

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, December 10, 2013, 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 meeting to order at 5:35 p.m. All present except Larry McClung and Alan Bojorquez. Also present DSRP Coordinator Lynne Dickinson and City Attorney Jill Hoffman with the Bojorquez Law Firm.

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).

Adjourned to Executive Session at 6:00 p.m. Those present: Mayor Purcell, Councilman Kroll, Councilman King, Councilman Alba, Councilman Busbey, Mayor Pro Tem Foulds, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, and Jill Hoffman. City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught and City Treasurer Gina Gillis exit at 6:47 p.m. Reconvened to Workshop at 6:57 p.m.

- A. 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*)
- B. Consultation with City Attorney regarding Real Estate opportunities and Economic Development options for the Stephenson Building (*551.072 Deliberations About Real Property*)
- C. Discussion of Performance Pay Incentives for Planning Director, Administrative Assistant, City Secretary, Utilities Coordinator/Municipal Court Clerk, Dripping Springs Ranch Park Coordinator, City Treasurer, Deputy City Administrator, and City Administrator (*551.074 Personnel Matters*)

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.

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, November 12, 2013
- B. Approval of Treasurer's Report for November 2013
- C. Approval of Amendment to Facilities Use Agreement Between the City of

Dripping Springs and the Dripping Springs Lions Club for Christmas on Mercer Street

- D. Approval of Resolution No. 2014-4 - A Resolution of the City of Dripping Springs, Texas, Regulating the Display of the Honor And Remember Flag
- E. Approval of Appointment of Ralph Morren to Fill an Unexpired Term on the Farmers Market Board, Term Expiring June 2015
- F. Approval of Acceptance of disclosures made by George Robert “Bob” Richardson of RVI Planning and Landscape Architecture; acknowledgement and waiver in accordance with Code of Ordinances § 2.02.002.
- G. Approval of Request for Fiscal Year 2014 Monthly \$50.00 Mobile Phone Reimbursement for Dripping Springs Ranch Park Coordinator (*Sponsor: Mayor Purcell*)
- H. Approval of Public Water Line Easement Granted by the City of Dripping Springs to the Dripping Springs Water Supply Corporation, described in the Easement as a public water line easement being 0.0023 acres out of the P. A. Smith Survey No. 415 and that certain 0.846 acre tract of land conveyed to the City of Dripping Springs, a Texas general law city, recorded in Volume 3047, Page 556, Official Public Records of Hays County, Texas (City Hall property located at 511 Mercer Street) (*Sponsor: Mayor Pro Tem Foulds*)
- I. Approval of Ordinance No. 1100.57 - An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2013 Budget

Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 4-1-0. Councilman Kroll abstains.

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

Consideration and Possible Action On:

- A. Preliminary Plat - Blue Blazes Ranch, 1559 US Hwy. 290 E, Replat of Vista Ranch, Tract A, Tracts A-1, A-2, and A-3, *James Smith, Owner*
 - 1. Presentation – Jacy Warwick, states request and is available for questions.
 - 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 - 3. Public Hearing – No one speaks.
 - 4. Preliminary Plat – Mayor Pro Tem Foulds motions to approve staff recommendations. Councilman Alba seconds. Motion passes, 5-0.
- B. Special Exception from the Zoning Ordinance & Variance Request from the Building Code for Temporary Facilities at the YMCA, 27216 Ranch Road 12, *Thom Ziegenbein, Springs Family, YMCA, Representative*
 - 1. Presentation – Mr. Ziegenbein states request and is available for questions.

2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Public Hearing – No one speaks.
4. Special Exception to Allow a Temporary Facility (Code of Ordinances, Chapter 30 “Zoning,” Exhibit A “Zoning Ordinance,” Section 3.12.5(d) Special Requirements for Temporary Facilities) – Councilman King motions to approve staff recommendations. Councilman Kroll seconds. Motion passes, 5-0.

C. Sign Variance Requests for Ranch 2 Runway Inc., located at 27490 Ranch Road 12, *Danielle Lombino, Owner*

1. Presentation – Danielle Lombino, states request and is available for questions.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
3. Public Hearing – No one speaks.
4. Sign Variance Request to Allow a Business in a Multi-Unit Property to Have Two Projecting Signs (Section 26.07.002 (2) Multi-Unit Property (E)) – Councilman Busbey motions to approve both variances. Councilman King seconds. Motion passes, 5-0.
5. Sign Variance Request to Exceed Maximum Area Allowed for a Projecting Sign (Section 26.06.068 (c)) – see line item 4.

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. Sustainable Places Project Draft Report

1. Public Hearing – Rex Baker, states support from the City’s Economic Development Committee, letter on file.

Corridor Title, states support for plan and the City’s work to include the public and present a plan to manage growth.

2. City Staff Report – City Administrator Michelle Fischer, states ???.

Betty Voights, CAPCOG, states history of plan and the role of CAPCOG and asks the Council to adopt the plan. Ms. Voights states appreciation to the City for the scope of work involved.

Councilman Alba motions to approve staff recommendations. Mayor Pro Tem Foulds seconds. Motion passes, 4-0-1. Councilman Busbey opposed.

- B. Ordinance No. 2010.09 - An Ordinance of the City of Dripping Springs Amending the Founders Day Ordinance to Remove the Two Drippings Springs Chamber of Commerce Positions and to Create Two At-Large Positions (*Sponsor: Mayor Todd Purcell*) – *Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.*
- C. Resolution No. 2014-6 - A Resolution of the City of Dripping Springs Regarding the Formation of the City of Dripping Springs and the Dripping Springs Water Supply Corporation Joint Utility Exploratory Committee (*Sponsors: Mayor Purcell & Mayor Pro Tem Foulds*) – *Mayor Pro Tem Foulds motions to approve and have Mayor appoint members. Councilman Alba seconds. Motion passes, 5-0.*
- D. Consideration and Action regarding consent to assignment of the Headwaters MUD Creation and Operations Agreement, and Interlocal Agreement, from Austin 290 to Freehold in connection with sale and purchase of the Headwaters Tract (*Sponsor: Mayor Pro Tem Foulds*) – Mayor Pro Tem Foulds motions accept the “Assignment and Assumption Agreement Relating to Agreement Concerning Creation & Operation of Headwaters Municipal Utility District and Consent of the Parties to Assignment” as presented to Council this evening and direct the Mayor to execute said agreement after the following has occurred:
- (1) WFC Headwaters Owner VII, L.P. succeeds to the ownership, rights, and obligations of Austin-Highway 290, LLC of the “*Agreement Concerning Creation and Operation of Headwaters Municipal Utility District*”, otherwise known as the MUD Agreement, and the City Attorney is provided evidence of such assignment;
 - (2) The Headwaters property subject to the MUD Agreement is transferred to WFC Headwaters Owner VII, L.P. and the City Attorney is provided evidence of such transfer;
 - (3) said assignment and transfer occurs and evidence concerning such assignment and transfer are provided within 90 days of this meeting;
 - (4) The City Attorney determines that said assignment and transfer are effective;
 - (5) Either Austin-Highway 290 or WFC Headwaters Owner VII, L.P. makes sufficient payments to reimburse outstanding professional services; and
 - (6) The City Attorney inserts the proper dates of the assignment, transfer, and effective date.

Councilman Busbey seconds. Motion passes, 5-0.

- E. City approval of agreements providing for WFC Headwaters GP VII, L.L.C., a Delaware limited liability company, to assume all of the rights and obligations of the Headwaters Development Company, and its current authorized assignee Austin-Highway 290 LLC, under the following agreements:

1. April 8, 2008 Interlocal Agreement between the City of Dripping Springs, Texas and Headwaters Municipal Utility District of Hays County, Texas regarding Water Service – Councilman Kroll motions to accept the “*Assignment and Assumption Agreement Relating to Interlocal Agreement and Consent of the City of Dripping Springs and Headwaters MUD to Assignment*” as presented to Council this evening and direct the Mayor to execute said agreement after the following has occurred:

(1) WFC Headwaters Owner VII, L.P. succeeds to the ownership, rights, and obligations of Austin-Highway 290, LLC of the “*Interlocal Agreement Between the City of Dripping Springs, Texas and Headwaters Municipal Utility District of Hays County, Texas regarding Water Services*” and the City Attorney is provided evidence of such assignment;

(2) The Headwaters property subject to the Interlocal Agreement is transferred to WFC Headwaters Owner VII, L.P. and the City Attorney is provided evidence of such transfer;

(3) said assignment and transfer occurs and evidence concerning such assignment and transfer are provided within 90 days of this meeting;

(4) The City Attorney determines that said assignment and transfer are effective;

(5) The City Attorney reviews and is satisfied that the financial security required by the agreement is satisfactory in form to provide security for WFC’s obligations; and

(6) The City Attorney inserts the proper dates of the assignment, transfer, and effective date.

Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

2. January 11, 2008 Agreement for the Creation and Operation of Headwaters Municipal Utility District, by and among the City of Dripping Springs Townes Family Trust (the “Trust”), Headwaters Development Co., a Texas corporation, and Headwaters Municipal Utility District, a municipal utility district organized and operating in Hays County, Texas (the “District”), and the First Amendment to that Agreement; and –

(1) WFC Headwaters Owner VII, L.P. succeeds to the ownership, rights, and obligations of Austin-Highway 290, LLC of the “*Interlocal Agreement Between the City of Dripping Springs, Texas and Headwaters Municipal Utility District of Hays County, Texas regarding Water Services*” and the City Attorney is provided evidence of such assignment;

(2) The Headwaters property subject to the Interlocal Agreement is transferred to WFC Headwaters Owner VII, L.P. and the City Attorney is provided evidence of such transfer;

(3) said assignment and transfer occurs and evidence concerning such assignment and transfer are provided within 90 days of this meeting;

(4) The City Attorney determines that said assignment and transfer

are effective;

(5) The City Attorney reviews and is satisfied that the financial security required by the agreement is satisfactory in form to provide security for WFC's obligations; and

(6) The City Attorney inserts the proper dates of the assignment, transfer, and effective date.

Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

- F. Consider and possibly take action to approve Change Order # 3 to the construction contract between Myers Concrete Inc. and the City of Dripping Springs for the CAMPO sidewalk project CSJ 9014-36-065 for the addition of a linear trench drain and bulb-out modifications pending final negotiation of costs and TxDOT concurrence. - No action taken.
- G. Resolution No. 2014-9- A Resolution of the City of Dripping Springs, Texas, Establishing a Policy Providing Guidelines and Standards for the City to Allow Entities to Use the Dripping Springs Ranch Park Event Center and Other Park Amenities at No Cost or at a Reduced Rate (*Sponsor: Mayor Purcell*) – Councilman Alba motions to table. Councilman Kroll seconds. Motion passes, 5-0. Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 5-0.
- H. Proposal for Use Agreement between the City of Dripping Springs and the Texas Hill Country Barrel Racing Association for the Use of Dripping Springs Ranch Park (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- I. Request from Sunset Canyon Veterinary Clinic for Two Month Stall Rental at Reduced Rate, *Renee Carroll, Sunset Canyon Veterinary Clinic, Applicant* (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Foulds motions to approve rent at \$250 per month for no more than three months. Councilman Alba seconds. Motion passes, 5-0.
- J. Ordinance No. 1250.26 - An Ordinance of the City of Dripping Springs Amending the City's Sign Ordinance - NO ACTION TO BE TAKEN
1. Sign Administrator's Report – Report on file.
 2. Public Hearing – No one speaks.
- K. Review and Prioritization of Requests for Wastewater Utility Agreements (*Sponsor: Mayor Pro Tem Foulds*) – Mayor Pro Tem Foulds motions to accept list as presented by staff and have staff enter into negotiations with commercial users on list that will provide tax dollars and economic stimulus to the city, residential subdivisions on existing lines with ability to connect at soonest date

and ability to pay for capacity at time service is issued. Councilman Alba seconds. Motion passes, 5-0.

L. Resolution No. 2014-7- A Resolution of the City of Dripping Springs Accepting a Cash Donation from the Dripping Springs Lions Club and Authorizing the Mayor to Execute a Donation Agreement Between the City and the Dripping Springs Lions Club and Requiring the City Secretary to File the Donation Agreement Among City Records (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Foulds motions to accept donation. Councilman Alba seconds. Motion passes, 5-0.

M. Resolution No. 2014-8- A Resolution of the City of Dripping Springs Approving the Use Agreement between the City of Dripping Springs and the Dripping Springs Lions Club to Use the Dripping Springs Ranch Park Event Center, Authorizing the Mayor to Execute the Agreement, and Requiring the City Secretary to File the Use Agreement Among City Records (*Sponsor: Mayor Purcell*) – Councilman Kroll motions to approve. Councilman Alba seconds. Motion passes, 5-0.

N. Acceptance of Bid and Award of Contract for City of Dripping Springs Parks Paving Improvements and Authorization for the Mayor to Execute the Contract (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Foulds motions to approve subject to city attorney finalizing agreement. Councilman King seconds. Motion passes, 5-0.

XII. **ADJOURN** - Councilman Alba motions to adjourn. Councilman Kroll seconds. Motion passes, 5-0. Meeting adjourned at 7:44 p.m.