

City Council & Board of Adjustment

Workshop & Regular Meeting Minutes

February 13, 2018: 5:30 p.m. Workshop, 6:30 p.m. Meeting

A Workshop and Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, February 13, 2018 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 - 5:30 p.m.

City Council Members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow (arrived at 5:46 p.m.)
Council Member Wade King (arrived at 6:30 p.m.)
Council Member John Kroll
Council Member Taline Manassian

City Staff/Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Planner Megan Will
Director of Public Works Kyle Dannhaus
Parks & Community Services Director Mariana Espinoza
City Engineer Chad Gilpin
City Treasurer Gina Gillis
Assistant City Attorney Laura Mueller
Special Counsel Dottie Palumbo
Consulting Land Planner Anjali Naini
Planning and Zoning Commission Chair Mim James
Planning and Zoning Commission Vice Chair James Martin

With a quorum of the City Council present, Mayor Purcell called the workshop to order at 5:34 p.m.

II. WORKSHOP

No action to be taken during workshop. Staff Reports regarding Consent, Site Developments, Subdivisions, Zoning, On Site Sewage Facilities, Signs, Variances, Waivers, Special Exceptions, Annexations, Alternate Standards, Business, and Other Agenda Items listed below.

III. RECESS

IV. RECONVENE AT 6:30 p.m.

With a quorum of the City Council present, Mayor Purcell called the meeting to order and returned to Open Session and opened the regular meeting.

V. PLEDGE OF ALLEGIANCE

Mayor Purcell led the Pledge of Allegiance.

Without objection from the City Council, Mayor Purcell took up Business Item A for consideration.

IX. BUSINESS

Consideration and Possible Action On:

A. 2018 Founders Memorial Park Pool Fees, Hours of Operation, and Job Descriptions; and authorization for the City Administrator and Parks and Community Services Director to hire pool employees

A motion was made by Mayor Pro Tem to approve the 2018 Founders Memorial Park Pool Fees, and Job Descriptions and authorization for City Administrator and Parks and Community Services Director to hire pool employees; and to postpone consideration on the Hours of Operation to the April 20, 2018 Regular City Council meeting. Council Member Manassian seconded the motion which carried unanimously 5 to 0.

VI. PRESENTATION OF CITIZENS

Floor open to discussion on any subject. No action may be taken by law. Citizens wishing to speak shall do so after being recognized by the Mayor. The Mayor and City Council may establish a time limit as necessary.

Rich Beggs, Casey Cutler, Holton Burns, Kasey Mock, Jeff Shaw, Sharon Darley, Elizabeth Smith, Wes Pitts, John Williamson, and Kara Shaw spoke in opposition to the City's Application for a Wastewater Discharge Permit.

Terry Tull spoke regarding municipal land use and statutory requirements.

Jamie Lipman spoke in opposition to the Site Development Permit Application for the Mark Black Wedding Venue.

VII. CONSENT ITEMS

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a

collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

- A. Approval of the Regular City Council Minutes of January 9, 2018, and the Special City Council Minutes of January 23, 2018**
- B. Approval of City Treasurer's Report for January 2018**
- C. Approval of an Ordinance Calling for the City of Dripping Springs General Election for two City Council Seats, and one Mayoral Seat to be held on May 5, 2018**
Filed as Ordinance No. 2018-03
- D. Approval of a Resolution Accepting Improvements and Approving Maintenance Bond for Street, Drainage, Water, and Wastewater Improvements at Caliterra Phase 2, Section 7**
Filed as Resolution No. 2018-R07
- E. Approval of a Professional Services Agreement between the City of Dripping Springs and CMA Engineering, Inc. for Engineering Services regarding the South Regional Wastewater Facilities Development**
- F. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce regarding First Thursdays 2018**
- G. Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Hill Country Rally for Kids for the Hill Country Rally for Kids Car Show to be held on September 15, 2018**
- H. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and D Bar S Roping to hold weekly Roping Practices at Dripping Springs Ranch Park**
- I. Approval of Co-Sponsorship Agreement between Dripping Springs Ag Boosters and the City of Dripping Springs for the 2018 Dripping Springs Fair and Rodeo**
- J. Approval of Fee Waiver for the Hays County Sheriff's Department Bleacher Lease for the Annual Capital of Texas Police Motorcycle Chute Out**
- K. Approval of the Postponement of SD2017-0005 Site Development Permit Application for the Mark Black Wedding Venue located at 130 W. Concord Circle, Driftwood, TX (ETJ) to the Regular City Council Meeting of February 20, 2017**
- L. Approval of an Agreement between the City of Dripping Springs and Safesite, Inc. for secure document shredding services**

A motion was made by Mayor Pro Tem Foulds to approve Consent Items A – L. Council Member King seconded the motion which carried unanimously 5 to 0.

**VIII. SUBDIVISION/SITE DEVELOPMENT/
ZONING/SIGNAGE/CONDITIONAL USE
PERMITS/VARIANCES/WAIVERS/SPECIAL EXCEPTIONS**

Discussion and Possible Action on:

- A. SD2017-0005 Site Development Permit Application for the Mark Black Wedding Venue located at 130 W. Concord Circle, Driftwood, TX (ETJ).**
Applicant, Andrew Evans, Kimley Horn and Associates.

This item was postponed to the March 20, 2018 Regular City Council meeting with the approval with the Consent Agenda. The City Council held the Public Hearing for members of the public wishing to speak.

3. Public Hearing

Anne Taylor, Jeanine Christensen, Brian Dudley, Bob Logan, Mike Dunmire, Shelah Cisneros, Carlos Verdin, and Kasey Gerhar spoke in opposition to the Application for Site Development for the Mark Black Wedding Venue.

- B. CUP2017-0004: Conditional Use Permit Application for a Bar located at 251 Baird Lane, Dripping Springs Texas 78620; A request for a Variance to the Dripping Springs Code of Ordinances, Chapter 30 - Zoning, Exhibit A, Section 5A, Subsection 5.8.2 Fire Lanes to allow a paved width of 20 ft. where a minimum width of 24 ft. is otherwise required; A request for a Variance to the Dripping Springs Code of Ordinances Chapter 6 - Section 6.04.002(a) to allow a separation of 204 feet between a school and bar where a minimum distance of 300 feet is otherwise required.** *Applicant, Jon Thompson*

1. Presentation

Chris Holtkamp introduced Kevin and Mandi Roarke, the owners of the proposed project. Mr. and Mrs. Roarke presented their project, addressing the variance requests and conditional use permit.

2. Staff Report

Megan Will presented the staff report which is on file and available for review. Staff recommends denial of the variances and conditional use permit. Should the City Council decide to deny the conditional use permit, the variance requests become null and void. However, if the City Council approves the condition use permit and subsequently the variance requests, staff recommends the following conditions:

- (1) A right-turn only sign should be posted at the Baird Lane and Hwy 290 intersection.

- (2) Fire Lane/No Parking signage will be required along Baird Lane and at the hammerhead turn around required by ESD 6.
- (3) Outdoor speakers and amplified music are prohibited.
- (4) Hours of operation shall be mutually exclusive of the hours of operation of the in-home daycare existing at 115 Baird Lane; and in no circumstance, shall exceed 3PM – 11PM Monday thru Friday, and 11AM – 11PM Saturday thru Sunday.
- (5) A recent survey of the property clearly indicating the width of Baird Lane and showing it is wide enough to accommodate the required paved fire lane and in the opinion of the City Engineer, to provide safe and efficient vehicular circulation must be submitted with any site development.
- (6) Evidence of TxDOT approval of the widening curb cut at US Hwy 290 is required with any site development permit submittal.

3. Planning and Zoning Commission Report

Vice Chair Martin: The Commission recommended denial of the requests and conditional use permit. Commissioner McIntosh abstained from voting on the item.

4. Public Hearing

Elizabeth Smith and Becky Welbourn spoke in opposition to the item.

5. School Separation Distance Variance

A motion was made by Council Member Kroll to deny the Variance Request for a school separation waiver. Council Member Manassian seconded the motion. After some discussion on the motion, Council Members Kroll and Manassian withdrew their motion and seconded, respectively.

A motion was made by Mayor Pro Tem Foulds to vote on the Conditional Use Permit before voting on the two Variance Requests. Council Member King seconded the motion which carried unanimously 5 to 0

6. Fire Lane Variance

No action was taken on this item.

7. Conditional Use Permit

A motion was made by Mayor Pro Tem Foulds to deny the Condition Use Permit. Council Member Kroll seconded the motion which carried 4 to 1, with Council Member King opposed.

Because the conditional use permit was not approved, the requests for variances is null and void; therefore, City Council took no action on the Fire Lane Variance and School Separation Distance Variance.

C. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 1501 Woods Loop, Driftwood, Texas 78619, Applicant, Duel Tarrant

Mayor Pro Tem Foulds recused from this item and stepped down from the dais.

1. Presentation

Chris Holtkamp was present to represent the client and available for questions from the City Council.

2. Staff Report

Megan Will presented the staff report which is on file and available for review. Staff recommends approval of the conditional use permit with the following conditions:

- (1) The ADU shall be inspected prior to occupancy for compliance with basic International Residential Code standards limited to: Electrical, Plumbing, Structural, and Safety Issues that can be observed by the Code Enforcement Official in the ADU.
- (2) The ADU shall be connected to an approved on-site septic system prior to occupancy.

3. Planning and Zoning Commission Report

Vice Chair Martin: The Commission recommended approval of the conditional use permit with staff recommendations.

4. Public Hearing

Wayne Simoneau spoke in opposition to the item.

5. Conditional Use Permit

A motion was made by Council Member Crow to deny the conditional use permit. Council Member Kroll seconded the motion which carried 3 to 1, with Council Member King opposed.

D. CUP2017-0005: Conditional Use Permit Application for a Commercial Parking Lot located at 105 Grand Prairie Cir., Dripping Springs, TX 78620 Applicant, Jon Thompson

1. Presentation

Chris Holtkamp was present to represent the client and available for questions from the City Council.

2. Staff Report

Megan Will presented the staff report which is on file and available for review. Staff recommends approval of the conditional use permit with the following conditions:

- (1) Per Zoning Ordinance Section 5.9.1(1) the commercial parking lot must meet the applicable setback requirements.
- (2) Per Zoning Ordinance Section 5.9.1(2) the commercial parking lot must meet all applicant standards of Section 28.06.055 of the City's Landscape Ordinance

3. Planning and Zoning Commission Report

Vice Chair Martin: The Commission recommended approval of the Conditional Use Permit with staff recommendations.

4. Public Hearing

No one spoke during the Public Hearing.

5. Conditional Use Permit

A motion was made by Council Member King to approve the conditional use permit. Council Member King seconded the motion which carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Foulds to hear Items I and J out of order. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

I. SUB2017-0003 Partial Vacation of Arrowhead Ranch Lots 1 and 2 of the Arrowhead Ranch Section One, a Subdivision Recorded in Volume 16, Page 267 of the Plat Records of Hays County Texas. Location - 1610 Creek Rd., Dripping Springs, TX 78620. Applicant, Doug Rummel, P.E., RPLS

1. Presentation

Christine Methvin with Carlson, Brigance & Doering, Inc. presented the item.

2. Staff Report

Megan Will presented the staff report which is on file. Staff recommends approval of the request for a partial vacation of Arrowhead Ranch Lots 1 and 2.

3. Planning and Zoning Commission Report

Vice Chair Marin: The Commission recommended approval of the partial plat vacation.

4. Public Hearing

No one spoke during the Public Hearing.

5. Plat Vacation

A motion was made by Council Member King to approve the Partial Plat Vacation for Arrowhead Ranch Lots 1 and 2 of Arrowhead Ranch Section One. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

J. SUB2017-0003 Minor Plat for Arrowhead Ranch Section One A, a 7.710 acre tract located at 1610 Creek Rd., Dripping Springs, TX 78620. Applicant, Doug Rummel, P.E., RPLS

1. Presentation

2. Staff Report

3. Planning and Zoning Commission Report

The presentation, staff report, and Planning and Zoning Commission report were give during the previous item – Arrowhead Plat Vacation.

4. Public Hearing

No one spoke during the Public Hearing.

5. Minor Plat

A motion was made by Council Member King to approve the Minor Plat for Arrowhead Ranch Section One. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

A motion was made by Council Member Kroll to hear Business Item C out of order. Council Member Crow seconded the motion which carried unanimously 5 to 0.

IX. BUSINESS

Consideration and Possible Action On:

C. A Resolution of the City of Dripping Springs, Texas Approving and Authorizing the Mayor to Execute the "Westwood Public Improvement District Financing Agreement": Between the City of Dripping Springs, Texas and Scenic Land Holdings, LLC, a Delaware Limited Liability Company, and Establishing an Effective Date

- 1. Presentation*
- 2. Staff Report*
- 3. PID Financing Agreement*

Dottie Palumbo gave presentation on the item, and presented the staff report during the Workshop.

4. Resolution

A motion was made by Council Member Kroll to approve the resolution. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2018-R08

**VIII. SUBDIVISION/SITE DEVELOPMENT/
ZONING/SIGNAGE/CONDITIONAL USE
PERMITS/VARIANCES/WAIVERS/SPECIAL EXCEPTIONS**

Discussion and Possible Action on:

E. ZA2017-0002: Zoning Amendment Ordinance No. 1220.152: Approval of an Ordinance of the City of Dripping Springs, Texas, Rezoning a Tract of Land Totaling 16.0118 Acres Located at 23000 W FM 150, Dripping Springs, Texas from Agriculture (AG) to Single-Family Residential,

Moderate Density (SF-2), and Described as Follows: 16.0118 Acres out of the Thomas R. Jackson League, Abstract No. 9, Applicant, Dan Druck

1. Presentation – no presentation

2. Staff Report

Anjali Naini presented the staff report which is on file. Staff recommends approval of Ordinance No. 1220.152.

3. Planning and Zoning Commission Report

Chair James: The Commission recommended approval 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Ordinance No.1220.152

A motion was made by Mayor Pro Tem Foulds to approve Ordinance No. 1220.152. Council Member King seconded the motion which carried unanimously 5 to 0.

F. SUB2017-0002: Charro Vista Subdivision. A Preliminary Plat for a 16.0091 Acre Property Located at 23000 W FM 150, Dripping Springs, Texas (Thomas R. Jackson League, Abstract No. 9), Applicant, Dan Druck, Charro Vista, LLC

1. Presentation – no presentation

2. Staff Report

Anjali Naini presented the staff report which is on file. Staff recommends approval of the Parkland Dedication as recommend by Parks Consultant Brent Luck, and the Preliminary Plat conditional upon any additions or alterations to the engineering plans as deemed necessary by the City Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision and adequate response to all comments.

3. Parks & Recreation Commission Report

The Parks & Recreation Commission recommended approval of the Parkland Dedication.

4. Planning and Zoning Commission Report

Chair James: The Commission recommended approval of the Preliminary Plat and Parkland Dedication 6 to 0.

5. Public Hearing

No one spoke during the Public Hearing.

6. Parkland Dedication

7. Preliminary Plat

A motion was made by Mayor Pro Tem Foulds to approve the Preliminary Plat and Parkland Dedication as recommended. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

G. Replat of Springlake Subdivision Lot 122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr., Dripping Springs, TX 78620. Applicant, Hugo Elizondo Jr., P.E., Cuatro Consultants LTD.

1. Presentation – no presentation

2. Staff Report

Megan Will presented the staff report which is on file. Staff recommends approval of the replat.

3. Planning and Zoning Commission Report

Vice Chair Martin: The Commission recommend approval of the replat 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Replat

A motion was made by Council Member King to approve the replat. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

H. SUB2017-0004 Replat of Springlake Subdivision Tract 88A, Establishing Lots 88A-1 and Lot 88A-2 located at 101 Homestead Ln., Dripping Springs, TX 78620. Applicant, Kelly Kilber, P.E., Tri-Tech Engineering

1. Presentation – no presentation

2. Staff Report

Megan Will presented the staff report which is on file. Staff recommends approval of the replat.

3. Planning and Zoning Commission Report

Vice Chair Martin: The Commission recommended approval 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Replat

A motion was made by Council Member Kroll to approve the replat. Council Member King seconded the motion which carried unanimously 5 to 0.

I. SUB2017-0003 Partial Vacation of Arrowhead Ranch Lots 1 and 2 of the Arrowhead Ranch Section One, a Subdivision Recorded in Volume 16, Page 267 of the Plat Records of Hays County Texas. Location - 1610 Creek Rd., Dripping Springs, TX 78620. Applicant, Doug Rummel, P.E., RPLS

This item was considered earlier in the agenda.

J. SUB2017-0003 Minor Plat for Arrowhead Ranch Section One A, a 7.710 acre tract located at 1610 Creek Rd., Dripping Springs, TX 78620. Applicant, Doug Rummel, P.E., RPLS

This item was considered earlier in the agenda.

IX. BUSINESS

Consideration and Possible Action On:

A. 2018 Founders Memorial Park Pool Fees, Hours of Operation, and Job Descriptions; and authorization for the City Administrator and Parks and Community Services Director to hire pool employees

This item was considered earlier in the agenda.

B. Discussion and selection of a proposal for banking services based on a Request for Proposals.

Michelle Fischer presented the staff report which is on file. Staff recommends selection of Pioneer Bank for the City's banking services.

A motion was made by Mayor Pro Tem Foulds to select Pioneer Bank for the City's banking services, and to direct staff to draft an agreement for the City Council's consideration at the April 20, 2018 Regular City Council meeting. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

C. A Resolution of the City of Dripping Springs, Texas Approving and Authorizing the Mayor to Execute the "Westwood Public Improvement District Financing Agreement": Between the City of Dripping Springs, Texas and Scenic Land Holdings, LLC, a Delaware Limited Liability Company, and Establishing an Effective Date

This item was considered earlier in the agenda.

X. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Transportation Committee Monthly Report**
- B. Economic Development Committee Monthly Report**
- C. Parks and Community Services Monthly Report**
- D. Dripping Springs Ranch Park Monthly Report**
- E. Farmers Market Monthly Report**

A copy of the above reports is on file in the City Secretary's Office and available for inspection upon request.

XI. 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 the Proposed Settlement Agreement between the City of Dripping Springs, the City of Austin and other Parties regarding Texas Pollutant Discharge Elimination System Permit No. WQ001448803 (551.071 Consultation with City Attorney)**
- B. Consultation with City Attorney Regarding Allocation of Wastewater Capacities and Potential Alternatives and Options to Currently Planned Wastewater Discharge Permitting Plans, Including Potential Additional**

Area Needed to Meet Wastewater Service Needs (551.071 Consultation with City Attorney and 551.072 Purchase, Exchange, Lease, or Value of Real Property)

- C. Deliberation regarding the potential purchase of all or a portion of real property related to the Transportation Plan. (551.072 Purchase, Exchange, Lease or Value of Real Property)**
- D. Consultation with City Attorney regarding an Agreement between the City of Dripping Springs and the Hays County Livestock Board (551.071 Consultation with City Attorney)**

The City Council did not meet in Executive Session.

XII. ANNOUNCEMENTS

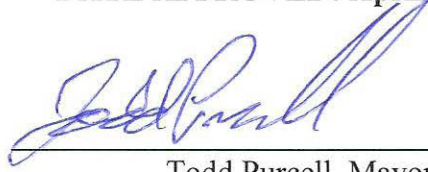
- A. Regular City Council Meeting, February 20, 2018, 6:00 PM**
- B. Regular City Council Meeting, March 13, 2018, 5:30 PM Workshop/6:30 PM Meeting**
- C. Regular City Council Meeting, March 20, 2018, 6:00 PM**

XIII. ADJOURN

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

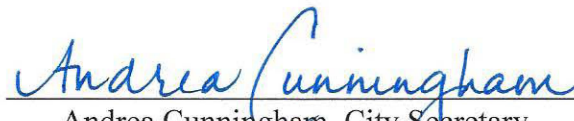
This regular meeting adjourned at 9:37 p.m.

DATE APPROVED: April 10, 2018



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

