

City of Dripping Springs  
City Council  
& Board of Adjustment

Regular Meeting Minutes

Tuesday, June 12, 2012

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/Board of Adjustment

Mayor Todd Purcell

Council Member Charles Busbey

Mayor Pro Tem Bill Foulds

Council Member Wade King

Council Member Santos Alba

Council Member John Kroll

City Staff/Appointed Officials

City Administrator Michelle Fischer

City Secretary Jo Ann Touchstone

Deputy City Administrator Ginger Faught

City Attorney Alan Bojorquez

Planning Director Jon Thompson

City Treasurer Gina Gillis

Planning & Zoning Chair Larry McClung

Calls the meeting to order at 5:35 p.m. All present except Mayor Purcell. Also present Attorney Joseph Deeb.

**II. OATHS OF OFFICE**

- A. Municipal Judge Marilyn Miller Administers Oaths of Office for Councilmember John Kroll, Councilmember Wade King, and Mayor Todd Purcell, Terms Expiring June 2014 – Judge Miller administers oaths of office for Councilmember King and Councilmember Kroll.

**III. 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.*

**IV. 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 6:05 p.m. Those present: City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Planning Director Jon Thompson, City Secretary Jo Ann Touchstone, City Attorney David Tuckfield and City Attorney Alan Bojorquez. Reconvened to Regular Session at 6:52 p.m.

Mayor Pro Tem Foulds motions to reconvene to Executive Session at 9:55 p.m. Councilman Busbey seconds. Those present: Mayor Pro Tem Foulds, Councilman Busbey, Commissioner Kroll, Councilman Alba, Councilman King, City Administrator Michelle Fischer, Alan Bojorquez, Joseph Deeb and Jo Ann Touchstone. Items discussed:

XI. K and L

Reconvened to Regular Session at 10:10 p.m.

- A. Consultation with City Attorney regarding landowner's request for a Second Amendment to the April 23, 2007 "Wastewater Service and Impact Fee Agreement" between the City and Robert T. and Jill K. McAlister (as amended by the First Amendment effective April 15, 2011), regarding wastewater service to property owned by the McAlisters that is adjacent to RR 12 and US Highway 290, (551.071: *Consultation with Attorney*)
- B. Consultation with City Attorney regarding Amendment to Settlement Agreement with Precision Commercial Plumbing Company, Inc., Discuss potential resolution of dispute, (551.071: *Consultation with Attorney*)
- C. 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 and 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*
- D. Consultation with City Attorney regarding Texas Commission on Environmental Quality ("TCEQ") Docket Number 2012-0801-MWD-E (TCEQ Permit No. WQ0014488001) (551.071 Consultation with Attorney).

## V. RECESS

VI. **RECONVENE AT 7:00 p.m.** – Meeting called to order at 7:04 p.m. Larry McClung also present.

## VII. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Chase Fulton leads the pledge.

## VIII. 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.*

*No one speaks.*

## IX. 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, May 8, 2012
- B. Approval of Regular Meeting Minutes, May 15, 2012

- C. Approval of Treasurer's Report for May 2012
- D. Approval of Appointment of Marilyn Miller to Serve as Municipal Court Judge, Term to Expire June 2013

Mayor Pro Tem Foulds motions to approve items A and B. Councilman Alba seconds. Motion passes, 3-0-2. Councilman Kroll and Councilman King abstain. Mayor Pro Tem Foulds motions to approve items C and D. Councilman Alba seconds. Motion passes, 5-0.

**X. BOARD OF ADJUSTMENT**  
**Consideration and Possible Action On:**

**City Administrator Michelle Fischer exits meeting at 7:20 p.m.**

- A. Special Exception Request for 430 Old Fitzhugh Road, Unit # 4 from Dripping Springs Code of Ordinance, Chapter 30 Zoning, Exhibit A Zoning Ordinance, Section 3.12.4(b)2, Area Regulations – Size of yards for a side yard setback for a Single Family Condominium Residence, *Cindi Cornett, Applicant*
  - 1. Presentation – Elizabeth Golden, represents applicant and submits request, on file.
  - 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Mr. Thompson states after conferring with the City Attorney staff's recommendation is for denial as the zoning ordinance timeline for board of adjustment is four weeks. Staff recommends if Council approves support of a zoning amendment application that enforcement be delayed for 60 to 90 days. City Attorney Alan Bojorquez states support for delaying enforcement while a zoning amendment application is submitted.
  - 3. Planning & Zoning Commission Report – Commissioner McClung states the Commission did not find any hardship and denied request 5-1.
  - 4. Public Hearing – Cindi Cornett, reads letter stating history of purchase of property and fees paid.
  - 5. Special Exception from Minimum Rear Yard Setback – Mayor Pro Tem Foulds motions to deny request. Councilman Alba seconds. Motion passes, 5-0.

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

**Consideration and Possible Action On:**

**City Administrator Michelle Fischer reenters meeting at 7:50 p.m.**

- A. Concept Plan – Twisted X Brewery, Ranch Road 12 and FM 150, *Jim Sampson and Shane Bordeaux*
  - 1. Presentation- Shane Bordeaux gives power point presentation.
  - 2. Public Hearing- None.
  - 3. Concept Plan – No Action To Be Taken
- B. Ordinance No. 1803.69 – An Ordinance of the City of Dripping Springs Annexing the Following Properties Into the City of Dripping Springs Corporate City Limits:
  - Lot 1-B2 of the Resubdivision of Lot 1-B, The Springs, A Subdivision in Hays County; and
  - That certain 10.000 Acres of Land out of the B.F. Hanna League in Hays County, Texas, and Also Being a Part of a 21.458 Acre Tract of Land Conveyed to Rita Worthy and Fred Charles by Deed of Record in

Volume 288, pages 148 to 152 of the Deed Records of Hays County, Texas

1. Public Hearing- No one speaks.
2. Ordinance 1803.69- Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

C. Ordinance No. 1220.73 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located in Hays County, Texas: Lot 1-B2 of the Resubdivision of Lot 1-B, The Springs, A Subdivision in Hays County from AG (Agricultural) to I (Industrial) with a Conditional Overlay restricting the property to the following allowable uses: Furniture Manufacturing, Warehouse/Office, Contractor's Office (with Outside Storage), Electronic Assembly, Engine Repair or Manufacture, Laboratory Equipment Manufacture, Research Lab (Non-Hazardous), Sign Manufacturing, Stone/Clay/Glass Manufacturing, *Ben Sorrell, Owner/Applicant*

1. Presentation - Ben Sorrell, applicant, states request.
2. Planning Director's Report- Planning Director Jon Thompson, report on file. Staff recommends approval without inclusion of engine repair. (as stated in report).
3. Planning & Zoning Commission Report - Commissioner McClung states Commission approved 6-0.
4. Public Hearing – No one speaks.
5. Ordinance No. 1220.73 –Mayor Pro Tem Foulds motions to approve subject to staff recommendations. Councilman Alba seconds. Motion passes, 5-0.

D. Ordinance No. 1220.74 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located in Hays County, Texas: 10.000 Acres of Land out of the B.F. Hanna League in Hays County, Texas, and Also Being a Part of a 21.458 Acre Tract of Land Conveyed to Rita Worthy and Fred Charles by Deed of Record in Volume 288, pages 148 to 152 of the Deed Records of Hays County, Texas, (DSISD Service Center) from AG (Agricultural) to GUI (Government, Utility, and Institution), *Dr. Bruce Gearing, Superintendent, DSISD, Owner*

1. Planning Director's Report – Planning Director Jon Thompson, report on file. staff recommends approval.
2. Planning & Zoning Commission Report – Commissioner McClung states Commission approved 6-0.
3. Public Hearing – No one speaks.
4. Ordinance No. 1220.74 – Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.

E. Site Plan - O'Reilly's Auto Parts, located on the north side of US Hwy 290 across from Pioneer Bank (A0415 Philip A. Smith Survey, 0.77 acres), *Wade Lininger, Applicant*

1. Presentation – Wade Lininger, states request.
2. Planning Director's Report – Planning Director Jon Thompson, report on file.
3. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
4. Planning & Zoning Commission Report – Commissioner McClung states Commission approved site plan and approved sign requests with staff recommendations.
5. Public Hearing – No one speaks.
6. Sign Variance Request to exceed the maximum signable area allowed for a projecting sign – Commissioner Kroll motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
7. Sign Variance Request to exceed the maximum height allowed for a monument sign for a single unit property – Councilman

- Busbey motions to deny. Commissioner Kroll seconds. Motion passes, 5-0.
8. Sign Variance Request to exceed the maximum signable area allowed for a monument sign for a single unit property – Mayor Pro Tem Foulds motions to approve with staff recommendations to allow 911 addressing not to count. Councilman Alba seconds. Motion passes, 5-0.
  9. Sign Variance Request to exceed the cumulative total signable area allowed for a single unit property – Commissioner Kroll motions to approve subject to 122 sq. ft recommendation. Councilman Busbey seconds. Motion passes, 5-0.
  10. Site Plan – Commissioner Kroll motions to approve. Councilman Busbey seconds. Motion passes, 5-0.
- F. Replat – Randolph Brooks Federal Credit Union, Texas Heritage Village, Lots 1 & 2, 3.00 Acres, *James McCann, P.E.*
1. Presentation – James McCann gives presentation and is available for questions. Ana Pastel, with RBFCU, states desire to be part of community and open a branch and support growth and development. Also present, architect – who is available for questions.
  2. Planning Director’s Report – Planning Director Jon Thompson, report on file.
  3. Planning & Zoning Commission Report – Commissioner McClung states no one spoke at the public hearing and Commission approved 6-0.
  4. Public Hearing – No one speaks.
  5. Replat – Councilman Alba motions to approve subject to staff recommendations. Councilman Busbey seconds. Motion passes, 5-0.
- G. Ordinance No. 1220.72 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located in Hays County, Texas: Texas Heritage Village, Section 2, Lots 1 & 2, (Randolph Brooks Federal Credit Union) from CS (Commercial Services) to O(Office), *Tal McAllister, Owner/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 6-0.
  4. Public Hearing – No one speaks.
  5. Ordinance No. 1220.72 – Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- H. Sign Variance Requests – Randolph Brooks Federal Credit Union, Texas Heritage Village, Section 2, Lot 1 & 2 (on the north side of US Hwy 290 across from HEB and aligned with the intersection of Rob Shelton Blvd and 290), *Frederick Tex Liedtka, AIA*
1. Presentation – 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 votes for sign variances and discussions and that site plan was tabled per staff recommendation.
  4. Public Hearing – No one speaks.
  5. Sign Variance Request to exceed the maximum signable area allowed for a private traffic control sign - Commissioner Kroll motions to approve. Councilman Busbey seconds for discussion. Motion passes, 5-0.
  6. Sign Variance Request to exceed the number of projecting signs allowed for a single unit property – Councilman Busbey

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

7. Sign Variance Request to exceed the maximum signable area allowed for a projecting sign – Mayor Pro Tem Foulds motions to approve to allow maximum amount. Councilman Kroll seconds. Motion passes, 5-0.
8. Sign Variance Request to exceed the cumulative total signable area allowed for a single unit property – Mayor Pro Tem Foulds motions to approve up to 150 square feet. Councilman Alba seconds. motion passes, 5-0.

I. Sign Variance Requests, The Preparatory School of Dripping Springs, 12610 Nutty Brown Road, Austin, Texas, 78737, *Jerry Jhaveri, CapitalTexas Construction, Inc.*

1. Presentation – Applicant states request.
2. Sign Administrator’s Report- City Administrator Michelle Fischer, report on file.
3. Planning & Zoning Commission Report – Commissioner McCung states one neighbor spoke at the public hearing in opposition. Commission motioned to deny 5-1.
4. Public Hearing- No one speaks.
5. Sign Variance Request to exceed the maximum signable area allowed for a monument sign for a single unit property- Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.
6. Sign Variance Request to exceed the cumulative total signable area allowed for a single unit property – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

J. Sign Variance Request, Dripping Springs Chamber of Commerce & Visitor’s Bureau, 509 Mercer Street, *Sherrie Parks, Director*

1. Presentation – None.
2. Sign Administrator’s Report – City Administrator Michelle Fischer, 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. Sign Variance Request to exceed the maximum number of projecting signs allowed for a business in a multi-unit property – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.

K. Sign Variance Requests, Triple S Petroleum/Circle K, 104 East US Highway 290, *Charley Schalliol, Site Enhancement Service, Inc.*

1. Presentation – Tyler Dean, representing applicant, states request.
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 and there was extensive discussion with approval 5-1.
4. Public Hearing – No one speaks.
5. Sign Variance Request to allow an existing nonconforming pole sign to remain - See line item 6, which approves the variance for pole sign.
6. Sign Variance Request to exceed the number of signs permitted every 200 feet along a public right-of-way – Mayor Pro Tem Foulds motions to approve subject to a lease being provided and the variance would run concurrent with the lease the sooner of December 31, 2014 or the expiration date of the

current lease and compliance with lighting ordinance for all outdoor lighting. Councilman Kroll seconds. Motion passes, 5-0.

7. Sign Variance Request to allow an electronic LED changeable fuel price sign – Mayor Pro Tem Foulds motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

L. Sign Variance Requests, Dripping Springs Grocery, 601 US Highway 290 West, *Amer Masood, Applicant*

1. Presentation – Ann Lewis, states request and presentation.
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 and there was extensive discussion and consideration with the variances approved.
4. Public Hearing – No one speaks.
5. Sign Variance Request to allow an existing nonconforming pole sign to remain – Councilman Busbey motions to approve. Councilman Kroll seconds for discussion. Councilman Busbey states this variance is warranted. Mayor Pro Tem Foulds disagrees there is a need for the pole sign. Motion passes, 3-2. Mayor Pro Tem Foulds and Councilman Alba opposed.
6. Sign Variance Request to allow an electronic LED changeable fuel price sign – Councilman Alba motions to approve staff recommendations. Councilman Kroll seconds. Motion passes, 5-0.
7. Sign Variance Request to exceed the maximum height allowed for a monument sign for a single unit property – Councilman Busbey motions to deny. Councilman Kroll seconds. Motion passes, 5-0.
8. Sign Variance Request to exceed the maximum signable area allowed for a monument sign for a single unit property – Councilman Busbey motions to deny. Councilman Kroll seconds. Motion passes, 5-0.
9. Sign Variance Request to exceed the cumulative total signable area allowed for a single unit property – Councilman Alba motions to approve up to 152.75 feet and all other signs on building be removed. Councilman Kroll seconds. Motion passes, 4-1. Mayor Pro Tem Foulds opposed.

## **XII.**

### **REPORTS OF AGENCIES, COMMISSIONS & STAFF**

A. Farmers Market Report – Market Manager Jo Ann Touchstone- report on file.

## **XIII. BUSINESS**

### ***Consideration and Possible Action On:***

- A. Final Report on Eagle Scout Leadership Service Project at the Triangle *Chase Fulton, Eagle Scout Candidate (Sponsor: Councilman Alba)- Councilman Busbey motions to accept. Councilman Alba seconds. Motion passes, 5-0.*
- B. Donation Agreement Between the City of Dripping Springs and Hays County Master Naturalists (HCMN) for a Bird Viewing Structure at Charro Ranch Park *(Sponsor: Mayor Pro Tem Foulds)- M. Lee Brown states request. Mayor Pro Tem Foulds motions to approve without approval from Parks and Recreation Commission approval if they are not able to meet within the next two weeks. Councilman Alba seconds. Motion passes, 5-0.*
- C. Request from Dripping Springs Chamber of Commerce to Hold a Fourth of July Fireworks Display at Sports and Recreation Park on July 4, 2012 *(Sponsor: Mayor Pro Tem Foulds)*

1. Presentation- None.
  2. City Staff Report - Deputy City Administrator Ginger Faught, report on file.
  3. Approval of Request to Hold Fireworks Display- Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.
  4. Request for Waiver of Field Rental Fees- Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- D. Resolution No. 2012-11 – A Resolution of the City of Dripping Springs Approving the Advance Funding Agreement for A Metropolitan Mobility and Rehabilitation Project Off-System Between the City of Dripping Springs and the Texas Department of Transportation and Authorizing the Mayor to Take Necessary Actions in Order to Finalize and Execute the Agreement (Mercer Street ADA Bicycle and pedestrian improvements project CSJ0914-33-065) (*Sponsor: Mayor Todd Purcell*)- *Councilman Alba motions to approve. Councilman Kroll seconds. Motion passes, 5-0.*
- E. Professional Services Agreement Between the City of Dripping Springs and Grant Development Services for Pre-administration Activities in Connection with the Advance Funding Agreement for A Metropolitan Mobility and Rehabilitation Project Off-System Between the City of Dripping Springs and the Texas Department of Transportation (Mercer Street ADA Bicycle and pedestrian improvements project CSJ0914-33-065) (*Sponsor: Mayor Todd Purcell*)- *Mayor Pro Tem Foulds – Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.*
- F. Casting of City’s Vote in Annual Pedernales Election Cooperative, Inc. Election (*Sponsor: Mayor Pro Tem Foulds and Councilman Busbey*)- *Mayor Pro Tem Foulds motions to authorize Councilman Busbey to cast the City’s vote. Councilman Alba seconds. Motion passes, 5-0.*
- G. Hosting Agreement between the City of Dripping Springs and ezTask.com, Inc. for Internet Services (*Sponsor: Councilman Busbey*)- *Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0. City Attorney Alan Bojorquez states there is an addendum to be added, on file. Councilman Alba accepts as friendly amendment to include addendum. Councilman Busbey accepts. Motion passes, 5-0.*
- H. Appointment of Planning and Zoning Commissioners, Parks and Recreation Commissioners, Historic Preservation Commissioners, Dripping Springs Ranch Park Commissioners and Farmers Market Board Association Members (*Sponsor: Mayor Purcell*)- *Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.*
- I. Appointment of Mayor Pro Tem, Term to Expire June 2013- Councilman Alba motions to appoint Bill Foulds to serve as Mayor Pro Tem. Councilman Busbey seconds. Motion passes, 5-0.
- J. Fiscal Year 2012 Budget Amendment Request From Dripping Springs Ranch Park Commission to Fund the Dripping Springs Ranch Park Coordinator Position (*Sponsor: Mayor Purcell*) – *Councilman Busbey motions to approve. Councilman Alba seconds. Motion passes, 5-0.*
- K. Fiscal Year 2012 Budget Amendment to Approve Expenditures for the Advance Funding Agreement for A Metropolitan Mobility and Rehabilitation Project Off-System Between the City of Dripping Springs and the Texas Department of Transportation Mercer Street ADA Bicycle and pedestrian improvements project CSJ0914-33-065 and the Professional Services Agreement between the City of Dripping Springs and Grant Development Services for Pre-administration Activities (*Sponsor: Mayor*



*Purcell*) - Councilman Alba motions to approve. Councilman Busbey seconds. Motion passes, 5-0.

**XIV. ANNOUNCEMENTS**

- A. Regular City Council Meeting, June 19, 2012 at 6:00 p.m.
- B. Regular Parks & Recreation Meeting, July 9, 2012 at 6:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, June 26, 2012 at 7:00 p.m.
- D. Regular Historic Preservation Commission Meeting, July 2, 2012 at 5:30 p.m.
- E. Regular Founders Day Commission Meeting, TBD

**XV. ADJOURN**

Councilman Alba motions to adjourn. Councilman Busbey seconds. Motion passes, 5-0. Meeting adjourned at 10:12 p.m.