

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, March 10, 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

City Treasurer Gina Gillis

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Jo Ann Touchstone calls roll. All present except Councilman Williams and Ginger Faught. Also present, Special Counsel Susan Zachos.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Councilman Phillip 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.

A. Update from Tim Nance with Pedernales Electric Cooperative – Tim Nance – Mr. Nance reports that the lawsuit was upheld and PEC is under new management with open board meetings. Board election procedures have been revised. Board nomination forms are now available. Mr. Nance invites anyone interested to a cost of service study on March 23rd at 6:30 pm at the Johnson City office.

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, February 10, 2009
- B. Approval of Regular Meeting Minutes, February 17, 2009
- C. Approval of Treasurer's Report for February 2009
- D. Request from Dripping Springs Youth Sports Association to Erect a Temporary Event Sign at the Triangle March 24th through April 24th Advertising Family Fun Night
- E. Resolution No. 2009-16 - A Resolution of the City of Dripping Springs Approving an Agreement Between the City and TxDOT for the Temporary Closure of State Right of Way for the Founders Day Parade on April 17, 2009
- F. Founders Day Festival Participation Agreements between the City and:

1. Dripping Springs Band Boosters for 2009 Tiger 5K Run
2. Dripping Springs Lions Club for Food Vendor Booths
3. Dripping Springs Lions Club for Mighty Thomas Carnival
4. Dripping Springs Cook-Off Club for Cook-Off
5. Dripping Springs Chamber of Commerce for Business Booths
6. VFW Post 2933 and Vince F. Taylor American Legion Post 290 for Parking
7. St. Martin De Porres for Craft Vendor Booths
8. Dripping Springs Knights of Columbus Council 11695 for Alcohol Sales
9. Bombat Washers for Washer Tournament
10. Pro Tech Automotive for Car Bash

Councilman Alba motions to approve C-F and pulling out items A and B.

Councilman Volpe seconds. Motion passes, 4-0.

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

Consideration and Possible Action on:

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

12.00 Acres out of the George W. Lindsey Survey No. 138,
Abstract No. 289 Hays County, Texas (*Aus. S. T. Kyle, Ltd./New Life Lutheran Church*)

1. Public Hearing – Brad Highum, pastor of New Life Lutheran Church, grateful for opportunity to present petition for annexation and is available for any questions.
2. Acceptance of Petition – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 4-0.

Councilman Volpe motions to adjourn to Executive Session at 7:10 p.m. Councilman Phillip seconds. Motion passes, 4-0. Convened to Executive Session at 7:10. Reconvened to Regular Session at 8:05 p.m.

- B. Hill Country Horsepower Ranch – Site Development Permit, 451 South Canyonwood (*Ed Taddia, owner*)

1. Update from Ed Taddia Regarding Landscaping and Screening Discussions with Neighbors – Mr. Taddia provides minutes from the last meeting held March 8th. Mr. Taddia states screening options discussed regarding fencing. A second meeting was held and fencing issues were discussed with Shelia Gutan. A neighborhood meeting was held to discuss traffic issues, deed restrictions, and screening. Mr. Taddia states he is going to work with Gray Salado on establishing a South Canyonwood Homeowners group to maintain the road. Mr. Taddia is available for questions. Mr. Foulds states this concurs with staff reports and that it sounds as if screening has been addressed although not fully resolved. Mr. Foulds asks if Council has any questions. There are no additional questions. Mr. Foulds states that it was not the Council's desire to request hardi plank, but rather to have a consensus between the Taddias and neighbors.
2. Assessment of Administrative Penalties – Mayor Pro Tem Foulds asks staff and council if it is agreeable to have this come back to the April meeting when the Taddias can submit to staff a short list of agreeable terms/consensus with neighbors agreed to by both parties. Council and staff agree, no action taken.

VI. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Development Coordinator's Report Regarding Status of On-Site Sewage Facilities at Centerlake Business Park – Mr. Thompson reports the County's findings on the system from Mr. Pope. There have been no complaints since the last meeting.
- B. Economic Development Committee Report Regarding Recommendations for Ordinance Amendments – Mr. Hanks, Chair, gives report. Report on file.

VII. BUSINESS

Consideration and Possible Action On

- A. Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District for the Management of Programs and Facilities
 - 1. Public Hearing – No one speaks.
 - 2. Approval of Agreement – City Administrator Michelle Fischer reports the Parks Commission has approved this draft. Community Ed will handle advertising, enrollment, and administrative part of programming. Ms. Fischer states this does not affect any agreements with DSYSA. A meeting is scheduled with Robbie Zamora to go over the concession stand agreement to clarify anything that may need to be modified. Councilman Volpe motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 3-0-1. Councilman Alba abstains.
- B. Ordinance No. 1070.43 – An Ordinance of the City of Dripping Springs Amending Section 9, Parks and Recreation Fees of the Fee Schedule – Parks Coordinator Ashley Seay, report on file. Councilman Phillip motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
- C. Request from IESI Corporation to Use a Portion of Founders Park as Staging Area for Commercial Dumpster Removal March 31st through April 3rd, *Adam Matthews, District Manager* – Mayor Pro Tem Foulds motions to approve subject to staff finding a suitable location. Councilman Volpe seconds. Motion passes, 4-0.
- D. Ordinance No. 1100.34 – An Ordinance of the City of Dripping Springs Amending the FY 2009 Budget – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
- E. Engagement Letter with Arbitrage Compliance Specialists, Inc for Arbitrage Rebate Services – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- F. Licensing Agreement between the City of Dripping Springs and Hays County for Use of Right of Way at 195 Roger Hanks Parkway to Construct a Rain Garden – Development Coordinator Jon Thompson states this is a revision of the site plan that can be handled administratively with the approval of this licensing agreement. Mr. Coneway has reviewed drainage and safety and states a retaining wall would be the only other option for slope stabilization. The County would like to set an example for citizens. Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
- G. Letter of Agreement between the City of Dripping Springs and Aus S. T. Kyle, Ltd. (John Lloyd) for the acquisition of 2.07 acres out of the ABS 289, G. Lindsey Survey owned by Glen T. Goode and Anne T. Davison – No action taken.
- H. Ordinance No. 6300.20 – An Ordinance of the City of Dripping Springs Establishing Procedures for Control and Disposition of Diseased Trees Within the City Limits – Discussion regarding spread of oak wilt in the area and need for ordinance. Council does not want to burden homeowners with expense of remedies, but agrees the spread of oak wilt must be addressed. Staff will confer with Eric Beckers on the ordinance and options for citizens to address the issue. No action taken.

- I. South Regional Wastewater System Contracts 2 and 4 for Wastewater Collection System, Wastewater Treatment Facilities, and Subsurface Drip Irrigation System, Including Contract, Change Orders, and Bond Issues
 1. Key Enterprises, Inc.
 2. Keystone Construction, Inc.

Mayor Pro Tem Foulds motions to authorize funds for bore inspections and authorize staff to work with City Attorney to draft and send notices for completion of work within 45 days or retainage will be used to hire another contractor for completion. Councilman Volpe seconds. Motion passes, 4-0.

- J. Construction Contract between the City and Waste Water Solutions for the Construction of Service Line Connections for the First \$100 Deposit Connections
 1. Change Order No. 1- Mayor Pro Tem Foulds motions to deny change order one, Contract 1 and approve change order one, Contract 2. Councilman Phillip seconds. Motion passes, 4-0.
 2. Payment No. 2 – Councilman Phillip motions to deny payment 2. Councilman Volpe seconds. Motion passes, 4-0.
- K. Contract Between the City of Dripping Springs and Cyclone Construction, L.L.C. for Creek Road Improvements
 1. Change Order No. 1 – Councilman Phillip motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
- L. Consideration and possible action regarding the unlawfully placed Walgreen’s monument sign at the corner of Ranch Road 12 and Highway 290 – Mayor Pro Tem Foulds motions to have staff issue a violation notice and have them resubmit a sign application. Councilman Volpe seconds. Motion passes, 4-0.

VIII. EXECUTIVE SESSION

Councilman Volpe motions to adjourn to Executive Session at 7:10 p.m. Councilman Phillip seconds. Motion passes, 4-0. Convened to Executive Session at 7:10. Reconvened to Regular Session at 8:05 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. 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)
- B. 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)
- C. Consultation with City Attorney regarding negotiations with Whit Hanks for a possible development agreement with the City regarding the following properties: Camp Lucy (Hancock-Hanks Investments, Ltd. owner); Tiger Center (Tiger, Ltd. owner); and Roger Hanks Park (Roger Hanks Park, Inc., owner) (551.071: Consultation with Attorney)

- D. Consultation with attorney regarding the possible creation of a municipal management district in and around Driftwood or other alternatives relating to financing the improvement and maintenance of services and infrastructure in that area. (551.071: Consultation with Attorney)
- E. Consultation with attorney regarding the City's options with regards to the unlawfully placed Walgreen's monument sign at the corner of Ranch Road 12 and Highway 290. (551.071: Consultation with Attorney)

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, April 14, 2009
- B. Regular Parks & Recreation Meeting, March 23, 2009
- C. Regular Planning & Zoning Commission Meeting, March 24, 2009
- D. Regular Historic Preservation Commission Meeting, April 6, 2009
- E. Regular Founders Day Commission Meeting, March 17, 2009

X. ADJOURN – Councilman Volpe motions to adjourn. Councilman Alba seconds. Motion passes, 4-0.

*Notice is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated. I certify that the above notice of meeting was posted on the bulletin board at City of Dripping Springs City Hall and Dripping Springs Postal Service Building on the _____ of _____, 2009 at _____ o'clock __M. I further certify that the following News media was properly notified of this meeting as stated above:
Century News and News Dispatch.*

Jo Ann Touchstone, City Secretary

*All agenda items listed above are eligible for discussion and action unless otherwise specifically noted.
This facility is wheelchair accessible. Accessible parking spaces are available.
Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.*