

City of Dripping Springs
City Council

Regular Meeting Minutes
Tuesday, December 14, 2010
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 6:10 p.m. All present except Craig Koenig.

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 move to Executive Session at 6:11 p.m. Mayor Pro Tem Foulds seconds. Those present: Mayor Purcell, Mayor Pro Tem Foulds, Councilman Williams, Councilman Phillip, Councilman Volpe, Councilman Alba, City Administrator Michelle Fischer, Deputy City Administrator Ginger Faught, Alan Bojorquez and Susan Zachos. Jo Ann Touchstone enters at 6:45 p.m. Convened to Regular Session at 7:00 p.m.

- A. Consultation with City Attorney regarding request from Howard Land and Cattle for an increase in the wastewater service commitment under the June 6, 2007 "Wastewater Service and Impact Fee Agreement between the City of Dripping Springs and Howard Land and Cattle, Ltd." to provide an additional 25 LUEs to serve the Commercial Tract within the Howard Ranch project located at RR12 and FM 150 (551.071: Consultation with Attorney)
- B. Consultation with City Attorney regarding Lease of Stephenson Building (551.072: Deliberations about Real Property)
- C. Consultation with City Attorney regarding Lease of Dear Hall (551.072: Deliberations about Real Property)

- D. Consultation with City Attorney regarding certain contracts and related legal matters involving the South Regional Wastewater System, including the Wastewater Treatment Plant facilities, and dealings with Professional General Management Services, Precision Commercial Plumbing Company, Inc., Nationwide Insurance, Allied Insurance, and CMA Engineering, Inc. (551.071: Consultation with Attorney)
- E. Discussion of Employee Pay, Benefits, and Performance Pay Incentives for All City Staff (551.074: Personnel Matters)

IV. RECESS

- V. RECONVENE AT 7:00 p.m.-** Meeting called to order at 7:00 p.m. Susan Zachos exits meeting. Commissioner Koenig also present.

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.

- A. Update from Pedemales Electric Cooperative, Tim Nance – Bylaw revisions were recently voted upon, a new website has been launched including paperless billing and automatic payments. Capital credits are being issued. Ricky Roy present to speak to outage on Monday, December 13th. Mr. Roy states that there were framing issues. The cold weather caused this and repairs have been made.

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, November 9, 2010
- B. Treasurer’s Report for November 2010
- C. Approval of Agreement for Disclosure of Confidential Tax Information between the City of Dripping Springs and Cumulus Inc. (Thundercloud Subs)
- D. Approval of Agreement for Disclosure of Confidential Tax Information between the City of Dripping Springs and Reid’s Cleaners
- E. Approval of Letter Agreement for Harrison Ranch Park Grant Between the Lower Colorado River Authority (“LCRA”) and the City of Dripping Springs
- F. Approval of Authorization of Mayor Todd Purcell to Negotiate and Execute a Funding Agreement between Hays County and the City of Dripping Springs for Hays County Park Bond Funds for the Development of Harrison Ranch Park

Councilman Alba motions to approve. Councilman Williams 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. Sign Variance Requests – Oak Creek Cafe, 660 Highway 290 West, Penny Henderson, Owner
 1. Presentation – Craig Wind, states request for variance. Request on file.
 2. Sign Administrator’s Report – City Administrator Michelle Fischer, report on file.
 3. Planning & Zoning Commission Report - Commissioner Koenig states no one spoke at the public hearing and the Commission approved 7-0.

4. Public Hearing – No one speaks.
5. Sign Variance Request from Section 26.07.004 Setback from Right-of-Way, to Erect a Monument Sign Within the Setback from Right-of-Way – Mayor Pro Tem Foulds motions to approve line item 5 and 6 subject to staff recommendations. Councilman Williams seconds. Motion passes, 5-0.
6. Sign Variance Request from Section 26.06.001 Prohibited Signs, Generally, (10) Pole Signs, to allow a menu board pole sign - See line item 5.

X. REPORTS OF AGENCIES, COMMISSIONS & STAFF

- A. Farmers Market 2010 Season Wrap Up Report – Board President Marianne Simmons and Market Manager Jo Ann Touchstone – Board President Marianne Simmons and Board Member Kambra Bolch report the current state of the market and request for additional funding to hire a part time market manager to further promote the market. Report on file.
- B. Old Fitzhugh Road Bid Package Report and General Road Maintenance Report – Councilman Doug Phillip – Councilman Phillip states a request for bids has gone out for an overlay on Old Fitzhugh Road, which is in dire need of repairs. Bids were opened this week and this will likely be a first quarter 2011 project.

XI. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No. 1250.24 – An Ordinance of the City of Dripping Springs Amending the Sign Ordinance
 1. Staff Report – City Administrator Michelle Fischer, states that this process first came to Council back in June and there have been six public hearings as well as a workshop. Feedback from citizens was received early in the process. The local newspaper and Chamber of Commerce have sent press releases for feedback from citizens.
 2. Public Hearing – Danny Hubbard, states that the sign ordinance is keeping small businesses from thriving and expresses the need for changeable copy signs to be allowable to promote small businesses.

Kim Johnson, Chamber President, reiterates Mr. Hubbard's statements. Ms. Johnson states that all businesses who contact them are referred to Michelle Fischer, who is wonderful to work with, but ultimately the council and ordinance will rule over small businesses. Ms. Johnson states that the amount of variances should be considered and aesthetics is important. She states there is a need for larger, more visible signs and there needs to be more flexibility for small businesses.
 3. Ordinance No. 1250.24 – Councilman Phillip motions to approve. Councilman Volpe seconds. Councilman Alba inquires about balloons not being marked off the chart. City Administrator Michelle Fischer states they are prohibited and it will be removed. Motion passes, 5-0.

- B. The City of Dripping Springs Comprehensive Plan

1. Presentation – Chris Holtcamp, states that the final draft includes comments from the Planning and Zoning Commission. Mr. Holtcamp is available for questions.

2. Planning & Zoning Commission Report - Commissioner Koenig thanks and recognizes the work by all put into this plan. Commissioner Koenig states that comments have been submitted individually from the Commission and is supportive of passing the plan to the Council.

3. Public Hearing – No one speaks.

4. Appointment of Implementation Committee – Deputy City Administrator Ginger Faught states that staff recommends appointing an implementation committee. Report on file. Councilman Phillip states support for a committee with three members, rather than six.

Councilman Phillip recommends appointing those familiar with the process and plan and for staff to be heavily involved to speak to what resources are available. Councilman Phillip states that Commissioner McClung from the Planning and Zoning Commission has offered to chair the committee. Mayor Pro Tem Foulds motions to approve implementation committee and authorizes staff and Mayor to appoint members. Councilman Phillip seconds. Motion passes, 5-0.

5. Resolution No. 2011-6 – A Resolution of the City of Dripping Springs Approving a Comprehensive Plan for the City Limits and Extraterritorial Jurisdiction – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 4-1. Councilman Volpe opposed. Council Volpe states he cannot vote to approve the document as he has not had time to thoroughly review it.

C. Ordinance No. 1100.44 – An Ordinance of the City of Dripping Springs Amending the FY 2010 Budget

1. Public Hearing – No one speaks.
2. Ordinance No. 1100.44 – Councilman Williams motions to approve. Councilman Alba seconds. Motion passes, 5-0.

D. Request from Dripping Springs Farmers Market Association Board to Accept Applications and Conduct Interviews for Part Time Market Manager Position – Councilman Phillip states that we are not prepared to make this request and this should have gone forward to the Parks Commission. Mayor Pro Tem Foulds motions to approve request, the position to be funded once the Parks Commission approves funding. Councilman Williams seconds. Councilman Volpe inquires how the market became a Parks program. Mayor Pro Tem Foulds rescinds his motion. Mayor Pro Tem Foulds motions to approve. Councilman Volpe seconds. Motion passes, 5-0.

E. Resolution No. 2011-7 - A Resolution Accepting Grand Prairie Road Improvements – Councilman Phillip motions to approve. Mayor Pro Tem Foulds seconds. Motion passes, 5-0.

F. Amendment to Landscape Architectural Design Contract between RVi and the City of Dripping Springs for Harrison Ranch Park – Deputy City Administrator Ginger Faught, report on file. Bob Richardson and Barbara Austin available for questions. Councilman Phillip motions to approve. Councilman Alba seconds. Motion passes, 5-0.

G. Charro Ranch Park Oak Wilt Survey, Trenching Recommendations, and Fungicide Treatment Recommendations, *Oak Wilt Specialists of Texas*- City Administrator Michelle Fischer, states this item was tabled and asked to be put on this agenda. Recommendations from Oak Wilt Specialists are on file. Council discusses treatment options and success rates and budget. Councilman Williams motions to do trenching on items 1, 2, 3 and 4. Councilman Volpe seconds. Motion passes, 4-1. Councilman Phillip opposed.

H. Report and Discussion on Charro Ranch Park Trail System Maintenance and Expansion – Councilman Volpe states the plan has changed and there is work planned for the holiday break. Map on file.

I. Ordinance No. 2020.01 – An Ordinance of the City of Dripping Springs Prohibiting Persons from Bringing Their Dogs to the Founders Day Festival; Exempting Service Dogs; Requiring Vendors and Pet Adoption Agencies to Adhere to Humane Standards of Treatment; Providing for the Following: Rules; Standards; Penalties; Repealing Clause; Severability Clause; And Effective Date

1. Public Hearing – No one speaks.

2. Ordinance No. 2020.01 – Mayor Pro Tem Foulds motions to deny. Councilman Volpe seconds. Motion passes, 5-0.

XII. ANNOUNCEMENTS

- A. Regular City Council Meeting, January 12, 2011 at p.m.
- B. Regular Parks & Recreation Meeting, January 11, 2011 at 6:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, January 26, 2011 at 7:00 p.m.
- D. Regular Historic Preservation Commission Meeting, January 4, 2011 at 5:30 p.m.
- E. Regular Founders Day Commission Meeting, January 10, 2011 at 6:30 p.m.

XIII. ADJOURN

Councilman Volpe motions to adjourn. Councilman Williams seconds. Meeting adjourned at 8:55 p.m.