

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, July 9, 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 the meeting to order at 5:55 p.m. City Secretary Jo Ann Touchstone calls roll. All present except 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.

Recessed at 6:27 p.m.

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).

- 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)

No Executive Session held.

IV. RECESS

- V. **RECONVENE AT 7:00 p.m.** – Larry McClung present.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Councilman Alba 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.

- A. Presentation of Service Awards to Former Commissioners Neil Fox and Gwen Tao

Mayor Purcell presents awards and thanks Commissioners for their service.

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, June 11, 2013
- B. Approval of Regular Meeting Minutes, June 18, 2013
- C. Approval of Treasurers' Report for June 2013
- D. Approval of Appointment of Brenda Medcalf to Serve as Founders Day Commission Chair

- E. Approval of Addendum Number 2 to the City of Dripping Springs Engineering Services Agreement with CMA Engineering, Inc. for South Regional Wastewater System Phase 3 Wastewater Collection System Design and Construction Phase Services for Wastewater Collection System Extension to Serve Dripping Springs Elementary and Dripping Springs Ranch Park (*Sponsor: Mayor Pro Tem Bill Foulds*)
- F. Approval of Acceptance of Proposal and Agreement for Services Between the City of Dripping Springs and Terracon Consultants, Inc. for Construction Materials Observation and Testing Services for Wastewater Collection System, Phase III (RM 12 Wastewater Line Extension) (*Sponsor: Mayor Pro Tem Bill Foulds*)
- G. Approval of Proposal from Nio Graphics, Inc. for Advertising and Marketing Services for Dripping Springs Ranch Park for a Cost Not to Exceed \$5,000.00 (*Sponsor: Mayor Todd Purcell*)

Councilman Alba motions to approve. Councilman King seconds. Motion passes, 5-0.

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

Consideration and Possible Action On:

- A. Petition Requesting Annexation for inclusion of the Following Property into the City of Dripping Springs Corporate City Limits: Being all of that Certain Tract or Parcel of Land out of and a Part of the Stiles Fowler Survey Number 31, Abstract 174, Situated in Hays County, Texas, Said Tract of Land Being More Particularly Described as Being out of and a Part of That Certain 2.804 Acre Tract of Land Conveyed to Key Enterprises, Inc., in Volume 4479, Page 241 of the Official Public Records of Hays County, Texas, (*aka Twisted X Brewery*)
 - 1. Acceptance of Petition – Councilman Busbey motions to approve. Councilman Kroll seconds. Motion passes, 5-0.
- B. Ordinance No. 1803. 72 - An Ordinance of the City of Dripping Springs Annexing 14.885 acres out of 160.00 Acre Tract of Land Conveyed to Erik Howard in Volume 1079, Page 703 of the Deed Records of Hays County, Texas , as filed with the Hays County Clerk, Real Property Records, Into the City of Dripping Springs Corporate City Limits, *Applicant Erik Howard*
 - 1. Public Hearing – No one speaks.
 - 2. Ordinance No. 1803.72 – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.
- C. Request from Realty America Group (Shops at Highpointe) Retail L.P. for the termination of The Shops at Highpointe Development Agreement between the

City of Dripping Springs and Realty America Group (Shops at Highpointe) Retail L.P. concerning the property located at 13429 US 290 East (at the southeast corner of US 290 East and Sawyer Ranch Road), *Mitch Provosty, Realty America Group, Applicant*

1. Presentation – Mr. Carl Schwab states request and is available for questions along with project architect.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner McClung states two people spoke at the public hearing. Commission approved unanimously.
4. Public Hearing – Citizen inquires of wanting to know more about the project. Mayor Purcell states the two items for consideration on the agenda.
5. Termination of Development Agreement – Councilman Kroll motions to terminate development agreement subject to inclusion of staff recommendations. Councilman Busbey seconds. Motion passes, 5-0.

D. Special Exception from the Dripping Springs Code of Ordinance, Chapter 30 “Zoning”, Exhibit A “Zoning Ordinance”, Section 3.11.3 for a Medical Office Building (MOB) located at 13429 US 290E (at the southeast corner of US 290 and Sawyer Ranch Road) in Dripping Springs to allow the proposed MOB to be 45 feet in height and three stories, *Mitch Provosty, Realty America Group, Applicant*

1. Presentation- Mr. Carl Schwab, present with developer, states request and details of project and is available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, staff recommends approval. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner McClung states five people spoke at the public hearing stating concerns for height of building. The Commission voted to approve with staff recommendations and height not to exceed 45 feet.
4. Public Hearing – Citizen states she would like developer to provide brochure/drawings to neighbors. Citizen also inquires of timeline for construction. Mr. Schwab speaks to construction and design.
5. Special Exception – Councilman Kroll motions to approve with staff recommendations and additionally that there are not outside voice generators on the building. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

X. REPORTS OF AGENCIES COMMISSIONS & STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone – Report on file.
- B. Report on Update of Master Plan for Parks, Recreation & Open Space - City Administrator Michelle Fischer – Report on file.

- C. Report on City of Dripping Springs STP MM CAMPO Project CSJ: 0914-33-065: Mercer Street Pedestrian Improvement Project- City Administrator Michelle Fischer – Report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Discuss and possibly adopt: (1) an Emergency Use Agreement form to be utilized by and between (a) the City and/or Emergency Services District No. 6 (ESD#6), and (b) Vendors supplying goods and services during emergency events; (2) accompanying General Clauses to the Agreement; and (3) the related Memorandum of Understanding (MOU) between the City and ESD#6 (*Sponsor: Mayor Todd Purcell*) – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.
- B. City of Dripping Springs Application to the International Dark-Sky Association Community Program for Designation as an International Dark Sky Community (*Sponsor: Councilman Santos Alba*)- Mayor Pro Tem Foulds motions to accept. Councilman Alba seconds. Councilman King seconds. Motion passes, 3-2. Councilman Kroll and Councilman Busbey opposed.
- C. Application to National Park Service's Rivers, Trails, and Conservation Assistance Program for the City-wide Trails Program (*Sponsor: Mayor Todd Purcell*)- Councilman Alba motions to approve. Councilman King seconds. Motion passes, 5-0.
- D. Letter of Support for Cypress Creek Ledge Stone Apartment Homes to Texas Department of Housing and Community Affairs Multifamily Finance Division (*Sponsor: Mayor Todd Purcell*)- Councilman Kroll motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- E. Request from Hays County Emergency Services District #6 for Waiver or Reduction of Dripping Springs Ranch Park Special Event Room Rental Fee (*Sponsor: Mayor Todd Purcell*)- Mayor Pro Tem Foulds motions to approve reduction of actual costs to city. Councilman Alba seconds. Motion passes, 5-0.
- F. Acceptance of Bid Proposal from McCoy's Building Supply for Equipment for the New Arena at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*)- Councilman Kroll motions to approve. Councilman King seconds. motion passes, 5-0.
- G. Acceptance of Bid Proposal from T. Morrison Construction for Stalls and the Installation of Stalls and Arena Equipment for the New Arena at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*) – Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

- H. Approval of Agreement between the City of Dripping Springs and T. Morrison Construction for Purchase of Stalls and the Installation of Stalls and Arena Equipment for New Arena at Dripping Springs Ranch Park (*Sponsor: Mayor Todd Purcell*)- Mayor Pro Tem Foulds motions to approve items H and I. Councilman King seconds. Motion passes, 5-0.
- I. Proposed Amendment to Dripping Springs Ranch Park Operating Account Fiscal Year 2013 Budget for the Purchase of Tables and Chairs (*Sponsor: Mayor Todd Purcell*)- See line item H.
- J. Review and Amendment of Capital Improvements Budget for Dripping Springs Ranch Park and Authorization for City Staff to Purchase Certain Budgeted Items (*Sponsor: Mayor Todd Purcell*) – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- K. Discuss and Possibly Take Action on Selecting a Financing Option for Phase Three of the Dripping Springs Ranch Park Event Center and Related Improvements (*Sponsor: Mayor Todd Purcell*)- Councilman Alba motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- L. Appointment of Mayor Pro Tem – Councilman Alba motions to appoint Bill Foulds. Councilman Kroll seconds. Motion passes, 4-1-0.
- XII. **ADJOURN** – Councilman Alba motions to adjourn. Councilman Busbey seconds. Motion passes, 5-0. Meeting adjourned at 7:50.