



City Council & Board of Adjustment

Workshop & Regular Meeting Minutes February 11, 2020 at 6:00 p.m.

A Workshop & Regular Meeting of the City Council & Board of Adjustment of Dripping Springs, Texas was held Tuesday, February 11, 2020 beginning at 6:00 p.m. in the City Hall Council Chambers located at 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Mayor/City Council/Board of Adjustment Members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King (arrived at 6:07 p.m.)
Council Member John Kroll
Council Member Taline Manassian
Board of Adjustment Alternate Charles Busbey
Board of Adjustment Alternate Joe Volpe

City Staff/Appointed Officials/Consultants present were:

City Administrator Michelle Fischer
City Attorney Laura Mueller
City Secretary Andrea Cunningham
Parks & Community Services Director Kelly Schmidt
Events & Programs Specialists Maggie Martin
Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Purcell called the meeting to order at 6:01 p.m.

II. WORKSHOP

No action will be taken during the Workshop.

The City Council discussed the following Agenda Items during the Workshop.

Consent Agenda Item

K. Approval of the Official Logo for the City of Dripping Springs Parks and Community Services Department.

Business Agenda Items

F. Reconsideration, public hearing, and consideration of approval of an Amendment to the Restated Headwaters at Barton Creek Development Agreement between the Dripping Springs, and Oryx Development, LLC, WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, LTD and related to the school site.

H. Public hearing and consideration of approval of an Ordinance Amending the FY 2020 Budget.

III. RECESS

A motion was made by Mayor Pro Tem Foulds to recess the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

Mayor Purcell recessed the meeting at 6:08 p.m.

IV. RECONVENE AT 6:30 P.M.

Mayor Purcell reconvened the meeting at 6:30 p.m.

V. PLEDGE OF ALLEGIANCE

Mayor Purcell led the Pledge of Allegiance to the Flag.

VI. PROCLAMATIONS & PRESENTATIONS

No action to be taken on proclamations and presentations. The City Council may choose to discuss and take public comment on these items as necessary.

- A. Proclamation Proclaiming the Month of February as "Dating Violence Awareness and Prevention Month" in the City of Dripping Springs.**
Sponsor: Council Member King

Council Member King read the proclamation and presented it to Stu Hoyt, Historian for the William Hightower Chapter 35 Texas Sons of the American Revolution.

- B. Proclamation Proclaiming February 22, 2020 as "George Washington Day" in the City of Dripping Springs.**
Sponsor: Council Member Kroll

Council Member Kroll read the proclamation and presented it to Dan O'Brien with the Hays-Caldwell Women's Center.

- C. Presentation of Eagle Scout Sports & Recreation Park Signage Project**
Andrew Caldwell, Eagle Scout

Andrew Caldwell presented his completed Eagle Scout Project and Kelly Schmidt presented Mr. Caldwell with a Certificate of Appreciation.

VII. PRESENTATION OF CITIZENS

A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold

their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

Nick Spillar spoke, thanking the City Council for their continued support of the Dripping Springs Ranch Park and Event Center.

Katherine Romans spoke, thanking the City Council for their continued support of the Texas Rainwater Revival and Healthy Living Festival.

Diane Thompson spoke regarding the Sarah Pound Chapter of the National Society Daughters of the American Revolution proposed improvements to Veterans Memorial Park.

VIII. CONSENT AGENDA

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 the January 10, 2020 City Council and Board of Adjustment Workshop and Regular Meeting Minutes and the January 17, 2020 City Council Regular Meeting Minutes.**
- B. Approval of the January 2020 City Treasurer's Report.**
- C. Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for the City of Dripping Springs Lift Station 2, providing for effective date and proper notice and meeting.**
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2020-R03

- D. Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for Founders Ridge Subdivision Phase 4 Streets, Drainage, and Wastewater Improvements, providing for effective date and proper notice and meeting.**
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2020-R04

- E. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Texas Market Guide regarding Banner Display for the Wildflower Spring Market to take place March 28-29, 2020 at the Dripping Springs Ranch Park & Event Center.**
Sponsor: Council Member Manassian

- F. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs High School Band Boosters regarding Banner Display for the Evening of Jazz Event to take place March 5, 2020 at the Dripping Springs Ranch Park & Event Center.**
Sponsor: Council Member Manassian
- G. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Plum Creek Sound for the From the Hills with Love Event to take place March 21, 2020 at 300 Plum Creek Lane, Dripping Springs, TX.**
Sponsor: Council Member Manassian
- H. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Red Arena, Inc. regarding Banner Display for the Red Arena Round-Up to take place May 1-2, 2020 at the Dripping Springs Ranch Park & Event Center.**
Sponsor: Council Member Manassian
- I. Approval of a Co-Sponsorship Agreement Between the City of Dripping Springs and Hill Country Alliance for the Hill Country Living and Rainwater Revival Event to take place on April 4, 2020 at Dripping Springs Ranch Parks & Event Center.**
Sponsor: Council Member Manassian
- J. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and the Springs Family YMCA regarding the Community Resource Fair to be held Saturday, March 7, 2020, at The Springs Family YMCA.**
Sponsor: Council Member Manassian
- K. Approval of the Official Logo for the City of Dripping Springs Parks and Community Services Department.**

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

IX. BOARD OF ADJUSTMENT

The Board of Adjustment will consider items related to appeals of administrative land use determinations, requests for variances and special exceptions related to land use projects, and other items as provided for in the Dripping Springs Code of Ordinances.

Board of Adjustment Members Present: Todd Purcell, Travis Crow, Wade King, John Kroll, Taline Manassian, and Alternate Members Charles Busbey and Joe Volpe.

With a quorum of the Board of Adjustment present, the Board considered the following items.

- A. Public hearing and consideration of approval of a Sign Variance Request to Allow an LED Gas Price Sign for Ranch Road 12 Market, located at 180 Springlake Dr., Dripping Springs, Texas.**
Applicant: Jacob Herrin, Executive Signs, on behalf of DBKH, LLC., Owner

1. Presentation

No presentation given.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the Sign Variance Request.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval 7 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance Request to Allow LED Gas Price Sign

A motion was made by Board Member Foulds to approve a Sign Variance Request to Allow an LED Gas Price Sign for Ranch Road 12 Market, located at 180 Springlake Dr., Dripping Springs, Texas. Board Member Kroll seconded the motion which carried unanimously 6 to 0.

Board Member Foulds directed staff to review the gas lighted sign ordinance and draft and amendment for City Council consideration that would allow for Administrative Approval.

B. Public hearing and consideration of approval of Sign Variance Requests to Allow a Multi-unit Complex Monument Sign to Exceed the Maximum Height Allowed and to Exceed the Maximum Signable Area Allowed for Lone Star Animal Hospital and Stay N Play Pet Ranch, located at 2500 E. Highway 290, Dripping Springs, Texas.

Applicant: Dr. Amanda Moore, Lone Star Animal Hospital.

1. Presentation

No presentation given.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the Sign Variance Requests with the following recommendations:

Variance to allow Multi-Unit Complex Sign to Exceed Height

- the height of the sign structure shall not exceed 8 feet above the grade of US Highway 290;
- the sign structure shall comply with the city's Building Code and Electrical Code (sign to be located in Extraterritorial Jurisdiction where these normally do not apply);
- and a structural engineer licensed in the State of Texas shall submit sealed construction plans for the sign structure, including the height of the sign from the ground at its base and from the highway grade.

Variance to Exceed Maximum Signable Area

- masonry structure above the base not counted towards total signable area; and
- panels shall not exceed 48 square feet in area.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval with staff recommendations 7 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance Request to Exceed the Maximum Height Allowed

6. Variance Request to Exceed the Maximum Signable Area Allowed

The Board of Adjustment took both Variance Requests in one motion.

A motion was made by Board Member Kroll to approve Sign Variance Requests to Allow a Multi-unit Complex Monument Sign to Exceed the Maximum Height Allowed and to Exceed the Maximum Signable Area Allowed for Lone Star Animal Hospital and Stay N Play Pet Ranch, located at 2500 E. Highway 290, Dripping Springs, Texas with the following staff recommendations:

Variance to allow Multi-Unit Complex Sign to Exceed Height

- the height of the sign structure shall not exceed 8 feet above the grade of US Highway 290;
- the sign structure shall comply with the city's Building Code and Electrical Code (sign to be located in Extraterritorial Jurisdiction where these normally do not apply);
- and a structural engineer licensed in the State of Texas shall submit sealed construction plans for the sign structure, including the height of the sign from the ground at its base and from the highway grade.

Variance to Exceed Maximum Signable Area

- masonry structure above the base not counted towards total signable area; and
- panels shall not exceed 48 square feet in area.

Board Member Foulds seconded the motion which carried unanimously 6 to 0.

C. Public hearing and consideration of approval of a Sign Variance Request to Allow an Off Premise Institutional Monument Sign for Bannockburn Baptist Church at the southwest corner of the intersection of Highway 290 and American Way, Dripping Springs, Texas.

Applicant: Robert McClelland, Bannockburn Baptist Church

Board Member Manassian recused from this item and exited the dais. Alternate Board Member Busbey replaced Board Manassian for this item.

1. Presentation

No presentation was given.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval with the recommendation that the applicant waives its right to an on premise institutional monument sign and will remove the existing on premise sign; and will install landscaping around the base of the sign.

3. Planning and Zoning Commission Report

Chair James: Commission recommended approval with staff recommendations 7 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance to Allow an Off Premise Institutional Monument Sign

A motion was made by Board Member King to approve a Sign Variance Request to Allow an Off Premise Institutional Monument Sign for Bannockburn Baptist Church at the southwest corner of the intersection of Highway 290 and American Way, Dripping Springs, Texas with staff recommendations that the applicant waives its right to an on premise institutional monument sign and will remove the existing on premise sign; and will install landscaping around the base of the sign. Board Member Busbey seconded the motion which carried unanimously 6 to 0.

X. BUSINESS

A. Discuss and consider approval of a Donation Agreement between the City of Dripping Springs and Dripping Springs Sarah Pound Chapter National Society Daughters of the American Revolution (NSDAR) for the donation of landscape improvements and monument at Veterans Memorial Park.

A motion was made by Mayor Pro Tem Foulds to approve a Donation Agreement between the City of Dripping Springs and Dripping Springs Sarah Pound Chapter National Society Daughters of the American Revolution (NSDAR) for the donation of landscape improvements and monument at Veterans Memorial Park. Council Member King seconded the motion which carried unanimously 5 to 0.

B. Discuss and consider approval of a request from the Dripping Springs Skate Park initiative group for assistance from the City of Dripping Springs with funding the construction of the Skate Park to be located at Founders Memorial Park.

1. Presentation

Dennis Baldwin gave a presentation on the item which is on file.

2. Staff Report

Kelly Schmidt presented the staff report which is on file. Staff recommends approval of providing assistance with funding related to the Dripping Springs Skate Park.

Mayor Purcell opened a Public Hearing on this item:

Eric VanScriver, Stephen Wierzbowski, Zain Kahn, Carter Lee, Ernest Arocha, Ashley Franklin, Joe Volpe, Ilind Farris and Laura Payne spoke in support of the item.

4. Request for Assistance

No action was taken on this item. Staff is to bring back the item with a specific request regarding funding assistance.

The City Council provided the following direction to staff:

- Staff is to assist with grant writing related to the Texas Parks & Wildlife Department Grants, and any other funding assistance avenues including parking and lighting;
- City Attorney is look into naming and sponsorship of the Skate Park, specifically what are the rules regarding naming and sponsorships; and
- Staff is to research what type of assistance and how much the City is allowed to contribute.

C. Discuss and consider approval of 10% Sibling Discount off of weekly Coyote Kids Nature Day Camp fee.

Council Member King stepped away from the dais and exited the Council Chambers and returned to the dais after the City Council motioned and voted on the item.

Kelly Schmidt presented the staff report which is on file. Staff recommends approval of the sibling discount.

A motion was made by Mayor Pro Tem Foulds to approve a 10% Sibling Discount off of weekly Coyote Kids Nature Day Camp fee. Council Member Manassian seconded the motion which carried 4 to 1, with Council Member King not present during voting.

D. Discuss and consider approval of an Agreement between the City of Dripping Springs and Red Cross regarding Licensed Training Provider Services.

Kelly Schmidt presented the staff report which is on file. Staff recommends approval of agreement.

A motion was made by Council Member Kroll to approve an Agreement between the City of Dripping Springs and Red Cross regarding Licensed Training Provider Services. Council Member King seconded the motion which carried unanimously 5 to 0.

E. Discuss and consider approval of Selection of Bid regarding Grounds Maintenance of City Property and Parks, and authorization of the City Administrator to finalize and execute the Agreement between the City and the Contractor for Grounds Maintenance Services.

Michelle Fischer presented the staff report which is on file. Staff recommends the selection of Canyon Creek Landscaping, Inc.

A motion was made by Mayor Pro Tem Foulds to approve the selection of Canyon Creek Landscaping, Inc. regarding Grounds Maintenance of City Property and Parks, and to authorize the City Administrator to finalize and execute the Agreement between the City and the Contractor for Grounds Maintenance Services. Council Member King seconded the motion which carried unanimously 5 to 0.

F. Reconsideration, public hearing, and consideration of approval of an Amendment to the Restated Headwaters at Barton Creek Development Agreement between the Dripping Springs, and Oryx Development, LLC, WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, LTD and related to the school site.

1. Reconsideration

A motion was made by Mayor Pro Tem Foulds to reconsider approval of an Amendment to the Restated Headwaters at Barton Creek Development Agreement between the Dripping Springs, and Oryx Development, LLC, WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, LTD and related to the school site. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

2. Staff Report

Laura Mueller presented the staff report which is on file. Staff recommends approval of the amendment.

Mayor Purcell exited the dais and the Council Chambers. Mayor Pro Tem Foulds proceeded over the meeting.

3. Public Hearing

No one spoke during the Public Hearing.

4. Amended Agreement

A motion was made by Council Member Kroll to approve an Amendment to the Restated Headwaters at Barton Creek Development Agreement between the Dripping Springs, and Oryx Development, LLC, WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, LTD and related to the school site. Council Member Manassian seconded the motion which carried unanimously 5 to 0.

G. Discuss and consider approval of a Request for Waiver of certain provisions related to Site Development requirements in the Hays County MUD No. 4 Creation & Operation Agreement.

Mayor Purcell returned to the dais and proceeded over the meeting.

1. Staff Report

Laura Mueller presented the staff report which is on file. Staff recommends approval of the request.

2. Public Hearing

No one spoke during the Public Hearing.

3. Request for Waiver

A motion was made by Council Member Kroll to approve of a Request for Waiver of certain provisions related to Site Development requirements in the Hays County MUD No. 4 Creation & Operation Agreement. Mayor Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

H. Public hearing and consideration of approval of an Ordinance Amending the FY 2020 Budget.

Mayor Purcell opened the Public Hearing. No one spoke during the Public Hearing.

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance Amending the FY 2020 Budget. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2020-07

I. Discuss and consider approval of a Construction Contract between the City of Dripping Springs and Varnell Electric regarding the Ranch Park Manual Transfer Switch Project.

A motion was made by Mayor Pro Tem Foulds to approve a Construction Contract between the City of Dripping Springs and Varnell Electric regarding the Ranch Park Manual Transfer Switch Project. Council Member King seconded the motion which carried unanimously 5 to 0.

J. Discuss and consider approval of an Ordinance Calling the General Election for Officers to be held within said municipality on May 2, 2020 and making provision for the conduct of the election and resolving other matters incident and relating to the holding of such election.

1. Staff Report

Andrea Cunningham presented the staff report. The deadline for getting on the ballot has expired. All applications for place on the ballot are unopposed and the proper documentation for cancelling this election will be placed on the March 10, 2020 City Council Agenda for consideration.

2. Public Hearing

No one spoke during the Public Hearing.

3. Ordinance

A motion was made by Council Member King to approve an Ordinance Calling the General Election for Officers to be held within said municipality on May 2, 2020 and making provision for the conduct of the election and resolving other matters incident and relating to the holding of such election. Council Member Crow seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2020-08

- K. Discuss and consider approval of an Election Services Contract between the City of Dripping Springs and the Elections Administrator of Hays County regarding the administration of the May 2, 2020 General Municipal Election.**

A motion was made by Mayor Pro Tem Foulds to approve an Election Services Contract between the City of Dripping Springs and the Elections Administrator of Hays County regarding the administration of the May 2, 2020 General Municipal Election. Council Member Crow seconded the motion which carried unanimously 5 to 0.

- L. Discuss and consider approval of a Joint Elections Agreement between the City of Dripping Springs and Dripping Springs Independent School District related to the May 2, 2020 General Election.**

A motion was made by Council Member King to approve a Joint Elections Agreement between the City of Dripping Springs and Dripping Springs Independent School District related to the May 2, 2020 General Election. Council Member Crow seconded the motion which carried unanimously 5 to 0.

- M. Discuss and consider approval of a Joint Elections Agreement between the City of Dripping Springs and Hays County Election Administrator related to the May 2, 2020 General Election.**

A motion was made by Mayor Pro Tem Foulds to approve a Joint Elections Agreement between the City of Dripping Springs and Hays County Election Administrator related to the May 2, 2020 General Election. Council Member King seconded the motion which carried unanimously 5 to 0.

- N. Discuss and consider approval of Standard Terms for the Bojorquez Law Firm, P.C. regarding Special Counsel Services.**

Laura Mueller presented the staff report which is on file. Staff recommends approval of the standard terms.

A motion was made by Mayor Pro Tem Foulds to approve the Standard Terms for the Bojorquez Law Firm, P.C. regarding Special Counsel Services. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

XI. REPORTS

Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports are on file and available for review upon request.

A. Parks & Community Services Monthly Report

B. Maintenance Monthly Report

XII. 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 legal matters related to the Interlocal Agreement regarding the TIRZ Town Center Project.
Consultation with City Attorney, 551.071

B. Consultation with City Attorney regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition.
Consultation with City Attorney, 551.071

C. Deliberation of Real Property related to the Transportation Plan.
Deliberations of Real Property, 551.072

D. Consultation with City Attorney regarding legal issues related to Site Development Violation.
Consultation with City Attorney, 551.071

The City Council did not meet in Executive Session.

XIII. UPCOMING MEETINGS

A. City Council & Board of Adjustment Meetings
February 18, 2020 at 6:00 p.m.
March 10, 2020 at 6:00 p.m. (6:00 Workshop / 6:30 Regular Meeting)
March 17, 2020 at 6:00 p.m.
April 14, 2020 at 6:00 p.m. (6:00 Workshop / 6:30 Regular Meeting)

B. Board, Commission & Committee Meetings

February 12, 2020 Utility Commission at 4:00 p.m.

February 18, 2020 emergency Management Commission at 12:00 p.m.

February 20, 2020 Farmers Market Board Association at 10:00 a.m.

February 24, 2020 Transportation Committee at 3:30 p.m.

February 24, 2020 Founders Day Commission at 6:30 p.m.

February 25, 2020 Planning & Zoning Commission at 6:30 p.m.

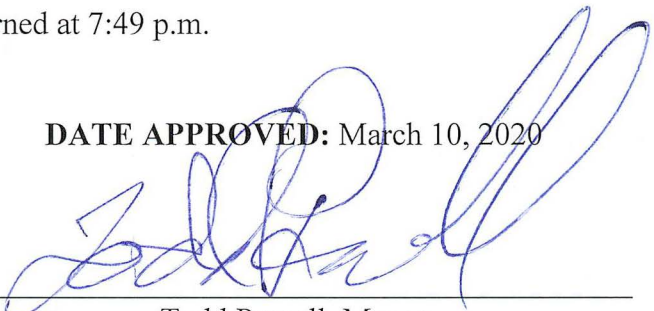
February 26, 2020 Economic Development Committee at 4:00 p.m.

XIV. ADJOURN

A motion was made by Mayor Pro Tem Foulds to adjourn the meeting. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

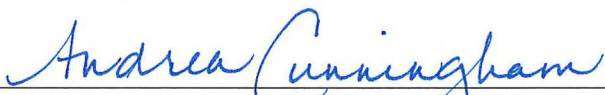
This regular meeting adjourned at 7:49 p.m.

DATE APPROVED: March 10, 2020



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary