

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, April 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 Purcell calls the meeting to order at 7:00 p.m. All present except Larry McClung. Also present, Special Counsel Ron Freeman.

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 6:10 p.m. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Alba, Councilman Busbey, Councilman King, Councilman Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Attorney Alan Bojorquez and Special Counsel Ron Freeman. City Administrator Michelle Fischer and Deputy City Administrator Ginger Faught excused for consideration of item E. Reconvened to Workshop at 6:55p.m.

- A. Consultation with City Attorney Regarding Dissolution and Annexation Agreement between the City of Dripping Springs and Hays County Development No. 1 District, and Development Solutions CAT, LLC (551.071 Consultation with City Attorney)
- B. Consultation with City Attorney Regarding alternatives and options for obtaining and permitting subsurface wastewater drip irrigation lands for the disposal of wastewater treated under the authorization of Texas Pollutant Discharge Elimination System Permit No. WQ0014488001 at the City's South Regional Wastewater Treatment Facilities Collection System, including additional area needed to meet wastewater service needs of the future development adjacent to the City's collection lines, (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 Legal Issues Regarding Proposed Amendment to Development Agreement between the City of Dripping Springs and G. Goode and A. Davison for 80.98 acres of land (Consultation with City Attorney 551:071)
- E. Discussion of Employee Compensation and Benefits (551.074 Personnel Matters)

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Mayor Purcell leads the pledge and asks for all to observe a moment of silence in honor of those who lost their lives in Fort Hood.

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.

- A. Presentation from Superintendent Dr. Bruce Gearing and Assistant Superintendent for Business Services Elaine Cogburn on Dripping Springs Independent School District Bond Referendum

Dr. Bruce Gearing reviews power point presentation and information related to Bond Referendum. Report on file.

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 4, 2014
- B. Agreement for Consulting Services between Klotz Associates, Inc. & City of Dripping Springs for Founders Day Exhibits
- C. Approval of Regular Meeting Minutes, March 18, 2014
- D. Approval of Treasurer's Report for March 2014
- E. Approval of Ordinance No.1070.61: An Ordinance of the City of Dripping Springs Amending Section 13.8. Credit Cards and Debit Cards of the City of Dripping Springs Fee Schedule
- F. Approval of Legal Services Agreement between the City of Dripping Springs and The Chapman Firm, PLLC
- G. Approval of Request from the Friends of the Pound House Foundation to Use Portions of Founders Memorial Park in Accordance with the Proposed Parking Plan for the Annual Spring Gala on April 12, 2014 from 6:00 p.m. to 10:00 p.m.,
John E. Cassidy, President
- H. Approval of contract between the City of Dripping Springs and the Texas Department of Criminal Justice, Kyle Correctional Center, to allow offenders to perform general cleaning, maintenance and other duties at Dripping Springs Ranch Park.
- I. Approval of Proclamation Declaring April "Call Before You Dig Month"
- J. Approval of Proclamation Declaring April "Sexual Assault Awareness Month"
- K. Approval of Proclamation Declaring April "Child Abuse Prevention and Awareness Month"
- L. Approval of 2014 Founders Day Contracts (*on file at City Hall*)
 - 1. St. Martin de Porres Catholic Church for Ice Sales
 - 2. Hill Country Bible Church for Children's Inflatables
 - 3. Dripping Springs VFW/American Legion for Event Parking
 - 4. Chad & Shannon Fox for Event Parking
 - 5. Jim Halfpenny for Musical Entertainment

6. Catch A Dream Band & Greg Jordan for Musical Entertainment
7. Hired Guns Band for Musical Entertainment
8. Carport Casanovas for Musical Entertainment
9. Steven Rector for Lighting and Sound Production on the Main Stage & Party Stage
10. Roger Aker for Musical Entertainment
11. Hot Texas Swing Band for Musical Entertainment
12. Chad Hudson for Musical Entertainment
13. Michael Myers for Musical Entertainment
14. Bobby Pounds for Musical Entertainment

Mayor Pro Tem Foulds motions to approve consent items with item B including City Attorney comments. Councilman Alba seconds. Motion passes, 5-0.

Councilman King reads Proclamation declaring April Call Before You Dig Month.

Councilman Busbey reads Proclamation declaring April Sexual Assault Awareness Month.

Deputy City Administrator Ginger Faught reads Proclamation declaring April Child Abuse and Prevention Month.

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

Consideration and Possible Action On:

- A. Ordinance 1310.33 – An Ordinance Expanding the Extraterritorial Jurisdiction of the City of Dripping Springs, Hays County, Texas, So as to Include Said Hereinafter Described Property Within the Extraterritorial Jurisdiction of the City of Dripping Springs: 51.10 Acres of Land out of and a part of S. F. I. W. Company Survey No. 1 in Hays county, Texas, *David Cassell, Petitioner*

1. Public Hearing – No one speaks.
2. Ordinance No. 1310.33 – Councilman Alba motions to approve. Councilman Kroll seconds. Motion passes, 5-0.

- B. Sign Variance Requests to Allow a Projecting Sign to Exceed the Maximum Height of 54 Inches and to Allow an Alternative Lighting Standard, Rockstar Performance Shop, LLC, 1016 Pier Branch Rd., *Derek C. Robinson, Applicant*

1. Presentation – None.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.

3. Planning & Zoning Commission Report – Commissioner McClung states Commission voted unanimously to approve staff recommendations.
4. Public Hearing – No one speaks.
5. Sign Variance Request to Allow a Projecting Sign to Exceed the Maximum Height of 54 Inches – Mayor Pro Tem Foulds motions to approve staff recommendations for both variance requests. Councilman Alba seconds. Motion passes, 5-0.
6. Sign Variance Request to Allow an Alternative Lighting Standard - Mayor Pro Tem Foulds motions to approve staff recommendations for both variance requests. Councilman Alba seconds. Motion passes, 5-0.

C. Sign Variance Requests to Allow a Monument Sign for a Single Business to Exceed 6 feet in Height and to be Located Within the Set Back from the Right-of-Way, Well Yeah Cakes, 28109 Ranch Road 12, *Krystal DeVazier, Applicant*

1. Presentation – Krystal DeVazier states request and shows sign.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved up to eight feet in height with sign administrator's recommendations.
4. Public Hearing – No one speaks.
5. Sign Variance Request to Allow a Monument Sign for a Single Business to Be Located Within the Setback from the Right-of-Way – Councilman Kroll motions to approve with staff recommendations. Councilman Busbey seconds. Motion passes, 5-0.
6. Sign Variance Request to Allow a Monument Sign for a Single Business to Exceed 6 feet in Height – Councilman Busbey motions to consider. Councilman King seconds. Councilman Busbey states a pole sign would suit this area. Councilman King motions to approve variance request at eight feet.. Councilman Alba seconds. Motion passes, 3-2. Mayor Pro Tem Foulds and Councilman Kroll opposed.

D. Special Exception, 23455 FM 150, Special Exception from the Dripping Springs Code of Ordinances, Chapter 30 "Zoning," Exhibit A "Zoning Ordinance," Section 3.14 .7(c) to Allow for the Permanent Use of an Airstream Travel Trailer as a Serving Station and Occasional Office, (*Twisted X Brewery*) *Ted Stewart, Applicant*

1. Presentation – None.
2. Planning Director's Report – Planning Director Jon Thompson, report on file with additional condition it must be this airstream and must be kept in good condition.
3. Planning & Zoning Commission Report – Commissioner McClung states

Commission voted to approve staff recommendations 5-0-1.

4. Public Hearing – Robert Blackwell, neighbor. Letter on file. Mr. Blackwell cites City Ordinances prohibiting RV use.
5. Special Exception – Councilman King motions to deny. Councilman Busbey seconds. Motion passes, 3-2. Mayor Pro Tem Foulds and Councilman Kroll opposed.

E. Conditional Use Permit, 275 Old Highway 290, to Allow for the Open/outdoor Storage of Construction Equipment, *Chris Staff, Applicant*

1. Presentation – Frank Raymond present and available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Planning & Zoning Commission Report – P&Z Chair McClung states Commission approved unanimously.
4. Public Hearing – No one speaks.
5. Conditional Use Permit – Mayor Pro Tem Foulds motion to approve subject to staff & P&Z recommendation. Councilman King seconds the motion. Councilman Alba asks if the applicant has anything on this site to address gas leakage from heavy equipment. Planning Director Jon Thompson states that this would be addressed by the Water Quality Ordinance. Motion passes, 5-0.

F. Special Exception, 275 Old Highway 290, Special Exception from the Dripping Springs Code of Ordinances, Chapter 30 “Zoning,” Exhibit A “Zoning Ordinance,” Section 3.12.5.(b) to Allow for a mobile office to be used as an office, *Chris Staff, Applicant*

1. Presentation – Frank Raymond is 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 the Commission approved unanimously.
4. Public Hearing – No one speaks.
5. Special Exception – Councilman King motions to approve. Motion dies. Mayor Pro Tem Foulds asks to revisit item. Mayor Pro Tem Foulds motions to approve. Councilman King seconds. Motion passes, 4-0-1. Councilman Kroll abstains.

G. Conditional Use Permit, 211 Mercer Street, to Allow for the Operation of a Wine Bar, *John McIntosh, Applicant*

1. Presentation- None.
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. Conditional Use Permit – Councilman King motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

H. Ordinance No. 1220.92 - An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the Following Property Located Within the City of Dripping Springs Corporate City Limits: 102.5 acres of the P.A. Smith Survey located in the 29000 block of Ranch Road 12, approximately 1500 feet north of the intersection of RR12 and Goodnight Trail, from Single-Family Moderate Density (SF-2) with Conditional Overlay to Single-Family Attached Residential District (SF-5) Garden Home with Conditional Overlay, *John Doucet, PE, Doucet & Associates, Applicant, for Monte Lynn Glosson, Trustee for Johnny Franklin Glosson Estate*

1. Presentation – John Doucet, gives presentation and is available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved staff recommendations.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.92 – Mayor Pro Tem Foulds motions to approve. Councilman Kroll seconds. Motion passes, 5-0.

I. Special Exception, 400 Old Fitzhugh Road - Special Exception from the Dripping Springs Code of Ordinances, Chapter 30 “Zoning”, Exhibit A “Zoning Ordinance”, Section 3.12 .5(d) for the permanent use of two portable buildings for retail service business purposes, (Goodie Two Shoes) *Christine Ann, Applicant*

1. Presentation – Applicant’s associate present for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Planning & Zoning Commission Report – Commissioner McClung states commission approved staff recommendations unanimously.
4. Public Hearing – No one speaks.
5. Special Exception – Councilman Kroll motions to approve staff recommendations. Councilman Busbey seconds. Councilman Alba states this is prohibited in the city’s ordinance. Mayor Pro Tem Foulds offers friendly amendment that should the buildings be unoccupied for 18 months

they be removed. Councilman Kroll accepts. Motion passes, 4-1-0.
Councilman Alba opposed.

J. Ordinance No. 1220.93 - An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the Following Properties Located Within the City of Dripping Springs Corporate City Limits: Lots 1, 2, and 3 of the Burrows Subdivision, located at the end of EMS Drive approximately 300 feet northeast of the intersection of Sportsplex Drive and EMS Drive, from Single-Family Two-Family (SF-4) to Multi-Family Residential (MF), *Dirk Gosda, Sunrise Company, on behalf of Carter Breed, The Burrows @ Dripping Springs, L.P.*

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 staff recommendations unanimously.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.93 – Councilman Alba motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

K. Vacation of Lots 1, 2, and 3 of the Burrows Subdivision, the Condominium Subdivision Plat and Construction Plans for The Burrows Condominiums, *Carter Breed, The Burrows @ Dripping Springs, L.P.*

1. Presentation - Jade? 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 staff recommendations unanimously.
4. Public Hearing – No one speaks.
5. Vacation of Burrows Subdivision, Lots 1-3 – Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes. 5-0.

L. Condominium (Final) Plat and Construction Plans - The Burrows Condominiums, *Dirk Gosda, Sunrise Company, 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 staff recommendations unanimously.
4. Public Hearing – No one speaks.

5. Construction Plans – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
6. Condominium Subdivision Plat - Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.

X. REPORTS

- A. Farmers Market Report - Market Manager Jo Ann Touchstone – report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Casting of City's Vote for Dripping Springs Water Supply Corporation 2014 Election (*Mayor Pro Tem Foulds*)- *Mayor Pro Tem Foulds motions to authorize Councilman King to cast the city's vote. Councilman Kroll seconds. Motion passes. 5-0.*
- B. Ordinance No. 6300.11: An Ordinance of the City of Dripping Springs Amending Chapter 28 Subdivisions and Site Development, Article 28.06, Landscaping and Tree Preservation (Landscape Ordinance) (*Sponsor: Mayor Purcell*) – *Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.*
- C. Reconsideration of Co-Sponsorship Application from the Texas International Dark Sky Association for Special Event at the Dripping Springs Ranch Park & Event Center (*Sponsor: Mayor Purcell*) – *Councilman King motions to approve. Councilman Alba seconds. Motion passes, 5-0.*
- D. Change Order #4 increasing the construction contract between the City of Dripping Springs and Myers Concrete Construction LP by \$15,610 for the Mercer Street Pedestrian Improvement Project CSJ: 0914-33-065 in order to construct the retaining wall at the culvert crossing along Mercer Street. The new cost for the revision in scope of work to complete the retaining wall replaces the original construction bid amount of \$10,710.00. – Mayor Pro Tem Foulds motions to approve. By pre-approving such change order, the City does not waive the City's ability to dispute the City's obligation to pay the pre-approved change order amount. Councilman King seconds. Motion passes, 5-0.
- E. Resolution No. 2014-15: A Resolution of the City of Dripping Springs, Texas, Amending the Personnel Manual Originally Approved in 2007(*Sponsor: Mayor Purcell*) – *Councilman Alba motions to approve with staff recommended changes. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.*
- F. Authorization for Creation of Additional Dripping Springs Ranch Park Part-time Maintenance Position and Authorization for Deputy City Administrator and Dripping Springs Ranch Park Coordinator to Hire Employee for Position (*Sponsor: Mayor Purcell*) – *Councilman Alba motions to approve. Councilman*

King seconds. Motion passes, 5-0.

G. Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Ag Boosters Club for the Dripping Springs Fair and Rodeo to be held at the Dripping Springs Ranch Park & Event Center – Councilman King motions to approve. Councilman Alba seconds. Motion passes, 5-0.

H. Ordinance No. 1100.59 - An Ordinance Amending the Fiscal Year 2014 Budget

1. Staff Report – Report on file.
2. Public Hearing – No one speaks.
3. Approval of Ordinance No. 1100.59 – Councilman King motions to approve. Councilman Alba seconds. Motion passes, 5-0.

I. Dripping Springs Ranch Park Building Fund Update and Budget Amendments (*Sponsor: Mayor Purcell*) – Councilman Alba motions to approve with staff recommendations. Councilman Busbey seconds. Motion passes, 5-0.

XII. **ADJOURN** – Councilman Alba motions to adjourn. Councilman King seconds. Motion passes, 5-0. Meeting adjourned at 8:56 p.m.