

City Council Regular Meeting Minutes

A Regular Meeting of the City of Dripping Springs City Council was held Tuesday, January 13, 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
City Secretary Kerri Craig
Planning Director Jon Thompson
Planning and Zoning Chair Larry McClung
City Attorney Alan Bojorquez
City Treasurer Gina Gillis
DS Ranch Park Manager Lynne Dickinson

Mayor Todd Purcell called the meeting to order at 7:00pm. All present except Dripping Springs Ranch Park Manager Lynne Dickinson. Also present were Special Counsel David Tuckfield.

II. 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.

III. EXECUTIVE SESSION Began at 5:32pm

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. Deliberation regarding Personnel Matters related to Job Descriptions and Hiring of Receptionist/Communications Coordinator and Administrative Assistant (551.074 Personnel Matters)
- 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)

IV. **RECESS** at 6:10pm

V. **RECONVENE AT 7:00 p.m.**

VI. **PLEDGE OF ALLEGIANCE**

A. Pledge of Allegiance - Council Member Charles Busbey led 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.

Jimmy Skipton – Would like City Council and Commissions to consider not reconvening a meeting at which someone falls seriously ill, out of respect for the situation. Instead, recess the meeting and re-schedule any unaddressed agenda items.

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, September 9, 2014

B. Approval of Regular Meeting Minutes, September 16, 2014

C. Approval of Regular Meeting Minutes, September 23, 2014

D. Approval of Regular Meeting Minutes, December 9, 2014

E. Approval of Treasurer's Report for December 2014

F. Approval of Acceptance of Contractor Disclosure made by Andrew Barrett of Andy Barrett & Associates, PLLC; Acknowledgement and Waiver in accordance with Code of Ordinances § 2.02.002.

G. Approval of Amendments to Dripping Springs Ranch Park Facilities Rental Policy

Mayor Pro Tem Bill Foulds motions to approve items A-F and to table item G per staff request. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

IX. **BOARD OF ADJUSTMENT**

A. Request for Special Exception from Side Yard Setback for Clock Tower Square, Located at 1025 Cannon Dr., *James McCann, PE, Pape Dawson Engineering, Applicant, on behalf of Steve McCoy, Owner*

1. Presentation – James McCann, Applicant
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the Special Exception to reduce the minimum side yard setback to 15 feet.
 3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung, report on file. Commission voted unanimously to approve.
 4. Public Hearing – No one speaks.
 5. Special Exception from Side Yard Setback - Council Member Wade King motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- B. Request for Variance to Exceed Maximum Cut and Fill for Dripping Springs Medical Office Building, located at US Highway 290 and Sawyer Ranch Road, *Mario Sandoval, Applicant Representative*
1. Presentation – None
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff's recommendation is for this Site Development to be approved with the following conditions: a) The lighting and landscaping plans are not considered approved with this site plan, but will be approved administratively before the issuance of the building permit; b) The variance for a cut-and-fill above six feet be approved aesthetically with either the rock wall made of native stone that the applicant has proposed, or that the slope be landscaped as recommended by the City's architectural consultant; c) The exterior design should be approved through consultation with our architectural consultant, Mr. Herron, in keeping with the previously approved alternative design for this project.
 3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung, report on file. Commission voted to approve.
 4. Public Hearing – No one speaks
 5. Variance to Exceed Maximum Cut and Fill - Mayor Pro Tem Bill Foulds motions to approve staff recommendation with stated conditions. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

X. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON-SITE SEWAGE FACILITIES/SIGNS/DEVELOPMENT AGREEMENTS

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 North 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 tabling this item due to Hays County contacting the City to say that pursuant to the 1445 Interlocal Agreement between the City and County, this plat was not ready for final plat approval as the applicant and the County were working to resolve a ROW dedication matter related to the approved County Transportation Plan.
 3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung, report on file. Commission voted unanimously to approve.

4. Public Hearing – No one speaks
 5. Replat - Mayor Pro Tem Bill Foulds motions to table this item. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- B. Replat of A. Benney Subdivision, Lot 6, Located at 150 Benney Lane, *Mark Lander, TMG Commercial, Applicant, on behalf of Reba Byrd, Owner*
1. Presentation – Mark Lander, Applicant
 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, report on file. Commission voted unanimously to approve.
 4. Public Hearing – No one speaks
 5. Replat - Council Member Charles Busbey motions to approve staff recommendations. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.
- C. Site Development Permit--Dripping Springs Medical Office Building, located at US Highway 290 and Sawyer Ranch Road, *Mario Sandoval, Applicant Representative*
1. Presentation – None
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff's recommendation is for this Site Development to be approved with the following conditions: a) The lighting and landscaping plans are not considered approved with this site plan, but will be approved administratively before the issuance of the building permit; b) The variance for a cut-and-fill above six feet be approved aesthetically with either the rock wall made of native stone that the applicant has proposed, or that the slope be landscaped as recommended by the City's architectural consultant; c) The exterior design should be approved through consultation with our architectural consultant, Mr. Herron, in keeping with the previously approved alternative design for this project.
 3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung, report on file. Commission voted unanimously to approve.
 4. Public Hearing – None
 5. Site Development Permit - Council Member Santos Alba motions to approve. Mayor Pro Tem Bill Foulds seconds. VOTE: 5-0 in favor, motion passes.
- D. Conditional Use Permit Application for Bell Springs Winery, Located at 501 Old Fitzhugh Road, *Nate Pruitt, Bell Springs Winery, Applicant*
1. Presentation – None
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval with the following conditions: 1. Limit noise as described above to 65 decibels, which is below the State noise statute of 85 decibels (Texas Penal Code, Title 9, Section 42.01(c)(2); 2. Limit hours of operation Sunday through Thursday to closing at 10:00 p.m., and on Friday and Saturday at 11:00 p.m.
 3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair

Larry McClung, report on file. Commission voted unanimously to approve.

4. Public Hearing – No one speaks

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

E. Ordinance No. 1803.75: An Ordinance Amending the Zoning Classification of 6.891 acres out of the Benjamin F. Hanna Survey, A0222 & Philip A. Smith Survey, A0415, (also known as "26 Doors") from Commercial Services (CS) to Two Family Residential – Duplex (SF-4), *Mark Lander, TMG Commercial, Applicant, on behalf of the Dripping Springs Lions Club, Owner*

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, report on file. Commission voted to approve.

4. Public Hearing – Jimmy Strickland.....

5. Ordinance No. 1803.75 - Council Member Santos Alba motions to approve. Mayor Pro Tem Bill Foulds seconds. VOTE: 4-1 in favor, Mayor Pro Tem Foulds voted Nay, motion passes.

F. Amended and Restated Development Agreement between the City of Dripping Springs and Anarene Investments Ltd., Legal Description: 1647.83 acres total as further described in Exhibit A of the posted exhibits, *Paul Linehan, Land Strategies, Applicant*

1. Presentation – Paul Linehan, Applicant and Rex Baker, Legal Representative

2. City Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval.

3. Planning & Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung, report on file. Commission voted unanimously to approve.

4. Public Hearing –

Travis Danforth – Would like more information on how this development will affect the high school, transportation, traffic, water demands and the environment.

Marianne Castleberg – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Robert Morten – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Andy Scott – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Julian Scott – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Rick Adams – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Brad Greenbloom – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Cathy Ramsey – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

Nancy Schindler – Requests that a decision on this item be postponed until more information is provided by the developers to the property owners in the affected area.

5. Requests for Variances and Alternative Standards

- a. Maximum Impervious Cover
- b. Lot Widths and Depths
- c. Minimum Lot Sizes
- d. Residential Block Lengths
- e. Minimum Centerline Radius
- f. Minimum Tangent Length
- g. Construction and Installation of Required Public Improvements and Utilities

6. Amended and Restated Development Agreement - Council Member John Kroll motions to approve the Requests for Variances and Alternative Standards. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes. Council Member John Kroll motions to approve the Amended and Restated Development Agreement. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes.

G. Ordinance No. 1803.76 - An Ordinance of the City of Dripping Springs: Disannexing an 11.80 Acre Parcel of Land Located in the P.A. SMITH SURVEY (Within the Caliterra Subdivision Adjacent to Ranch Road 12 North of the Old Phillips Cemetery) in the Corporate Limits of the City; Providing for the Following: Findings of Fact, Disannexation of Territory, Effective Date, Filing, Severability, and Proper Notice and Meeting. *Development Solutions Cat, LLC, Owner*

1. Public Hearing – No one speaks
2. Ordinance 1803.76 – Mayor Pro Tem Bill Foulds motions to approve with the condition that the applicable documents be signed and notarized within 72 hours of this meeting. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

H. Petition Requesting 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. *Development Solutions CAT, LLC and Caliterra Allegiant Partners, LLC, Petitioners*

1. Public Hearing – No one speaks
2. Acceptance of Petition - Council Member Santos Alba motions to approve. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

XI. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Manager's Report – Report on file.
- B. Maintenance Director's Report – Report on file.

XII. BUSINESS

Consideration and Possible Action On:

- A. Job Description for Receptionist/Communications Coordinator
- B. Job Description for Administrative Assistant

Council Member Charles Busbey motions to approve the Receptionist/Communications Coordinator and Administrative Assistant job descriptions, and to authorize staff to proceed with hiring. Mayor Pro Tem Bill Foulds seconds. Vote 5-0 in favor, motion passes.

XIII. ANNOUNCEMENTS

- A. Special Farmers Market Association Board Meeting, January 20, 2015 at 10:00 a.m.
- B. Regular City Council Meeting, January 20, 2015 at 6:00 p.m.
- C. Regular Parks and Recreation Commission Meeting, January 26, 2015 at 6:00 p.m.
- D. Regular Founders Day Commission Meeting, January 26, 2015 at 6:30 p.m.
- E. Regular Planning & Zoning Commission Meeting, January 27, 2015 at 7:00 p.m.
- F. Regular Historic Preservation Commission Meeting, February 2, 2015 at 5:30 p.m.
- G. Special Planning and Zoning Commission Meeting, February 5, 2015 at 6:00 p.m.
- H. Regular Parks & Recreation Commission Meeting, February 9, 2015, at 6:00 p.m.
- I. Regular Founders Day Commission Meeting, February 9, 2015 at 6:30 p.m.
- J. Regular Farmers Market Association Board Meeting, February 10, 2015 at 10:00 a.m.
- K. Regular City Council Meeting, February 10, 2015 at 5:30 p.m.

XIV. ADJOURN -

Council Member John Kroll motions to adjourn. Council Member Charles Busbey seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourned at 8:39pm.