



## CITY COUNCIL REGULAR MEETING

### City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, July 20, 2021 at 6:00 PM

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## MINUTES

### CALL TO ORDER AND ROLL CALL

With a quorum of the City Council present, Mayor Foulds, Jr. called the meeting to order at 6:00 p.m.

#### City Council Members present were:

Mayor Bill Foulds, Jr.  
Mayor Pro Tem Taline Manassian  
Council Member Place 2 Wade King  
Council Member Place 3 Geoffrey Tahuahua  
Council Member Place 4 April Harris Allison  
Council Member Place 5 Sherrie Parks

#### Staff, Consultants & Appointed/Elected Officials present were:

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Attorney Laura Mueller  
City Treasurer Shawn Cox  
City Secretary Andrea Cunningham  
Parks & Community Services Director Kelly Schmidt  
DSRP Manager Emily Nelson  
DSRP Assistant Manager Lilly Sellers  
Planning Consultant Robyn Miga

### PLEDGE OF ALLEGIANCE

Mayor Foulds, Jr. led the Pledge of Allegiance to the Flag.

### PRESENTATION OF CITIZENS

*A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may*

request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

No one spoke during Presentation of Citizens.

## **CONSENT AGENDA**

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.*

- 1. Approval of the July 6, 2021, City Council Special Budget meeting minutes and the July 6, 2021, City Council and Board of Adjustment Workshop and Regular meeting minutes.**
- 2. Approval of the June 2021 City Treasurer's Report.**
- 3. Approval of a Resolution approving MUD Reimbursement Bonds for Springhollow MUD for reimbursement for construction of water, wastewater, and drainage facilities. Applicant: Carter Dean, Armbrust & Brown, PLLC.**

**Filed as Resolution No. 2021-R22**

- 4. Approval of a Resolution joining the County to allow fire inspections and approvals as provided for in the Driftwood development agreements. Sponsor: Bill Foulds, Jr., Mayor.**

**Filed as Resolution No. 2021-R23**

- 5. Approval of a Resolution approving MUD Reimbursement Bonds for Hays County MUD Number 4 for reimbursement for construction of water, wastewater, and drainage facilities. Applicant: Felix J. Manka, CMA Engineering, P.E.**

**Filed as Resolution No. 2021-R24**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 1 – 5. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

## **BUSINESS AGENDA**

Laura Mueller informed the City Council that the applicant for Business Agenda Items 6 and 7 has requested postponement to a date certain. Laura's staff report is on file and staff recommends postponement to the August 17, 2021, regular meeting for both items and that the City Council hold public hearings for both items.

- 6. Public hearing and consideration of an ordinance annexing an approximately 78.021-acre tract of land situated in Benjamin F. Hanna Survey, No. 28, Abstract No. 222. This**

property is located at 2901 W US Highway 290, Dripping Springs, TX (R15103). Applicant: Brian Estes, Civil and Environmental Consultants Inc.

Applicant has requested postponement to a date certain.

- a. Presentation
- b. Staff Report
- c. Public Hearing – No one spoke during the Public Hearing.
- d. Ordinance and Agreement

A motion was made by Council Member Harris-Allison to postpone consideration of an ordinance annexing an approximately 78.021-acre tract of land situated in Benjamin F. Hanna Survey, No. 28, Abstract No. 222 to the August 17, 2021, Regular City Council Meeting. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

7. **Public hearing and consideration of an Ordinance regarding ZA2021-0002: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to Single-Family Residential District - Moderate Density (SF-2) for an approximately 78.021-acre tract of land situated in Benjamin F. Hanna Survey, No. 28, Abstract No. 222. This property is located at 2901 W US Highway 290, Dripping Springs, TX (R15103). Applicant: Brian Estes, Civil and Environmental Consultants Inc.**

Applicant has requested postponement to a date certain.

- a. Presentation
- b. Staff Report
- c. Planning and Zoning Commission Report
- d. Public Hearing – No one spoke during the Public Hearing.
- e. Zoning Amendment

A motion was made by Mayor Pro Tem Manassian to postpone consideration of an Ordinance regarding ZA2021-0002: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to Single-Family Residential District - Moderate Density (SF-2) for an approximately 78.021-acre tract of land situated in Benjamin F. Hanna Survey, No. 28, Abstract No. 222 to the August 17, 2021, Regular City Council Meeting. Council Member Parks seconded the motion which carried unanimously 5 to 0.

8. **Public hearing and consideration of an Ordinance regarding CUP2021-0005: an application for Conditional Use Permit for an Accessory Dwelling Unit for property located at 221 Ramirez Lane, Dripping Springs, Texas. Legal Description: A0415 PHILIP A SMITH SURVEY, SERIAL CSS020640TXA, TITLE # 00746769, LABEL # NTA1849450, ACRES 2. Applicant: David Edwards; Dripping Springs Community Mission Partnership, Inc.**

- a. Presentation – Applicant Dave Edwards presented the item.
- b. Staff Report – Robyn Miga presented the staff report which is on file. Staff recommends approval with the following conditions:

- 1) Time Limit: The CUP does not expire.
- 2) Maximum floor area for an Accessory Dwelling Unit may not exceed 750-square-feet.
- 3) A minimum of two off-street parking spaces for the Accessory Dwelling Unit must be provided in addition to any other parking requirements.
- 4) Connections to an appropriate on-site septic system must be approved by the City prior to occupancy.
- 5) The Accessory Dwelling Unit may not be sold separately from the primary structure.
- 6) Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and a Certificate of Occupancy is not issued within two years of the date the CUP was approved.
- 7) The City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance §3.17.9)
- 8) The CUP is effective on passage.

**c. Planning & Zoning Commission Report** – Commission recommended approval unanimously 7 to 0.

**d. Public Hearing** – No one spoke during the Public Hearing.

**e. Ordinance** – **Filed as Ordinance 2021-25**

A motion was made by Council Member Tahuahua to approve an Ordinance regarding CUP2021-0005: an application for Conditional Use Permit for an Accessory Dwelling Unit for property located at 221 Ramirez Lane, Dripping Springs, Texas, with conditions as outlined in the staff report. Council Member Parks seconded the motion which carried unanimously 5 to 0.

- 9. Discuss and consider approval of a Street Closure Request for portions of Roger Hanks Parkway and Creek Road for the annual Run by the Creek 5K and 10k event to take place Sunday, November 14, 2021. Sponsor: Mayor Pro Tem Manassian**

Kelly Schmidt presented the staff report which is on file.

A motion was made by Mayor Pro Tem Manassian to approve a Street Closure Request for portions of Roger Hanks Parkway and Creek Road for the annual Run by the Creek 5K and 10k event to take place Sunday, November 14, 2021. Council Member King seconded the motion which carried unanimously.

- 10. Public hearing and consideration of approval of an Ordinance Approving the 2021 Dripping Springs Ranch Park Master Plan Update.**

**a. Presentation** – Peter Dufrene with RVi Planning gave a presentation which is on file.

**b. Staff Report** – Kelly Schmidt presented the staff report which is on file. Staff recommends approval of the ordinance.

**c. Public Hearing** – No one spoke during the Public Hearing.

**d. Master Plan Ordinance** – **Filed as Ordinance 2021-29**

A motion was made by Council Member Parks to approve an Ordinance Approving the 2021 Dripping Springs Ranch Park Master Plan Update. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**11. Discuss and consider approval of an Ordinance Amending the Membership of the Transportation Committee.** *Sponsor, Bill Foulds, Jr., Mayor*

Laura Mueller presented the staff report which is on file. Staff recommends approval of the ordinance.

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance Amending the Membership of the Transportation Committee. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance 2021-26**

**12. Discuss and consider the Appointment of two (2) Public Members to the Transportation Committee for terms ending June 30, 2023; and the appointment of a Committee Member to serve as the Chair.** *Sponsor: Mayor Foulds, Jr.*

Andrea Cunningham presented the staff which is on file.

A motion was made by Council Member Tahuahua to appoint John Pettit and Travis Crow to the Transportation Committee for terms ending June 30, 2023; and to appoint Travis Crow to serve as the Chair of the Committee for a term of one (1) year. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**13. Discuss and consider the Appointment of one (1) individual to the TIRZ No. 1 & No. 2 Board for an unexpired seat with a term expiring December 31, 2021.** *Sponsor: Mayor Pro Tem Manassian*

Laura Mueller presented the staff report which is on file. Staff recommends the appointment of Michelle Fischer.

A motion was made by Council Member Tahuahua to appoint Michelle Fischer to the TIRZ No. 1 & No. 2 Board for an unexpired seat with a term expiring December 31, 2021. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

**14. Discuss and consider the Appointment of Council Member Sherrie Parks to the Greater San Marcos Partnership Board of Directors to Represent the City of Dripping Springs.**

Michelle Fischer presented the staff report which is on file. Staff recommends the appointment of Council Member Parks to the GSMP Board.

A motion was made by Mayor Pro Tem Manassian to appoint Council Member Sherrie Parks to the Greater San Marcos Partnership Board of Directors to Represent the City of Dripping Springs. Council Member King seconded the motion which carried unanimously 5 to 0.

**REPORTS**

*Reports of Staff, Boards, Commissions, Committees, Boards and Agencies are on file and available for review upon request. The City Council may provide staff direction; however, no action may be taken.*  
Reports are on file and available for review upon request.

15. **2021 Texas Legislative Session Report**  
*Laura Mueller, City Attorney*

Laura Mueller presented the report which is on file.

16. **Parks & Community Services May 2021 Director's Report**  
*Kelly Schmidt, PCS Director*
17. **Parks & Community Services June 2021 Director's Report**  
*Kelly Schmidt, PCS Director*
18. **Maintenance Director's June 2021 Report**  
*Craig Rice, Maintenance Director*
19. **Transportation Committee Report**  
*Jim Martin, TC Interim Chair*

A motion was made by Mayor Pro Tem Manassian to adjourn into Executive Session under Texas Government Code Sections 551.071, Consultation with City Attorney, 551.072, Deliberation of Real Property, and 551.074, Deliberation of Personnel Matters and regarding Executive Session Agenda Items 20, 21, 24, 25 and 27. Council Member Tahuahua seconded the motion which carried unanimously.

#### **EXECUTIVE SESSION AGENDA**

*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). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

20. **Consultation with City Attorney regarding to legal issues related to legislation passed at the 2021 Texas Legislative Session including issues related to immunity, contracts, utilities, and tax rates.** *Consultation with Attorney, 551.071*
21. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
22. **Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, Public Safety, and Emergency Orders.** *Consultation with City Attorney, 551.071*
23. **Consultation with City Attorney and Deliberation of Real Property regarding the extension of Roger Hanks Parkway including related agreements.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.071.*
24. **Consultation with City Attorney regarding legal issues and Deliberation of Real Property related to the Wild Ridge Subdivision and Agreement related to the Wild Ridge**

**Subdivision.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*

25. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition and operation of the Lazy W WCID in the Extraterritorial Jurisdiction of the City of Dripping Springs.** *Consultation with City Attorney, 551.071; Deliberation regarding Real Property, 551.072*
26. **Consultation with City Attorney regarding legal issues related to Rob Shelton Improvements and Texas Department of Transportation and other sources of funding related to improvements and the provision of wastewater to PDD 11.** *Consultation with City Attorney, 551.071*
27. **Deliberation of Personnel Matters regarding the job description, compensation, benefits, and employment of the Records Management Clerk.** *Deliberation of Personnel Matters, 551.074*

The City Council met in Executive Session from 7:26 p.m. – 8:35 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 8:35 p.m.

## **OPEN SESSION**

A motion was made by Mayor Pro Tem Manassian to pull Item 27 out of Executive Session. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**Deliberation of Personnel Matters regarding the job description, compensation, benefits, and employment of the Records Management Clerk.** *Deliberation of Personnel Matters, 551.074*

A motion was made by Mayor Pro Tem Manassian to approve unpaid administrative leave for the Records Management Clerk per her request and to authorize the hiring of a temporary Records Management Clerk. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

## **UPCOMING MEETINGS**

### **City Council & Board of Adjustment Meetings**

July 29, 2021, at 6:00 p.m., Special Budget Meeting  
August 3, 2021, at 6:00 p.m., City Council & BOA Regular Meeting  
August 12, 2021, at 6:00 p.m., Special Budget Meeting  
August 20, 2021, at 6:00 p.m., City Council Regular Meeting

### **Board, Commission and Committee Meetings**

July 26, 2021, at 3:30 p.m., Transportation Committee  
July 27, 2021, at 6:30 p.m., Planning & Zoning Commission  
July 28, 2021, at 4:00 p.m., Economic Development Committee

**ADJOURN**

A motion was made by Council Member Harris-Allison to adjourn the meeting. Council Member King seconded the motion which carried unanimously.

This regular meeting adjourned at 8:38.

**APPROVED ON:** August 17, 2021

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary