

**City of Dripping Springs  
City Council**

**Regular Meeting Minutes  
Tuesday, February 9, 2010  
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  
Planning Director Jon Thompson  
Planning & Zoning Chair Craig Koenig

City Secretary Jo Ann Touchstone  
City Attorney Alan Bojorquez  
Special Counsel Susan Zachos  
Parks Director Ashley Seay

Mayor Pro Tem Foulds calls the meeting to order at 5:30 p.m. All present except Mayor Purcell, Councilman Williams, Ginger Faught, 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).*

*Mayor Pro Tem Foulds motions to adjourn to Executive Session. Councilman Volpe seconds. Convened to Executive Session at 6:30 p.m. Those present: Mayor Pro Tem Foulds, Councilman Volpe, Councilman Alba, Councilman Phillip, Michelle Fischer, and Alan Bojorquez. Executive Session adjourned at 7:00 p.m.*

- A. Consultation with City Attorney regarding the July 11, 2008 Settlement Agreement among the City, Hays County WCID No. 1 and other settling parties, regarding the District's Texas Commission on Environmental Quality TPDES Permit No. WQ 0014293001, and the District's pending request to substitute reinforced concrete tanks for the holding ponds. (551.071: Consultation with Attorney)

- B. Consultation with City Attorney regarding Amendment to Wastewater Utility Agreement between the City of Dripping Springs and B & O Dripping Springs Investors, Ltd (551.071: Consultation with Attorney)
- C. 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. – Convened to regular meeting at 7:15 p.m.**

**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. Recognition of Randy Hermes, Facilities Director for, Dripping Springs Youth Sports Association, for His Support and Help with Sports and Recreation Park Field Improvements – Mayor Pro Tem Foulds commends Mr. Hermes for his hard work the past few weekends at the fields.

**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 Regular Meeting Minutes, January 12, 2010
- B. Approval of Regular Meeting Minutes, January 19, 2010
- C. Approval of Treasurer’s Report for January 2010
- D. Appointment of Rich Moore to Serve on Parks and Recreation Commission (Dripping Springs Independent School District) Term to expire June 2010
- E. Appointment of Debra Harris to Serve on Founders Commission (At Large), Term to expire June 2011
- F. Appointment of Brenda Medcalf to Serve on Founders Commission (Chamber) Term to expire June 2010

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

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

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

- A. Preliminary Plat and Final Plat – Downstream Subdivision, 10450 FM 967, *Downstream Freeloze, LP*
  - 1. Presentation – Charles Brigance, report on file.
  - 2. Planning Director’s Report – Jon Thompson, report on file.
  - 3. Planning & Zoning Commission Report – Commissioner Koenig, absent, report on file.
  - 4. Public Hearing – None.
  - 5. Preliminary Plat – Councilman Volpe motions to approve. Councilman Phillip seconds. Councilman Volpe inquires about the recharge zone. Councilman Phillip makes friendly amendment to include lot 1 on shared driveway. Councilman Volpe accepts friendly amendment. Motion passes, 4-0.
  - 6. Final Plat – Councilman Volpe motions to approve with inclusion of lot 1 using shared driveway. Councilman Phillip seconds. Motion passes, 4-0.

- B. Zoning Special Exception Request - 26150 RR 12, *Ernest Banasau* –special exception request from section 5.15.1 of the Zoning Ordinance to allow for the front yard fence to be placed on the property line, rather than twenty feet back on the front yard setback line
  - 1. Planning Director’s Report – Planning Director Jon Thompson, report on file. Staff recommends approval with applicant agreeing to be responsible for moving fence if necessary for utility work.
  - 2. Planning & Zoning Commission Report – Commissioner Koenig absent, report on file.
  - 3. Public Hearing – None.
  - 4. Special Exception – Councilman Phillip motions to approve with staff recommendation. Councilman Volpe seconds. Motion passes, 4-0.
  
- C. Sign Variance Requests – Homestyle Fried Chicken and Shell Food Mart, 200 Hwy. 290 W., *Vithal R. Bogale, Sree Vyshnavi, Inc*
  - 1. Presentation – Roger, manager, available for questions.
  - 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file.
  - 3. Planning & Zoning Commission Report – Commissioner Koenig, absent, report on file.
  - 4. Public Hearing – None.
  - 5. Sign Variance Request from Section 4.6, to allow the issuance of sign permits for signs while allowing the free standing pole sign, projecting sign over the drive thru window, menu board sign, and the two directional drive-through signs, which are nonconforming, to remain. – Councilman Volpe motions to approve for all signs except pole sign with following conditions: within 90 days the pole sign is: (a) removed, (b) brought into compliance with current regulations, or (c) granted a variance; and the lighting on the site is brought into compliance with current regulations within a year. Councilman Alba seconds. Motion passes, 4-0.
  
  - 6. Sign Variance Request from Section 8.2.19 (a), to exceed maximum number of two projecting signs allowed per business on a corner lot in order to allow three projecting signs: “Homestyle Fried Chicken” sign over drive through window; “Homestyle Fried Chicken” sign over entrance; and “Food Mart” sign over entrance. –  
  
 Councilman Phillip motions to approve variances 6 – 9 with the same conditions as number 5. Councilman Volpe seconds. Motion passes, 4-0.
  
  - 7. Sign Variance Request from Section 8.2.19 (c ), to exceed the maximum signable area of 24 square feet allowed for a projecting sign in order to allow the “Homestyle Fried Chicken” sign over the drive through window to exceeds 24 square feet. -
  
  - 8. Sign Variance Request from Section 8.1.4, to allow the menu board sign and two directional signs for the drive-through to be located less than eight feet from the right-of-way.
  
  - 9. Sign Variance Request from Section 9.2.1, to exceed the maximum cumulative signable area of 96 square feet for a Single Unit Property on a corner lot. -
  
  - 10. Sign Variance Request from Section 8.2.4 (b), to allow banner displaying “Now Serving Breakfast Tacos” to be erected for 120 days instead of the maximum 30 days allowed – Councilman Volpe motions to approve. Councilman Phillip motions to approve. Motion passes, 4-0.

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

- A. Update on Comprehensive Plan – *Chris Holtcamp, Lower Colorado River Authority* – *Mr. Holtcamp absent. Tessa with PEC gives update on focus groups, concerns, key areas, and invites Council to land use workshop. A draft will be prepared for*

*presentation in April.*

## **XI. BUSINESS**

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

- A. Request from Hays County Historical Commission and the City's Historic Preservation Commission to Nominate the Historic Landmark and Historic District for Designation on National Register of Historic Places, *Kate Johnson, Hays County Historical Commission and Ted Lehr, City of Dripping Springs Historic Preservation Commission Chair* – Kate Johnson gives presentation. Council directs staff to move forward in working with Commission and inquiring of local owners of their willingness.
- B. Ordinance 1210.16 – An Ordinance Amending Volume 2 , Article 15 , Chapter 2 of the Dripping Springs Code of Ordinances; Updating References to the Most Recent Editions of the Applicable Building Codes; Including Codes Applying to Residential, Commercial, Electrical, Plumbing, Mechanical, Energy Conservation and Fire; Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Effective Date; Codification; Repealer; Severability; and Proper Notice and Meeting – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0. Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- C. Twenty Foot Utility Easement granted by the City of Dripping Springs to Pedernales Electric Cooperative for the Purpose of Establishing an Underground Electric Distribution System Consisting of a Variable Number of Underground Cables and all the Necessary or Desirable Appurtenances at the Adult Softball Fields at the Sports & Recreation Park - Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- D. Placement of Port o Let at Triangle for Use at Farmers Market – Item tabled.
- E. Acceptance of Bid for Printing of Buckle Series Playday Program – Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 4-0.  
  
Mayor Pro Tem Foulds moves item P.
- F. Contract Between the City of Dripping Springs and the Home Depot Foundation for The Dripping Springs Triangle and Veterans Memorial Park Landscaping Grant – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- G. Use Agreement Between the City of Dripping Springs and the Dripping Springs Adult Softball Association for Softball Fields at Dripping Springs Sports and Recreation Park – Councilman Phillip motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
- H. Resolution No. 2010 - 10 – A Resolution of the City of Dripping Springs Authorizing the Application for Grant Funding for Hometown Stars Grant for the Wild West Festival and Designating an Official as Being Responsible for the Applicant in Dealing With the Texas Department of Agriculture (“TDA”) for the Purpose of Participating in TDA’s Go Texan Rural Community Hometown Stars Program (The “Program”) and Certifying that the Applicant is Eligible to Receive Program Assistance – Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 4-0.
- I. Resolution No. 2010 - 13 – A Resolution of the City of Dripping Springs Adopting Meeting Agenda Policy and Procedures – Mayor Pro Tem Foulds motions to approve starting March 1<sup>st</sup>. Councilman Phillip seconds. Motion passes, 4-0.

- J. Staff report on the status of the City's Petition to the Texas Commission on Environmental Quality ("TCEQ"), for a "Commission Order under Texas Administrative Code § 291.88(e), requiring the Dripping Springs Water Supply Corporation to Disconnect Water Service for Nonpayment of City Sewer Charges," including the TCEQ staff's proposed draft order. -
- K. Request from the Dripping Springs Water Supply Corporation that the City pay an agreed amount for water usage data, and that the City enter into an agreement, or support a Texas Commission on Environmental Quality order, requiring such payment. -
- L. Acceptance of Bids from Lone Star Paving for Repaving of Timberline, Brookside and Craig Streets – Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 4-0.

- M. Approval of Contract for Election Services between the City of Dripping Springs and the Hays County Elections Officer for the May 2010 Municipal Election

*Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Oficial de Elecciones del condado de Hays para la Elección Municipal en Mayo de 2010*

*Councilman Phillip motions to approve items M – O. Councilman Alba seconds. Motion passes, 4-0.*

- N. Approval of Contract for Election Services between the City of Dripping Springs and the Dripping Springs Independent School District for the May 2010 Municipal Election

*Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Distrito Independiente de Escuelas de Dripping Springs para la Elección Municipal en Mayo de 2010*

- O. Ordinance No. 1630.21—Order of the City Council of the City of Dripping Springs, Texas, Calling the General Election for Officers to be held within said Municipality on the 2<sup>nd</sup> Saturday in May that being the uniform Election date of May 8, 2010, and making provision for the conduct of the election and resolving other matters incident and relating to the holding of such election

*Ordenanza No. 1630.21 – Por orden del Concilio Municipal de la Ciudad de Dripping Springs, Tejas, se anuncia la Elección General de oficiales que tomaran lugar dentro del municipio dicho el 2<sup>nd</sup> Sábado en Mayo, cual es la fecha uniforme para Elección, el día 8 de Mayo de 2010. Criando la conducta de tal elección y resolviendo cualquier otros incidentes relacionados y referente a la tenencia de tal elección*

- P. Sports & Recreation Park Construction Agreement between the City of Dripping Springs and Delta Commercial Contractors, Inc
  - 1. Change Order No. 1 to Provide Primary Electric Services and Field Lighting to Adult Softball Fields – No action taken.

## **XII. ANNOUNCEMENTS**

- A. Regular City Council Meeting, February 16, 2010
- B. Regular Parks & Recreation Meeting, March, 2010
- C. Regular Planning & Zoning Commission Meeting, February 23, 2010
- D. Regular Historic Preservation Commission Meeting, March 1, 2010
- E. Regular Founders Day Commission Meeting, February 23, 2010

## **XIII. ADJOURN**

Councilman Alba motions to adjourn. Councilman Volpe seconds. Meeting adjourned at 8:21p.m.