

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, September 10, 2013, 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

Mayor Purcell calls the meeting to order at 5:40 p.m. All present except 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).

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

A. 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.

Sarah Holland with the Clean Air?

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, August 13, 2013
- B. Approval of Regular Meeting Minutes, August 20, 2013
- C. Approval of Special Meeting Minutes, August 26, 2013
- D. Approval of Treasurer's Report for August 2013
- E. Approval of Proposal from Donald Allman for Fiscal Year 2013 Audit
- F. Approval of Appointment of Councilmember John Kroll to Serve on the Economic Development Committee
- G. Approval of FY 2014 Meeting Schedule and Holidays for City Council and Commissions
- H. Approval of Request from Dripping Springs United Methodist Church Junior Bible Quiz Ministry to Rent a Portion of the Triangle for Pumpkin Sales from October 13th through November 1, 2013 for \$250.00
- I. Approval of Temporary Street Closure request from Dripping Springs High School Student Council for Dripping Springs High School Homecoming Parade on Wednesday, September 18, 2013 from 6:15 p.m. to 7:30 p.m. for portions of Mercer, San Marcos, Wallace, College and Bluff Streets
- J. Approval of Request from Dripping Springs High School Student Council to Waive the Temporary Street Closure Fee for the Dripping Springs High School Homecoming Parade on Wednesday, September 18, 2013
- K. Approval of Agreement Between the City of Dripping Springs and Tommy Morrison for the Acquisition and Installation of Arena Dirt for the Dripping

Springs Ranch Park Rodeo Arena

- L. Approval of Agreement Between The City of Dripping Springs and Music Lab Incorporated for the Purchase and Installation of a Sound System for the Dripping Springs Ranch Park Rodeo Arena
- M. Approval of Request from Dripping Springs Athletic Booster Club to Hold Annual Bonfire at Dripping Springs Ranch Park on Wednesday, September 18, 2013, *Ron Crane, Applicant*
- N. Approval of Proclamation Declaring November 2013 "Dripping Springs Helping Hands Awareness Month"
- O. Approval of Proclamation Declaring September 17th through September 23rd, 2013 "Constitution Week"
- P. Approval of Proclamation Declaring October 1, 2013 "30th Annual National Night Out"

Councilman Alba motions to approve. Councilman King seconds. Motion passes, 5-0. Mayor Purcell reads the proclamation for Helping Hands Awareness Month. Members from

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

Consideration and Possible Action On:

- A. Sign Variance Requests – Adair Dentistry, 2150 Hwy. 290 E, *Alan Adair, 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 approved unanimously.
 - 4. Public Hearing – No one speaks.
 - 5. Sign Variance Request to Exceed the Maximum Height of 6 Feet Allowed for a Monument Sign Used by a Single Business, Section 26.06.063(d) -
 - 6. Sign Variance Request to Exceed the Maximum Signable Area of 48 Square Feet Allowed for a Monument Sign Used by a Single Business, Section 26.06.063(c) -
 - 7. Sign Variance Request to Exceed the Cumulative Sign Limitation of 64 Square Feet for a Single Unit Property, Section 26.07.002(c) –

Councilman King motions to approve all variances with staff recommendations. Councilman Alba seconds. Motion passes, 5-0.

- B. Blue Blazes Ranch Development Agreement Between the City of Dripping Springs and James, A. Smith to govern the approximately 35 acres including lots

A1, A2, and A3 of Tract A, Vista Ranch Subdivision recorded in Volume 14, Page 12-13 of the Plat Records of Hays County, Texas and which allows for land uses including, but not limited to, those allowed under the following zoning districts: Commercial Services and General Retail, and which establishes certain construction specifications that deviate from the standard ordinance requirements

1. Presentation – Michelle, Lavoie, representing Jim Smith. States project and request and is available for questions. Henry Gillmore, Jacy Warwick and representatives from RVI also present.
2. City Staff & Committee Report – Planning Director Jon Thompson states his report is on file. Staff recommends approval. Planning Director Jon Thompson states proposed changes to term from 45 to 25 years as well as revisions on connectivity discussed with applicant. Alan Bojorquez states change regarding trails. Commission recommended approval with exception to height of sign.
3. Parks & Recreation Commission Report – City Administrator Michelle Fischer gives report, on file.
4. Planning & Zoning Commission Report - Commissioner McClung states four citizens spoke at the public hearing.
5. Public Hearing – Dave Edwards, representing Chamber of Commerce, states the Chamber supports this project as it is a win-win. Mr. Edwards states tourism numbers for recent months and the need for lodging. Mr. Edwards references the revenues from overnight stays that would be kept in the community.
Mayor Pro Tem Foulds motions to approve items 6 through 20. Councilman Kroll seconds. Councilman Busbey inquires of applicant why there are so many variances. Motion passes, 5-0.
6. Parkland Dedication -
7. Variance Request for Nonresidential construction in an area with predevelopment natural grades that are 25% or greater
8. Variance Request for Exclusion of all streets from the total lumens count per site instead of exclusion of only government-owned street lights in public rights-of-way and outdoor recreation facilities
9. Variance Request for Directory signs for multi-unit complexes in excess of three feet in height and greater than fifteen square feet in area
10. Variance Request for Monument signs for multi-unit complexes in excess of six feet in height and greater than eighty square feet in area
11. Variance Request for Monument signs for use by a single business greater than thirty-two square feet in area for apartments/townhomes and greater than forty-eight square feet in area for non-residential single businesses
12. Variance Request for Monument signs for subdivisions to allow one sign at each entrance to a neighborhood or residential subdivision from a public right-of-way

13. Variance Request for Projecting signs to exceed twenty-four square feet in area
14. Variance Request for duration of Concept Plans and Site Development Plans to expire after one year if no progress benchmark is achieved
15. Variance Request for cuts and fills to exceed maximum limit of six feet
16. Variance Request to allow alternative standards for shade tree minimum diameter and spacing in landscape buffers
17. Variance Request to allow alternative standards for tree replacement
18. Variance Request for Construction of streets and alleys with materials, products, and procedures that are not outlined in the City's Technical Construction Standards and Specifications
19. Variance Request for building heights in excess of two and a half stories or forty feet
20. Variance Request for Impervious cover in excess of sixty percent in the GR zoning district and seventy percent in the CS zoning district
21. Resolution No. 2013-23 - A Resolution of the City of Dripping Springs ("City) Approving The Blue Blazes Ranch Development Agreement ("Agreement") Between The City and James A. Smith ("Owner"), Authorizing the Mayor to Execute The Agreement, and Requiring the City Secretary to Record The Agreement With Hays County – Councilman Busbey motions to approve. Councilman King seconds. Motion passes, 5-0.

C. Ordinance No. 1803.72 - An Ordinance of the City of Dripping Springs Annexing the Following Property into the City of Dripping Springs Corporate City Limits: Being all of that certain Tract or Parcel of Land out of and a Part of the Stiles Fowler Survey Number 31, Abstract 174, Situated in Hays County, Texas, Said Tract of Land Being More Particularly Described as Being out of and a Part of that Certain 2.804 Acre Tract of Land Conveyed to Key Enterprises, Inc., in Volume 4479, Page 241 of the Official Public Records of Hays County, Texas (aka Twisted X Brewery)

1. Public Hearing – No one speaks.
2. Ordinance No. 1803.72 – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.

D. Ordinance No. 1220.87 - An Ordinance of the City of Dripping Springs Creating a Conditional Overlay Governing Certain Real Property in the City Limits Known as 391 Sportsplex Drive to Include Electronic Assembly as an Allowed Use and to List Several Other Uses, Which Would Otherwise Be Allowed Uses, As Prohibited Uses; And Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; and an Effective Date, *Mark Lander, Applicant*

1. Presentation – None.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.

Staff recommends approval of ordinance drafted.

3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved unanimously.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.87 – Councilman Kroll motions to approve. Councilman Alba seconds. Motion passes, 5-0.

E. Ordinance No. 1220.88 - An Ordinance of The City of Dripping Springs Amending the Restrictions of the Conditional Overlay Governing Certain Real Property in The City Limits Known as Lots 5 And 6 of Peabody Plaza Including Special Events as an Allowed Use of the Property; Defining Special Events; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; and an Effective Date, *Reba Byrd, Applicant*

1. Presentation – Syd Xinos, P.E., 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 reviews comments from public hearing and Commission recommendations.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.88 – Councilman Kroll motions to approve with staff recommendations for hours, which includes adding private parties and fundraisers to definition of special events. Councilman Busbey seconds. Councilman Busbey inquires of applicant regarding outdoor events and parking. Motion passes, 5-0.

F. Ordinance No. 1220.86 - An Ordinance of the City of Dripping Springs Creating a Conditional Overlay Governing Certain Real Property in the City Limits Known as 23455 FM 150 Allowing for the Sale of Beer On-Site and Off-Site Consumption; Including Special Events as an Allowed Use of the Property; Defining Special Events; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; and An Effective Date, *Shane Bordeaux, Applicant*

1. Presentation – Shane Bordeaux, owner/founder, states request and is available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval with conditions listed.
3. Planning & Zoning Commission Report – Commissioner McClung states people spoke at the public hearing regarding noise, traffic, parking. Commissioner McClung states most were supportive of alcohol sales, but opposed to outdoor (large) events. Commissioner McClung states there was also support for outdoor events, especially charitable events. Commissioner McClung states the Commission voted to approve staff recommendations.

Public Hearing – Mr. Ted Stewart, applicant, states history of requests during planning process. Mr. Stewart states at the first opposition a neighborhood meeting was held to address concerns. Mr. Stewart states request due to change in law as well as beer garden area for outdoor use and conditional use permits for any other planned outdoor events.

Dan Wheelles, attorney for applicant. Mr. Wheelles states the ordinance conveys what was discussed with the applicant and the proposed grassy area on site plan can be reviewed at a later date.

Mr. Spider Williams, states support for tabling the item till further investigation can be done.

Robert Blackwell, states the applicant's original request has changed and the neighborhood was supportive of initial request, but objects to special events. Mr. Blackwell states concern for future expansion and concern for noise and impact on neighbors.

Mr. Joe Volpe, letter on file.

James Fenalon – states support for restriction of hours, possibly 7:00 p.m.. and support for limiting outdoor amplification.

5. Ordinance No. 1220.86 – Councilman Kroll motions to consider. Councilman Busbey seconds. Council discusses zoning, noise, special events. Councilman Kroll motions to approve ordinance as drafted with the addition under section D. Parking, that no parking be allowed within Springwood and Oak Springs Subdivisions and no amplified music be allowed and hours stated be clarified as hours open to the public. Commissioner Busbey offers friendly amendment to change hours to 10:00 am to 8:00 pm Sunday through Thursday and 10 am to 10 pm on Friday and Saturday. Councilman Kroll accepts friendly amendment. Motion passes, 5-0.

G. Final Plat & Construction Plans – Counts Ranch, Phase 2 located at the east end of Blue Ridge Drive, and south of Butler Ranch Drive, 134.4686 acres out of the P.A. Smith Survey and C.H. Mallot Survey, Hays County, Texas, *John Lloyd, Applicant*

1. Presentation –
2. Planning Director's Report -
3. Planning & Zoning Commission Report -
4. Public Hearing – Chris Schmidt, resident on Blue Ridge. States concern for lack of traffic control on Blue Ridge and drainage issues and water run off in the area.

Katie Meltzer, resident, states history of development and concerns that were originally addressed. States concern for drainage and support for connectivity.

Spider Williams, resident, states agreement for traffic problems on Blue Ridge and Ranch Road 12.

5. Final Plat & Construction Plans -

X. REPORTS OF AGENCIES COMMISSIONS AND STAFF

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

XI. BUSINESS

Consideration and Possible Action On:

- A. Public Hearing on Proposed Fiscal Year 2014 Budget and Proposed 2013 Ad Valorem Tax Rate of \$0.1500 per \$100.00 Assessed Valuation – No one speaks.
- B. Request from Dripping Springs Chamber of Commerce for the Use of One "People Hauler" at Dripping Springs Ranch Park for the Dripping with Taste Wine and Food Festival on September 14, 2013 from 11:00 a.m. to 8:00 p.m., Pam Owens, Director, Dripping Springs Visitors Bureau (Sponsor: Mayor Purcell) – Item pulled.
- C. Ordinance No. 2350.11 - An Ordinance Authorizing the Issuance of City of Dripping Springs, Texas Combination Tax and Limited Revenue Certificate of Obligation, Taxable Series 2013; Levying an Ad Valorem Tax and Pledging Certain Surplus Revenues in Support of the Certificate; Authorizing Execution of A Paying Agent/Registrar Agreement and an Investment Letter; And Ordaining Other Matters Relating to the Issuance of the Certificate (Sponsor: Mayor Purcell) – Councilman Busbey motions to approve and accept bid submitted by Pioneer Bank. Councilman Alba seconds. Motion passes, 5-0.
- D. Review and Amendment of Capital Improvements Budget for Dripping Springs Ranch Park and Authorization for City Staff to Purchase Certain Budgeted items (Sponsor: Mayor Purcell)- Councilman Busbey motions to approve with the removal of the point of sale system and authorize staff to purchase items that do not require council approval. Councilman King seconds. Motion passes, 5-0.

XII. ADJOURN – Mayor Pro Tem Foulds motions to adjourn. Councilman Kroll seconds. Motion passes, 5-0.

XIII. ANNOUNCEMENTS

- A. Special City Council Budget Workshop, Thursday, September 12, 2013 at 6:00 p.m.

- B. City Council Meeting, September 17, 2013, at 6:00 p.m.
- C. Regular Parks & Recreation Meeting, October 14, 2013 at 6:00 p.m.
- D. Regular Planning & Zoning Commission Meeting, September 24, 2013 at 7:00 p.m.
- E. Regular Historic Preservation Commission Meeting, October 7, 2013 at 5:30 p.m.
- F. Regular Founders Day Commission Meeting, , 2013 at 6:30 p.m.
- G. Regular Farmers Market Board Association Meeting, October 8, 2013 at 10:00 a.m.