

City of Dripping Springs
City Council

Regular Meeting Minutes
Tuesday, February 8, 2011
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
Planning Director Jon Thompson
Planning & Zoning Chair Craig Koenig

City Secretary Jo Ann Touchstone
City Attorney Alan Bojorquez
Special Counsel Susan Zachos
City Treasurer Gina Gillis

Mayor Purcell calls the meeting to order at 5:35 p.m. All present except Craig Koenig and 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.

Business Item C: Staff report on file. Mary Mc Auley and Pastor Brad Highum present and available for questions. Pastor Highum states he is a new board member to the Grace Food Pantry. Pastor Highum states the board has been restructured and is in the process of addressing concerns to the Capitol Area Food Bank and anticipate their full support. Pastor Highum also states they are willing to relocate the entrance ramp to the other side of the building.

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).

Mayor Purcell motions to adjourn into Executive Session. Councilman Volpe seconds. Convened to Executive Session at 5:46 p.m. Those present, Mayor Purcell, Councilman Volpe, Councilman Alba, Councilman Williams, Councilman Phillip, Mayor Pro Tem Foulds, Alan Bojorquez, Deputy City Administrator Ginger Faught, City Administrator Michelle Fischer, and City Secretary Jo Ann Touchstone. Also present Jeffrey Chapman. Reconvened to Regular Session at 6:40 p.m.

- A. Consultation with City Attorney regarding Request from Carter Breed for an Agreement with the City to Reserve 65 Living Unit Equivalents ("LUEs") of Collection and Treatment Capacity in the City's South Regional Wastewater System to Serve "The Burrows at Dripping Springs," a Proposed 10-acre Rental Housing Development (551.071: Consultation with Attorney)
- B. Consultation with City Attorney regarding certain contracts and legal matters involving the South Regional Wastewater System, including the Wastewater Treatment Plant facilities, and dealings with Precision Commercial Plumbing Company, Inc., Nationwide Insurance (d/b/a Allied Insurance), ETT and Enviroquip (n/k/a Ovivo), and CMA Engineering, Inc. Discuss potential resolution of dispute and possible litigation (551.071: Consultation with Attorney)
- C. Confer with City Attorney regarding public health, safety and welfare issues and land use regulatory matters related to fast food and drive thru establishments and available legal options 551.071 (Consultation with Attorney)

IV. RECESS

V. RECONVENE AT 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance – Councilman Williams leads the pledge.

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.

No one speaks.

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 Regular Meeting Minutes, January 11, 2011
- B. Approval of Regular Meeting Minutes, January 18, 2011
- C. Approval of Treasurer's Report for January 2011
- D. Appointment of Kimberly Gerlovich to Serve as Chamber Representative on Founders Day Commission, Term to Expire June 2011
- E. Founders Day 2011 Participation Contracts:
 - 1. Austin Outhouse for Portable Toilets & Hand Washing Stations
 - 2. Burke Foundation for Maintenance of Trash Cans and Cleaning of Event Grounds
 - 3. Knights of Columbus for Beer Sales
 - 4. St. Martin de Porres Catholic Church for Arts and Crafts Booths
 - 5. Dripping Springs Lions Club for Food Vendor Booths
 - 6. Dripping Springs Cook Off Club for Cook Off Booths
 - 7. Edison Chair for Musical Entertainment
- F. Proclamation Declaring February 19th through February 25th National FFA Week

Councilman Alba motions to approve. Councilman Volpe seconds. Motion passes, 5-0.

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

Consideration and Possible Action On:

- A. Ordinance No. 1803.65 - An Ordinance of the City of Dripping Spring Annexing the following property into the City of Dripping Springs Corporate City Limits:

85.976 acres, more or less, described as follows: 193.926 acres of land out of the William S. Holton Survey No. 57 Abstract 245 in Hays County, Texas, being all of that certain (186.61 acre) tract conveyed to the C.F. Bush Family Limited Partnership by deeds recorded in Volume 1266 Page 867 and Volume 1354 Page 255 of the Hays County Official Public Records but excluding those tracts previously conveyed to the State of Texas for right-of-way as recorded in Volume 170 Page 318 and Volume 170 Page 322 of the Hays County Deed Records, and being all of that (10.00 acre) tract conveyed to the C.F. Bush Family Limited Partnership by deed recorded in Volume 1354 Page 255 of the Hays County Official Public Records, said 193.936 acres having been conveyed to 194 Bush, Ltd, a Texas limited partnership, by deed recorded in Volume 1777 Page 305 of the Hays County Official Public Records; **Save and Except** that 106.79 acre tract conveyed to 290 East Bush Inc. by deed recorded in Volume 2872 Page 105 of the Hays County Official Public Records (**but specifically not excepting or excluding** Lots 1 – 4 Block E Bush Ranch Phase 1, Revised recorded in Volume 14 Page 54, Plat Records, Hays County, Texas that are contained within said 106.79 acre tract); **and save and except** that 10 acre tract conveyed in five, 1/5th undivided interests to Virginia Lee Winfield, et al, by deeds recorded in Volume 2066 Pages 817 – 820 and Volume 2066 Pages 841 – 856 of the Hays County Official Public Records

1. Public Hearing – No one speaks.
2. Ordinance No. 1830.65 – Councilman Phillip motions to approve.
Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

B. Special Exception - Ramsey Ranch, Lot 3, located at the southeast intersection of US Hwy 290 and Hays Country Acres Road, from Article 30 Zoning, Exhibit A Zoning Ordinance, Section 3.11.4 Area Regulations, (b) Size of Yards, (2) Minimum Side Yard, *Randy Voorheis, Firle Voorheis Partnership, LLP, Owners*

1. Presentation – Mike Firle available for questions.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Mr. Thompson states staff recommends approval.
3. Planning & Zoning Commission Report - Commissioner Koenig states Commission approved 6-0.
4. Public Hearing – No one speaks.
5. Special Exception – Councilman Phillip motions to approve with the condition there is no fence between pad sites two and three and to accept the applicant's offer of site one or two being restricted to a high tax generator. Councilman Alba seconds. Motion passes, 3-2.
Councilman Williams and Councilman Volpe opposed.

C. Replat – Ramsey Ranch, Lot 3, located at the southeast intersection of US Hwy 290 and Hays Country Acres Road, *Randy Voorheis, Firle Voorheis Partnership, LLP, Owners*

1. Presentation – None.
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends setbacks be included.
3. Planning & Zoning Commission Report - Commissioner Koenig states Commission approved 6-0. Commission discussed the detention pond and neighbors concerns.
4. Public Hearing – No one speaks.
5. Replat – Councilman Phillip motions to approve and include restriction of fences be added as a plat note. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market Update – Jo Ann Touchstone, Market Manager – report on file.
- B. Annual Report on the Interlocal Agreement with Dripping Springs Independent School District for the Community Education Program, *Debby Theis* – report on file.

XI. BUSINESS

Consideration and Possible Action On:

- A. Eagle Scout Project Proposal for Improvements at the Triangle, Chase Fulton - Mr. Fulton presents his project, report on file. Mayor Pro Tem Foulds motions to approve subject to applicant showing pictures of completed project to Council. Councilman Williams seconds. Motion passes, 5-0.
- B. Request from Springs of Grace Church for Reduction of Meeting Room Rental Fees, Pastor Kenneth "Corky" Spittler - Pastor Spittler states request, letter on file. Councilman Volpe motions to approve fee of \$300.00 per month for no longer than one year with a \$500.00 deposit. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.
- C. Request from Grace Food Pantry to Extend Lease Agreement Between the City of Dripping Springs and Grace Food Pantry for the Dear Hall Building - Councilman Williams motions to approve with condition to complete renovations of entrance within 45 days and authorize Mayor to execute the agreement. Councilman Volpe seconds. Motion passes, 4-0. Councilman Phillip exited meeting.
- D. Request from Chamber of Commerce President Kim Johnson to Plant a Tree at Sports and Recreation Park in Memory of Ed Sims - Councilman Williams motions to approve. Councilman Volpe seconds. Motion passes, 4-0.
- E. Fiscal Year 2010 Audit Report, Don Allman - Mr. Allman thanks Mayor and Council for their continued relationship and commends Treasurer Gina Gillis for her work. Mr. Allman reviews the audit. Councilman Williams motion to approve. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
- F. Use Agreement between the City of Dripping Springs and the Dripping Springs Adult Softball Association for Softball Fields at the City of Dripping Springs Sports and Recreation Park - Mayor Pro Tem Foulds motion to approve with condition that DSASA pay for cost to install a second meter, not to exceed \$2K and authorizes staff to negotiate a payment plan. Councilman Volpe seconds. Motion passes, 4-0.
- G. Appointment of Economic Development Committee Members, Terms to Expire February 2012 - Councilman Alba motion to approve slate of nominees. Mayor Pro Tem Foulds seconds. Motion passes, 4-0.
- H. Participation in KEYE News My Hometown Live Broadcast from Founders Day Festival - Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- I. Ordinance No.1100.45 - An Ordinance of the City of Dripping Springs Amending the FY 2011 Budget - Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-0.
- J. 2011 Harrison Ranch Park Summer Camp - City Administrator Michelle Fischer states the Parks and Recreation Commission approved the fees of the camp. Mayor Pro Tem Foulds motions to approve fee changes. Councilman Alba seconds. Motion passes, 4-0.
- K. Request from Pedernales Electric Cooperative for Letter of Agreement between the City of Dripping Springs and Pedernales Electric Cooperative for Extension Franchise Agreement - Mayor Pro Tem Foulds motions to approve extension with PEC and request to see findings of studies. Councilman Alba seconds. Motion passes, 4-0.
- L. Request for Refund of Wastewater Connection Fees for one LUE at 206 S. College from Taline Manassion - Councilman Alba motions to approve. Councilman Volpe seconds. Motion passes, 4-0.

M. Resolution No. 2011-9 - A Resolution of the City of Dripping Springs Approving an Agreement Between the City and Texas Department of Transportation for the Temporary Closure of State Right of Way for the Founders Day Parade on April 15, 2011 – Mayor Pro Tem Foulds motions to table. Councilman Williams seconds. Motion passes, 4-0.

N. Report on Franchise Fees received from Recon Services for Solid Waste Services, *Deputy City Administrator Ginger Faught* – report on file.

O. Approval of Contract for Election Services between the City of Dripping Springs and the Hays County Elections Officer for the May 2011 Municipal Election – Councilman Williams motions to approve. Councilman Volpe seconds. Motion passes, 4-0.

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Oficial de Elecciones del condado de Hays para la Elección Municipal en Mayo de 2011

P. Approval of Contract for Election Services between the City of Dripping Springs and the Dripping Springs Independent School District for the May 2011 Municipal Election - Mayor Pro Tem Foulds motions to approve items P and Q. Councilman Williams seconds. Motion passes, 4-0.

Aprobación del Contrato de Servicios de Elecciones entre la Ciudad de Dripping Springs y el Distrito Independiente de Escuelas de Dripping Springs para la Elección Municipal en Mayo de 2011

Q. Ordinance No. 1630.24—Order of the City Council of the City of Dripping Springs, Texas, Calling the General Election for Officers to be held within said Municipality on the 2nd Saturday in May that being the uniform Election date of May 14, 2011, and making provision for the conduct of the election and resolving other matters incident and relating to the holding of such election -

Ordenanza No. 1630.24 – Por orden del Concilio Municipal de la Ciudad de Dripping Springs, Tejas, se anuncia la Elección General de oficiales que tomaran lugar dentro del municipio dicho el 2nd Sábado en Mayo, cual es la fecha uniforme para Elección, el día 14 de Mayo de 2011. Criando la conducta de tal elección y resolviendo cualquier otros incidentes relacionados y referente a la tenencia de tal elección

XII. ANNOUNCEMENTS

- A. Regular City Council Meeting, February 15, 2011 at 6:00 p.m.
- B. Regular Parks & Recreation Meeting, March 14, 2011 at 6:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, February 22, 2011 at 7:00 p.m.
- D. Regular Historic Preservation Commission Meeting, March 3, 2011 at 5:30 p.m.
- E. Regular Founders Day Commission Meeting, February 17, 2011 at 6:30 p.m.

XIII. ADJOURN

Mayor Pro Tem Foulds motions to adjourn. Councilman Volpe seconds. Motion passes, 4-0. Meeting adjourned at 8:01 p.m.