

City Council Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, April 14, 2015, beginning at 7:00 PM in the 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL - 5:30 p.m.

Mayor & City Council Members/Board of Adjustment

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Santos Alba
Council Member Charles Busbey
Council Member Wade King
Council Member John Kroll

City Staff/Appointed Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Planning Director Jon Thompson
City Secretary Kerri Craig
Planning and Zoning Commission Chair Larry McClung
City Attorney Alan Bojorquez
City Treasurer Gina Gillis
DS Ranch Park Manager Lynne Dickinson

Mayor Pro Tem Bill Foulds called the meeting to order at 5:37pm. All present except Mayor Todd Purcell. Also present are Exterior Design, Architectural and Land Planning Consultant Keenan Smith, Historic Preservation Commission Chair Ted Lehr and Special Counsel Theresa Pham.

II. WORKSHOP

No action to be taken. 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. 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).

- A. Consultation with City Attorney regarding the status and negotiations for the Roadway and Development Agreement concerning property at Roger Hanks Parkway and U.S. 290. (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 Attorney and 551.072 Purchase, Exchange, Lease or Value of Real Property)

- C. Consultation with City Attorney Regarding Update on Dripping Springs Water Supply Corporation Exploratory Committee (551.071 Consultation with City Attorney)
- D. Consultation with City Attorney regarding Overhead Electrical Easement to Pedernales Electric Cooperative on City Owned Property at Headwaters at Barton Creek Development (551.071 Consultation with Attorney and 551:072 Purchase, Exchange, Lease or Value of Real Property)
- E. Consultation with City Attorney on the Status of Certain Bills Pending Before the Texas Legislature and Potential Legal Implications for the City (551.071 Consultation with City Attorney)

Convened to executive session at 5:58pm. Present: Mayor Pro Tem Bill Foulds, Council Member Charles Busbey, Council Member Wade King, Council Member Santos Alba, Council Member John Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Attorney Alan Bojorquez and Planning Director Jon Thompson. Reconvened to the regular meeting at 7:12pm.

IV. RECESS

V. RECONVENE AT 7:12 p.m.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Council Member Charles Busbey leads the Pledge of Allegiance.

VII. 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. – Elisa Wood, President of Stop Dripping Concrete – Introduces herself and the Stop Dripping Concrete non-profit organization. States that they want to be a part of the solution regarding the location of the concrete plant.

VIII. 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 Regular Meeting Minutes, March 17, 2015
- B. Approval of Treasurer's Report for March 2015
- C. Approval of Proclamation Declaring April 2015 "Sexual Assault Awareness and Prevention Month"
- D. Approval of Proclamation Declaring April 2015 "Child Abuse Prevention and Awareness Month"
- E. Approval of Proclamation Declaring April 19-25, 2015 as "National Crime Victims' Rights Week and Samantha Dean Week"

- F. Approval of Resolution No. 2015-22: A Resolution of the City of Dripping Springs Adopting the City's Investment Policy for Fiscal Year 2015
- G. Approval of Appointment of Diana Black to serve on the Farmers Market Association Board, term expiring June 2016
- H. Approval of Dripping Springs Farmers Market Association Board's Application to the Texas Department of Agriculture's Healthy Living with Texas Produce Program
- I. Approval of Emergency Use Agreement between the City of Dripping Springs/Dripping Springs Ranch Park and Emergency Services District #6 for Equipment, Supplies, Facilities, and Services in the Event of an Emergency Threatening Persons and Livestock
- J. Approval of Request from Dripping Springs Youth Sports Association Lacrosse to use fields at Founders Memorial Park on April 25th and 26th, 2015
- K. Approval of Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Ag Boosters for the Dripping Springs Fair and Rodeo to be held at Dripping Springs Ranch Park
- L. Approval of Use Agreement Between the City of Dripping Springs and the Dripping Springs Ag Boosters for the Use of Dripping Springs Ranch Park

Council Member Santos Alba motions to approve consent items. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

IX. ANNEXATIONS

- A. Public Hearing on Proposed Annexation for Inclusion of the Following Property into the City of Dripping Springs Corporate City Limits: 5.27 Acres (Within the Caliterra Subdivision) out of the P.A. Smith Survey No. 26 Abstract No. 415, Being a Portion of the 591.858 Acre Tract Conveyed to Development Solutions CAT, LLC, of Record in the Official Public Records of Hays County, Texas. – No one speaks.

X. SITE DEVELOPMENT

Consideration and Possible Action on:

- A. Dripping Springs Independent School District Elementary School # 4 / Middle School # 2, Legal Description: 49.10 acres out of the James Bracken Survey, A0062, located on Sawyer Ranch Road adjacent to Highpointe Subdivision on the north boundary line, *Sean Friend, PE, Cunningham-Allen Engineering*
 - 1. Presentation – Sean Friend, available for questions.
 - 2. City Engineer's Report – City Engineer Rick Coneway (absent), report on file. Planning & Engineering staff's recommendation is for this Site Development to be approved with the conditions stated in their report.
 - 3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that the Commission voted unanimously to approve the site plan.
 - 4. Public Hearing – No one speaks.
 - 5. Site Plan - Council Member Santos Alba motions to approve with staff's recommendations. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.

XI. SUBDIVISIONS

Consideration and Possible Action On:

- A. Replat of Lanier Ranch, Tract 1E-2r and Tract 1H-1, Located at 1451 Darden Hill Road and 201 Creekwood Drive, *Mark Rutledge and Trisha Slack, Property Owners*
1. Presentation – None
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve.
 4. Public Hearing – No one speaks.
 5. Replat - Council Member Santos Alba motions to approve staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

XII. ZONING AND PLANNED DEVELOPMENT DISTRICT AGREEMENTS

Consideration and Possible Action on:

- A. Ordinance No. 1220.110: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of 220 Retha Drive (Lots 7 and 8, Block B, Dripping Springs Heights) from Low Density Single Family Residential (SF-1) to Moderate Density Single Family Residential (SF-2), *Darren Rainwater, Owner*
1. Presentation – None
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning and Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.110 - Council Member Santos Alba motions to approve staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- B. Planned Development District Agreement between the City of Dripping Springs and Robert T. and Jill K. McAlister for Planned Development District No. 4: Texas Heritage Village Residential Subdivision (Approximately 29.8 Acres Located Within the City Limits of Dripping Springs, in Hays County, Texas, as Described in A0415 Philip A. Smith Survey)
1. Presentation – James McCann
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Parks and Recreation Commission Report – Planning Director Jon Thompson states that the Parks and Recreation Commission voted to approve the Parkland Dedication.
 4. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that the Commission votes to approve everything except the signage plan, which was tabled.

5. Public Hearing – No one speaks.
 6. Parkland Dedication
 7. Zoning Alternative Standards to Include, but Not Limited To, Building Setback Lines, Minimum Area of the Lot, Minimum Lot Width, Maximum Height of Main Buildings and Accessory Buildings
 8. Alternative Design Standards for Street Design to include, but Not Limited To, Residential Collector Streets and Dead End Streets
 9. Planned Development District Agreement - Council Member Santos Alba motions to approve items 6, 7, 8 and 9. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.
- C. Ordinance No. 1220.106: An Ordinance Enacted In Compliance With Article 30.03 Of The Dripping Springs Code Of Ordinances; Creating Planned Development District Number Four, Which Shall Encompass The Boundary Of The Property, And Further Establish Regulations And Guidelines For The Development And Construction Of A High-Density, Detached Residential Project And Other Off-Site Roadway And Utility Infrastructure Improvements Including The Incorporation And Operation Of A Homeowners Association And Its Related Functions And Facilities; And Provide For The Following: Rules; Standards; Procedures; Criminal Penalties; And, Severability (Approximately 29.8 Acres Located Within the City Limits of Dripping Springs, in Hays County, Texas, as Described in A0415 Philip A. Smith Survey)
1. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 2. Planning and Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve.
 3. Public Hearing – No one speaks.
 4. Ordinance No. 1220.106 - Council Member Santos Alba motions to approve the Ordinance. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XIII. TRANSPORTATION

- A. Letter of Agreement Concerning Donation from Cannon Family, Ltd. to the City of Dripping Springs, Texas: Sixty Foot Right of Way for Extension of Rob Shelton Boulevard and Drainage Easement (*Sponsor: Council Member Kroll*)
1. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval with the condition that the City receive the metes and bounds within 60 days of this meeting.
 2. Letter of Agreement – Mayor Pro Tem Bill Foulds motions to approve staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XIV. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

- A. Sign Variance Requests for Directional Sign for Bell Springs Winery Sidecar Tasting Room and Pink West, located at 501 Old Fitzhugh Rd., *Nate Pruitt*,

Applicant/Owner

1. Presentation – None
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance requests to allow an off premise directional sign for Pinkwest and to allow a directional sign to exceed the maximum signable area allowed, but not to exceed six feet.
3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung states that the Commission voted unanimously to approve the variances.
4. Public Hearing – No one speaks.
5. Variance Request to Allow an Off Premise Directional Sign
6. Variance Request to Allow a Directional Sign to Exceed the Maximum Signable Area Allowed

Council Member Wade King motions to approve both variance requests per staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

B. Sign Variance Requests for 5 Star ER, located at 333 E. Highway 290, *Sandy Ellis, APCO Signs and Sam Roberts, 5 Star ER*

1. Presentation – None
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. If Sign F is allowed, staff recommends approval of the variance request since it is a symbol. Due to the limited sign area being illuminated, staff recommends approval of the variance request.
3. Planning and Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung states that the Commission voted to approve.
4. Public Hearing – No one speaks.
5. Variance Request to Exceed the Maximum Number of Signs Allowed per Business
6. Variance Request to Exceed the Maximum Height Allowed for a Projecting Sign
7. Variance Request to Allow the Use of White Lettering for More than 1/3 of the Area of Illuminated Monument Sign - Council Member Wade King motions to approve variance requests #5 and #7 according to staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Council Member John Kroll motions to deny variance request #6. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

XV. UTILITIES AND PUBLIC WORKS

- A. Ordinance No. 1750.03: An Ordinance of the City of Dripping Springs, Texas Granting to TPR Interests, LLC DBA Vaquero Waste and Recycling, its Successors and Assigns, the Right to Operate and Maintain Trash and Refuse Collection Routes Within the City of Dripping Springs; Providing an Exclusive Franchise for Both Residential and Non-Residential Customers, and Providing for Insurance Requirements, Franchise Fees, Civil and Criminal Penalties Not to Exceed \$2,000, Effective Dates, Severability, and Other Provisions Related to the Grant of

Franchise. (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report – Deputy City Administrator Ginger Faught, report on file. Staff recommends approval of the contract and Ordinance 1750.03.
2. Contract
3. Ordinance 1750.03 - Council Member Santos Alba motions to approve the contract and Ordinance 1750.03. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

B. Wastewater Service and Fee Agreement between the City of Dripping Springs and Meritage Homes of Texas, LLC for Approximately 29.8 Acres Located Within the City Limits of Dripping Springs, in Hays County, Texas, as Described in A0415 Philip A. Smith Survey (also known as the proposed Planned Development District No. 4) (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report - Deputy City Administrator Ginger Faught, report on file. Staff recommends approval of the agreement.
2. Agreement – Mayor Pro Tem Bill Foulds motions to approve the agreement. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

C. Agreement Concerning Wastewater Utility Service, Impact Fee and Easement Agreement between the City of Dripping Springs, SLHK Investments, LP, and Oryx Holdings, LLC (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report - Deputy City Administrator Ginger Faught, report on file. Staff recommends approval of the agreement.
2. Agreement - Council Member Santos Alba motions to approve the agreement. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

XVI. BUSINESS

Consideration and Possible Action On:

- A. Report from Dripping Springs Chamber of Commerce on First Thursday Special Event held on April 2, 2015 – Sherrie Parks, Executive Director of the Dripping Springs Chamber of Commerce gives an overview of the event. No action taken.
- B. Mercer Street Community Giving Tree Wall Project (*Sponsor: Mayor Purcell*)
 1. Staff Report – City Administrator Michelle Fischer, Exterior Design, Architectural and Land Planning Consultant Keenan Smith and Historic Preservation Commission Chair Ted Lehr, reports on file.
 2. Historic Preservation Commission Request for Amendment to Fiscal Year 2015 Budget
 3. Contractor Agreement with Myers Concrete Construction, LP
 4. Contractor Agreement with Baxter Masonry, LLC

Council Member Santos Alba motions to approve the Historic Preservation Commission Budget Request. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes. Mayor Pro Tem Bill Foulds motions to table items #3 and #4 until the April 21, 2015 City Council meeting. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

- C. Hotel Occupancy Tax Grant Application from Brent Thurman Foundation for Brent Thurman PBR (*Sponsor: Mayor Purcell*)

City Administrator Michelle Fischer provides an overview of the item and recommends approval of the application and award of \$1,000. Council Member Santos Alba motions to approve the application and award. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

- D. Ordinance No. 1250.27: An Ordinance of the City of Dripping Springs Amending Chapter 26 (Sign Ordinance) of the Code of Ordinances, Modifying Regulations for Community Service Signs and Signs Located in Historic Districts (*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval of Ordinance 1250.27.
2. Public Hearing – Elisa Wood, Stop Dripping Concrete states that being able to post signs are important to organizations like hers so their voice can be heard.
3. Ordinance No. 1250.27 – No action taken. City Council directed staff to make revisions regarding the number of signs allowed and banners, and to bring a revised ordinance to the next City Council meeting.

XVII. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

General Monthly Reports on activities and programs of specific areas of City Government.

- A. Farmers Market Manager's Monthly Report
- B. Maintenance Director's Monthly Report
- C. Dripping Springs Ranch Park Monthly Report

XVIII. ANNOUNCEMENTS

- A. Regular City Council Meeting, April 21, 2015 at 6:00 p.m.
- B. Regular Planning & Zoning Commission Meeting, April 28, 2015 at 7:00 p.m.
- C. Regular Historic Preservation Commission Meeting, May 4, 2015 at 5:30 p.m.
- D. Regular Parks & Recreation Commission Meeting, May 11, 2015, at 6:00 p.m.
- E. Regular Farmers Market Association Board Meeting, May 12, 2015 at 10:00 a.m.

- XIX. **ADJOURN** - Council Member John Kroll motions to adjourn. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 8:10pm.