

Minutes of Regular Meeting

The City Council City of Dripping Springs

A Regular Meeting of the City Council of City of Dripping Springs was held Tuesday, November 12, 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 5:30 p.m. All present except Councilman Kroll. Also present DSRP 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.

A. Presentation on the Draft Transportation Plan by the Transportation Committee
– Commissioner Eric Burgeson presents draft plan to Council. Maps on file.

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 5:40 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 and City Attorney Alan Bojorquez. Reconvened to Workshop at 6:00 p.m.

A. Consultation with City Attorney Regarding alternatives and options for obtaining and permitting subsurface wastewater drip irrigation lands for the disposal of wastewater treated under the authorization of Texas Pollutant Discharge Elimination System Permit No. WQ0014488001 at the City's South Regional Wastewater Treatment Facilities Collection System, including additional area needed to meet wastewater service needs of the future development adjacent to the City's collection lines, *(551.071: Consultation with Attorney and 551:072; Purchase, Exchange, Lease or Value of Real Property)*

IV. **RECESS** – Recess at 6:44 p.m.

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 Treasurer's Report for October 2013

B. Approval of Regular Meeting Minutes, October 8, 2013

C. Approval of Request from the Girls Scouts of Central Texas to Lease the Stephenson Building from January through February 2014 for Annual 2014 Cookie Sale Storage, *Robert Pursley, Girl Scout Service Unit Director*

D. Approval of Request from Photographers of Dripping Springs to Exchange

Approved Uses of City Hall Meeting Room for Use of Dripping Springs Ranch Park Ranch House or Event Center Special Event Room

- E. Approval of Resolution No. 2014-2 - A Resolution of the City of Dripping Springs Adopting the City's Investment Policy
- F. Approval of 90 Day Extension to the Wastewater Utility Agreement Between the City of Dripping Springs and Howard Land and Cattle Company
- G. Approval of Proclamation Declaring November National Hospice Palliative Care Month

Mayor Pro Tem Foulds motions to approve A-F. Councilman Alba seconds. Councilman Busbey reads Proclamation for Hospice. Representatives present to accept the proclamation.

Mayor Pro Tem Foulds motions to move items E through H to now.

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

Consideration and Possible Action On:

- A. Presentation on Proposed Development Agreement Between the City of Dripping Springs and Development Solutions CAT, LLC 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) – Andy Barrett, Attorney for Development Solutions CAT, LLC presents proposed development. Bob Richardson presents power point presentation.

- B. Sign Variance Request for Subdivision Monument Sign to Exceed Maximum Signable Area Allowed - Harrison Hills Subdivision, 1.6006 acres +/- out of the George W. Lindsey Survey, Abstract 0289, Hays County, Texas, approximately 1.63 miles north of the US290/RR12 intersection on RR12, *Cambridge Springs Development, Inc., Applicant*
 - 1. Presentation – Applicant states request and is available for questions.
 - 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
 - 3. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved staff recommendations unanimously.
 - 4. Sign Variance Request – Mayor Pro Tem Foulds motions to approve staff recommendations. Councilman Alba seconds. Motion passes, 4-0.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone- report on file.
- B. Status Report on Mercer Street Improvement Project - City Administrator Michelle Fischer gives report.

XI. BUSINESS

Consideration and Possible Action On:

A. Dripping Springs Sustainable Places Project Draft Report

1. Presentation on Draft Report – Jim Adams, gives power point. Betty Voights and Chad Coburn from CAPCOG also present. Jarred Jonaoba, Jeff Barton and John Hopenons, also present.
2. Public Hearing – Mr. Charlie Haydon, owner of The Homestead. States goal to preserve Historic Dripping Springs. States concern that maps were printed including his property without any communication to him directly.

Melanie Fenalon, member of City of Dripping Springs Economic Development Committee, states Committee’s support of plan as drafted, which includes preservation of historic Dripping Springs.

Charles Busbey (recuses self from dias) speaks as citizen: States that only 25% of feedback was received from residents of the City. States the photographs shown do not look appropriate for the area and buildings shown would require variances from current ordinances.

Mayor states additional comments will be submitted to be brought to Council at December 10th meeting and can be submitted online.

B. Request for Exclusive Use of Founders Memorial Park and Temporary Street Closure of Founders Park Road November 20-21, 2013 for Movie Filming, *Mark Jarrett, Horizon Scripted Television, Inc., (Sponsor: Mayor Todd Purcell)*- Councilman Alba motions to approve staff recommendations. Councilman King seconds. Motion passes. 4-0.

C. Change Order to the construction contract between the City of Dripping Springs and Myers Concrete Construction LP to revise the specification item for the hot mix asphalt pavement for the Mercer Street Improvements Project. This request has been made by TxDOT to adjust the specification from 3268 to 340 which revises the testing requirements for projects with small quantities of asphalt pavement. There are no cost implications to the project for the revision of the specification – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0.

D. Change Order reducing the construction contract between the City of Dripping Springs and Myers Concrete Construction LP by \$26,716.00 by reducing the number of light poles from sixteen (16) to twelve (12) and eliminating one electrical service on the Mercer Street Pedestrian Improvements project CSJ:

0914-33-065 in order to bring the construction contract into conformance with the grant funds available for the project – Councilman King I motions to approve a Change Order reducing the construction contract between the City of Dripping Springs and Myers Concrete Construction LP by \$26,716.00 by reducing the number of light poles from sixteen (16) to twelve (12) and eliminating one electrical service on the Mercer Street Pedestrian Improvements project CSJ: 0914-33-065 in order to bring the construction contract into conformance with the grant funds available for the project. Motion also includes authorization for city staff to procure the four (4) light poles and related items from a separate source. However, prior to that action, city staff is authorized to inform the contractor that he has the opportunity to lower his price for the 4 poles in order to keep that portion of the job. Councilman Busbey seconds. Motion passes, 4-0.

E. Ordinance No. 1070.60 - An Ordinance of the City of Dripping Springs Amending the Fee Schedule to Create An Arena Day Use Fee for the Dripping Springs Ranch Park Event Center – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0.

F. Proposal from the Dripping Springs Lions Club for Donation of \$100,000 to Dripping Springs Ranch Park, (*Sponsor Mayor Purcell*) – Mayor Pro Tem Foulds motions to authorize staff to negotiate contract for donation. Councilman Busbey seconds. Motion passes, 4-0.

G. Proposal for Use Agreement between the City of Dripping Springs and the Dripping Springs Ag Boosters for the Use of Dripping Springs Ranch Park, (*Sponsor Mayor Purcell*)

1. Use Agreement – Mayor Pro Tem Foulds motions to approve negotiations use agreement. Councilman Alba seconds. Motion passes, 4-0.
2. Waiver of Rental Fees for Event Center for Fall Classic on November 15-17, 2013 – Mayor Pro Tem Foulds motions to approve waiver of fee and meeting room waiver fee for 4H for next calendar meeting. Motion passes, 4-0.

H. Request from Project Graduation for Waiver of Rental Fees for Use of Dripping Springs Ranch Park Event Center on June 6, 2014 – Mayor Pro Tem Foulds motions to reduce fees by 40% contingent upon submittal of complete proposal that includes security and cleaning fee reimbursement. Councilman King seconds. Motion passes, 4-0.

I. Engineering Services Agreement Between the City of Dripping Springs and CMA Engineering, Inc. for South Regional Wastewater System Wastewater Major Permit Amendment No. 1 (CMA Job Number 1643), (*Sponsor Mayor Pro Tem Foulds*) – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion

passes, 4-0.

J. Engineering Services Agreement Between the City of Dripping Springs and CMA Engineering, Inc. for the preparation of an application to the Texas Commission on Environmental Quality (TCEQ) for the City to obtain a Certificate of Convenience and Necessity (CCN) for retail water service to the Blue Blazes development [Lots A1, A2, and A3, of Replat of Tract A, Vista Ranch, a subdivision in Hays County, Texas, according to the map or plat of record in Volume 14, Page 12-13 of the Plat Records of Hays County, Texas] (CMA Job Number 1644), (*Sponsor Mayor Pro Tem Foulds*) – Councilman Busbey motions to approve. Councilman King seconds. *Motion passes, 4-0.*

K. Authorize the Mayor (1) to provide to CMA Engineering, Inc. the information necessary to prepare an application to the Texas Commission on Environmental Quality (TCEQ) for the City to obtain a Certificate of Convenience and Necessity (CCN) for retail water service to the Blue Blazes development [Lots A1, A2, and A3, of Replat of Tract A, Vista Ranch, a subdivision in Hays County, Texas, according to the map or plat of record in Volume 14, Page 12-13 of the Plat Records of Hays County, Texas] and (2) upon review of the application by the City Attorney and staff, to sign and file the application with TCEQ, issue the required public notices, and take such other related actions as may be necessary for the TCEQ to administratively process the application and issue the CCN, (*Sponsor: Mayor Pro Tem Foulds*)- Councilman Alba motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.

L. Casting of City's Vote in the Hays Central Appraisal District Annual Election for Board of Directors, (*Sponsor: Mayor Purcell*)- Mayor Pro Tem Foulds authorizes Mayor to cast the city's vote. Councilman Alba seconds. Motion passes, 4-0.

M. Ordinance No. 1250.26 - An Ordinance of the City of Dripping Springs Amending the City's Sign Ordinance

1. City Staff Report – City Attorney Alan Bojorquez and Sign Administrator Michelle Fischer review redline changes.
2. Planning & Zoning Commission Report – Commissioner McClung gives report.

XII. ADJOURN

Councilman Alba motions to adjourn. Councilman Busbey seconds. Motion passes. 4-0. Meeting adjourned at 9:09 p.m.