

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, February 11, 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

Planning and Zoning Chair Larry McClung

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

City Treasurer Gina Gillis

Mayor Purcell calls the meeting to order at 5:35 p.m. All present. Also present Dripping Springs Ranch Park Coordinator Lynne Dickinson.

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 6:07 p.m. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Alba, Councilman Busbey, Councilman Kroll, Councilman King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Jo Ann Touchstone and City Attorney Alan Bojorquez. Reconvened to Workshop at 6:40 p.m.

- A. Consultation with City Attorney Regarding Proposed Use of a Public Improvement District for Scenic Greens Development (681.5088 acres located northwest of the intersection of US Hwy 290 and McGregor Lane), SunCal (557:071 Consultation with City Attorney)
- B. Consultation with City Attorney Regarding Franchise Agreement Between the City of Dripping Springs and Vaquero Waste and Recycling for Solid Waste Services (551.071 Consultation with City Attorney)

Business Items Discussed:

First Amended Wastewater Service and Impact Fee Agreement Between City of Dripping Springs and Development Solutions CAT, LLC and Hays County Development District No. 1 for the Caliterra Subdivision, located at 26465 Ranch Road 12 (also known as, 591 acres +/- out of the Philip A. Smith Survey, Abstract 0415, Hays County, Texas, approximately 1.3 miles south of the US 290/RR12 intersection on RR12) (Sponsor: Mayor Pro Tem Foulds)

Preliminary Plat - Caliterra, Phase 1 located at 26465 Ranch Road 12 (aka 210.330 acres +/- out of the Philip A. Smith Survey, Abstract 0415, Hays County, Texas, approximately 1.3 miles south of the US 290/RR12 intersection), Felix Manka, P.E., CMA Engineering

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Councilman Busbey leads the pledge.

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.

Rick Braum with TDS, states to Council that TDS encourages Council to issue an RFP for Solid Waste and TDS would like to offer service to the area. Mr. Braum states current landfill conditions and references rates in current contract and what TDS could offer.

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, January 14, 2014
- B. Approval of Treasurer's Report for January 2014
- C. Approval of Chris Nuccio to Fill Unexpired Term on the Founders Day Commission, At Large Term Expiring June 2015
- D. Approval of 2014 Founders Day Festival Contracts
 - 1. Austin Outhouse for Portable Toilets
 - 2. Church of the Springs for Event Ground Clean Up
 - 3. Knights of Columbus for Washer Pitching Tournament
 - 4. Knights of Columbus for Beer Sales
 - 5. St. Martin de Porres Catholic Church for Arts & Crafts Booths
 - 6. Lions Club for Food Booths
 - 7. Lions Club for Mighty Thomas Carnival
 - 8. Dripping Springs Cook Off Club for Cook Off Booths
- E. Approval of Resolution No. 2014-11- A Resolution of the City of Dripping Springs Approving an Agreement Between the City and Texas Department of Transportation for the Temporary Closure of State Right of Way for the Founders Day Parade on April 25, 2014
- F. Approval of Proclamation Declaring February 15th through February 22, 2014 "Future Farmers of America (FFA) Week"

Councilman King motions to approve item A through F and to move Business Items H-N and P and Q for consent approval. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

Mayor Purcell reads FFA Proclamation with President of FFA Matthew Jones and member Emily Hermes.

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

Consideration and Possible Action On:

- A. Ordinance No. 1220.90 - An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the Subdivision Known as Poundhouse Hills III, from Agriculture (AG) to Single-Family-Moderate Density (SF-

2), *Steve Smith, Applicant*

1. Presentation – None.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner McClung states five people spoke at the public hearing and stated concern for traffic safety. The Commission voted to approve staff recommendation 4-1-0.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.90 – Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.

B. Ordinance No.1220.91 - An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the Property Located at 103 Creek Road from Two-Family Duplex (SF-4) to Local Retail (LR), *Sarah D'Angelo, Applicant*

1. Presentation – None.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval with COC and fire inspections.
3. Planning & Zoning Commission Report – Commissioner McClung states no one spoke at the public hearing and Commission approved 5-0.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.91 – Councilman Alba motions to approve. Councilman Kroll seconds. Motion passes, 5-0.

C. Preliminary Plat - Caliterra, Phase 1 located at 26465 Ranch Road 12 (aka 210.330 acres +/- out of the Philip A. Smith Survey, Abstract 0415, Hays County, Texas, approximately 1.3 miles south of the US 290/RR12 intersection), *Felix Manka, P.E., CMA Engineering*

1. Presentation – Felix Manka states request and reviews project.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved staff recommendations unanimously and approval contingent upon approval of Parks and Recreation Commission.
4. Public Hearing – No one speaks.
5. Parks & Recreation Commission Report – City Administrator Michelle Fischer states the Parks Commission
6. Parkland Dedication – Planning Director Jon Thompson states Parks Commission approved. Mayor Pro Tem Foulds motions to approve Parkland Dedication. Councilman Alba seconds. Motion passes, 4-0-1. Councilman Busbey abstains.
7. Preliminary Plat – Councilman Kroll motions to postpone this item until

special meeting on February 25th, providing sufficient time for the following action to be completed: 1. Execution of a wastewater utility agreement. 2. Execution of the Development Agreement. 3. Documentation to the City of the real estate transaction with Phillips Cemetery (indication of the status of the land swap). Councilman King seconds. Motion passes, 4-0-1. Councilman Busbey abstains.

D. Sign Variance Request to Allow a Monument Sign Less than 8 Feet Back from the Street Right-of-Way for CST #1318 (Valero Energy Corporation Corner Store #1318), located at 13810 Sawyer Ranch Road, *Cindy Housos, Comet Signs, Applicant's Representative*

1. Presentation – None.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung state the Commission unanimously approved staff recommendations.
4. Public Hearing – No one speaks.
5. Variance Request – Mayor Pro Tem Foulds motions to approve staff recommendations with the levy of a \$1000 administrative fine. Councilman King seconds. Councilman Busbey states that a low pole sign, if allowed, would have alleviated the problem. Motion passes, 5-0.

E. Sign Variance Requests to Allow a Menu Board and to Exceed the Maximum Number of Projecting Signs Allowed for a Single Business for Chicken Express, located at 230 East Highway 290, *Terry Hamilton, Applicant*

1. Presentation – None.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved staff recommendation unanimously.
4. Public Hearing -
5. Variance Request to Allow a Menu Board – Councilman Busbey motions to approve staff recommendations. Councilman King seconds. Motion passes, 5-0.
6. Variance Request to Exceed the Maximum Number of Projecting Signs Allowed for a Single Business – Councilman Busbey motions to approve staff recommendations. Councilman King seconds. Motion passes, 5-0.

F. Ordinance No. 1231.00 - An Ordinance of the City of Dripping Springs Enacting Article 28.07, Chapter 28 of the Dripping Springs Code of Ordinances; Establishing Regulations for Modifying, Relocating, or Vacating a Platted Easement, Providing for the Following: Findings of Fact; Enactment; Repealer;

Severability; Codification; Effective Date; and Proper Notice and Meeting

1. Staff Report – Planning Director Jon Thompson, report on file.
2. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved.
3. Public Hearing – No one speaks.
4. Ordinance No. 1231.00 – Councilman Kroll motions to approve. Councilman King seconds. Motion passes, 5-0.

G. Land Use - Application from Mr. Bob Wilson for modification or relocation of certain platted building lines located at Lot 4, Sportsplex Subdivision No. 3, Hays County, Texas (also known as 391 Sportsplex Drive)

1. Presentation – None.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner McClung states no one spoke at the public hearing and Commission approved unanimously.
4. Public Hearing – No one speaks.
5. Application – Councilman King motions to approve. Councilman Alba seconds. Motion passes, 5-0.

X. REPORTS

- A. Dripping Springs Farmers Market Report - Market Manager Jo Ann Touchstone – report on file.
- B. Report on Mercer Street Improvement Project- City Administrator Michelle Fischer – City Administrator Michelle Fischer briefs Council on progress of construction.

XI. BUSINESS

Consideration and Possible Action On:

The following Business Items were moved to the Consent agenda and approved.

ITEMS: A-E, H-N, P and Q

MOTION: Councilman King motions to approve item A through F and to move Business Items A-E, H-N and P and Q for consent approval. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

- A. Request from the Dr. Pound Historical Farmstead for a Waterline Easement in Founders Memorial Park (*Sponsor: Mayor Pro Tem Foulds*)
 1. Parks & Recreation Commission Report -

2. Approval of Easement –

- B. Amendments to Dripping Springs Ranch Park Rental Policy and Rental Agreement –
 - C. Ordinance No. 1070.60 - An Ordinance Amending the Fee Schedule for Dripping Springs Ranch Park Fees –
 - D. Request from Lockhart Chamber of Commerce to Rent Bleachers for June 2014 Rodeo –
 - E. Request from Dripping Springs Chamber of Commerce for Waiver of Use Fees for Dripping Springs Ranch Park Event Center Special Event Room for April 24, 2014 Membership Luncheon –
 - F. Use Agreements for Dripping Springs Ranch Park
 - 1. Agreement between the City of Dripping Springs and the Dripping Springs Vocational Ag Boosters Association, Inc. -
 - 2. Agreement between the City of Dripping Springs and Dripping Springs 4-H –
 - 3. Agreement between the City of Dripping Springs and Dripping Springs Future Farmers of America –
- Mayor Pro Tem Foulds motions to approve with item 1 contingent upon Rodeo agreement mutually agreed upon and finalized. Councilman Busbey seconds. Motion passes, 5-0.
- G. Ordinance No. 1100.58 - An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2014 Budget (*Sponsor: Councilman Busbey*)
 - 1. Public Hearing – No one speaks.
 - 2. Ordinance No. 1100.58 – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.
 - H. Ordinance No. 1260.10- An Amendment to the Economic Development Committee Ordinance (*Sponsor: Mayor Purcell*) –
 - I. Reappointment of Patrick Rose to Serve as Economic Development Committee Chair (*Sponsor: Mayor Purcell*) –
 - J. Ordinance No. 1630.30 - An Ordinance of the City Council of the City of Dripping Springs, Texas, Calling the General Election for Officers to be Held Within Said Municipality On May 10, 2014, and Making Provision for the Conduct of the Election and Resolving Other Matters Incident and Relating to

the Holding of Such Election

Ordenanza No. 1630.30 – Por orden del Concilio Municipal de la Ciudad de Dripping Springs, Tejas, se anuncia la Elección General de oficiales que tomaran lugar dentro del municipio dicho el 2nd Sábado en Mayo, cual es la fecha uniforme para Elección, el día 10 de Mayo de 2014. Criando la conducta de tal elección y resolviendo cualquier otros incidentes relacionados y referente a la tenencia de tal elección

- K. Approval of Contract for Election Services between the City of Dripping Springs and the Hays County Elections Officer for the May 10, 2014 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Oficial de Elecciones del condado de Hays para la Elección Municipal el día 10 de Mayo 2014

- L. Approval of Contract for Election Services between the City of Dripping Springs and the Dripping Springs Independent School District for the May 10, 2014 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Distrito Independiente de Escuelas de Dripping Springs para la Elección Municipal el día 10 de Mayo 2014

- M. Resolution No. 2014-12- A Resolution of the City of Dripping Springs Accepting the Wastewater Collection System Extension Improvements to Serve Dripping Springs ISD Elementary School and Accepting the Maintenance Bond for the Improvements (*Sponsor: Mayor Pro Tem Foulds*)

- N. Resolution No. 2014-13- A Resolution of the City of Dripping Springs Appointing A Deputy Building Official (*Sponsor: Councilman Alba*) -

- O. Consider and possibly take action to authorize City Staff to issue a Request for Proposals for Comprehensive City-Wide Solid Waste Services (*Sponsor: Mayor Purcell*) – *No action taken.*

- P. One Year Extension to Solid Waste Services Agreement Between the City of Dripping Springs and Vaquero Waste and Recycling (*Sponsor: Mayor Purcell*) – *Mayor Pro Tem Foulds motions to approve one year extension. Councilman Busbey seconds. Councilman Busbey inquires if that is enough time to issues RFP. Deputy City Administrator Ginger Faught states that it is adequate time. Council discusses transition phase and how to handle should a new company be selected. Motion passes, 4-1-0. Councilman Kroll opposed.*

- Q. Wastewater Service and Fee Agreement Between the City of Dripping Springs

and Norwood Capital, Inc. for the Property Located at 29220 Ranch Road 12, Approximately 102.35 acres out of the P.A. Smith Survey, Abstract A-415, (*aka Linwood*) (*Sponsor: Mayor Pro Tem Foulds*) – *Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes. 5-0.*

- R. First Amended Wastewater Service and Impact Fee Agreement Between City of Dripping Springs and Development Solutions CAT, LLC and Hays County Development District No. 1 for the Caliterra Subdivison, located at 26465 Ranch Road 12 (also known as, 591 acres +/- out of the Philip A. Smith Survey, Abstract 0415, Hays County, Texas, approximately 1.3 miles south of the US 290/RR12 intersection on RR12) (*Sponsor: Mayor Pro Tem Foulds*)- *Item pulled, no action taken.*

- S. Engineering Services Agreement for South Regional Wastewater System Phase 1 West Wastewater Lift Station and Segment 1 Interceptor Design and Construction Phase Services CMA Job Number 1645, *CMA Engineering* (*Sponsor: Mayor Pro Tem Foulds*) – *Item pulled, no action taken.*

XII. ADJOURN – Councilman Alba motion to approve. Councilman Busbey seconds. Meeting adjourned at 8:35 p.m.