

Minutes of Regular Meeting

City Council City of Dripping Springs

A Regular Meeting of the City Council of City of Dripping Springs was held Tuesday, July 8, 2014, beginning at 5:30 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

Planning and Zoning Chair Larry McClung

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

City Treasurer Gina Gillis

DS Ranch Park Coordinator Lynne Dickinson

Mayor Pro Tem Foulds calls the meeting to order at 5:30 p.m. All present except Mayor Purcell, Councilman Kroll and Larry McClung.

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).

Convened to Executive Session at 5:32. Business items C and D discussed. Those

present: Mayor Pro Tem Foulds, Councilman Alba, Councilman Busbey, Councilman King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Jo Ann Touchstone, Lynne Dickinson, Gina Gillis, and Alan Bojorquez. Reconvened to Workshop at 6:35 p.m.

- A. PERSONNEL: Job description, tasks, duties and performance incentive for Dripping Spring Ranch Park Employee (S. Miller) (Section 551.074 Personnel Matters)

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Boy Scouts lead 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.

No one speaks.

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, June 10, 2014
- B. Approval of Special Meeting Minutes, June 25, 2014
- C. Approval of Treasurer's Report for June 2014

Councilman Alba motions to approve. Councilman King seconds. Motion passes, 4-0.

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

Consideration and Possible Action On:

- A. Special Exception - Sawyer Ranch 33, Tract Two, Located South of the Valero convenience store at the intersection of US 290 and Sawyer Ranch Road, to

Exceed the Maximum Height of 40 Feet and the Maximum of Two Stories Allowed, *Luis Duron, Schneider Halls, Applicant*

1. Presentation – Luis Duron, presents request and is available for questions. David Price reviews photos. Developer Eric Perardi, states intent of project. Owner Bruce Johnson with Arise Healthcare states this is a local Texas company with projects in
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Public Hearing – Jerry Ybarra, neighbor, states concern for height of structure

Bryan Halbert, resident of Belterra, volunteer on Dripping Springs Chamber of Commerce. Mr. Halbert states he has reached out to get feedback from residents in the area and they have stated desire and need for this facility in our community. Mr. Halbert states the need for this facility in our community and support for approval of the project.

Roger Heaston, 390 Rugged Earth Drive, states he is not opposed to development, but states concern for light pollution and height of building. Mr. Heaston states there is a need for the facility.

Gigi Sanchez, 158 Rugged Earth, states support for need of facility and services, but opposition to height of building. Ms. Sanchez states the Arise Group has two story facilities in other communities and inquires why two stories is not an option for Dripping Springs. Ms. Sanchez states she doesn't feel the developer has presented accurate information. Ms. Sanchez asks Council to deny request.

4. Special Exception – Councilman Busbey motions to approve with staff recommendations. Councilman Alba seconds. Councilman Busbey inquires of developer if there are any problems complying with conditions listed in report. Luis Duron states there is not. Mayor Pro Tem Foulds states the project will have to comply the lighting ordinance. Councilman King inquires of developer to explain the footprint of the three story building as well as the buffer from the nearest residence. Motion passes, 4-0.

B. Conditional Use Permit for 332 Mercer Street (Mercer Street Dance Hall), *Nick Dotin, Applicant*

1. Presentation – Nick Dotin, states request and project and is available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.

4. Public Hearing – No one speaks.
 5. Conditional Use Permit – Councilman King motions to approve staff recommendations. Councilman Busbey seconds. Motion passes, 4-0.
- C. Sign Variance Request from Mercer Street Dance Hall to allow a Changeable Copy Sign on an Existing Pole Sign (located at 332 Mercer Street)
1. Presentation – Nick Dotin, states request and is available for questions.
 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. States Historic Preservation Commission approved Certificate of Appropriateness.
 3. Planning & Zoning Commission Report – Commissioner McClung states Commission discusses at length and approved 6-1.
 4. Public Hearing – No one speaks.
 5. Variance Request to Allow A Changeable Copy Sign on An Existing Pole Sign – Councilman King motions to approve with staff recommendations. Councilman Busbey seconds. Motion passes, 4-0.
- D. Sign Variance Request for Saratoga Hills Subdivision Entrance Sign (located on Gato Del Sol Ave. near its intersection with Trautwein Rd.)
1. Presentation - Applicant present and available for questions.
 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
 3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.
 4. Public Hearing – No one speaks.
 5. Variance Request to Exceed the Maximum Area Allowed for a Subdivision Entrance Monument Sign – Councilman King motions to approve with staff recommendations including \$500 administrative fine. Councilman Busbey seconds. Motion passes, 4-0.
 6. Variance Request to Allow A Sign to Be Located in the Right-of-Way – Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- E. Sign Variance Request for Butler Ranch Estates Subdivision Entrance Sign (located at subdivision entrance in 400 block of Butler Ranch Rd)
1. Presentation – Applicant letter on file.
 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.

4. Public Hearing – No one speaks.
 5. Variance Request to Exceed the Maximum Area Allowed for a Subdivision Entrance Monument Sign – Councilman King motions to approve staff recommendations. Councilman Alba seconds. Motion passes, 5-0.
- F. Sign Variance Request for Rim Rock Subdivision Entrance Sign (located at subdivision entrance in the 16100 Block of Crystal Hill Drive)
1. Presentation – Applicant letter on file.
 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
 3. Planning & Zoning Commission Report – Commissioner McClung states five people spoke at public hearing with concerns about lighting and size. Commission approved unanimously with staff recommendations and added condition that sign never be lit.
 4. Public Hearing – Brian Dudley, Goldenwood resident, asks Council to consider the placement and size of wall in relation to improvements that are needed in the area.

Jim Evans, neighbor, seconds Mr. Dudley's comments and asks that it be determined the street widening will allow for this sign and structure.
 5. Variance Request to Exceed the Maximum Area Allowed for a Subdivision Entrance Monument Sign – Councilman Alba motions to approve staff recommendations. Councilman Busbey seconds. Motion passes, 4-0.
- G. Replat, Crooked Oaks, Lot 5, located at the end of Pin Oak Drive and Post Oak Drive, *Edmund Kunz, Jr., Applicant*
1. Presentation – Applicant present and available for questions.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file.
 3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.
 4. Public Hearing – No one speaks.
 5. Replat – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- H. REVISED Preliminary Plat, Reunion Ranch located approximately 1 mile north on FM1826 on the southeast side of the road (523.96 acres, William Carlton Survey, Abs. No. 124; S.J. Whatley Survey No. 22, Abs. 18; Richard Hayley Survey, Abs. No. 124), *Brett Pasquarella, PE, Carlson Brigance & Doering, Applicant*
1. Presentation – Michael Slack, with Taylor Morrison, reviews project/presentation boards.

2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Commissioner McClung states four people spoke at the public hearing. Commission approved staff recommendations unanimously.
 4. Public Hearing – No one speaks.
 5. Preliminary Plat – Councilman Busbey motions to approve. Councilman King seconds. Motion passes, 4-0.
- I. Replat, Sunset Canyon, Section 1C, Lot 17 and Variance from Dripping Springs Code of Ordinances, Ch 28, Exhibit A, Section 14.6, located at 3975 E US Highway 290 (approximately 800 feet east of the intersection of US 290 and Trautwein Road on the north side of US 290), *Ken and Milena Christopher, Applicant*
1. Presentation – Ted McConoghey, P.E., Doucet & Associates, reviews presentation board and states request and is available for questions.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.
 4. Public Hearing – No one speaks.
 5. Variance from the Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 14.6 “Minimum Lot Sizes in Extra Territorial Jurisdiction (ETJ),” to allow a lot smaller than the minimum 1.5 acres required – Mayor Pro Tem Foulds motions to approve with condition all lighting be brought into compliance. Councilman Alba seconds. Mayor Pro Tem Foulds inquires of applicant if they can comply with lighting ordinance. Mayor Pro Tem Foulds asks lights to be in compliance before signing plat. Motion passes, 4-0.
 6. Replat – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes. 4-0.

X. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone -

XI. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1100.60 - An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2014 Budget (*Sponsor: Council Member Busbey*)
 1. Public Hearing – No one speaks.
 2. Ordinance No. 1100.60 – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0.

- B. Interlocal Cooperation Agreement between Hays County and the City of Dripping Springs for Subdivision Regulation Within the Extraterritorial Jurisdiction of the City of Dripping Springs (1445 Agreement) (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- C. Consider and possibly take action to approve Change Order #5 revising the total number of working days for the construction contract between the City of Dripping Springs and Myers Concrete Construction LP for the Mercer Street Pedestrian Improvement Project CSJ: 0914-33-065. This request has been made by Myers Concrete Construction LP to adjust the number of working days to reach substantial completion from 60 days to 106 days. Adequate back-up has been submitted showing additional time was needed due to inclement weather days, design changes, and additional quantities to complete the project. Liquidated damages will not be applied to the project per approval of the Change Order. – Councilman Busbey motions to approve change order 5. Councilman King seconds. Motion passes, 4-0.
- D. Consider and possibly take action to approve Change Order #6 increasing the construction contract between the City of Dripping Springs and Myers Concrete Construction LP by \$34,357.00 for the Mercer Street Pedestrian Improvement Project CSJ: 0914-33-065 in order to finalize the plan quantity overruns / under runs for the approved improvements. – Councilman King motions to direct city staff to evaluate the cost overruns, confer with Klotz & Associates, determine what (if any) damages are the responsibility of Klots, and come back to the city council with a recommendation. Councilman Alba seconds. Motion passes, 4-0.
- E. Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation for Application to the Community Development Block Grant Program for Water Service Improvements (*Sponsor: Mayor Pro Tem Foulds*) – Councilman Busbey motions to approve the agreement. Councilman Alba seconds. Motion passes, 4-0.
- F. Professional Services Agreement Between the City of Dripping Springs and Grant Development Services to Prepare an Application to the Community Development Block Grant Program for Water Service Improvements (*Sponsor: Mayor Pro Tem Foulds*) – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- G. Acceptance of Bid and Award of Contract for Rainwater Collection System Installation at Dripping Springs Ranch Park (*Sponsor: Mayor Purcell*) – Commissioner King motions to approve lowest bidder, Innovative Water Solutions and authorize Mayor Pro Tem Foulds to sign contract. Councilman

Busbey seconds. Motion passes, 4-0.

XII. ADJOURN -

Mayor Pro Tem Foulds motion to adjourn. Councilman Alba seconds. Motion passes, 4-0.
Meeting adjourned at 8:30 p.m.