

**City of Dripping Springs  
City Council**

**Regular Meeting Agenda  
Tuesday, December 8, 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

**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).*

- 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 City's response to the December 1, 2009 request from Legend Healthcare/Hill Country Care to extend the time to negotiate a written Utility Agreement between the owner and the City, and the owner's request for reservation of wastewater capacity in Phase II of the City's South Regional Wastewater Treatment Plant in order to serve the owner's existing and future development (*551.071: Consultation with Attorney*)
- D. Discussion of Employee Pay, Benefits, and Performance Pay Incentives for City Staff (*551.074: Personnel Matters*)
- E. Discussion of Hourly Pay Rates for Legal Services Provided by the City Attorney, Bojorquez Law Firm (*551.071: Consultation with Attorney, 551.074: Personnel Matters*)

**IV. RECESS**

**V. RECONVENE AT 7:00 p.m.**

**VI. PLEDGE OF ALLEGIANCE**

- A. Pledge of Allegiance

**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.*

- A. Update from Pedernales Electric Cooperative, *Tim Nance*

**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 Meeting Minutes, November 10, 2009
- B. Treasurer's Report November 2009
- C. Appointment of June Baumel to Serve as Harrison Ranch Park Steering Committee Chair

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

***Consideration and Possible Action On:***

- A. Sign Variance Request – Gana Specific Chiropractic, 211 Mercer Street, *Dr. Russell Gana, Owner*
  - 1. Presentation
  - 2. Sign Administrator's Report
  - 3. Planning & Zoning Commission Report
  - 4. Public Hearing
  - 5. Sign Variance Request from Section 8.2.19 (a), Projecting Signs, to Exceed Allowable Number of Signs

**X. 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 – *Planning Director Jon Thompson*
- B. Update on Comprehensive Plan – *City Administrator Michelle Fischer*

## **XI. BUSINESS**

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

- A. Petition Requesting Annexation for inclusion of the following properties into the City of Dripping Springs Corporate City Limits:

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, being a portion of that 157.2938 acre tract conveyed to Aus S. T. Kyle, Ltd. By deed recorded in Volume 2724, Page 103 of the Deed of Records and Document No. 05019805 of the Official Public Records; and

7.1050 acres, situated in the George W. Lindsay Survey No. 138, Abstract No. 289 and the Philip A. Smith Survey No. 26, Abstract No. 415, both in Hays County, Texas, being a portion of that 157.2938 acre tract conveyed to Aus. S. T. Kyle, Ltd, by deed recorded in Volume 2724, Page 103 of the Deed Records and Document No. 05019805 of the Official Public Records

1. Public Hearing
2. Acceptance of Petition

- B. Economic Development Agreement between the City of Dripping Springs and Mak Foster Ranch, L.P.

- C. Treatment of Oak Wilt at Charro Ranch Park
1. Presentation by Oak Wilt Specialist
  2. Parks & Recreation Commission Report
  3. Approval of Treatment Plan

- D. Proposal to Erect Barrier Post and Chains at the Triangle

- E. Participation of High School Interact Group in Adopt-a-Park Program at Charro Ranch Park

- F. Open Ride Nights at Harrison Ranch Park

- G. City Sponsored Play Days at Harrison Ranch Park

- H. Creation of a Non-Profit 501(c)3 Organization for City Parks, Recreation, and Open Space Funding and Support of Land Acquisition, Planning, Improvements and Programs

- I. City's response to the December 1, 2009 request from Legend Healthcare/Hill Country Care to extend the time to negotiate a written Utility Agreement between the owner and the City, and the owner's request for reservation of wastewater capacity in Phase II of the City's South Regional Wastewater Treatment Plant in order to serve the owner's existing and future development

- J. Ordinance No. 1220.23 – An Ordinance of the City of Dripping Springs Amending the City's Sign Ordinance
1. City Staff Report
  2. Planning & Zoning Commission Report
  3. Public Hearing
  4. Ordinance No. 1220.23

- K. Ordinance No. 1070.47– An Ordinance of the City of Dripping Springs Amending the Fee Schedule Regarding Sign Permit Fees for Banners

- L. 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

M. 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

N. City of Dripping Springs Development of South Regional Wastewater System Contract 4, Drip Irrigation Facilities

1. Change Order No. 2
2. Resolution No. 2010- 6 – Acceptance of Drip Irrigation Facilities and Authorization of Final Payment

## **XII. EXECUTIVE SESSION**

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## **XIII. ANNOUNCEMENTS**

- A. Regular City Council Meeting, December 15, 2009
- B. Regular Parks & Recreation Meeting, December 14, 2009
- C. Regular Planning & Zoning Commission Meeting, December 15, 2009
- D. Regular Historic Preservation Commission Meeting, January 4, 2010
- E. Regular Founders Day Commission Meeting, January 12, 2010

## **XIV. ADJOURN**

*Notice is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated. I certify that the above notice of meeting was posted on the bulletin board at City of Dripping Springs City Hall and the City Dripping Springs website, [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com) on the \_\_\_\_\_ of \_\_\_\_\_, 2009 at \_\_\_\_\_ o'clock \_\_M.*

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*Jo Ann Touchstone, City Secretary*

*All agenda items listed above are eligible for discussion and action unless otherwise specifically noted.*

*This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.*