

**City of Dripping Springs  
City Council**

**Regular Meeting Agenda  
Tuesday, June 9, 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

**II. PLEDGE OF ALLEGIANCE**

A. Pledge of Allegiance

**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 Tim Nance with Pedernales Electric Cooperative

**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 Special and Regular Meeting Minutes, May 12, 2009

B. Approval of Special and Regular Meeting Minutes, May 19, 2009

C. Approval of Treasurer's Report May for 2009

D. Resolution No. 2009-19 – A Resolution of the City of Dripping Springs Acknowledging and Waiving Potential Conflicts Disclosed by a Specific City Contractor as Required by Ordinance 1010.1

E. Appointment of Parks & Recreation Commissioners, Terms to Expire June 2011: Alan Atwood (DSISD), Santos Alba (City), Brad Thomas (City), Scott Davis (DSYSA)

F. Appointment of Historic Preservation Commissioners, Terms to Expire June 2011: Ted Lehr (Planning and Zoning Commissioner), H.C. Carter (District Property Owner)

G. Resolution No. 2009-22 - A Resolution of The City of Dripping Springs Authorizing Execution of a Funding Agreement Between the City and the

Chamber of Commerce for Economic Development, Tourism, and Visitors Services Funded by the Hotel Occupancy Tax

- H. Resolution No. 2009-23 - A Resolution of The City of Dripping Springs Authorizing Execution of a Funding Agreement Between the City and the Friends of the Pound House Foundation for Economic Development, Tourism, and Visitors Services Funded by the Hotel Occupancy Tax R

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

*Consideration and Possible Action on:*

- A. Ordinance No. 1803.62 - An Ordinance of the City of Dripping Spring Annexing the following property into the City of Dripping Springs Corporate City Limits:

55.72 Acre Tract of Land Being a Portion of Lot 2, Block C, Poundhouse Hills, Section Two, *Stephen Smith, Owner, Morningstar Development, L.L.C*

1. Public Hearing
2. Ordinance No. 1830.62

- B. Roger Hanks Apartments Site Development Permit extension request, Roger Hanks Park Subdivision, Lots 13 through 17, *Whit Hanks, Owner*

1. Presentation
2. Development Coordinator's Report
3. Planning & Zoning Commission Report
4. Public Hearing
5. Approval of Extension

- C. Dripping Springs Independent School District (New High School) Package 4 Site Development Plan, 940 Hwy 290W, *Mard Herrick, Ph.D., Superintendent*

1. Presentation
2. Development Coordinator's Report
3. Planning & Zoning Commission Report
4. Public Hearing
5. Site Plan

- D. Ordinance No. 1220.46 – 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: Peabody Plaza, Section 1, Lot 5 from AG – Agricultural to CS – Commercial, (*Gateway Medical Center, 2250 US Hwy 290, Mark J. Lander, Owner*)

1. Presentation
2. Development Coordinator's Report
3. Planning & Zoning Commission Report
4. Public Hearing
5. Ordinance No. 1220.46

- E. First Baptist Church, 203 W. US Hwy 290 – Special Exception from Zoning Ordinance 1220.01, Section 5.29, requirements for an increase to the building setback lines to the front, sides, and rear by one foot horizontally for every one foot the building exceeds the height limitation vertically due to hardship, *Charlie Haydon, Building Committee Chairman*

1. Presentation
2. Development Coordinator's Report
3. Planning & Zoning Commission Report
4. Public Hearing
5. Special Exception

- F. Leal Vineyard – Site Plan, Phase 1, 3601 Creek Road, *Frank Leal, Owner*

1. Presentation

2. Development Coordinator's Report
  3. Planning & Zoning Commission Report
  4. Public Hearing
  5. Site Plan
- G. Dripping Springs Ranch, Phase 2, Tr 4 – Replat & Construction Plans, Fawn Meadow Drive and Cattle Trail Drive, *Gene Williams, Owner*
1. Presentation
  2. Development Coordinator's Report
  3. Planning & Zoning Commission Report
  4. Public Hearing
  5. Replat & Construction Plans
- H. Rancho Bella – Preliminary & Final Plat, Fawn Meadow Drive and Cattle Trail Drive, *Gene Williams, Owner*
1. Presentation
  2. Development Coordinator's Report
  3. Planning & Zoning Commission Report
  4. Public Hearing
  5. Preliminary & Final Plat
- I. 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
  2. Development Coordinator's Report
  3. Planning & Zoning Commission Report
  4. Public Hearing
  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
- J. Residential Hall Tract Development Agreement between the City of Dripping Springs 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
  2. Development Coordinator's Report
  3. Planning & Zoning Commission Report
  4. Public Hearing
  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
- K. Reconsideration of Master Signage Plan & Sign Variance Requests to Allow Off Premise Directional Signs– Belterra, *Eric Willis, Director of Finance Operations, Makar Properties*
1. Presentation
  2. Sign Administrator’s Report
  3. Public Hearing
  4. Sign B13 – Southbound Belterra Drive, Directional
  5. Sign B14 – Northbound Belterra Drive, Directional
  6. Sign B15 – Southbound Belterra Drive, Directional
  7. Sign B16 – Southbound Estes Drive, Directional
  8. Sign B17 – Northbound Belterra Drive, Informational
  9. Sign B18 – Northbound Belterra Drive, Informational
  10. Sign B19 – Northbound Belterra Drive, Informational
  11. Sign B21 – Eastbound Trinity Hills Drive, Directional

## **VI. BUSINESS**

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

- A. Request from the Friends of the Pound House Foundation for Waiver of Site Development Permit Fee and Building Permit Fee for the Instillation of a Portable Building to Serve as Office and Welcome Center at 570 Founders Park Road, *Dr. Dennis Cannon, Vice President*
- B. Request from Van Granger of Frosty’s Christmas Trees to Rent a Portion of the Triangle from November 25<sup>th</sup> through December 23<sup>rd</sup>, 2009 for the Annual Sale of Christmas Trees, *Van Granger, Owner*
- C. Resolution No. 2009-20 – An Ordinance of the City of Dripping Springs Adopting by Rule a "Wastewater Extension Policy" to Govern Extensions of the City's South Regional Wastewater System Collection Lines
- D. Resolution No. 2009-21 – A Resolution of the City of Dripping Springs Authorizing the Application to the Go Texan Rural Community Bootstrap Bucks Program
- E. Agreement between the City of Dripping Springs and Weigelt Enterprises, LLC for Rob Shelton Boulevard and Pond Landscaping and Irrigation Maintenance
- F. Request from Kirby Springs Ranch Property Owners Association for Waiver or Reduction of Building Permit Fee for Installation of A Security Gate at Kirby Springs Subdivision Entry, *Sherrie Parks, President*
- G. Memorandum of Understanding between the City and the Dripping Springs Independent School District Regarding Wastewater Service and Impact Fees
- H. Ordinance No. 1550.10 – An Ordinance of the City of Dripping Springs Creating the Dripping Springs Farmers Market Association
- I. Adoption of the Dripping Springs Farmers Market Rules and Regulations

- J. Ordinance No. 1070.44 – An Ordinance Amending the Fee Schedule Ordinance 1070.1, Setting Fees for the City of Dripping Springs Farmers Market
- K. Letter of Intent between Howard Land & Cattle, Ltd., a Texas limited partnership (Howard), and the City regarding wastewater impact fees and the parties intent to transfer to the City certain real property rights to install subsurface wastewater drip irrigation for the disposal of treated domestic wastewater on property owned by Howard adjacent to the City’s existing South Regional Wastewater Treatment Facilities located at 23127 RR 150, Dripping Springs 78620 and related utility service agreements.
- L. Casting of City’s Votes in the Pedernales Electric Cooperative General Board Election

**VII. 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 “Letter of Intent” between Howard Land & Cattle, Ltd., a Texas limited partnership (Howard), and the City regarding the parties intent to transfer to the City certain real property rights to install subsurface wastewater drip irrigation for the disposal of treated domestic wastewater on property owned by Howard adjacent to the City’s existing South Regional Wastewater Treatment Facilities located at 23127 RR 150, Dripping Springs 78620 and related negotiations regarding impact fees and wastewater utility service *(551.071: Consultation with Attorney and 551.072: Purchase, Exchange, Lease or Value of Real Property).*
- B. Consultation with City attorney regarding payment of impact fees under the terms of the June 6, 2007 “Wastewater Service and Impact Fee Agreement between Howard Land & Cattle, Ltd. and the City of Dripping Springs *(551.071: Consultation with Attorney and 551.072)*
- C. Consultation with City Attorney regarding deliberations about real property acquisition for improvements and extension of Roger Hanks Parkway *551.072 (Deliberations about Real Property)*
- D. Consultation with City Attorney regarding the Memorandum of Understanding between the City and the Dripping Springs Independent School District regarding wastewater service and impact fees. *(551.071: Consultation with Attorney)*
- E. 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)*
- F. Consultation with City Attorney Regarding Commercial Lease Agreement for the Dear Hall Office Spaces Between the City of Dripping Springs and Grace Food Pantry, *551.071 (Consultation with Attorney)*

**VIII. ANNOUNCEMENTS**

- A. Regular City Council Meeting, June 16, 2009
- B. Regular Parks & Recreation Meeting, June 22, 2009
- C. Regular Planning & Zoning Commission Meeting, June 23, 2009
- D. Regular Historic Preservation Commission Meeting, July 6, 2009
- E. Regular Founders Day Commission Meeting, June 16, 2009

**IX. 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 Dripping Springs Postal Service Building on the \_\_\_\_\_ of \_\_\_\_\_, 2009 at \_\_\_\_\_ o'clock \_\_M. I further certify that the following News media was properly notified of this meeting as stated above:  
Century News and News Dispatch.*

---

*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.*