

City of Dripping Springs
City Council

Regular Meeting Minutes
Tuesday, March 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 5:30 p.m. Jo Ann Touchstone calls roll. All present except Mayor Pro Tem Foulds, Councilman Volpe, Deputy City Administrator Ginger Faught, Craig Koenig, and Gina Gillis. Also present, “Mayor for a Day” student Colton Danforth.

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).

Mayor Purcell motions to adjourn to Executive Session at 6:05 p.m. Those present: Mayor Purcell, Councilman Phillip, Councilman Alba, Councilman Williams, City Administrator Michelle Fischer, Alan Bojorquez, Susan Zachos, Attorney Jeff Chapman, and Jo Ann Touchstone. Reconvened to Regular Session at 7:00 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 – Mayor Purcell 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.

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, February 8, 2011
- B. Approval of Treasurer's Report for February 2011
- C. Founders Day 2011 Participation Contracts:
 1. Rhythm of the Road Band for Musical Entertainment
 2. Rhythm of the Road Band for Main Stage Sound and Lights
 3. Bobby Pounds for Musical Entertainment
 4. Jim Halfpenny for Musical Entertainment
 5. Scrappy King for Ice sales
 6. Drippin' Towin' for Towing Services
 7. Bombat Washers for Washer contest
 8. Hill Country Bible Church for Kids Entertainment

D. Facilities Use Agreement Between the City of Dripping Springs, Dripping Springs Independent School District and Dripping Springs Lions Club

Councilman Williams motions to approve items A through C. Councilman Alba seconds. Motion passes, 3-0. Councilman Williams motions to approve item D. Councilman Phillip seconds. Councilman Alba abstains. Motion passes, 2-0.

IX. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/ALTERNATE/Consideration and Possible Action On:

A. Sign Variance Requests – The Sunshine Café and The Goodnight Diner, 330 Mercer Street, *Jana Muniz, Owner*

1. Presentation – City Administrator Michelle Fischer states request on behalf of applicant.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file.
3. Planning & Zoning Commission Report – Commissioner Koenig states the Commission approved staff recommendations 7-0.
4. Public Hearing – No one speaks.

5. Sign Variance Request from Section 26.05.001, Prohibited Signs, To Use an Existing Pole Sign – Councilman Williams motions to approve staff recommendations. Councilman Alba seconds. Motion passes, 3-0.
 6. Sign Variance Request from Section 26.06.004, Setback from Right-of-Way - Councilman Alba motions to approve. Councilman Phillip seconds. Motion passes, 3-0.
- B. Site Plan – 1826 Nutty Brown Subdivision, located at the intersection of FM 1826 and Nutty Brown Road; 5.00 acres, Richard Hailey Survey, Abs. No. 224, Hays County, Texas, *Cuatro Consultants, Ltd.*
1. Presentation - None.
 2. Planning Director's Report – Planning Director Jon Thompson, report on file.
 3. Planning & Zoning Commission Report – Commissioner Koenig states 24 people spoke at the public hearing. The Commissioner recommended the town hall meetings that were held. Commission approved 7-0.
 4. Public Hearing – Marie Thomas, states concern for traffic safety of turning at this location, and that she was almost hit twice today. Paul Laird, appreciates the changes made. Mr. Laird states that he did witness an 18 wheeler riding the center line today and other times with 18 wheelers crossing over to incoming traffic. Robert Fowler, resident of Goldenwood West. Mr. Fowler has travelled FM 1826 for over 12 years and has noticed the increase in traffic and is concerned for traffic safety at this intersections . Lucinda Kapral is appreciative of efforts to improve safety, but feels this is an inappropriate land use and will not patronize the establishment. Ms. Kapral states that “limited site distance” signs would be helpful and she feels the notification radius should be increased. Kathi Thomas, asks Council and those present to ask our elected officials to go to the legislature for land use authority. Mayor Purcell states that the Council is aware of the legislative issues that are statewide regarding land use authority. Mayor Purcell appreciates residents for meeting with the developer.
 5. Site Plan – Councilman Williams motions to approve staff recommendations. Councilman Phillip seconds. Motion passes, 3-0.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market Update – Market Manager Jo Ann Touchstone – Ms. Touchstone reports that the market board met this morning and while there are enough vendors to hold the market, the board voted to delay the start to the first Saturday in May due to the recent freeze's impact on crops. The board felt that a strong start with plentiful produce is important for consumers to know there is a viable market to attend each week. Report on file.
- B. Update on Camp Lasso Summer Day Camp – City Administrator Michelle Fischer – City Administrator Michelle Fischer states several applicants were interviewed for the Day Camp Director and someone will be hired by the end of the week. Local experts have volunteered to come to the camp for educational programming.

XI. BUSINESS

Consideration and Possible Action On:

- A. Wastewater Service and Impact Fee Agreement between the City of Dripping Springs and The Burrows at Dripping Springs, L.P. for 10.08 acres, P.A. Smith Survey, Abs 415 – Councilman Phillip motions to move item A before reports. Councilman Williams seconds. Motion passes, 3-0. Councilman Williams motions to approve with nonsubstantiative changes to codification being made. Councilman Phillip seconds. Motion passes, 3-0.

- B. Request for One Year Extension to Wastewater Service Reservation, 731 Old Fitzhugh, *Karen Lockhart, Owner – Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 3-0.*
- C. Ordinance No. 1070.53 – An Ordinance of the City of Dripping Springs Amending the Fee Schedule – Amending Sign Permit Fees; Establishing Minor Project Fees, Development Signage Fees; Amending Parks and Recreation Fees; and Amending Miscellaneous Fees - Councilman Alba motions to approve with the deletion of balloons and addition of site development signs being returned in good condition. Councilman Phillip seconds. Councilman Williams asks staff to enforce timely pick up of banner. Motion passes, 3-0.
- D. 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 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 3-0.
- E. Casting of City Proxy for the Dripping Springs Water Supply Corporation Board Member Election to be Held on March 10, 2011 – Councilman Williams motions to recommend City hold proxy and not cast a vote. Councilman Alba seconds. Motion passes, 3-0.

XII. ANNOUNCEMENTS

- A. Special City Council Meeting, March 29, 2011 at 6:00 p.m.
- B. Regular City Council Meeting, April 12, 2011 at 7:00 p.m.
- C. Regular Parks & Recreation Meeting, April 11, 2011 at 6:00 p.m.
- D. Special Parks & Recreation Meeting, March 23, 2011 at 6:00 p.m.
- E. Regular Planning & Zoning Commission Meeting, March 22, 2011 at 7:00 p.m.
- F. Regular Historic Preservation Commission Meeting, April 4, 2011 at 5:30 p.m.
- G. Regular Founders Day Commission Meeting, March 14, 2011 at 6:30 p.m.

XIII. ADJOURN

- Councilman Williams motions to adjourn. Councilman Alba seconds. Motion passes, 3-0. Meeting adjourned at 7:43 p.m.