

Minutes of the Regular City Council Meeting City of Dripping Springs

A Regular City Council Meeting of the City of Dripping Springs was held Tuesday, December 9, 2014, 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 5:40pm. All present except DS Ranch Park Manager Lynne Dickinson. Also present were Planning and Zoning Commission Chair Larry McClung, Planning and Zoning Commission Vice Chair Mim James, Historic Preservation Commission Chair Ted Lehr, Keenan Smith.

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 6:00pm**

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 engaging professional assistance for legislative advocacy
(Section 551.071, Consultation with Attorney)

- B. Consultation with City Attorney regarding: the Consideration of request by WFC Headwaters Owner VII, L.P. ("WFC") (Owner of Headwaters) to allow WFC to issue road bonds and accelerate payment by WFC of a Facilities Expansion Fee payable per the Development Agreement; the adoption of a Resolution expressing the City's support for legislation granting road powers to the MUD; a Second Amendment to the Agreement Concerning Creation and Operation of the Headwaters Municipal Utility District; a Third Amendment to the Headwaters at Barton Creek Development Agreement; and an Assignment of a Facilities Expansion Fee payable per the Development Agreement (*Section 551.071, Consultation with Attorney*)
- C. Employee Pay and Performance Incentives for the following: City Administrator, Deputy City Administrator, City Planning Director, City Secretary, Utilities Coordinator/Municipal Court Clerk, City Treasurer, Administrative Assistant, Receptionist/Administrative Assistant, Part-time Administrative Assistant, Maintenance Director, Dripping Springs Ranch Park Manager, and Dripping Springs Ranch Park Maintenance Workers (*Section 551.074, Personnel Matters*)
- D. Consultation with City Attorney regarding status and negotiations concerning water and wastewater service to the Anarene (Double L Ranch) (551.071; Consultation with Attorney)

IV. RECESS **TIME: 6:45pm**

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance

Council Member Charlie Busbey leads the Pledge.

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.

Pam Owens – Bluebonnet Flea Market reduced fees.

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, November 18, 2014
- B. Approval of Treasurer's Report for October 2014
- C. Approval of Contract between the City of Dripping Springs and Vendor Ground Exchange for Dripping Springs Ranch Park Improvements

- D. Approval of Contract between the City of Dripping Springs and Vendor Baxter Masonry for Improvements at Dripping Springs Ranch Park
- E. Approval of Agreement for Contractor Services between the City of Dripping Springs and Southwest Erectors for the Installation of Doors and Storage Facilities at Dripping Springs Ranch Park
- F. Approval of Donation Agreement between the City of Dripping Springs and the Dripping Springs Ag Boosters for Donation of \$12,500.00 to be used for the Installation of Doors on the Warm Up end of the Dripping Springs Ranch Park Event Center

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

IX. BOARD OF ADJUSTMENT

- A. Sign Variance Request to Allow Grace Pax House to have an Off Premise Sign located at 1451 W. Highway 290 (DeVos Custom Woodworking), *Reuben Contreras, Grace Pax House*
 - 1. Presentation – None
 - 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
 - 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung – the Planning and Zoning Commission voted for approval.
 - 4. Public Hearing - No one speaks
 - 5. Variance Request

Council Member Santos Alba motions to approve. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

- B. Sign Variance Request to allow Keller Williams Realty and Gracy Title to Exceed the Maximum Number of Signs Allowed Per Business, 333 Highway 290, *Steve Mallet, Walker Springs Gateway Investments LLC*.
 - 1. Presentation - Steve Mallet, Applicant – available for questions.
 - 2. Sign Administrator's Report - City Administrator Michelle Fischer, report on file.
 - 3. Planning & Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung – the Planning and Zoning Commission voted for approval.
 - 4. Public Hearing – No one speaks.
 - 5. Variance Request

Council Member Charlie Busbey motions to approve with staff recommendations. Council Member

Wade King seconds. Mayor Pro Tem Bill Foulds amends the motion to apply only to the current business. VOTE: 5-0 in favor, motion passes.

C. Reconsideration of Sign Variance Request from Mercer Street Dance Hall to allow a Changeable Copy Sign (located at 332 Mercer Street), *Nick Dotin, Applicant*

1. Presentation - Nick Dotin, Owner of Mercer Street Dance Hall, Request on file.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
3. Planning and Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung – the Planning and Zoning Commission voted for approval.
4. Public Hearing – No one speaks
5. Variance Request

Council Member Charlie Busbey motions to approve with staff recommendations. Council Member Wade King seconds. VOTE: 5-0 in favor, motion passes.

D. Request for a Waiver from the Temporary Moratorium on Certain Permits Adjacent To or Near the Historic District for 301 Highway 290, *Rex Baker, Representative of H.C. Carter, Owner*

1. Presentation - Rex Baker – Request on file. States that the Temporary Moratorium has created an undue hardship on the owners.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends the item be denied.
3. Public Hearing

Joanne Inscore, Owner of Short Mamas - Opposes the request for the waiver.

Bonnie Humphrey, DS Chamber of Commerce – Opposes the request for the waiver

4. Waiver – Mayor Pro Tem Bill Foulds asks City Attorney Alan Bojorquez to address the hardship issue. Bojorquez states that he has no doubt that what the applicant's counsel expressed is a hardship, but the question is whether it satisfies the requirement as an undue hardship as written in the Ordinance, and in his opinion it does not.

Item died due to lack of a motion.

X. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/ALTERNATE STANDARDS/ANNEXATIONS

A. Replat-- Caliche Hills, Section 1, Lot 2, located at 250 S. Canyonwood Dr., *Samuel Shorter, P.E., Representative of South Canyonwood Partners, LLC, Owner*

1. Presentation – None

2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval. Hays County also recommends approval.
3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung – the Planning and Zoning Commission voted for approval.
4. Public Hearing – No one speaks.
5. Replat

Council Member John Kroll motions to approve. Council Member Santos Alba seconds. VOTE: 5-0 in favor, motion passes.

B. Site Development Permit--Dripping Springs Medical Office Building, located at US Highway 290 and Sawyer Ranch Road, *Mario Sandoval, Applicant Representative*

1. Presentation – The applicant requested that this item be tabled until the January meeting.
2. Planning Director's Report
3. Planning and Zoning Commission Report
4. Public Hearing – No one speaks
5. Variance Request to Exceed Maximum Cut and Fill
6. Site Development Permit

Council Member Charlie Busbey motions to table the item per the applicant's request. Council Member John Kroll seconds. VOTE: 5-0 in favor, motion passes.

C. Amendment to Driftwood Development Agreement Between the City of Dripping Springs & M. Scott Roberts, Individually, and Driftwood Equities, Ltd.

1. Presentation – None
2. City Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval with an amendment to the special events notification timeline from 14 days to 30 days.
3. Planning and Zoning Commission Report – Planning and Zoning Commission Chair Larry McClung – the Planning and Zoning Commission voted for approval.
4. Public Hearing – No one speaks
5. Amendment to Development Agreement

Mayor Pro Tem Bill Foulds motions to approve subject to staff recommendations. Council Member Charlie Busbey seconds. VOTE: 5-0 in favor, motion passes.

Council Member John Kroll leaves the room at 7:36pm because he has a potential conflict of

interest concerning the next agenda item (affidavit on file).

- D. Creation Old Fitzhugh Road Historic District: Ordinance No. 1295.11: An Ordinance of the City of Dripping Springs, Amending Chapters 24 and 30 of the Code of Ordinances, Creating the Boundaries of the Old Fitzhugh Road Historic District Upon Determination of Additional Historic Areas; Amending the Official Zoning Map to Reflect the Creation of the Old Fitzhugh Road Historic District Boundaries; and Providing for the following: Findings of Fact, Enactment, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting

1. City Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
2. Historic Preservation Commission Report - Commission Chair Ted Lehr states that the Historic Planning Commission voted unanimously to approve.
3. Planning and Zoning Commission Report - Planning and Zoning Commission Chair Larry McClung – the Planning and Zoning Commission voted for approval.
4. Public Hearing

Carrie Napiorkowski – Supports the creation of the Old Fitzhugh Road Historic District.

Mike Rose – Please remove tract 4 of our property, shown on the map in your packet, from the proposed Old Fitzhugh Historic District.

City Administrator Michelle Fischer states that Merri Jean Peters submitted an email in opposition to her property at 100 Old Fitzhugh Road being included in the proposed Old Fitzhugh Historic District.

Mayor Todd Purcell acknowledges that each City Council member also received a copy of the email from Sherri Watts, expressing support for the historic district.

5. Ordinance No. 1295.11

Mayor Pro Tem Bill Foulds motions to approve the district but removing Lot 4 of the Rose property. Council Member Santos Alba seconds. VOTE: 4-0 in favor, motion passes.

Mayor Todd Purcell leaves the room at 7:52pm because he has a potential conflict of interest concerning the next agenda item (affidavit on file).

- E. Historic Overlay District: Ordinance No. 1220.99: An Ordinance of the City Of Dripping Springs, Amending the Zoning Ordinance, Chapter 30 of the Code Of Ordinances, Altering the Zoning Classifications of Certain Real Property in the City Limits by Creating and Applying a Historic Overlay District upon certain Historic Areas, upon request of the Historic Preservation Commission; Adding the Zoning Designation Historic Overlay (HO) to the Use Chart; Amending the Official Zoning Map to Reflect Changes of the Zoning Classification of Certain Properties; and Providing for the following: Findings of Fact, Enactment, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting

1. City Staff Report – Planning Director Jon Thompson, report on file.
2. Historic Preservation Commission Report - Commission Chair Ted Lehr recommends the overlay boundaries and land use chart recommendations as approved by the Historic Preservation Commission.
3. Planning and Zoning Commission Report – Commission Chair Larry McClung and Commission Vice Chair recommend the overlay boundaries to match the existing and proposed historic districts as approved by City Council, and land use chart recommendations as approved by the Planning and Zoning Commission.

4. Public Hearing

Bonnie Humphrey, Dripping Springs Chamber of Commerce –The Chamber supports the creation of the Old Fitzhugh Road and Hays Street Historic Districts.

Fabienne Bollom, Owner of Rolling in Thyme and Dough Restaurant - In favor of the overlay and proposed historic districts.

Linda Kleeman – In favor of the overlay and proposed Hays Street Historic District.

Danny Hubbard, Owner of Central Garage - Does not support the overlay.

Ted Lehr, Historic Preservation Commission Chair - In favor of the Historic Preservation Commission's recommendations regarding the overlay and historic districts. Recommends a downtown district ordinance.

Rex Baker – Not in favor of the overlay.

Carrie Napiorkowski – In favor of the overlay.

Larry McClung – Supports the decisions made by the Planning and Zoning Commission regarding the overlay and land use chart.

Mim James – Suggests the creation of a special committee to address this issue, with one or two members from City Council, Planning and Zoning, Historic Preservation Commission, City Staff and the consultant.

Joanne Inscore – Supports the idea of a special committee. Suggests a representative from the Chamber of Commerce be included along with representative property owners from within the area being affected. In favor of the overlay and historic districts, and the Chamber of Commerce's version of the land use chart.

5. Discussion Regarding Ordinance No. 1220.99 (*no action to be taken*)

Mayor Pro Tem Bill Foulds asks staff to review the recommendations of everyone involved (Historic Preservation Commission, Planning and Zoning Commission, citizens, property owners, and staff) and prepare a new overlay based on all feedback. Council Member Busbey suggests re-

visiting the land use chart.

XI. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

A. Farmers Market Manager's Report – Report on file.

B. Maintenance Director's Report – Report on file.

Mayor Todd Purcell returns to the meeting at 8:38pm.

XII. BUSINESS

Consideration and Possible Action On:

A. Request from Bluebonnet Flea for Reduced Itinerant Vendor Fees and Prorated Sign Fees in connection with proposed Monthly Markets at The Triangle, *Anya Whatley, Owner (Sponsor: Mayor Todd Purcell)*

Deputy City Administrator Ginger Faught, report on file. Council recommends a two month lease at regular prices. No action taken.

Mayor Todd Purcell leaves the room at 8:44pm because he has a potential conflict of interest concerning the next agenda item (affidavit on file).

B. Ordinance No. 1291.02: An Ordinance of the City of Dripping Springs, Texas, Extension of the Temporary Moratorium on Building Permits for new construction or modifications in the City Limits adjacent to or near the Historic District (*Mayor Pro Tem Bill Foulds*)

City Attorney Alan Bojorquez and city staff recommend a 90 day extension on the moratorium, that we exempt from the moratorium permits for size for businesses that are already currently, legally operating in the area, and that the overlay boundaries be changed to match the boundaries of the existing and proposed historic districts.

Mayor Pro Tem Bill Foulds motions to approve with staff recommendations. Council Member Santos Alba seconds. Vote: 3-0 in favor, motion passes.

Mayor Todd Purcell and Council Member John Kroll return to the meeting at 8:56pm.

C. Second Amendment to the Agreement Concerning Creation and Operation of the Headwaters Municipal Utility District (*Mayor Pro Tem Bill Foulds*)

Mayor Pro Tem Bill Foulds motions to approve execution of the second amendment to the agreement concerning creation and operation of the Headwaters Municipal Utility District contingent upon the City's receipt of the executed second amendment to the Headwaters at Barton Creek Development Agreement and the executed third amendment to the Headwaters at Barton Creek Development Agreement. Council Member Santos Alba seconds. Vote: 5-0 in favor, motion passes.

D. Resolution No. 2015-06: A Resolution of the City of Dripping Springs Expressing Support for Legislation Granting Road District Powers to Headwaters Municipal Utility District (*Sponsor: Mayor Pro Tem Bill Foulds*)

Mayor Pro Tem Bill Foulds motions to approve. Council Member Charles Busbey seconds. Vote: 5-0 in favor, motion passes.

- E. Assignment Agreement between the City of Dripping Springs and WFC Headwaters Owner VII, L.P. to accelerate payment by WFC of the Facilities Expansion Fee payable per the Headwaters of Barton Creek Development Agreement (*Sponsor: Mayor Pro Tem Bill Foulds*)

Mayor Pro Tem Bill Foulds motions to approve. Council Member Santos Alba seconds. Vote: 5-0 in favor, motion passes.

XIII. ANNOUNCEMENTS

- A. Regular Founders Day Commission Meeting, December 10, 2014 at 6:30 p.m.
- B. Regular Planning & Zoning Commission Meeting, December 17, 2014 at 7:00 p.m.
- C. Regular Historic Preservation Commission Meeting, January 5, 2015 at 5:30 p.m.
- D. Regular Parks & Recreation Commission Meeting, January 12, 2015 at 6:00 p.m.
- E. Regular Farmers Market Board Association Meeting, January 13, 2015 at 10:00 a.m.
- F. Regular City Council Meeting, January 13, 2015, at 5:30 p.m.

XIV. ADJOURN

Council Member Santos Albamotions to adjourn. Council Member Charles Busbey seconds. VOTE 5-0 in favor, motion passes. Meeting adjourns at 8:58pm.