

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, April 14, 2009
7:00 p.m.**

511 Mercer Street, Dripping Springs, Texas

I. CALL TO ORDER AND ROLL CALL

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

Development Coordinator Jon Thompson

Planning & Zoning Commission Chair Craig Koenig

City Treasurer Gina Gillis

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Special Counsel Susan Zachos

Mayor Purcell calls the meeting to order at 7:10 p.m. City Secretary Jo Ann Touchstone calls roll. All present except Joe Volpe and Rick Coneway.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Mayor Purcell leads the pledge.

III. 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.

IV. 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. Approval of Regular Meeting Minutes February 10, 2009
- B. Approval of Regular Meeting Minutes February 17, 2009
- C. Approval of Regular Meeting Minutes, March 10, 2009
- D. Approval of Special Meeting Minutes, March 26, 2009
- E. Approval of Treasurer's Report for March 2009
- F. FY 2009 Founders Day Participation Agreements between the City of Dripping Springs and:
 - 1. Brad Traiham for Musical Performance
 - 2. Drowning for Soul for Musical Performance
 - 3. Running with Scissors for Musical Performance
 - 4. Edison Chair for Musical Performance
 - 5. Jim Halfpenny Band for Musical Performance
 - 6. Michael Myers for Musical Performance

7. Bobby Pounds for Musical Performance
8. Lucky Tubb for Musical Performance
9. Frank Cavitt for Musical Performance
10. AMA Global Services, LLC for Musical Performance
11. Michael Shane Borden for Musical Performance
12. Church of the Springs for Site Clean-up
13. Church of the Springs for Trash Removal
14. Austin Outhouse for Port-o-lets
15. Dan Bristow for Security
16. Spencer Berry for Sound and Lighting Services for Stages

Councilman Alba motions to approve items A through F. Councilman Williams seconds. Motion passes, 4-0.

- G. Agreement between the City of Dripping Springs and Statewide Patrol, Inc for Security at Founders Day Festival
- H. Proclamation Declaring April 2009 National Cancer Awareness Month

Councilman Alba motions to approve items G and H. Councilman Phillip seconds. Motion passes, 4-0.

V. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/SPECIAL EXCEPTIONS/ANNEXATIONS

Consideration and Possible Action on:

- A. Public Hearing on Annexation for inclusion of the following properties into the City of Dripping Springs Corporate City Limits:

14.49 acres, more or less, out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas (Centerlake Business Park); and

14.477 acres, more or less, out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas (Innerstep Office Park); and

12.00 Acres out of the George W. Lindsey Survey No. 138, Abstract No. 289 Hays County, Texas (New Life Lutheran Church); and

64.72 Acres of Land out of the Thomas R. Jackson League Abstract No. 9 in Hays County, Texas (Charro Ranch Park)

Mr. James Akers, regarding Centerlake/Innerstep, comments on file.

Brad Highum, Pastor, New Life Lutheran Church, available for questions and thanks Council.

- B. Petition Requesting Annexation for inclusion of the following properties into the City of Dripping Springs Corporate City Limits:

55.72 Acre Tract of Land Being a Portion of Lot 2, Block C, Poundhouse Hills, Section Two, *Stephen Smith, Owner, Morningstar Development, L.L.C.*

1. Public Hearing – No one speaks.
2. Acceptance of Petition – Councilman Alba motions to accept petition. Mayor Pro Tem Foulds seconds.

- C. Hill Country Horsepower Ranch – Site Development Permit, 451 South Canyonwood (*Ed Taddia, owner*)

1. Update from Ed Taddia Regarding Landscaping and Screening Discussions with Neighbors – Mary Boehm-McKaughan, report on file. Available for questions. Lynn Goodmnan, 475 South Canyonwood, facilitator between neighbors and Taddias. Ms. Goodmnan reports Shelia Jetton’s comments, on file, which relay her preference for fencing and landscaping.

2. Assessment of Administrative Penalties – Ginger Faught reports staff recommendations that there are no fines, the stop work order is lifted and new drawings included in site plan. Mayor Pro Tem Foulds motions to approve with staff recommendation and appreciates efforts of both parties. Councilman Alba seconds. Mayor Pro Tem Foulds Motion passes, 3-1. Councilman Williams opposed.
- D. Site Plan – Dripping Springs Independent School District New High School, Phase 3, *Mard Herrick, Ph. D.*
1. Presentation – Sean Friend, Civil Engineer, report on file.
 2. Development Coordinator’s Report – Development Coordinator Jon Thompson, report on file. Mr. Thompson clarifies there are no variances required and setbacks are within range.
 3. Planning & Zoning Commission Report – Commissioner Koenig states no one spoke at the public hearing and it was approved 6-0. The Commission discussed landscaping and a water leak, which Mr. Friend addressed.
 4. Public Hearing – No one speaks.
 5. Site Plan – Councilman Phillip motions to approve. Councilman Williams seconds. Councilman Alba abstains. Motion passes, 3-0.
- E. Resubdivision – Ray Moore Subdivision, Lot 2, Paul’s Valley Drive at Fitzhugh Road, *William Maas, Owner*
1. Presentation – William Maas, report on file. Mr. Maas available for questions.
 2. Development Coordinator’s Report – Development Coordinator Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Commissioner Koenig states Commission approved 6-0.
 4. Public Hearing – No one speaks.
 5. Resubdivision – Councilman Phillip motions to approve. Councilman Williams seconds. Discussion regarding flag lot. Councilman Williams withdraws second. Mayor Pro Tem Foulds seconds. Motion passes, 3-1. Councilman Williams opposed.
- F. Reconsideration of Sign Variance – Pioneer Bank, 100 Creek Road – Request to exclude a portion of the monument structure in the measurement of the signable area/to allow a monument sign to exceed the maximum signable area for a monument sign in a nonresidential zoning district and to exceed the cumulative sign area limitation for a single business
1. Presentation – Maggie Star, report on file.
 2. Sign Administrator’s Report – City Administrator Michelle Fischer states that the previous approval included the City Engineer’s approval that it would be structurally sound and Mr. Coneway determined it was not.
 3. Public Hearing –No one speaks.
 4. Reconsideration of Variance – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 2-1-1. Councilman Phillip abstains.
- G. Sign Variance Requests – Springs Family YMCA, 27216 Ranch Road 12, *Kristi Paul, Executive Director* –
1. Presentation – No one present.
 2. Sign Administrator’s Report – City Administrator Michelle Fischer states recommendation to deny first variance, approve second variance, and deny third variance.
 3. Planning & Zoning Commission Report – Commissioner Koenig concurs with above recommendation. There was discussion regarding lighting and the Commission was opposed to changeable copy and discussed upholding new sign ordinance.
 4. Public Hearing – No one speaks.
 5. Variance Request to Section 7.1, Prohibited Signs, to Allow a Changeable Copy Sign – Councilman Williams motions to deny items 5 and 7. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.

6. Variance Request to Section 9.2, Cumulative Sign Limitations, to Exceed Total Allowable Signable Area – Councilman Phillip motions to deny. Councilman Alba seconds. Motion passes, 3-1. Councilman Williams opposed.
7. Variance Request to Section 8.2.14, Monument Signs, to Exceed Maximum Height Allowable – See vote, line 5.

H. Master Signage Plan & Sign Variance Requests to Allow Off Premise Directional Signs– Highpointe, Sawyer Ranch Road, *Tim Sawtelle, Hanna-Magee, L.P.*

1. Presentation – Dustin Einhouse, Hannah-McGee, report on file. Available for questions.
2. Sign Administrator’s Report – City Administrator Michelle Fischer states recommendation for approval with a two year time limit and landscaping at the base.
3. Planning & Zoning Commission Report – Commissioner Koenig states Commission denied three, which have been pulled and approved those submitted to Council.
4. Public Hearing – No one speaks.
5. Sign A-Pulte Homes & Wilshire Homes – Councilman Phillip motions to approve all with two year limit and landscaping at base and sides. Councilman Alba seconds. Councilman Williams makes a friendly amendment to deny sign A (line item 5). Councilman Phillip and Councilman Alba accept friendly amendment. Motion passes, 4-0.
6. Sign C-Wilshire Homes, Pulte Homes, Resident Club & Model Home Park -
7. Sign D-Wilshire Homes & Pulte Homes -
8. Sign E-Wilshire Homes & Pulte Homes -
9. Sign F-Pulte Homes & Wilshire Homes -
10. Sign G-Pulte Homes & Wilshire Homes -
11. Sign I-Wilshire Homes & Pulte Homes -

VI. BUSINESS

Consideration and Possible Action On

- A. Hotel Occupancy Tax Committee Recommendation of Hotel Occupancy Tax Expenditures – Deputy City Administrator Ginger Faught states recommendation is on file in City Administrator’s report. Committee member Pam Owens is here for questions. Staff recommends approval as recommended by the committee. Councilman Phillip motions to approve recommendations of committee. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
 - B. Reconsideration of Acceptance of Fiscal Year 2008 Audit – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
 - C. Fiscal Year 2009 Founders Day Participation Agreement between the Hill Country Social Club and City of Dripping Springs – No action taken.
 - D. Agreement between the Hays County and The City of Dripping Spring to Utilize the Stephenson Building located at 311 Old Fitzhugh for a Hospitality Area during the 2009 Founders Day Event – No action taken.
- Mayor Pro Tem Foulds motions to move item E to after Executive Session. Councilman Phillip seconds. Motion passes, 4-0.
- E. Request for the City’s consent to the possible creation of a municipal management district in and around Driftwood or other alternatives relating to financing the improvement and maintenance of services and infrastructure in that area – Ken Manning, representing Scott Roberts. Mr. Manning states he has communicated with staff and appreciates discussions. He states desire for municipal management district for the 500 acres in the Development Agreement. Mr. Manning states the reasons and benefits. Mayor Purcell states Council will provide direction by the next meeting on April 21st.
 - F. Applications for Wastewater Service for WSC “Indication of Interest” Payment Customers

1. 507 Old Fitzhugh Rd., Ben Sorrell, Owner – Mr. Sorrell states request, on file. Mr. Sorrell states intent to build on property within next two years. Mayor Pro Tem Bill Foulds states this is a unique situation and Mr. Sorrell did a lot to approve the appearance of the property and thinks we should work with him. Mayor Pro Tem Bill Foulds motions to authorize staff to enter into an agreement with Ben Sorrell containing the following terms: 1. Consistent with the City's wastewater ordinance, require the property owner to begin paying for service. 2. If the owner constructs a residence on the property that is completed and ready to be connected to sewer system on or before 1-13-11, the City will provide the amount of line that would have been provided, had it been able to place the sewer tap adjacent to the structure, subject to all the pre-requisites in the City's "Notice of Start Date and Requirement to Connect." 3. If the owner does not construct a residence within the 1-13-11 date, then the City will return the \$1500.00 deposit, and cancel the application. The property will be subject to current connection and impact fees. 4. Agree that the property owner can obtain this service under the \$1500.00 deposit, rather than the current \$9,752.00. Councilman Phillip seconds. Motion passes, 4-0.
2. 27800 Ranch Road 12, Roger S. Hanks Residuary Trust, Owner – Mayor Pro Tem Foulds motions to authorize staff to agree to delay the wastewater connection, and transfer the pending application from Phase II to Phase III of the wastewater collection system. Upon connection in Phase III, if service is available and the connection is in compliance with City's Phase III connection schedule and all related requirements, City will provide a yard line for connecting the property, up to the value of the yard line the owner would be entitled to today (in today's dollars.) Councilman Williams seconds. Motion passes 3-0-1. Councilman Phillip abstains.
3. 100 Old Fitzhugh Rd., J.O. Eckols, Owner – Mayor Pro Tem Foulds motions to authorize City Administrator to make a decision on the two requests for refunds (items 3 and 4), consistent with the City's ordinances and prior practices of the City. Councilman Phillip seconds. Motion passes, 4-0.
4. 200 U.S. Highway 290, Vithal Reddy Bogale, Owner -

G. Request from the Owners of The Commons Shopping located at 100 Commons Road, Dripping Springs, to partially connect to the City's Wastewater Collection System for a Period not to Exceed 30 Days – Deputy City Administrator Ginger Faught states there is a letter on file from the applicant. Ms. Faught states Jesse Rodriguez, the engineer, is here for questions. Staff recommendation is on file in City Administrator's report. Mayor Pro Tem Foulds motions to approve request being met before next regular Council meeting in May. Councilman Alba seconds. Motion passes, 4-0.

H. Texas Parks & Wildlife Department Local Park Grant Program Project Agreement for Harrison Ranch Park, Project Number 50-000409 – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.

I. Professional Services Agreement for Landscape Architectural Design Services between the City of Dripping Springs and RVi for Harrison Ranch Park Schematic Design Services – Councilman Phillip motions to approve. Councilman Williams seconds. Councilman Alba inquires on item 1.5 to define "client". City Administrator Michelle Fischer states there are other consultants involved, i.e. trail consultants, architects, etc. City Administrator Michelle Fischer thanks RVi for not adding administrative costs. Councilman Phillip seconds. Motion passes, 4-0.

J. Amendment No. 1 to May 2008 Professional Services Agreement for Landscape Architectural Design Services between the City of Dripping Springs and RVi for Harrison Ranch Park for Grant Administration, Alternative Site Plan Concepts, and Ongoing Consultation and Coordination – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 4-0.

K. Letter of Agreement between the City of Dripping Springs and Aus S. T. Kyle, Ltd. (John Lloyd) for the acquisition of 2.07 acres out of the ABS 289, G. Lindsey Survey owned by Glen T. Goode and Anne T. Davison – Councilman Williams motions to move after Executive Session. Mayor Pro Tem Foulds seconds. Motion passes, 4-0. Mayor Pro

Tem Foulds motions to approve letter of intent. Councilman Alba seconds. Motion passes, 4-0.

L. Casting of City Proxies for the Dripping Springs Water Supply Corporation Board Election – Mayor Pro Tem Foulds motions to have either himself or Councilman Phillip in attendance at the meeting to cast votes. Councilman Alba seconds. Motion passes, 4-0.

M. Water Service Termination Agreement between the City of Dripping Springs and Dripping Springs Water Supply Corporation – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 4-0.

N. Resolution No. 2009-17 – A Resolution Accepting Construction and Public Dedication of Street and Right-of-Way Improvements for Planned Development District Number One (PDD #1), that Being Rob Shelton Boulevard – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.

O. Ordinance No. 1520.5 – An Ordinance of the City of Dripping Springs Creating the Harrison Ranch Park Committee – Councilman Phillip motions to approve ordinance and abolish/repeal previous. Councilman Williams seconds. Motion passes, 4-0.

P. Contract for Creek Road Improvements between Cyclone Construction, LLC and the City of Dripping Springs – Mayor Pro Tem Foulds motions to move after Executive session. Councilman Phillip seconds. Motion passes, 4-0.

Q. Construction Contract between the City and Waste Water Solutions for the Construction of Service Line Connections for the First \$100 Deposit Connections (Emergency Connections) – striking Emergency Connections

1. Acceptance of Improvements and Final Payment – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0.

R. South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, and Bond Issues – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0. Mayor Pro Tem Foulds motions to authorize staff to come up with an agreement with CMA to present to Key for work not constructed to specifications for work on RR 12 and Parade drive. It will include a bond and extended warranty. Councilman Alba seconds. Motion passes, 4-0.

S. Ordinance No. 1630.21 - An Ordinance of the City of Dripping Springs Cancelling the May 9, 2009 General Election And Declaring Each Unopposed Candidate Elected To Office -

Ordenanza No. 1630.21 - Una Ordenanza de la Ciudad de Dripping Springs Cancelando la Elección General del día 9 de Mayo de 2009 y Declarando a Cada Candidato sin Oposición Elegido a la Oficina-

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

Councilman Alba motions to move to Executive Session. Councilman Phillip seconds. Convened to Executive session at 8:35 p.m. Reconvened to Regular Session at 9:30.

VII. 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. Consultation with City Attorney Regarding Letter of Agreement between the City of Dripping Springs and Aus S. T. Kyle, Ltd. (John Lloyd) for the acquisition of 2.07 acres out of the ABS 289, G. Lindsey Survey owned by Glen T. Goode and Anne T. Davison 551.072 (Deliberations about Real Property)
- B. Consultation with City Attorney Regarding Site Development, Hill Country Horse Power Ranch, 451 South Canyonwood (551.071: Consultation with Attorney)
- C. Legislative Update: Report from City Attorney regarding the 81st Texas Legislature, including status of bills regulating political subdivisions, utilities or other entities providing municipal sewer and/or water services; lawful options and legal implications (551.071: Consultation with City Attorney)
- D. Consultation with attorney regarding the City's consent to the possible creation of a municipal management district in and around Driftwood or other alternatives relating to financing the improvement and maintenance of services and infrastructure in that area. (551.071: Consultation with Attorney)
- E. Consultation with City Attorney regarding South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, and Bond Issues (551.071: Consultation with Attorney)
- F. Consultation with City Attorney regarding Applications for Wastewater Service for WSC "Indication of Interest" Payment Customers (551.071: Consultation with Attorney)
 - 1. 507 Old Fitzhugh Rd., Ben Sorrell, Owner
 - 2. 27800 Ranch Road 12, Roger S. Hanks Residuary Trust, Owner
 - 3. 100 Old Fitzhugh Rd., J.O. Eckols, Owner
 - 4. 200 U.S. Highway 290, Vithal Reddy Bogale, owner
- G. Water Service Termination Agreement Between the City of Dripping Springs and Dripping Springs Water Supply Corporation (551.071: Consultation with Attorney)
- H. Consultation with City Attorney regarding 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 (551.071: Consultation with Attorney and 551.072: Purchase, Exchange, Lease or Value of Real Property).
- I. Consultation with City Attorney about settlement offers in the matter of Texas Commission on Environmental Quality "Water Quality Land Application (No Discharge) Permit No. WQ0014488002," to be issued to the City for the treatment of domestic wastewater at a daily average flow not to exceed 250,000 gallons per day and disposal via a public access subsurface drip irrigation system located within the Scenic Greens development and approximately 4.4 miles west of Dripping Springs along U.S. Highway 290 in Hays County, Texas(551.071: Consultation with Attorney).

VIII. ANNOUNCEMENTS

- A. Regular City Council Meeting, May 20, 2009
- B. Regular Parks & Recreation Meeting, May 19, 2009
- C. Regular Planning & Zoning Commission Meeting, May 27, 2009
- D. Regular Historic Preservation Commission Meeting, June 2, 2009
- E. Regular Founders Day Commission Meeting, TBD

IX. ADJOURN

Councilman Alba motions to adjourn. Councilman Phillip seconds. Meeting adjourned at 10:15 p.m.

Notice is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated. I certify that the above notice of meeting was posted on the bulletin board at City of Dripping Springs City Hall and Dripping Springs Postal Service Building on the _____ of

_____, 2009 at _____ o'clock __M. I further certify that the following News media was properly notified of this meeting as stated above:

Century News and News Dispatch.

Jo Ann Touchstone, City Secretary

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted.

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.