

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, October 13, 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 Purcell calls the meeting to order at 7:04 p.m. Jo Ann Touchstone calls roll. All present except Ginger Faught and Susan Zachos.

II. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance – Councilman Volpe 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.

Marianne Simmons, President of the Farmers Market Association thanks Council for supporting market. Ms. Simmons addresses concern for uniform use of parkland. She states one of the market vendors was asked not to park on the grass and suffered a loss of income and over the weekend the Dripping Springs United Methodist Church pumpkin patch caused extensive damage to the grass by pulling a semi truck on the grounds to unload pumpkins.

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 & Special Meeting Minutes, September 8, 2009
- B. Approval of Special Meeting Minutes, September 15, 2009
- C. Approval of Special Meeting Minutes, September 22, 2009
- D. Approval of Treasurer's Report for September 2009
- E. Resolution No. 2010-1 – A Resolution of the City of Dripping Springs Finding that the Livestrong Challenge Charity Bike Ride Scheduled to be Held on Sunday, October 25, 2009, In and Near the City, Serves a Valid and Legitimate Public Purpose, and Authorizing the City's Support of and Cooperation with the Event

- F. Agreement for the Temporary Closure of State Right of Way between the City of Dripping Springs and the State of Texas for the Livestrong Challenge Charity Bike Ride on Sunday, October 25, 2009
- G. Appointment of Mike Whittenburg and Donna Moore to Harrison Ranch Park Steering Committee
- H. Appointment of Jeff Coffman to Parks and Recreation Commission as Dripping Springs Youth Sports Association Representative, Term to Expire June 2010
- I. Appointment of Brad Thomas (At Large) to Founders Day Commission, Term to Expire 2010 and Melodie Grieder (Chamber of Commerce), Term to Expire 2010
- J. Approval of Fiscal Year 2010 Meeting Schedule for City Council & Commissions
- K. Approval of FY 2010 Founders Day Event Date, April 9th through 11th, 2010
- L. Acceptance of Proposal from Pun Nio Graphics, Inc. for Founders Day 2010

Councilman Alba motions to approve. Councilman Volpe seconds. Motion passes, 5-0.

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

Consideration and Possible Action on:

- A. Sign Variance Requests – Dripping Springs Independent School District, New High School, 940 Hwy 290 West, *Mard Herrick, Ph.D., Superintendent*
 - 1. Presentation – Dr. Herrick is available for questions.
 - 2. Sign Administrator’s Report – Michelle Fischer, report on file.
 - 3. Planning & Zoning Commission Report -
 - 4. Public Hearing – No one speaks.
 - 5. Sign Variance Request from Section 7.1 (d), Prohibited Signs, to Allow an Electrical Sign – Councilman Volpe motions to deny. Councilman Williams seconds. Councilman Phillip states support for allowing the sign due to need for better communication. Mayor Pro Tem Foulds states he does not support that motion. Councilman Volpe retracts his motion. Councilman Williams withdraws his second. Mayor Pro Tem Foulds motions to approve for four years with Planning and Zoning recommendations with annual review of content and intensity by City, subject to existing sign at Middle School being removed. Councilman Volpe seconds. Councilman Phillip suggests for existing sign to be made into a monument sign. Mayor Pro Tem Foulds is not supportive. Dr. Herrick and Principal Cousins state reasons for need for sign and whom it reaches. Discussion regarding moving existing sign. Councilman Phillip makes friendly amendment to move sign. Councilman Volpe does not accept amendment. Motion is 2-2. Mayor Purcell opposes. Councilman Phillip motions to approve with Planning and Zoning Commission recommendations for four years with annual review by City of content display and intensity. Mayor Pro Tem Foulds seconds. Motion dies. Mayor Pro Tem Foulds motion to approve same as above with existing sign being moved to second entrance west of the driveway. Councilman Phillip seconds. Motion 2-2. Mayor Purcell votes in favor. States disagreement for moving sign, feels it is a waste of money and the advertising needs to be on the highway. Councilman Alba abstains.
 - 6. Sign Variance Request from Section 8.2.14, Monument Signs to Exceed Maximum Allowable Height – Mayor Pro Tem Foulds motions to approve subject to staff recommendation. Councilman Phillip seconds. VOTE: 2-2, Mayor Purcell votes yes. Councilman Williams and Councilman Volpe opposed. Councilman Alba abstains.
 - 7. Sign Variance Request from Section 8.2.14, Monument Signs to Exceed Maximum Signable Area – Mayor Pro Tem Foulds motions to approve subject to staff recommendations. Councilman Phillip

seconds. VOTE: 2-2, Mayor Purcell votes yes. Councilman Williams and Councilman Volpe opposed. Councilman Alba abstains.

B. Site Plan – Sleep Inn, 100 Hays Country Acres Road, *CMA Engineering, Robbie Calligari, Engineer*

1. Presentation – report on file. Michelle LaVoy, Red River Service Corporation, representing owner, Mr. Jim Smith. Ms. Lavoy gives history of company and states intent for local hotel in Dripping Springs.
2. Staff Report – Development Coordinator Jon Thompson, report on file. Staff recommends approval of site plan and variance. Keenan Smith states this project has come a long way and he addressed three areas, pedestrian friendly, porches, and story height. Mr. Smith states he was directly involved with applicant for exterior design, adding a pitched roof, porches, and pedestrian elements. Mr. Smith states support and recommends approval in concept and to check construction drawings before building begins.
3. Planning & Zoning Commission Report - Commissioner Koenig states discussion of ordinances. Six people spoke at the public hearing, four in support, two not supportive. Commissioner Koenig states commission approved 6-0.
4. Public Hearing – Mark Key, states support for project for positive economic impact for the City.

Homer Thomas, lives within vicinity of hotel. Mr. Thomas is in favor of the hotel. He states that our community is lacking ability to accommodate overnight guests.

Sheri Soltes, President of Texas Hearing and Service Dogs, states support of the hotel as it would accommodate guests within her business and seminars and trainings that are hosted. Ms. Soltes states that her estimate of room nights they alone could book would be about 900.

Janet Morgan, Memory Lane Event Center, states support for hotel as there is nowhere for guests to stay in Dripping Springs.

Tammy Myers, Grapevine Signs and Big Drip Owner, states support for hotel.

Rhonda Edwards, local business owner and resident, states support and need for hotel in the community.

Hunter Connor, owner of Terrace Club, states support for hotel as she had 600 guests for four weddings and each person had to drive to Austin.

Ted Pearsall, states support for hotel and appreciates aesthetic design.

Kim Johnson, Executive Director of Dripping Springs Chamber of Commerce, reiterates need for lodging and economic development.

Charlene Farmer, Avalon Realty, states association with Mr. Smith and states support that he and his family and business are local.

Jill Goodson, neighboring residence. States history of valley being filled with dirt with highway. Ms. Goodson states this building backs to the pad site and states concern of what the view will be driving east on Hwy 290 with no landscaping. She states she would like compliance with ordinances.

Ben Sorrell, seventeen year resident of Dripping Springs, states he is also a member of the City's Economic Development Committee. Mr. Sorrell states support for variance as it is on the highway.

5. Variance from Zoning Ordinance No. 1220.10, Section 3.12.3 (a) Height Regulations to exceed two (2) stories, and (40) forty feet – Councilman Phillip motions to approve with addition to site plan for compliance with lighting ordinance. Mayor Pro Tem Foulds seconds. Councilman Volpe states that this site is not fitting for three stories, 45 feet as it is actually 70 feet when added with the cut and fill. He states he is not clear on what is the hardship of the variance. Motion passes, 3-2. Councilman Volpe and Councilman Williams opposed.
- C. Site Plan – Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds. Mayor Purcell inquires of Development Coordinator Jon Thompson what setback there is behind the building for emergency vehicle access. Councilman Williams inquires if enough parking spaces are allotted as there are 54 rooms and 56 spaces. Motion passes, 3-2, Councilman Volpe and Councilman Williams opposed.

VI. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market Update – Market Managers Jo Ann Touchstone & Ashley Seay –report on file.
- B. Sign Administrators Report – Proposed Amendments to Sign Ordinance 1250.19 –report on file.
- C. Update on Wild West Festival & Harrison Ranch Park Improvements – Parks, Recreations & Open Space Director Ashley Seay – Next workday is Saturday, October 17th. Volunteers are still needed.

VII. BUSINESS

Consideration and Possible Action On

- A. Lease Agreement Between the City of Dripping Springs and Grace Food Pantry for the Dear Hall Building – Councilman Phillip motions to approve six month extension of lease. Councilman Volpe seconds. Motion passes, 4-1. Councilman Williams opposed.
- B. Request from the Dripping Springs High School Athletic Booster Club to hold a bon fire and pep rally at the Dripping Springs Sports & Recreation Park Junior Varsity Baseball Field on Monday, October 26, 2009 – Jeff Syring, available for questions. Commits to cleaning up nails from pallets that are burned. Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
- C. Request from Charles Bujan, Bujan/Hall Custom Homes, to review the location of a proposed sewer line to serve Artisan Plaza shopping mall and the related authorization for City staff to begin negotiating, subject to the developer's payment of the City's professional fees, the Artisan Plaza Wastewater Utility and Impact Fee Agreement for later consideration and possible adoption by the City Council, to include terms and conditions regarding the collection line location, design and construction, wastewater service, and payment of impact fees – No action taken.
- D. Modification of Lift Station Facilities and Service Connection Agreement between the City of Dripping Springs and Alva Haydon, Willie Mae Haydon, Robert Lynn Haydon, and Martha Annette Bledsoe Haydon – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 5-0.
- E. Acceptance of Bid Proposal for New On Site Septic System at Harrison Ranch Park – Councilman Williams motions to approve, Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

- F. Approval of The Energy Efficiency and Conservation Block Grant (EECBG) Notification of Intent – Councilman Volpe motions to approve. Councilman Williams seconds. Motion passes, 5-0.
- G. Resolution 2010-2 - A Resolution of the City of Dripping Springs Adopting an Official Newspaper for Fiscal Year 2010 – Councilman Phillip motions to approve staff recommendation. Councilman Williams seconds. Motion passes, 5-0.
- H. Ordinance No. 1070.46 – Amending the Fee Schedule Adding Professional Services Fees and Amending Zoning Fees – Mayor Pro Tem Foulds motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- I. Ordinance No.1100.38 – An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2009 Budget – Councilman Williams motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
- J. City’s Schedule of Wastewater Connections Availability and Timing as provided in Volume 1, Article 10, Chapter 4, Subchapter A., II., A.2 of the City’s Wastewater Rate Ordinance – No action taken.
- K. Ratification of Wastewater Service Impact Agreement between the City of Dripping Springs and Dripping Springs Independent School District - Councilman Phillip motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 3-1-1. Councilman Williams opposed. Councilman Alba abstains.

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 Request from Charles Bujan, Bujan/Hall Custom Homes, to review the location of a proposed sewer line to serve Artisan Plaza shopping mall and the related authorization for City staff to begin negotiating, subject to the developer’s payment of the City's professional fees, the Artisan Plaza Wastewater Utility and Impact Fee Agreement for later consideration and possible adoption by the City Council, to include terms and conditions regarding the collection line location, design and construction, wastewater service, and payment of impact fees *551.071 (Consultation with Attorney)*
- B. Consultation with City Attorney Regarding Strategic Partnership Agreement between the City of Dripping Springs and Hays County Water Control and Improvement District No.1 *551.071 (Consultation with Attorney)*
- C. Consultation with City Attorney about status and mediation in the matter of the City of Dripping springs Proposed Water Quality Land Application Permit No. WQ0014488002 for the disposal of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day via public access subsurface drip irrigation system with a minimum area of 57.39 acres, 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).*
- D. Consultation with City Attorney Regarding 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)*

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, October 20, 2009
- B. Regular Parks & Recreation Meeting, November 9, 2009
- C. Regular Planning & Zoning Commission Meeting, October 27, 2009

- D. Regular Historic Preservation Commission Meeting, November 2, 2009
- E. Regular Founders Day Commission Meeting, November 2, 2009

X. ADJOURN

*Mayor Pro Tem Foulds Motions to adjourn. Councilman Phillip seconds. Motion passes.
Meeting adjourned at 9:20 p.m.*