



DRIPPING SPRINGS
Texas

CITY COUNCIL REGULAR MEETING
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Tuesday, September 20, 2022 at 6:00 PM

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 were:

Mayor Bill Foulds, Jr.
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 Travis Crow
Council Member Place 5 Sherrie Parks

Council Member absent was:

Mayor Pro Tem Taline Manassian

Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Attorney Laura Mueller
City Treasurer Shawn Cox
City Secretary Andrea Cunningham
IT Director Jason Weinstock
People & Communications Director Lisa Sullivan
Community Events Coordinator Caylie Houchin
Aquatics & Programs Manager Mack Rusick
Maintenance Director Craig Rice
Public Works Director Aaron Reed
Code Enforcement Inspector Shane Pevehouse
Planning Director Howard Koontz
Senior Planner Tory Carpenter
Emergency Management Coordinator Roman Baligad
Planning & Zoning Commission Chair Mim James
Planning & Zoning Commission Vice Chair Tammie Williamson

PLEDGE OF ALLEGIANCE

Council Member King 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.

PRESENTATIONS

- 1. Presentation inviting Councilmembers to the PCS event, Deep in the Heart at Dreamland on October 7th, at 7 pm. Sponsor: Council Member King**

Caylie Houchin presented the staff report which is on file.

BUDGET

- 2. Public hearing and consideration of approval of an Ordinance amending the Fiscal Year 2022 Municipal Budget.**

a. Staff Report – Shawn Cox presented the staff report which is on file. Staff recommends approval of the ordinance.

b. Public Hearing – No one spoke during the Public Hearing.

c. Budget Amendment Ordinance – A motion was made by Council Member Crow to approve an Ordinance amending the Fiscal Year 2022 Municipal Budget. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2022-32

- 3. Public hearing and consideration of approval regarding an Ordinance of the City of Dripping Springs, Texas, adopting the 2022-2023 Fiscal Year Municipal Budget; funding municipal services and authorizing expenditures.**

a. Staff Report – Shawn Cox presented the staff report which is on file. Staff recommends approval of the ordinance.

b. Public Hearing – No one spoke during the Public Hearing.

c. Budget Ordinance – A motion was made by Council Member Crow to approve an Ordinance of the City of Dripping Springs, Texas, setting and approving the Municipal Budget for Fiscal Year 2022-2023; funding municipal purposes; authorizing expenditures; providing for the following: findings of fact; enactment; filing of budget; repealer; severability; effective date; and proper notice and meeting. Council Member King seconded the motion which carried unanimously via roll call vote:

| | |
|--------------------------------|---------------|
| Mayor Pro Tem Manassian | Absent |
| Council Member King | Aye |
| Council Member Tahuahua | Aye |
| Council Member Crow | Aye |
| Council Member Parks | Aye |

Filed as Ordinance No. 2022-33

- 4. Discuss and consider approval of a Resolution ratifying the Municipal Budget for Fiscal Year 2022-2023; funding municipal purposes; authorizing expenditures; filing of budget; repealer; severability; effective date; and proper notice.**

Shawn Cox presented the staff report which is on file. Staff recommends approval of the resolution.

A motion was made by Council Member Crow to approve a resolution of the City of Dripping Springs, Texas, ratifying the Municipal Budget for Fiscal Year 2022-2023 reflecting that this budget is based on raising more revenue from property taxes than in the previous year. Council Member Parks seconded the motion which carried unanimously via roll call vote:

| | |
|--------------------------------|---------------|
| Mayor Pro Tem Manassian | Absent |
| Council Member King | Aye |
| Council Member Tahuahua | Aye |
| Council Member Crow | Aye |
| Council Member Parks | Aye |

Filed as Resolution No. 2022-R35

- 5. Discuss and consider approval of an Ordinance setting the 2022 Ad Valorem Tax and Levy of One Thousand Seven Hundred Seventy-Eight Ten-Thousandths cents (\$0.1778) per one hundred (\$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 – Shawn Cox presented the staff report which is on file. Staff recommends approval of the ordinance.

b. Public Hearing – No one spoke during the Public Hearing.

c. Tax Rate Ordinance – A motion was made by Council Member Crow that the property be increased by the adoption of a maintenance and operations tax of .1778 per one hundred dollars of assessed valuation, which is effectively a 17.6 percent increase in

the tax rate. Council Member King seconded the motion which carried unanimously via roll call vote:

| | |
|--------------------------------|---------------|
| Mayor Pro Tem Manassian | Absent |
| Council Member King | Aye |
| Council Member Tahuahua | Aye |
| Council Member Crow | Aye |
| Council Member Parks | Aye |

Filed as Ordinance No. 2022-34

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.

- 6. Approval of the September 6, 2022, City Council regular meeting minutes.**
- 7. Approval of the September 13, 2022, City Council regular meeting minutes.**
- 8. Approval of the following job descriptions: Aquatics and Athletics Manager; Building Official; City Inspector; Code Enforcement Inspector; Content Marketing Specialist; Deputy City Secretary; Deputy Public Works Director; Dripping Springs Ranch Park Program Coordinator; Public Works Director; and Utility Clerk. Sponsor: Mayor Foulds, Jr.**
- 9. Approval of Change Order No. 12 related to the Professional Services Agreement between the City of Dripping Springs and SAM regarding Surveying Mapping & Services for the South Regional Water Reclamation Facility Project. Sponsor: Mayor Foulds, Jr.**
- 10. Approval of a Resolution Releasing a Construction Bond for Caliterra Phase 4, Section 11. Applicant: Kim Pickens**

Filed as Resolution No. 2022-R36

- 11. Approval of a Co-sponsorship Agreement between the City of Dripping Springs and Dripping Springs Helping Hands for Texas Market Guide. Applicant: Crystal Emmons, Helping Hands**
- 12. Approval of the August 2022 City Treasurer's Report.**

A motion was made by Council Member Tahuahua to approve Consent Agenda items 6 – 12. Council Member King seconded the motion which carried unanimously 4 to 0.

BUSINESS AGENDA

13. **Public hearing and consideration of an Ordinance regarding ZA2022-0005: an application for an amendment to the Shops at Highpointe Conditional Overlay for an approximately 10.0 acres of land out of tract A of the Sawyer Springs Subdivision located at the corner of US 290 and Sawyer Ranch Road. Applicant: JD Dudley, QuikTrip Corporation.**

- a. **Applicant Presentation** – Applicant JD Dudley gave a presentation which is on file,
- b. **Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the ordinance.
- c. **Planning & Zoning Commission Report** – Chair James presented the Planning & Zoning Commission report. The Commission recommended denial 4 to 2.
- d. **Public Hearing** – Todd Simmons, Dan Wattles, Katherine Coffman, Elizabeth Kaltwasser, Megan Caruso, James Foley and Gigi Sanchez spoke in opposition to the ordinance.
- e. **Conditional Overlay Ordinance** – A motion was made by Council Member Crow to approve an Ordinance regarding ZA2022-0005: an application for an amendment to the Shops at Highpointe Conditional Overlay for an approximately 10.0 acres of land out of tract A of the Sawyer Springs Subdivision located at the corner of US 290 and Sawyer Ranch Road with the condition that the ordinance mandates that the three-hundred foot (300’) rear setback contain two-hundred feet (200’) of undisturbed natural landscape buffer. Council Member Tahuahua seconded the motion which carried 3 to 2, with Council Members King and Parks opposed and Mayor Foulds, Jr. casting the tie breaking vote to approve the ordinance.

Filed as Ordinance No. 2022-35

14. **Discuss and consider approval of a Temporary Street Closure Permit application from the Dripping Springs Running Club to close Roger Hanks Parkway on November 13th 2022, for the Run by the Creek 5k & 10k. Applicant: Steve Mallett, President, Dripping Springs Running Club**

Caylie Houchin presented the staff report which is on file. Staff recommends approval of the permit.

A motion was made by Council Member Parks to approve a Temporary Street Closure Permit application from the Dripping Springs Running Club to close Roger Hanks Parkway on November 13th, 2022, for the Run by the Creek 5k & 10k. Council Member Crow seconded the motion which carried unanimously 4 to 0.

15. **Discuss and consider the Appointment of Shane Pevehouse as City of Dripping Springs Building Official effective on September 30, 2022. Sponsor: Mayor Foulds, Jr.**

Ginger Faught and Laura Mueller presented the staff report which is on file. Staff recommends to appointment of Shane Pevehouse.

A motion was made by Council Member Parks to approve the Appointment of Shane Pevehouse as City of Dripping Springs Building Official effective on September 30, 2022. Council Member King seconded the motion which carried unanimously 4 to 0.

16. Discuss and consider approval of an Ordinance Amending Section 1.02.041: Regular Meetings: Removing Meeting Times for City Council. *Sponsor: Mayor Foulds, Jr.*

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

A motion was made by Council Member Tahuahua to approve an Ordinance Amending Section 1.02.041: Regular Meetings: Removing Meeting Times for City Council. Council Member Park seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2022-36

17. Discuss and consider the Appointment of one (1) individual to the Transportation Committee for a term ending June 30, 2024.

Andrea Cunningham and Aaron Reed presented the staff report which is on file. Staff recommends approval of Roman Grijavla.

A motion was made by Council Member Crow to appoint Roman Grijavla to the Transportation Committee for a term ending June 30, 2024. Council Member Tahuahua seconded the motion which carried unanimously 4 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.

18. Maintenance and Facilities Report
Craig Rice, Maintenance Director

19. Planning Department Report
Howard Koontz, Planning Director

A motion was made by Council Member Tahuahua to adjourn into Executive Session under Texas Government Code Sections 551.071, Consultation with City Attorney and regarding Executive Session Agenda items 20 – 22. Council Member Crow seconded the motion which carried unanimously 4 to 0.

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 Attorney related to code enforcement options for planning violations and planning processes.** *Consultation with Attorney, 551.071*
- 21. Consultation with City Attorney related to legal issues regarding an Agreement for Legislative Services.** *Consultation with Attorney, 551.071*
- 22. Consultation with City Attorney related to the South Regional Water Reclamation Project and the litigation on the Wastewater Permits and related items.** *Consultation with City Attorney, 551.071*

The City Council met in Executive Session from 7:41 – 8:02 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 8:02 p.m.

OPEN SESSION

A motion was made by Council Member Crow to pull Executive Session Agenda Items 20 and 21 into Open Session for consideration. Council Member Parks seconded the motion which carried unanimously 4 to 0.

- 20. Consultation with Attorney related to code enforcement options for planning violations and planning processes.** *Consultation with Attorney, 551.071*

A motion was made by Council Member Crow to authorize city staff to work with outside council to bring code enforcement suit against 12 South in appropriate court. Council Member Parks seconded the motion which carried unanimously 4 to 0.

- 21. Consultation with City Attorney related to legal issues regarding an Agreement for Legislative Services.** *Consultation with Attorney, 551.071*

A motion was made by Council Member Crow to approve an agreement with Poinsett for legislative services and to authorize city administration to finalize and execute. Council Member Parks seconded the motion which carried unanimously 4 to 0.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

October 4, 2022, at 6:00 p.m. (CC & BOA)

October 18, 2022, at 6:00 p.m.

November 8, 2022, at 6:00 p.m. (CC & BOA)

November 22, 2022, at 6:00 p.m.

Board, Commission & Committee Meetings

September 26, 2022, Transportation Committee at 3:30 p.m.

September 27, 2022, Planning & Zoning Commission at 6:00 p.m.

September 28, 2022, Economic Development Committee at 4:00 p.m.

October 3, 2022, Parks & Recreation Commission at 6:00 p.m.
October 5, 2022, DSRP Board at 11:00 a.m.
October 6, 2022, Historic Preservation Commission at 4:00 p.m.

ADJOURN

A motion was made by Council Member Parks to adjourn the meeting. Council Member King seconded the motion which carried unanimously 4 to 0.

This regular meeting adjourned at 8:03 p.m.

APPROVED ON: October 4, 2022

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary