

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, August 13, 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 Pro Tem calls the meeting to order at 5:45 p.m. All present except Mayor Purcell, Councilman Kroll and Commissioner 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 6:10 p.m. Those present: Mayor Pro Tem Foulds, Councilman Alba, Councilman King, Councilman Busbey, City Administrator

Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Jo Ann Touchstone and Alan Bojorquez. Reconvened to Workshop at 6:28 p.m.

- A. Consultation with City Attorney Regarding the City of Dripping Springs South Regional Wastewater System Wastewater Collection System Extension to Serve Dripping Springs Independent School District's Dripping Springs Elementary School (*Consultation with City Attorney 551:071*)
- 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*)

IV. RECESS

- V. **RECONVENE AT 7:00 p.m.**- Commissioner Larry McClung enters meeting.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Councilman 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.

- A. Presentation of Service Award to Former Commissioner Danny Hubbard

Mayor Pro Tem Foulds and Commissioner McClung present service award to Danny Hubbard.

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, July 9, 2013
- B. Approval of Regular Meeting Minutes, July 16, 2013
- C. Approval of Special Meeting Minutes, July 23, 2013
- D. Approval of Special Meeting Minutes, July 31, 2013
- E. Approval of Treasurer's Report for July 2013

- F. Approval of Continuation of Coverage Administrative Agreement Between the City of Dripping Springs and Texas Municipal League
- G. Approval of Section 125 Flexible Spending Plan Premium Only Account Service Agreement between the City of Dripping Springs and TML Intergovernmental Employee Benefits Pool
- H. Approval of Street Closure Request from Run by the Creek to hold 5K/10K Race, 6:00 a.m. to 9:30 a.m. on September 22, 2013 and Request for Waiver/Reduction of Temporary Public Street Closure Permit Fee, *Jimmy Skipton, IV, Dripping Springs Running Club*
- I. Approval of Request from Caroline Welton, American Heritage Girls Troop TX0522 for Waiver of Triangle Rental Fee to Host a Constitution Day Fair on September 17, 2013 from 2:00 p.m. to 7:00 p.m., *Caroline Welton, American Heritage Girls Troop TX0522*
- J. Approval of Third Amendment to the Wastewater Utility Agreement Between the City of Dripping Springs and Howard Land and Cattle Company (*Sponsor: Mayor Pro Tem Bill Foulds*)

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. Public Hearing on Proposed Annexation for inclusion of 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*) – *No one speaks.*
- B. Master Signage Plan – A Line Auto Parts and A Line Outdoor Power, 2200 Highway 290 West, *Arnold Oil Company, Owner*
 - 1. Presentation – Mr. Philip Wood, 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 no one spoke at the public hearing. The Commission approved staff recommendations.
 - 4. Public Hearing – No one speaks.
 - 5. Master Signage Plan
 - a. Variance Request to Use a Prohibited Pole Sign -

- b. Variance Request to Exceed Number of Allowable Signs -
- c. Variance Request to Exceed Maximum Signable Area for a Projecting Sign –

Councilman Busbey motions to approve with staff recommendations.
Councilman Alba seconds. Motion passes, 4-0-1. Mayor Pro Tem Foulds opposed.

C. Special Exception from the Dripping Springs Code of Ordinances, Chapter 30 “Zoning”, Exhibit A “Zoning Ordinance”, Section 3.12.5(B) for a Recreational Vehicle to be Utilized for a Non-Residential Purpose at 332 Mercer Street (aka, Mercer Street Dance Hall), *Nick Dotin, Applicant*

- 1. Presentation – Mr. Nick Dotin states he is going to build a permanent structure. Planning Director Jon Thompson states there is no longer a need for a Special Exception.
- 2. Planning Director's Report -
- 3. Planning & Zoning Commission Report -
- 4. Public Hearing -
- 5. Special Exception – No action taken.

D. Request for termination of the Rutherford Ranch Development Agreement between the City of Dripping Springs and Cypress Hays, L.P. (now N. Hays Investors, L.P.) as it relates to the approximately 1,558 acres owned by N. Hays Investors, L.P. which is located north of FM 967, east of Brangus Road, Crystal Hills, and Goldenwood Way, south of Bear Creek and west of Little Bear Creek, *Mathew Thompson, Applicant*

- 1. Presentation – None. Applicant present and available for questions.
- 2. Planning Director's Report – Report on file. Staff recommends no action.
- 3. Planning & Zoning Commission Report – Commissioner McClung states one person spoke at the public hearing in support of the termination.
- 4. Public Hearing – No one speaks.
- 5. Termination of Development Agreement – Councilman Busbey motions to table. Councilman Alba seconds. Motion passes, 4-0.

E. Preliminary Plat, Final Plat, and Construction Plans for the “O Bar Ranch” Subdivision (15 Residential Lots and 1 ROW Lot for a Private Road), *James McCann, P.E., Pape Dawson Engineering, Applicant*

- 1. Presentation – John Joseph, states request and is available for questions.
- 2. Planning Director's Report – Planning Director Jon Thompson states staff recommendation to take no action.
- 3. Planning & Zoning Commission Report – Commissioner McClung states two people spoke at the public hearing regarding connectivity, water use,

proposed trail placement and concern for fire. The Commission approved staff recommendations.

4. Public Hearing – Mark Key, states support for the plan as submitted. Mr. Key states the plans are well within the water well guidelines for the County and Hays Trinity Groundwater District and there is no reason to deny this plan. Mr. Key also states the 300 foot buffer requested by Mr. Tull is inappropriate. Mr. Key states support to approve the plan as submitted.

Mr. Terry Tull – Letter on file.

John Cobb – resident, states support for project. Mr. Cobb states that opposition to the project is unfounded as the developer is putting forth a project that complies and there is no reason to deny moving forward.

Eric Russell – neighbor in Bear Creek Estates. Mr. Russell states support for the project. Mr. Russell states concerns for connectivity and is against connectivity.

Cysco Hobbs – Goldenwood resident, states support of project. States he has spoken to the developer and shares the concerns listed by Mr. Tull.

Bill Davis - resident of Dripping Springs and Driftwood, states support for the project as it follows rules. Mr. Davis feels the neighbor's statements and requests are inappropriate in regards to setbacks and water and fire.

Jimmy Skipton – states support for project. States developer has followed the rules and he would support approval of this as submitted.

Carlotta McLean – real estate broker, representing seller. Ms. McLean states she was involved with the property when there were proposals for thousands of rooftops, rather than the 15 proposed. Ms. McLean states the submittal could be approved as submitted.

James Huffcut - representing James McCann, P.E.. Mr. Huffcut states the conservation easement prohibits public roads. Mr. Huffcut states that connectivity is not allowed or feasible. Mr. Huffcut states support for approval as submitted.

Mayor Pro Tem Foulds inquires of Planning Director Jon Thompson why staff is recommending tabling the item. Planning Director Jon Thompson explains.

Mayor Pro Tem Foulds motions to adjourn to Executive Session at 7:41 p.m. Those present: Mayor Pro Tem Foulds, Councilman Alba, Councilman Busbey, Councilman King, City Administrator Michelle Fischer, Planning Director Jon Thompson, and Alan Bojorquez. Reconvened to Regular

Session at 7:53 p.m.

Councilman Busbey motions to table item until Tuesday, August 20th to allow city attorney to further research the item. Councilman King seconds. Motion passes, 4-0.

5. Waiver to length of cul-de-sac – (DS Code of Ordinances, Chapter 28, Exhibit A, Section 11.22) -
 6. Waiver from connecting to adjacent tracts (DS Code of Ordinances, Chapter 28, Exhibit A, Section 11.9.1(b)) -
 7. Preliminary & Final Plat & Construction Plans –
- F. Ordinance No. 1220.84 – An Ordinance of the City of Dripping Springs Amending the City Code of Ordinances, Chapter 30 “Zoning,” Exhibit A, Section 5(E) “Home Occupation Regulations,” Subsection 5.36 “Uses Allowed” to Allow for an Acupuncture Clinic/Studio to be Considered as a Home Occupation
1. Planning Director's Report – Planning Director Jon Thompson, report on file.
 2. Planning & Zoning Commission Report – Commissioner McClung states the Commission approved staff recommendations.
 3. Public Hearing – No one speaks.
 4. Ordinance No. 1220.84 – Councilman Alba motions to approve staff recommendations. Councilman King seconds. Motion passes, 4-0.
- G. Ordinance No 1220.85 - 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 to Allow for the Sale of Alcohol for On-Site and Off-Site Consumption in Accordance with State Law; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; and an Effective Date, *Reba Byrd, Applicant*
1. Presentation – Syd Xnos, representing Deep Eddy Vodka, 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 the Commission approved.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.85 – Councilman King 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 – report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1100.55 - An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2013 Budget – Councilman Busbey motions to approve with amendments recommended by staff. Councilman King seconds. Motion passes, 4-0.
- B. Request from Dripping Springs Water Supply Corporation for a 15 foot wide Exclusive Water Line Easement on Founders Memorial Park Property to Serve Founders Memorial Park and the Pound House, *Greg Perrin, General Manager (Sponsor: Mayor Pro Tem Foulds)*
 - 1. Staff and Parks & Recreation Commission Report – Michelle Fischer gives report: Ms. Fischer reports that City Staff recommends the following: a survey of the easement be submitted to the City which includes the easement, other easements and utilities on the property, and shows the fields; the waterline will only serve the park and the Pound House; the easement acknowledges that irrigation lines may be included in the easement area; any work done to the line will not interfere with organized use of the fields, if the waterline is worked on, the area disturbed must be repaired so that the area is in as good condition as it was before the work began. She recommended that the Parks Commission not make a recommendation on the request until the additional information is submitted with the survey and the easement language. The Parks Commission voted unanimously to recommend that the Dripping Springs Water Supply Corporation submit the information, survey and easement language recommended by City Staff, so that the Commission can make a more informed decision. Mayor Pro Tem Foulds motions to table. Councilman Busbey seconds. Motion passes, 4-0.
- C. Request from Texas Best Show Series for Waiver or Reduction of Event Center Fees for a Youth Lamb Show on November 2nd and 3rd, 2013 (*Sponsor: Mayor Purcell*) – Councilman Busbey motions to table. Councilman Alba seconds. Motion passes, 4-0.

- XII. **ADJOURN** – Councilman Busbey motions to adjourn. Councilman King seconds. Motion passes, 4-0. Meeting adjourned at 8:15 p.m.

