

City Council & Board of Adjustment

Workshop & Regular Meeting Minutes July 9, 2019 at 6:00 p.m.

A Workshop and Regular Meeting of the City Council and Board of Adjustment of Dripping Springs, Texas, was held Tuesday, July 9, 2019 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 present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Wade King
Council Member John Kroll
Council Member Taline Manassian

Mayor/City Council/Board of Adjustment absent were:

Council Member Travis Crow

City Staff/Appointed Officials/Consultants present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Treasurer Gina Gillis
Planning Director Jason Lutz
City Engineer Chad Gilpin
Code Enforcement Officer/Construction Inspector Aaron Reed
Communications Coordinator Bonnie Gonzalez
Assistant City Attorney Laura Mueller
Planning & Zoning Chair Mim James

With a quorum of the City Council Present, Mayor Purcell called the meeting to order at 6:03 p.m.

II. WORKSHOP

No action will be taken during the Workshop.

- A. **Discussion regarding the regulation of Noise in the City.**
Sponsor: Mayor Purcell
- B. **Discussion regarding the regulation of Fireworks in the City.**
Sponsor: Mayor Purcell
- C. **Discussion regarding the regulation of Outdoor Burning in the City.**
Sponsor: Mayor Purcell

Workshop Items A – C were not discussed.

A motion was made by Mayor Pro Tem Foulds to adjourn into Executive Session under Texas Government Sections 551.071, Consultation with City Attorney, and 551.072, Deliberation of Real Property, and regarding Executive Session Agenda Items A – G. Council Member King seconded the motion which carried unanimously 4 to 0.

EXECUTIVE SESSION AGENDA

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 issues related to legislation before the Texas Legislature pursuant to the City of Dripping Springs 2019 Legislative Program.**
Consultation with Attorney, 551.071
- B. Consultation with City Attorney regarding legal issues related to the Transportation Plan and Transportation Options.**
Consultation with Attorney, 551.071
- C. Consultation with City Attorney regarding legal issues related to the Mark Black Wedding Venue located in the City's Extraterritorial Jurisdiction.**
Consultation with Attorney, 551.071
- D. Consultation with City Attorney regarding legal issues related to Headwaters Bond Funding Authorization.**
Consultation with Attorney, 551.071
- E. Deliberation of Real Property and Consultation with City Attorney regarding the purchase, exchange, lease, or value of real property related to property located in Headwaters at Barton Creek.**
Deliberation of Real Property, 551.072; Consultation with Attorney, 551.071
- F. Consultation with City Attorney regarding legal issues related to the Headwaters Development Agreement.**
Consultation with City Attorney, 551.071
- G. Consultation with City Attorney regarding legal issues related to the Cannon Development Agreement.**
Consultation with City Attorney, 551.071

The City Council met in Executive Session from 6:04 p.m. – 6:39 p.m.

No action or vote was taken during Executive Session. Mayor Purcell returned the meeting to Open Session at 6:40 p.m.

III. RECESS

The City Council did not recess.

IV. RECONVENE AT 6:30 P.M.

Mayor Purcell returned the meeting to Open Session at 6:39 p.m.

V. PLEDGE OF ALLEGIANCE

Council Member Kroll 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 recognizing the Hays County Naturalists Chapter's 20th Anniversary.

Council Member Kroll read and presented the proclamation to representatives of the Hays County Naturalists Chapter.

B. Proclamation proclaiming July 2019 as "Parks and Recreation Month" in Dripping Springs, Texas.

Sponsor: Council Member King

Council Member King read and presented the proclamation to representatives of the Dripping Springs Parks & Recreation Staff.

VII. PRESENTATION OF CITIZENS

The floor is open for Citizens wishing to speak on items that are not on the posted agenda or do not have a public hearing, and speakers are encouraged to sign in prior to speaking. Citizens wishing to speak shall do so after being recognized by the Mayor. Speakers are allowed two (2) minutes to speak, which the Mayor or City Council may extend. By law no action may be taken during Presentations of Citizens.

Steve Shannon with Waste Connections spoke regarding the success of the June 15th clean up event held at the Dripping Springs Ranch Park.

Stephanie Smith, Bill Brock, Laurel Treviño, Jeanine Christensen, Jessica Scott, Carlos Torres-Verdin, Robert Christensen and Debra Torres spoke in opposition to the Administrative Review of the resubmitted Mark Black Wedding Venue Site Development Plans.

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 May 14, 2019, May 21, 2019 and June 11, 2019 City Council meeting minutes.**
- B. **Approval of the City Treasurer's Report for June 2019.**
- C. **Approval of an Ordinance Amending Chapter 1 General Provisions, Section 1.02.045 City Council Boards and Commissions.**
Sponsor: Mayor Purcell

Filed as Ordinance No. 2019-22.

- D. **Approval of the Mayoral Appointment of Council Member Travis Crow to the Transportation Committee and Council Member John Kroll to the Economic Development Committee.**
Sponsor: Mayor Purcell
- E. **Approval of the assignment and transfer of all rights, title and interests of Driftwood 552, LLC, a Texas limited liability company, to Driftwood 25-ACA, LP, a Texas limited partnership, in relation to the Retail Water and Wastewater Services Agreement between the City of Dripping Springs and Driftwood Conservation District, Driftwood DLC Austin I, LLC, Driftwood DLC Austin II, LLC, M. Scott Roberts, Driftwood Equities, Ltd., Maile Development Company, Inc. and Driftwood 522, LLC, and dated January 8, 2019.**
- F. **Approval of Proposed Parkland Dedication for the San Luis Spirits Site Development Application located at 5330 Bell Springs Road, Dripping Springs, TX 78620.**
- G. **Approval of a Street Closure Permit for Vintage Triumph Register Concourse Car Show to be held October 9, 2019 on Mercer Street from North Bluff Street to North San Marcos Street.**
Sponsor: Wade King
- I. **Approval of an Ordinance Amending Appendix A: Article A1.000 (General Provisions) of the Dripping Springs Code of Ordinances; Amending the Dripping Springs Fee Schedule Section 7: Residential Building Code; Providing for the following: findings of fact; enactment; repealer; severability; publication; effective date; and proper notice and meeting.**
Sponsor: Mayor Pro Tem Foulds

Filed as Ordinance No. 2019-23.

- J. **Approval of an Amendment No. 1 to the Inspection Services Agreement between the City of Dripping Springs and Bureau Veritas.**
Sponsor: Mayor Pro Tem Foulds

At the request of Mayor Pro Tem Foulds, Consent Agenda Item H was pulled for further consideration.

A motion was made by Mayor Pro Tem Foulds to approve Consent Agenda Items A – G, and I – J. Council Member King seconded the motion which carried 4 to 0, with Council Member Kroll abstaining from Consent Agenda Item A.

H. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and the 21st Annual Empty Bowls Project to be held Sunday, November 3, 2019 at Dripping Springs Ranch Park and Event Center.

Sponsor: Mayor Pro Tem Foulds

A motion was made by Mayor Pro Tem Foulds to approve a Co-Sponsorship Agreement between the City of Dripping Springs and the 21st Annual Empty Bowls Project to be held Sunday, November 3, 2019 at Dripping Springs Ranch Park and Event Center with the addition that should the Dripping Springs Ranch Park have an event scheduled on the Saturday prior to the Empty Bowls Event and is unable to completely clean the facility, volunteers from Helping Hands will assist with clean up and set up on the Sunday of their event. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

A motion was made by Council Member Manassian to hear Business Agenda Items K – N out of order. Mayor Pro Tem Foulds seconded the motion which carried unanimously 4 to 0.

BUSINESS AGENDA

K. Public hearing, discussion and consideration of approval of a Resolution Amending the City-Wide Trail Plan to add Proposed Trails on Rob Shelton Boulevard and Broken Lance Drive.

Sponsor:

1. Staff Report – no staff report presented, staff report is on file.

2. Public Hearing

No one spoke during the Public Hearing.

3. Resolution

A motion was made by Council Member King to approve a Resolution Amending the City-Wide Trail Plan to add Proposed Trails on Rob Shelton Boulevard and Broken Lance Drive. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2019-R25.

L. Public hearing, discussion and consideration of approval of a Resolution Amending the Transportation Plan to add Proposed TxDOT TA/SRTS Pedestrian/Cyclist Pathway Routes.

1. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the item.

2. Public Hearing

No one spoke during the Public Hearing.

3. Resolution

A motion was made by Mayor Pro Tem Foulds to approve a Resolution Amending the Transportation Plan to add Proposed TxDOT TA/SRTS Pedestrian/Cyclist Pathway Routes. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2019-R26.

- M. Public hearing, discussion and consideration of approval of a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Alternatives Program for the Dripping Springs Rob Shelton Boulevard Pedestrian Sidewalk Project from Sports Park Drive across US 290 to Founders Park Project (ID #: 0_AUS_DrippingSprings01_SRTS-TA) and City Local Match Commitment; and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation.**

1. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the item.

2. Public Hearing

No one spoke during the Public Hearing.

3. Resolution

A motion was made by Council Member King to approve a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Alternatives Program for the Dripping Springs Rob Shelton Boulevard Pedestrian Sidewalk Project from Sports Park Drive across US 290 to Founders Park Project (ID #: 0_AUS_DrippingSprings01_SRTS-TA) and City Local Match Commitment; and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2019-R27

- N. **Public hearing, discussion and consideration of approval of a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Safe Routes to School Program for the Dripping Springs Middle School SRTS SUP/Sidewalk Project along US 290 from Dripping Springs High School to Dripping Springs Middle School (ID #: 0_AUS_DrippingSprings03_SRTS-TA_DrippingSprings MSSUP & Sidewalk); and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation.**

1. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the item.

2. Public Hearing

No one spoke during the Public Hearing.

3. Resolution

A motion was made by Mayor Pro Tem Foulds to approve a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Safe Routes to School Program for the Dripping Springs Middle School SRTS SUP/Sidewalk Project along US 290 from Dripping Springs High School to Dripping Springs Middle School (ID #: 0_AUS_DrippingSprings03_SRTS-TA_DrippingSprings MSSUP & Sidewalk); and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2019-R28.

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.

- A. **Public hearing, consideration, and recommendation regarding VAR2019-0007: to consider a variance request to allow a HUD-Code Manufactured Home on the property for a limited time of 210 days allowed by Dripping Springs Code of Ordinances Manufactured Housing, Mobile Homes and Recreational Vehicles: Article 24.04; Variances: Sec. 24.04.006 for the property known as Headwaters and for the property located along Headwaters Boulevard Dripping Springs, TX 78620 and described as: Lot 4, Block B of the Final Plat of Headwaters Commercial Phase 1B, Document #19005560, 166.801 acres, Hays County.**
Applicant: Blake Rue

1. Presentation

Applicant Blake Rue was present and available for questions.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the variance with the recommendation that the City Council also approve an agreement concerning the Creation and Operation of Headwaters Commercial Defined Area.

3. Planning & Zoning Commission Report

Chair James: Planning & Zoning Commission recommend approval 5 to 0, with staff recommendations.

4. Public Hearing

Blake Rue spoke in favor of the item.

5. Variance

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

X. BUSINESS

- A. Discuss and consider approval of an Ordinance of the City of Dripping Springs Enacting Appendix H of the City of Dripping Springs Code of Ordinances; Establishing Regulations for a Master Sign Plan for the Dripping Springs Medical Village; Providing for the Following: Rules; Standards; Procedures; and Findings of Fact; Codification; Repealer; Severability; proper Notice and Meeting; Enforcement Including Criminal Penalties Including Criminal Fines Not to Exceed \$500.00 and Civil Fines of Up to \$100.00.**

Applicant: Matt Park, Building Image Group, Inc.

1. Presentation – no presentation given.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the ordinance.

3. Planning & Zoning Commission Report

Chair James: Planning & Zoning Commission recommend approval 5 to 0.

5. Public Hearing

No one spoke during the Public Hearing.

5. Master Sign Plan Ordinance

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance of the City of Dripping Springs Enacting Appendix H of the City of Dripping Springs Code of Ordinances; Establishing Regulations for a Master Sign Plan for the Dripping Springs Medical Village; Providing for the Following: Rules; Standards; Procedures; and Findings of Fact; Codification; Repealer; Severability; proper Notice and Meeting; Enforcement Including Criminal Penalties Including Criminal Fines Not to Exceed \$500.00 and Civil Fines of Up to \$100.00. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2019-24.

- B. Public hearing, discussion and consideration of approval regarding a Zoning Text Amendment related to ZA2019-0006: to consider a proposed zoning text amendment to the City's Land Use Chart, found in Appendix E of the City's adopted zoning code, to allow the land use of "Two-Family Dwelling (Duplex)" to be permitted by right in the Manufactured Housing (MH) zoning district, described in Section 3.18 of Exhibit A of the Zoning Ordinance within the City Code of Ordinances. - Application Withdrawn By City Staff**

Sponsor: City Staff (Jason Lutz)

- 1. Presentation*
- 2. Staff Report (Jason Lutz)*
- 3. Planning & Zoning Commission Report*
- 4. Public Hearing*
- 5. Zoning Amendment Ordinance*

This item was withdrawn by City Staff and no action is required by the City Council.

- C. Public hearing, consideration, and recommendation regarding a Zoning Ordinance Amendment related to ZA2019-0004: to consider a requested zoning change from Two-Family Residential - Duplex (SF-4) to the Local Retail District (LR) for the property located at 28707 Ranch Rd 12, Dripping Springs, Texas 78620 (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.50, Hays County, TX).**

Applicant: Jon Thompson

Council Member Kroll recused himself from this item and exited the dais. A Potential Conflict of Interest Affidavit is on file.

- 1. Presentation*

Jon Thompson presented the item. The applicant is seeking to open a commercial/commissary kitchen.

- 2. Staff Report*

Jason Lutz presented the staff report which is on file. Staff recommends approval of the ordinance.

- 3. Planning & Zoning Commission Report*

Chair James: Planning & Zoning Commission recommended approval 5 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Zoning Ordinance Amendment

A motion was made by Council Member King to approve a Zoning Ordinance Amendment related to ZA2019-0004: to consider a requested zoning change from Two-Family Residential - Duplex (SF-4) to the Local Retail District (LR) for the property located at 28707 Ranch Rd 12, Dripping Springs, Texas 78620 (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.50, Hays County, TX). The motion died due to lack of a second.

A motion was made by Mayor Pro Tem Foulds to postpone a Zoning Ordinance Amendment related to ZA2019-0004: to consider a requested zoning change from Two-Family Residential - Duplex (SF-4) to the Local Retail District (LR) for the property located at 28707 Ranch Rd 12, Dripping Springs, Texas 78620 (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.50, Hays County, TX) to the regular City Council meeting of August 13, 2019. Council Member Manassian seconded the motion which carried 3 to 1, with Council Member Kroll recused.

Council Member Kroll returned to the dais.

D. Public hearing, consideration, and recommendation regarding CUP2019-0006: Application for Conditional Use Permit to allow for the onsite sale and consumption of alcohol at the property located at 330 Mercer Street, Dripping Springs, TX 78620 (Legal Description: W T CHAPMAN #1, BLOCK 1, LOT 1-2 & 10, ACRES 0.3644 and W T CHAPMAN #1 LOTS 6-7-8-9 BLK 1 GEO#90403754).

Applicant: Jerome Bollom

1. Presentation

Jerome Bollom presented the item. The applicant is seeking to open a cocktail lounge serving “small bites” that will be prepared offsite by Rolling in Thyme and Dough.

2. Staff Report

Jason Lutz presented the staff report. Staff recommends approval of the condition use permit with the conditions that the property meet all City codes; any additional external modifications to the building, not previously approved as part of the Certificate of Appropriateness, receive an updated Certificate of Appropriateness; that the property adhere to all Fire and Life Safety Codes found in the International Fire Code (which may include a requirement to install a Fire Suppression/Sprinkler System); and that the CUP may be revoked for violations of City or State Laws and Regulations.

3. Planning & Zoning Commission Report

Chair James: Planning & Zoning Commission recommended approval 5 to 0 with staff recommendations.

4. Public Hearing

No one spoke during the Public Hearing.

5. Conditional Use Permit

A motion was made by Council Member Kroll to approve CUP2019-0006: an Application for Conditional Use Permit to allow for the onsite sale and consumption of alcohol at the property located at 330 Mercer Street, Dripping Springs, TX 78620 (Legal Description: W T CHAPMAN #1, BLOCK 1, LOT 1-2 & 10, ACRES 0.3644 and W T CHAPMAN #1 LOTS 6-7-8-9 BLK 1 GEO#90403754) with condition that the property meet all City codes; any additional external modifications to the building, not previously approved as part of the Certificate of Appropriateness, receive an updated Certificate of Appropriateness; that the property adhere to all Fire and Life Safety Codes found in the International Fire Code (which may include a requirement to install a Fire Suppression/Sprinkler System); and that the CUP may be revoked for violations of City or State Laws and Regulations. Council Member King seconded the motion which carried unanimously 4 to 0.

- E. Public hearing, consideration, and recommendation regarding CUP2019-0007: Application for Conditional Use Permit to allow for the onsite sale and consumption of alcohol at the property located at 101 Creek Road, Dripping Springs, TX 78620 (Legal Description: ABS 415 PHILIP A SMITH SURVEY 1.741 AC GEO#9041322). Applicant: Jon Thompson**

1. Presentation

Jon Thompson presented the item. The applicant is requesting to have outdoor acoustic music.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the conditional use permit with the following conditions:

- 1) The property meets all City codes.
- 2) No outdoor music due to adjacent residential.
- 3) This Conditional Use Permit automatically renews for successive two (2) years periods unless an objection is raised by the City Administrator based on either:
 - (1) A history of poor code compliance; or
 - (2) A revision to the Comprehensive Plan that renders the CUP incompatible
- 4) The City Administrator may revoke a CUP for failure to comply with municipal regulations and the conditions placed on the use.

3. Planning & Zoning Commission Report

Chair James: Planning & Zoning Commission recommended approval 5 to 0 with staff conditions.

4. Public Hearing

No one spoke during the Public Hearing.

5. Conditional Use Permit

A motion was made by Council Member King to approve CUP2019-0007: an Application for Conditional Use Permit to allow for the onsite sale and consumption of alcohol at the property located at 101 Creek Road, Dripping Springs, TX 78620 (Legal Description: ABS 415 PHILIP A SMITH SURVEY 1.741 AC GEO#9041322) with the following conditions:

- 1) The property meets all City codes.
- 2) This Conditional Use Permit automatically renews for successive two (2) years periods unless an objection is raised by the City Administrator based on either:
 - (a) A history of poor code compliance; or
 - (b) A revision to the Comprehensive Plan that renders the CUP incompatible
- 3) The City Administrator may revoke a CUP for failure to comply with municipal regulations and the conditions placed on the use.
- 4) Allowance for acoustic music only, no amplified music, on the back side of the venue facing the creek.

Council Member Kroll seconded the motion which carried 3 to 1, with Council Member Manassian opposed.

- F. Public hearing, consideration, and recommendation regarding VAR2019-0004: to consider a variance application for property located at 490 Gatlin Creek Road, Dripping Springs, TX 78620 and described as ABS 519 & 745 W BUTLER & J M MADING SURVEY 7.36 AC GEO#90401493 allowing a subdivision of the property resulting in a 1.90 acre tract, which is smaller than the minimum lot size requirements of Chapter 28, Exhibit A, Section 14.6 of the City of Dripping Springs Code of Ordinances. Withdrawn by Applicant.**
Applicant: Gerald Willis

- 1. Presentation*
- 2. Staff Report*
- 3. Planning & Zoning Commission Report*
- 4. Public Hearing*
- 5. Variance*

The applicant has withdrawn the request for variance, and there is no action required for this item.

- G. Public hearing, consideration, and recommendation regarding VAR2019-0005: to consider a variance request application for property located at 14155 W Hwy 290 Dripping Springs, TX 78620 and described as A0240 E B HARGRAVES SURVEY, ACRES 28.993 allowing for cut/fill areas on the site plan to exceed the standard 6-feet**

maximum allowed by Section 28.04.019 of the City of Dripping Springs Code of Ordinances.

Applicant: Connor Overby, P.E.

1. Presentation – no presentation was given.

2. Staff Report

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the variance request with the conditions that the project comply with the City's Lighting Ordinance, and that the City's Architectural Consultant review and approve the retaining wall façade.

3. Planning & Zoning Commission Report

Chair James: Planning & Zoning Commission recommended approval 5 to 0 with staff conditions.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance

A motion was made by Council Member King to approve VAR2019-0005: to consider a variance request application for property located at 14155 W Hwy 290 Dripping Springs, TX 78620 and described as A0240 E B HARGRAVES SURVEY, ACRES 28.993 allowing for cut/fill areas on the site plan to exceed the standard 6-foot maximum allowed by Section 28.04.019 of the City of Dripping Springs Code of Ordinances with the conditions that the project comply with the City's Lighting Ordinance, and that the City's Architectural Consultant review and approve the retaining wall façade. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

H. Public hearing, consideration, and recommendation regarding VAR2019-0006: to consider a variance request for Landscaping requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County).

Applicant: Britt Alexius

1. Presentation

Britt Alexius presented the item. The subject area is heavily treed and creates a natural buffer, and the applicant would like to preserve the natural landscape.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the variance request with the condition the applicant preserve existing landscape and trees, and

that the additional landscaping and trees required in the buffer, be dispersed throughout the site.

3. Planning & Zoning Commission Report

Chair James: Planning & Zoning Commission recommended approval 5 to 0 with staff conditions.

Mayor Purcell and Mayor Pro Tem Foulds exited the dais and the Council Chambers. Council Member Kroll presided over the meeting.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance

Mayor Purcell and Mayor Pro Tem Foulds returned to the Council Chambers and took their seats at the dais.

A motion was made by Council Member King to approve VAR2019-0006: to consider a variance request for Landscaping requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County) with the condition that the applicant preserve existing landscape and trees, and that the additional landscaping and trees required in the buffer, be dispersed throughout the site. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

Council Member Kroll handed the gavel to Mayor Purcell, who presided the remainder of the meeting.

- I. Public hearing, consideration, and recommendation regarding VAR2019-0008: to consider a variance request to allow for the sale of alcohol that is within the 300' required buffer from the school district boundary line (see Dripping Springs Code of Ordinances: Article 6.04: Alcoholic Beverages; Sec. 6.04.002: Proximity to schools, churches, and hospitals) for the property located at 660 W US Highway 290, Dripping Springs TX 78620 (Legal Description: Lot 1, Hamburger Hill Subdivision Vol. 6, Pg. 206, 1.14 acres Hays County).
Applicant: Penny Henderson**

1. Presentation

Penny Henderson presented the item. The subject property is an established restaurant and serves only beer and wine, which are a very small portion of their overall sales.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the variance request with the conditions that there is no onsite advertising of alcohol sales, that

hours of operation be limited so as not to allow late night drinking beyond dinner, and that there be no public display or storage of alcohol outside of the building.

3. Planning & Zoning Commission Report

Chair James: Planning Zoning Commission recommended approval which failed 2 to 3; and then recommended denial with carried 3 to 2.

4. Public Hearing

Pam Owens spoke in favor of the item.

5. Variance

A motion was made by Council Member King to approve VAR2019-0008: to consider a variance request to allow for the sale of alcohol that is within the 300' required buffer from the school district boundary line (see Dripping Springs Code of Ordinances: Article 6.04: Alcoholic Beverages; Sec. 6.04.002: Proximity to schools, churches, and hospitals) for the property located at 660 W US Highway 290, Dripping Springs TX 78620 (Legal Description: Lot 1, Hamburger Hill Subdivision Vol. 6, Pg. 206, 1.14 acres Hays County) with the conditions that there is no onsite advertising of alcohol sales, that hours of operation be limited so as not to allow late night drinking beyond dinner, and that there be no public display or storage of alcohol outside of the building. Council Member Kroll seconded the motion which carried 3 to 1, with Council Member Manassian opposed.

- J. Discuss and consider approval of a scope of services, fee schedule and basic form of a Professional Services Agreement between the City of Dripping Springs and HDR Engineering, Inc. for Engineering Services regarding the TxDOT CSJ 0914-33-079 Sportsplex Drive TASA Sidewalk Project subject to concurrence of legal counsel and TxDOT and authorizing the Mayor or designee to sign.**

Sponsor Mayor Pro Tem Foulds

A motion was made by Mayor Pro Tem Foulds to approve a scope of services, fee schedule and basic form of a Professional Services Agreement between the City of Dripping Springs and HDR Engineering, Inc. for Engineering Services regarding the TxDOT CSJ 0914-33-079 Sportsplex Drive TASA Sidewalk Project subject to concurrence of legal counsel and TxDOT and authorizing the Mayor or designee to sign. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

- K. Public hearing, discussion and consideration of approval of a Resolution Amending the City-Wide Trail Plan to add Proposed Trails on Rob Shelton Boulevard and Broken Lance Drive.**

Sponsor:

Item K was heard earlier in the agenda.

- L. Public hearing, discussion and consideration of approval of a Resolution Amending the Transportation Plan to add Proposed TxDOT TA/SRTS Pedestrian/Cyclist Pathway Routes.**

Item L was heard earlier in the agenda.

- M. Public hearing, discussion and consideration of approval of a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Alternatives Program for the Dripping Springs Rob Shelton Boulevard Pedestrian Sidewalk Project from Sports Park Drive across US 290 to Founders Park Project (ID #: 0_AUS_DrippingSprings01_SRTS-TA) and City Local Match Commitment; and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation.**

Item M was heard earlier in the agenda.

- N. Public hearing, discussion and consideration of approval of a Resolution Authorizing application for funding under the 2019 Texas Department of Transportation's Transportation Safe Routes to School Program for the Dripping Springs Middle School SRTS SUP/Sidewalk Project along US 290 from Dripping Springs High School to Dripping Springs Middle School (ID #: 0_AUS_DrippingSprings03_SRTS-TA_DrippingSprings MSSUP & Sidewalk); and Authorizing the Mayor to Act as the City's Authorized Representative in all matters pertaining to the City's Participation.**

Item N was heard earlier in the agenda.

- O. Discuss and consider approval of Employee Health Benefits from TML Health Benefits Pool.**

Sponsor: Mayor Purcell

Michelle Fischer presented the staff report which is on file. Staff recommends Option 3.

A motion was made by Mayor Pro Tem Foulds to approve the election of Option 3 regarding Employee Health Benefits from TML Health Benefits Pool. Council Member Kroll seconded the motion which carried unanimously 4 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. Economic Development Committee Report**
Kim Fernea, Chair

- B. Transportation Committee Report**
Erik Burgeson, Chair

- C. Maintenance & Facilities Report**
Craig Rice, Maintenance Director

D. Parks and Community Services Department Monthly Report

E. Emergency Management Quarterly Report
Roman Baligad, Emergency Management Coordinator

A motion was made by Council Member Manassian to adjourn into Executive Session under Texas Government Code Sections 551.071 (Consultation with City Attorney) and 551.072 (Deliberations about Real Property) and regarding Executive Session Agenda Items A – G. Council Member King seconded the motion which carried unanimously 4 to 0.

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 issues related to legislation before the Texas Legislature pursuant to the City of Dripping Springs 2019 Legislative Program.**
Consultation with Attorney, 551.071
- B. Consultation with City Attorney regarding legal issues related to the Transportation Plan and Transportation Options.**
Consultation with Attorney, 551.07
- C. Consultation with City Attorney regarding legal issues related to the Mark Black Wedding Venue located in the City's Extraterritorial Jurisdiction.**
Consultation with Attorney, 551.071
- D. Consultation with City Attorney regarding legal issues related to Headwaters Bond Funding Authorization.**
Consultation with Attorney, 551.071
- E. Deliberation of Real Property and Consultation with City Attorney regarding the purchase, exchange, lease, or value of real property related to property located in Headwaters at Barton Creek.**
Deliberation of Real Property, 551.072; Consultation with Attorney, 551.071
- F. Consultation with City Attorney regarding legal issues related to the Headwaters Development Agreement.**
Consultation with City Attorney, 551.071
- G. Consultation with City Attorney regarding legal issues related to the Cannon Development Agreement.**
Consultation with City Attorney, 551.071

The City Council met in Executive Session from 8:27 p.m. – 8:57 p.m.

There was no vote or action taken during Executive Session. Mayor Purcell returned the meeting Open Session at 8:57 p.m.

OPEN SESSION

The following item was tabled until the end of the meeting.

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.

- A. Public hearing, consideration, and recommendation regarding VAR2019-0007: to consider a variance request to allow a HUD-Code Manufactured Home on the property for a limited time of 210 days allowed by Dripping Springs Code of Ordinances Manufactured Housing, Mobile Homes and Recreational Vehicles: Article 24.04; Variances: Sec. 24.04.006 for the property known as Headwaters and for the property located along Headwaters Boulevard Dripping Springs, TX 78620 and described as: Lot 4, Block B of the Final Plat of Headwaters Commercial Phase 1B, Document #19005560, 166.801 acres, Hays County.**
Applicant: Blake Rue

A motion was made by Council Member Kroll to approve VAR2019-0007: to consider a variance request to allow a HUD-Code Manufactured Home on the property for a limited time of 210 days allowed by Dripping Springs Code of Ordinances Manufactured Housing, Mobile Homes and Recreational Vehicles: Article 24.04; Variances: Sec. 24.04.006 for the property known as Headwaters and for the property located along Headwaters Boulevard Dripping Springs, TX 78620 and described as: Lot 4, Block B of the Final Plat of Headwaters Commercial Phase 1B, Document #19005560, 166.801 acres, Hays County. Council Member King seconded the motion which carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Foulds to pull Executive Session Agenda Item G for action. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

- G. Consultation with City Attorney regarding legal issues related to the Cannon Development Agreement.**

A motion was made by Mayor Pro Tem Foulds to refund the Development Agreement Fees paid by the applicant, less the administrative and professional fees. Council Member Kroll seconded the motion which carried unanimously 4 to 0.

XIII. UPCOMING MEETINGS

- A. City Council Meetings:**
July 16, 2019 - 6:00 p.m.
August 13, 2019 - 6:00 p.m. Workshop / 6:30 p.m. Regular Meeting

August 20, 2019 - 6:00 p.m.

September 10, 2019 - 6:00 p.m. Workshop / 6:30 p.m. Regular Meeting

B. Board, Commission & Committee Meetings

July 10, 2019 - Utility Commission at 4:00 p.m.

July 11, 2019 - Historic Preservation Commission at 4:00 p.m.

July 16, 2019 - Emergency Management Commission at 12:00 p.m.

July 18, 2019 - Farmers Market Association Board at 10:00 a.m.

July 22, 2019 - Transportation Committee at 3:30 p.m.

July 23, 2019 - Planning & Zoning Commission at 6:30 p.m.

July 24, 2019 - Economic Development Committee at 4:00 p.m.

August 5, 2019 - Parks & Recreation Commission at 6:00 p.m.

August 8, 2019 - Historic Preservation Commission at 4:00 p.m.

August 12, 2019 - TIRZ No. 1 & No. 2 Board at 4:00 p.m.

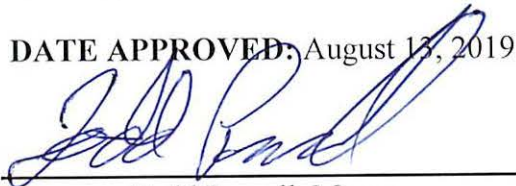
August 12, 2019 - Founders Day Commission at 6:30 p.m.

XIV. ADJOURN

A motion was made by Council Member Kroll to adjourn the meeting. Council Member King seconded the motion which carried unanimously 4 to 0.

This regular meeting adjourned at 8:59 p.m.

DATE APPROVED: August 13, 2019



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

