

City Council & Board of Adjustment Minutes

Regular Meeting

September 18, 2018 at 6:00 p.m.

A Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, September 18, 2018 beginning at 6:00 p.m., in the Council Chambers located at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

City Council Members present were:

Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King (*arrived at 6:02 p.m.*)
Council Member John Kroll
Council Member Taline Manassian

Council Members absent were:

Mayor Todd Purcell

City Staff/Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
Planning Director Jason Lutz
Parks & Community Services Director Mariana Espinoza
Dripping Springs Ranch Park Manager Lynne Dickinson
Communications Coordinator Bonnie Gonzalez
Emergency Planning Coordinator Roman Baligad
City Engineer Chad Gilpin
Assistant City Attorney Laura Mueller

With a quorum of the City Council present, Mayor Pro Tem Foulds called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Council Member Kroll led the Pledge of Allegiance to the Flag.

III. PROCLAMATIONS

A. Proclamation proclaiming Tuesday, October 2, 2018 as "National Night Out" in the City of Dripping Springs, Texas (*Sponsor: Council Member King*)

Council Member Kroll read the proclamation and presented it to Deputy Stephen A. Traeger with the Hays County Sheriff's Office Community Outreach unit.

B. Proclamation proclaiming the month of September 2018 as "National Preparedness Month" in the City of Dripping Springs *(Sponsor: Council Member Manassian)*

Council Member Manassian read the proclamation and presented it to Emergency Planning Coordinator Roman Baligad, Emergency Management Commission members Bonnie Humphrey, Gordon DeWitte and Kay Allen, and representatives of North Hays County Fire and Rescue.

IV. 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 establish a time limit of two (2) minutes per speaker, for a total of thirty (30) minutes. The Mayor and City Council may extend the session.

No one spoke during Presentation of Citizens.

V. 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 a Resolution of the City of Dripping Springs, Texas, Modifying the Consent to the Creation of the Driftwood Conservation District *(Sponsor: Mayor Pro Tem Foulds)*

Filed as Resolution No. 2018-R25

B. Approval of the Postponement of an Ordinance of the City of Dripping Springs Amending the City of Dripping Springs Code of Ordinances, Chapter 28, Article 28.04 - Site Development; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting to the Regular City Council meeting of October 9, 2018

C. Approval of the following: a Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Running Club regarding the Run by the Creek 5k and 10k to be held on November 11, 2018; a Special Event Permit; and Temporary Street Closures for a Portion of Roger Hanks Parkway from Lucy Loop to Creek Road and Lucy Loop *(Sponsor: Council Member Manassian)*

D. Approval of Amendment No. 2 to Professional Services Agreement between the City of Dripping Springs and Keenan E., Smith, AIA, dba City Lights Design Alliance for TIRZ Project Management / Staff Support & Coordination Services *(Sponsor: Council Member Kroll)*

A motion was made by Council Member Kroll to approve Consent Agenda Items A – D. Council Member Crow seconded the motion which carried unanimously 5 to 0.

VI. BUDGET

A. Second Public Hearing regarding the Fiscal Year 2019 Tax Rate

Mayor Pro Tem Foulds read the aforementioned caption and opened the Public Hearing.

No spoke during the Public Hearing.

Mayor Pro Tem Foulds announced that the City Council will consider approval of the Fiscal Year 2019 Tax Rate at the Special City Council meeting scheduled for Monday, September 24, 2018 at 5:30 p.m.

B. Public Hearing regarding the proposed Fiscal Year 2019 City of Dripping Springs Budget

Mayor Pro Tem Foulds read the aforementioned caption and opened the Public Hearing.

No spoke during the Public Hearing.

Mayor Pro Tem Foulds announced that the City Council will consider approval of the Fiscal Year 2019 City of Dripping Springs Budget at the Special City Council meeting scheduled for Monday, September 24, 2018 at 5:30 p.m.

VII. BUSINESS

A. Public Hearing # 1: An Ordinance annexing 200.4 Acres of Land out of the Philip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and Wife as Recorded in Volume 171, Page 229 of the Deed of Records of Hays County, Texas, and commonly known as Scott Ranch or Big Sky.

1. Staff Report

Jason Lutz presented the staff report which is on file.

2. Public Hearing

No one spoke during the Public Hearing.

B. Public Hearing # 2: An Ordinance annexing 200.4 Acres of Land out of the Philip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and Wife as Recorded in Volume 171, Page 229 of the Deed Records of Hays County, Texas, commonly known as Scott Ranch or Big Sky.

1. Staff Report

Jason Lutz presented the staff report which is on file.

2. Public Hearing

No one spoke during the Public Hearing.

A motion was made by Council Member Manassian to recess into Executive Session recess into Executive Session as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), and 551.072 (Deliberations about Real Property), and regarding Executive Session Agenda Items A – E and Business Item C. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

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). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

- A. Consultation with City Attorney Regarding Allocation of Wastewater Capacities and Potential Alternatives and Options to Currently Planned Wastewater Discharge Permitting Plans, Including Potential Additional Area Needed to Meet Wastewater Service Needs (551.071 Consultation with City Attorney and 551.072 Purchase, Exchange, Lease, or Value of Real Property)**
- B. Consultation with City Attorney regarding the Contested Case Hearing, TCEQ Docket No. 2017-1749- MWD, SOAH Docket No. 582-18-3000, Application by the City of Dripping Springs for TPDES Permit No. WQ0014488003 (551.071 Consultation with City Attorney)**
- C. Consultation with City Attorney regarding the proposed Lauren Concrete Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls, Registration No. 152632 (551.071 Consultation with City Attorney)**
- D. Consultation with City Attorney regarding the status of Development Agreements and Utility Agreements with regards to Big Sky/Scott Ranch, Cannon Residential and Commercial, Arrowhead, and Driftwood 552 (551.071 Consultation with City Attorney)**
- E. Consultation with City Attorney regarding legal issues in regards to the Dripping Springs Ranch House Lease and Employee Contracts (551.071, Consultation with City Attorney and 551.072 Purchase, Exchange, Lease or Value of Real Property)**

The City Council met in Executive Session from 6:18 p.m. – 6:51 p.m.

No vote or action was taken in Executive Session. Mayor Pro Tem Foulds returned the meeting to Open Session at 6:51 p.m.

C. Discuss and Consider the Approval of a Request for Waiver of Planned Development District Application Fees for Scott Tract/Big Sky Subdivision

1. Staff Report

Laura Mueller presented the staff report which is on file. Staff recommends a reduction in the fee, and not a complete fee waiver.

Rex Miller represents the application and spoke on their behalf. The client is requesting a reduction in fees and is asking the City Council for a credit for \$20,030.00 to be applied to the application fees. The applicant would then remit the difference, an amount of \$14,970.00.

2. Fee Waiver Request

A motion was made by Council Member Crow to approve a Request for Waiver of Planned Development District Application Fees for Scott Tract/Big Sky Subdivision in the amount of Five Thousand Dollars (\$5,000.00). Council Member Kroll seconded the motion.

After a brief discussion, Council Member Crow and Council Member Kroll withdrew their motion and second respectively.

A motion was made by Council Member Manassian to approve a Request for Waiver of Planned Development District Application Fees for Scott Tract/Big Sky Subdivision in the amount of Ten Thousand and Fifteen Dollars (\$10,015.00) with the condition that the Planned Development District is complete by October 31, 2018. Mayor Pro Tem Foulds seconded the motion which carried 3 to 2, with Council Members Kroll and Crow opposed.

D. Discuss and Consider Approval of an Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC, regarding Retail Water Services for Big Sky Subdivision (Sponsor: Mayor Pro Tem Foulds)

Council Member Crow recused himself from this item.

A motion was made by Council Member Kroll to approve an Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC, regarding Retail Water Services for Big Sky Subdivision with the addition to B.7., *In the event that the City adopts a reservation fee to reserve water capacity, at that time the Owner will be given the option to (a) pay such reservation fees to reserve the amount of water desired by the Owner and contemplated by this agreement, or (b) the Owner may determine at that time not to pay such reservation fees*

and, notwithstanding this Agreement, the water will not be reserved for the Owner. Council Member King seconded the motion which carried 4 to 1, with Council Member Crow recused.

E. Discuss and Consider Approval of a Wastewater Utility Service and Fee Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC, for 200 acres commonly known as the Scott Tract (Sponsor: Mayor Pro Tem Foulds)

A motion was made by Council Member Kroll to approve a Wastewater Utility Service and Fee Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC, for 200 acres commonly known as the Scott Tract. Council Member Crow seconded the motion which carried 5 to 0.

F. Discuss and Consider the Approval of an Interlocal Agreement between the City of Dripping Springs, and County of Hays, Dripping Springs Independent School District, and Dripping Springs Library Board regarding Cost Allocation and Reimbursement for the Dripping Springs Tax Increment Reinvestment Zone No. 1 and Tax Increment Reinvestment Zone No. 2 (Sponsor: Council Member Kroll)

1. Staff Report

Laura Mueller presented the staff report which is on file. Staff recommends approval of the agreement; however, City Council may consider postponement in order to wait for final approval from Hays County.

2. Public Hearing

No one spoke during the Public Hearing.

3. Cost Participation and Reimbursement Agreement

A motion was made by Council Member Kroll to approve an Interlocal Agreement between the City of Dripping Springs, and County of Hays, Dripping Springs Independent School District, and Dripping Springs Library Board regarding Cost Allocation and Reimbursement for the Dripping Springs Tax Increment Reinvestment Zone No. 1 and Tax Increment Reinvestment Zone No. 2, with authorization for the City Attorney to make any non-substantive changes. Council Member Crow seconded the motion which carried unanimously 5 to 0.

Mim James spoke regarding the motion, and in support of the agreement.

G. Discuss and Consider the selection of Board Members to the Texas Municipal League (TML) Intergovernmental Risk Pool, and authorization for the City Secretary to submit the ballot

A motion was made by Council Member Kroll to authorize the City Administrator to select Board Members to the Texas Municipal League (TML) Intergovernmental Risk Pool, and to

authorize the City Secretary to submit the ballot. Council Member Manassian seconded the motion which carried unanimously 5 to 0.

H. Discuss and Consider the Appointment of one (1) individual to serve as City of Dripping Springs' Representatives to the Capital Area Council of Governments; and authorization for the City Secretary to submit the Appointment Form

A motion was made by Mayor Pro Tem Foulds to reappoint Mayor Purcell to serve as the City of Dripping Springs' Representative to the Capital Area Council of Governments, and to authorize the City Secretary to submit the ballot. Council Member Manassian seconded the motion which carried unanimously 5 to 0.

I. Discuss and Consider the Approval of a request from Andrew Cole to terminate early his Lease Agreement with the City of Dripping Springs regarding the Drippings Springs Ranch House (Sponsor: Mayor Purcell)

1. Staff Report

Lynne Dickinson presented the staff report which is on file. Staff recommends approval of the request.

2. Request for Termination of Lease

Action on this item was taken after Executive Session.

A motion was made by Council Member Manassian to recess into Executive Session as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property and regarding Executive Session Agenda Items D and E. Council Member Crow seconded the motion which carried unanimously 5 to 0.

VIII. 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). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

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- D. Consultation with City Attorney regarding the status of Development Agreements and Utility Agreements with regards to Big Sky/Scott Ranch, Cannon Residential and Commercial, Arrowhead, and Driftwood 552 (551.071 Consultation with City Attorney)**
- E. Consultation with City Attorney regarding legal issues in regards to the Dripping Springs Ranch House Lease and Employee Contracts (551.071. Consultation with City Attorney and 551.072 Purchase, Exchange, Lease or Value of Real Property)**

The City Council met in Executive Session from 7:25 p.m. – 8:01 p.m.

No vote or action was taken in Executive Session. Mayor Pro Tem Foulds returned the meeting to Open Session at 8:01 p.m.

A motion was made by Council Member Manassian to approve a from Andrew Cole to terminate early his Lease Agreement with the City of Dripping Springs regarding the Drippings Springs Ranch House, including the Independent Contractor Agreement. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

A motion was made by Council Member Manassian to authorize the City Administration and Staff to terminate the Lease Agreement between the City of Dripping Springs and Cody Kinsey in regards the Ranch House, effective October 31, 2018. Mayor Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

IX. ANNOUNCEMENTS

- A. September 24, 2018 - Special City Council Meeting, 5:30 PM**
- B. October 9, 2018 - Regular City Council Meeting, 5:00 PM Workshop/6:30 PM Meeting**
- C. October 16, 2018 - Regular City Council Meeting, 6:00 PM Regular Meeting**
- D. October 23, 2018 - Regular Planning & Zoning Commission Meeting 6:30 PM**
- E. November 13, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting**

X. ADJOURN

A motion was made by Council Member Kroll to adjourn the meeting. Council Member Crow seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 8:14 p.m.

APPROVED: October 9, 2018



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

