

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, November 10, 2009
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

Development Coordinator Jon Thompson

Planning & Zoning Chair Craig Koenig

City Secretary Jo Ann Touchstone

City Attorney Alan Bojorquez

Special Counsel Susan Zachos

Mayor Pro Tem Bill Foulds calls the meeting to order at 5:32 p.m. All present except Mayor Purcell, Ginger Faught, Susan Zachos and Craig Koenig.

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.

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 to discuss items listed below and items F, J,K,L and M from Business. Councilman Alba seconds. Convened to Executive session at 6:32 p.m. Those present: Mayor Pro Tem Foulds, Councilman Phillip, Councilman Alba, Councilman Volpe, Councilman Williams, City Administrator Michelle Fischer, and Alan Bojorquez.

- A. Consultation with City Attorney regarding a Settlement Agreement among the City, Save Our Springs Alliance, Robert Tod and Doug Weirman, to resolve disputes regarding the pending Texas Commission on Environmental Quality "Water Quality Land Application (No Discharge) Permit No. WQ0014488002," to be issued to the City for the treatment of domestic wastewater at a daily average flow not to exceed 250,000 gallons per day and disposal via a public access subsurface drip irrigation system located within the Scenic Greens development and approximately 4.4 miles west of Dripping

Springs along U.S. Highway 290 in Hays County, Texas (551.071: *Consultation with Attorney*).

- B. Consultation with City Attorney regarding First Amendment to the Water and Wastewater Utility Agreement for the Scenic Greens Development between the City of Dripping Springs and Paintbrush 290 GP LLC, to accommodate the terms of the Texas Commission on Environmental Quality proposed permit No. WQ0014488002 and to clarify the obligations of the City and Paintbrush 290 under the Agreement (551.071: *Consultation with Attorney*).
- C. Consultation with City Attorney Regarding Possible Extension of deadline to execute deeds and easements that are the subject of the Letter of Intent between the City of Dripping Springs, Aus S. T. Kyle, Ltd. (John Lloyd) and Glenn T. Goode and Anne T. Davison for the acquisition of approximately 2.07 acres out of the ABS 289, G. Lindsey Survey owned by Glenn T. Goode and Anne T. Davison, and possible authorization for Mayor to execute the deeds and easements if no substantial substantive changes are made 551.072 (*Deliberations about Real Property*)
- D. Consultation with City Attorney Regarding Amendment to Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District for the Conveyance of the Stephenson Building Property and Karhan Park Property 551.072 (*Deliberations about Real Property*)

IV. RECESS

V. RECONVENE AT 7:00 p.m. – Mayor Pro Tem Foulds calls Regular Session to order at 7:00 p.m. City Secretary Jo Ann Touchstone calls roll. All present except Mayor Purcell, Ginger Faught, and Susan Zachos.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Mayor Pro Tem Foulds recognizes all veterans for their service and invites those present to stand and share their story of service. Shorty Barnett 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.

Whit Hanks, Chair of the Economic Development Committee, asks Council for direction for the Economic Development Committee. Mr. Hanks states their focus has been more global and the committee would like the Council to direct them to continue on that path or consider more specific requests from particular companies or entities in regard to economic development.

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 & Special Meeting Minutes, October 13, 2009
- B. Approval of Regular Meeting Minutes, October 20, 2009
- C. Approval of Special Meeting Minutes, October 29, 2009
- D. Approval of Treasurer's Report for October 2009
- E. Approval of Street Closure and Traffic Plan for Christmas on Mercer Street Event to be held December 5, 2009
- F. Appointment of John Holdridge to the Historic Preservation Commission, Term to Expire June 2010

- G. A Proclamation of the City of Dripping Springs, Texas Recognizing the Dripping Springs High School Tiger Band for its Outstanding Achievement at the State 4A UIL Marching Band Competition

Councilman Phillip motions to approve items A through F, approving item G separately after it is read aloud. Councilman Alba seconds. Motion passes, 5-0. Mayor Pro Tem Foulds reads proclamation honoring the Tiger Band and signs resolution. City Secretary Jo Ann Touchstone presents a signed proclamation to Derek Seals, representing the Tiger Band.

IX. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/ALTERNATE STANDARDS/ANNEXATIONS

Consideration and Possible Action On:

- A. Berg & Florio Medical Center — Request for a Variance from the City's On-Site Sewage Facility Rules to Allow the Pump and Haul of Wastewater Effluent and Sewage on a Temporary Basis, *Kyle Florio, Owner*
1. Presentation – None.
 2. Environmental Health Inspector's Report – report on file, staff recommends approval.
 3. Public Hearing – None.
 4. Variance – Councilman Williams motions to approve including requirement to connect to wastewater system within 60 days of being able to do so. Councilman Phillip seconds. Motion passes, 5-0.
- B. Ordinance No. 1220.50 – 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: 320 Timberline Street, The North Forty Addition, Section Two and Resubdivision of Lot 25, The North Forty Section One, from Manufactured Home (MH) to Single Family Four (SF-4), *Carole Crumley, Owner*
1. Presentation – Carol Crumley, states request, 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.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.50 – Councilman Volpe motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- C. Consideration of Sign Variance Requests - *Austin Brevita, 1600 E Hwy 290, Duane & Tiffany Youngren, Owners*
1. Presentation – Duane Youngren, applicant, states request.
 2. Sign Administrator's Report - City Administrator Michelle Fischer, report on file.
 3. Planning & Zoning Commission Report – Commissioner Koenig states the Commission discussed for an hour due to multiple extenuating circumstances and recommended the City take no action until January 15, 2010 to allow time for applicant and property owner to propose a resolution to bring signs into compliance.
 4. Public Hearing – No one speaks.
 5. Sign Variance Request from Section 6.4, Nonconforming Signs: Permits for Other Signs – Councilman Volpe motions to deny. Councilman Phillip seconds. Motion passes, 5-0.
 6. Sign Variance Request from Section 8.2.1, Wall Signs, to Exceed Allowable Number of Signs – Councilman Volpe motions to approve with stipulation not to exceed 64 square feet. Councilman Williams seconds. Motion fails, 1-4, all opposed except Councilman Volpe.
 7. Sign Variance Request from Section 8.2.1, Wall Signs, to Exceed 10% of Area Wall – Councilman Phillip motions to deny and applicant can resubmit within 30 days. Councilman Williams seconds. Motion passes, 5-0.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market Report – Jo Ann Touchstone & Ashley Seay, Market Managers – report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Presentation from U.S. Census Bureau Regarding 2010 Census, *David Dickens, U. S. Census Bureau – Mr. Dickens gives power point presentation.*
- B. Resolution No. 2010-4- A Resolution of the City of Dripping Springs Supporting the 2010 United States Census – Councilman Volpe motions to approve and directs staff to fill out 2010 Census Partnership Agreement Form. Councilman Phillip seconds. Motion passes, 5-0.
- C. Requests from Dripping Springs Elementary School Parent Teacher Association to Erect Signage at the Triangle November 19th through November 21st for Annual Fall Fair and Waiver of Sign Permit Fee – Councilman Phillip motions to approve sign, but not to waive fee. Councilman Alba abstains. Motion passes, 4-1-0.
- D. Request from Hays County Water Conservation Working Group to Hold “Rainwater Revival” Event Saturday, May 8, 2010 from 8:00 a.m. to 6:00 p.m. on a Portion of Mercer Street, *Alan Rossing* – Melainie Cambron, states request from group. Mayor Pro Tem Foulds inquires if the group is a 501C3. Ms. Cambron states that Hill Country Alliance is the sponsor and they are a non-profit. Councilman Phillip motions to table item and asks applicant to work with city staff and come back with full plan. Councilman Volpe seconds. Motion passes, 5-0.
- E. Harrison Ranch Park Concept Plan
 - 1. Presentation, RVi, Barbara Austin – Ms. Austin gives presentation.
 - 2. Public Hearing – No one speaks.
 - 3. Concept Plan – Discussion regarding parking and overflow parking, amount of parking required and needed based on size of venue, amphitheater and removal of such from concept plan when it was stated as a priority in previous plan, process of approval and review from Parks Commission, agricultural uses, stricter definition of TCEQ buffers and what is allowed. Councilman Phillip motions to not approve this plan and ask the Committee to continue working on the plan and have City Secretary give a list of comments and concerns addressed tonight to the Committee. Councilman Williams seconds. Councilman Phillip accepts friendly amendment from Councilman Volpe to have plan go to Parks Commission for review. Motion passes, 5-0.
- F. Chapter 380 Economic Development Agreement with Makar Properties for Belterra Commercial – Dean Koleda with Makar Properties gives presentation. Council discusses proposed landscaping and park improvements. Councilman Phillip suggests considering a range of fifty to seventy five percent reimbursement. No action taken.
- G. Ordinance No. 1250.22 – An Ordinance of the City of Dripping Springs Amending the City’s Sign Ordinance
 - 1. Sign Administrator’s Report – report on file.
 - 2. Planning & Zoning Commission Report – Commissioner Koenig states the Commission did not make it through all changes and will look at it again.
 - 3. Public Hearing – No one speaks.
 - 4. Ordinance No. 1250.22 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 5-0.

- H. Amendment to Interlocal Agreement between the City of Dripping Springs and Dripping Springs Independent School District for the Conveyance of the Stephenson Building Property and Karhan Park Property – Councilman Phillip motions to approve amendment to include the new exhibit “I” and new verbage and corrections as recommended by staff and can be signed based on staff approval. Councilman Volpe seconds. Councilman Alba abstains. Motion passes, 4-0-1.
- I. Possible Extension of deadline to execute deeds and easements that are the subject of the Letter of Intent between the City of Dripping Springs, Aus S. T. Kyle, Ltd. (John Lloyd) and Glenn T. Goode and Anne T. Davison for the acquisition of approximately 2.07 acres out of the ABS 289, G. Lindsey Survey owned by Glenn T. Goode and Anne T. Davison, and possible authorization for Mayor to execute the deeds and easements if no substantial substantive changes are made – Councilman Phillip motions to direct staff and mayor to execute transaction as soon as it is complete. Councilman Volpe seconds. Motion passes, 5-0.
- J. A Settlement Agreement among the City, Save Our Springs Alliance, Robert Tod and Doug Weirman, to resolve disputes regarding the pending Texas Commission on Environmental Quality "Water Quality Land Application (No Discharge) Permit No. WQ0014488002," to be issued to the City for the treatment of domestic wastewater at a daily average flow not to exceed 250,000 gallons per day and disposal via a public access subsurface drip irrigation system located within the Scenic Greens development and approximately 4.4 miles west of Dripping Springs along U.S. Highway 290 in Hays County, Texas – No action taken.
- K. First Amendment to the Water and Wastewater Utility Agreement for the Scenic Greens Development between the City of Dripping Springs and Paintbrush 290 GP LLC, to accommodate the terms of the Texas Commission on Environmental Quality proposed permit No. WQ0014488002 and to clarify the obligations of the City and Paintbrush 290 under the Agreement – No action taken.
- L. Lease Agreement between the City of Dripping Springs and Ashley Seay to Rent a Portion of Harrison Ranch Park House – no action taken.
- M. Resolution No. 2010-5 – A Resolution of the City of Dripping Springs Granting the Mayor and the City Administrator Authority to Access the City’s Safe Deposit Box at Wells Fargo Bank, Change the Locks, and Manage the Contents – Councilman Alba motions to approve. Councilman Williams seconds. Motion passes, 5-0.

XII. EXECUTIVE SESSION

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XIII. ANNOUNCEMENTS

- A. Regular City Council Meeting, November 17, 2009
- B. Regular Parks & Recreation Meeting, December 7, 2009
- C. Regular Planning & Zoning Commission Meeting, November 17, 2009
- D. Regular Historic Preservation Commission Meeting, December 7, 2009
- E. Regular Founders Day Commission Meeting, December 8, 2009

XIV. ADJOURN

Councilman Phillip motions to adjourn. Councilman Williams seconds. Meeting adjourned at 9:15 p.m.