

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, August 11, 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
City Attorney Alan Bojorquez
Development Coordinator Jon Thompson
Planning & Zoning Commission Chair Craig Koenig

City Secretary Jo Ann Touchstone
Special Counsel Susan Zachos
City Treasurer Gina Gillis

Mayor Purcell calls the meeting to order at 7:04 p.m. Jo Ann Touchstone calls roll. All present except Councilman Alba and Susan Zachos.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Councilman Volpe 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 & Special Meeting Minutes, June 9, 2009
- B. Approval of Regular & Special Meeting Minutes, June 16, 2009
- C. Approval of Regular and Special Meeting Minutes, July 14, 2009
- D. Approval of Treasurer's Report for July 2009
- E. Appointment of Founders Day Commissioners, Terms to Expire 2011: Evan Taddia (Lions Club), Wayne Burklund (Lions Club), Mara Cardwell (St. Martin), Neil Fox (St. Martin)
- F. Appointment of Gwen Tao to Serve on Historic Preservation Commission, Term to Expire 2011
- G. Request from Hill Country Bible Church to Erect Signage August 12th through August 29th Advertising Its First Annual Dog Fair on August 29th at the following locations: the "Triangle" and Entrance to Founders Memorial Park

- H. Consent to the Shared Use Agreement between the Dripping Springs Youth Sports Association and the Dripping Springs Independent School District for the UIL Soccer Field at the Dripping Springs Sports & Recreation Park
- I. Request from Friends of the Pound House to utilize a portion of Founders Memorial Park for the Pound House Fall Fest on September 26, 2009, *Fall Fest 2009 Co-chair Sandra Coe*
- J. Request from Friends of the Pound House to erect signage September 12th – 28th advertising the Pound House Fall Fest on September 26, 2009 at the following locations: the “Triangle”; Entrance to Founders Memorial Park; and Entrance to Sports Park, *Fall Fest 2009 Co-chair Sandra Coe*

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

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

Consideration and Possible Action on:

- A. Ordinance No. 1803.63 - An Ordinance of the City of Dripping Spring Annexing the following property into the City of Dripping Springs Corporate City Limits:

10.01 +/- Acres of Land out of the William Walker Survey No. 130, being all of lots 18, 19, 10 & 24 of Sunset Canyon II-C, a subdivision in Hays County, Texas
(*Timothy Decker, Owner*)

- 1. Public Hearing
- 2. Ordinance No. 1830.63

Request withdrawn, no action taken.

- B. Sign Variance – Dripping Springs United Methodist Church, *28708 Ranch Road 12, Mike Firle, DSUMC Trustee Representative*

- 1. Presentation
- 2. Sign Administrator’s Report
- 3. Planning & Zoning Commission Report
- 4. Public Hearing
- 5. Sign Variance Request from Section 7.1. (c), Prohibited Signs, to Allow a Changeable Copy Sign

Request withdrawn, no action taken.

- C. Ordinance No. 1220.47 – 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: 105 Brookside Drive, Lot 2, Block B, North Forty Addition #2, from CS (Commercial Services) and MH (Manufactured Home) to LR (Local Retail), *H.C. Carter, Owner*

- 1. Presentation – Whit Hanks, states request.
- 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. Ordinance No. 1220.47 – Councilman Williams motions to approve. Councilman Volpe seconds. Motion passes, 2-0. Councilman Phillip abstains.

- D. Howard Ranch Subdivision, Section 2, Lots 15 & 16, Block A – Replat, *Keith Middleton, Owner*

- 1. Presentation – none.

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. Replat – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 3-0.

VI. REPORTS OF AGENCIES, COMMISSIONS & STAFF

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

VII. BUSINESS

Consideration and Possible Action On

- A. Request from American Legion Post 290 for City's Approval of Applications for Certificates of Appropriateness for the Exterior Repairs and Alterations of the Building located at the Triangle, *Stanley Foster, Commander Elect, American Legion Post 290*
 1. Staff Report – City Administrator Michelle Fischer, report on file.
 2. Certificates of Appropriateness – Councilman Williams motions to approve. Councilman Williams seconds. Motion passes, 3-0. Mayor Pro Tem Foulds Foulds steps out of the meeting.

- B. Request from First Baptist Church for Waiver of Building Permit Fee for Construction of New Church Building, *Charlie Haydon* – Councilman Williams motions to approve a reduction in fees to actual costs to City. Councilman Phillip seconds. Motion passes, 3-0.

- C. Request from Pedernales Electric Cooperative for Waiver of Site Development and Building Code Permitting Requirements and Fees for Improvements to Electrical Substation Yard Located at 153 Post Oak Drive, *Robert A. Peterson, P.E., System Engineering Manager* - Mr. Peterson present and available for questions. Mayor Purcell inquires how this is handled in other cities. Mr. Peterson states it has not come up historically, however they were recently exempted in Cedar Park. Mayor Pro Tem Foulds re-enters meeting at 7:20 p.m. Councilman Phillip motions to adhere to policies and cover cost of fees to City. Councilman Williams seconds. Motion passes, 4-0.

- D. Belterra Commercial Development Agreement between the City of Dripping Springs and MAK Foster Ranch, L.P concerning 106.35 acres of land out of the William S. Holton Survey No. 57, the Alec Mc Gown Survey No. 699, the John Sellars Survey No.3, and the E.B. Hargraves Survey No.4, Hays County, Texas, and being a 101.35 acre portion of that certain 603.58 acre tract of land as conveyed to CPH Foster Ranch, L.P. by special warranty deed recorded in Volume 1763, Page 304, of the official public records of Hays County, Texas, said CPH Foster Ranch, L.P. now known as Mak Foster Ranch, L. P. according to that certain affidavit of name change recorded in Volume 1988, Page 701 of the official public records of Hays County, Texas, together with all of Lot 1, Block C, Belterra Phase Two, Section 5B, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 12, Page 186, of the plat records of Hays County, Texas
 1. Development Coordinator's Report – Development Coordinator Jon Thompson, staff recommends approval. Items from Planning and Zoning meeting have been addressed in this draft.
 2. Planning & Zoning Commission Report – Commissioner Koenig states variances and the Development Agreement were approved 6-0 and one person spoke at the public hearing. The variances were discussed and points have been addressed. Keenan Smith provided a good report.

3. Public Hearing – Suzie Machan, neighbor and resident. States the zoning of duplex and multi-family on parcels D and E is indicative of rental property that will de-value their property. The buffer is also a concern as is lack of vegetation/buffer on parcel D. Lastly, Littleton and Trinity Hills is a popular cut thru and states concern for safety with increased traffic.

Les Sanders, resident at corner of Littleton and Trinity Hills. Mr. Sanders states concern for increased traffic at this point and would like to see a right hand turn only. The red light proposed at Ledgestone and Hwy 290 will also increase traffic on Trinity Hills as a cut thru. States concern for increased vandalism with walking trails and renters in the area. Mr. Sanders states that homeowners should not have to pay an increase for this.

405 Aspen, neighbor. States concern for safety due to increased traffic. States concern for townhomes and rental properties. States concern for light pollution. Also concerned that the buffer have vegetation.

Roger Gurton, resident. States support for concept of agreement, but has a few recommendations. Mr. Gurton states that representation of the Belterra residents is not clearly represented in the Development Agreement. Mr. Gurton states the landowners can be their own association and that landowners can be part of the architectural design committee. Mr. Gurton states residents need to be a part of the decision making process in future amendments, section 3.6, 3.6.1, and 3.6.2. Mr. Gurton states that Exhibit B does not clearly define public areas and there are inconsistencies within exhibits E and F as well as numerous typographical errors. Mr. Gurton states that buffers are not clearly defined and he would like to know the impervious cover calculations.

Bob Drane, resident of Belterra. States he is supportive of the commercial development, but has strong concern for safety with increased traffic, specifically on Trinity Hills and Littleton. This area is a cut through that is already experiencing speeding. Mr. Drane also states concern for visual barrier and would ask for vegetated buffers. States most neighbors have expressed concern for traffic safety.

Mark Valley, resident. Mr. Valley has questions regarding the definition of multi family, mixed uses allowed on all parcels, residential and would like to clarify these terms. Mr. Valley also would like to see changes made on trails and to clarify what role/authority the City of Austin has in the area. Mr. Valley states he wants this to be commercial property and not residential.

Mayor Pucell states the city's role and authority in the development agreement and in the ETJ. Mayor Purcell asks the developer to assist in addressing concerns and states that we improve upon this process each time.

Howard Zelesky, thanks staff and City Attorney. Mr. Zelesky states there is an existing agreement for the existing 106 acres and this agreement will go beyond current ordinances for lighting, green technology, landscaping, design guidelines, and LEED standards. This is done to protect the residential tract. Mr. Zelesky states that meetings have been held with the residents and they will continue to do so to educate anyone who has questions. Mr. Zelesky addresses concerns stated in public hearing.

Resident states they would like to have another meeting with the Developer.

4. Variances/Waivers/Alternative Standards
 - a. Site Development Ordinance--Allowable Cut & Fill, Clearing, Rough-cutting , and Demolition – Councilman Volpe motions to approve with change of maximum of 8 ft cut except for water quality ponds. Councilman Williams seconds. Motion passes, 4-0.

- b. Subdivision Ordinance—Sidewalks – Councilman Volpe motions to approve with change. Councilman Williams seconds. Motion passes, 4-0.
 - c. Technical Construction Standards & Specifications Manual and Water Quality Protection Ordinance--Impervious Cover - Councilman Volpe asks for clarification. Development Coordinator Jon Thompson addresses. Councilman Volpe motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
 - d. Zoning Ordinance--Gross Floor Area of Non-residential Structures – Councilman Volpe motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
 - e. Lighting Ordinance--Alternative Standards – Councilman Phillip motions to approve. Mayor Pro Tem Foulds seconds. Councilman Phillip asks if this is for new standards. Development Coordinator Jon Thompson states it is and is more stringent and has been reviewed by Cindy Luongo, the City’s lighting consultant. Motion passes, 4-0.
 - f. Technical Construction Standards & Specifications Manual--Traffic Calming Measures – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 4-0.
 - g. Sign Ordinance--Maximum Number of Real Estate Signs Permitted Per Lot – Councilman Williams motions to approve. Mayor Pro Tem Foulds seconds. Councilman Phillip states the exhibit is not attached. Motion passes, 4-0.
 - h. Landscaping Ordinance--Alternative Standards – Councilman Phillip motions to approve. Councilman Williams seconds. Councilman Volpe states the language of “should be” is not tying it down to being done a certain way and he is not comfortable approving until language is tightened. No action taken.
 - i. Exterior Design & Architectural Standards Ordinance--Alternative Standards – No action taken. Discussion regarding vague language and resident representation on the ADRC.
5. Development Agreement pursuant to Texas Local Government Code Section 212.172 – No action taken. Councilman Volpe references the parcel land use diagram saying “multi family” asking what it is if it is not apartments? It is established thru land use in zoning category, any multi family use.
- E. Economic Development Agreement between the City of Dripping Springs and Mak Foster Ranch, L.P. – No action taken.
- F. Ordinance 1310.30 – An Ordinance of the City of Dripping Springs Expanding the Extraterritorial Jurisdiction of the City of Dripping Springs, Hays County, Texas, to Include 10.276 Acres, from the Freeloove Woody Survey, Abstract No. 20 (420 Elder Hill Road), Within the Extraterritorial Jurisdiction of the City of Dripping Springs
- 1. Public Hearing – No one speaks.
 - 2. Ordinance No. 1310.30 – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 4-0.
- G. Appointment of Planning & Zoning Commission Member Whit Smith (City/ETJ), Term to Expire 2010 – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
- H. Fourth 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 the completion date being changed to August 31, 2010. Councilman Phillip seconds. Motion passes, 4-0.

- I. Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District for the Conveyance of the Stephenson Building Property and Karhan Park Property – No action taken.
- J. Water Termination Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation – No action taken.
- K. Interlocal Joint Billing Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation – No action taken. Mayor Pro Tem Foulds motions to table. Councilman Phillip seconds. Motion passes, 4-0.
- L. Scheduled Maintenance Agreement Between the City of Dripping Springs and Kaeser Compressors, Inc. for the City’s South Regional Wastewater Treatment Plant – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
- M. South Regional Wastewater System Contracts 2, 3, and 4 for Wastewater Collection System, Wastewater Treatment Facilities, and Subsurface Drip Irrigation System, Including Contract, Change Orders, and Bond Issues – Motion to approve subject to staff recommendation to release retainage and close out contract. Mayor Pro Tem Foulds thanks Key for their good work. Councilman Phillip seconds. Motion passes, 4-0.
- N. Reconsideration of Resolution 2009-28: A Resolution of the City of Dripping Springs Accepting the Construction of the Wastewater Collection System from Key Enterprises, Inc. (Contract 2-Phase 2 Wastewater Collection System for the City of Dripping Springs South Regional Wastewater System) – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0.

VIII. 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).

Mayor Pro Tem Bill Foulds motions to adjourn to Executive Session. Councilman Phillip seconds. Adjourned to Executive Session at 6:05. Those present: Mayor Purcell, Councilman Williams, Councilman Volpe, Mayor Pro Tem Bill Foulds, Councilman Phillip, Michelle Fischer, Alan Bojorquez, Jon Thompson and Jo Ann Touchstone. Reconvened to Regular Session at 6:55 p.m.

- A. Update on 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 551.071 (Consultation with Attorney)
- B. Consultation with City Attorney Regarding Fourth Amendment to the Economic Development Agreement between the City of Dripping Springs and B & O Investors, LTD551.071 (Consultation with Attorney)

- C. Consultation with City Attorney Regarding Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District for the Conveyance of the Stephenson Building Property and Karhan Park Property, 551.072 (*Deliberations about Real Property*)
- D. Consultation with City Attorney Regarding Water Termination Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation, 551.071 (*Consultation with Attorney*)
- E. Consultation with City Attorney Regarding Interlocal Joint Billing Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation, 551.071 (*Consultation with Attorney*)
- F. Consultation with City Attorney regarding South Regional Wastewater System Contracts for Wastewater Collection System, Including Contract, Change Orders, and Bond Issues (551.071: *Consultation with Attorney*)
- G. Consultation with City Attorney Regarding Applicability of municipal ordinances, procedures and fees to construction activities of Pedernales Electric Cooperative, Inc. Staff Briefing. Request for Waiver of Fees, 551.071 (*Consultation with Attorney*)

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, September 8, 2009
- B. Regular Parks & Recreation Meeting, September 14, 2009
- C. Regular Planning & Zoning Commission Meeting, August 25, 2009
- D. Regular Historic Preservation Commission Meeting, September 14, 2009

X. ADJOURN

Councilman Volpe motions to adjourn. Councilman Phillip seconds. Meeting adjourned at 9:15 p.m.