

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, March 5, 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 5:36 p.m. All present except Larry McClung. Also present Dripping Springs Ranch Park Coordinator Lynne Dickinson.

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).

Adjourned to Executive Session at 5:50 p.m. Councilman Kroll enters meeting. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Busbey,

Councilman Alba, Councilman King, Councilman Kroll, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, City Secretary Jo Ann Touchstone, and Alan Bojorquez. Reconvened to Regular Session at 6:15 p.m.

- A. Consultation with City Attorney Regarding Resolution No. 2013-13 - A Resolution of the City of Dripping Springs In Support of HB 890, Which is Captioned: "Relating to the Conversion of the West Travis County Public Utility Agency to the Hill Country Regional Water Authority and to the Creation of the Hill Country Regional Water Authority; Providing Authority to Issue Revenue Bonds or Notes; Granting the Power of Eminent Domain; Providing an Administrative Penalty; Providing Authority to Impose Fees." 551.071 *(Consultation with City Attorney)*
- B. Consultation with City Attorney regarding statutory provisions governing extraterritorial jurisdiction and legal issues regarding annexation, release, transfers and other authorizations, 551.071 *(Consultation with City Attorney)*

IV. RECESS

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, February 12, 2013
- B. Approval of Treasurers Report, February 2013
- C. Approval of Proclamation Declaring Friday, March 22, 2013 "Paint the Town Purple Day" for Relay for Life
- D. Approval of Request for Waiver of Banner Permit Fee from Relay for Life

- E. Approval of Resolution No. 2013-14 - A Resolution of the City of Dripping Springs Approving an Agreement Between the City and Texas Department of Transportation for the Temporary Closure of State Right of Way for the Founders Day Parade on April 19, 2013
- F. Approval of 2013 Founders Day Festival Contracts
 - 1. St. Martin de Porres Catholic Church for Arts and Crafts Booths
 - 2. Dripping Springs Cook Off Club for Cook Off Booths
 - 3. Church of The Springs for Maintenance of Trash Cans and Cleaning of Event Grounds
 - 4. Knights of Columbus for Beer Sales
 - 5. Facilities Use Agreement Between the City of Dripping Springs, Dripping Springs Independent School District and the Dripping Springs Lions Club

Councilman Alba motions to approve. Councilman King seconds. Motion passes, 5-0.

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

Consideration and Possible Action On:

- A. Ordinance No. 1220.82 – An Ordinance of the City of Dripping Springs, Texas (“City”), Amending the Zoning Classifications of Certain Real Property in the City Limits of a Portion of the Property Known as Arrowhead Ranch, and Represented in Exhibits A and B, Upon Request of the Property Owners; Designating a Certain Portion of the Property as GUI (Government/Utility/Institutional) and Designating a Certain Portion of the Property as GR (General Retail), Amending the Official Zoning Map to Reflect Changes of the Zoning Classifications of Certain Properties, Providing For Severability, and Providing an Effective Date
 - 1. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 - 2. Planning & Zoning Commission Report – Planning Director Jon Thompson states Commission approved unanimously.
 - 3. Public Hearing – No one speaks.
 - 4. Ordinance No. 1220.82 – Mayor Pro Tem Foulds motions to approve staff recommendations. Councilman Busbey seconds. Motion passes, 5-0.
- B. Ordinance No. 1220.83 - An Ordinance of the City of Dripping Springs, Texas (“City”), Altering the Zoning Classifications of Certain Real Property in the City Limits by Creating and Applying a Conditional Overlay Upon Certain Portions of the Development Known as Arrowhead Ranch, Particularly the Property Referenced in Exhibit A, Upon Request of the Property Owners; Creating Conditional Overlays on Two Portions of the Subject Property to Expressly

Incorporate by Reference the Terms and Conditions of a Certain Amended Development Agreement; Amending the Official Zoning Map to Reflect Changes of the Zoning Classification of Certain Properties, Providing for Severability, and Providing an Effective Date

1. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 2. Planning & Zoning Commission Report – Planning Director Jon Thompson states Commission approved unanimously.
 3. Public Hearing – No one speaks.
 4. Ordinance No. 1220.83 – Councilman Alba motions to approve staff recommendations. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- C. Replat – Ruby Ranch, Phase 7, Lots 7 & 8, Block A, located at the addresses of 560 and 588 West Bartlett Drive, *Allen W. Hickman, Jr., Applicant*
1. Presentation – None.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Planning Director Jon Thompson states Commission approves unanimously.
 4. Public Hearing – No one speaks.
 5. Replat – Councilman Alba motions to approve. Mayor Pro Tem Foulds seconds. Councilman Kroll inquires of lot size (in regard to wildlife management status). Motion passes, 5-0.
- D. Replat – 200 Bluff Street, of a portion of the W.T. Chapman, Third Addition to the Town of Dripping Springs, *Joan Croswell, Applicant*
1. Presentation – Jim Polkinghorn is available for questions.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Mr. Thompson states driveway minimums were reviewed by the City Engineer. Staff recommends approval.
 3. Planning & Zoning Commission Report – Planning Director Jon Thompson states Commission approved unanimously and did not approved a shared driveway for lot 5 and 6.
 4. Public Hearing – No one speaks.
 5. Replat – Councilman King motions to approve. Councilman Alba seconds. Councilman Alba inquires of applicant why there will not be a shared access driveway. Mr. Polkinghorn states it is impractical for the development as it will be targeted toward seniors. Motion passes, 5-0.
- E. Sign Variance Request - Creek Road Café, 301 Highway 290 W., *Carl Shroyer, General Manager and Owner*
1. Presentation – None.
 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on

file. Staff recommends approval with condition all lighting that is not in compliance be brought into compliance within 90 days of issuance of sign permit.

3. Planning & Zoning Commission Report – Planning Director Jon Thompson states Commission approved and did not support staff recommendation regarding lighting as it would be a potential financial hardship on the applicant. Commission recommended staff further investigate whether there is a lighting ordinance violation.
4. Public Hearing – No one speaks.
5. Sign Variance Request to erect a Monument Sign within the Setback from Right-of-Way (Section 26.06.004) – Councilman King motions to approve staff recommendations. Councilman Alba seconds. Councilman Busbey states friendly amendment to include that any expense incurred for the removal or movement of the sign due to utility construction be the responsibility of the applicant. Councilman Alba and Councilman King accept friendly amendment. Motion passes, 5-0.

X. REPORTS OF AGENCIES, COMMISSIONS AND STAFF

- A. Farmers Market Report - Market Manager Jo Ann Touchstone – Report on file.
- B. Update on Sustainable Places Project - City Staff – City Administrator Michelle Fischer states review of most recent meeting and presentation boards.

XI. BUSINESS

Consideration and Possible Action On:

- A. Fiscal Year 2012 Annual Audit Report, Don Allman, C.P.A. (*Sponsor: Councilman Busbey*)- Mr. Donald Allman thanks Council for their service and choosing his firm and also compliments city staff. Mr. Allman reviews audit report.
- B. Update Regarding City of Dripping Springs STP MM CAMPO Project CSJ: 0914-33-065: Mercer Street Pedestrian Improvement Project and Application to the Texas Department of Transportation's Enhancement Program for enhancements along Mercer Street including landscaping, historical markers, benches, and other enhancements from FM 12 to U.S. 290 in downtown Dripping Springs (*Sponsor: Mayor Todd Purcell*)- Commissioner Ted Lehr and Commissioner Chandler with the Historic Preservation Commission review Commissions recommendations for improvements. Mr. Lehr state the engineers presented draft construction plans to the Historic Preservation Commission last night and the Commission made a few changes to the construction plans based on Commission feedback and recommend that the City Council allow the consultants and Commission to finalize them. The city needs to obtain 5 easements for the sidewalks in order to have them connect with some existing sidewalks. The Commission will be contacting property owners this week to request the easements. The Commission has selected the following improvements: light fixtures and poles; bicycle racks; and designs for the

Historic District signs. Keenan Smith has been assisting us with the designs and selections. These selections and designs are available for your review. The Commission is still working on selecting the street signs and the pedestrian bridge rail and working to finalize locations for lights. Changes from concept plan include: raising the traffic control bump outs from being flush to the ground to 4 inches high; using flagstone on the traffic control bump outs and a few small sections of the sidewalk; using limestone benches instead of rock seating walls on traffic control bump outs; fewer bicycle racks and bicycle racks in two places instead of 2 on every corner. The Commission is planning for future landscaping and trees in the construction plans so that installing them in the future will not cause problems. The Texas Historical Commission will review the construction plans. The Commission met with the Commission's plan reviewer early on and have tried to address her concerns. The Commission and engineers will hold a public meeting and invite the Mercer Street property and business owners to attend to review the plans and talk about the construction process. The revised construction plans will be available for your review this Thursday. The Commission is meeting with the district TXDOT office to review the construction plans on March 11th. The plans need to be 90% complete for this meeting. Council states no objection to Historic Preservation Commission recommendations (concept plan) presented by Mr. Lehr.

- C. Resolution No. 2013-13 - A Resolution of the City of Dripping Springs In Support of HB 890, Which is Captioned: "Relating to the Conversion of the West Travis County Public Utility Agency to the Hill Country Regional Water Authority and to the Creation of the Hill Country Regional Water Authority; Providing Authority to Issue Revenue Bonds or Notes; Granting the Power of Eminent Domain; Providing an Administrative Penalty; Providing Authority to Impose Fees."(*Sponsor: Mayor Pro Tem Foulds*)

1. Staff Report – City Administrator Michelle Fischer, report on file.
2. Resolution No. 2013-13 – Mayor Pro Tem Foulds motions to approve.
Councilman Alba seconds. Motion passes, 5-0.

- D. Ordinance No. 1720.11 - An Ordinance Amending Chapter 20 Utilities of the Dripping Springs Code of Ordinances, Article 20.02 Sections 20.02.005 (Connection Fees and Other Charges) To Update, Amend and Clarify "Additional Charges" for Sewer Line and Tap Installation and Connection; 20.02.006 (Application For Service; Rates) To Provide For Use of Existing Capacity and Clarify Charges for Unused Connections; 20.02.008 (Authority To Collect Fees For Excess Use) To Amend and Clarify Calculation of Excess Use Fees; and 20.02.009 (Delayed Connection Fees) to Adopt Delayed Wastewater Connection Fees for Capacity not in Service (*Sponsor: Mayor Pro Tem Foulds*)-

Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds.
Motion passes, 5-0.

- E. Wastewater Utility Service Agreement, Impact Fee and Easement Agreement between The City of Dripping Springs and SLHK Investments, LP (*Sponsor:*

Mayor Pro Tem Foulds)- Mayor Pro Tem Foulds motions to approve draft passed out at meeting and to allow staff to make necessary changes for execution. Councilman Alba seconds. Motion passes, 5-0.

F. Appointment of Transportation Plan Committee Members (*Sponsor: Mayor Purcell*) – Planning Director Jon Thompson states nominees for committee: Todd Purcell, Eric Burgeson, Rick Coneway, Jon Thompson, James McCann, Reed Smith and Nicole Francois. Mayor Pro Tem Foulds motions to approve staff and Mayor’s recommendation. Councilman Alba seconds. Motion passes, 5-0.

G. Approval of Dripping Springs Ranch Park Use Fees (*Sponsor: Mayor Purcell*)- Councilman King motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

H. Cosponsorship Agreement Between the City of Dripping Springs and the Dripping Springs Ag Boosters for the Dripping Springs Fair and Rodeo Event at Dripping Springs Ranch Park on October 3- 6, 2013 (*Sponsor: Mayor Purcell*)- Councilman Alba motions to approve. Councilman King seconds. Motion passes, 5-0.

I. Request for City to Provide Beer Sales at Kay Bailey Hutson Bull Riding Event at Dripping Springs Ranch Park on March 16, 2013 (*Sponsor: Mayor Purcell*) – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.

XII. **ADJOURN** – Mayor Pro Tem Foulds motions to adjourn. Councilman Alba seconds. Motion passes, 5-0. Meeting adjourned at 8:10 p.m.