

Minutes of Regular Meeting

City Council City of Dripping Springs

A Regular Meeting of the City Council of City of Dripping Springs was held Tuesday, August 12, 2014, beginning at 5:30 PM in the 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
Planning Director Jon Thompson
City Engineer Rick Coneway
Planning and Zoning Chair Larry McClung
City Secretary Jo Ann Touchstone
City Attorney Alan Bojorquez
City Treasurer Gina Gillis
DS Ranch Park Coordinator Lynne Dickinson

Mayor Purcell calls meeting to order at 5:30 p.m. All present except Councilman Kroll, Lynne Dickinson and Larry McClung.

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

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).

Convened to Executive Session at 5:33 p.m. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Alba, Councilman Busbey, Councilman King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Jo Ann Touchstone, City Attorney Alan Bojorquez, City Engineer Rick Coneway and Land Planner Sallie Burchett. Reconvened to Workshop at 6:00 p.m.

- A. Consultation with City Attorney Regarding Status of Treaty Oak Distillery Development at 16604 Fitzhugh Road (*Consultation with City Attorney, 551:071*)
- B. Consultation with City Attorney regarding Economic Development and Redevelopment opportunities for Mercer Street and North Street, including 380 Mercer Street (*551.072 Deliberations About Real Property*)
- C. Consultation with City Attorney Regarding Update on Dripping Springs Water Supply Corporation Exploratory Committee (*551.071 Consultation with City Attorney*)
- D. 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*).

Added: Second Amendment to the Headwaters at Barton Creek Development Agreement by and between the City of Dripping Springs, Texas, and WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, Ltd. Concerning approximately 1,335.73 acres located on the northside of the intersection of US 290 and Hays Country Acres Road. (The Development Agreement was originally entered into by the City, Headwaters Development Co., and The Townes Family Trust on or about April 13, 2005, and was first amended on or about June 10, 2008.)

IV. RECESS – convened to recess at 6:07 p.m. At 6:45 p.m., City Administrator Michelle Fischer presents power point presentation on the City’s Scenic City Award.

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

A. 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.

Judge Miller invites Council and community to the YMCA Community Picnic, Saturday, August 16th, including food, music and outdoor water play.

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, July 8, 2014
- B. Approval of Treasurer's Report for July 2014
- C. Approval of Acknowledgement and Acceptance of Contractor Disclosure of Interest Form Submitted by Robert Callegari, PE, CMA Engineering, Inc.
- D. Approval of Agreement Between the City of Dripping Springs and the Hays-Caldwell Women's Center for the Provision of Victim Services
- E. Acceptance of Engagement Letter and Approval of Proposal from the Accounting Firm of Donald A. Allman, CPA, PC for Fiscal Year 2014 Audit
- F. Approval of Appointment of Jay Maffi to serve on the Dripping Springs Farmers Market Board (term to expire June 2015)
- G. Approval of Amendment to Agreement Between The City of Dripping Springs and Music Lab Incorporated for the Purchase and Installation of Additional Sound System Components and Audio Visual Equipment for the Dripping Springs Ranch Park Event Center
- H. Approval of Special Event Co-Sponsorship Application from Hays County Emergency Services District #6 for National Night Out Event at Dripping Springs Sports & Recreation Park on October 7, 2014, *Chief Miller, ESD #6 (Sponsor: Councilman King)*
- I. Approval of Special Event Permit Application and Request to Utilize Stephenson Building and Adjacent Lot and City Hall Parking Lot for Festival Parking for the Dripping Springs Songwriters Festival on October 17-19, 2014
- J. Approval of Resolution No. 2014-17 - A Resolution of the City of Dripping Springs, Texas ("City"), Approving Maintenance and Site Improvement Bonds for Counts Estates Phase One and Two Public Improvements; Providing for Provisions; Effective Date; and Proper Notice and Meeting
- K. Approval of Request from Gillespie County to Rent Portable Bleachers for

Fredericksburg PBR Ride on September 13, 2014

- L. Approval of Request from Austin Waldorf School for Rental of Sports & Recreation Park Soccer Field #6, *Chad Lipscomb, Coach (Sponsor: Councilman King)*
- M. Approval of Ordinance No. 1730.05 - An Ordinance Adding Subsection 20.05.008(C) of the City's Code of Ordinance and Adopting the "Ranch Road 12 (Line H)" Line Extension Charge
- N. Approval of Six Month Extension to Wastewater Service and Impact Fee Agreement between Robert T. McAlister and Jill K. McAlister and the City of Dripping Springs, (*Sponsor: Mayor Pro Tem Foulds*)
- O. Approval of Proclamation of the City of Dripping Springs Proclaiming Dripping Springs The Official "Wedding Capital of Texas"
- P. Approval of Proclamation Congratulating the City and Citizens of Dripping Springs, Texas on its Gold Scenic City Certification

Mayor Pro Tem Foulds motions to approve all items except item N. Councilman Alba seconds. Motion passes, 4-0. Mayor Pro Tem Foulds motions to approve item N. with removal of section 74. B. Councilman Alba seconds. Motion passes, 4-0.

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

Consideration and Possible Action On:

- A. Preliminary Plat - Arrowhead Ranch, Phase 1, located at 2303 West Hwy 290 (62.1 acres of the 374.162 acres of the B. F. Hanna Survey No. 28, Abstract No. 222), *Vince Musat, PE, Doucet & Associates, Applicant*
 - 1. Presentation – Jen Durancy, P.E.. Doucet & Associates, presents request and is available for questions.
 - 2. Planning Director's Report –City Engineer Rick Coneway states report is on file and staff recommends approval.
 - 3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.
 - 4. Public Hearing – No one speaks.
 - 5. Preliminary Plat – Mayor Pro Tem Foulds motions to approve. Councilman King seconds. Motion passes, 4-0.
- B. Second Amendment to the Headwaters at Barton Creek Development Agreement by and between the City of Dripping Springs, Texas, and WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, Ltd. Concerning approximately 1,335.73 acres located on the northside of the intersection of US 290 and Hays Country Acres Road. (The Development Agreement was originally

entered into by the City, Headwaters Development Co., and The Townes Family Trust on or about April 13, 2005, and was first amended on or about June 10, 2008.)

1. Presentation – Bob Richardson, Land Planner. Presents project and is available for questions. Mr. John Doucet, P.E. also present and available for questions.
2. Staff Report – Sallie Burchett, Land Planner reviews report and each agenda item/amendments listed.
3. Planning & Zoning Commission Report – Commissioner McClung states the Commission had twelve people speak at the public hearing. The Commission voted unanimously to approve staff recommendations.
4. Public Hearing – Adam Abrams, attorney with SOS. States position to see any action postponed for two weeks. Asks Developer if agreement complies with TCEQ.

Paul Wilvanen – States he is a new homeowner in Sunset Canyon. States he attended the Planning & Zoning Commission and heard concerns for safety related to connectivity. States concern for public that walk Sunset Canyon streets. States Oak Meadow cannot support additional traffic.

Mary Yeakle – States concerns for connectivity as there are no sidewalks and there are pedestrians, bicyclists and bus stops in the area.

Myra Spears - Resident of Sunset Canyon. States there is confusion within the neighborhood and would ask for postponement of any actions.

Jim Spears – states he will donate time to Kendal Tate.

Mark Bennett - Co-committee chair of SCLA, speaking on behalf of neighbors. States productive meetings have occurred with developer and they appreciate hill top protection. States concern for speed at which development is occurring and concerns are for placement on east side as well as connectivity. Asks Council to postpone action until September 9th.

Reinae Kessler – Resident of Oakwood Lane. States traffic to the Hill Country Galleria will impact her street. States disagreement with Mark Bennett. States neighborhood has misinformation. Asks Council to clarify how water supply will be protected. Asks Council to postpone action.

Steve Beers, President of Barton Creek Association, states there has been confusion because agreements provided are fragmented. States support for putting documents online for the public. States the concept plan shows increased density. States concern open space may be compromised. States concern for water availability. States support for a postponement of action to further consider development.

Lucas Howard, states concern for connectivity and is supportive of a TIA. Requests postponement of action.

Jennifer Timm, resident in Sunset Canyon for seven years. States concern for increased traffic. States support for postponement of action to allow neighbors more time to research development.

Kindal Baker – states neighbors have not had enough time to research the development. States concern for water/wastewater. Asks for postponement of action until September 9th council and asks Headwaters Developers to provide an executive summary to the residents.

Grant Tait – resident for seven years. States he feels information is not available and there is misinformation. Asks council to postpone action.

Mark Penton – resident on North Canyonwood asks Council to reconsider as he is not supportive of density on eastern portion of tract and postpone action until September 9th.

David Wilder – states concern for property values. States concern for lack of information to neighbors regarding development. Agrees more time is needed to review information.

Alison Ulrich – resident in Sunset Canyon, on committee for neighborhood. States neighborhood was largely unaware of development. States they need more information and asks for postponement of action.

Patrick Rose – States he is speaking for himself and not as the chair of the Economic Development Committee. States the developer is here for the long term with no intention to flip the property. States the team assembled through Free Hold holds merit and are long term residents. States these two issues are wanted. States a development of this caliber is what Dripping Springs needs. States Council and Staff should be commended in dealing with a fast growing community. Mr. Rose commends City for long term transportation plan.

5. Proposed Amendment – Councilman King motions to postpone action until September 9th meeting. Motion dies for lack of a second. Councilman Busbey motions to open for discussion. Mayor Pro Tem Foulds seconds. Mayor Pro Tem Foulds speaks to citizens regarding the development agreement and time frame. Speaks to transportation plan, water and wastewater. Councilman Busbey states he met with Kindal Baker and Mark Bennett. States roads in Sunset Canyon do need improvement. States Developers do not need to obtain approval of neighbors and the buffer offered goes above and beyond. Councilman Alba states property value concerns are referenced, but those concerned aren't concerned about what their home did to their neighbor.

Councilman Alba also states support for connectivity, citing disaster in Bastrop fires.

Mayor Pro Tem Foulds motions to approve proposed 2nd amendment to the Development Agreement with amendment to section 3.14.1

HEADWATERS

draft Second Amendment to the Development Agreement

regarding Connectivity to Sunset Canyon

Section 3.14.1 of the Development Agreement is hereby amended as follows:

Owner shall dedicate to the City with a right-of-way easement for projected future egress and ingress to the Project from the Sunset Canyon subdivision at Oak Meadow Drive as indicated on the Concept Plan, Exhibit B. Owners shall provide fiscal security (in the form of the deposit of funds in escrow or a construction bond) sufficient to fund payment of this East projection into Sunset Canyon. Owner shall construct a stub-out connecting street to Sunset Canyon unless a Traffic Impact Analysis (TIA) prepared by the Owner and submitted to the City at the time of Owner applies for preliminary plat approval for that section supports a determination by the City Administrator that the stub-out connecting street would create excessive traffic safety risks. In determining whether the stub-out connecting street would create excessive traffic safety risks, the City Administrator shall evaluate the TIA in consultation with the City Engineer, ESD #6, and Hays County Commissioner (Pct. 4), Hays County Fire Marshal, and Hays County Sheriff. If the City Administrator determines that the stub-out connecting street would create excessive traffic safety risks, Owner shall construct an access point that is for emergency use only.

August 12, 2014

(Mayor Pro Tem Foulds reads amendment). Councilman Alba seconds. Mayor asks Matt Matthews with Free Hold to hold a Town Hall Meeting with citizens and Matt Matthews agrees. Motion passes, 4-0.

- a. Concept Plan -
- b. Parks & Open Space Plan -
- c. Variance Regarding Slope Construction -

- d. Variance to Allow Flag Lots -
- e. Right-of-Way Dedication -
- f. Hilltop Preservation -
- g. Trail Connectivity -
- h. Neighborhood Connectivity -
- i. Elementary School Site Option -
- j. Clarification of Correct Water Quality Plan -
- k. Compliance with Current Lighting Ordinance –

- 6. Approval of Resolution No. 2014-18- A Resolution of the City of Dripping Springs (“City”) Approving The Second Amendment to the Headwaters at Barton Creek Ranch Development Agreement (“Agreement”) Between the City And WFC Headwaters Owner VII, L.P. and Rathgeber Investment Company, Ltd (“Owners”), Authorizing the Mayor to Execute the Agreement,, and Requiring the City Secretary to Record the Agreement with Hays County - (see line item 5)

X. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone – Report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Update of Comprehensive Plan Implementation Guide to Adopt Transportation Goals
 - 1. Staff Report – City Administrator Michelle Fischer states report on file.
 - 2. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved unanimously.
 - 3. Public Hearing – No one speaks.
 - 4. Update of Implementation Guide – Councilman Alba motions to approve. Councilman King seconds. Motion passes. 4-0.
- B. Request from the Dr. Pound Historical Farmstead and Museum for the Installation of Signage at Founders Memorial Park (*Sponsor: Councilman King*) – *Councilman Alba motions to approve. Mayor Pro Tem Foulds seconds. Motion passes. 4-0.*
- C. Application from the Dr. Pound Historical Farmstead and Museum for Hotel Occupancy Tax Grant Funds for Signage at Founders Memorial Park and Advertising for Pioneer Day (*Sponsor: Councilman King*) – *Councilman Alba motions to approve. Councilman King seconds. Motion passes, 4-0.*

D. Amendment to Dripping Springs Ranch Park Building Budget (*Sponsor: Mayor Purcell*) – *Mayor Pro Tem Foulds* motions to approve. *Councilman King* seconds. *Motion passes, 4-0.*

XII. ADJOURN

Councilman Alba motions to adjourn. Councilman King seconds. Motion passes, 4-0. Meeting adjourned at 9:17 minutes.