

City Council & Board of Adjustment Minutes

Workshop and Regular Meeting

November 13, 2018 at 5:30 p.m. (Workshop) and 6:30 p.m. (Regular Meeting)

A Workshop and Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, November 13, 2018 beginning at 5:30 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
Council Member Taline Manassian

Council Members absent were:

Mayor Purcell
Council Member John Kroll

City Staff and Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
Assistant City Attorney Laura Mueller
Planning Director Jason Lutz
City Engineer Chad Gilpin
Parks & Community Services Director Mariana Espinoza
Dripping Springs Ranch Park Manager Lynne Dickinson
Communications Coordinator Bonnie Gonzalez
Building Official Sarah Holden
Planning Assistant Mary Sierra
Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Pro Tem Foulds called the meeting to order at 5:34 p.m.

II. WORKSHOP

No action will be taken during the Workshop.

A. Presentation on Affordable Housing Program by Mark Mayfield of the Texas Housing Foundation

Mark Mayfield with the Texas Housing Foundation presented options for the City regarding partnerships for an affordable housing program. Mayor Pro Tem suggested that Mr.

Mayfield meet with the Economic Development Committee and the Chamber of Commerce, and possibly come back to the City Council to discuss further the idea of the program.

Mayor Pro Tem continued the Workshop and reviewed the Regular Agenda. The following items were discussed with staff and no action or vote was taken.

Subdivision, Site Development, Zoning, Signage, Conditional Use Permits, Variances, Waivers and Special Exceptions Agenda Items

A. Discuss and Consider Approval of SUB2018-0041: Plat Vacation Located on Belterra Village Way in Dripping Springs, Texas, Belterra Phase 2, Section 5B, Block C, Lot 1. Applicant, Harrison M. Hudson

Council Member Manassian asked for clarification on why staff was seeking approval when the comments have not been cleared and the applicant has not obtained obtain 1445 approval from the County. Jason Lutz informed the City Council that items A – D all have the same conditions and are submitted by the same applicant. The outstanding comments are administrative in nature, and the City is waiting on the County for the 1445 approval.

E. Discuss and Consider Approval of SUB2018-0040: Preliminary Plat for the Caliterra Subdivision Located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 190 residential lots. Applicant, Bill E. Couch

Council Member Manassian asked for clarification regarding the requested postponement. Chad Gilpin explained that staff is waiting on the applicant to clear comments and there are some outstanding issues with the County. The applicant requested postponement to take care of these items.

L. Discuss and Consider Approval 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.

Council Member Manassian addressed the following corrections regarding the ordinance:

- Page 9, Paragraph 7: the wording is off and it appears that there is a missing word.

Laura Mueller recognized the missing word and will correct the document before it is signed.

- Page 11, E(1): Council Member Manassian expressed concern regarding the removal of the 300-foot notification in the ETJ and City Limits.

Laura Mueller explained that the notification is not statutorily required for all notifications and the removal of notification is only for those non-statutorily required items.

- Page 13, Paragraph B: Council Member Manassian asked for clarification regarding denial, and that it suggests that we have more authority than we do.

Laura Mueller explained that the denial will not be done without basis, and clarification has been addressed in the revised document.

- Page 14, Paragraph D: Council Member Manassian asked for clarification regarding the Site Development Review Committee regarding the group's makeup. She suggested that staff make clear who the participants of the group are.

Laura Mueller explained that the Review Committee is composed of staff, and she will make clear the definition of the Committee in the document prior to signature.

M. Discuss and Consider Approval of CUP2018-0005: a Conditional Use Permit Application for Use of a Mobile Food Trailer as a Commercial Kitchen that will Compliment the Use of the Historic Roberts House as a Restaurant at 310 Old Fitzhugh Road

Council Member Manassian asked for clarification on conditions of the Conditional Use Permit (CUP) with regards to the Phases of development as submitted by the applicant.

Jason Lutz explained that the applicant will be using the mobile food truck as the kitchen until a permanent commercial kitchen is built inside the structure. The CUP will go away once the use is no longer needed.

Business Agenda Items

- C. Discuss and Consider the Approval of an Agreement between the City of Dripping Springs and Double L Development, LLC for the Provision of Nonstandard Wholesale and Retail Water Service to the Double L Development (AKA-Anarene Development)**
- D. Discuss and Consider Approval of an Agreement between the City of Dripping Springs and Double L Development, LLC for the Provision of Nonstandard Wholesale and Retail Water Service to the Double L Development (AKA-Anarene Development)**

Ginger Faught explained that there is a posting error with these items and requested postponement to the next City Council so that staff can properly post the items.

- E. Discuss and Consider Approval of an Amendment to the Chapter 380 Economic Development Agreement between the City of Dripping Springs and Endeavor**

Laura Mueller explained that the changes to the agreement were approved at the last City Council meeting, and that this agreement reflects those changes and was placed on the agenda at the request of the City Council.

H. Discuss and Consider Approval of a Request for Reduced Preliminary Plat and Final Plat Subdivision Fees for the Esperanza Subdivision. Applicant Erin Needham.

Mayor Pro Tem recognized the applicant and asked Mr. Needham to clarify whether any changes were made to the plat since the expiration. Mr. Needham assured the City Council that no changes have been made.

III. RECESS

The City Council recessed from 6:28 p.m. – 6:35 p.m.

IV. RECONVENE AT 6:30 P.M.

Mayor Pro Tem returned the meeting Open Session and called the meeting to order at 6:35 p.m.

V. PLEDGE OF ALLEGIANCE

Council Member King 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. Presentation of a Proclamation Proclaiming the Dripping Springs Ranch Park Volunteers of the Year

Council Member King read the Proclamation and presented it to the Dripping Springs Ranch Park Volunteers of the Year Cheryl Teets, Marilyn Thornhill, and Stacy New. Dripping Springs Ranch Park Manager Lynne Dickinson spoke regarding the exceptional volunteerism of the recipients.

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 presented a plaque recognizing the Drippin' Dots' outstanding performance and effort at the Texas Municipal Leagues Waste Connection's singing/songwriting competition, and where City Administrator Michelle Fischer, Parks & Community Services Director Mariana Espinoza, Assistant City Attorney Laura Mueller,

Receptionist Angie Tubbs, IT Coordinator Misty Dean and Accounting Assistant Penny Appleman performed "Drippin'."

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 an Agreement between the City of Dripping Springs and Century News regarding the City of Dripping Springs' Official Newspaper.**
- B. **Approval of a Professional Services Agreement between the City of Dripping Springs and Shine of Lakeway for City Holiday Lighting Installation and Removal**
- C. **Approval of the City Council Regular Meeting Minutes of October 9, 2018 and October 16, 2018.**
- D. **Approval of a Resolution of the City of Dripping Springs Consenting to the Issuance of Road Bonds by Headwaters Municipal Utility District of Hays County**

Filed as Resolution No. 2018-36

- E. **Approval of the City Treasurer's Report for October 2018**

A motion was made by Council Member Manassian to approve Consent Agenda items A – E. Council Member King seconded the motion which carried unanimously 4 to 0.

IX. SUBDIVISIONS, SITE DEVELOPMENT, ZONING, SIGNAGE, CONDITIONAL USE PERMITS, VARIANCES, WAIVERS, AND SPECIAL EXCEPTIONS

- A. **Discuss and Consider Approval of SUB2018-0041: Plat Vacation Located on Belterra Village Way in Dripping Springs, Texas, Belterra Phase 2, Section 5B, Block C, Lot 1. Applicant, Harrison M. Hudson**

1. Staff Report

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

- 1. Applicant address and clear remaining staff comments.
- 2. Applicant obtain 1445 approval from Hays County.

2. Planning & Zoning Commission Report

Chair James: Commission recommend approval 6 to 0 with the condition that staff recommendations are met prior to the Mayor's signature.

3. Public Hearing

No one spoke during the Public Hearing.

4. SUB2018-0041: Plat Vacation

A motion was made by Council Member King to approve SUB2018-0041: Plat Vacation Located on Belterra Village Way in Dripping Springs, Texas, Belterra Phase 2, Section 5B, Block C, Lot 1 with the following conditions: 1) Applicant address and clear remaining staff comments, 2) Applicant obtain 1445 approval from Hays County, and 3) Both 1 and 2 are complete before the Mayor's signature. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

B. Discuss and Consider Approval of SUB2018-0034: A Replat of Lot 1B, Lot 1E and 1F, Block A, Resubdivision No. 3 of North Belterra Commercial Subdivision. Applicant, Harrison M. Hudson

1. Staff Report (Chad Gilpin)

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining staff comments.
2. Applicant obtain 1445 approval from Hays County.

2. Planning & Zoning Commission Report

Chair James: Commission recommend approval 6 to 0 with the condition that staff recommendations are met prior to the Mayor's signature.

3. Public Hearing

No one spoke during the Public Hearing.

4. SUB2018-0034: Replat

A motion was made by Council Member King to approve SUB2018-0034: A Replat of Lot 1B, Lot 1E and 1F, Block A, Resubdivision No. 3 of North Belterra Commercial Subdivision with the following conditions: 1) Applicant address and clear remaining staff comments, 2) Applicant obtain 1445 approval from Hays County, and 3) Both 1 and 2 are complete before the Mayor's signature. Council Member Crow seconded the motion which carried unanimously 4 to 0.

C. Discuss and Consider Approval of SUB2018-0035: Replat of Lot 2C, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision. Applicant, Harrison M. Hudson

1. Staff Report

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining staff comments.
2. Applicant obtain 1445 approval from Hays County.

2. Planning & Zoning Commission Report

Chair James: Commission recommend approval 6 to 0 with the condition that staff recommendations are met prior to the Mayor's signature.

3. Public Hearing

No one spoke during the Public Hearing.

4. SUB2018-0035: Replat

A motion was made by Council Member King to approve SUB2018-0035: Replat of Lot 2C, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision with the following conditions: 1) Applicant address and clear remaining staff comments, 2) Applicant obtain 1445 approval from Hays County, and 3) Both 1 and 2 are complete before the Mayor's signature. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

D. Discuss and Consider Approval of SUB2018-0036: Replat of Lot 3I, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision. Applicant, Harrison M. Hudson.

1. Staff Report (Chad Gilpin)

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining staff comments.
2. Applicant obtain 1445 approval from Hays County.

2. Planning & Zoning Commission Report

Chair James: Commission recommend approval 6 to 0 with the condition that staff recommendations are met prior to the Mayor's signature.

3. Public Hearing

No one spoke during the Public Hearing.

4. SUB2018-0036: Replat

A motion was made by Council Member King to approve SUB2018-0036: Replat of Lot 31, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision with the following conditions: 1) Applicant address and clear remaining staff comments, 2) Applicant obtain 1445 approval from Hays County, and 3) Both 1 and 2 are complete before the Mayor's signature. Council Member Crow seconded the motion which carried unanimously 4 to 0.

E. Discuss and Consider Approval of SUB2018-0040: Preliminary Plat for the Caliterra Subdivision Located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 190 residential lots. Applicant, Bill E. Couch
1. Staff Report (Chad Gilpin)

Chad Gilpin presented the staff report which is on file. The applicant has requested postponement of the item. At the request of the City Council, staff will review the noticing requirements for this item, and will re-notice if required.

2. Planning & Zoning Commission Report

Chair James: the Commission took no action on this item.

3. Public Hearing

No one spoke during the Public Hearing.

4. SUB2018-0040: Preliminary Plat

A motion was made by Council Member King to table SUB2018-0040: Preliminary Plat for the Caliterra Subdivision Located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 190 residential lots. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

F. Discuss and Consider Approval of a Sign Variance Request from Springs Provisions to Allow Two Projecting Signs to have less than six inches (6") of space between the rows of lettering for signs to be located at 300 A Mercer Street, Dripping Springs, TX 78620. Applicant: Jon Thompson, J. Thompson Consulting
1. Presentation

Applicant Jon Thompson was present and available for questions from the City Council.

2. Staff Report

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

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Sign Variance Request

A motion was made by Council Member King to approve a Sign Variance Request from Springs Provisions to Allow Two Projecting Signs to have less than six inches (6") of space between the rows of lettering for signs to be located at 300 A Mercer Street, Dripping Springs, TX 78620. Council Member Crow seconded the motion which carried unanimously 4 to 0.

G. Discuss and Consider Approval of a Sign Variance Request from Dunkin' Donuts to Allow a Menu Board located at 166 Hargraves Drive, Austin, TX 78737. Applicant: Lisa Sherwood, Dunkin' Donuts

1. Presentation – no presentation

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval with the condition that the canopy with speaker be painted to match the menu board, which is brown in color. The applicant has agreed with this condition.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval with staff recommendations and the condition that only one menu board shall be allowed at this location.

4. Public Hearing

No one spoke during the Public Hearing.

5. Sign Variance Request

A motion was made by Council Member Manassian to approve Sign Variance Request from Dunkin' Donuts to Allow a Menu Board located at 166 Hargraves Drive, Austin, TX 78737 with the following conditions: 1) the canopy with speaker be painted to match the menu board, which is brown in color, and 2) only one menu board shall be allowed at this location. Council Member King seconded the motion which carried unanimously 4 to 0.

H. Discuss and Consider Approval of a Sign Variance Request from Jeff Coffman Realty to Allow a Monument Sign to Exceed the Maximum Height and Signable Area Allowed

for a sign to be located at 27401 Ranch Road 12, Dripping Springs, TX 78620.
Applicant: Jon Thompson, J. Thompson Consulting

1. Presentation

Applicant Jon Thompson was present and available for questions from the City Council.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval with the condition that no other permanent business signs requiring a sign permit be allowed on the property.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval with staff recommendations 6 to 0

4. Public Hearing

No one spoke during the Public Hearing.

5. Sign Variance Request

A motion was made by Council Member King to approve a Sign Variance Request from Jeff Coffman Realty to Allow a Monument Sign to Exceed the Maximum Height and Signable Area Allowed for a sign to be located at 27401 Ranch Road 12, Dripping Springs, TX 78620 with the condition that no other permanent business signs requiring a sign permit be allowed on the property. Council Member Crow seconded the motion which carried unanimously 4 to 0.

I. Discuss and Consider Approval of a Sign Variance Request from the Cottages at Belterra Village to Allow a Subdivision Entrance Sign to be located in the Right-of-Way at the intersection of Belterra Village Way and Bright Valley Way, Lot 1, Block B, The Cottages at Belterra Village Phase II. Applicant: Austin Evetts

1. Presentation – no presentation

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval with the following conditions:

1. The owner of the sign shall be responsible for altering or relocating the sign if required by utility, roadway, or landscaping maintenance or improvements; and
2. If the sign is damaged, the owner shall repair or remove it within 60 days.

Staff clarified that the private road does not require City approval, and that it is under the jurisdiction of the county.

3. Planning & Zoning Commission Report

Chair James: Commission recommend approval with staff recommendations 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Sign Variance Request

A motion was made by Council Member King to approve a Sign Variance Request from the Cottages at Belterra Village to Allow a Subdivision Entrance Sign to be located in the Right-of-Way at the intersection of Belterra Village Way and Bright Valley Way, Lot 1, Block B, The Cottages at Belterra Village Phase II with the following conditions: 1) The owner of the sign shall be responsible for altering or relocating the sign if required by utility, roadway, or landscaping maintenance or improvements; and 2) if the sign is damaged, the owner shall repair or remove it within 60 days. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

J. Discuss and Consider Approval of SUB2018-0028: Cypress Fork Ranch Subdivision, Lots 1-4, Final Plat on Creek Road in Dripping Springs, Texas. Applicant, Jen Paisely, P.E.

1. Presentation – no presentation

2. Staff Report

Jason Lutz presented the staff report which is on file. The applicant has requested postponement to the regular City Council meeting of December 11, 2018.

3. Planning & Zoning Commission Report

Chair James: Commission recommended postponement of the item 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. SUB2018-0028: Cypress Fork Ranch Subdivision

A motion was made by Council Member Manassian to postpone the item to the December 11, 2018 Regular City Council meeting. Council Member King seconded the motion which carried 3 to 1, with Council Member Crow recused.

K. Discuss and Consider Approval of VAR2018-0009: A request of Three Variances to include: (1) an encroachment into the front and side yard building setback to allow construction on an existing slab; (2) a 25' side yard setback for new construction instead of the required 40'; and (3) a request for the 80 foot building separation requirement be reduced to no less than the separation requirements found in the

current building and fire codes, and regarding property located at 505 Old Fitzhugh Road Dripping Springs, TX, Abstract 0415 Philip A Survey, 7.38 Acres, Hays County. Applicant, Rafael Varela

- 1. Presentation – no presentation*
- 2. Staff Report*

Jason Lutz presented the staff report which is on file. The applicant has requested postponement to the Regular City Council meeting of December 11, 2018 in order to address issues regarding zoning, demolition, existing slab and building separation. Staff recommends postponement.

- 3. Planning & Zoning Commission Report*

Chair James: Commission recommended postponement 6 to 0.

- 4. Public Hearing*

No one spoke during the Public Hearing.

- 5. Variance Request #1: An encroachment into the front and side yard building setback to allow construction on an existing slab.*
- 6. Variance Request #2: A 25' side yard setback for new construction instead of the required 40'.*
- 7. Variance Request #3: Request for the 80 foot building separation requirement be reduced to no less than the separation requirements found in the current*
- 8. building and fire codes.*

A motion was made by Council Member Manassian to postpone the item to the Regular City Council meeting of December 11, 2018. Council Member King seconded the motion which carried unanimously 4 to 0.

L. Discuss and Consider Approval 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.

- 1. Staff Report*

Laura Mueller presented the staff report which is on file. Changes include clarification of notice requirements, small projects procedures, appeal procedures, and clarification of what is regulated in the Extraterritorial Jurisdiction. Minor clean up changes were also made. Staff recommends approval of the ordinance.

- 2. Planning & Zoning Commission Report*

Chair James: Commission recommend approval 6 to 0.

3. Public Hearing

No one spoke during the Public Hearing.

4. Site Development Ordinance

A motion was made by Council Member Manassian to approve 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 with the following conditions: 1) staff review and clarify the wording in Section 28.04.009(7); and 2) staff clarify the composition of the Development Review Team as referenced in Section 28.04.011(b). Council Member King seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2018-28

M. Discuss and Consider Approval of CUP2018-0005: a Conditional Use Permit Application for Use of a Mobile Food Trailer as a Commercial Kitchen that will Compliment the Use of the Historic Roberts House as a Restaurant at 310 Old Fitzhugh Road

1. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval with recommendations from the Planning & Zoning Commission.

2. Planning & Zoning Commission Report

Chair James: Commission recommended approval 6 to 0 with the following conditions:

1. That the mobile food truck be considered part of the main structure in regard to determining allowable signage for the property.
2. That the structure and truck adhere to the City's adopted sign code at the time of permitting.
3. That the CUP only be approved/valid for the current owner based on the proposed site plan.
4. That the mobile food truck dispose of the associated waste from the kitchen via pump and haul or other method and not be connected to the City's sewer system.

3. Public Hearing

No one spoke during the Public Hearing.

4. CUP2018-0005

A motion was made by Council Member King to approve CUP2018-0005: a Conditional Use Permit Application for Use of a Mobile Food Trailer as a Commercial Kitchen that will Compliment the Use of the Historic Roberts House as a Restaurant at 310 Old Fitzhugh Road with the following conditions: 1) That the mobile food truck be considered part of the main structure in regard to determining allowable signage for the property, 2) That the structure and truck adhere to the City's adopted sign code at the time of permitting, 3) That the CUP only be approved/valid for the current owner based on the proposed site plan, and 4) That the mobile food truck dispose of the associated waste from the kitchen via pump and haul or other method and not be connected to the City's sewer system. Mayor Pro Tem Foulds seconded the motion.

The City Council expressed concerns regarding the project timeline and auto-renewal of the CUP. Applicant Jon Thompson and Owner Robert Christie reviewed the project phases and assured the City Council that the outdoor kitchen is only necessary to the indoor kitchen construction is complete.

Council Member King and Mayor Pro Tem Foulds withdrew their motion and second respectively.

A motion was made by Mayor Pro Tem Foulds to approve CUP2018-0005: a Conditional Use Permit Application for Use of a Mobile Food Trailer as a Commercial Kitchen that will Compliment the Use of the Historic Roberts House as a Restaurant at 310 Old Fitzhugh Road with the following conditions: 1) That the mobile food truck be considered part of the main structure in regard to determining allowable signage for the property, 2) That the structure and truck adhere to the City's adopted sign code at the time of permitting, 3) That the CUP only be approved/valid for the current owner based on the proposed site plan, 4) That the mobile food truck dispose of the associated waste from the kitchen via pump and haul or other method and not be connected to the City's sewer system, and 5) That only one (1) auto renewal be allowed, and that any additional renewals of the CUP be approved by the City Council. Council Member King seconded the motion which carried unanimously 4 to 0.

X. BUSINESS

A. Discuss and Consider Approval of A Consultant Services Agreement between the City of Dripping Springs and MuniServices, LLC for the following: 1) Sales Tax Compliance Review; 2) Clearview Sales/Use Tax Analysis and Reporting Service; and 3) Local Occupancy Tax Program Discovery/Recovery, Audit and Administration Services

A motion was made by Mayor Pro Tem Foulds to take up this item after the City Council meets in Executive Session. Council Member Manassian seconded the motion which carried unanimously 4 – 0.

B. Discuss and Consider Approval of an Amendment to the Wastewater Service & Fee Agreement between the City of Dripping Springs and Western Springs Apartments, LP

Ginger Fought presented the staff report. Amendment shifts the deadline to December 31, 2018.

A motion was made by Mayor Pro Tem Foulds to approve an Amendment to the Wastewater Service & Fee Agreement between the City of Dripping Springs and Western Springs Apartments, LP. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

C. Discuss and Consider the Approval of an Agreement between the City of Dripping Springs and Double L Development, LLC for the Provision of Nonstandard Wholesale and Retail Water Service to the Double L Development (AKA-Anarene Development)

D. Discuss and Consider Approval of an Agreement between the City of Dripping Springs and Double L Development, LLC for the Provision of Nonstandard Wholesale and Retail Water Service to the Double L Development (AKA-Anarene Development)

A motion was made by Mayor Pro Tem to postpone Business Items C and D to the next Regular City Council meeting. Council Member Manassian seconded the motion which carried unanimously 4 to 0.

E. Discuss and Consider Approval of an Amendment to the Chapter 380 Economic Development Agreement between the City of Dripping Springs and Endeavor

Laura Mueller presented the staff report. City Council approved the agreement at the City Council meeting of November 13, 2018 with changes to the amendment. Staff has incorporated those changes and is presenting the amendment to the City Council to memorialize changes.

A motion was made by Council Member Manassian to approve an Amendment to the Chapter 380 Economic Development Agreement between the City of Dripping Springs and Endeavor. Council Member King seconded the motion which failed 2 to 2, with Mayor Pro Tem Foulds and Council Member Crow opposed.

F. Discuss and Consider Approval of a Contractor Agreement between the City of Dripping Springs and Canyon Creek Landscaping for Lawn Maintenance at Dripping Springs Ranch Park

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the item. Staff verified that the City has used Canyon Creek Landscaping the past.

A motion was made by Council Member King to approve a Contractor Agreement between the City of Dripping Springs and Canyon Creek Landscaping for Lawn Maintenance at

Dripping Springs Ranch Park. Council Member Crow seconded the motion which carried unanimously 4 to 0.

- G. Discuss and Consider the Responses to the City's Request for Qualifications related to Wastewater System Improvements expected to be funded by the Texas Water Development Board and authorize staff to negotiate Contracts for the following services:**

- 1. Bond Counsel;**
- 2. General Counsel;**
- 3. Special Wastewater Counsel;**
- 4. Financial Advisor;**
- 5. Engineering;**
- 6. Environmental Engineering;**
- 7. Geotechnical Engineering;**
- 8. Surveying;**
- 9. Appraiser; and**
- 10. Reviewer Appraiser.**

The City Council agreed via unanimous consent to hear this item after Executive Session.

- H. Discuss and Consider Approval of a Request for Reduced Preliminary Plat and Final Plat Subdivision Fees for the Esperanza Subdivision. Applicant Erin Needham.**

Ginger Fought presented the staff report. Staff recommends approval of the request.

Applicant Erin Needham spoke regarding the item. Mr. Needham clarified that he had already paid the fees; however, the plat had expired. He will be using the same engineer and no changes are anticipated.

A motion was made by Mayor Pro Tem to approve a Request for Reduced Preliminary Plat and Final Plat Subdivision Fees for the Esperanza Subdivision by waiving the application fees with the following conditions: 1) The applicant reimburse the City for any costs associated with the City's consultant review fees and the costs of the required legal notices, and 2) Should the total fees exceed Two Thousand Dollars (\$2,000.00) the applicant can come back to City Council. Council Member King seconded the motion which carried unanimously 4 to 0.

- I. Discuss and Consider Approval of a Liability & Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Outfitters, LLC and regarding the 2018 Christmas on Mercer Event**

The City Council agreed via unanimous consent to hear this item after Executive Session.

- J. Discuss and Consider Approval of a Proposed Amended and Restated Development Agreement between the City of Dripping Springs, Texas and TF Arrowhead LP (aka**

Arrowhead Ranch), to include the Master Parks & Trails Plan. Applicant, Adib Khoury.

1. Presentation

Adib Khoury with Starwood Land and Justin Cook with NPA Architects gave a presentation which is on file.

2. Public Hearing

No one spoke during the Public Hearing.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval 6 to 0.

4. Amended and Restated Development Agreement with Exhibits

5. Master Parks & Trails Plan

A motion was made by Council Member Manassian to approve the Proposed Amended and Restated Development Agreement between the City of Dripping Springs, Texas and TF Arrowhead LP (aka Arrowhead Ranch), to include the Master Parks & Trails Plan. Council Member King seconded the motion which carried unanimously 4 to 0.

- K. Discuss and Consider Approva of DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 70' in Height for Hotel Use Only on Parcels A and C; Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; a Change in Land Use to Allow for up to One (1) Automotive Repair Facility on Parcel C; Length of Building to Exceed 200ft up to 275ft for Parcels A and C; Allowing Accessory Structures to be Located within Building Setbacks; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use. Applicant, Daniel Campbell, Endeavor**

1. Presentation

Daniel Campbell with Endeavor Real Estate Group (ERG) gave a presentation which is on file. At this time, ERG is requesting the following variances only:

1. Allow up to 65' height for Multi-family site
2. Allow alternate construction materials as allowed by building & fire codes
3. Allow refuse valet service in lieu of requirement for multi-family structures to be within 250' of refuse facility
4. Allow 27 units per acre in density

An exhibit depicting building height and location has been submitted to staff for attachment to the agreement.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the following variance requests with Planning & Zoning Commission recommendations:

1. Allow up to 65' height for Multi-family site
2. Allow alternate construction materials as allowed by building & fire codes
3. Allow refuse valet service in lieu of requirement for multi-family structures to be within 250' of refuse facility
4. Allow 27 units per acre in density

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval with the following conditions to the variance requests to be depicted in an attached exhibit to the agreement:

- a) Maximum building height for Multi-Family Units
 - a) Area A: maximum height not to exceed four (4) stories or sixty-five feet (65')
 - b) Area B: maximum height not to exceed three (3) stores or forty-six feet (46')
 - c) Area C: maximum height not to exceed two (2) or three (3) stories, or forty feet (40')

4. Public Hearing

No one spoke during the Public Hearing.

5. DA2018-0004: Belterra Commercial Development Agreement Amendment No. 2

- a. *Allow up to 70' height for Hotel site – variance request withdrawn*
- b. *Allow up to 65' height for Multi-family site*
- c. *Allow alternate construction materials as allowed by building & fire codes*
- d. *Allow 1 Auto Repair Facility – variance request withdrawn*
- e. *Allow the multi-family structures to be greater than 200' in length (up to 275') – variance request withdrawn*
- f. *Allow accessory structures to be located in building setback lines – variance request withdrawn*

- g. Allow refuse valet service in lieu of requirement for multi-family structures to be within 250' of refuse facility*
- h. Allow 27 units per acre in density*

A motion was made by Council Member Manassian to approve DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot 1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use with the following conditions:

- 1) Development Agreement be amended to reflect the following maximum building height for Multi-Family Units:
 - Area A with a maximum height not to exceed four (4) stories or sixty-five feet (65').
 - Area B with a maximum height not to exceed three (3) stories or forty-six feet (46').
 - Area C with a maximum height not to exceed two (2) or three (3) stories, or forty feet (40'); and
- 2) That staff present a clean version of the Amended Development Agreement with an exhibit reflecting the building heights to the City Council for approval at the next City Council meeting.

Mayor Pro Tem Foulds seconded the motion which carried unanimously 3 to 1, with Council Member Crow opposed.

L. Discuss and Consider Approval of a One Month Extension of the Ranch Park House Lease Agreement between the City of Dripping Springs and Cody Kinsey

The City Council agreed via unanimous consent to hear this item after Executive Session.

M. Discuss and Consider Approval of a Resolution of the City of Dripping Springs Amending the Personnel Manual and Adopting a Uniform Policy

A motion was made by Mayor Pro Tem Foulds to approve a Resolution of the City of Dripping Springs Amending the Personnel Manual and Adopting a Uniform Policy. Council Member King seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2018-R37

- N. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Employee regarding the Ranch Park House for a term of One Year**

The City Council agreed via unanimous consent to hear this item after Executive Session.

- O. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Raoul Asuan regarding an RV Site located at the Dripping Springs Ranch Park, 1042 Event Center Drive, Dripping Springs, TX**

The City Council agreed via unanimous consent to hear this item after Executive Session.

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**

The Parks & Community Services report is on file and available for review upon request.

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 motion was made by Council Member Manassian to recess into Executive Session under Texas Government Code Sections 551.071, 551.072, and 551.074, and to include Executive Session Agenda Items A – H, and Business Agenda Items A, G, I, L, N and O.

- A. Consultation with City Attorney and Discussion of Personnel Matters to include Duties, Employment, and Pay of Building Permit Technician Megan Chamberlain.**
Consultation with City Attorney, 551.071; Personnel Matters, 551.074
- B. Consultation with City Attorney related to Gateway 26 Doors road improvements.**
Consultation with City Attorney, 551.071
- C. Consultation with City Attorney regarding the Settlement Agreement between the City of Dripping Springs and Other Parties regarding Texas Pollutant Discharge Elimination System Permit No. WQ001448803; and the Creation of a Utilities Commission**

Consultation with City Attorney, 551.071

- D. Consultation with City Attorney regarding Legal Issues related to Christmas on Mercer Sponsorship Agreement.**
Consultation with City Attorney, 551.071
- E. Consultation with City Attorney regarding legal issues related to a professional services agreement for personnel services.**
Consultation with City Attorney, 551.071
- F. Deliberation regarding the potential purchase of all or a portion of real property related to the Transportation Plan.**
Purchase, Exchange, Lease or Value of Real Property, 551.072
- G. City Attorney Consultation regarding Responses to the City's Request for Qualifications related to Wastewater System Improvements expected to be funded by the Texas Water Development Board and authorize staff to negotiate Contracts for the following services:**
Consultation with City Attorney, 551.071
- H. Consultation with City Attorney regarding Professional Services for Hotel Occupancy Tax and Sales Tax Audit and Collection Services**
Consultation with City Attorney, 551.071

BUSINESS AGENDA ITEMS:

- A. Discuss and Consider Approval of A Consultant Services Agreement between the City of Dripping Springs and MuniServices, LLC for the following: 1) Sales Tax Compliance Review; 2) Clearview Sales/Use Tax Analysis and Reporting Service; and 3) Local Occupancy Tax Program Discovery/Recovery, Audit and Administration Services**
- G. Discuss and Consider the Responses to the City's Request for Qualifications related to Wastewater System Improvements expected to be funded by the Texas Water Development Board and authorize staff to negotiate Contracts for the following services: 1. Bond Counsel; 2. General Counsel; 3. Special Wastewater Counsel; 4. Financial Advisor; 5. Engineering; 6. Environmental Engineering; 7. Geotechnical Engineering; 8. Surveying; 9. Appraiser; and 10. Reviewer Appraiser.**
- I. Discuss and Consider Approval of a Liability & Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Outfitters, LLC and regarding the 2018 Christmas on Mercer Event**
- L. Discuss and Consider Approval of a One Month Extension of the Ranch Park House Lease Agreement between the City of Dripping Springs and Cody Kinsey**
- N. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Employee regarding the Ranch Park House for a term of One Year**

O. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Raoul Asuan regarding an RV Site located at the Dripping Springs Ranch Park, 1042 Event Center Drive, Dripping Springs, TX

The City Council met in Executive Session from 9:05 p.m. – 10:09 p.m.

No vote or action was taken in Executive Session.

Mayor Pro Tem Foulds adjourned the Executive Session and returned the meeting to Open Session at 10:10 p.m. The following action was taken on Executive Agenda Item A and Business Agenda Items A, G, I, L, N and O.

Executive Agenda Item

A. Consultation with City Attorney and Discussion of Personnel Matters to include Duties, Employment, and Pay of Building Permit Technician Megan Chamberlain.

Consultation with City Attorney, 551.071; Personnel Matters, 551.074

A motion was made by Council Member Manassian to approve unpaid leave for thirty (30) days or until January 2, 2019 for Permit Technician Megan Chamberlain. Council Member King seconded the motion which carried unanimously 4 to 0.

Business Agenda Items

A. Discuss and Consider Approval of A Consultant Services Agreement between the City of Dripping Springs and MuniServices, LLC for the following: 1) Sales Tax Compliance Review; 2) Clearview Sales/Use Tax Analysis and Reporting Service; and 3) Local Occupancy Tax Program Discovery/Recovery, Audit and Administration Services

No action was taken on this item.

G. Discuss and Consider the Responses to the City's Request for Qualifications related to Wastewater System Improvements expected to be funded by the Texas Water Development Board and authorize staff to negotiate Contracts for the following services: 1. Bond Counsel; 2. General Counsel; 3. Special Wastewater Counsel; 4. Financial Advisor; 5. Engineering; 6. Environmental Engineering; 7. Geotechnical Engineering; 8. Surveying; 9. Appraiser; and 10. Reviewer Appraiser.

Ginger Fought presented the staff report. The notice was published for two weeks and sufficient Request for Qualifications were not received for Surveying, Appraiser and Reviewer Appraiser.

A motion was made by Mayor Pro Tem Foulds to republish notice for Request for Qualifications for Surveying, Appraiser and Reviewer Appraiser, and to authorize City Staff to negotiate the following contracts to be considered at a later City Council meeting:

- Bond Counsel, McCall Parkhurst & Horton;
- General Counsel, Bojorquez Law Firm, PC;

- Special Water Counsel, AL Law Group;
- Financial Advisor, SAMCO Capital Markets;
- Engineering, Carollo and CMA Engineering;
- Environmental Engineering, Horizon Environmental Services, Inc; and
- Geotechnical Engineering, Terracon.

Council Member King seconded the motion which carried unanimously 4 to 0.

I. Discuss and Consider Approval of a Liability & Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Outfitters, LLC and regarding the 2018 Christmas on Mercer Event

Michelle Fischer presented the staff report. Staff recommends approval of the agreement as revised by Assistant City Attorney Laura Mueller.

The applicant's representative, Efren Garcia, clarified that the applicant is only seeking to be included in event promotional materials that have not already been printed.

A motion was made by Council Member Manassian to approve a Liability & Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Outfitters, LLC and regarding the 2018 Christmas on Mercer Event as revised by Assistant City Attorney Laura Mueller and at a Sponsorship Level of Santa Claus. Council Member Crow seconded the motion which carried unanimously 4 to 0.

L. Discuss and Consider Approval of a One Month Extension of the Ranch Park House Lease Agreement between the City of Dripping Springs and Cody Kinsey

A motion was made by Council Member Manassian to approve a One Month Extension of the Ranch Park House Lease Agreement between the City of Dripping Springs and Cody Kinsey. Council Member King seconded the motion which carried unanimously 4 to 0.

The City Council directed staff to address the pet deposit, and removal of certain items from the premises.

N. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Employee regarding the Ranch Park House for a term of One Year

No action was taken on this item.

O. Discuss and Consider Approval of a Lease Agreement between the City of Dripping Springs and Raoul Asuan regarding an RV Site located at the Dripping Springs Ranch Park, 1042 Event Center Drive, Dripping Springs, TX

A motion was made by Council Member Manassian to approve a Lease Agreement between the City of Dripping Springs and Raoul Asuan regarding an RV Site located at the Dripping Springs Ranch Park, 1042 Event Center Drive, Dripping Springs, TX with the condition that the City is authorized to change the location of the RV Site at any time. Council Member King seconded the motion which carried unanimously 4 to 0.

XIII. UPCOMING MEETINGS

- A. City Council & Board of Adjustment Regular Meetings:
November 20, 2018 - 6:00 p.m. Regular Meeting
December 11, 2018 - 5:30 p.m. Workshop, 6:30 p.m. Regular Meeting
December 18, 2018 - 6:00 p.m. Regular Meeting
- B. November Board & Commission Meetings:
November 15, 2018 - 10:00 a.m. Farmers Market Association Board
November 15, 2018 - 5:00 p.m. Emergency Management Commission
November 27, 2018 - 6:30 p.m. Planning & Zoning Commission
December 3, 2018 - 4:00 p.m. TIRZ Board
December 3, 2018 - 6:00 p.m. Parks & Recreation Commission
December 5, 2018 - 4:00 p.m. Historic Preservation Commission
December 10, 2018 - 6:30 p.m. Founders Day Commission

XIV. ADJOURN

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

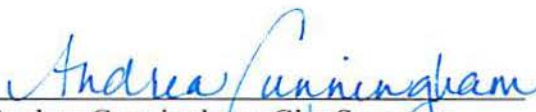
This regular meeting adjourned at 10:22 p.m.

DATE APPROVED: December 11, 2018



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

