

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, January 12, 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 Purcell calls the meeting to order at 5:37 p.m. Mayor Purcell calls roll. All present except Ginger Faught, Alan Bojorquez and Craig Koenig. Jonathan Koury present for Alan Bojorquez.

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 adjourn to Executive Session. Mayor Pro Tem Foulds seconds. Convened to Executive Session at 5:55 p.m. Included for discussion, items N, O and P from XI. Business. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Phillip, Councilman Alba, Councilman Volpe, Councilman Williams, City Administrator Michelle Fischer, Jonathan Koury, Susan Zachos and Jo Ann Touchstone. Reconvened to Regular Session at 6:30 p.m. Reconvened to Executive Session at 9:30 p.m.. Reconvened to Regular Session at 9:45 p.m.

- A. Consultation with City Attorney Regarding possible sign ordinance violations relating to the “For Lease” billboard located at 1600 East Highway 290, Gateway DS Ltd., Owner (551.071: Consultation with Attorney)

- B. Consultation with City Attorney Regarding Texas Commission on Environmental Quality revisions to the draft permit in the matter of TCEQ "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)
- C. Consultation with City Attorney regarding status of the City's petition to the Texas Commission on Environmental Quality for a "Commission Order under Tex. Admin. Code § 291.88(e)(1)(D) requiring the Dripping Springs Water Supply Corporation to Disconnect Water Service for Nonpayment of City Sewer Charges." (551.071: Consultation with Attorney)

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Councilman Williams 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.

None.

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, December 8, 2009
- B. Approval of Treasurer's Report for December 2009
- C. FY 2010 Founders Day Participation Agreements between the City of Dripping Springs and:
 - 1. Knights of Columbus- Beer Sales
 - 2. Church of the Springs – Collection and Removal of Trash Containers
 - 3. Church of the Springs- Removal of Trash from Event Grounds
 - 4. Department of Public Safety Officer Dan Bristow- Security
 - 5. Austin Outhouse for Port-o-lets
- D. Founders Day Festival Facilities Use Agreement between City of Drippings Springs, Dripping Springs Lions Club and Dripping Springs Independent School District
- E. Resolution No. 2010-7 - A Resolution of the City of Dripping Springs Approving an Agreement Between the City and Texas Department of Transportation for the Temporary Closure of State Right of Way for the Founders Day Parade on April 9, 2010
- F. Request to Texas Department of Transportation for Placement of Sports & Recreation Park Directional Sign on Highway 290
- G. Resolution No. 2010-8 – A Resolution of the City of Dripping Springs Requesting Land Use Planning Funds from the Greater Dripping Springs Community Foundation
- H. Independent Contractor Agreement between the City of Dripping Springs and Chad's Lawn Service
- I. Site Plan - Dripping Springs Sports and Recreation Park Softball Fields – New Adult Softball Field, 27148 Ranch Road 12
- J. Approval of Park Rules Sign at Charro Ranch Park
- K. Appointment of Todd Purcell to Serve as Harrison Ranch Park Committee Vice Chair

Councilman Alba motions to approve items A – K. Mayor Pro Tem Foulds seconds. Councilman Volpe wants to thank Mayor Pro Tem Foulds for his long hours of work to keep the softball field project moving forward. Motion passes, 5-0.

Mayor Pro Tem Foulds motions to move business item A. Councilman Volpe seconds.

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

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:

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.

- B. Reconsideration of Sign Variance Requests - Austin Brevita, 1600 E Hwy 290, *Duane & Tiffany Youngren, Owners*

1. Presentation – Duane Youngren, states request to reconsider in light of financial hardship of covering the signage.
2. Sign Administrator’s Report – report on file.
3. Public Hearing – Dubb Smith, states that signs were leased under old ordinance. Mr. Smith states that he would like to see variances granted so that Austin Brevita can continue operating.
4. Sign Variance Request from Section 6.4, Nonconforming Signs: Permits for Other Signs - Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
5. Sign Variance Request from Section 8.2.1, Wall Signs, to Exceed Allowable Number of Signs – Mayor Pro Tem Foulds motions to grant a variance for side A, let side B remain as is, side C have open sign only and be painted and side D be painted and all painting be done (all signage on C and D painted with exception of “open” on side C) within 60 days and the variance is good for a period of five years. Councilman Volpe seconds. Motion passes, 5-0.
6. Sign Variance Request from Section 8.2.1, Wall Signs, to Exceed 10% of Area Wall -

- C. Site Plan – Ecosteel, 100 North Canyonwood Drive, Ed Taddia, *Owner*

1. Presentation – Thomas Duval, engineer. Report on file.
2. Development Coordinator’s Report – Development Coordinator Jon Thompson, report on file. City Engineer Rick Coneway supports approval. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner Hubbard states approximately 20 residents spoke opposing the site plan stating concerns for traffic safety, mainly. Commission approved 6-0.
4. Public Hearing – Cory Wilson, 104 North Canyonwood Drive. States concern for traffic safety and property values and asks City Council for support in stopping development and keeping it from court proceedings.

Bud Nahay, 102 North Canyonwood, states deed restrictions do not support this development. Mr. Nahay states that the lots were intended to be used for model homes. States concern for environmental impact.

Dave Mayo, 106 North Canyonwood, states the original intent of these lots were for model homes. Mr. Mayo states that the Council is forcing the HOA to pursue litigation by having no authority for regulation or supporting deed restrictions.

Phil Auldridge – Resident of Sunset Canyon. States points in deed restrictions that are not supportive of this type of development.

Weldon Jarrad, - concurs with Mr. Auldridge.

Charles Glawbach – new resident across from Mr. Nahay. States concern for traffic and states that he never received public notice. Development Coordinator Jon Thompson pulls tax rolls and confirms that Mr. Glawbach is not listed as the property owner. Development Coordinator Jon Thompson explains that the tax rolls are the records used for public notice requirements.

Mayor Purcell states what our authority is in the ETJ and states that we cannot break the law to enforce deed restrictions and there is a process for that. The Mayor states that the state legislature has not given us that authority. Mayor Purcell urges citizens to let their legislators know their concerns. Councilman Phillip states history with neighborhood expressly against annexation and explains the ability to enforce city ordinances and zoning within the city limits.

5. Site Plan – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Mayor Purcell inquires of Mr. Taddia if he would be willing to comply with the lighting ordinance. Mr. Taddia states that while his wife is against it he would be willing to do so. Mayor Purcell inquires if we may include his willingness to comply in the motion and Mr. Taddia states yes. Mayor Pro Tem Bill Foulds accepts this as friendly amendment and includes in motion. Motion passes, 5-0.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Update on Farmers Market 2010 Season – Market Managers Jo Ann Touchstone & Ashley Seay
- B. Update on Comprehensive Plan – Deputy City Administrator Ginger Faught
- C. Update on Parks and Recreation – Parks Director Ashley Seay

XI. BUSINESS

Consideration and Possible Action On:

- A. Proposal to Erect a Hitching Post Station at Harrison Ranch Park, *Boy Scout Troop, Terry Renfro-Pihut*
 1. Presentation – Terry Renfro-Pihut, states request.
 2. Parks & Recreation Commission Report – Commission recommends approval.
 3. Approval of Project – Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds and offers friendly amendment to approve in concept and allow staff to approve final submittal that will need to be drafted by an architect to ensure stability. Mayor Pro Tem Bill Foulds accepts friendly amendment. Motion passes, 5-0.
- B. Proposal from Home Depot for Landscape Improvements at Veterans' Memorial Park – Councilman Williams motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- C. Chapter 380 Economic Development Agreement between the City of Dripping Springs Mak Foster Ranch, LP for Belterra Commercial Development – Mayor

Pro Tem Foulds motions to approve that the percentage be corrected to 75% in the whereas. Councilman Williams seconds. Motion passes, 5-0. Item revisited: Prior motion withdrawn. Mayor Pro Tem Foulds motions to accept as written. Councilman Williams seconds. Motion passes, 5-0.

- D. Request from Hays County Historical Commission and the City's Historic Preservation Commission to Nominate the Historic District for Designation on National Register of Historic Places – No action taken.
- E. Harrison Ranch Park Concept Plan
 1. Presentation, *RVi*, Barbara Austin –States points covered with committee since last meeting and answers questions.
 2. Harrison Ranch Park Steering Committee Report – Ashley Seay, report on file.
 3. Parks and Recreation Commission Report – Ashley Seay, report on file.
 4. Public Hearing – June Baumel, requests that plan be passed tonight so that work can begin.
 5. Concept Plan – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0. Councilman Williams out of meeting.
 6. Budget – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- F. Enact Policy and Procedures Regarding the Prohibition of Unauthorized Activities and Non-Sanctioned Events During Founders Day Festival – No action taken.
- G. Proposal to Erect Barrier Posts and Chains at the Triangle – Councilman Phillip motions to approve subject to Dripping Springs Water Supply Corporation painting to identify water lines. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- H. Placement of Port o Let at Triangle for Use at Farmers Market – No action taken.
- I. Creation of a Non-Profit 501(c)3 Organization or Utilization of Greater Dripping Springs Community Foundation for City Parks, Recreation, and Open Space Funding and Support of Land Acquisition, Planning, Improvements and Programs – Mayor Pro Tem Foulds motions to approve utilization of Greater Dripping Springs Community Foundation. Councilman Volpe seconds. Motion passes, 5-0.
- J. City Sponsored Rodeos at Harrison Ranch Park – Mayor Pro Tem Foulds motions to approve. Councilman Williams seconds. Motion passes, 5-0.
- K. Request to Allocate Fundraising Revenues to Harrison Ranch Park Capital Improvement Budget – Mayor Pro Tem Foulds motions to approve. Councilman Williams seconds. Motion passes, 4-0-1. Councilman Volpe opposed.
- L. Resolution No. 2010– 9 – A Resolution of the City of Drippings Springs Authorizing the Application to the Greater Dripping Springs Community Foundation for Grant Funding for Harrison Ranch Park Improvements – Councilman Volpe motions to approve. Councilman Williams seconds. Discussion regarding fundraising efforts for all parks and needs of existing parks. Motion passes, 5-0.
- M. Harrison Ranch Park Fundraiser Participation Agreement between Laughing Coyote and City of Dripping Springs for Geocaching Event – Mayor Pro Tem

Foulds motions to approve to Laughing Coyote having a million dollar insurance policy in effect. Councilman Williams motions to approve. Motion passes, 5-0.

N. Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District for the Management of Programs and Facilities

1. Staff Report – Ashley Seay, report on file.
2. Parks & Recreation Commission Report – Ashley Seay, report on file.

Greg Jung, states history of agreement, report on file. Extensive discussion regarding advertising and administrative needs. Mayor Pro Tem Foulds states concern for Ashley to take on reservations amongst responsibilities with Harrison events and being off site for camps. Councilman Williams reiterates concerns of taking it in house. Councilman Volpe states concern for judging after only one year. Councilman Phillip states that our City Administrator supports the Parks Director taking this responsibility in house.

3. Renewal or Termination of Agreement – Councilman Phillip motions to continue agreement. Councilman Volpe seconds. Mayor Pro Tem Foulds would like to motion to terminate and a new agreement be approved to run January 1 through January 1. Motions withdrawn. Item tabled.

Mayor Purcell motions to adjourn to Executive Session. Convened to Executive Session at 9:25 p.m.

O. Ordinance No. -1730.01- An Ordinance of the City of Dripping Springs Adopting Volume 1, Article 10, Chapter 4, Subchapter C of The Dripping Springs Code of Ordinances Regarding Wastewater Line Extension and Reimbursement

1. Public Hearing – No one speaks.
2. Ordinance No. 1730.01 – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 5-0.

P. Agreement Between the City of Dripping Springs and Dripping Springs Medical Center, LLC for Commercial Wastewater Service for the Dripping Springs Medical Center, 331 Sportsplex Drive – Councilman Phillip motions to approve subject to staff recommendation and attorney approval. Councilman Volpe seconds. Motion passes, 5-0.

Q. Resolution No. 2010-11 - A Resolution of the City Of Dripping Springs Releasing the Maintenance Bonds for Rob Shelton Boulevard and Sports Park Road - Mayor Pro Tem Foulds motions to approve subject to removal of rock burm within 30 days. Councilman Williams seconds. Motion passes, 5-0.

R. Ordinance No.1460.14 – An Ordinance of the City of Dripping Springs Authorizing Placement of No Thru Truck Signs on Rob Shelton Boulevard and No Thru Trucks and Load Limit Signs on Sports Park Road

1. Public Hearing – No one speaks.
2. Ordinance No. 1460.14 – No action taken.

XII. EXECUTIVE SESSION

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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).

XIII. ANNOUNCEMENTS

- A. Regular City Council Meeting, January 19, 2010
- B. Regular Parks & Recreation Meeting, February 8, 2010
- C. Regular Planning & Zoning Commission Meeting, January 26, 2010
- D. Regular Historic Preservation Commission Meeting, February 1, 2010
- E. Regular Founders Day Commission Meeting, January 26, 2010

XIV. ADJOURN

Mayor Pro Tem Foulds motions to adjourn. Councilman Williams seconds. Meeting adjourned at 10:30 p.m.