



CITY COUNCIL & BOARD OF ADJUSTMENT WORKSHOP & REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, September 08, 2020 at 6:00 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

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Meeting ID: 848 6475 8707

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CALL TO ORDER AND ROLL CALL

City Council Members present were:

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Todd Purcell

Council Member Place 4 April Harris Allison

Council Member Place 5 Travis Crow

Staff, Consultants and Appointed/Elected Officials present were:

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Treasurer Gina Gillis

City Secretary Andrea Cunningham

Senior Planner Amanda Padilla

Parks & Community Services Director Kelly Schmidt

DSRP Event Center Manager Tina Adams

Events & Programming Specialists Maggie Martin

Communications Director Lisa Sullivan

Public Works Coordinator Aaron Reed

IT Coordinator Misty Dean
TIRZ Project Manager Keenan Smith
Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Foulds called the meeting to order at 6:02 p.m.

WORKSHOP

Workshop items are for discussion only and no action will be taken.

1. Discussion regarding the City of Dripping Springs 2020 Proposed Ad Valorem Tax Rate and Levy.

Laura Mueller reviewed the item and was available for any questions.

Consent Agenda Item No. 10 was also discussed during the Workshop.

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

PLEDGE OF ALLEGIANCE

Council Member King led the Pledge of Allegiance.

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.

PROCLAMATIONS & PRESENTATIONS

2. Approval of a Proclamation declaring the week of September 18 - 24, 2020 as "Constitution Week" in the City of Dripping Springs. Sponsor: Council Member King

Council Member King read the proclamation.

Via unanimous consent, the City Council approved the proclamation.

3. **Approval of a Proclamation declaring August - October 2020 and March - May 2021, as "Lights Out Migratory Months" in the City of Dripping Springs, Texas.** *Sponsor: Mayor Pro Tem Manassian*

Mayor Pro Tem Manassian read the proclamation.

Via unanimous consent, the City Council approved the proclamation.

4. **Approval of a Proclamation declaring the Month of October 2020 as "Hill Country Night Sky Month" in the City of Dripping Springs.** *Sponsor: Mayor Foulds, Jr.*

Mayor Pro Tem Manassian read the proclamation.

Via unanimous consent, the City Council approved the proclamation.

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 and 551.072, Deliberation of Real Property and regarding Executive Session Agenda Items 35 – 37. Council Member King seconded the motion which carried unanimously 5 to 0.

The City Council met in Executive Session from 6:24 – 6:51 p.m. No vote or action was taken in Executive Session.

A motion was made by Mayor Pro Tem Manassian to return the meeting to Open Session. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting returned to Open Session at 6:51 p.m.

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.

5. **Approval of the August 11, 2020 City Council & Board of Adjustment Workshop & Regular Meeting Minutes and the August 18, 2020 City Council Regular Meeting Minutes.**
6. **Approval of the August 2020 City Treasurer Report.**
7. **Approval of the DSRP Guest Services Coordinator Job Description.** *Sponsor: Council Member Purcell*
8. **Approval of a Tractor Sponsorship & Purchase Agreement between the City of Dripping Springs and ACM Tractors and Kioti related to activities and events at the Dripping Springs Ranch Park Event Center.** *Sponsor: Council Member Purcell*

9. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Helping Hands regarding the 24th Annual Empty Bowls Project to take place November 8, 2021 at the Dripping Springs Ranch Park Event Center.** *Sponsor: Council Member Purcell*
 10. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Texas Market Guide for the Hill Country Harvest Market to be held at the Dripping Springs Ranch Park Event Center October 10 & 11, 2020.** *Sponsor: Council Member Purcell*
 11. **Approval of a Contract Instructor Agreement between the City of Dripping Springs and Earth Native Wilderness regarding the use of City Parks for class instruction.** *Sponsor: Council Member Purcell*
 12. **Approval of a Resolution Authorizing City Staff to Negotiate an Advance Funding Agreement (AFA) with TxDOT for the Middle School Transportation Alternative Set Aside (TASA) Grant Project.** *Sponsor: Council Member Crow*
- Filed as Resolution No. 2020-R40**
13. **Approval of an Amendment to the Professional Services Agreement between the City of Dripping Springs and Keenan Smith (City Lights Design Alliance) for TIRZ Project Manager Services.** *Sponsor: Mayor Pro Tem Manassian*

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 5 – 13. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

Board of Adjustment Members present were:

Bill Foulds, Jr., Chair
 Taline Manassian
 Wade King
 Todd Purcell
 April Harris-Allison
 Travis Crow
 Charlie Busbey (Alternate Member)
 Joe Volpe (Alternate Member)

BOARD OF ADJUSTMENT

14. **Public hearing and consideration regarding VAR2020-0013: Variance Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1).** *Applicant: Christopher A. Reid, PE*

Applicant has requested postponement. Planning and Zoning Commission postponed this item to its next regular meeting.

a) Presentation – No presentation was given.

b) Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends postponement to the October 13, 2020 Board of Adjustment meeting.

c) Planning & Zoning Commission Report

Chair James: Commissioner recommended postponement to the September 28, 2020 Planning & Zoning Commission 4 to 3.

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

e) Variance

A motion was made by Board Member Crow to postpone VAR2020-0013: Variance Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1) to the October 13, 2020 Board of Adjustment regular meeting. Board Member King seconded the motion which carried unanimously 6 to 0.

CITY COUNCIL

BUDGET

- 15. Public hearing and consideration of approval of an Ordinance approving the 2020 Ad Valorem Tax and Levy of 0.19 per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the Corporate City Limits; providing for penalties and interest; and providing for the following: findings of fact; severability; savings clause; publication and effective date.**

a) Staff Report

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

b) Public Hearing

Charles Busbey spoke in favor of the Ordinance.

c) Ordinance

A motion was made by Mayor Pro Tem Manassian that the property tax rate be increased by the adoption of a tax rate of nineteen cents per one hundred dollars valuation which is effectively a 2.7 percent increase in the tax rate. Council Member King seconded the motion which carried unanimously 5 to 0 via roll call vote.

Filed as Ordinance No. 2020-43

- 16. Discuss and consider approval of a Resolution ratifying the Municipal Budget for Fiscal Year 2020-2021; funding municipal purposes; authorizing expenditures; filing of budget; repealer; severability; effective date; and proper notice.**

A motion was made by Mayor Pro Tem Manassian to approve a Resolution of the City of Dripping Springs, Texas, Ratifying the Municipal Budget for Fiscal Year 2020-2021 reflecting the property tax increase in the budget. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0 via roll call vote.

Filed as Resolution No. 2020-R41

BUSINESS AGENDA

- 17. Public hearing and consideration of approval of an Ordinance regarding CUP2020-0008: An application for a Conditional Use Permit to allow the use Mobile Food Vendor - longer than 10 days located at 1111 W US Highway 290, Dripping Springs, TX 78620, which is zoned Commercial Services. Applicant: Jon Thompson**

a) Presentation

Jon Thompson and Chris and Wendy Bykowski presented the item.

b) Staff Report

Amanda Padilla presented the staff report. Staff recommends approval of the ordinance with conditions as outlined in the conditional use permit.

c) Planning & Zoning Commission Report

Chair James: Commission recommended approval 7 to 0, with the additional condition that there be no parking on Bonnie Drive.

d) Public Hearing

Mary Pryor spoke in opposition to the requirement of masonry screening between her property and the subject property, and prefers natural screening as she uses the subject property to access her septic.

e) Conditional Use Permit

A motion was made by Council Member Purcell to approve Ordinance regarding CUP2020-0008: An application for a Conditional Use Permit to allow the use Mobile Food Vendor - longer than 10 days located at 1111 W US Highway 290, Dripping Springs, TX 78620, which is zoned Commercial Services with the condition that the applicant construct a vegetative barrier, rather than a masonry barrier, to shield residents from the subject property. Council Member King seconded the motion to which Council Member Purcell called to question and the City Council proceeded to vote. The motion to approve carried 4 to 1, with Mayor Pro Tem Manassian opposed.

Filed as Ordinance No. 2020-44

18. Public hearing and consideration of approval of an Annexation Agreement and Ordinance of the City of Dripping Springs, Texas to Voluntarily Annex by Request of the Property Owner approximately 11.1044 Acres of Land Located in the E.B. Hargraves Survey No. 4, Abstract Number 240, In Hays County, Texas.

a) Presentation – no presentation given.

b) Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the ordinance and agreement.

c) Public Hearing – no one spoke during the Public Hearing.

d) Annexation Agreement

e) Annexation Ordinance

A motion was made by Mayor Pro Tem Manassian to approve an Annexation Agreement and Ordinance of the City of Dripping Springs, Texas to Voluntarily Annex by Request of the Property Owner approximately 11.1044 Acres of Land Located in the E.B. Hargraves Survey No. 4, Abstract Number 240, In Hays County, Texas. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2020-45

19. Public hearing and consideration of approval of an Ordinance regarding ZA2020-0005: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044 acre tract of land situated in the E B HARGRAVES SURVEY. This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road (R95789). Applicant: Jon Thompson

a) Presentation

Jon Thompson presented the item.

b) Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the ordinance.

c) Planning & Zoning Commission Report

Chair James: Commission recommended approval 7 to 0.

d) Public Hearing – no one spoke during the Public Hearing.

e) Zoning Amendment

A motion was made by Council Member Harris-Allison to approve an Ordinance regarding ZA2020-0005: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044 acre tract of land situated in the E B HARGRAVES SURVEY. This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road (R95789). Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2020-46

- 20. Public hearing and consideration of approval of an Ordinance regarding ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Single Family-4 (SF-4) to Single Family-5 (SF-5). Tract 3 is requesting to rezone from SF-4 to General Retail (GR). Applicant: Jon Thompson**

Mayor Pro Tem Manassian recused from this item, and an Affidavit providing notice of potential conflict of interest is on file in the City Secretary's Office.

a) Presentation

Jon Thompson presented the item and is requesting that only Tract 3 be acted on, and that Tracts 1 and 2 be postponed.

b) Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the ordinance regarding Tract 3, and the postponement of Tracts 1 and 2.

c) Planning & Zoning Commission Report

Chair James: Commission recommend approval of Tract 3 and postponement of Tracts 1 and 2 unanimously 7 to 0.

d) *Public Hearing – no one spoke during the Public Hearing.*

e) *Zoning Amendment*

A motion was made by Council Member Crow to approve an Ordinance regarding ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for Tract 3 from SF-4 to General Retail (GR) generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District and the postponement of Tracts 1 and 2 requesting rezone from Single Family-4 (SF-4) to Single Family-5 (SF-5) to the October 13, 2020 City Council meeting. Council Member Harris-Allison seconded the motion which carried 4 – 0 – 1, with Mayor Pro Tem Manassian recused.

Filed as Ordinance No. 2020-47

- 21. Discuss and consider approval of a Refund Request of Membership Fee for an individual at the Dripping Springs Ranch Park. Requester: Paul Wolters**

Laura Mueller presented the staff report which is on file.

A motion was made by Council Member Purcell to approve the Refund Request of Membership Fee for an individual at the Dripping Springs Ranch Park with the condition that the refund amount is prorated for the portion that has been used. Council Member King seconded the motion which carried unanimously 5 to 0.

- 22. Discuss and consider approval of a Donation Agreement between the City of Dripping Springs and the Dripping Springs Lions Club for the Refurbishment of the Dripping Springs Monument. Sponsor: Mayor Pro Tem Manassian.**

Mayor Pro Tem Manassian introduced the item and Michelle Fischer presented the staff report which is on file. Staff recommends approval of the agreement.

A motion was made by Council Member Harris-Allison to approve a Donation Agreement between the City of Dripping Springs and the Dripping Springs Lions Club for the Refurbishment of the Dripping Springs Monument. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 23. Discuss and consider approval of a License Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for Holiday Decorations. Sponsor: Mayor Pro Tem Manassian**

A motion was made by Council Member Purcell to approve a License Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for Holiday Decorations. Council Member King seconded the motion which carried unanimously 5 to 0.

- 24. Discuss and consider approval of a Facilities Use Agreement between the City of Dripping Springs and Dripping Springs Lions Club regarding Co-sponsorship of Christmas on Mercer. Sponsor: Mayor Pro Tem Manassian**

A motion was made by Council Member Purcell to approve a Facilities Use Agreement between the City of Dripping Springs and Dripping Springs Lions Club regarding Co-sponsorship of Christmas on Mercer. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

25. Discuss and consider approval of an Ordinance Amending the Fiscal Year 2021 Budget related to Dripping Springs Ranch Park Revenues and Expenditures.

Council Member Purcell introduced the item and Kelly Schmidt presented the staff report which is on file. Staff recommends approval of the ordinance.

A motion was made by Council Member King to approve an Ordinance Amending the Fiscal Year 2021 Budget related to Dripping Springs Ranch Park Revenues and Expenditures. Council Member Harris-Allison seconded the motion which carried unanimously 4 – 0 – 1, with Council Member Purcell abstaining.

Filed as Ordinance No. 2020-48

26. Discuss and consider approval of an Ordinance Amending Appendix A: Article A1.000 (General Provisions) of the Dripping Springs Code of Ordinances, Amending the Dripping Springs Fee Schedule Section 3: Site Development; Section 4: Subdivisions; and Section 17: Dripping Springs Ranch Park.

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 Appendix A: Article A1.000 (General Provisions) of the Dripping Springs Code of Ordinances, Amending the Dripping Springs Fee Schedule Section 3: Site Development; Section 4: Subdivisions; and Section 17: Dripping Springs Ranch Park. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

The City Council directed staff to reevaluate the re-filing fee after some time has passed to ensure that it adequately compensates the City for staff time.

Filed as Ordinance No. 2020-49

27. Discuss and consider approval of an Amendment to the Hotel Occupancy Tax Grant Program Funding Agreement between the City of Dripping Springs and the Hill Country Alliance. Sponsor: Mayor Pro Tem Manassian.

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the amendment.

Karen Ford spoke on behalf of Hill Country Alliance and thanked the City for its support.

A motion was made by Council Member King to approve an Amendment to the Hotel Occupancy Tax Grant Program Funding Agreement between the City of Dripping Springs and the Hill Country Alliance. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 28. Discuss and consider approval of a Change Order No. 4 to the Professional Services Agreement between the City of Dripping Springs and SAM, LLC regarding the South Regional Water Reclamation Expansion Project. Sponsor: Mayor Foulds**

Ginger Faught presented the staff report which is on file. Staff recommends approval of the change order.

A motion was made by Council Member King to approve a Change Order No. 4 to the Professional Services Agreement between the City of Dripping Springs and SAM, LLC regarding the South Regional Water Reclamation Expansion Project. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 29. Discuss and consider the Election of one (1) member to the Texas Municipal League Health Benefits Pool Board of Trustees.**

Andrea Cunningham presented the Election Memo which is on file.

A motion was made by Council Member King to postpone the Election of one (1) member to the Texas Municipal League Health Benefits Pool Board of Trustees to the September 15, 2020 City Council meeting. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 30. Discuss and consider the Election of four (4) members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for Places 1 - 4.**

Andrea Cunningham presented the Election Memo which is on file.

- a) Place 1
- b) Place 2
- c) Place 3
- d) Place 4

A motion was made by Mayor Pro Tem Manassian to postpone the Election of four (4) members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for Places 1 – 4 to the September 15, 2020 City Council meeting. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 31. Discuss and consider the Appointment of one (1) individual as the City of Dripping Springs Representative to the Capital Area Council of Governments General Assembly.**

Andrea Cunningham presented the Appointment Memo which is on file.

A motion was made by Council Member Crow to appoint Mayor Pro Tem Manassian as the City of Dripping Springs Representative to the Capital Area Council of Governments General Assembly. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

REPORTS

Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports are on file and available for review upon request.

- 32. **Parks & Community Services Report**
Kelly Schmidt, Parks & Community Services Director
- 33. **Economic Development Committee Report**
Kim Fernea, Chair
- 34. **Maintenance & Facilities Monthly Report**
Craig Rice, Maintenance Director

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.

- 35. **Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders including upcoming city events.** *Consultation with City Attorney, 551.071*
- 36. **Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses and real property in the Triangle and Veterans Memorial Park.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 37. **Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*

The City Council met in Executive Session earlier in the agenda.

UPCOMING MEETINGS

City Council & BOA Meetings

- September 15, 2020 at 6:00 p.m.
- October 13, 2020 at 6:00 p.m. (Workshop 6:00 / Regular Meeting 6:30)
- October 20, 2020 at 6:00 p.m.

Board, Commission & Committee Meetings

- September 9, 2020 Utility Commission at 4:00 p.m.
- September 14, 2020 TIRZ No. 1 & No. 2 Board at 4:00 p.m.
- September 14, 2020 Founders Day Commission at 6:30 p.m.
- September 17, 2020 Farmers Market Association Board at 10:00 a.m.
- September 17, 2020 Emergency Management Commission at 12:00 p.m.
- September 22, 2020 Planning & Zoning Commission at 6:30 p.m.
- September 23, 2020 Economic Development Committee at 4:00 p.m.
- September 28, 2020 Transportation Committee at 3:30 p.m.

ADJOURN

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 8:33 p.m.

APPROVED ON: October 13, 2020

Bill Foulds, J., Mayor

ATTEST:

Andrea Cunningham, City Secretary