

**City of Dripping Springs  
City Council**

**Special Meeting Minutes  
Thursday, October 29, 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 p.m. Jo Ann Touchstone calls roll. All present except Ginger Faught, Jon Thompson, Alan Bojorquez, and Susan Zachos.

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

***Consideration and Possible Action on:***

- A. Reconsideration of Sign Variance Requests – Dripping Springs Independent School District, New High School, 940 Hwy 290 West, *Mard Herrick, Ph.D., Superintendent*
1. Presentation – None.
  2. Sign Administrator's Report – None.
  3. Planning & Zoning Commission Report – None.
  4. Public Hearing – No one speaks.
  5. Sign Variance Request from Section 7.1 (d), Prohibited Signs, to Allow an Electrical Sign – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Councilman Alba abstains. Mayor Pro Tem Foulds amends motion to include Planning and Zoning recommendations. Motion passes, 2-1-1. Councilman Volpe opposed.
  6. Sign Variance Request from Section 8.2.14, Monument Signs to Exceed Maximum Allowable Height -
  7. Sign Variance Request from Section 8.2.14, Monument Signs to Exceed Maximum Signable Area -

**III. REPORTS OF AGENCIES, COMMISSIONS & STAFF**

- A. Update Regarding Letter of Agreement 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 – City Administrator Michelle Fischer, states that all documents have been drafted and approved and

sent to Mr. Goode. The only document not finalized is the Development Agreement, which should be forthcoming this week.

#### **IV. BUSINESS**

##### ***Consideration and Possible Action On***

- A. 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.
- B. 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.
- C. 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 – Mayor Pro Tem Foulds reports on his meeting with School Board member Tim Kurpiewski and the possibility of the City accepting cash in lieu of the District improving the Junior Varsity Baseball Field and the City would then build two fields with the money. He states that Carl Waits is comfortable with this. Mayor directs staff to draft an amendment for next meeting.
- D. Reconsideration of Resolution No. 2009-30 – A Resolution of the City of Dripping Springs, Texas, Authorizing the Mayor to Execute, Deliver and Receive any and all Documents and Take Such Action as He Deems Appropriate in Connection with the Interlocal Agreement Between the City of Dripping Springs and the Dripping Springs Independent School District for the Exchange of Properties Known as Karhan Park and the Stephenson Building –

Mayor Pro Tem Bill Foulds states that he met with DSISD Board Member Tim Kurpiewski and while they do not have an assurance from the school board, they were able to show and explain on maps how the easements will line up. Mayor Pro Tem Foulds shows on the map the area for the 60 foot easement across the Draper Tract.

Mayor Pro Tem Foulds motions to approve provided that a 60 foot easement will be given the City in an area defined by our Planning Director across the Draper tract and the Karhan tract, knowing that easement can move anywhere within a 300 foot area (only on the Draper Tract) shown on this drawing and allowing for a road to be engineered and built to City street standards; also including authorization of the Mayor to execute item C, the 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 seconds. Councilman Williams inquires how the easements are defined or specified. Mayor Pro Tem Foulds explains that they created a motion that will have the District give us a 60 foot easement within 300 feet that will line up with the easement on the Karhan property. He states that this will give the District enough room for the future road and the school. We will get the easements to build the road and they will get 1.12 acres from the City. Councilman Phillip states that any site development plans will be submitted for approval and would have to allow for the road. Mayor Pro Tem states that his motion includes the amendment to the Interlocal Agreement that is to allow for cash in lieu of the District improving the JV Baseball field and

instead the City will build the softball fields, and it includes amending the agreement to include the requirements regarding the easements: the right of way on the west side of the Karhan tract will be reduced by thirty feet; the easement on the northern part of the Karhan tract will be granted; the easement on the northern portion of the Draper tract will be granted and line up and connect to the easement on the northern part of the Karhan tract and it will extend across the Draper tract to its eastern edge; and the City will deed the strip of land south of the Karhan tract to the District. Councilman Phillip states that this is the only way to do this and agrees with the motion. Mayor Purcell states concern that there be no lapse in season for the adult softball league to have available fields when the existing fields are torn down before the new fields are built. Mard Herrick confirms this is addressed in the agreement that use of the girls field is available when the District is not using those fields. Mayor Purcell states that all drafts will be reviewed and approved by City Staff and the City Attorney and nothing will be signed until Council's concerns are addressed. Motion passes, 4-1-0. Councilman Alba abstains.

- E. Resolution No. 2010-3 – A Resolution of the City of Dripping Springs Supporting the Application for Funding for the Energy Efficiency and Conservation Block Grants Program to Be Used in Assisting Reaching the City's Goals of Energy Efficiency – Motion passes, 5-0.
- F. Approval of Dripping Springs Youth Sports Association Founders Under the Stars Event to be held at Founders Memorial Park November 14, 2009 – Mayor Pro Tem Foulds motions to approve with all prior restrictions imposed previously to carry forward. Councilman Williams seconds. Motion passes, 5-0.
- G. Public Hearing to give all interested persons the right to appear and be heard on the proposed Strategic Partnership Agreement between the City of Dripping Springs and Hays County Water Control and Improvement District No. 1 ("District"), under which the City would be required to make certain payments to the District, and would be authorized to annex the following property within the District for the limited purpose of collecting Sales and Use Tax Revenues: 106.35 acres of land out of the William S. Holton Survey No. 57, the Alec McGown Survey No. 699, the John Sellars Survey No. 3, and the E.B. Hargraves Survey No. 4 in Hays County, Texas. – No one speaks.
- H. Strategic Partnership Agreement between the City of Dripping Springs and the Hays County Water Control Improvement District #1 – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 3-2. Councilman Alba and Councilman Volpe opposed.

## V. EXECUTIVE SESSION

Mayor Pro Tem Foulds motions to adjourn to Executive Session at 6:57 p.m. Councilman Williams seconds. Adjourned to Executive Session at 6:57 p.m. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Alba, Councilman Phillip, Councilman Volpe, Councilman Williams, Michelle Fischer, and Susan Zachos via telephone. Reconvened to Regular Session at 7:18 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 Strategic Partnership Agreement between the City of Dripping Springs and the Hays County Water Control Improvement District #1 (551.071, Consultation with Attorney)

- B. 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*).
- C. 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 (551.071: *Consultation with Attorney*)

## **VI. ANNOUNCEMENTS**

- A. Regular City Council Meeting, November 10, 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

## **VII. ADJOURN**

*Mayor Purcell motions to adjourn. Councilman Volpe seconds. Motion passes, 5-0.  
Meeting adjourned at 7:19 p.m.*