

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, April 21, 2009
6:00 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

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Special Counsel Susan Zachos

Mayor Pro Tem Foulds calls the meeting to order at 6:05 p.m. City Secretary Jo Ann Touchstone calls role. All present except Mayor Purcell, Councilman Phillip, and Jon Thompson. Also present Parks Coordinator Ashley Seay.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Councilman Williams leads the pledges.

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. 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)

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

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

No one speaks.

- B. Master Signage Plan & Sign Variance Request to Allow Off Premise Directional Sign– Highpointe, Sawyer Ranch Road, *Tim Sawtelle, Hanna-Magee, L.P.*
1. Presentation – Dustin , report on file.
 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file, staff recommends approval.
 3. Planning & Zoning Commission Report – None.
 4. Public Hearing – No one speaks.
 5. Sign B-Pulte Homes & Wilshire Homes – Councilman Williams motions to approve variance with two stipulations, one, placement is either eight feet from row or ten feet from curb, whichever is greater, and 142 paces back, as shown in photos, as well as landscaping at base and two year expiration as all other signs. Councilman Volpe seconds. Motion passes, 4-0.

V. BUSINESS

Consideration and Possible Action On

- A. Third Amendment to the Economic Development Agreement between the City of Dripping Springs and B & O Investors, LTD – Mayor Pro Tem Foulds motions to approve subject to staff’s final audit of the numbers. Councilman Williams seconds. Motion passes, 4-0.
- Mayor Pro Tem Foulds motions to move to Executive Session at 6:10 p.m.
Councilman Alba seconds. Motion passes, 4-0.
- B. Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District Relating to Wastewater Impact Service Fees – No action taken.
- C. 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 – Mayor Pro Tem Foulds motions to move item to end of agenda. Councilman Volpe seconds. Motion passes, 4-0. Item revisited at 7:45 p.m. City Attorney Alan Bojorquez states the draft version of the bill that is ready today is the version that could be filed by Friday’s deadline. This version includes a list of changes requested by the developer, Scott Roberts. It does not include the changes recommended by Council at last week’s meeting. Mayor Pro Tem Bill Foulds states that Council likes the concept of the development, but is unable to consent to the MMD at this time and Council is open to alternatives. No motion. No action taken.
- D. Resolution No. 2009-18 – A Resolution of the City of Dripping Springs Supporting A Traffic Light Signal At Roger Hanks Parkway – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- E. Contract for Creek Road Improvements between Cyclone Construction, LLC and the City of Dripping Springs – Item pulled.
- F. Appointment of Parks & Recreation Commissioners, Rob Lynch (DSISD) Term to Expire June 2010, Scott Davis (DSYSA) Term to Expire June 2009 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- G. Appointment of Harrison Ranch Park Committee Members – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- H. South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, Warranties

and Bond Issues – Mayor Pro Tem Foulds motions to withdraw staffs authority to negotiate an agreement to present to Key for work not constructed to specifications, granted under item VI. R. of the City Council’s April 14th agenda. Councilman Williams seconds. Motion passes, 4-0.

- I. Settlement Agreement between the City of Dripping Springs and Save Our Springs Alliance, Inc on 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 – No action taken.
- J. Letter of Intent between Howard Land & Cattle, Ltd., a Texas limited partnership (Howard), and the City regarding the parties intent to transfer to the City certain real property rights to install subsurface wastewater drip irrigation for the disposal of treated domestic wastewater on property owned by Howard adjacent to the City’s existing South Regional Wastewater Treatment Facilities located at 23127 RR 150, Dripping Springs 78620 and related utility service agreements. – No action taken.

VI. 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. 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)
- B. 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)
- C. Consultation with City Attorney regarding South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, Warranties and Bond Issues (551.071: Consultation with Attorney)
- D. 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)
- E. Consultation with City Attorney regarding negotiations to obtain real property rights to install subsurface wastewater drip irrigation for the disposal of treated domestic wastewater at a location adjacent to the City’s existing South Regional Wastewater Treatment Facilities located at 23127 RR 150, Dripping Springs 78620. (551.071: Consultation with Attorney and 551.072: Purchase, Exchange, Lease or Value of Real Property)

- F. Consultation with City Attorney regarding Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District Relating to Wastewater Impact Service Fees (551.071: Consultation with Attorney)

VII. ANNOUNCEMENTS

- A. Regular City Council Meeting, May 12, 2009
- B. Regular Parks & Recreation Meeting, April 27, 2009
- C. Regular Planning & Zoning Commission Meeting, April 28, 2009
- D. Regular Historic Preservation Commission Meeting, May 4, 2009
- E. Regular Founders Day Commission Meeting, TBD

VIII. ADJOURN

Councilman Volpe motions to adjourn. Councilman Alba seconds. Motion passes, 4-0. Meeting adjourned at 7:45 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.*