

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, January 13th, 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
Deputy City Administrator Ginger Faught
Development Coordinator Jon Thompson
Planning & Zoning Commission Chair Craig Koenig
City Treasurer Gina Gillis

City Secretary Jo Ann Touchstone
City Attorney Alan Bojorquez
Special Counsel Susan Zachos

Mayor Purcell calls the meeting to order at 7:00 p.m. All present except Alan Bojorquez.

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.

None.

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 Meeting Minutes, December 9th, 2008
- B. Approval of Regular Meeting Minutes, December 16th, 2008
- C. Approval of Treasurer's Report for December 2008
- D. Request from United States Bureau of Census for Waiver of Meeting Room Rental Fees to Conduct Employee Testing, *Philip Wilbur*
- E. Consenting to Letter Relating to the Issuance of Bonds by Hays County Municipal Utility District No. 5
- F. Maintenance Contracts for the South Regional Wastewater System Treatment Plant
 - 1. Scheduled Pump Preventative Maintenance Agreement between the City of Dripping Springs and ITT Flygt Corporation

2. Service Agreement between the City of Dripping Springs and Fleet Maintenance of Texas

Councilman Volpe motions to approve items A – F. Councilman Alba seconds. Motion passes, 5-0.

V. 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).

No one speaks.

- B. Request from Hidden Springs Homeowner's Association for Waiver of Site Development Process and Permit Fees for Expansion of Existing Pool Patio Area, *Robin Grace, HOA Administrator*
Robin Grace addresses Council and states request. Councilman Williams motions to approve payment of building permit fee and administrative costs to City. Councilman Phillip seconds. Motion passes, 5-0.

- C. **Ordinance No. 1220.42 – An 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:** 3.45 acre tract of Land Being a Portion of Lot 2, Block C, Poundhouse Hills II, from Agricultural (AG) to Single-Family Residential District Moderate Density (SF-2), *Stephen Smith, Morningstar Development, LLC*

1. Presentation – Stephen Smith present and available for questions.
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 7-0.
4. Public Hearing – No one speaks.
5. Ord. No. 1220.42 – Councilman Alba motions to approve. Councilman Phillip seconds. Motion passes, 4-1. Councilman Volpe opposed.

- D. **Ordinance No. 1220.43 – An 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:** 21.126 acre tract of land out of the Edward W. Brown Survey, No. 136,A-44, Hays County, Texas, from Agricultural (AG) to Government/Utility/Institutional (GUI) 29400 Ranch Road 12 N (Dripping Springs Elementary School), *Mard Herrick, Ph.D, Superintendent*

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 7-0.
4. Public Hearing – None.
5. Ord. No. 1220.43 – Councilman Volpe motions to approve. Mayor Pro Tem Bill Foulds seconds. Councilman Alba abstains. Motion passes, 4-0.

- E. **Dripping Springs Ranch, Phase 2, Lot 1A, (160 Brady Pass) – Replat, Owner, Margie B. Anderson**

1. Presentation – Clint Rippy, surveyor and project engineer. Report on file.
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 7-0 with clarifying one plat note.
4. Public Hearing – No one speaks.
5. Replat – Councilman Alba motions to approve. Councilman Volpe seconds. Motion passes, 5-0.

VI. BUSINESS

Consideration and Possible Action on:

- A. Resolution No. 2009-8 – A Resolution of the City of Dripping Springs Declaring February 2009 as Fair Housing Month in connection with ORCA CDBG Grant Project 727119 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- B. Appointment of Fair Housing Officer Jo Ann Touchstone, an Equal Employment Opportunity Officer and a Section 504 Officer in connection with ORCA CDBG Grant Projects 725261 and 727119 – Councilman Alba motions to approve. Mayor Pro Tem Bill Foulds seconds. Motion passes, 5-0.
- C. Resolution No. 2009-9 – A Resolution of the City of Dripping Springs Adopting a Section 3 Local Opportunity Plan in connection with ORCA CDBG Grant Projects 725261 and 727119 – Councilman Volpe motions to approve. Councilman Phillip seconds. Motion passes, 5-0.
- D. Public Hearing – held in connection with the Office of Rural Community Affairs CDBG Grant Program for the purpose of receiving public comments regarding the Close Out of the North Forty Sewer System Improvements Projects 725261 and 727119 – Gandolph Burris states public hearing is open. No one speaks.
- E. Resolution No. 2009-10 - A Resolution of the City of Dripping Springs Accepting Construction of North Forty Area, 26 First Time Sewer Services, Authorizing Final Payment and Authorizing Mayor to Execute Any Necessary Documentation on City’s Behalf – Councilman Williams motions to approve. Councilman Phillip seconds. Councilman Alba states his driveway has not been repaired. Mayor Purcell states he will drive the North Forty to ensure completion before payment is authorized. Motion passes, 4-0. Councilman Alba abstains.
- F. Resolution No. 2009-11- A Resolution of the City of Dripping Springs Accepting Construction of North Forty Area, 56 First Time Sewer Services, Authorizing Final Payment and Authorizing Mayor to Execute Any Necessary Documentation on City’s Behalf – Councilman Volpe motions to approve. Councilman Phillip seconds. Motion passes, 4-0-1. Councilman Alba abstains.
- G. Proposals for Solid Waste Collection for the City of Dripping Springs – Ginger Faught states recommendation to consider proposals from TDS and Reecon and select one and authorize staff to enter into contract negotiations with one company. Mayor Purcell states this process has been extremely difficult. Mayor Pro Tem Bill Foulds motions to enter into contract negotiations with Recon. Councilman Phillip seconds. Councilman Phillip would like to see further negotiations with the most local company. Discussion regarding advantages of each proposal and Mayor Purcell states negotiations may bring it back to negotiations with a second company. Councilman Volpe states he wants citizens to have the option to choose recycling, not for it to be mandatory. Motion passes, 3-2. Councilman Volpe and Councilman Alba opposed.
- H. Ordinance No. 1100.32 – An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2009 Budget – Mayor Pro Tem Bill Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.

- I. Resolution No. 2009-12 - A Resolution of the City of Dripping Springs Supporting Hays County Grant Application for Flood Protection Planning Grant Assistance Filed with the Texas Water Development Board – Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
- J. License Agreement between the City of Dripping Springs and Billie Garnett, to authorize Garnett to install a private lateral sewer collection line that will extend within the City's Right-of-Way on Mercer Street from property owned or operated by Garnett and located at 200 North Bluff, Dripping Springs, Texas, 78620, to the portion of the City's centralized wastewater collection System that is also within the Right-of-Way on Mercer Street, and to facilitate the City's ability to provide wastewater service to Garnett's property – Councilman Volpe motions to approve. Councilman Williams seconds. Motion passes, 5-0.

Mayor Pro Tem Bill Foulds exits meeting.

- K. Engagement Letter between the City of Dripping Springs and McCall, Parkhurst & Horton, L.L.P. for Bond Counsel – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- L. Engagement Letter between the City of Dripping Springs and SAMCO Capital Markets, Inc. for Financial Services – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.

Mayor Pro Tem Bill Foulds enters meeting.

- M. Engagement Letter between the City of Dripping Springs and Susan Zachos for Special Counsel – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- N. Engineering Service Agreement between the City of Dripping Springs and CMA Engineering, Inc. for South Regional Wastewater Facility Expansion Texas Water Development Board Loan Application Assistance – Councilman Williams motions to approve with staff recommendation to strike language for administrative reimbursement of ten percent and to include work to submit IEP for 2010 to Texas Water Development Board. Councilman Volpe seconds. Motion passes, 5-0.
- O. South Regional Wastewater System Contract 2 for \$100.00 Deposit Connections, Service Line Connections – Acceptance of Bid and Approval of Contract
 - 1. Staff Report – Report on file.
 - 2. Acceptance of Bid – Councilman Alba motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
 - 3. Approval of Contract – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 5-0.

VII. EXECUTIVE SESSION – Mayor Purcells motions to adjourn to Executive Session at 8:15 p.m. Reconvened to Regular Session at 9:00 p.m.

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. Employee Vacation and Holiday Benefits, (551.074 Personnel Matters)
- B. Consultation with City Attorney about substantive and procedural laws governing wastewater service connection to, and rates and charges for customers of, the City's South Regional Wastewater Treatment Facilities and Collection System. (551.071: Consultation with Attorney)

- C. Consultation with City Attorney regarding negotiations for a contract for water service termination between the City of Dripping Springs and the Dripping Springs Water Supply Corporation, the legal requirements for termination of the water services of a person whose sewage service account is in arrears for nonpayment, and statutory and regulatory provisions requiring the Texas Commission on Environmental Quality to issue an order requiring water service termination where a utility providing sewer service has obtained funding through the State or Federal government for the provision, expansion or upgrading of its sewer service. (551.071: Consultation with Attorney)
- D. Discussion regarding potential land acquisition for water quality protection and water quality detention facilities (551.071: Consultation with Attorney and 551.072: Purchase, Exchange, Lease or Value of Real Property)

VIII. ANNOUNCEMENTS

- A. Regular City Council Meeting, January 20, 2009
- B. Regular Parks & Recreation Meeting, January 26, 2009
- C. Regular Planning & Zoning Commission Meeting, January 27, 2009
- D. Regular Historic Preservation Commission Meeting, February 2, 2009
- E. Regular Founders Day Commission Meeting, January 20, 2009

IX. ADJOURN

Councilman Volpe motions to adjourn. Councilman Phillip seconds. Meeting adjourned at 9:02 p.m.