

**CITY OF DRIPPING SPRINGS
CITY COUNCIL**

**Regular Meeting Agenda
Tuesday, June 10, 2008
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
City Treasurer Gina Gillis
Planning & Zoning Commission Chair Craig Koenig

City Secretary Jo Ann Touchstone
City Attorney Roger Gordon
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 on each citizen wishing to speak.

- A. Update from Tim Nance with Pedernales Electric Cooperative
- B. Wade and Jacque King Regarding North Forty Neighborhood Concerns

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 Meeting Minutes, May 13, 2008
- B. Approval of Regular Meeting Minutes, May 20, 2008
- C. Approval of Special Meeting Minutes, May 27, 2008
- D. Approval of Treasurer's Report for May 2008
- E. Amendment to the Economic Development Agreement between the City of Dripping Springs and B & O Investors, LTD
- F. Appointment of Founders Day Commissioners, Terms to Expire June 2010: Paul Minigh (Cook Off 1); Stephanie Holtzendorf (Cook Off 2); Pun Nio (Chamber)
- G. Appointment of Parks & Recreation Commissioners, Terms to Expire June 2010: Dan Jackson (DSYSA); Eddie Oliver (DSISD) and Rex Miller (DSISD)
- H. Appointment of Historic Preservation Commissioners, Terms to Expire June 2010: June Baumoel, Charles Haydon and Kelli Tucker
- F. Appointment of Planning & Zoning Commissioners, Terms to Expire June 2010: Craig Osborn (City Limits), Ted Lehr (ETJ), and Charles Busbey (City Limits)

V. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS

Consideration and Possible Action on:

- A. Dripping Springs Hardware - Site Development Plan (28000 RR 12)**
1. Presentation
 2. Development Coordinator's Report
 3. Planning & Zoning Commission Report
 4. Public Hearing
 5. Special Exception from Zoning Ordinance 1220.10, Commercial Parking Requirements
 6. Alternative Exterior Design Plan
 7. Site Development Plan
- B. Request for a Variance from the City's On-Site Sewage Facility Rules to Allow the Pump and Haul of Wastewater Effluent and Sewage on a Temporary Basis for The Springs Retail Center (333 East Hwy 290 West)**
1. Staff Report
 2. Public Hearing
 3. Variance
- C. Request for a Variance from the City's On-Site Sewage Facility Rules to Allow the Pump and Haul of Wastewater Effluent and Sewage on a Temporary Basis for Triple S Petroleum (104 East Hwy. 290 West)**
1. Staff Report
 2. Public Hearing
 3. Variance
- D. Dripping Springs Retail Center, Lot 1, Block A – Vacation of Plat
Dripping Springs Retail Center Lots 2 & 3, Block A – Vacation of Plat
Dripping Springs Retail Center, Lot 1A, Block A–Subdivision
Dripping Springs Retail Center, Lots 2A, 3A, & 7A, Block A–Subdivision**
1. Presentation
 2. Development Coordinator's Report
 3. Planning & Zoning Commission Report
 4. Public Hearing
 5. Vacation of Plats
 6. Subdivision
- E. Lot 43-A, Section 1, Big Country – Re-plat**
1. Presentation
 2. Development Coordinator's Report
 3. Planning & Zoning Commission Report
 4. Public Hearing
 5. Re-plat
- F. Development Agreement between the City of Dripping Springs and Center Lake Business Park, Inc., Center Springs Business Park, LLC and Mitchell Whiddon Office Park, Inc. ; 14.49 Acres (Tract 5) which was Conveyed to Billie Wayne Key and Charlotte E. Key, in a Warranty Deed Recorded in Volume 561, Page 862, of the Real Property Records of Hays County, Texas, (Located at 14101 West Hwy 290) and 14.477 Acre (630,624 Square Foot) Tract of Land out of the E.B. Hargrave Survey, Abstract No. 240, Hays County, Texas, and being that same tract called 14.49 acres as Described in a Deed to Mitchell Whiddon, Recorded in Volume 1252, Page 244, Official Public Records of Hays County, Texas, (Located at 13701 West Hwy 290)**
- G. Reconsideration of Walgreens # 12029 - Variance Request to exceed the maximum number of signs allowed by Subsection G. Quantity, Section VI. Sign Standards, Ordinance No. 1250.17 (located at intersection of Hwy 290 West and RR 12)**
1. Presentation
 2. Sign Administrator's Report
 3. Planning & Zoning Commission Report
 4. Public Hearing

5. Variance Request

VI. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Planning & Zoning Commission-Chair Craig Koenig
- B. Public Health-Wastewater System Update-Mayor Pro Tem Bill Foulds
- C. Parks, Recreation & Open Space – Parks Director Kelly Schmidt

VII. NEW BUSINESS

Consideration and Possible Action on:

- A. Report from Dripping Springs Youth Sports Association President Robbie Zamora on Five Year Plan and Progress of Field Improvements at Founders Memorial Park
- B. Clearing and Storage Fill Agreement for Founders Memorial Park between City of Dripping Springs and Dripping Springs Youth Sports Association
- C. Resolution No.2008-19 - Resolution of the City of Dripping Springs Authorizing the Submission of a Budget Modification Request Under Contracts #725261 and #727119 to the Office of Rural Community Affairs for the Community Development Fund Under the Texas Community Development Program
- D. Resolution No. 2008-20 – A Resolution of the City of Dripping Springs Approving an Application for Funding Through the Texas Department of Agriculture Downtown Revitalization Program and Authorizing a Match Expenditure
- E. Pedernales Electric Cooperative Votes for Board of Directors Election
- F. Interlocal Joint Billing Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation
- G. Discussion of Water and Wastewater Line Separation Distances
- H. Ordinance No. 1710.02 – An Ordinance of the City of Dripping Springs Amending the City of Dripping Springs On Site Sewage Facility Ordinance 1710.01 – Amending On Site Sewage Facility Rules
 - 1. Environmental Health & OSSF Inspector’s Report
 - 2. Planning & Zoning Commission Report
 - 3. Public Hearing
 - 4. Ordinance No. 1710.02
- I. Ordinance No.1240.06: Temporary Moratorium Ordinance: An Ordinance Of The City Of Dripping Springs, Texas, Establishing A Temporary Moratorium On The Construction Of New Commercial Signs Of A Certain Type And Size; And Providing For The Following: Popular Name; Findings Of Fact; A Purpose; Compliance Required; Scope Of Jurisdiction; Applicability; Effective Date; Duration; Temporary Prohibition Against Certain Signs; Enforcement, Including Criminal Fines Not To Exceed \$500.00 And Civil Penalties Not To Exceed \$1,000.00 Per Violation; A Repealer; Severability; And Proper Notice And Meeting.
 - 1. Public Hearing
 - 2. Ordinance No. 1240.06
- J. Ordinance No. 1220.35 – Amending Volume 2, Article 15, Chapter 23 Of The Dripping Springs Code Of Ordinances, The Zoning Ordinance Of The City Of Dripping Springs; Providing The Following Changes: Changing The Definition Of Accessory Building In Residential Context; Changing The Following Special Provisions For Home Occupations Regulations: Home Occupation Shall Take Place Primarily Within Dwelling And An Accessory Building Complying With Section 5.34.2. Of The Zoning Ordinance; Accessory Building Shall Be No More Than Eight Hundred (800) Square Feet; Accessory Building Shall Not Be Overly Prominent From The Public Right-Of-Way Or Street; Home Occupation Shall Not Be Conducted Primarily In Temporary Building As Defined By “Definitions” In Zoning Ordinance

1. Development Coordinator's Report
 2. Planning & Zoning Commission Report
 3. Public Hearing
 4. Ordinance No. 1220.35
- K. Real Estate Sales Contract between the City of Dripping Springs and Spring Valley Fellowship Regarding .09 Acres of Land for Sports Park Road Improvements
- L. Ordinance No.1070.36: An Ordinance of the City of Dripping Springs Amending the City's Fee Schedule to Adopt an Itinerant Vendor License Application Fee, Commercial Demolition Permit Fee, and Driveway and Street Cut Permit Fee
1. Staff Report
 2. Public Hearing
 3. Ord. No. 1070.36
- M. Wholesale Water Services Agreement Between Lower Colorado River Authority and City of Dripping Springs, Texas, For Headwaters Municipal Utility District
- N. Reconsideration of Interlocal Agreement between the City of Dripping Springs and Headwaters Municipal Utility District of Hays County, Texas regarding Water Service to the District
- O. Amendment to the "Agreement Concerning Creation and Operation of Headwaters Municipal Utility District by and among the City of Dripping Springs, Texas, Townes Family Trust and Headwaters Development Company ("Landowners"), and Headwaters Municipal Utility District (the "MUD")" to adjust the maximum amount of bonds that may be issued by the MUD for the construction of water, sewer and drainage infrastructure from \$40 million to \$58 million
- P. Amendment to Development Agreement between the City of Dripping Springs and Townes Family Trust, and Headwaters Development Company for the Headwaters at Barton Creek
- Q. 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
- R. Appointment of City Inspector
- S. South Regional Wastewater System Contracts 2, 3, and 4 for Wastewater Collection System, Wastewater Treatment Facilities, and Subsurface Drip Irrigation System
1. Key Enterprises, Inc.
 2. Precision Commercial Plumbing
 3. Keystone Construction, Inc.
- T. Settlement Agreement Among the City, Hays County Water Control and Improvement District No. 1, the Texas Commission on Environmental Quality and other protesting parties in SOAH Docket No. 582-08-0202/TCEQ Docket No. 2007-1426-MWD, "In the Matter of the Application to Amend Texas Pollutant Discharge Elimination System Permit No.WQ0014293001 by the Hays County Water Control and Improvement District No. 1," for sewer service to the Belterra Subdivision, and seeking authorization for a direct discharge of 500,000 gallons per day of treated wastewater effluent into Bear Creek
- U. Settlement Agreement Among the City, Hays County Water Control and Improvement District Nos. 1 and 2, and Mak Foster Ranch, L.P., in the matter of "City of Dripping Springs v. Mak Foster Ranch, L.P., Hays County Water Control and Improvement District No. 1, and Hays County Water Control and Improvement District No. 2," Cause No. 08-0553 filed March 31, 2008 in the District Court of Hays County, Texas

- V. Ordinance No. 1720.5: Wastewater Rate Ordinance: An Ordinance Of The City Of Dripping Springs Establishing Wastewater Service Rates, Charges, And Tap Fees And Adopting General Policies With Respect To The City's Wastewater System

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 matters 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. Discussion of Employee Pay and Benefits, for City Inspector (551.074: Personnel Matters)
- B. Option Agreement between the City of Dripping Springs and McAden Development, Inc. for Lot 1 of Veterans Memorial Park Subdivision in Hays County, Texas 551.072 (Deliberations about Real Property)
- C. Consultation with City Attorney regarding Acquisition of Land (Stephenson Building located at 101 Old Fitzhugh Road and Karhan Park located at 435 Shane Lane) 551.072 (Deliberations about Real Property)
- D. Consultation with City Attorney regarding the Interlocal Joint Billing Agreement between the City of Dripping Springs and the Dripping Springs Water Supply Corporation (551.071: Consultation with Attorney)
- E. Dripping Springs Water Supply Corporation Water Line and City Wastewater Line Separation (551.071: Consultation with Attorney)
- F. Consultation with City Attorney regarding the Wholesale Water Services Agreement Between Lower Colorado River Authority and City of Dripping Springs, Texas, For Headwaters Municipal Utility District (551.071: Consultation with Attorney)
- G. Consultation with City Attorney regarding the Interlocal Agreement between the City of Dripping Springs and Headwaters Municipal Utility District of Hays County, Texas regarding Water Service to the District (551.071: Consultation with Attorney)
- H. Consultation with City Attorney regarding the Amendment to the "Agreement Concerning Creation and Operation of Headwaters Municipal Utility District by and among the City of Dripping Springs, Texas, Townes Family Trust and Headwaters Development Company ("Landowners"), and Headwaters Municipal Utility District (the "MUD")" (551.071: Consultation with Attorney)
- I. Consultation with City Attorney Regarding Changing City's Municipal Court to a Court of Record (551.071: Consultation with Attorney)
- J. Consultation with City Attorney regarding "Save our Springs Alliance Inc, vs. City of Dripping Springs; Cypress Hays L.P. and Mak Foster Ranch, L.P.," Cause No. 02-1748 (551.071: Consultation with Attorney)
- K. Consultation with City Attorney regarding Wastewater Service Area for Phase 2 Construction of the City's South Regional Wastewater System (551.071: Consultation with Attorney)
- L. Consultation with City Attorney regarding status and settlement offers in SOAH Docket No. 582-08-0202/TCEQ Docket No. 2007-1426-MWD, "In the Matter of the Application to Amend Texas Pollutant Discharge Elimination System Permit No.WQ0014293001 by the Hays County Water Control and Improvement District No. 1," for sewer service to the Belterra Subdivision, and seeking authorization

for a direct discharge of 500,000 gallons per day of treated wastewater effluent into Bear Creek. (551.071: Consultation with Attorney)

- M. Consultation with City Attorney regarding status and settlement offers in “City of Dripping Springs v. Mak Foster Ranch, L.P., Hays County Water Control and Improvement District No. 1, and Hays County Water Control and Improvement District No. 2,” Cause No. 08-0553 filed March 31, 2008 in the District Court of Hays County, Texas. (551.071: Consultation with Attorney)
- N. Consultation with City Attorney regarding Grandfathered Development Status of Lot 1B of Resubdivision of Lot 1, Caliche Hills Subdivision, Section 1, and Lot 1, Caliche Hills Subdivision, Section 2 (551.071: Consultation with Attorney)
- O. Consultation with City Attorney regarding the parties obligations under the "Wastewater Service and Impact Fee Agreement by and among the City of Dripping Springs and Howard Land and Cattle, Ltd., a Texas limited partnership, whose address is 23255 FM 150 West, Driftwood, Texas 78619, as Owner (551.071: Consultation with Attorney)

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, July 8, 2008
- B. Regular Parks & Recreation Commission Meeting, June 23, 2008
- C. Regular Planning & Zoning Commission Meeting, June 24, 2008
- D. Regular Historic Preservation Commission Meeting, July 7, 2008
- E. Regular Founders Day Commission Meeting, TBD

X. 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 _____, 2008 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.