

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, March 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 Purcell calls the meeting to order at 5:33 p.m. All present except Councilman Phillip, Mayor Pro Tem Foulds, Alan Bojorquez and Craig Koenig. Gina Gillis also present.

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.

Councilman Williams motions to move item XI. A. Councilman Volpe seconds. Don Allman gives FY 09 audit report.

Mayor Pro Tem Foulds enters meeting at 5:43 p.m.

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 move to Executive Session. Councilman Williams seconds. Adjourned to Executive Session at 6:22 p.m. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Volpe, Councilman Alba, Councilman Williams, Rick Coneway, Ginger Faught, Michelle Fischer, Susan Zachos and Jo Ann Touchstone. Adjourned from Executive Session at 6:35 p.m.

A. Consultation with City Attorney Regarding the Use, Lease, or Sale of City Owned Property: Stephenson Building, Harrison Ranch Park House, and Dear Hall, 551.072 (Deliberations about Real Property)

B. Consultation with City Attorney Regarding Reciprocal Easement Agreement between the City of Dripping Springs and H.C. Carter 551.071 (Consultation with Attorney)

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – 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* – *Mr. Nance submits list of contractors working in the area should anyone inquire of crews doing work. Two positions, District 4 and 5 are on the ballot for election, forms available online. Mr. Nance briefs council on work being done in the area.*

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, February 9, 2010
- B. Approval of Regular Meeting Minutes, February 16, 2010
- C. Approval of Treasurer's Report for February 2010
- D. FY 2010 Founders Day Participation Agreements between the City of Dripping Springs and:
 - 1. Bombat Washers for Washer Tournament
 - 2. Statewide Patrol Inc. for Security
- E. Engagement Letter with Arbitrage Compliance Specialists, Inc for Arbitrage Rebate Services, *Richard Fletcher*

Councilman Alba motions to approve. Councilman Williams 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. Conditional Use Permit to Allow the Property at 500 Mercer Street, currently zoned Single Family One, (SF-1) to be Used as a Bed and Breakfast, *Charlie Haydon, owner*
 - 1. Presentation – See line 2.
 - 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval.
 - 3. Planning & Zoning Commission Report – Commissioner Koenig states the commission fully supported this 6-0.
 - 4. Public Hearing – No one speaks.
 - 5. Conditional Use Permit – Councilman Alba motions to approve. Councilman Williams seconds. Motion passes, 4-0.
- B. Alternative Lighting Standards for Steeple, First Baptist Church, 203 W. US Hwy 290, *Charlie Haydon, Building Committee Chairman* – *Planning Director Jon Thompson states the plans have been reviewed by our lighting consultant and staff recommends approval. Councilman Volpe motions to approve. Mayor Pro Tem Foulds seconds. Mayor Pro Tem Foulds points out the applicant is asking for exemption from future lighting ordinance (for the steeple only). Motion passes, 4-0.*
- C. Ordinance No. 1220.51 – Amending Ordinance 1220, Codified As Volume 2, Article 15, Chapter 24, Subchapter A of the Dripping Springs Code of Ordinances; Modifying the Location and Screening of the Approved Permanent Outside Sales and Storage Area for the Home Depot Tract of Planned Development District Number One
 - 1. Presentation – none.
 - 2. Planning Director's Report – Planning Director Jon Thompson, staff recommends approval.
 - 3. Planning & Zoning Commission Report – Commissioner Koenig states Commission approved 5-0-1, Commissioner Koenig abstained.

4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.51 – Councilman Volpe motions to approve. Councilman Williams seconds. Mayor Pro Tem Foulds inquires regarding landscaping. Staff reports that landscaping is complete. Mayor Purcell inquires of standing water near the outdoor storage. Store manager states it is a natural spring that will be diverted to the drain. Motion passes, 4-0.
- D. Site Plan – Dripping Springs Baseball Academy, Phase II, 31300 RR 12, *Jon Cobb and Michael Dunlap, Owners*
1. Presentation – Erin Banks, Engineer. Report on file.
 2. Planning Director’s Report – Planning Director Jon Thompson, report on file. Mr. Thompson states all parties concerns have been addressed. Mr. Coneway concurs.
 3. Planning & Zoning Commission Report – Commissioner Koenig states the sign variance was approved and that the spirit of the motion for the parties to work together seems to have occurred and he does not feel this needs to come back to the Planning and Zoning Commission.
 4. Public Hearing – None.
 5. Sign Variance Request to Exceed Maximum Sign able Area of 24 Square Feet for a Projecting Sign for a Business in a Non-Residential Zoning District (Section 8.2.19) (c) – Mayor Pro Tem Foulds motions to approve subject to staff recommendations. Councilman Williams seconds. Motion passes, 4-0.
 6. Site Plan – Mayor Pro Tem Foulds motions to approve subject to staff recommendations of condition one: shortening the detention pond berm between the new baseball field and the driveway to the house to where the water will continue to flow as it does presently. And, condition two: add a site plan note that states that should the southernmost driveway (the driveway to the house) ever be rebuilt or resurfaced, regardless of the material, that the new construction or reconstruction work will not impede or interrupt the flow of water as it presently flows. These changes are to be made and submitted to staff for review for compliance with these two conditions. Councilman Williams seconds. Councilman Williams appreciates the applicant and neighbor working together. Motion passes, 4-0.
- E. Site Development - Dripping Springs Independent School District New High School, Package IV A , *Mard Herrick, Ph.D.*
1. Presentation – Sean Friend, engineer. Report on file.
 2. Planning Director’s Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Planning & Zoning Commission Report – Commissioner Koenig states commission approved 6-0.
 4. Public Hearing – None.
 5. Tree Mitigation Plan – Mayor Pro Tem Foulds motions to deny tree mitigation plan. Councilman Volpe seconds. Motion passes, 3-0-1. Councilman Alba abstains.
 6. Site Plan – Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds. Motion passes, 3-0-1. Councilman Alba abstains.
- F. Request from HEB to Construct Concrete Sidewalks/Trails Instead of Decomposed Granite Trails as Required by Section 2.2.6 of the Planned Development District No. 1 Agreement, Between the City of Dripping Springs and B & O Dripping Springs Investors, Ltd. – Planning Director Jon Thompson, report on file. Staff recommends applicant be allowed to use concrete and modify color to match existing trails. Mayor Pro Tem Foulds motions to approve with staff recommendations. Councilman Alba seconds. Motion passes, 3-1. Councilman Volpe opposed.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Dripping Springs Farmers Market Report – Ashley Seay & Jo Ann Touchstone, Market Managers – report on file.
- B. Comprehensive Plan Update – Deputy City Administrator Ginger Faught – report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Fiscal Year 2009 Audit Report, *Don Allman – report on file.*
- B. Ordinance No. 1100.39 – An Ordinance of the City of Dripping Springs Amending the FY 2010 Budget
 - 1. Public Hearing – None.
 - 2. Ordinance No. 1100.39 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- C. Second Amendment to Wastewater Utility Agreement between the City of Dripping Springs and B & O Dripping Springs Investors, Ltd – Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds. Motion passes, 4-0.
- D. 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. – Susan Zachos briefs council.
- E. Water Service Termination Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- F. Ordinance No. 1730.03 – An Ordinance of the City of Dripping Springs Amending the Volume I, Article II, Chapter 4, Subchapter C of the City's Code (the Wastewater Line Extension and Reimbursement Ordinance) to amend section 3.3 (b) to add additional engineering factors allowable in the calculation of line extension charges, and to adopt Appendix A-1 "US Highway 290 (1) Line Extension Charge." – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- G. Request from Grace Food Pantry to Extend Lease Agreement Between the City of Dripping Springs and Grace Food Pantry for the Dear Hall Building – Councilman Williams motions to extend lease on a month to month basis with 30 day notification of termination and include staff recommendations. Councilman Alba seconds. Motion passes, 4-0.
- H. Reciprocal Easement Agreement between the City of Dripping Springs and H.C. Carter – Councilman Williams motions to table. Councilman Alba seconds. Motion passes, 4-0.
- I. Interlocal Agreement Between the City of Dripping Springs and the Dripping Springs Independent School District for the Community Education Program – Councilman Volpe motions to approve. Councilman Williams seconds. Motion passes, 3-0-1. Councilman Alba abstains.
- J. Request from Harrison Ranch Park Steering Committee to Print a Tri-Fold Fundraising Brochure for Harrison Ranch Park – Mayor Pro Tem Foulds motions to take items, J, K, and L together. Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- K. Request from Harrison Ranch Park Steering Committee to Purchase a Public Announcement System
- L. Request from Harrison Ranch Park Steering Committee to Purchase an Arena Drag for Harrison Ranch Park
- M. Ordinance No. 1350.02 – An Ordinance Amending Volume 2, Article 15 , Chapter 26 of the Dripping Springs Code of Ordinances;

Modifying Regulations for the Placement of Hud-Code Manufactured Housing, Including a Repealer; Providing For An Effective Date; And, Including A Severability Clause

1. Presentation – See line 2.
2. Planning Director’s Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
3. Planning & Zoning Commission Report – Commissioner Koenig states Commission approved 6-0.
4. Public Hearing – No one speaks.
5. Ordinance No. 1350.02 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.

N. Ordinance No. 1930.11 – An Ordinance of the City of Dripping Springs Amending the Solicitation Ordinance to Require Permitting for Special Events – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.

XII. ANNOUNCEMENTS

- A. Regular City Council Meeting, April 13, 2010
- B. Regular Parks & Recreation Meeting, April 12, 2010
- C. Regular Planning & Zoning Commission Meeting, March 23 , 2010
- D. Regular Historic Preservation Commission Meeting, April 5, 2010
- E. Regular Founders Day Commission Meeting, March 23, 2010

XIII. ADJOURN

Councilman Williams motions to adjourn. Councilman Volpe seconds. Meeting adjourned at 8:00 p.m.