

**City of Dripping Springs
City Council**

**Regular Meeting Agenda
Tuesday, November 11th, 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

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.

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, October 14th, 2008
B. Approval of Regular Meeting Minutes, October 21st, 2008
C. Approval of Treasurer's Report for 2008

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

Consideration and Possible Action on:

- A. Ordinance No. 1803.59 - An Ordinance of the City of Dripping Spring Annexing the following properties into the City of Dripping Springs Corporate City Limits:

3.45 acre tract of Land Being a Portion of Lot 2, Block C, Poundhouse Hills, Section II, *Stephen Smith, Morningstar Development, LLC*

21.126 acre tract of land out of the Edward W. Brown Survey, No. 136,A-44, Hays County, Texas (Dripping Springs Elementary School), *Mard Herrick, Ph.D, Superintendent*

1. Public Hearing
 2. Ordinance No. 1803.59
- B. Petition Requesting Annexation for inclusion of the following properties into the City of Dripping Springs Corporate City Limits:
- 14.49 acres, more or less, out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas (Centerlake Business Park)
- 14.477 acres, more or less, out of the E.B. Hargraves Survey, Abstract No. 240, in Hays County, Texas (Innerstep Office Park)
1. Public Hearing
 2. Acceptance of Petition
- C. High Pointe – Phase IV, Section 1A - Replat
 High Pointe – Phase IV, Section 1B - Replat
 High Pointe – Phase II, Section IIA, Lot 7, Block C - Replat
1. Presentation
 2. Development Coordinator’s Report
 3. Planning & Zoning Commission’s Report
 4. Public Hearing
 5. Replats

VI. OLD BUSINESS

Consideration and Possible Action on:

- A. Recommendation Regarding Proposals for Solid Waste Services
- B. Recommendation Regarding Proposals for Banking Depository Services
- C. Ordinance 1100.31 - An Ordinance of the City of Dripping Springs Amending the Fiscal Year 2009 Budget for Founders Day Commission Revenues and Expenses
- D. Christmas on Mercer Street Event Participation Agreement between the City of Dripping Springs, Dripping Springs Lions Club and Lonestar Gifts
- E. Sports and Recreation Park Concession Stand Use Agreement between City and Dripping Springs Youth Sports Association
- F. Ordinance No. 1070.40 - An Ordinance of the City of Dripping Springs Amending the Fee Schedule to set fees for Park Use Permits
 1. Public Hearing
 2. Ordinance No. 1070.40
- G. Memorandum of Agreement for Professional Services between the City of Dripping Springs and Lenny Olson
- H. Ordinance No. 1250.19 – An Ordinance Enacting Volume 2, Article 15, Chapter 18 of the Dripping Springs Code of Ordinances; Establishing Regulations for Signs in the City Limits and Extraterritorial Jurisdiction (ETJ); Providing for the Following; Rules; Standards; Procedures; Criminal Penalties; and Severability
 1. Staff Report
 2. Public Hearing
 3. Ordinance No. 1250.19
- I. Billing Information and Water Service Termination Agreement” between the City and the Dripping Springs Water Supply Corporation (“WSC”), providing for the WSC to turn off water service to a WSC customer whose City sewer service account is in arrears for nonpayment, and for the WSC to send the City monthly reports of WSC customer water usage and related customer information

VII. NEW BUSINESS

Consideration and Possible Action on:

- A. Ordinance No. 1220.40 – An Ordinance of the City of Dripping Springs Amending the City’s Subdivision Ordinance to restrict ability to resubdivide contrary to restrictive covenants/deed restrictions and amend minimum lot sizes
 - 1. Staff Report
 - 2. Public Hearing
 - 3. Planning & Zoning Commission Report
 - 4. Ordinance No.1220.40

- B. Ordinance No. 1470.1 - An Ordinance of the City of Dripping Springs Setting Speed Limits and Stop Intersections and Approving Traffic Control Devices
 - 1. Presentation, City Engineer Rick Coneway
 - 2. Public Hearing
 - 3. Ordinance No. 1470.1

- C. Waiver/Reduction of Development Fees in Consideration of Temporary Construction Easement Granted to the City by the Church of the Springs for Use as a Staging Site for Construction Material for Sports Park Road Improvements

- D. Professional Services for Review of Exterior Design Plans for Compliance with Exterior Design and Architectural Standards Ordinance

- E. Acceptance of Bid and Approval of Contract for Creek Road Improvements

- F. Consider granting a 20 foot wide water line utility easement to Dripping Springs Independent School District on a portion of 15,814 square feet of land, P.A. Smith Survey No. 26, Abstract No. 415 (V 1878, P 624 OPRHC) for New High School

- G. Discuss and/or possible action on Resolution No. 2009-5 relating to the Release of Landscape Bond No. 35BSBEC8022 from J. R. Heineman & Sons, Inc. for the Home Depot Store #8995 Project

- H. Ordinance No. 1720.06 – An Ordinance of the City of Dripping Springs Amending the Wastewater Rate Ordinance

- I. City approval of agreement providing for HABC, LTD. to assume all of the rights and obligations of the Headwaters Development Company under the following agreements:
 - 1. April 8, 2008 Interlocal Agreement between the City of Dripping Springs, Texas and Headwaters Municipal Utility District of Hays County, Texas regarding Water Service.
 - 2. January 11, 2008 Agreement for the Creation and Operation of Headwaters Municipal Utility District, by and among the City of Dripping Springs Townes Family Trust (the “Trust”), Headwaters Development Co., a Texas corporation, and Headwaters Municipal Utility District, a municipal utility district organized and operating in Hays County, Texas (the “District”), and the First Amendment to that Agreement; and
 - 3. April 13, 2005 Development Agreement by and among The City of Dripping Springs, Townes Family Trust and Headwaters Development Co., recorded in the Official Public Records of Hays County, Texas in Volume 265, page 649, and the First Amendment to that Development Agreement.

- J. South Regional Wastewater System Contracts 2, 3, and 4 for Wastewater Collection System, Wastewater Treatment Facilities, and Subsurface Drip Irrigation System, Including Contract, Change Orders, and Bond Issues
 - 1. Key Enterprises, Inc.
 - 2. Precision Commercial Plumbing
 - 3. Keystone Construction, Inc.

- K. City of Dripping Springs North Forty Area 56 First Time Sewer Services, Phase

2, Community Development Block Grant Wastewater Project 725261, between the City of Dripping Springs and Wastewater Operations, LLC

- L. City of Dripping Springs North Forty Area 26 First Time Sewer Services, Phase 1, Community Development Block Grant Wastewater Project 727119, between the City of Dripping Springs and Wastewater Operations, LLC
- M. Construction Contract between the City and Waste Water Solutions for the Construction of Service Line Connections for the First \$100 Deposit Connections
 - 1. Approval of Contract
 - 2. Change Order No. 1 for 309 Glosson Service Line Connection

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 negotiation of contract for a prospective gift of real property to the City (551:073: deliberate negotiate contract for a prospective gift or donation to the City).
- B. Consultation with City Attorney regarding negotiations for a contract for water service termination between the City of Dripping Springs and the Dripping Springs Water Supply Corporation, the legal requirements for termination of the water services of a person whose sewage service account is in arrears for nonpayment, and statutory and regulatory provisions requiring the Texas Commission on Environmental Quality to issue an order requiring water service termination where a utility providing sewer service has obtained funding through the State or Federal government for the provision, expansion or upgrading of its sewer service. (551.071: Consultation with Attorney).
- C. Consultation with City Attorney regarding options for obtaining and permitting subsurface wastewater drip irrigation lands for the disposal of wastewater treated under the authorization of Texas Pollutant Discharge Elimination System Permit No. WQ0014488001 at the City's South Regional Wastewater Treatment Facilities and Collection System (551.071: Consultation with Attorney and 551.072: Purchase, Exchange, Lease or Value of Real Property)
- D. Consultation with City Attorney about substantive and procedural laws governing wastewater service connection to, and rates and charges for customers of, the City's South Regional Wastewater Treatment Facilities and Collection System. (551.071: Consultation with Attorney)
- E. Consultation with City Attorney regarding the substantive and procedural requirements to implement Phases II and III of the City's Texas Pollutant Discharge Elimination System Permit No. WQ0014488001 for the City's South Regional Wastewater Treatment Facilities and Collection System, including options for state and federal funding for related facility and system improvements (551.071: Consultation with Attorney).
- F. Consultation with City attorney regarding City of Austin and Barton Springs/Edwards Aquifer Conservation District October 1, 2008 Rulemaking Petition filed with Texas Commission on Environmental Quality and requesting amendment of 30 Texas Administrative Code, Chapter 311 regarding water quality management in the Onion Creek and Barton Creek Watersheds, TCEQ Docket No. 2008-1601-RUL; Rule Project 2009-002-PET-NR. (551.071: Consultation with Attorney)

- G. Consultation with attorney regarding City's available legal response(s) to noncompliance of proposed Diseased Tree Ordinance and legal consequences to the City creating a fund for tree removal. (551.071 Consultation with Attorney)

IX. ANNOUNCEMENTS

- A. Regular City Council Meeting, November 18th, 2008
- B. Regular Parks & Recreation Meeting, November 17th, 2008
- C. Regular Planning & Zoning Commission Meeting, November 18th, 2008
- D. Regular Historic Preservation Commission Meeting, December 1st, 2008
- E. Regular Founders Day Commission Meeting, December 2nd, 2008

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.