

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE CITY COUNCIL & BOARD OF ADJUSTMENT
Tuesday, October 10, 2017 at 5:30 p.m.

A Regular Meeting of the City Council of the City of Dripping Springs, Texas, was held on Tuesday, October 10, 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 Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King
Council Member John Kroll
Council Member Taline Manassian

City Council Members absent were:

Mayor Todd Purcell

City Staff and Appointed Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Secretary Andrea Cunningham
City Planner Megan Will
Dripping Springs Ranch Park Manager Lynne Dickinson
Communications Coordinator Bonnie Gonzalez
City Engineer Rick Conway
Assistant City Attorney Laura Mueller
Consulting Land Planner Anjali Naini
Special Counsel Dottie Palumbo
Planning and Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Pro Tem Foulds called the meeting to order at 5:35 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.

Council Member Kroll recused himself from this item and exited the Council Chambers. Council Member Kroll's affidavit is on file in the City Secretary's Office and is available for inspection upon request.

A. Heritage Subdivision Project Review

1. Project Overview – Greg Rich, Vice President, Senior Operating Partner for Seipela Interests, LLC

Greg Rich presented an overview of the project, and was available for questions. Mr. Rich's presentation is on file and available for review upon request.

2. PID Creation, Annexation/Development Agreement, and PDD 5 Ordinance

Dottie Palumbo reviewed the PID Creation and Annexation/Development Agreement.

3. *Offsite Road/Trail Agreement – Rick Conway*

Rick Conway reviewed the construction plans for trails.

4. *Wastewater Service Agreement – Ginger Faught*

Ginger Faught reviewed the Wastewater Service Agreement, which will allow the City to serve more customers.

5. *Draft Public Improvement District Financing Agreement, and Draft Service and Assessment Plan – Dottie Palumbo*

6. *Next Steps – Dottie Palumbo*

Dottie Palumbo updated the City Council on Bob White's role in the agreement. She also discussed the Planned Development District No. 5 Parks Master Plan, Sign Master Plan, Tree Master Plan and Zoning Ordinance. The PID Financing Documents are being finalized, and the City is drafting the Service Assessment Plan. Dissolution documents are being drafted in the event bonds are not issued.

Ms. Palumbo recommended postponement of Public Hearings to the Regular City Council Meeting on October 17, 2017, to allow time to finalize ancillary documents.

RECESS

City Council recessed from 5:16 – 6:36 p.m.

RECONVENE

City Council reconvened into Open Session at 6:36 p.m.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Foulds led the Pledge of Allegiance to the Flag.

PROCLAMATIONS

Consideration and Possible Action:

A. Hays-Caldwell Women's Center "Domestic Violence Awareness Month"

Council Member Kroll read the Proclamation.

A motion was made by Council Member Kroll to approve the Proclamation. Councilmember Crow seconded the motion, which carried unanimously 5 to 0.

B. Dripping Springs Ranch Park "Volunteer of the Year"

Council Member King and Lynne Dickinson read and presented the Dripping Springs Ranch Park "Volunteer of the Year" Proclamation to the Hays County Master Gardeners.

A motion was made by Council Member King to approve the Proclamation. Mayor Pro Tem Foulds seconded the motion, which carried unanimously 5 to 0.

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 the City Council may establish a time limit as necessary.

Robin Robinson, and Melody Hillburn spoke in favor of the City selecting the Dripping Springs Century News for the City's Official Newspaper.

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.

Mayor Pro Tem announced that there is a request for Item F to be pulled from the Consent Agenda for further discussion. Without objection from the City Council, Item F is heard after action taken on the Consent Agenda.

- A. Approval of the Special City Council Meeting Minutes for August 29, 2017 and September 26, 2017; and the Regular City Council and Board of Adjustment Meeting Minutes of September 12, 2017 and September 19, 2017**
- B. Approval of Site Development Permit Approval Extension for SDP#16-0122-01 Central Texas Youth Ballet for the construction of a ballet studio with associated parking, drainage and water quality facilities, at the NE corner of Mercer St. and RR 12**
- C. Approval of a Waiver of Dripping Springs Sports & Recreation Park Upper Adult Softball Field Rental Fees in exchange for maintenance assistance for August through November 2017**
- D. Approval of Amendment to Fee Schedule Ordinance Regarding Founders Day Memorial Park Pavilion Rental Fees**
- E. Approval of Appointment of Committee Members to Founders Memorial Park Master Plan Advisory Committee**
- G. Approval of Co-Sponsorship Agreement between the Dripping Springs Community Library and the City of Dripping Springs**
- H. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Mountain Bike Team for Bike Rodeo and Swap Meet in November 2017 to be held at Dripping Springs Ranch Park**
- I. Approval of Request for Fee Waiver for Dripping Springs Ranch Park Campground Fees from Boy Scout Pack 280 in October 2017, in exchange for a service project at Dripping Springs Ranch Park**

J. Resolution No. 2017-63: Amendment to the Policy for Use of Dripping Springs Ranch Park at No Cost or a Reduced Rate to allow the DSRP Manager to make Approvals in Certain Circumstances

A motion was made by Council Member Kroll to approve Consent Agenda Items A – H. Council Member King seconded the motion, which carried unanimously 5 to 0.

A motion was made by Council Member King to approve Consent Agenda Items I – J. Council member Kroll seconded the motion, which carried unanimously 5 to 0.

F. Approval of Resolution No. 2017-62: A Resolution of the City of Dripping Springs Designating the News-Dispatch as the Official News Paper of the City of Dripping Springs for the Fiscal Year 2017 – 2018

1. Staff Report – Andrea Cunningham

Andrea Cunningham presented the staff report, which is on file. Staff recommended approval of the News-Dispatch for the City's Official Newspaper.

2. Resolution No. 2017-62

David White with News-Dispatch was available for questions from Council regarding their submission.

Dalton Sweat and John Pacheco with Dripping Springs Century News spoke in favor of Century News, and reviewed their submission.

Chuck Miller spoke in favor of Dripping Springs Century News.

A motion was made by Council Member Kroll to amend Resolution No. 2017-62 to designate Dripping Springs Century News as the City of Dripping Springs Official Newspaper for Fiscal Year 2017 – 2018. Council Member King seconded the motion, which carried 3 to 2 with Mayor Pro Tem Foulds and Council Member Manassian opposed.

SIGNS

Consideration and Possible Action on:

A. Variance requests to allow an electronic LED Gas Price sign and to allow two projecting signs to exceed the maximum height allowed for Texaco Z Square, located at 13210 W. Highway 290, Austin, TX 78737 at the intersection of Heritage Drive

1. Presentation

Arely Guzman with Executive Signs reviewed the variance request.

2. Staff Report – Michelle Fischer

Michelle Fisher presented the staff report which is on file. Staff recommended approval of the variance with the conditions that all exterior lighting comply with the Lighting Ordinance, and the canopy design is built in accordance with the architectural rendering.

3. Planning & Zoning Commission Report – Mim James

The Planning and Zoning Commission recommended approval of the variance 5 to 0.

4. *Public Hearing*

Teresa Strube spoke in opposition to the variance.

5. *Variance to allow electronic LED gas price sign*

A motion was made by Council Member Kroll to approve the variance for a LED gas price sign with staff recommendations, and the condition that lighting has a dimming feature. Council Member King seconded the motion, which carried unanimously 5 to 0.

6. *Variance request to allow two projecting signs to exceed the maximum height allowed*

A motion was made by Council Member Kroll to approve the variance to exceed maximum height allowed with staff recommendations. Council Member Crow seconded the motion, which carried 4 to 1 with Mayor Pro Tem Foulds opposed.

B. Variance requests to allow an additional sign (menu board) and to allow a projecting sign to exceed maximum height

1. *Presentation*

Jennifer Garcia with Liberty Signs reviewed the application for a sign variance requesting an increase in height in order to use the Hat Creek logo, and an additional menu board sign.

2. *Staff Report – Michelle Fischer*

Michelle Fischer presented the staff report which is on file. The applicant is requesting a variance to exceed the maximum height; however, the sign will not exceed the overall size requirements. Staff recommended approval of the variances.

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

The Planning and Zoning Commission recommended approval of both variance requests 5 to 0.

4. *Public Hearing*

No spoke during the Public Hearing.

5. *Variance request to allow additional sign (menu board)*

6. *Variance request to allow a projecting sign to exceed the maximum height allowed*

A motion was made by Council Member King to approve the variance requests to allow an additional menu board sign, and to allow a projecting sign to exceed maximum height. Council Member Manassian seconded the motion, which carried 3 to 2 with Mayor Pro Tem Foulds and Council Member Crow opposed.

C. Variance request to allow an addition projecting sign for Breed & Company in Belterra Village, located at 165 Hargraves Dr., Austin, Texas 78737

1. *Presentation – Daniel Campbell*

Daniel Campbell gave a presentation requesting a variance to allow an additional projecting sign for Breed & Company in Belterra Village.

2. *Staff Report – Michelle Fischer*

Michelle Fischer presented the staff report, which is on file. Staff recommended approval of the variance request.

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

The Planning & Zoning Commission recommended approval 5 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Variance to allow an additional projecting sign*

A motion was made by Council Member King to approve the variance request. Council Member Manassian seconded the motion, which carried unanimously 5 to 0.

D. Ordinance No. 1251.30: An Ordinance amending Chapter 26, Appendix “C”, of the Dripping Springs Code of Ordinances; Amending regulations for a Master Sign Plan for the Belterra Commercial Subdivision; providing for the following: rules; procedures; and findings of fact; codification; repealer; severability; proper notice and meeting; enforcement including criminal penalties including criminal fines not to exceed \$500.00 and civil fines up to \$500.00

1. *Presentation – Daniel Campbell*

Daniel Campbell presented the item, stating that the request for amendment is for small landscaping signs, signage at the roundabout, and for BV monogram signage.

2. *Staff Report – Laura Mueller*

Laura Mueller presented the staff report, which is on file. Staff recommended approval.

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

The Planning & Zoning Commission recommended approval 5 to 0.

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *Ordinance No. 1251.30*

A motion was made by Council Member Kroll to approve Ordinance No. 1251.30 with the condition that signs included either BVDS (Belterra Village Dripping Springs) or Belterra Village at Dripping Springs. Mayor Pro Tem seconded the motion. After some discussion regarding the motion, Council Member Kroll and Mayor Pro Tem Foulds withdrew their motion and second, respectively.

A motion was made by Council Member Kroll to postpone the item to the Regular City Council Meeting on October 17, 2017. Mayor Pro Tem Foulds seconded the motion, which carried 4 to 1 with Council Member Manassian opposed.

ZONING

Consideration and Possible Action on:

A. Ordinance No. 1220.147: An Ordinance of the City of Dripping Springs, Texas, rezoning a tract of land located near W. Hwy 290 and Sawyer Ranch Road, in Dripping Springs, Texas totaling

**approximately 4.6671 acres, from Office (O) to General Retail (GR), and described as follows:
Sawyer Ranch 33, Tract Two, Lot 2-A1**

1. Presentation – Jon Thompson

Jon Thompson gave a presentation regarding Ordinance No. 1220.147, a request to rezone property from Office to General Retail to allow for a dance studio, in addition to general retail uses.

2. Staff Report – Anjali Naini

Anjali Naini presented the staff report, which is on file. Staff recommended approval of the ordinance and rezone.

3. Planning & Zoning Commission Report – Mim James

The Planning & Zoning Commission recommended approval 5 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Ordinance No. 1220.147

A motion was made by Council Member King to approve Ordinance No. 1220.147. Council Member Crow seconded the motion, which carried 4 to 0 to 1, with Mayor Pro Tem Foulds abstaining.

SUBDIVISIONS

Consideration and Possible Action on:

A. Replat of Lot 2-A1 of Sawyer Ranch 33 Tract Two, Hays County, Texas, a 4.667 acre tract located near the intersection of Sawyer Ranch Road and US Hwy 290

1. Presentation – Jon Thompson

Jon Thompson gave a presentation regarding the replat of property for the purposes of constructing a dance studio.

2. Staff Report – Rick Coneway

Rick Coneway presented the staff report which is on file. Staff recommended approval of the replat.

3. Planning & Zoning Commission Report – Mim James

The Planning & Zoning Commission recommended approval 5 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 4 to 0 to 1, with Mayor Pro Tem Foulds abstaining.

VARIANCES/SPECIAL EXCEPTIONS

Consideration and Possible Action on:

*City Council Minutes
Regular Meeting*

*Page 7 of 12
October 10, 2017*

A. A request for a variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Sections 5.6.2 and 5.7.6 to allow reduction of required parking for a mixed-use structure containing Premiere Dance Studio and general retail located at Sawyer Ranch 22, Tract Two, Lot 2-A1-B, Dripping Springs, Texas, 78620

1. Presentation – Jon Thompson

Jon Thompson gave a presentation on the request for a variance to allow a reduction of required parking for a mixed-use structure.

2. Staff Report – Anjali Naini

Anjali Naini presented the staff report, which is on file. Staff recommended approval of the variance with the conditions that the applicant guarantee that the two uses within the proposed building will have little to zero overlapping business hours; and that should the uses expand and warrant an increase in parking, the applicant must abide by Section 5.7.5 of the Zoning Ordinance.

3. Planning & Zoning Commission Report – Mim James

The Planning & Zoning Commission recommended approval with staff conditions 5 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance

A motion was made by Council Member Kroll to approve the variance request with staff recommendations. Council Member King seconded the motion, which carried unanimously 5 to 0.

B. A request for a Special Exception to the Dripping Springs Code of Ordinance as follows: Chapter 30, Exhibit A, Section D 3.2 regarding allowing a Temporary Sales Office in an AG zoned district for property located at 26025 RR 12 / A0415 Phillip A Smith Survey, Acres 5.110 and: A Site Development Permit Application for the associated Temporary Sales Office located at Caliterra Subdivision

1. Presentation – Bill Couch

Bill Couch gave a presentation regarding a request for a special exception to the Code of Ordinances to allow a temporary sales office located in the Caliterra Subdivision. Mr. Couch discussed site access and the purpose of the sales office.

2. Staff Report – Special Exception, Anjali Naini

Anjali Naini presented the staff report which is on file. Staff recommended approval of the request for a special exception with the following conditions: Allow the use to remain in place for up to three (3) years; however, should the applicant request a use extension they must re-apply for a special exception or request rezoning to a category that allows the requested use.

3. Staff Report – Site Development Plan, Rick Coneway

Rick Coneway presented the staff report on the site development plan which is on file. The applicant's site development plan meets the requirements for the City's Site Development Ordinance.

4. Planning & Zoning Commission Report – Mim James

The Planning & Zoning Commission recommended approval with staff conditions 4 to 1.

5. *Public Hearing*

No one spoke during the Public Hearing.

6. *Special Exception*

7. *Site Development Permit*

A motion was made by Council Member King to approve the special request to allow a temporary sales office with staff recommendations, and to approve the application for site development. Council Member Crow seconded the motion which carried 4 to 0 to 1, with Mayor Pro Tem Foulds abstaining.

BUSINESS

Consideration and Possible Action on:

Council Member Kroll recused himself from Business Items A – C, and exited the Council Chambers. Council Member Kroll has an affidavit on file with the City Secretary's Office, which is available for inspection upon request.

A. Annexation and Development Agreement between the City of Dripping Springs and SLF IV – Dripping Springs JV, L.P. and Bob White Investments, LP for Heritage Subdivision, approximately 189 acres located in the ETJ, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School in the southwestern corner; Dripping Springs Youth Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter

1. *Public Hearing*

No one spoke during the Public Hearing.

2. *Offsite Road and Trail Agreement*

3. *Heritage Wastewater Utility Agreement*

4. *Annexation and Development Agreement – Heritage Subdivision*

Mim James and Dottie Palumbo explained to the City Council that the agreements are being finalized, and requested a postponement.

A motion was made by Mayor Pro Tem Foulds to postpone the item to the Regular City Council Meeting on October 17, 2017. Council Member King seconded the motion with carried unanimously 4 to 0.

B. Ordinance No. 1220.124: Zoning request and ordinance enacting Planned Development District (PDD) #5, commonly known as "Heritage Subdivision." The area is approximately 189 acres, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School at the southwestern corner; Dripping Springs Youth Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter

1. *Public Hearing*

No one spoke during the Public Hearing.

2. *Ordinance No. 1220.124: Planned Development District (PDD) No. 5*

Dottie Palumbo requested to postpone the item to the Regular City Council Meeting on October 17, 2017.

A motion was made by Council Member King to postpone the item to the Regular City Council Meeting on October 17, 2017. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

C. Draft Public Improvement District Financing Agreement (PFA) and Draft Service and Assessment Plan for Heritage Subdivision

1. *Draft PID Financing Agreement*
2. *Draft Service and Assessment Plan*

Dottie Palumbo requested to postpone the item to the Regular City Council meeting on October 17, 2017.

A motion was made by Mayor Pro Tem Foulds to postpone the item to the Regular City Council meeting on October 17, 2017. Council Member Crow seconded the motion, which carried unanimously 4 to 0.

Council Member Kroll returned to the dais, and was present for the rest of the Agenda.

D. Contracts and Lease Agreements for Dripping Springs Ranch Park Ranch House

1. *Staff Report – Laura Mueller*

Laura Mueller presented the staff report which is on file. Staff recommended approval of the contracts and lease agreements for Dripping Springs Ranch Park.

2. *Dripping Springs Ranch House Lease Agreement – Employee and Contractor*
3. *Independent Contractor Agreement for Ranch House Maintenance*

A motion was made by Mayor Pro Tem Foulds to approve the Ranch House lease agreements, and the Independent Contract Agreement for Ranch House Maintenance with the condition that the lease agreement be amended to allow payment of deposit to be spread over a three (3) month period, and that the pet/animal deposit not exceed \$500.00. Council Member Crow seconded the motion, which passed unanimously 5 to 0.

E. Request for a fee waiver from Hays County 4-H to hold their District Horse Shows at Dripping Springs Ranch Park in June 2018

1. *Staff Report – Lynne Dickinson*

Lynne Dickinson presented the staff report which is on file. Staff recommended approval of the request for a fee waiver.

2. *Fee Waiver*

A motion was made by Council Member Kroll to approve the request for a fee waiver. Council Member King seconded the motion, which carried unanimously 5 to 0.

F. Ordinance No. 1803.92: Charro Vista Annexation (RM 150 Near Charro Vista Park) – An Ordinance of the City of Dripping Springs, Texas to voluntarily annex into the city limits a tract of land located in the City of Dripping Springs ETJ under provisions of Chapter 43 of the Texas Local Code, and described as follows: 16.0118 acres of land out of the Thomas R. Jackson League Abstract No. 9, in Hays County, Texas, being that certain tract or portion of land conveyed to Roberta Crenshaw by deed recorded in Volume 469, Page 263 of the Real Property Records of Hays County, Texas

1. Staff Report – Anjali Naini

Anjali Naini presented the staff report which is on file. Staff recommended approval of the ordinance to voluntary annex a tract of land common known as Charro Vista.

2. Public Hearing

No one spoke during the Public Hearing.

3. Ordinance No. 1803.92

A motion was made by Council Member Kroll to approve Ordinance No. 1803.92. Council Member King seconded the motion, which carried unanimously 5 to 0.

4. Service Plan (attached to ordinance)

A motion was made by Council Member Kroll to approve the Service Plan attached to Ordinance No. 1803.92. Council Member Crow seconded the motion, which carried unanimously 5 to 0.

G. Ordinance No. 1720.13: An Ordinance Amending Chapter 20, Article 20.02, Division 6, Section 20.02.006(c) of the Dripping Springs Code of Ordinances, increasing Wastewater Fees by Five Percent

1. Staff Report – Ginger Faught

Ginger Faught presented the staff report which is on file. Staff recommended approval of the rate increase of five percent.

2. Public Hearing

No one spoke during the Public Hearing.

3. Ordinance No. 1720.13

A motion was made by Council Member Kroll to approve Ordinance No. 1720.13. Council Member King seconded the motion, which carried unanimously 5 to 0.

H. Selection of Electrical and Lighting Engineer for Dripping Springs Sports & Recreation Park Sports Lighting Upgrade Project

Michelle Fischer presented the staff report which is on file. Staff recommended approval of the selection of EMA Engineering & Consulting for Electrical and Lighting Engineer.

A motion was made by Council Member Kroll to approve the selection of EMA Engineering & Consulting, and to authorize staff and the Parks & Recreation Committee to negotiate a professional services agreement with EMA, which will be brought back to City Council for approval. Council Member King seconded the motion, which carried unanimously 5 to 0.

REPORTS OF AGENCIES, COMMISSIONS AND STAFF

The following reports are on file in the City Secretary's Office and available for inspection upon request.

A. Dripping Springs Ranch Park Monthly Report

B. Transportation Committee Monthly Report

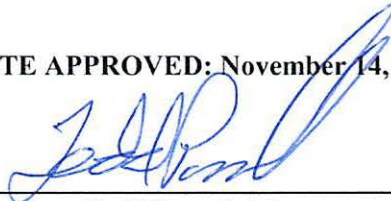
Reports are on file and available for inspection upon request.

ADJOURN

A motion was made by Council Member Crow to adjourn the meeting. Council Member King seconded the motion, which carried unanimously 5 to 0.

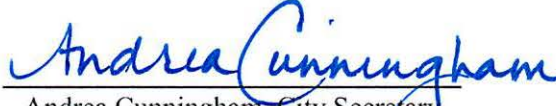
This regular meeting adjourned at 8:39 p.m.

DATE APPROVED: November 14, 2017



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary

