

**City of Dripping Springs  
City Council**

**Regular Meeting Minutes  
Tuesday, December 8, 2009  
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

Development Coordinator Jon Thompson

Planning & Zoning Chair Craig Koenig

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Special Counsel Susan Zachos

Mayor Pro Tem Foulds calls the meeting to order at 5:35 p.m. Jo Ann Touchstone calls roll. All present except Mayor Purcell, Ginger Faught, 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).*

*Councilman Alba motions to move to Executive Session at 6:20 p.m. Councilman Williams seconds. Councilman Volpe asks to move items B and C from Business to Executive Session. Those present: City Administrator Michelle Fischer, Alan Bojorquez, Mayor Pro Tem Foulds, Councilman Volpe, Councilman Williams, Councilman Phillip, Councilman Alba, and Susan Zachos via teleconference.*

- A. Consultation with City Attorney regarding a Settlement Agreement among the City, Save Our Springs Alliance, Robert Tod and Doug Weirman, to resolve disputes regarding the pending 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 First Amendment to the Water and Wastewater Utility Agreement for the Scenic Greens Development between the City of Dripping Springs and Paintbrush 290 GP LLC, to accommodate the terms of the Texas Commission on Environmental Quality proposed permit No. WQ0014488002 and to clarify the obligations of the City and Paintbrush 290 under the Agreement (551.071: Consultation with Attorney)
- C. Consultation with City Attorney regarding City's response to the December 1, 2009 request from Legend Healthcare/Hill Country Care to extend the time to negotiate a written Utility Agreement between the owner and the City, and the owner's request for reservation of wastewater capacity in Phase II of the City's South Regional Wastewater Treatment Plant in order to serve the owner's existing and future development (551.071: Consultation with Attorney)
- D. Discussion of Employee Pay, Benefits, and Performance Pay Incentives for City Staff (551.074: Personnel Matters)
- E. Discussion of Hourly Pay Rates for Legal Services Provided by the City Attorney, Bojorquez Law Firm (551.071: Consultation with Attorney, 551.074: Personnel Matters)

#### **IV. RECESS**

#### **V. RECONVENE AT 7:00 p.m. – Meeting reconvened at 7:22 p.m. Commissioner Craig Koenig also present.**

#### **VI. PLEDGE OF ALLEGIANCE**

- A. Pledge of Allegiance – Councilman Volpe leads the pledge.

#### **VII. 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.*

- A. Update from Pedernales Electric Cooperative, Tim Nance – District Coordinator Rudy Foragio updates Council on year end capital credits. Mr. Foragio brought energy efficient bulbs for anyone wishing to take one. Councilman Alba thanks PEC for their assistance with putting up the City holiday lighting.

#### **VIII. 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 Meeting Minutes, November 10, 2009
- B. Treasurer's Report November 2009
- C. Appointment of June Baumel to Serve as Harrison Ranch Park Steering Committee Chair

Councilman Alba motions to approve items A, B, and C. Councilman Williams seconds. Motion passes, 5-0.

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

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

- A. Sign Variance Request – Gana Specific Chiropractic, 211 Mercer Street, Dr. Russell Gana, Owner
  - 1. Presentation – Dr. Russell Gana states request for variance, letter on file.

2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner Koenig states Commission approved 7-0. No one spoke at the public hearing.
4. Public Hearing – No one speaks.
5. Sign Variance Request from Section 8.2.19 (a), Projecting Signs, to Exceed Allowable Number of Signs – Councilman Williams motions to approve. Councilman Alba seconds. Councilman Phillip states the Historic District really does not provide space for monument signs and asks that an amendment to the Sign Ordinance taking this into account be considered. Motion passes, 5-0.

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

- A. Update Regarding Letter of Agreement between the City of Dripping Springs, Aus S. T. Kyle, Ltd. (John Lloyd) and Glenn T. Goode and Anne T. Davison for the acquisition of approximately 2.07 acres out of the ABS 289, G. Lindsey Survey owned by Glenn T. Goode and Anne T. Davison – *Planning Director Jon Thompson*
- B. Update on Comprehensive Plan – *City Administrator Michelle Fischer*. Ms. Fischer states that two town hall meetings have been held and that the Committee has identified the focus groups which will have meetings over the next two months.

## **XI. BUSINESS**

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

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

17.5870 acres, situated in the George W. Lindsay Survey No. 138, Abstract No. 289, and the Edward W. Brown Survey No. 136, Abstract No. 44, both in Hays County Texas, being a portion of that 157.2938 acre tract conveyed to Aus S. T. Kyle, Ltd. By deed recorded in Volume 2724, Page 103 of the Deed of Records and Document No. 05019805 of the Official Public Records; and

7.1050 acres, situated in the George W. Lindsay Survey No. 138, Abstract No. 289 and the Philip A. Smith Survey No. 26, Abstract No. 415, both in Hays County, Texas, being a portion of that 157.2938 acre tract conveyed to Aus. S. T. Kyle, Ltd, by deed recorded in Volume 2724, Page 103 of the Deed Records and Document No. 05019805 of the Official Public Records

1. Public Hearing – No one speaks.
  2. Acceptance of Petition – Councilman Volpe motions to accept petition. Councilman Williams seconds. Motion passes, 5-0.
- B. Economic Development Agreement between the City of Dripping Springs and Mak Foster Ranch, L.P. – Dean Koleda states a letter has been submitted in support of the 75% reimbursement. Council Members state that they are satisfied with the agreement and the 75% reimbursement. Mayor Pro Tem Foulds states that the agreement is expected to be approved in January and just a few minor revisions are needed. No action taken.
  - C. Treatment of Oak Wilt at Charro Ranch Park
    1. Presentation by Oak Wilt Specialist – none.
    2. Parks & Recreation Commission Report – Report on File.
    3. Approval of Treatment Plan – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-1. Councilman Phillip opposed.
  - D. Proposal to Erect Barrier Post and Chains at the Triangle – No action taken. Council requests that water lines be identified and marked prior to any work and

that a plan including spacing and placement be presented before approval of work to begin.

- E. Participation of High School Interact Group in Adopt-a-Park Program at Charro Ranch Park – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 5-0.
- F. Open Ride Nights at Harrison Ranch Park – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 5-0.
- G. City Sponsored Play Days at Harrison Ranch Park – Mayor Pro Tem Foulds motions to approve subject to all City rules being followed. Councilman Williams seconds. Councilman Williams inquires regarding insurance requirements and where that money will come from. Parks Director Ashley Seay states it is in the parks budget. Motion passes, 5-0.
- H. Creation of a Non-Profit 501(c )3 Organization for City Parks, Recreation, and Open Space Funding and Support of Land Acquisition, Planning, Improvements and Programs – Councilman Phillip asks to table this item until more information is presented from our City Attorney and asks staff to move forward in bringing more information regarding costs and details.
- I. City's response to the December 1, 2009 request from Legend Healthcare/Hill Country Care to extend the time to negotiate a written Utility Agreement between the owner and the City, and the owner's request for reservation of wastewater capacity in Phase II of the City's South Regional Wastewater Treatment Plant in order to serve the owner's existing and future development – Mayor Pro Tem Foulds states that City Administrator Michelle Fischer will set up a meeting to further negotiations. City Administrator Michelle Fischer states a response to their letter will be sent.
- J. Ordinance No. 1220.23 – An Ordinance of the City of Dripping Springs Amending the City's Sign Ordinance
  - 1. City Staff Report – City Administrator Michelle Fischer, report on file. City Attorney Alan Bojorquez goes over the amendments approved by the Planning & Zoning Commission and some new ones that are proposed by he and the City Administrator.
  - 2. Planning & Zoning Commission Report – Commissioner Koenig states that this has been a work in progress over a long period of time.
  - 3. Public Hearing – Shelly Hill, Chamber of Commerce member, submits letter on recommended amendments to the Sign Ordinance. Danny Hubbard, local business owner, states the need for changeable copy advertising in order to get specials advertised.
  - 4. Ordinance No. 1220.23 – Councilman Volpe motions to approve ordinance and staff recommended changes on the following sections: 7.1 prohibiting mannequins; 8.1.4 set back from right of way, deleting the proposed amendments and sending them to the Planning & Zoning Commission; 8.2.4 banner permit being permitted annually for 4 banners or individually; 8.2.4b insert “A single”; 8.2.10 amending flags to only allow 2 per business, 9.1.1 prohibit monument signs in the Historic District; and continue discussions with the Planning & Zoning Commission. Councilman Williams seconds the motion and makes a friendly amendment to limit open house, garage sale, and yard sale signs to 6 square feet. Councilman Volpe accepts friendly amendment. Motion passes, 5-0.
- K. Ordinance No. 1070.47– An Ordinance of the City of Dripping Springs Amending the Fee Schedule Regarding Sign Permit Fees for Banners – Mayor Pro Tem Foulds motions to approve with the change that banner permits can also be permitted individually as before. Councilman Alba seconds. Motion passes, 5-0.

- L. A Settlement Agreement among the City, Save Our Springs Alliance, Robert Tod and Doug Weirman, to resolve disputes regarding the pending 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 – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 5-0.
  
- M. First Amendment to the Water and Wastewater Utility Agreement for the Scenic Greens Development between the City of Dripping Springs and Paintbrush 290 GP LLC, to accommodate the terms of the Texas Commission on Environmental Quality proposed permit No. WQ0014488002 and to clarify the obligations of the City and Paintbrush 290 under the Agreement – Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds. 1.0.1 a2, removing the word “coastal”. Motion passes, 5-0.
  
- N. City of Dripping Springs Development of South Regional Wastewater System Contract 4, Drip Irrigation Facilities
  - 1. Change Order No. 2 – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 5-0.
  - 2. Resolution No. 2010- 6 – Acceptance of Drip Irrigation Facilities and Authorization of Final Payment – – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 5-0.

## **XII. EXECUTIVE SESSION**

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## **XIII. ANNOUNCEMENTS**

- A. Regular City Council Meeting, December 15, 2009
- B. Regular Parks & Recreation Meeting, December 14, 2009
- C. Regular Planning & Zoning Commission Meeting, December 15, 2009
- D. Regular Historic Preservation Commission Meeting, January 4, 2010
- E. Regular Founders Day Commission Meeting, January 12, 2010

## **XIV. ADJOURN**

*Councilman Williams motions to adjourn. Councilman Alba seconds. Meeting adjourned at 8:07 p.m.*