

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, May 11, 2010
511 Mercer Street, Dripping Springs, Texas**

**5:30 p.m. – Workshop & Executive Session
7:00 p.m. – Business Items, Public Hearings, Action Items**

I. CALL TO ORDER AND ROLL CALL – 5:30 p.m.

Mayor & City Council Members

Mayor Todd Purcell

Council Member Santos Alba

Council Member Joe Volpe

Mayor Pro Tem Bill Foulds

Council Member Doug Phillip

Council Member H.A. “Spider” Williams

City Staff/Appointed Officials

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

Planning Director Jon Thompson

Planning & Zoning Chair Craig Koenig

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Special Counsel Susan Zachos

Parks Director Ashley Seay

Mayor Protem Foulds calls the meeting to order at 5:55 p.m. All present except Councilman Williams, Susan Zachos and Craig Koenig.

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).

A. Deliberations About Proposed Lease of Stephenson Building from Dripping Springs Christian Academy, 551.072(Deliberations about Real Property)

B. Consultation with City Attorney Regarding First Amendment to the Arrowhead Ranch Development Agreement between the City of Dripping Springs and Forestar (USA) Real Estate Group and Regarding Property Acquisition, 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property)

IV. RECONVENE AT 7:00 p.m.

V. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Mayor Pro Tem Foulds leads the pledge.

VI. PRESENTATIONS BY 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.

Dalton King and Brandon Polk, invite community to “Pitchin’ in Dripping Springs” washer tournament to be held at Harrison Ranch Park on May 22nd. This is a fundraiser for the Dripping Springs High School Skills USA Club

VII. CONSENT ITEMS

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member or citizen, in which event those items will be pulled from the consent agenda for separate consideration.

- A. Oaths of Office for Mayor Purcell, Council Member Doug Phillip and Council Member Joe Volpe, Terms to Expire June 2012
- B. Approval of Regular Meeting Minutes, April 13, 2010
- C. Approval of Regular Meeting Minutes, April 20, 2010
- D. Approval of April 2010 Treasurer’s Report
- E. Proclamation Declaring May 15, 2010 Kids Day America/International
- F. Proclamation Calling for Support of the Angels in Cowboy Boots Fill the Boot Campaign

Mayor Pro Tem Foulds motions to approve items B through F. Councilman Volpe seconds. Motion passes, 4-0.

City Secretary administers oaths of office for Mayor Purcell, Councilman Phillip and Councilman Volpe.

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

Consideration and Possible Action On:

- A. Ordinance No. 1220.54 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located in the City of Dripping Springs City Limits, Hays County, Texas: a portion of the 361.83 acres of land out of the B.F. Hanna Survey No. 28, Abstract No. 222, Hays County, Texas, known as “Arrowhead Ranch,” which is located off of U.S. Hwy 290 near Tiger Lane and the Dripping Springs High School from SF-2 (Single Family Residential District-Moderate Density) to SF-5 (Single Family Attached Residential District-Garden Home)
 - 1. Presentation – None.
 - 2. Planning Director’s Report – Planning Director Jon Thompson, report on file.
 - 3. Planning & Zoning Commission Report – Commissioner Koenig states no action taken.
 - 4. Public Hearing – No one speaks.
- B. 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, *Barrett Allison, P.E*
 - 1. Presentation – None.
 - 2. Planning Director’s Report – Planning Director Jon Thompson, report on file.
 - 3. Planning & Zoning Commission Report – Commissioner Koenig states no action taken.
 - 4. Public Hearing – No one speaks.
- C. Sign Variance Request – Request from Dripping Springs Youth Sports Association for Founders Memorial Park Fields, 480 Founders Park Road, *Veronica Lengner, DSYSA Sponsorship Commissioner*
 - 1. Presentation – None.

2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
4. Planning & Zoning Commission Report – Commissioner Koenig states commission approved 6-0.
5. Parks & Recreation Commission Report – Commission approved 7-0.
6. Public Hearing – No one speaks.
7. Sign Variance Request from Section 8.2.1 (c), Athletic Sponsorship Signs; to Allow Signs to be Erected on Poles, Grandstands and Backstops – Mayor Pro Tem Foulds motions to approve subject to staff recommendations for a period of four years and any violations on these signs or other signs at Founders Park will negate approval of this variance. Councilman Phillip seconds. Motion passes, 4-0.

D. Site Plan - Whataburger, Southeast Corner of Rob Shelton Boulevard & Highway 290, *Carey Bresler, P.E., Doucet & Associates, Engineer*

1. Presentation – Shinpei presents power point presentation and states request for sign variance.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner Koenig states commission approved 6-0. This project was done well with Keenan Smith and staff. Commission approved request for monument sign. Keenan Smith gives report, report on file.

Mayor Pro Tem Foulds motions to approve items a through c. Councilman Phillip seconds. Motion passes, 4-0.

4. Public Hearing – None.
5. Master Signage Plan -
 - (a) Menuboard -
 - (b) Projecting “Whataburger” Sign over Canopy -
 - (c) Projecting Logo Signs -
 - (d) Monument Sign - Councilman Phillip motions to approve. Councilman Volpe seconds. Mayor Pro Tem Foulds inquires what the hardship is. Councilman Volpe states that the PDD wasn't planned to allow for the sign. Motion fails 0-4. All opposed.
6. Site Plan – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0.

E. Request for Special Exception from Zoning Ordinance, Section

5.15.1, “Locational Criteria & Height” for fences in residential areas, 103 Creek Road, *Sarah D'Angelo, Owner*

1. Presentation – Evan Weaver, report on file. States request for variance.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of height increase on southern and northern boundaries only.
3. Planning & Zoning Commission Report - Commissioner Koenig states commission approved staff recommendations 6-0.
4. Public Hearing – None.
5. Special Exception – Mayor Pro Tem Foulds motions to approve staff recommendations. Councilman Phillip seconds. Councilman Alba states he will not support this type of fence as it is aesthetically unpleasing. Councilman Phillip retracts his second. Motion dies. Councilman Phillip motions to approve variance excluding north side and creek road frontage. Councilman Volpe seconds. Councilman Alba inquires for lighting to be examined at Pioneer Bank for encroachment on this property. Motion passes, 3-1. Mayor Pro Tem Foulds opposed.

F. Ordinance No. 1220.53 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located in the City of Dripping Springs City Limits, Hays County, Texas: 28900 Ranch Road 12 , from Governmental/Utility/Institutional (GUI) to Office (O), *James McCann, P.E., Longaro & Clark Engineering*

1. Presentation – James McCann, Engineer, report on file. States request.
2. Planning Director’s Report – Planning Director Jon Thompson, report on file. Staff recommends zoning remain at GUI and set 56% impervious cover and allow for 20 foot setbacks all around.
3. Planning & Zoning Commission Report – Commissioner Koenig states commission approved staff recommendations at the time.
4. Public Hearing – Mike Firle, building committee member. Mr. Firle states that 60% impervious cover would be adequate to allow for any possible small improvements proposed by Eagle Scouts or civic groups.
5. Ordinance No. 1220.53 – Mayor Pro Tem Foulds motions to approve staff recommendations increasing impervious cover to 60% and allowing for only two driveways. Councilman Alba seconds. Motion passes, 4-0.

G. Site Plan – Highpointe Subdivision, Phase 5, Section 1, Grading and Shared Access Driveway Construction, *Jacy Warwick, P.E., CMA Engineering*

1. Presentation – Jacy Warwick, CMA, report on file. Concerns from HP residents, met with advisory committee, meet County standards and exceed some of them, RVI designed this, they have done similar in other developments and designed HP.
2. Planning Director’s Report – Planning Director Jon Thompson, report on file. Received some emails. Spoke with Warwick, Sawtelle and Hannah. Staff re-examined due to public comments. Staff recommendation has not changed, recommend approval. Looked at alternatives and why they don’t work. Seen proposed plan from neighbor, which does not meet separation distance requirements. Developer committed to installing wrought iron fence between driveway and Cool Springs Way.
3. Planning & Zoning Commission Report – Commissioner Koenig states Commission discussed points from public hearing and encouraged developer to meet with neighbors. Commission approved 6-0.
4. Public Hearing – Joshua Bettridge, resident. States concerns for safety of children. Second concern is that emergency vehicles and trash trucks do not have adequate room to turn around. Mr. Bettridge presents a proposed plat/road exterior plan that is consistent with current development.

Matt Daniel, shares safety concerns and addresses concern that there is no consistency in this construction.

Robert Gazelli, neighbor, states that this inconsistency in the development should stop as many neighbors bought because of the layout of the neighborhoods

Cynthia Bazelli, neighbor, states that a wrought iron fence will not meet with the conformity of the neighborhoods within Highpointe.

Tara Ballard, states concern for safety due to proposed driveways and inadequate spacing including a blind curve.

John Abbot, states that Pulte did not reveal these plans when neighbors asked questions at the buying stage. It was not disclosed that underground utilities were laid.

5. Site Plan – Mayor Purcell inquires if these plans were shown to potential buyers. Ms. Warwick states that these plans have been transparent and on the website. Councilman Volpe motions to approve. Mayor Pro Tem Foulds seconds. Councilman Volpe states that this is the best solution. The developer is not required to build the road or lessen driveways and has restricted vehicles backing into the road. Motion passes, 4-0.

H. Preliminary Plat – Key Ranch (Balance Area), 362.274 acres out of the James Bracken Survey, A0062 and 7.144 acres out of the E.B. Hargraves Survey, Abs 240, Located on Trautwein Road, *Aaron Googins, P.E., King Engineering*

1. Presentation – Mr. Googins, report on file. States request. Mr. Googins states that they are asking for half of fees to be waived rather than all.
2. Planning Director’s Report – Planning Director Jon Thompson, report on file. Mr. Thompson states that flag lots have been reconfigured and staff has not had adequate time to review changes. Staff recommendation is one hundred percent cash in lieu for parkland dedication. Staff recommends no reimbursement of fees.
3. Planning & Zoning Commission Report - Commissioner Koenig states concerns from public hearing regarding gate, water, roads, parkland, traffic safety on Trautwein, noise and light pollution and character of surrounding area.
4. Parks & Recreation Commission Report – Ashley Seay states concurrence with Jon Thompson’s report.
5. Public Hearing – Neighbor states concern for night sky and inquires if 20 feet of row has been dedicated on Trautwein. Mr. Googins states that it has.

Resident inquires if there are plans for any overhead utility lines. Mr. Googins states that they prefer underground, but PEC determines.

6. Parkland Dedication – Councilman Volpe motions to accept cash in lieu. Councilman Phillip seconds. Motion passes, 4-0.
7. Request for Reimbursement of Preliminary Plat Fees – Mayor Pro Tem Foulds motions to deny. Councilman Volpe seconds for discussion. Councilman Volpe states we have asked for several things. Motion passes, 4-0.
8. Preliminary Plat - Motion to table and revisit reimbursement of plat fees at May 18th meeting. Councilman Volpe seconds. Motion passes, 4-0.

I. Ordinance No. 1220.55 – An Ordinance of the City of Dripping Springs Volume 2, Article 15, Chapter 23, of the Dripping Springs Code of Ordinances; Modifying the Zoning Use Chart to Allow for Retail Sporting Good Stores

1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
2. Planning & Zoning Commission Report – Commissioner Koenig states
3. Public Hearing – No one speaks.
4. Ordinance No. 1220.55 – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 4-0.

IX. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market Update – Market Managers Jo Ann Touchstone and Ashley Seay

Report on file.

X. BUSINESS

Consideration and Possible Action On:

- A. Proposed Lease of Stephenson Building from Dripping Springs Christian Academy – Mayor Pro Tem Foulds motions to have Mayor appoint committee to negotiate lease. Councilman Volpe seconds. Motion passes, 4-0.

- B. Creation of Junior Camp Counselor Position – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.

- C. Ordinance No. 1070.50 – An Ordinance of the City of Dripping Springs Amending the Fee Schedule for Parks & Recreation Fees – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 4-0.

- D. Fiscal Year 2010 Budget Amendment Requests:

1. Requests from Parks Commission -
2. Requests from Harrison Ranch Park Committee -
3. Request from Historic Preservation Commission to Use Hotel Occupancy Tax Revenue for the Printing of Dripping Springs Historic Site Brochures -
4. Request to Amend Public Relations Line Item to Allow for Summer Newsletter –

Mayor Pro Tem Foulds motions to approve items 1 -4.
Councilman Alba seconds. Motion passes, 4-0.

- E. Request from Harrison Ranch Park Steering Committee to Become a City Commission, *June Baumel, Chair* – Councilman Volpe motions to approve. Councilman Phillip seconds. Motion passes, 4-0.

- F. Request for Amendment to Wholesale Water Services Agreement between the Lower Colorado River Authority and the City of Dripping Springs for Headwaters Municipal Utility District to Extend the Term of the Agreement from April 21, 2018 to April 21, 2022, *James Meredith, Masonwood Communities* – Mayor Pro Tem Foulds motions to approve subject to attorney approval and all papers being signed. Councilman Alba seconds. Motion passes, 4-0.

- G. Ordinance No. 1250.24 – An Ordinance of the City of Dripping Springs Amending the Sign Ordinance

1. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file.
2. Planning and Zoning Commission Report – None.
3. Public Hearing -
4. Ordinance No. 1250.24 –Councilman Phillip motions to table and schedule workshop. Councilman Volpe seconds. Motion passes, 4-0.

XI. ANNOUNCEMENTS

- A. Regular City Council Meeting, May 18, 2010 at p.m.
- B. Regular Parks & Recreation Meeting, June 14, 2010 at 6:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, May 25, 2010 at 7:00 p.m.
- D. Regular Historic Preservation Commission Meeting, June 7, 2010 at 5:30 p.m.

XII. ADJOURN

Mayor Pro Tem Foulds motions to adjourn. Councilman Volpe seconds. Meeting adjourned at 9:45 p.m.