

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE CITY COUNCIL & BOARD OF ADJUSTMENT
REGULAR MEETING OF TUESDAY, DECEMBER 12, 2017 AT 5:30 P.M.**

A Workshop and Regular Meeting of the City Council of Dripping Springs, Texas was held Tuesday, December 12, 2017 at 5:30 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 Travis Crow
Council Member John Kroll
Council Member Taline Manassian
Council Member Wade King (arrived at 6:11 p.m.)

City Council Members Absent were:

Mayor Pro Tem Bill Foulds

City Staff and Appointed Officials Present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Planner Megan Will
Parks & Community Services Director Mariana Espinoza
Public Works Director Kyle Dannhaus
Communications Coordinator Bonnie Gonzalez
City Engineer Rick Coneway
Assistant City Attorney Laura Mueller
Consulting Land Planner Anjali Naini
Planning & Zoning Commission Chair Mim James
Special Counsel David Tuckfield

With a quorum of the City Council present, Mayor Purcell called the Workshop to order at 5:33 p.m.

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.

A. Presentation on the Preliminary Concept Plan regarding the TIRZ Town Center Project, Keenan Smith, DS TIRZ Project Manager

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 (Deliberation 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 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 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 subdivision and street requirements for property at Gateway 26 Doors (551.071 Consultation with City Attorney)**
- F. Consultation with City Attorney regarding legal issues related to Goode Easement and roadway extension (551.071 Consultation with City Attorney)**
- G. Consultation with City Attorney regarding work hours and benefits for Records Management and Maintenance Clerk (551.074 Personnel Matters; 551.071 Consultation with City Attorney)**
- H. Consultation with City Attorney on DSISD waiver of two-year maintenance bond for Roger Hanks Roadway Project Phase 1 (551.071 Consultation with City Attorney)**

The City Council met in Executive Session from 5:57 p.m. – 6:30 p.m.

No vote or action was taken during Executive Session.

RECESS

Mayor Pro Tem Foulds returned the meeting to Open Session. The City Council recessed from 6:30 – 6:35 p.m.

RECONVENE

With a quorum of the City Council present, Mayor Pro Tem Foulds reconvened the meeting at 6:35 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.

Mariana Espinoza announced that the City will be hosting a Sweetheart Dance for the whole family on February 24, 2018, at the Dripping Springs Ranch Park Event Center from 5:00 – 7:00 p.m. Tickets are \$25.00 for a family of 2 – 4, and \$5.00 for additional family member. Tickets can be purchased on-line by visiting the City's website, or at City Hall located at 511 Mercer Street.

A. Announcement Regarding Public Comment Period for the City of Dripping Springs Draft Mobile Food Vendor Ordinance Amendments Anjali Naini, Consulting City Planner

Anjali Naini presented the item, and explained that the City is proposing amendments to the Mobile Food Vendor Ordinance and will be taking public comment regarding the proposed draft. Staff will also meet with local businesses and Mobile Food Vendor owners for their input. Public Comment will be accepting until January 12, 2018.

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 November 14, 2017 and November 21, 2017; and the Special Meeting Minutes of December 5, 2017**
- B. Approval of City Treasurer's Report for November 2017**
- C. Approval of Service Agreement between the City of Dripping Springs and T-TECH, Inc. for ACH and Checks (Sponsor: Mayor Pro Tem Foulds)**

- D. Approval of Card Services Agreement between the City of Dripping Springs, Texas, Global Payments Direct, Inc., Pace Payment Systems, Inc. and AVR, Inc. (*Sponsor: Mayor Pro Tem Foulds*)**
- E. Approval of Contractor Agreement between the City of Dripping Springs and Ground Exchange for Drainage Improvements at Dripping Springs Sports & Recreation Park (*Sponsor: Council Member King*)**
- F. Approval of Professional Services Agreement between the City of Dripping Springs and EMA Engineering & Consulting for Lighting and Electrical Engineering Services for the Dripping Springs Sports & Recreation Park Field Lighting Upgrade Project; Approval of Expenditure of Additional Parkland Dedication Funds for Agreement Costs (*Sponsor: Council Member King*)**
- G. Approval of Professional Services Agreement between the City of Dripping Springs and Luck Design Team, LLC regarding Construction Documents Preparation for the Dripping Springs Harrison Hills Trail Improvements Project; Approval of Expenditure of Additional Parkland Dedication Funds for Agreement Costs (*Sponsor: Council Member King*)**
- H. Approval of the Carter Tract Traffic Impact Analysis**

A motion was made by Council Member Kroll to approve Consent Agenda Items A – H. Council Member King seconded the motion, which carried unanimously 4 to 0.

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

Consideration and Possible Action on:

- A. Sign Variance Request for Whitlock Automotive located at 3996 E. US Highway 290 W., Jamey Whitlock, Applicant**
 - 1. Sign Administrators Report – Michelle Fischer*

Michelle Fischer presented the report which is on file and available for inspection upon request. Staff recommends approval of the variance request with the following conditions: 1) The existing wall sign lettering on the south elevation be removed, and 2) The external lighting fixtures for the new projecting sign on the south elevation comply with the Outdoor Lighting Ordinance.

- 2. Planning & Zoning Commission Report – Mim James*

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

- 3. Public Hearing*

No one spoke during the Public Hearing.

4. Variance Request

A motion was made by Council Member Kroll to approve the variance request with staff recommendations as presented. Council Member King seconded the motion, which carried unanimously 4 to 0.

B. Sign Variance Requests for Highway 290 General Store located at 1301 Highway 290 W., Image Solutions, Owner's Representative

1. Sign Administrator's Report – Michelle Fischer

Michelle Fischer presented the report, which is on file and available for inspection upon request. The business is changing to Texaco brand and must change their signs accordingly. Staff recommends approval of the electronic gas sign with the following conditions: 1) All exterior lighting on the property be brought into compliance with the Outdoor Lighting Ordinance, and 2) The owner remove the non-conforming projecting signs for Pony Xpresso, Hunt Brothers Pizza and Blue Bell Ice Cream. Staff recommends denial of the variance request to allow wave, blade, and koala signs, and the variance request to allow non-conforming signs to remain for Pony Xpresso, Hunt Brothers Pizza and Blue Bell Ice Cream projecting signs. Tenant signs and Subway sign may remain.

2. Planning & Zoning Commission Report – Mim James

The Planning & Zoning Commission recommended approval of the variance for electronic gas sign with staff recommendations 7 to 0. The Commission recommended denial of the request for wave, blade and koala signs 7 to 0, and denial of the request to allow non-conforming signs to remain 7 to 0.

3. Public Hearing

No one spoke during the Public Hearing.

4. Variance Request to allow an electronic gas price sign

A motion was made by Council Member Kroll to approve the variance request with staff recommendations as presented. Council Member King seconded the motion, which carried unanimously 4 to 0.

5. Variance Request to allow wave, blade, and koala signs

A motion was made by Council Member Crow to deny the variance request to allow wave, blade, and koala signs. Council Member Manassian seconded the motion, which carried unanimously 4 to 0.

6. *Variance Request to allow nonconforming signs to remain*

A motion was made by Council Member Crow to deny the variance request to allow non-conforming signs to remain. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

C. Zoning Amendment. Ordinance No. 1221.48: Hidden Oaks 1459 – An Ordinance of the City of Dripping Springs, Texas, rezoning a tract of land totaling 4.152 acres located at 1459 U.S. Hwy 290 W., Dripping Springs, Texas from Commercial Services (CS) to General Retail (GR), and described as follows: 4.152 acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Jon Thompson, Applicant

1. *Presentation*

Jon Thompson was available for questions from the City Council.

2. *Staff Report – Anjali Naini*

Anjali Naini presented the staff report which is on file and available for inspection upon request. Staff recommends approval of the rezone from Commercial Services (CS) to General Retail (GR).

3. *Planning & Zoning Commission Report – Mim James*

Planning & Zoning Commission recommended approval 7 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Ordinance No. 1221.148*

A motion was made by Council Member King to approve Ordinance No. 1221.48. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

D. Variance Request. Hidden Oaks 1459 (1459 U.S. Hwy 290 W, Dripping Springs, Texas)
A request for a variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Section 3.11.3 to allow an increase in height of up to sixty-two feet and three stories for two buildings, and an increase in height of up to sixty-two feet and three stories plus a walkout basement for one building for proposed multiple-family condominium development for the following property: 4.152 acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Jon Thompson, Applicant

1. *Presentation*

Jon Thompson was available for questions from the City Council.

2. *Staff Report – Anjali Naini*

Anjali Naini presented the staff report which is on file and available for inspection upon request. Staff recommends approval with the condition that that an Alternative Design Standard to mitigate extra height through architectural design, articulation, elements and other features to be approved by the City Architect prior to issuance of any building permits for the site.

3. *Planning & Zoning Commission Report – Mim James*

Planning & Zoning Commission recommended approval 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 the variance request with staff conditions as presented. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

E. SUB2017-0001: Cortaro Subdivision. A Preliminary Plat for a 34.92 acre property located at 151 Whisenant Lane, Dripping Springs, Texas, (A0289 George W. Lindsay Survey, 34.78 acres). Judd Willman, Landdev Consulting, LLC, Applicant

1. *Presentation*

Jon Thompson was available for questions from the City Council.

2. *Staff Report – Anjali Naini*

Anjali Naini presented the staff report which is on file and available for inspection upon request. Staff recommends approval of the preliminary plat.

3. *Planning & Zoning Commission Report – Anjali Naini*

Planning & Zoning Commission recommended approval of the Preliminary Plat and the Parkland Plan 7 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Parkland Dedication*

A motion was made by Council Member Kroll to approve the Cortaro Subdivision Parkland Dedication. Council Member King seconded the motion, which carried unanimously 4 to 0.

6. *Preliminary Plat*

A motion was made by Council Member King to approve the Cotaro Preliminary Plat. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

F. Ordinance No. 1220.151: An Ordinance of the City of Dripping Springs, Texas amending the Code of Ordinances, Chapter 30, Exhibit A: Sections 1.6.2 and 5.7.8; adding section 5.9; and amending Appendix E: Zoning Use Regulations (Charts) Permitted Use Provisions for Districts Zoned as Commercial Services Related to uses including Commercial Parking Lots; and providing for the following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice & Meeting.

1. *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 zoning amendment.

2. *Planning & Zoning Commission Report – Mim James*

Planning & Zoning Commission recommended approval 7 to 0.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Ordinance No. 1220.151*

A motion was made by Council Member King to approve Ordinance No. 1220.151. Council Member King seconded the motion, which carried unanimously 4 to 0.

G. Conditional Use Permit Application for a Self-Storage Facility located at 27010 RR 12, Dripping Springs, Texas 78620; a request for a 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

Mayor Purcell recused himself from this item, as he is a property owner within the notification area. Mayor Purcell's affidavit is on file and available for inspection upon review.

1. Presentation

Jon Thompson was available for questions from the City Council.

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 CUP with the following recommendations: 1) Applicant shall obtain a waiver from the City's Exterior Design Ordinance and approval of an Alternative Exterior Plan, and 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 submitted concept plan (76,173 sq. ft. / 64.2% of the site). Staff recommends approval of the variance request to allow the building structure to exceed the gross floor area of 50,000 square feet, and staff recommends approval of the variance request to allow a minimum width of the fire lane of 20 feet, rather than the required 24 feet.

3. Planning & Zoning Commission Report – Mim James

Planning & Zoning Commission recommended approval of the CUP, with staff recommendations, 7 to 0; the variance request to allow the building structure to exceed 50,000 feet gross floor area; and the variance to allow a minimum width fire line of 20 feet.

4. Public Hearing

Todd Purcell spoke in opposition to the CUP and both variances.

5. Conditional Use Permit

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

A motion was made by Council Member Manassian to postpone the item to the Regular City Council Meeting of December 19, 2017. Council Member King seconded the motion, which carried unanimously 4 to 0.

H. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) located at 1601 Wood Loop, Dripping Springs, Texas, *Christian Bourguignon, Applicant*

1. Presentation – Christian Bourguignon

Christian Bourguignon presented the item. The ADU was constructed in 2016, however, Mr. Bourguignon was not aware that his property was located within the Dripping Springs city limits as his address was Driftwood. The ADU is not visible from the street, and Mr. Bourguignon has spoken with his neighbors regarding any issues they may have.

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 recommendation that the ADU be inspected for basic IRC standards compliance prior to occupancy.

3. Planning & Zoning Commission Report – Mim James

Planning & Zoning Commission recommended approval with staff recommendations, 7 to 0. The Commission expressed concerns regarding the proliferation of ADUs and recommended the City look into drafting an ordinance regarding their regulation.

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 with staff recommendations and the condition that the inspection be performed within ninety (90) days. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

I. VAR2017-0001: 101 Summit Drive Commercial: A request for a Variance to the Dripping Springs Code of Ordinances, Chapter 30 – Zoning, Exhibit A, Section 3.12.4(b)(1) for Minimum Front Yard reducing the setback from 25 feet to 15 feet for the

following property: Lot 25A, Resubdivision of North Forty, Block 1 (101 Summit Drive)
Jon Thompson, Applicant

1. Presentation – Jon Thompson

Jon Thompson was available for questions from the City Council.

2. Staff Report – Anjali Naini

Anjali Naini presented the staff report which is on file and available for inspection upon request. Staff recommends approval of the variance request.

3. Planning & Zoning Commission Report – Mim James

Planning & Zoning Commission recommended approval 6 to 1.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance Request to allow a reduced front yard setback

A motion was made by Council Member King to approve the variance request. Council Member Kroll seconded the motion, which carried unanimously 4 to 0.

BUSINESS

Consideration and Possible Action on:

- A. Ordinance No. 1803.93: 2790 Hwy 290 Annexation (Richard Santamaria) – An Ordinance of the City of Dripping Springs to Voluntarily Annex into the City Limits under provisions of Chapter 43 of the Texas Local Government Code for the following area: 1) 3.188 acres of land out of the B.F. Hanna Survey in Hays County, Texas, being that same property described in a deed to Artis W. Wilkerson and wife, Irene Wilkerson by Deed of Records in Volume 299, Page 326, Deed of Records of Hays County, Texas, and 2) 0.091 acre tract of land out of the B.F. Hanna Survey No. 28, Abstract No. 222, Hays County, Texas said tract crossing US Hwy 290 and connecting the 3.188 Santamaria Tract to Lot 1, Block 1. Bunker Ranch, Phase 1**

1. Staff Report – Anjali Naini

Anjali Naini presented the staff report which is on file and available for inspection upon review. Staff recommends approval of Ordinance No. 1803.93.

2. *Public Hearing*

No one spoke during the Public Hearing.

3. *Municipal Service Plan (attached to Ordinance)*

4. *Ordinance No. 1803.93*

A motion was made by Council Member Kroll to approve Ordinance No. 1803.93 and the attached Municipal Services Plan. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

B. Resolution No. 2017-70: A Resolution creating a new Agenda, Documents, Meetings and Minutes Policy and Procedure for the City of Dripping Springs City Council, Boards, Commissions, and Committees

A motion was made by Council Member Kroll to approve Resolution No. 2017-70. Council Member King seconded the motion, which carried unanimously 4 to 0.

C. Resolution No. 2017-78: A Resolution creating an Application Submittal and Processing Policy for Planning Activities

A motion was made by Council Member Kroll to approve Resolution No. 2017-78. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

D. Request from Forestar (USA) Real Estate Group, Inc. to allow additional wastewater LUEs in excess of the 50 LUE limit set-forth in the Second Amended and Restate Wastewater Utility Agreement between the City of Dripping Springs and Forestar (USA) Real Estate Group, Inc. The request is being made pursuant to Section 3.1(c)(i) of the Utility Agreement.

This item was pulled from the agenda for consideration by staff.

REPORTS OF AGENCIES, COMMISSIONS AND STAFF

A. Dripping Springs Ranch Park Monthly Report

B. Transportation Committee Monthly Report

C. Economic Development Committee Monthly Report

D. Farmers Market Monthly Report

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

ADJOURN

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

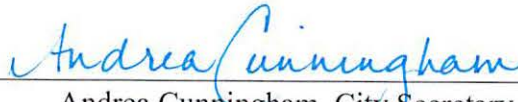
This regular meeting adjourned at 7:53 p.m.

DATE APPROVED: January 9, 2018



Bill Foulds, Mayor Pro Tem

ATTEST:



Andrea Cunningham, City Secretary

