

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, February 12, 2013, beginning at 5:30 PM in the Council chambers at 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 5:35 p.m. All present except Councilman Kroll, Mayor Pro Tem Foulds, Planning Director Jon Thompson, Larry McClung and Deputy City Administrator Ginger Faught. Councilman Busbey chairs meeting.

Bill Foulds enters meeting at 5:46 p.m. Jon Thompson enters the meeting at 5:49 p.m.

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).

No Executive Session held.

IV. RECESS

V. RECONVENE AT 7:00 p.m. – Commissioner McClung and Councilman Kroll enter meeting.

VI. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance - FFA representatives lead 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. Recognition of Rex Miller for Service on the City's Parks and Recreation Commission

B. Recognition of Ted Lehr for Service on City's Planning and Zoning Commission

Mayor Purcell presents Commissioners Miller and Lehr with plaques for service and thanks them for their continued years of service.

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, January 8, 2013

B. Approval of Special Meeting Minutes, January 22, 2012

C. Approval of Treasurer's Report for January 2013

D. Approval of Service Agreement between the City of Dripping Springs and Texas Municipal League Intergovernmental Employee Benefits Pool for Employee Premium Only Flexible Benefits Plan

E. Approval of 2013 Founders Day Contracts

1. Lions Club for Food Booths

2. Dripping Springs Veterans of Foreign Wars Post 2933 and Vince F. Taylor

American Legion Post 290 for Parking

- F. Approval of Ordinance No. 1530.5 - An Ordinance of the City of Dripping Springs Extending the Term of the Dripping Springs Ranch Park Commission (Formerly Harrison Ranch Park Commission); and Providing for Findings of Fact, Enactment Provisions, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting
- G. Approval of Proclamation Declaring February 7th - 14th, 2013 as "Congenital Heart Defect Awareness Week"
- H. Approval of Proclamation Declaring February 10th - 16th, 2013 as "Alex Dormant and the Hot Texas Swing Band Week"
- I. Approval of Proclamation Declaring February 18th - 25th, 2013 "Future Farmers of America (FFA) Week"

Councilman Alba motions to approve items A through F. Councilman Busbey seconds. Motion passes, 5-0. Mayor Purcell reads and signs all proclamations and presents them to requestors. Mayor Pro Tem Foulds motions to approve items G through I. Councilman Alba 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. Sign Variance Requests - The Terrace Club and the Gallery of the Republic, located at 2600 Highway 290 East, *Hunter Connor, Applicant*
 - 1. Presentation – Mr. Connor states request and is available for questions.
 - 2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
 - 3. Planning & Zoning Commission Report – Commissioner McClung states Commission approved staff recommendations unanimously.
 - 4. Public Hearing – No one speaks.
 - 5. Sign Variance Request to Exceed the Maximum Height Allowed for a Multi-Unit Complex Sign (Section 26.06.062 (b)) – Mayor Pro Tem Foulds subject to staff recommendations. Councilman Alba seconds. Motion passes, 5-0.
 - 6. Sign Variance Request to Erect a Sign Within the Setback from Right-of-Way (Section 26.06.004) – Councilman Busbey motions to approve staff recommendations. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- B. Ordinance No. 1220.78 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification from Two-Family Residential (SF-4) to Single Family Attached Residential – Town Homes (SF-5) for the Following Property: 200 South Bluff (Lots 1-9, Block 4, WT Chapman Addition # 3), *Joan Croswell, Applicant*
 - 1. Presentation – Mr. Anton Allen, representing Joan Croswell. Mr. Jim

Polkinghorn, applicant for proposed development. Mr. Polkinghorn states intent to develop property with five single family homes, intended for seniors.

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 staff recommendations and discussed Haydon Lane improvements, which may be addressed at the time of a site plan.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.78 – Councilman Alba motions to approve with staff recommendations. Mayor Pro Tem Foulds seconds. Councilman Kroll inquires of Planning Director Jon Thompson what could currently be placed with existing zoning and what is in area. Planning Director Jon Thompson explains area. Motion passes, 5-0.
- C. Ordinance No. 1220.79 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the Following Properties located in the City of Dripping Springs City Limits, Hays County, Texas: 2300-2250 E US Hwy 290 (Lots 5 & 6, Peabody Plaza, Section 1); Lot 5 from General Retail (GR) to Industrial (I) and Lot 6 from Agriculture (AG) to Industrial (I), both lots are proposed to have a zoning overlay restricting certain uses allowed in Industrial Zoned Districts, *Syd Xinos, P.E*
1. Presentation – Mr. Xinos states request and is available for questions. Mr. Auler, owner, also present and states intent and is available for questions.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval contingent upon approval of item H (further on agenda).
 3. Planning & Zoning Commission Report – Commissioner McClung Commission approved 6-0.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.79 – Councilman Kroll motions to approve pending approval of item H. Councilman Alba seconds. Motion passes, 5-0.
- D. Final Plat & Construction Plans – Bush Ranch, Phase 2, Section 2, located on 2.428 acres on a proposed new road between Four Star Blvd and Ledge Stone Drive, *Felix Manka, P.E., CMA Engineering*
1. Presentation – Felix Manka, 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 Commission approved 6-0.
 4. Public Hearing – No one speaks.
 5. Final Plat & Construction Plans – Councilman Busbey motions to approve.

Councilman Alba seconds. Motion passes, 5-0.

- E. First Amendment to the Arrowhead Ranch Development Agreement between the City of Dripping Springs and Forestar (USA) Real Estate Group, 361.83 acres of land out of the B.F. Hanna Survey No. 28, Abstract No. 222, Hays County, Texas, which is located off of U.S. Hwy 290 near Tiger Lane and the Dripping Springs Middle School, *Rex Baker, attorney representing Forestar Real Estate Group*
1. Presentation – Rex Baker, gives presentation and is available for questions.
 2. Staff Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Commissioner McClung states one person spoke in favor of the development. Commission approved 6-0.
 4. Parks & Recreation Commission Report – Report on file.
 5. Public Hearing – No one speaks.
 6. Development Agreement Amendment – Councilman Alba motions to approve with staff and Parks and Recreation Commission recommendations. Councilman Kroll seconds. Councilman Kroll states that he would like developer to consider a second stub out. Council discusses setbacks and landscape buffers between the commercial and parkland areas. Councilman Kroll withdraws second. Councilman Alba withdraws motion. Councilman Kroll motions to approve staff recommendations. Councilman Alba seconds. Motion passes, 5-0.
- F. Ordinance No. 1220.80 – An Ordinance of the City of Dripping Springs, 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 Exhibit "A" Upon Request of the Property Owners; Designating Certain Portion of the Property as Single-Family Residential-Garden Home (SF-5), Amending the Official Zoning Map to Reflect Changes of the Zoning Classification of Certain Properties, Providing for Severability, and Providing an Effective Date, *Barrett Allison, P.E*
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 6-0.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.80 – Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- G. Ordinance No. 1220.81 - An Ordinance of The City of Dripping Springs, 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; Verifying a Base Zoning District of Single-Family Residential-Garden Home (SF-5), Creating Conditional Overlay 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. 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 6-0.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.81 – Councilman Kroll motions to approve. Councilman King seconds. Motion passes, 5-0.

H. Ordinance No. 1220.75 - An Ordinance amending the City of Dripping Springs Code of Ordinances, Chapter 30 “Zoning”, Appendix E “Zoning Use Charts”, modifying and creating uses for Commercial Services (CS), Industrial (I), and Light Industrial (LI)

1. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
2. Planning & Zoning Commission Report – Commissioner McClung states Commission viewed in October and recommended addition of LI uses.
3. Public Hearing – Mr. Gary Childs inquires whether this would allow alcohol sales at distilleries. Mayor Purcell states alcohol sales are not allowed by state law.
4. Ordinance No. 1220.75 – Councilman Alba motions to approve. Councilman Kroll seconds. Motion passes, 5-0.

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. Collaborative Agreement Between The Dripping Springs Community Foundation, Inc. and the City of Dripping Springs, Hays County, Texas Regarding the DS Downtown Revitalization Fund (*Sponsor: Mayor Pro Tem Foulds*) – *Mayor Pro Tem Foulds motions to approve Draft 7. Councilman King seconds. Motion passes, 5-0.*
- B. Appointment of DS Downtown Revitalization Fund Committee Members (*Sponsor: Mayor Pro Tem Foulds*) – *Mayor Pro Tem Foulds motions to approve staff recommendations and authorize Mayor to appoint remaining members.*
- C. Request from Texas Hill Country Barrell Racers Association (THCBRA) for Discounted Rate of \$50.00 for Arena Use Through December 2014, *Nancy*

Woodward, (Sponsor: Mayor Purcell) – Mayor Pro Tem Foulds motions to approve through December 2013 with any additional costs incurred be billed to THCBRA. Councilman King seconds. Motion passes, 5-0.

- D. Donation Agreement Between the City of Dripping Springs and Hays County Master Naturalists for Charro Ranch Park Trail-Head Demonstration Garden (Sponsor: Mayor Pro Tem Foulds) -
 - 1. Parks & Recreation Commission Report – report on file.
 - 2. Donation Agreement for Trail-Head Demonstration Garden – Councilman Alba motions to approve. Councilman Kroll seconds. Motion passes, 5-0.
- E. Request from Hays County Master Naturalists for Use of Charro Ranch Park and Waiver of City Hall Meeting Room Rental Fees for Charro Ranch Park Educational Opportunities, Kim Ort, HCMN Advanced Training and Outreach Committee (Sponsor: Mayor Pro Tem Foulds) -
 - 1. Parks & Recreation Commission Report – report on file, recommending approval.
 - 2. Proposal for Educational Programs – Councilman Alba motions to approve use park and of meeting room and waive rental fees. Mayor Pro Tem Foulds seconds.
 - 3. Waiver of City Hall Meeting Room Rental Fees – See line item 2.
- F. Appointment of Economic Development Committee Members, Terms to Expire February 2014 (Sponsor: Mayor Purcell) – Mayor Pro Tem Foulds motions to approve. Councilman King seconds. Motion passes, 5-0.
- G. Appointment of Patrick Rose to Serve as Economic Development Committee Chair (Sponsor: Mayor Purcell) - Mayor Pro Tem Foulds motions to approve. Councilman King seconds. Motion passes, 5-0.
- H. Ordinance No. 1100.54 - An Ordinance of The City of Dripping Springs, Texas Amending the Current 2013 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures; Providing For a Severability Clause; and Providing For an Effective Date
 - 1. Public Hearing – No one speaks.
 - 2. Ordinance No. 1100.54 – Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- I. Hotel Occupancy Tax Agreement Between the City of Dripping Springs and The Dripping Springs Chamber of Commerce (Sponsor: Mayor Purcell) – Councilman Busbey motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- J. Ordinance No. 1630.28 - An Ordinance of the City Council of the City of Dripping Springs, Texas, Calling the General Election for Officers to be Held Within Said Municipality On May 11, 2013, and Making Provision for the Conduct of the Election and Resolving Other Matters Incident and Relating to the Holding of Such Election

Councilman Alba motions to approve items J through L. Councilman King seconds. Motion passes, 5-0.

Ordenanza No. 1630.28 – Por orden del Concilio Municipal de la Ciudad de Dripping Springs, Tejas, se anuncia la Elección General de oficiales que tomaran lugar dentro del municipio dicho el 2nd Sábado en Mayo, cual es la fecha uniforme para Elección, el día 11 de Mayo de 2013. Criando la conducta de tal elección y resolviendo cualquier otros incidentes relacionados y referente a la tenencia de tal elección

- K. Approval of Contract for Election Services between the City of Dripping Springs and the Hays County Elections Officer for the May 11, 2013 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Oficial de Elecciones del condado de Hays para la Elección Municipal el día 11 de Mayo 2013

- L. Approval of Contract for Election Services between the City of Dripping Springs and the Dripping Springs Independent School District for the May 11, 2013 Municipal Election

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Distrito Independiente de Escuelas de Dripping Springs para la Elección Municipal el día 11 de Mayo 2013

- M. Professional Services Agreement Between the City of Dripping Springs and CMA Engineering, Inc. for Feasibility Study Regarding Expansion of South Regional Wastewater Treatment Plant and Collection System (Sponsor: Mayor Pro Tem Foulds) – Councilman Kroll motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- N. Agreement Between the City of Dripping Springs and Walgreens Co. for Displaying Community Service Messages, Lee Ritchie, Manager (Sponsor: Mayor Pro Tem Bill Foulds) – Councilman Alba motions to approve. Councilman King seconds. Motion passes, 5-0.
- O. Professional Services Agreement for Engineering Services for Renewal of Scenic Greens Wastewater Permit #WQ0014488-002 (Sponsor: Mayor Pro Tem Foulds) – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- P. Utility Easement granted by the City of Dripping Springs to Pedernales Electric Cooperative for the Purpose of an Electric Distribution Line at Dripping Springs Ranch Park, (Sponsor: Mayor Purcell) – Councilman Busbey motions to

approve. Councilman King seconds. Motion passes, 5-0.

Q. Proposal from Local Government Services for Records Management Services, Linda Hambrick (Sponsor: Councilman Alba) – Councilman Alba motions to approve. Councilman Kroll seconds. Motion passes, 5-0.

R. Appointment of Planning and Zoning Commissioners to Fill Unexpired Terms (Sponsor: Mayor Pro Tem Foulds) – Mayor Pro Tem Foulds motions to table. Councilman Busbey seconds. Motion passes, 5-0.

XII. **ADJOURN** – Councilman Alba motions to adjourn. Mayor Pro Tem Foulds seconds. Motion passes, 5-0. Meeting adjourned at 8:20 p.m.