

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, June 11, 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

Councilman Alba calls meeting to order at 5:39 p.m. All present except Mayor Purcell, Mayor Pro Tem Foulds and Councilman Kroll.

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 9:07 p.m. Reconvened to Regular Session at 9:51 p.m. Those present: Mayor Pro Tem Foulds, Councilman Alba, Councilman Busbey, Commissioner King, Michelle Fischer, Ginger Faught, Jo Ann Touchstone, Jon Thompson and Alan Bojorquez.

- A. Consultation with City Attorney Regarding Request from G. Rich of Caliterra Partners, LLC, for modification to standard development fee schedule for the Caliterra Subdivision, that being approximately 591.858 acres of land out of the P.A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas (*Consultation with City Attorney, 551.071*)
- B. Consultation with City Attorney Regarding Possible Amendment to Development Agreement Between the City of Dripping Springs and Anarene Investments, Ltd. (*Consultation with City Attorney, 551.071*)
- C. Consultation with City Attorney Regarding Possible Amendment or Termination to Development Agreement Between the City of Dripping Springs and Sawyer 290 Crossing, LTD. (*Consultation with City Attorney 551.071*)
- D. Consultation with City Attorney regarding Petition from Russell Scott of 324 Limestone Trail, Austin, Texas, 78737, regarding consent for municipal incorporation and/or release from the extraterritorial jurisdiction in regards to territory comprising a portion of the 78737 zip code, bounded by U.S. Highway 290 West, Sawyer Ranch Road, Nueces Lane, and Nutty Brown Road (*Consultation with City Attorney, 551:071*)
- E. 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** – Convened to recess at 6:11 p.m.

V. **RECONVENE AT 7:00 p.m.** – Reconvened to Regular Session at 7:00 p.m. Mayor Pro Tem Foulds present and chairing meeting.

VI. PLEDGE OF ALLEGIANCE

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

VII. OATHS OF OFFICE

A. Municipal Judge Marilyn Miller Administers Oaths of Office for Councilmember Santos Alba, Councilmember Charles Busbey, and Councilmember Bill Foulds, Terms Expiring June 2015

- B. Mayor Purcell Administers Oath of Office for Municipal Court Judge Marliyn Miller, Term to Expire June 2014

Judge Miller administers oaths of office.

VIII. 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.

City Administrator Michelle Fischer presents flyer on behalf of Tessa Doebrman with Pedernales Electric Cooperative inviting members to the PEC annual meeting/election.

IX. 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, May 14, 2013
- B. Approval of Treasurer's Report for May 2013
- C. Approval of Appointment of Marilyn Miller to Serve as Municipal Court Judge, Term to Expire June 2014
- D. Approval of Request to Use Founders Memorial Park Parking Areas for the Pound House Fall Fest on Saturday, September 28, 2013, from 7:30 am to 6:00 pm, *Jennifer Benesh, Fall Fest Committee*
- E. Resolution No. 2013-18 - A Resolution of the City of Dripping Springs Acknowledging and Waiving Potential Conflicts Disclosed by Specific City Contractors as Required by Ordinance 1010.1 and Dripping Springs Code of Ordinances Section 22.02.002(b)(4)(E) (*Sponsor: Mayor Pro Tem Foulds*)
- F. Utility Easement Granted by the City of Dripping Springs to Pedernales Electric Cooperative for the Purpose of an Underground Electric Distribution Line at Dripping Springs Ranch Park
- G. Underground Electric Distribution System Agreement between the City of Dripping Springs and Pedernales Electric Cooperative for Underground Electric Line at the Dripping Springs Ranch Park Event Center

Councilman Busbey motions to approve. Councilman Alba seconds. Motion

passes, 4-0.

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

Consideration and Possible Action On:

- A. Public Hearing on Proposed Annexation for inclusion of the following property into the City of Dripping Springs Corporate City Limits:

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 (*aka Howard Commercial*), Applicant Erik Howard

No one speaks.

- B. Ordinance No.1310.32 – An Ordinance of the City of Dripping Springs Expanding the Extraterritorial Jurisdiction of the City of Dripping Springs, Hays County, Texas, to Include the Portion of the Following Tract of Land that is not Already Part of the City's Extraterritorial Jurisdiction: 591.858 Acres of Land out of the P.A. Smith Survey No. 26, Abstract No. 415, in Hays County Texas, Being Compromised of all of that Certain (580.064 Acre) Tract 1, Together With All of that Certain (11.488 Acre) Tract 2, As Conveyed to Caliterra Partners, LLC, by Deed Recorded in Volume 3027, Page 145 of the Official Public Records of Hays County, Texas, and Also Together with all of that Certain (0.316 Acre) Tract of Land as Conveyed to Caliterra Partners, LLC by Deed Recorded in Volume 3028, Page 156 of the Official Public Records of Hays County, Texas, Within the Extraterritorial Jurisdiction of the City of Dripping Springs (*Sponsor: Mayor Pro Tem Foulds*)

1. Public Hearing – No one speaks.
2. Ordinance No. 1310.32 – Councilman Alba motions to approve. Councilman King seconds. Motion passes, 3-1-0. Councilman Busbey abstains.

- C. Special Exception & Code Enforcement – 511 Old Fitzhugh, (1) Request for Special Exception from City of Dripping Springs Code of Ordinances, Chapter 30 (Zoning), Exhibit A, Section 3.10.4(f) to operate a business out of a travel trailer for a non-residential purposes, (2) Response to connection of travel trailer to water and sewer without permits, *Deborah Carter, Owner of Pink West*

1. Presentation – Rick King, representing applicant and is available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung states one person spoke at the public hearing. Commission directed staff to investigate wastewater connections and motioned to approve with staff

recommendations.

4. Public Hearing – No one speaks.
 5. Response to connection of travel trailer to water and sewer without permits – Councilman Busbey motions to move items 4 and 5 till after executive session. Councilman King seconds. Motion passes, 4-0.
 6. Special Exception – Mayor Pro Tem Foulds motions to approve a special exception for use of a trailer for commercial purposes condition on: 1. Application for a permit to connect to the sewer system, and receipt of a permit. 2. Inspection of the sewer connection. 3. Payment to the City of a \$2,000.00 administrative penalty. 4. Applicant provides City the name of the plumber who made the sewer connection. Councilman King seconds. Motion passes, 4-0.
- D. Replat - Howard Ranch Commercial, Lot 63, Block B located at 23455 FM 150 West, *Erik Howard, Applicant*
1. Presentation – None.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file.
 3. Public Hearing – No one speaks.
 4. Planning & Zoning Commission Report – Commissioner McClung states no one spoke at the public hearing and the Commission approved unanimously.
 5. Replat – Councilman Busbey motions to approve. Councilman King seconds. Motion passes, 4-0.
- E. Resolution No. 2013-19 Authorizing the Mayor to execute a Drainage Easement Release releasing a drainage easement located on the property known and designated as Lot 1-B2 of The Springs Subdivision, also known as 171 Springs Lane, upon the receipt of proof of adequate drainage improvements to re-channel the stormwater previously diverted by the released drainage easement, *Ben Sorrell, Applicant*
1. Presentation – Mr. Sorrell is present and available for questions.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Mr. Thompson also presents City Engineer Rick Coneway's report.
 3. Planning & Zoning Commission Report – Commissioner McClung states no one spoke at the public hearing and the Commission voted to approve unanimously.
 4. Public Hearing – No one speaks.
 5. Resolution No. 2013-19 – Councilman Alba motions to approve and authorizing the Mayor Protem to execute. Councilman Busbey seconds. Motion passes, 4-0.
- F. Ordinance No. 1220.84 – An Ordinance Amending the City of Dripping Springs

Code of Ordinances, Chapter 30, Zoning; to define a Home Business that includes occupations carried on in a dwelling unit, amend the land use chart to establish the residential districts where the use is conditionally permitted, and define such conditions

1. Staff Reports – Planning Director Jon Thompson, report on file. Staff recommends approval.
2. Planning & Zoning Commission Report – Commissioner McClung states this item has been before the Commission as a zoning change and then as a conditional use. Commission motioned to approve staff recommendations.
3. Public Hearing – No one speaks.
4. Ordinance 1220.84 – Councilman Busbey motions to deny. Councilman Alba seconds for discussion. Councilman Busbey states agreement with City Attorney report. Motion passes, 4-0.

G. Conditional Use Permit, 104A Grand Prairie, to allow the operation of an acupuncture clinic in a SF-4 (Two-Family Residential) zoned district, *Elizabeth Yeh, Applicant*

1. Presentation -
2. Planning Director's Report -
3. Planning & Zoning Commission Report -
4. Public Hearing -
5. Conditional Use Permit – No action taken.

XI. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone –report on file.
- B. Fiscal Year 2014 Proposed Budget Approval Timeline - City Administrator Michelle Fischer – on file.

XII. BUSINESS

Consideration and Possible Action On:

- A. "Heart for Home" Proposal and Donation Agreement from Sunset Canyon Baptist Church to donate the following for Founders Memorial Park: construction of an information kiosk; repair of the bleacher seating (owned by DSYSA); five 6-foot Web Coat tables to be used at the pavilion; three 6-foot Web Coat benches, including installation; and the removal of dead trees and tree trimming from June 24 through 28, 2013, *Lonny D., Poe, Senior Pastor, Sunset Canyon Baptist Church (Sponsor: Councilman King)* – Lonnie Poe, Pastor, states history of project and is available for questions. City Administrator Michelle Fischer states the Parks Commission recommended approval with a few conditions, including consulting with an arborist should any work on oak trees be undertaken. Councilman Alba motions to approve. Councilman Busbey

seconds. Motion passes, 4-0.

- B. Request for Reduced Field Use Fees for Founders Memorial Park Fields for the Period of July 29, through November 8, 2013, *Carrie Peterson, Saints Extracurricular & Sports Association (Sponsor: Mayor Pro Tem Foulds)*- Carrie Peterson, states request and is available for questions. City Administrator Michelle Fischer states staff and the Parks Commission recommend approval. Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- C. Amendment to the Dripping Springs Sports & Recreation Park Lease Agreement between the Dripping Springs Independent School District and the City of Dripping Springs (*Sponsor: Mayor Pro Tem Foulds*)- Dean Erickson, states requests for items C, D, E and F. Mr. Erickson is available for questions. Mayor Pro Tem Foulds motions to approve with staff recommendations regarding irrigation. Councilman Alba seconds. Motion passes, 4-0.
- D. Proposed Amendments to the Interlocal Shared Maintenance Agreement between the City of Dripping Springs, the Dripping Springs Independent School District, and the Dripping Springs Youth Sports Association for the Dripping Springs Sports & Recreation Park (*Sponsor: Mayor Pro Tem Foulds*)- City Administrator Michelle Fischer reviews amendments , report on file. Councilman Alba motions to approve with staff recommendations. Councilman Busbey seconds. Mayor Pro Tem Foulds states he is not in support of the City paying for lighting. Mayor Pro Tem Foulds states that we need to do better in protecting our dark skies. Mayor Pro Tem Foulds asks the City Lighting Consultant Cindy Luongo Cassidy to brief the council on lighting options. Councilman Busbey withdraws his second. Councilman Alba withdraws his motion. Councilman King motions to approve striking section A 13. Councilman Alba seconds. Motion passes, 4-0.
- E. Proposed Amendments to the Use Agreement between the City of Dripping Springs and the Dripping Springs Youth Sports Association for Founders Memorial Park and the Dripping Springs Sports & Recreation Park (*Sponsor: Mayor Pro Tem Foulds*)- City Administrator Michelle Fischer reviews amendments, report on file. Councilman Alba motions to approve. Mayor Pro Tem Foulds allows citizen to address item. Sharon Clark Eastham, resident near Founders Park. Ms. Eastham states neighbors are thankful for park maintenance. The neighbors are aware of the increase in youth activity and the predominance of the youth activities. Ms. Eastham states support for limited lighting to protect dark skies. Ms. Eastham states support for park facilities that foster activities for all ages. Councilman Busbey motions to approve without Section B IV, bringing it back for reconsideration after survey feedback is received from Master Park Plan Survey. Councilman Alba seconds. Motion passes, 4-0.
- F. Proposal from Dripping Springs Youth Sports Association to Use the UIL Soccer

Field, Install Fencing Adjacent to the UIL Soccer Field, Improve the Irrigation System for the UIL Soccer Field, and to Install Lighting at the UIL Soccer Field and South Soccer Fields (*Sponsor: Mayor Pro Tem Foulds*) – Mayor Pro Tem Foulds motions to approve with lighting to comply with current Lighting Ordinance. Councilman King seconds. Motion passes, 4-0.

- G. Resolution No. 2013-20: A Resolution of the City of Dripping Springs Accepting Construction of Street and Drainage Improvements for Harrison Hills Phase One (*Sponsor: Mayor Purcell*)- Planning Director Jon Thompson states staff report is on file. Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- H. Request from G. Rich of Caliterra Partners, LLC, for modification to standard development fee schedule for the Caliterra Subdivision, that being approximately 591.858 acres of land out of the P.A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas (*Sponsor: Mayor Pro Tem Foulds*)- Mayor Pro Tem Foulds motions to move item to executive session. Councilman Alba seconds. Motion passes, 4-0. Councilman King motions to approve the following modification to the standard development fee schedule: 1. Balance due on Development Agreement fees prior to placement on any City Council or Commission agendas; 2. All other fees, reimbursements and deposits in accordance with the Fee Schedule. 3. Balance due to the City for reimbursement of professional services previously rendered must be paid in full before City Staff conducts a formal review of the proposed development agreement. Mayor Pro Tem Foulds seconds. Motion passes 3-1-0. Councilman Busbey abstains.
- I. Casting of City's Vote in the Pedernales Electric Cooperative Annual Election (*Sponsor: Councilman Alba*)- Councilman Busbey motions to authorize Councilman King to cast the City's ballot. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
- J. Second Amendment to Wastewater Service & Impact Fee Agreement Between the City of Dripping Springs and Robert T. McAlister and Jill K. McAlister (*Sponsor: Mayor Pro Tem Foulds*)- Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- K. Dripping Springs Ranch Park Facilities Rental Policy (*Sponsor: Mayor Purcell*) – Councilman Busbey motions to approve. Councilman King seconds. Motion passes, 4-0.
- L. Dripping Springs Ranch Park Facilities Rental Agreement (*Sponsor: Mayor Purcell*) - Councilman Alba motions to approve. Councilman King seconds. Motion passes, 4-0.

M. Ordinance No. 1070.59 - An Ordinance of the City of Dripping Springs
Amending the City's Fee Schedule

1. Staff Report – City Administrator Michelle Fischer, report on file.
2. Public Hearing – No one speaks.
3. Ordinance No. 1070.59 – Councilman Busbey motions to approve.
Councilman Alba seconds. Motion passes, 4-0.

Mayor Pro Tem Foulds allows Mr. Lopez to speak on item X. G. Mr. Lopez states that his wife resides at the address two nights per week.

N. Construction Contract for Sidewalk Improvements at Sports and Recreation Park
(*Sponsor: Mayor Pro Tem Foulds*) – Councilman Busbey motions to approve
contract and use Parkland Dedication funds for the amount over the original
price (\$600.00). Councilman Alba seconds. Motion passes, 4-0.

O. Appointment of Planning & Zoning Commissioners, Parks & Recreation
Commissioners, Historic Preservation Commissioners, Founders
Day Commissioners and Farmers Market Board Association Members (*Sponsor:
Mayor Purcell*)- Councilman Alba motions to approve. Mayor Pro Tem Foulds
seconds. Motion passes, 4-0.

XIII. **ADJOURN** – Councilman Busbey motions to adjourn. Councilman Alba seconds.
Motion passes, 4-0. Meeting adjourned at 9:59 p.m.