

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE CITY COUNCIL & BOARD OF ADJUSTMENT
REGULAR MEETING OF TUESDAY, DECEMBER 19, 2017 AT 6:00 P.M.**

A Workshop and Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, December 19, 2017 at 6:00 p.m., in the Council Chambers located at City Hall, 511 Mercer Street, Dripping Springs, Texas.

City Council Members Present were:

Mayor Todd Purcell
Council Member Wade King
Council Member John Kroll
Council Member Taline Manassian

City Council Members Absent were:

Mayor Pro Tem Bill Foulds
Council Member Travis Crow

City Staff and Appointed Officials Present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Communications Coordinator Bonnie Gonzalez
City Planner Megan Will
Assistant City Attorney Laura Mueller
Planning & Zoning Commission Chari Mim James

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

PLEDGE OF ALLEGIANCE

Mayor Purcell led the Pledge of Allegiance to the Flag.

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.

No one spoke during Presentation of Citizens.

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 Resolution No. 2017-80: A Resolution supporting the Hays County 2016 Road Bond Program project applications to be submitted to the Capital Area Metropolitan Planning Organization for the Fiscal Year 2019-2022 Project Call for Funding (Sponsor: Mayor Purcell)**
- B. Approval of Resolution No. 2017-81: A Resolution of the City of Dripping Springs Adopting a Purchasing Policy (Sponsor: Mayor Purcell)**
- C. Approval of Resolution No. 2017-81: Adopting a Revolving Door Policy for the City of Dripping Springs (Sponsor: Mayor Purcell)**
- D. Approval of Professional Services Agreement between the City of Dripping Springs and Environmental Concepts for Environmental Health /OSSF Inspection & City Inspection Services**
- E. Approval of Professional Services Agreement between the City of Dripping Springs and Gilpin Engineering Company for Engineering Services**
- F. Approval of Resolution No. 2017-82: A Resolution of the City of Dripping Springs, Texas ("City"), accepting Substantial Completion of Improvement and approving and accepting Maintenance Bond for Wastewater Treatment Plant Improvements**
- G. Approval of Professional Services Agreement with Grant Development Services for submittal of an application for the Capital Area Metropolitan Planning Organization (CAMPO) 2019-2022 Project Call and TDC for Old Fitzhugh Road and Founders Park Road Improvements**
- H. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and New Life Christian Church for Thirsty Thursdays to be held in City Hall Council Chambers (Sponsor: Council Member King)**

A motion was made by Council Member Kroll to approve Consent Items A, B, and D through H; and postpone Consent Item C to the January 9, 2018 Regular City Council meeting. Council Member King seconded the motion, which carried unanimously 3 to 0.

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

Consideration and Possible Action on:

- A. Conditional Use Permit Application for a self-storage facility located at 27010 RR 12, Dripping Springs, Texas 78620; a request for Variance to the Dripping Springs Code of Ordinances, Chapter 30 – Zoning, Exhibit A, Section 3.12.4(d) Gross Floor Area for Nonresidential structures to allow a 71,817 sq. ft. building where otherwise limited to 50,000 sq. ft.; and 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. Jon Thompson, Applicant

1. Presentation – Jon Thompson

Jon Thompson presented the item. The applicant is applying for a variance on the total square footage of two buildings and is willing to mitigate through scale and massing, and some vegetation. The property will comply with the City's Lighting, Landscaping and Exterior Design Ordinances. Drainage and Water Quality concepts will be addressed during site development. Applicant submitted an improved fire lane exhibit.

Dwaync Junken spoke on behalf of the project.

2. Staff Report – Megan Will

Megan Will presented the staff report which is on file and available for review upon request. Staff recommends approval of the Conditional Use Permit with the following recommendations: 1) applicant shall obtain a waiver from the City's Exterior Design Ordinance and approval of an Alternate Exterior Plan, 2) applicant shall obtain the City Engineer's approval of the proposed rainwater collection system and/or reduce the impervious cover on site so that the net impervious cover on site does not exceed what is shown on concept plan submitted and attached (76,173 sq. ft./64.2% of the site), and 3) hours of operation for Office shall be 8:30 am – 6:00 pm Monday thru Friday, 8:30 am – 2:00 pm Saturday, closed Sunday, and gate access hours shall be 6:00 am – 10:00 pm daily.

3. Planning & Zoning Commission Report – Mim James

Planning & Zoning Commission recommended approval with staff recommendations 7 to 0.

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 Condition Use Permit with staff recommendations as presented. Council Member Taline seconded the motion, which carried unanimously 3 to 0.

6. *Variance Request to exceed maximum gross floor area allowed*
7. *Variance Request to allow a fire lane paved width of 20 feet where a minimum width of 24 feet is otherwise required*

Pursuant to Texas Local Government Code Section 211.008(d) the Board of Adjustment must have five out of six, or a 75 percent (75%) representation of members in order to take action regarding Variances. With only 4 out of 6 Board of Adjustment Members present, this body cannot consider or take action on the Variance Requests as posted in Item A, numbers 6 and 7 (above).

B. CUP2017-0001: Conditional Use Permit Application for a bar located at 28911 RR 12, Dripping Springs, TX 78620. Jon Thompson, Applicant

1. Presentation – Neil Stokes, Owner

Neil Stokes presented the item. The project will include rainwater collection and other “green” aspects. Mr. Stokes met with the neighbors, and discussed that this will be a bar serving alcohol and that there will be no kitchen attached to the bar, there will be no amplified music, and the owner will work on traffic safety issues. Mr. Stokes is requesting hours of operation of seven days a week, until midnight.

2. Staff Report – Megan Will

Megan Will presented the staff report which is on file and available for inspection upon request. Staff recommends approval of the Conditional Use Permit with following recommendations: 1) hours of operation are Monday thru Sunday, 12:00 pm – 12:00 am, 2) no speakers of amplified music is permitted, 3) decibel level shall not exceed 85 decibels per the TX Penal Code, Title 9, Section 42.02(c)(2), and 4) a pedestrian connection to the property immediately adjacent to the north must be provided.

Planning & Zoning Commission recommended approval with staff recommendations 6 to 0.

3. Public Hearing

During the Public Hearing, Connie Langford spoke in opposition to the Conditional Use Permit; and Brian Hill and Ron Scott Adams spoke in favor of the Conditional Use Permit, however, Mr. Adams still has concerns regarding traffic safety issues.

4. Conditional Use Permit

A motion was made by Council Member Kroll to approve the Conditional Use Permit with staff recommendations. Council Member King seconded the motion, which carried unanimously 3 to 0.

BUSINESS

Consideration and Possible Action on:

A. TIRZ Town Center Preliminary Concept Plan

1. Public Hearing

No one spoke during the Public Hearing.

2. Preliminary Concept Plan

A motion was made by Council Member Manassian to approve the Preliminary Concept Plan. Council Member Kroll seconded the motion, which carried unanimously 3 to 0.

B. Revised Ingress and Egress Easement between the City of Dripping Springs and Glenn T. Goode and Anne E. Davison regarding property located at Dripping Springs Ranch Park, commonly known as Harrison Hills Tract

1. Revised Ingress and Egress Easement

A motion was made by Council Member Kroll to approve the revised Easement. Council Member King seconded the motion.

Without objection from the City Council, Mayor Purcell recessed the meeting into Executive Session.

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 area needed to meet wastewater service needs (551.071 Consultation with City Attorney; 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 contract for services with City Engineer and legal requirements related to position of City Engineer (551.071 Consultation with City Attorney)**
- E. Consultation with City Attorney regarding legal issues related to Goode Easement and roadway extension (551.071 Consultation with City Attorney)**
- F. Consultation with City Attorney on DSISD waiver of two-year maintenance bond for Roger Hanks Roadway Project Phase I (551.071 Consultation with city Attorney)**

The City Council met in Executive Session from 7:10 p.m. – 7:15 p.m.

No action or vote was taken in Executive Session.

Mayor Purcell returned the meeting to Open Session at 7:15 p.m.

BUSINESS (continued)

Consideration and Possible Action on:

- B. Revised Ingress and Egress Easement between the City of Dripping Springs and Glenn T. Goode and Anne E. Davison regarding property located at Dripping Springs Ranch Park, commonly known as Harrison Hills Tract**

- 2. Revised Ingress and Egress Easement*

A motion was made by Council Member Kroll to approve the revised Easement. Council Member King seconded the motion, which carried unanimously 3 to 0.

- C. Update on Westwood Public Improvement District**

- 1. Plan of Finance Agreement*
- 2. Service and Assessment Plan*
- 3. Ag Waiver Agreement*
- 4. Landowner Agreement*
- 5. Acquisition and Reimbursement Agreement*

Mim James presented the update. There are no substantive issues left, and he anticipates moving forward in January 2018.

No action was taken on this item.

- D. Options for a Maintenance Bond of Dripping Springs Independent School District (DSISD) construction on Roger Hanks Parkway**

A motion was made by Council Member Kroll to pay \$1,500.00 to Dripping Springs Independent School District for a two-year Maintenance Bond. Council Member King seconded the motion, which carried unanimously 3 to 0.

E. Approval of Appointment of Chad Gilpin, P.E. as City Engineer

A motion was made by Council Member Kroll to approve the appointment of Chad Gilpin, P.E. as the City of Dripping Springs City Engineer effective December 31, 2017. Council Member King seconded the motion, which carried unanimously 3 to 0.

REPORTS OF AGENCIES, COMMISSIONS AND STAFF

A. Parks and Community Services Report

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.

- G. 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)**
- H. Consultation with City Attorney regarding allocation of wastewater capacities and potential alternatives and options to currently planned wastewater discharge permitting plans, including potential area needed to meet wastewater service needs (551.071 Consultation with City Attorney; 551.072 Purchase, Exchange, Lease, or Value of Real Property)**
- I. 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)**
- J. Consultation with City Attorney regarding contract for services with City Engineer and legal requirements related to position of City Engineer (551.071 Consultation with City Attorney)**
- K. Consultation with City Attorney regarding legal issues related to Goode Easement and roadway extension (551.071 Consultation with City Attorney)**
- L. Consultation with City Attorney on DSISD waiver of two-year maintenance bond for Roger Hanks Roadway Project Phase I (551.071 Consultation with city Attorney)**

The City Council met in Executive Session from 6:18 p.m. – 6:58 p.m.

No action or vote was taken in Executive Session.

Mayor Purcell returned the meeting to Open Session at 6:58 p.m.

ADJOURN

A motion was made by Mayor Pro Tem Foulds to adjourn the meeting. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

This regular meeting adjourned at 6:59 p.m.

DATE APPROVED: December 12, 2017



Bill Foulds, Mayor Pro Tem

ATTEST:



Andrea Cunningham, City Secretary

