

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, May 19, 2009
6:00 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 Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Special Counsel Susan Zachos

Mayor Purcell calls the meeting to order at 6:05 p.m. All present except Bill Foulds and Michelle Fischer. Also present City Engineer Rick Coneway.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Councilman Williams 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.

No one speaks.

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. Proclamation Declaring June 4, 2009 Jim O' Donnell Day

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 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.

VI. BUSINESS

Consideration and Possible Action On:

- A. Twenty Foot Utility Easement granted by the City of Dripping Springs to Pedernales Electric Cooperative for the Purpose of an Electric Distribution Line at Harrison Ranch Park between the City of Dripping Springs and Pedernales Electric Cooperative – Mr. Brady with Pedernales Electric Cooperative answers questions from Council. No action taken.
- B. Request from the Dripping Springs Youth Sports Association for the Placement of Non-permanent and Permanent Improvements at Founders Memorial Park – Robbie Zamora, president, present. Discussion regarding height of poles and cable so that optimal safety is met, discussion regarding specifications of materials for outside of the concession stand, no outside storage, concessions, underground utilities and outdoor lighting. Councilman Phillip motions to approve request and allowing administrative approval of poles, cables, exterior finish of concession stand, mounting of scoreboard and size of scoreboard, all underground utilities, no outdoor storage and no new lights. Councilman Alba seconds. Motion passes, 4-0.
- C. Concessions and Restroom Facilities Use Agreement between the City of Dripping Springs and the Dripping Springs Youth Sports Association – Ms. Faught states there is an existing agreement and revisions have been added to allow a mobile food unit at Founders Park. Councilman Phillip motions to approve striking 12.3 to exclude all references to the keyless entry system. Councilman Volpe seconds. Motion passes, 4-0.
- D. Ordinance No. 1530.10- An Ordinance of the City of Dripping Springs Establishing Standards of Care for Youth Programs Offered by the Dripping Springs Parks, Recreation and Open Space Department; Providing a Repealing Clause; Providing a Severability Clause; and Providing an Effective Date
1. Parks & Recreation Commission Report – Ms. Faught states this is necessary to facilitate summer camps. Report on file.
 2. Public Hearing – No one speaks.
 3. Ordinance No. 1530.10 – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 4-0.
- E. Camp LASSO Summer Day Camp Parent Handbook – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- F. Master Signage Plan & Sign Variance Requests to Allow Off Premise Directional Signs– Belterra, *Eric Willis, Director of Finance Operations, Makar Properties*
1. Sign Administrator’s Report – Councilman Williams states there is no action required. A meeting was held with Eric Willis and they have requested reconsideration at June Council meeting.
- G. Engineering Services Agreement with Erin Banks – Councilman Phillip motions to approve. Councilman Williams seconds. Motion passes, 4-0.
- H. Public Works: Streets: Contract for Creek Road Improvements between Cyclone Construction, LLC and the City of Dripping Springs.
1. Staff Report – Rick Coneway, report on file.
 2. Maintenance Bond from Cyclone Construction, LLC – Councilman Phillip motions to approve. Councilman Volpe seconds. Councilman Volpe retracts his second. Councilman Phillip retracts his motion. No action taken.
 3. Warranty and Maintenance bond from Transit Mix Concrete & Materials Company *d/b/a* Tex Sun Concrete – No action taken.

- I. Appointment of Assistant Municipal Court Clerk – Ginger Faught recommends appointment of Jo Ann Touchstone as Deputy Municipal Court Clerk. Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 4-0.
- J. Legislation: Respond to bills being considered by the 2009 Texas Legislature regarding Open Government, Land Use & Development, Public Safety or Personnel as affects municipal operations.
1. Staff Report –
 2. Legal Briefing by City Attorney -
 3. Resolutions –
- No action taken.
- K. South Regional Wastewater System Contract with Key Enterprises, Inc. for Wastewater Collection System, Including Contract, Change Orders, and Bond Issues – Ms. Faught states there is no action to be taken.
- L. 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. – Susan Zachos states that Mr. Howard is changing his plans and is simplifying the letter of intent. No action taken.
- M. Wastewater Utility Agreement between R.P.C. Investments 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 R.P.C. Investments 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. Hibberd/Agreement – Councilman Phillip motions to A. Delegate to the Mayor the authority to: 1. Finalize the exhibits and execute the agreement, under the terms set forth in the draft agreement considered by council to purchase 10 acres adjacent to the City’s current irrigation fields and 2. Sign closing documents and related real estate transaction documents to finalize the transfer of the 10 acres to the City, also under the terms set forth in the draft agreement and 3. Have Rex Baker prepare the deed and related real estate transaction documents.

VII. EXECUTIVE SESSION

Councilman Williams motions to move to Executive Session at 6:50 p.m.

Councilman Volpe seconds. Reconvened to Regular Session at 7:20 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. 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. Letter of Intent between R.P.C. Investments 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 R.P.C. Investments 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.
- 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*)

VIII. ANNOUNCEMENTS

- A. Regular City Council Meeting, June 9, 2009
- B. Regular Parks & Recreation Meeting, June 22, 2009
- C. Regular Planning & Zoning Commission Meeting, May 26, 2009
- D. Regular Historic Preservation Commission Meeting, June 1, 2009
- E. Regular Founders Day Commission Meeting, June 16, 2009

IX. ADJOURN

Councilman Volpe motions to adjourn. Councilman Alba seconds. Meeting adjourned at 7:23 p.m.