

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, May 12, 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 Pro Tem Foulds calls the meeting to order at 7:10 p.m. Jo Ann Touchstone calls roll. All present except Mayor Purcell, Ginger Faught, Jon Thompson, Susan Zachos and Craig Koenig.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Mayor Pro Tem Foulds 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. Oaths of Office for Council Member Santos Alba, Council Member Bill Foulds, Council Member H.A. Spider Williams, Terms to Expire June 2011

City Secretary Jo Ann Touchstone administers the oaths of 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, April 14, 2009
- B. Approval of Regular Meeting Minutes, April 21, 2009
- C. Approval of Special Meeting Minutes, April 28, 2009
- D. Approval of Treasurer's Report for 2009
- E. Proclamation Declaring May 16, 2009 Kids Day America/International

Councilman Alba motions to approve. Councilman Phillip 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. Ordinance No. 1803.60 - An Ordinance of the City of Dripping Spring Annexing 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)

64.72 Acres of Land out of the Thomas R. Jackson League Abstract No. 9 in Hays County, Texas (Charro Ranch Park)

1. Public Hearing – No one speaks.
2. Ordinance No. 1803.60 – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 5-0.

- B. Ordinance No. 1803.61 - An Ordinance of the City of Dripping Spring Annexing the following properties 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 (New Life Lutheran Church)

1. Public Hearing – No one speaks.
2. Ordinance No. 1830.61- Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 5-0.

- C. Public Hearing on Annexation for inclusion of the following property into the City of Dripping Springs Corporate City Limits:

55.72 Acre Tract of Land Being a Portion of Lot 2, Block C, Poundhouse Hills, Section Two, *Stephen Smith, Owner, Morningstar Development, L.L.C.*

No one speaks.

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

10.01 +/- acres of land out of the William Walker Survey No. 130, being all of lots 18, 19, 20 & 24 of Sunset Canyon II-C, a subdivision in Hays county, Texas, land conveyed by deed Vol. 3296, page 127 Real Property Records, Hays County, Texas (Best Western Site Plan previously approved for this property), *Timothy Decker, Owner/Trustee*

1. Presentation by Petitioner – Timothy Decker, present. Mr. Decker states intent to build hotel.
2. Public Hearing – No one speaks.
3. Acceptance of Petition – Councilman Williams motions to accept petition. Councilman Alba seconds. Motion passes, 5-0.

- E. Reconsideration of Sign Variance Requests – Springs Family YMCA, 27216 Ranch Road 12, *Kristi Paul, Executive Director*

1. Presentation – Gina Marie Ellis, report on file.
2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file.
3. Public Hearing – No one speaks.
4. Variance Request to Section 9.2, Cumulative Sign Limitations, to Exceed Total Allowable Signable Area – Councilman Phillip inquires if this

variance request includes request to be considered a corner lot. Ms. Fischer states that it does. Councilman Volpe motions to approve with stipulations from Planning and Zoning and the entrance on RR12 be right in right out only. Councilman Phillip seconds. Mayor Pro Tem Foulds makes a friendly amendment that no sign is constructed until the flagpole is in compliance with the Lighting Ordinance. Councilman Volpe and Councilman Phillip accept friendly amendment. Councilman Phillip makes a friendly amendment for applicant to erect signage for right out/in only and does not count toward cumulative signage, and also require a stripe 10 -15 feet marking two lanes at RR 12 entrance. Motion passes, 5-0.

5. Variance Request to Section 8.2.14, Monument Signs, to Exceed Maximum Height Allowable – Councilman Phillip motions to deny. Councilman Volpe seconds. Motion passes, 5-0.

F. Master Signage Plan & Sign Variance Requests to Allow Off Premise Directional Signs– Belterra, *Eric Willis, Director of Finance Operations, Makar Properties*

1. Presentation – Cristina Martin, RVi, highlights presentation board map of sign plan with directional and informational signs.
2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file.
3. Planning & Zoning Commission Report – City Administrator Michelle Fischer states recommendations of Planning and Zoning Commission have been submitted to Council in revised plan.
4. Public Hearing – No one speaks.
5. Sign B1 – Southbound Belterra Drive, Informational
6. Sign B2 – Southbound Belterra Drive, Informational
7. Sign B3 – Southbound Belterra Drive, Informational
8. Sign B4 – Trinity Hills Drive, Directional
9. Sign B7 – Eastbound Trinity Hills Drive, Directional
10. Sign B8 – Southbound Belterra Drive, Directional
11. Sign B9 – Westbound Trinity Hills Drive, Informational
12. Sign B10 – Westbound Trinity Hills Drive, Informational
13. Sign B13 – Southbound Belterra Drive, Directional
14. Sign B14 – Northbound Belterra Drive, Directional
15. Sign B15 – Southbound Belterra Drive, Directional
16. Sign B16 – Southbound Estes Drive, Directional
17. Sign B17 – Northbound Belterra Drive, Informational
18. Sign B18 – Northbound Belterra Drive, Informational
19. Sign B19 – Northbound Belterra Drive, Informational
20. Sign B21 – Eastbound Trinity Hills Drive, Directional

Councilman Williams motions to approve previously approved signs and new signs combining B19 with B14 and new signs be a maximum of 6 ft in height. Councilman Alba seconds. Councilman Alba withdraws second. Councilman Williams withdraws motion. Councilman Williams motions to approve B1 thru B10. Councilman Alba seconds. Motion passes, 4-0-1. Councilman Volpe abstains. Councilman Williams motions to deny B13 – B21. Councilman Phillip seconds. Michelle Fischer states history of sign plan and complaints that will go to municipal court, a maximum fine of \$500 per violation. Motion passes, 3-1-1. Councilman Volpe abstains. Mayor Pro Tem Foulds opposed.

VI. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Report from City Engineer Rick Coneway Regarding HEB Site Plan and Stacking on Rob Shelton Boulevard – Mr. Coneway unable to attend, report on file.

VII. BUSINESS

Consideration and Possible Action On:

- A. Recommendation from Economic Development Committee regarding Parkland Dedication Ordinance – Randy Voorheis, states points of ordinance that could be amended, report on File.

- B. Resolution No. 2009 -19: A Resolution of the City of Dripping Springs Consenting to the Creation of the Driftwood Municipal Management District – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- C. Letter Agreement between the City of Dripping Springs and Ben and Shirley Sorrell regarding Wastewater Service for 507 Old Fitzhugh Road – Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
- D. Agreement between the City of Dripping Springs and Ashley Seay to Lease a Portion of the Harrison Ranch Park House – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 5-0.
- E. South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, and Bond Issues – No action taken.
- F. Letter of Intent between Howard Land & Cattle, Ltd., a Texas limited partnership (Howard), and the City regarding the parties intent to transfer to the City certain real property rights to install subsurface wastewater drip irrigation for the disposal of treated domestic wastewater on property owned by Howard adjacent to the City’s existing South Regional Wastewater Treatment Facilities located at 23127 RR 150, Dripping Springs, Texas 78620 and related utility service agreements. – No action taken.
- G. Utility Agreement for Wastewater Service Reservation and Impact Fees between the City and RPC Investments, Ltd., a Texas Limited Partnership amending the wastewater Reservation Deposit agreement between the City and RPC Investments, Ltd. for 300 LUEs and providing for the transfer of land to the City. – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 5-0.

VIII. 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).

- A. Consultation with City Attorney regarding South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, and Bond Issues (551.071: Consultation with Attorney)
- B. Consultation with City Attorney regarding Letter of Intent between Howard Land & Cattle, Ltd., a Texas limited partnership (Howard), and the City regarding the parties intent to transfer to the City certain real property rights to install subsurface wastewater drip irrigation for the disposal of treated domestic wastewater on property owned by Howard adjacent to the City’s existing South Regional Wastewater Treatment Facilities located at 23127 RR 150, Dripping Springs 78620 and related utility service agreements. (551.071: Consultation with Attorney)
- C. Consultation with City Attorney regarding "Utility Agreement for Wastewater Service Reservation and Impact Fees between the City and RPC Investments, Ltd., a Texas Limited Partnership" amending the wastewater Reservation Deposit agreement between the City and RPC Investments, Ltd. for 300 LUEs and providing for the transfer of land to the City (551.071: Consultation with Attorney and 551.072: Deliberations about Real Property).

- D. Consultation with City Attorney regarding deliberations about real property acquisition for improvements and extension of Roger Hanks Parkway (551.072: Deliberations about Real Property)

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, May 20, 2009
- B. Regular Parks & Recreation Meeting, May 19, 2009
- C. Regular Planning & Zoning Commission Meeting, May 27, 2009
- D. Regular Historic Preservation Commission Meeting, June 2, 2009
- E. Regular Founders Day Commission Meeting, TBD

*Note corrections to meeting dates as follows: A. May 19, B. May 18, C. May 26, D. June 1

X. ADJOURN

Councilman Volpe motions to adjourn. Councilman Alba seconds. Motion passes, 5-0. Meeting adjourned at 8:00 p.m.