

City Council Regular Meeting Minutes

A regular meeting of the City of Dripping Springs City Council was held Tuesday, February 10, 2015, beginning at 5:30 PM in the City Hall, 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 5:36pm. All present except Mayor Todd Purcell. Also present are Exterior Design, Architectural, and Land Planning Consultant Keenan Smith, Historic Preservation Consultant Eugene Foster and Planning and Zoning Commission Vice Chair Mim James.

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. Deliberation regarding Personnel Matters related to the Creation of and Hiring for a Full-Time Lead Maintenance Position at the Dripping Springs Ranch Park (551.074 Personnel Matters)

Convened to Executive Session at 6:22pm. Those present: Mayor Pro Tem Bill Foulds, Council Member Wade King, Council Member Charles Busbey, Council Member John Kroll, Council Member Santos Alba, City Administrator Michelle Fischer, City Attorney Alan Bojorquez, and Deputy City Administrator Ginger Faught. Reconvened to Workshop at 6:55pm.

IV. RECESS at 6:58pm

V. RECONVENE AT 7:03 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. - An unidentified citizen states that he is concerned about the groundwater regulation issues in the surrounding community.

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, January 20, 2015
- B. Approval of Request from Lockhart Chamber of Commerce to Rent Portable Bleachers from Dripping Springs Ranch Park for the June 2015 Rodeo
- C. Approval of Engagement Letter Between the City of Dripping Springs and Arbitrage Compliance Specialists for Arbitrage Compliance Services
- D. Approval of Treasurer's Report for January 2015
- E. Approval of Appointment of Elaine Cogburn to Fill Unexpired Term on the Economic Development Committee, Term Expiring June 2016
- F. Approval of a Project Agreement between the City of Dripping Springs and the Texas Department of Criminal Justice (TDCJ) for a Public Service Program for the Dripping Springs Ranch Park Including but not Limited to Moving Panels and Reconfiguring the Arena, Power Washing, and Cleaning the Arena and Surrounding Grounds.

- G. Approval of Ordinance No. 1630.32 - An Ordinance of the City Council of the City of Dripping Springs, Texas, Calling the General Election for Officers to be Held Within Said Municipality On May 9, 2015, and Making Provision for the Conduct of the Election and Resolving Other Matters Incident and Relating to the Holding of Such Election

Ordenanza No. 1630.32 – Por orden del Concilio Municipal de la Ciudad de Dripping Springs, Tejas, se anuncia la Elección General de oficiales que tomaran lugar dentro del municipio dicho el 2nd Sábado en Mayo, cual es la fecha uniforme para Elección, el día 9 de Mayo de 2015. Criando la conducta de tal elección y resolviendo cualquier otros incidentes relacionados y referente a la tenencia de tal elección

- H. Approval of Contract for Election Services between the City of Dripping Springs and the Hays County Elections Officer for the May 9, 2015 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Oficial de Elecciones del condado de Hays para la Elección Municipal el día 9 de Mayo 2015

- I. Approval of Contract for Election Services between the City of Dripping Springs and the Dripping Springs Independent School District for the May 9, 2015 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Distrito Independiente de Escuelas de Dripping Springs para la Elección Municipal el día 9 de Mayo 2015

- J. Approval of Resolution 2015-13: Authorizing the Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and Authorizing the Mayor to Act as the City's Executive Officer and Authorized Representative in All Matters Pertaining to the City's Participation in the Texas Community Development Block Grant Program

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

IX. SUBDIVISIONS

Consideration and Possible Action On:

- A. Replat and Construction Plans for Pound House Hills, Phase 2, Lot 2E, located at the eastern terminus of Goodnight Trail, *Steve Smith, Applicant*

1. Presentation - Ricardo DeCampo
2. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends it be approved as submitted, and approval of the parkland dedication, which includes the payment of \$25,400.
3. Parks & Recreation Commission Report – City Administrator Michelle Fischer states that the Commission recommended approval.
4. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Planning and Zoning Commission voted unanimously to approve.
5. Public Hearing – No one speaks.
6. Parkland Dedication – Council Member Charles Busbey motions to approve staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
7. Replat and Construction Plans – Council Member John Kroll motions to approve staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

X. DEVELOPMENT AGREEMENT

Consideration and Possible Action On:

A. Third Amendment to the Headwaters at Barton Creek Development Agreement by and between the City of Dripping Springs, Texas, and WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, Ltd. Concerning approximately 1,335.73 acres located on the northside of the intersection of US 290 and Hays Country Acres Road. (The Development Agreement was originally entered into by the City, Headwaters Development Co., and The Townes Family Trust on or about April 13, 2005, was first amended on or about June 10, 2008, and was amended again on or about August 12, 2014)

1. Presentation – Matt Matthews, provides overview and is available for questions.
2. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted unanimously to approve.
4. Public Hearing – No one speaks.
5. Amendment to Development Agreement regarding the calculation of Facilities Expansion Fee and Additional Facilities Expansion Fee - Council Member Santos Alba motions to approve staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

XI. ZONING

Consideration and Possible Action on:

A. Ordinance No. 1220.108: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of three tracts (Identified as Tracts Three and Four) in The Burrows Tract: Tract Three (2.09 acres, Philip A. Smith Survey No. 26, A-415) from Two Family Residential, Duplex (SF-4) to Multi-Family (MF) ; and Tract Four (1.11 acres, Philip A. Smith Survey No. 26, A-415) from Single Family Residential, Low Density (SF-1) to Multi-Family (MF), *Bill McLean, RDS Development, LLC, Applicant*

1. Presentation – Judd Willeman, states that he is available for questions.
2. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted unanimously to approve.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.108 – Council Member Santos Alba motions to approve staff's recommendation. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

B. Ordinance No. 1291.03: Designation of the Dr. Joseph Pound Historic Farmstead as a Historic Landmark, located at 570 Founders Park Road, and amending the official zoning map, *Friends of the Pound House Foundation*

1. Presentation - Miles Matthews, states that he is available for questions.
2. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
3. Historic Preservation Commission Report – City Administrator Fischer states that the Commission recommended approval.

4. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted unanimously to approve.
 5. Public Hearing – No one speaks.
 6. Ordinance 1291.03 – Council Member John Kroll motions to approve staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Ordinance No:1295.12: An Ordinance of the City of Dripping Springs Creating the Hays Street Historic District and amending the official zoning map
1. Staff Report – City Administrator Michelle Fischer, report on file. Consultant Eugene Foster, report on file. Staff recommends approval.
 2. Historic Preservation Commission Report – City Administrator Michelle Fischer states that the Commission recommended approval.
 3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted 3-2 in favor of the ordinance. One Commission member voted nay because he felt our current ordinances are sufficient. The other Commission member voted nay due to his philosophical opinions about property rights.
 4. Public Hearing

Elizabeth Mooney – Property owner in the proposed district. Wants her property to be excluded from the proposed district. Our home was built in 1970, not prior to 1965 which was the inclusion criteria used by the consultant who recommended the proposed district boundary lines.

Jerry Mooney – Property owner in the proposed district. This property is not connected to Hays Street. We do not want to be included in the historic district.

Rex Baker – Attorney representing several land owners on 290. Hays Street District should not include properties on the southside of 290.

Bonnie Humphrey, Dripping Springs Chamber of Commerce – states that the Chamber of Commerce supports approval of this proposed district.
 5. Ordinance No.1295.12 - Council discusses: the process of including or excluding properties in the district in the future if the ordinance is approved, Elizabeth Mooney's property, traffic on US HWY 290, other properties that have been excluded from the proposed district, the possibility of excluding properties on the southside of US HWY 290, and the process of getting approval for demolition for a property in the district if approved. Council Member Charles Busbey motions to approve the district but excluding the Mooney and Carter properties. Motion dies due to lack of a second. Council Member John Kroll motions to approve the district but excluding the Mooney property only. Council Member Wade King seconds. VOTE: 4-1 in favor, Council Member Charles Busbey votes Nay, motion passes.

D. Ordinance No. 1220.103: An Ordinance Amending the Conditional Overlay Zoning for Twisted X Brewing Company, Located at 23455 FM 150, *Jim Sampson, Twisted X Brewery, Applicant*

1. Presentation – Jim Sampson, Applicant
2. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the Zoning Overlay Amendment to modify Section 1.4.2(a)(4) so that this property is allowed to have outdoor special events pursuant to Chapter 6 of the City Code of Ordinances regarding special events and any uses such as the use of Mobile Food Vendors pursuant to compliance with the Mobile Food Vendor Ordinance (Ord. 1220.66). Also, to limit the level of outdoor noise to 70 decibels as is required by the MFV Ordinance for Mobile Food Vendors to comply with.
3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted 3-2 in favor of allowing the applicant to hold special events in accordance with Chapter 6 and the mobile food vendor ordinance.
4. Public Hearing

Robert Blackwell – The airstream trailer does not meet the requirements of the current zoning and ordinances. It should not be allowed. Their neighbors do not want this to be allowed.

Jim Sampson – There is a survey that shows many citizens do approve of this.

John Harriett – Works for Twisted X. There are people who support this. I support the brewery and Jim Sampson.

5. Ordinance No. 1220.103 – Council discusses: the details of the overlay and what is actually being approved, what requirements will have to be followed for special events, the requirements regarding the airstream and/or food trailer. Mayor Pro Tem Bill Foulds motions to approve staff's recommendations. Council Member Santos Alba seconds. Council discusses: Mr. Eric Howard's concerns about the trailer being placed on his property, and the property around Twisted X both current and future. VOTE: 3-1 in favor, Council Member Wade King votes Nay, Council Member Charles Busbey abstains, motion passes.

XII. BOARD OF ADJUSTMENT

Consideration and Possible Action on:

A. Ordinance No. 1220.109: Conditional Use Permit to allow for the permanent use of mobile food trailers to include a multi-purpose Airstream at Twisted X Brewing Company, Located at 23455 FM 150, *Jim Sampson, Twisted X Brewery, Applicant*

1. Presentation – Jim Sampson, Applicant
2. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval with the conditions of restricting the number of mobile food vendors or mobile vendors to a total of two trailers that is inclusive of the Twisted X Airstream. Also, that the CUP is to be rescinded should mobile food vendors locate on Erik Howard's property just west of the Brewery.
3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted 4-1 to deny the Conditional Use Permit.

4. Public Hearing

Robert Blackwell – We do not need a food court within a residential area. They were going to hold a 5K run through our neighborhood even though they didn't have a permit and knew the neighbors didn't want it.

5. Ordinance 1220.109 – Council Member John Kroll motions to approve staff's recommendation. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Sign Variance Requests for Shell Food Mart, located at 200 W. Highway 290, *Mike Hunter, Hunter Graphics and Vithl Ready, Sree Vyshinavi Inc.*

1. Presentation - None
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commission Chair Larry McClung states that the Commission voted unanimously to approve.
4. Public Hearing – No one speaks.
5. Variance Request to allow a Monument Sign with LED Gas Price Sign
6. Variance Request to Allow a Monument Sign Within the 8 foot Setback

Council Member John Kroll motions to approve both variance requests. Council Member Wade King seconds. Vote 5-0 in favor, motion passes.

XIII. **REPORTS OF AGENCIES, COMMISSIONS AND STAFF**

- A. Farmers Market Manager's Report – Farmers Market Manager Stacy Qualls, report on file.
- B. Maintenance Director's Report – Maintenance Director Robert Steepe, report on file.

XIV. **BUSINESS**

Consideration and Possible Action On:

- A. Participation in the Greater San Marcos Partnership – Council Member Santos Alba motions to approve. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- B. Request for Qualifications for Traffic Engineering Study
1. Transportation Committee Report
 2. Selection of Engineering Firm and Authorization to Negotiate Scope of Services and Professional Services Agreement

Council Member Charles Busbey motions to authorize the City to enter into negotiations with HDR Engineering. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

- C. 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 – This item was tabled per Applicant’s request.

- D. Resolution 2015-12: A Resolution of the City of Dripping Springs Supporting the Proposed Road Improvements on RM 1826 from the Travis County Line to Nutty Brown Road (*Sponsor: Council Member John Kroll*) – Council Member John Kroll motions to approve. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.
- E. Authorization for Creation of a Lead Maintenance Position at Dripping Springs Ranch Park and Authorization to Hire Employee for the Position – Council Member Santos Alba motions to approve. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.
- F. Request from American Dairy Goat Association for Reduced Fees for their Event at Dripping Springs Ranch Park – Council Member Charles Busbey motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

XV. ANNOUNCEMENTS

- A. Regular City Council Meeting, February 17, 2015 at 6:00 p.m.
- B. Regular Founders Day Commission Meeting, February 23, 2015 at 6:30 p.m.
- C. Regular Planning & Zoning Commission Meeting, February 24, 2015 at 7:00 p.m.
- D. Regular Historic Preservation Commission Meeting, March 2, 2015 at 5:30 p.m.
- E. Regular Parks & Recreation Commission Meeting, March 9, 2015, at 6:00 p.m.
- F. Regular Founders Day Commission Meeting, March 9, 2015 at 6:30 p.m.
- G. Regular Farmers Market Association Board Meeting, March 10, 2015 at 10:00 a.m.
- H. Regular City Council Meeting, March 10, 2015 at 5:30 p.m.

XVI. ADJOURN

Council Member Santos Alba motions to adjourn the meeting. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 9:10pm.