

**City of Dripping Springs
City Council**

**Regular Meeting Minutes
Tuesday, September 8, 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

City Attorney Alan Bojorquez

Development Coordinator Jon Thompson

Planning & Zoning Commission Chair Craig Koenig

City Secretary Jo Ann Touchstone

Special Counsel Susan Zachos

City Treasurer Gina Gillis

Mayor Purcell calls the meeting to order at p.m. Jo Ann Touchstone calls roll. All present.

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.

A. Update from Pedernales Electric Cooperative, Tim Nance – Mr. Nance states there are two new board members, Christi Clement for District 1 and Larry Landecker for District 6. The board voted unanimously in July to waive reconnect fee (\$100) through September due to the drought and economic hardship. Also available now is online service for users for account details and email notifications for account updates. The PEC Youth Tour Program is underway and the topic is Renewable Green Energy and It's Impact on Texas. Applications are available at all PEC offices, online and at all high schools.

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, August 11, 2009
- B. Approval of Regular Meeting Minutes, August 18, 2009
- C. Approval of Treasurer's Report for August 2009
- D. Approval of Request from Dripping Springs United Methodist Church's Junior Bible Quiz Ministry for a Reduction of Fees to Rent a Portion of the Triangle for \$250.00 for their Annual Pumpkin Patch October 10 through November 1, 2009

- E. Acceptance of Proposal from Donald L. Allman, CPA to perform auditing services for the City of Dripping Springs for the fiscal year beginning October 1, 2008 and ending September 30, 2009
- F. Interlocal Agreement between the City of Dripping Springs and Texas Municipal League for Employee Benefits Pool

Councilman Volpe motions to approve items A – F. Councilman Alba seconds. Motion passes, 5-0.

Councilman Phillip motions to move items M,N, O, and P to now. 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 Request – Dripping Springs Presbyterian Church, 100 South Canyonwood Drive, *Nancy Marroquin, Pastor*
 - 1. Presentation – Nancy Marroquin, Pastor, states request for variance. Report on file.
 - 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file. Staff recommends approval with conditions.
 - 3. Planning & Zoning Commission Report - Commissioner Koenig, report on file. States commission approved with staff recommendations.
 - 4. Public Hearing – No one speaks.
 - 5. Sign Variance Request from Section 8.2.13, to Exceed the Maximum Number of Monument Signs Allowed Along a Public Right of Way – Councilman Volpe motions to approve with staff recommendations. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

- B. Sign Variance Request – Dripping Springs Pharmacy, 100 Commons, *Mark J. Lander, The Mooreland Group, LLC, Project Manager, Dripping Springs Pharmacy*
 - 1. Presentation – Mark Lander, report on file. Mr. Lander states request and thanks staff.
 - 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file.
 - 3. Planning & Zoning Commission Report - Commissioner Koenig states commission approved and supported staff recommendations.
 - 4. Public Hearing – No one speaks.
 - 5. Sign Variance Request from Section 8.2.19, to Exceed the Maximum Signable Area of a Projecting Sign – Mayor Pro Tem Foulds motions to approve subject to staff recommendations and removal of non conforming signs within 30 days. Councilman Alba seconds. Motion passes, 5-0.

- C. Sign Variance Request – Crossroads Hair Design, 27951 Ranch Road 12, *Kristi Kiewlich, Owner*
 - 1. Presentation – Kristi Kiewlich, states request for variance, report on file.
 - 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file. Staff recommends approval with condition that applicant bear responsibility of moving sign for any future utility repairs necessary.
 - 3. Planning & Zoning Commission Report – Commissioner Koenig states commission approved with staff recommendations.
 - 4. Public Hearing – No one speaks.
 - 5. Sign Variance Request from Section 8.1.4, Setback from Right-of-Way – Councilman Williams motions to approve with staff recommendations. Councilman Alba seconds. Motion passes, 5-0.

- D. Sign Variance Request – Walgreens/Red Box, 27495 Ranch Road 12, *Lee Ritchey, Walgreens Store Manager*
1. Presentation – Lee Ritchey, states request, report on file.
 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file. Staff recommends denial.
 3. Planning & Zoning Commission Report - Commissioner Koenig states commission supported staff recommendations for denial.
 4. Public Hearing – Citizen states support for Red Box.
 5. Sign Variance Request from Section 6, Non Conforming Signs, 6.4, Permits for Other Signs – Councilman Volpe motions to deny. Councilman Williams seconds. Motion passes, 5-0.
 6. Sign Variance Request from Section 9.2.1, Cumulative Sign Limitations for a Single Unit Property in a Non-Residential Area on a Corner Lot – Councilman Volpe motions to deny. Councilman Williams seconds. Motion passes, 5-0.
- E. Ordinance No. 1220.48 – 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: 28515 Ranch Road 12, Abs 415, Philip A. Smith Survey, 1.00 ac., R17880, from Single Family Four (SF-4) to Commercial Services (CS), *John Rosato and Carolyn Shilthuis, Owners*
1. Presentation – None.
 2. Development Coordinator’s Report – Development Coordinator Jon Thompson, report on file. Staff recommends approval of LR, local retail.
 3. Planning & Zoning Commission Report – Commissioner Koenig states Commission supported staff recommendations.
 4. Public Hearing – No one speaks.
 5. Ordinance No. 1220.48 – Councilman Volpe motions to approve with staff recommendation of LR. Councilman Williams seconds. Motion passes, 5-0.
- F. Site Plan – Hays County WCID # 1 Wastewater Treatment Plant Expansion, *12930 Nutty Brown Rd*
1. Presentation – Felix Manka, states plan, 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.
 4. Public Hearing – No one speaks.
 5. Site Plan – Mayor Pro Tem Foulds motions to approve. Councilman Phillip seconds. Motion passes, 5-0.

VI. REPORTS OF AGENCIES, COMMISSIONS & STAFF

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

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 extend lease for 30 days for work to be completed and financial reimbursement to be made. Councilman Volpe seconds. Motion passes, 5-0.
- B. Facilities Use Agreement between the City of Dripping Springs and the Dripping Springs Lions Club for the 2009 Christmas on Mercer Street Event – Councilman Phillip motions to approve. Councilman Volpe seconds. Motion passes, 5-0.
- C. Request from the Dripping Springs Youth Sports Association to Hold “Founders Under the Stars” Fundraising Event at Founders Memorial Park on October 3,

- 2009 – Veronica Langner and Kelli Baumann, available for questions. City Administrator Michelle Fischer states to council to address alcohol sales, time of event related to live music, and fee to charge for rental of facility. Councilman Phillip motions to approve request for event with condition to abide to staff recommendations including parking. Mayor Pro Tem Foulds makes a friendly amendment to cut alcohol sales at 9:00 p.m. Councilman Phillip retracts his motion. Mayor Pro Tem Foulds motions to approve with staff recommendations and alcohol sales stopping at 9:00 p.m. and a final parking plan presented to staff and park restored to prior condition. Councilman Volpe seconds. Motion passes, 5-0.
- D. Request from Dripping Springs Youth Sports Association for City to Apply to Dripping Springs Water Supply Corporation and the Lower Colorado River Authority for Variances to Irrigate Sports and Recreation Park and Founders Memorial Park Fields Under Water Restrictions – Councilman Volpe motions to table. Councilman Phillip seconds. Motion passes, 5-0.
- E. Performance Contract between the City of Dripping Springs and John Wolfe for Wild West Festival – Councilman Volpe motions to approve. Councilman Williams seconds. Motion passes, 5-0.
- F. Proposed Fiscal Year 2010 Budget and Proposed 2009 Ad Valorem Tax Rate of \$0.1025 per \$100.00 assessed valuation
1. Public Hearing – No one speaks.
- G. Resolution No. 2009-29 - A Resolution of the City of Dripping Springs Accepting Construction and Public Dedication of Street and Right-Of-Way Improvements for Creek Road – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 5-0.
- H. Ordinance No.1220.49 - An Ordinance of the City of Dripping Springs Amending the City's Zoning Ordinance Sections 3.8.3 (a), Multi family, 3.11.3(a) General Retail, and 3.12.3(a) Commercial Services to delete the language of "two stories" in the Height Regulations sections and limit the height of Main Buildings to forty feet (40') as currently exists in these same sections
1. Staff Report – Development Coordinator Jon Thompson, report on file. Staff recommends approval.
 2. Planning & Zoning Commission Report – Commissioner Koenig states commission approved 7-0.
 3. Public Hearing – No one speaks.
 4. Ordinance No.1220.49 – Councilman Volpe motions to deny. Councilman Williams seconds. Motion passes, 3-2. Mayor Pro Tem Foulds and Councilman Alba opposed.
- I. 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 – Councilman Volpe motions to table. Councilman Williams seconds. Motion passes, 5-0.
- J. Commercial Hall Tract Development Agreement between the City of Dripping Springs and Aus S.T. Kyle, Ltd, 17.5870 acres, situated in the George W. Lindsay Survey No. 138, Abstract No. 289, and the Edward W. Brown Survey No. 136, Abstract No. 44, both in Hays County Texas, Volume 2724, Page 103), *John Lloyd, Owner*
1. Presentation – Ken Martin, Murphee Engineering, available for questions.
 2. Development Coordinator's Report – Development Coordinator Jon Thompson, staff recommends plan B.
 3. Planning & Zoning Commission Report – Commissioner Koenig states support for Plan B.
 4. Public Hearing – Brad Highum, pastor of New Life Lutheran Church. States the church has purchased land within this tract. States concern for safety

within plan B. Mr. Highum presents a plan signed by the engineers supporting their access points.

5. Alternate Standard to Allow Appropriation of Impervious Cover on a Lot by Lot basis, not to exceed eighty percent (80%) impervious cover on each lot and not to exceed sixty percent (60%) over the entire project. -
6. Commercial Hall Tract Development Agreement – Councilman Volpe motions to table. Councilman Williams seconds. Motion passes, 5-0.

K. Residential Hall Tract Development Agreement between the City of DrippingSprings and Aus S.T. Kyle, Ltd, 132.6017 acres, situated in the George W. Lindsay Survey No. 138, Abstract No. 289, the Edward W. Brown Survey No. 136, Abstract No. 44 and the Philip A. Smith Survey No. 26, Abstract No. 415, all in Hays County, Texas, Volume 2724, Page 103, *John Lloyd, Owner*

1. Presentation – Ken Martin, available for questions.
2. Development Coordinator’s Report – Development Coordinator Jon Thompson. Staff supports plan B.
3. Planning & Zoning Commission Report – Commissioner Koenig states commission supported plan B.
4. Public Hearing – No one speaks.
5. Variance from Subdivision Ordinance No. 1230.6, Section 11.3.4--Approach Roads and Access: Variance to allow a single point for vehicular access for a subdivision with more than 50 lots. -
6. Variance from Subdivision Ordinance No. 1230.6, Section 11.3.4(b) and Section 14.2—Lot Frontage: Variance to allow a minimum lot frontage of 20 feet for flag lots. -
7. Variance from Subdivision Ordinance No. 1230.6, Section 14.3—Irregular Shaped Lots: Variance to allow irregular shaped lots and/or flag lots. -
8. Variance from Subdivision Ordinance No. 1230.6, Section 11.21.1—Maximum Block Length (Urban Subdivision): Variance to allow residential blocks in an urban subdivision to exceed one thousand two hundred (1,200) feet between the center lines of intersections. -
9. Variance from Subdivision Ordinance No. 1230.6 , Section 11.22—Cul-de-Sac: Variance to Allow a Cul-de-Sac Street length in excess of 2,000 feet.
10. Variance from Zoning Ordinance No. 1220.01, Section 3.4.4—Minimum Lot Setback Requirements: Variance to allow a minimum of 10 foot side yard and 15 foot rear yard setbacks. -
11. Variance from Zoning Ordinance No. 1220.01, Section 3.4.4—Area Regulations: Variance to Allow up to 50% Impervious Cover on a Lot. -
12. Variance from Zoning Ordinance No. 1220.01, Section 5.23—Flag Lots: Variance to Allow Flag Lots in Excess of ten percent (10%) of the entire Subdivision. -
13. Residential Hall Tract Development Agreement – Councilman Volpe motions to table. Councilman Phillip seconds. Motion passes, 5-0.

L. Ordinance No. 1940.10 - An Ordinance of the City of Dripping Springs Establishing Regulations for an Identity Theft Prevention Program; Providing for the following: Rules; Standards; Procedures; Providing a Repealing Clause; Providing a Severability Clause; and Providing an Effective Date

1. Public Hearing – No one speaks.
2. Ordinance No. 1940.10 – Councilman Williams motions to approve. Councilman Phillip seconds. Motion passes, 5-0.

M. Wastewater Service Impact Agreement between the City of Dripping Springs and Dripping Springs Independent School District – Councilman Phillip motions to authorize the Mayor to execute, on behalf of the City, the Wastewater Service and Impact Fee Agreement between the Dripping Springs

Independent School District and the City, with delegation to the Mayor to determine the final number of LUEs to be inserted into the Agreement, as the Mayor determines based on the further discussion and agreement on that number by the City's and the District's engineers. Councilman Williams seconds. Motion passes, 4-1-0. Councilman Alba abstains.

- N. 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 Williams motions to approve 30 day extension. Councilman Phillip seconds for discussion. Mayor Pro Tem Foulds proposes a friendly amendment of 60 days. Councilman Phillip accept. Councilman Williams accepts. Motion passes, 4-1-0. Councilman Alba abstains.

- O. 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 – Councilman Williams motions to approve. Councilman Volpe seconds. Motion passes, 4-1-0. Councilman Alba abstains.

- P. Ordinance No. 1720.8 - Amendment to City of Dripping Springs "Ordinance Establishing Wastewater Service Rates, Charges, and Tap Fees and Adopting General Policies with Respect to the City's Wastewater System," to revise City wastewater rates, and to codify the ordinance in City of Dripping Springs Code of Ordinances at Vol. 1, Art. 10: Utilities, Ch. 4, Wastewater & Sewer, Subch. A: General Policies and Rates
 - 1. Public Hearing - No one speaks.
 - 2. Ordinance No. 1720.8 – Councilman Williams motions to approve. Councilman Volpe seconds. Motion passes, 5-0.

- Q. Appointment of Comprehensive Plan Steering Committee Members – Staff requests names by Friday, September 11th.

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 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)

- B. Consultation with City Attorney Regarding 551.072 (Deliberations about Real Property)

- C. Consultation with City Attorney Regarding Wastewater Service Impact Agreement between the City of Dripping Springs and Dripping Springs Independent School District 551.071 (Consultation with Attorney)

- D. Consultation with City Attorney Regarding Ordinance No. 1720.8 - Amendment to City of Dripping Springs "Ordinance Establishing Wastewater Service Rates, Charges, and Tap Fees and Adopting General Policies with Respect to the City's Wastewater System," to revise City wastewater rates, and to codify the ordinance in City of Dripping Springs Code of Ordinances at Vol. 1, Art. 10:

Utilities, Ch. 4, Wastewater & Sewer, Subch. A: General Policies and Rates
551.071 (Consultation with Attorney)

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, September 15, 2009
- B. Regular Parks & Recreation Meeting, September 14, 2009
- C. Regular Planning & Zoning Commission Meeting, September 22, 2009
- D. Regular Historic Preservation Commission Meeting, October 5, 2009
- E. Regular Founders Day Commission Meeting, TBD

X. ADJOURN

Mayor Pro Tem Foulds motions to approve. Councilman Williams seconds. Motion passes, 5-0. Meeting adjourned at 8:45 p.m.