

Minutes of Regular Meeting

City Council City of Dripping Springs

A Regular Meeting of City Council of City of Dripping Springs was held Tuesday, April 9, 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 Foulds calls the meeting to order at 5:30 p.m. City Secretary Jo Ann Touchstone calls roll. 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

Convened to Executive Session at 5:55 p.m. Those present: Mayor Pro Tem Foulds, Councilman Busbey, Councilman Alba, Councilman King, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Jo Ann Touchstone and Alan Bojorquez. Reconvened to Workshop at 6:10 p.m.

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. Consideration of recommendation from the City of Dripping Springs Economic Development Committee regarding request for financial or other incentives for a business project, that being the Texas Longhorn Cattle and Trail Drivers Museum, Inc. (Consultation with Attorney Tex. Gov't Code §551.071 and Economic Development Tex. Gov't Code §551.086).
- B. Consideration of recommendation from the City of Dripping Springs Economic Development Committee regarding request for financial or other incentives for a business project, that being the Twisted X Brewing Company (Consultation with Attorney Tex. Gov't Code §551.071 and Economic Development Tex. Gov't Code §551.086).

IV. RECESS – Convened to recess at 6:12 p.m.

V. RECONVENE AT 7:00 p.m.

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.

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, March 5, 2013
- B. Approval of Treasurer's Report for March 2013
- C. Approval of Appointment of Eric Henline to Serve as Parks and Recreation Commissioner (DSISD), Term to Expire June 2014
- D. Approval of Appointment of Alan Colabuono to Serve as Dripping Springs

Ranch Park Commissioner, Term to Expire July 2013

- E. Approval of Sixty Day Extension to Wastewater Service & Impact Fee Agreement Between the City of Dripping Springs and Robert T. McAlister and Jill K. McAlister
- F. Approval of 2013 Founders Day Festival Contracts:
 - 1. Scrappy King for Ice Sales
 - 2. Roger Acker (Representative for Running with Scissors & Edison Chair) for Musical Entertainment
 - 3. Drippin' Towing for Towing Services
 - 4. Chad & Shannon Fox for Parking Services
 - 5. Rhythm of the Road for Sound Production and Musical Entertainment
 - 6. Michael Myers Band for Musical Entertainment
- G. Approval of Proclamation Declaring April 21 - 27, 2013 National Crime Victims' Rights Week
- H. Approval of Proclamations Declaring April Sexual Assault Awareness and Prevention and Child Abuse Awareness Month

Councilman Alba motions to approve items A through G. Councilman Busbey seconds. Motion passes, 4-0. Mayor Pro Tem Foulds reads the proclamation declaring April 21-27, 2013 National Crime Victims' Rights Week.

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

Consideration and Possible Action On:

- A. Final Plat – Highpointe Phase 5, Section 3, located on Cool Spring Way, adjacent to Highpointe Phase 5, Section 1, *Douglas Rummel, Jr., P.E., Carlson, Brigrance and Doering*
 - 1. Presentation – Mr. Guerrero, 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 and no one spoke at the public hearing.
 - 4. Public Hearing – No one speaks.
 - 5. Final Plat & Construction Plans – Councilman Busbey motions to approve. Councilman King seconds. Motion passes, 4-0.
- B. Final Plat – Belterra, Phase 4, Section 19A (15.19 acres total, 30 residential lots, 1 greenbelt/drainage easement lot) and Section 19B (24.01 acres total, 40 residential lots, 5 greenbelt/drainage easement lots) located off of Belterra Drive

as the extension of Seneca Drive (19B) and Bitterroot Lane (19A), and adjacent to Belterra Phase 2, Section 9B. , *Stephen Delgado, P.E., Texas Engineering Solutions*

1. Presentation – Stephen Delgado, 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 states the Commission approved and no one spoke at the public hearing.
 4. Public Hearing – No one speaks.
 5. Final Plat & Construction Plans – Councilman Alba motions to approve. Councilman King seconds. Motion passes, 4-0.
- C. Sign Variance Requests - Lotus Business Park, 275 and 360 Lotus Circle, *Art Robinson, Representative for Jagadguru Kripalu Parishat Radha Madhav Dham*
1. Presentation – None.
 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
 3. Planning & Zoning Commission Report – Commissioner McClung states one person spoke in support of signage that would aid in safety (traffic). Commission supported staff recommendations with exception of third request (line item 7).
 4. Public Hearing - No one speaks.
 5. Sign Variance Request to Exceed the Maximum Height Allowed for a Monument Sign for a Multi-Unit Complex with 5 or More Units (Section 26.06.062 (b)) – Councilman Alba motions to approve with staff recommendations. Councilman Busbey seconds. Motion passes, 4-0.
 6. Sign Variance Request to Exceed the Maximum Signable Area Allowed for a Monument Sign for a Multi-Unit Complex with 5 or More Units (Section 26.06.062 (b)) - see line item 5.
 7. Sign Variance Request to Construct a Monument Sign for a Multi-unit Complex with 5 or More Units Within the Setback from the Street Right-of-Way (Section 26.06.004) – see line item 5.
- D. Replat - The Commons, Lot 1A, located at 100 Commons, *Greg Porter, Applicant*
1. Presentation – None.
 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 and no one spoke at the public hearing.

4. Public Hearing – No one speaks.
 5. Replat – Councilman Alba motions to approve with Planning Director's recommendations. Councilman Busbey seconds. Motion passes, 4-0.
- E. Final Plat – Rim Rock, Phase 2, Section 4, located off of FM 1826, just west of the Goldenwood, Section 1 subdivision, and accessing off of Crystal Hills Drive from the east and Sad Willow Pass from the west, *Kenneth Martin, P.E., Murfee Engineering*
1. Presentation – Ken Martin, P.E., states request and is available for questions.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Mr. Thompson states that the City Engineer Rick Coneway is present and has inspected the site twice. Mr. Thompson states Commissioner Whisenant is also present as well as Chief Kyle with ESD #6. Mr. Thompson states he has met with Commissioner Whisenant and Chief Kyle and all parties have retained original recommendations prior to Planning and Zoning Commission meeting, which is to approve the final plat and construction plans as presented. Mr. Thompson reviews the City's Comprehensive Plan in relation to connectivity. Mr. Coneway states he reviewed and the distance standards have been met. Mr. Coneway states recommendation for approval.
 3. Planning & Zoning Commission Report – Commissioner McClung states eleven people spoke at the public hearing. Ten spoke in opposition stating concern for traffic safety. One spoke in support. Commissioner McClung states Commissioner Whisenant was present and spoke. Commissioner McClung states there was not a consensus on the Commission. The Commission discussed alternatives and ultimately approved to go back to the preliminary plat with culdesac.
 4. Public Hearing – Rob Baxter, President of Goldenwood HOA, states concern that the proposed intersection is not located in a safe place. Mr. Baxter states concern for not having a proper traffic study as well as issues with the bridge.

Dave Saxon, President of Rim Rock HOA, states support for plan as presented and thanks County for their services. Mr. Saxon thanks Mr. Lloyd for donation of right of way. Mr. Saxon states this design supports the County and City planning for connectivity. Mr. Saxon has Rim Rock residents present show hands of support and there is a large representation of Rim Rock residents.

Gary Schoenberg states concern if the cost of maintenance of any connection is responsibility of anyone other than the County.

Kathryn Paine, states Goldenwood does not benefit from this road other than in an emergency. States concerned for increase in crime.

Robert Fowler, Vice President of Goldenwest POA, states concern for traffic on Crystal Hills.

Marie Thomas, Goldenwood resident, states concern for increase in traffic and safety hazards of road.

Terry Tull, resident of Goldenwood, states the need for emergency access has decreased with bridge being built. Mr. Tull states he has walked the area and there is a hump that prohibits vehicles from being seen. Mr. Tull asks why this is necessary and requests a traffic analysis be done.

Mark Gardner, Goldenwood resident, states opposition to plan as presented and would like to see a TIA.

Melissa Baker, resident of Rim Rock, states support for the connectivity to increase safety. Ms. Baker states support for emergency service being able to have access.

Margaret Paine, gives copies of 138 letters to Council. Ms. Paine reads excerpts from letters, citing opposition.

David Paine, states concern for traffic safety, crime increase and noise pollution.

Commissioner Whisenant, states history of bridge and working with neighborhood. Commissioner Whisenant states the County is committed to safety and has met with the engineers and is supportive of any safe resolution for connectivity.

Steve Carow, resident of Goldenwood West, states the Planning and Zoning Commission recommendation was suitable. Mr. Carow reads from draft minutes from the Planning and Zoning meeting and states he believes it was not appropriate to include a change of connectivity on the final plat that was not presented in the preliminary plat.

Brian Dudley, Goldenwood resident, states there were many ideas presented as possible solutions and not just this proposed road.

Bonnie Tull – states there should be connectivity within the Rim Rock subdivisions (not just to Goldenwood).

Mark Jones, County Commissioner Precinct 2, states the County will work together for safety of all and support of this connectivity.

Marisa Adkinson, Rim Rock resident, states support as this would enhance bus routes and facilitate the school district for safer transportation, getting

buses off of 1826.

5. Final Plat & Construction Plans – Mayor Pro Tem Foulds inquires of City Attorney whether this proposed connectivity is a “minor” or “major” change to the preliminary plat. Mr. Bojorquez states it is defined as “minor” within the applicable City of Dripping Springs Code of Ordinances. Councilman Busbey inquires about lengths of cul-de-sacs. Councilman King inquires of City Engineer where the intersection is proposed to be located as well as stop signs. Mayor Pro Tem Foulds inquires of Commissioner Whisenant and Commissioner Mike Jones if additional safety measures (stop signs) will be considered. Commissioner Whisenant and Commissioner Jones state that, yes, the County will make safety improvements. Councilman Busbey motions to discuss. Councilman Alba seconds. Councilman Busbey states he read all of the public comment submitted and does not feel the increased traffic concern is legitimate. Councilman Busbey states he rode his motorcycle through the area. Councilman Busbey also states concern for needed emergency access for fires. Councilman Alba states the growth in the area will come and can be managed to a point by the powers given from the Legislature. Councilman Alba states he has lived here over 25 years from when the only paved road was Highway 290. Councilman Alba states he does consider the residents of the ETJ in all decisions. Mayor Pro Tem Foulds states support for connectivity. Councilman Busbey motions to approve final plat and construction plans as presented. Councilman Alba seconds. Councilman Busbey states based on recommendations of fire officials and engineers and county, he supports this as a benefit to all residents. Motion passes, 4-0.

X. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone – Report on file.
- B. Update on Mercer Street Pedestrian Improvement Project - City Administrator Michelle Fischer – City Administrator Michelle Fischer states the plans are almost completed to turn into TXDOT for review. Estimated construction is to begin in August.

XI. BUSINESS

Consideration and Possible Action On:

- A. Presentation on Completion of Charro Ranch Park Bird Viewing Station Project by Rachel Kadlecek & Jacqueline Six, Girl Scout Troop 2302, for Girl Scout Silver Award Project (Sponsor: Mayor Pro Tem Foulds) – Councilman Busbey motions to move item before Site Development. Mayor Pro Tem Foulds seconds. Rachel and Jacqueline present their project with photographs. Hays County Master Naturalist M. Lee Brown presents the Silver Award and Pins to Rachel and Jacqueline. Councilman Alba motions to approve acceptance of project. Councilman King seconds. Motion passes, 4-0.

- B. Resolution No. 2013-15 - A Resolution of the City of Dripping Springs Supporting A Hays County-Texas Department of Transportation Partnership Program for Hays County Roadway Projects (*Sponsor: Mayor Purcell*) – Planning Director Jon Thompson states history, report on file. Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- C. Resolution 2013-16 - A Resolution of the City of Dripping Springs Nominating a Representative for Membership in the Executive Committee of the Hays County Water and Sewer Authority (*Sponsor: Mayor Pro Tem Foulds*) – Mayor Pro Tem Foulds motions to appoint Jon Thompson. Councilman King seconds. Motion passes, 4-0.
- D. Request from Founders Day Commission for Electrical Upgrades - Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- E. Ordinance No. 1630.29 - An Ordinance of the City of Dripping Springs Cancelling the May 11, 2013 General Election & Declaring Each Unopposed Candidate Elected to Office; Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause and Providing an Effective Date

Ordenanza No 1630.29- Una Ordenanza de la Ciudad de Dripping Springs Cancela las Elecciones Generales del día 11 de Mayo, 2013 y Declara Cada Candidato sin Oposición Decidido a Oficina; Disponer que esta Ordenanza será Acumulativa de todas las Ordenanzas; el Suministro de una Cláusula Severability y Proporcionando una Fecha de Vigencia

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

- F. Request to the West Travis County Public Utility Agency for a Water Service Commitment Extension for Vista Ranch, *James A. Smith* (*Sponsor: Mayor Pro Tem Foulds*) – Councilman Alba motions to approve subject to staff recommendations. Councilman King seconds. Motion passes, 4-0.
- G. Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Project with No Required Match for Modification to Traffic Signal at US 290 at Rob Shelton Between the City of Dripping Springs and the State of Texas (*Sponsor: Mayor Purcell*) – Planning Director Jon Thompson, report on file. Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 4-0.
- H. Casting of City's Vote for Dripping Springs Water Supply Corporation 2013

Election (*Sponsor: Mayor Pro Tem Foulds*)- Councilman Busbey motions to appoint the City Administrator to cast the city's vote. Mayor Pro Tem Foulds seconds with friendly amendment to have each council member nominate two names for the vote to cast. Councilman Alba seconds. Motion passes, 4-0.

I. Ordinance No. 1510.09: An Ordinance of the City of Dripping Springs, Texas, Prohibiting Alcohol and Tobacco Use At School-Related Sporting Events; and Providing for Findings of Fact, Enactment Provisions, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting (*Sponsor: Mayor Pro Tem Foulds*)- Councilman Busbey motions to approve. Councilman King seconds. Motion passes, 4-0.

J. Request from Dripping Springs Independent School District to Erect Signage at the Dripping Springs Sports & Recreation Park Regarding the Prohibited Use of Alcohol and Tobacco Products at School-Related Sporting Events – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0. Mayor Pro Tem Foulds directs staff to work out size and location of signs.

K. Installation of Banner Display Structures at The Triangle for Community Service Signs (*Sponsor: Mayor Pro Tem Foulds*)- Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 4-0.

XII. ADJOURN -

Councilman Alba motions to adjourn. Councilman Busbey seconds. Motion passes, 4-0. Meeting adjourned at 9:13 p.m.