Sponsor: Mayor Purcell*)-Ms. Dickinson recommends approval. Her report is on file. Councilman Kroll states that there needs to be an audit provision. Mayor Pro Tem Foulds makes a motion to approve the agreement subject to an audit system being added to the agreement and approved by City Treasurer Gina Gillis and Ms. Dickinson, seconded by Councilman Kroll. VOTE: all in favor. The motion is approved.

Mayor Pro Tem Foulds opens the workshop:

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.

Councilman King makes a motion to move the workshop to the end of the meeting, seconded by Councilman Busbey. VOTE: all in favor. The motion is carried.

Proposed Fiscal Year 2015 Budget

1. Review and Discuss Proposed FY 2015 Budget-City Treasurer Gina Gillis review the proposed budget with the Council Members.
2. Review and Discuss Commission/Committee Budget Requests-Council Members review the budget request from the Transportation Committee.
3. Review and Discuss Budget Requests-Council Members review the budget request from the Hays Caldwell Women's Center.

Mayor Pro Tem Foulds states that the City Council will now go into Executive Session at 8:02 pm to consult with the City Attorney on the items listed under Executive Session, as well as the Business Items on the budget: tax rate; fee schedule amendment; and Change Order #7 increasing the construction contract between the City of Dripping Springs and Myers Concrete Construction LP by \$3,459.50 for the Mercer Street Pedestrian Improvement Project CSJ: 0914-33-065 to accommodate revisions needed to meet TDLR and ADA requirements.

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).

Deliberation regarding Personnel Matters related to salaries, benefits, and compensation of specific employees: City Administrator, Deputy City Administrator, City Secretary, Deputy City Secretary, Planning Director, Municipal Court Clerk/Utilities Coordinator, Receptionist/Administrative Assistant, City Treasurer, Maintenance Director, and Dripping Springs Ranch Park Coordinator 551.074 (Personnel Matters)

Consultation with City Attorney regarding 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)

Consultation with City Attorney Regarding Update on Dripping Springs Water Supply Corporation Exploratory Committee (551.071 Consultation with City Attorney)

The City Council comes out of Executive Session at 9:10 pm.

C. Ordinance No. 1070.62: An Ordinance of the City of Dripping Springs Amending the City of Dripping Springs Fee Schedule (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report-City Attorney Alan Bojorquez goes over the staff memo o the amendment. Memo on file.
2. Public Hearing-no one speaks.
3. Approval of Ordinance No. 1070.62-Councilman Busbey makes a motion to approve the ordinance, seconded by Councilman King. VOTE: all in favor. The motion is carried.

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, APPROVING THE 2014 – 2015 AD VALOREM TAX RATE AND LEVY OF SEVENTEEN HUNDREDTHS CENTS (\$0.17) PER ONE HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR AN EXEMPTION ON RESIDENCE HOMESTEADS OF PERSONS WHO ARE DISABLED OR 65 YEARS OF AGE OR OLDER; PROVIDING FOR PENALTIES AND INTEREST INCLUDING THE ASSESSMENT OF A LIEN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR NOTIFICATION TO ASSESSOR; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

1. Public Hearing-Bruce Turbow states that in the past he supported an increase but has seen the rate steady increase over the years and he opposes the increase. Ms. Fischer states that Councilman Alba could not be at the meeting, but asked her to inform the City Council that he supports the rate increase.
2. Adoption of Ordinance No. 1110.12
Mayor Pro Tem Foulds states that he would like the Council to discuss the next agenda item, and then vote on the budget and the tax rate.

E. AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS enacting the municipal budget for 2014-2015 FISCAL YEAR BUDGET; FUNDING

MUNICIPAL PURPOSES; AUTHORIZING EXPENDITURES; PROVIDING FOR: FINDINGS OF FACT; ENACTMENT; FILING OF BUDGET; repealer; SEVERABILITY; EFFECTIVE DATE; and proper notice & meeting.

1. Public Hearing-no one speaks.
2. Approval of Ordinance 1100.61-Mayor Pro Tem Foulds directs the City Treasurer to move \$25,000 from Street Maintenance to Wastewater Debt Service. No one objects.

Motion 1. Mayor Pro Tem Foulds makes a motion to adopt Ordinance 1100.61 and the budget as presented and modified. Councilman Busbey seconds the motion. VOTE: all in favor. The motion is carried.

Motion 2. Mayor Pro Tem Foulds makes a motion to adopt a budget that requires more property tax revenue than last year, seconded by Councilman Busbey. VOTE: all in favor. The motion is carried.

Motion 3. Mayor Pro Tem Foulds makes a motion to approve Ordinance No. 1110.12 and that the property tax rate be increased by the adoption of a tax rate of seventeen hundredths cents (\$0.17) per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the corporate limits of the city, which is effectively a 21.86 percent increase in the tax rate. Councilman King seconds the motion. VOTE: all in favor. The motion is carried.

F. Appointment of City Secretary-no action taken.

IX. ANNOUNCEMENTS

- A. City Council Meeting, October 14, 2014, at 5:30 p.m.
- B. Regular Planning & Zoning Commission Meeting, September 23, 2014 at 7:00 p.m.
- C. Regular Historic Preservation Commission Meeting, October 6, 2014 at 5:30 p.m.
- D. Regular Parks & Recreation Meeting, October 6, 2014 at 6:00 p.m.
- E. Regular Farmers Market Board Association Meeting, October 14, 2014 at 10:00 a.m.
- F. Regular Founders Day Commission Meeting, TBD

X. ADJOURN

Councilman Kroll makes a motion to adjourn, seconded by Councilman King. VOTE: all in favor. The meeting is adjourned at 9:30 pm.