



CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, June 08, 2021 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

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

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Secretary Andrea Cunningham

City Treasurer Shawn Cox

Public Works Coordinator Aaron Reed

Maintenance Director Craig Rice

Senior Planner Amanda Padilla

City Planner Abraham Martinez

IT Coordinator Misty Dean

Law Clerk Jordan Sims

Planning & Zoning Commission Chair Mim James

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PLEDGE OF ALLEGIANCE

Council Member Harris-Allison 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.

PROCLAMATIONS & PRESENTATIONS

- 1. Annual Report from the Dripping Springs Visitors Bureau, Pam Owens, CEO. Sponsor: Mayor Pro Tem Manassian**

Mary McRoberts, Dripping Springs Visitors Bureau Board of Directors President, introduced Pam Owens, Dripping Springs Visitors Bureau President/CEO.

Pam Owens gave the presentation which is on file.

No action was taken on this item.

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.

- 2. Approval of the May 11, 2021 and May 18, 2021 City Council regular meeting minutes.**
- 3. Approval of a Resolution approving and accepting a construction bond for Bunker Ranch Phase 3 sitework, utilities, paving, and drainage.**
Filed as Resolution No. 2021-R17
- 4. Approval of the May 2021 City Treasurer's Report.**
- 5. Approval of the Amended FY 2022 Budget Calendar.**
- 6. Approval of the Appointment of the City of Dripping Springs Municipal Court Judge for a two (2) year term ending June 1, 2023.**

A motion was made by Council Member Parks to approve Consent Agenda Items 2 – 6. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

With a quorum of the Board of Adjustment present, Chair Foulds proceeded with items for the Board's consideration.

Board Members present were:

Chair, Bill Foulds, Jr.
Taline Manassian
Wade King
Geoffrey Tahuahua
April Harris-Allison
Sherrie Parks

BOARD OF ADJUSTMENT AGENDA

7. **Public hearing and consideration of possible action regarding VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County). The applicant is asking for a special exception to Section 5.7.6 of the Zoning Ordinance which requires buildings with mixed uses to calculate parking requirements for the most intense use. As well as a variance to Section 5.6.2 Parking Based on use the applicant is proposing a different parking ratio for medical office. The last request is to utilize existing parking. Applicant: Jon Thompson**

Senior Planner Amanda Padilla informed the Board that the case number VAR2021-0008 is incorrect and it should read VAR2021-0007. All supplemental materials in the packet are correct for the case to be considered.

1. *Presentation* – No presentation was given.

2. *Staff Report*

Amanda Padilla's staff report is on file. The applicant has requested postponement of this item as they were unable to attend the meeting.

3. *Planning and Zoning Commission Report* – No report was given.

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

5. *Special Exception*

A motion was made by Board Member King to postpone consideration for VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County) to the July 6, 2021,

Board of Adjustment meeting. Board Member Harris-Allison seconded the motion which carried unanimously 6 to 0.

CITY COUNCIL

BUSINESS AGENDA

Via unanimous consent, the City Council considered Business Agenda Items 8 and 9 concurrently.

- 8. Public hearing and consideration of possible action regarding CUP2021-0002: an application for a Conditional Use Permit to consider an ordinance approving Conditional Use Permit to allow for the use “Mobile food vendor - longer than 10 days” located at 310 Old Fitzhugh Rd, Dripping Springs, Texas. Applicant: Dog 'n' Bone LLC**

1. Presentation

Mike Pelland gave a presentation which is on file.

2. Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the conditional use permit.

3. Planning and Zoning Commission Report

Chair James presented the report. The Commission recommended approval 6 to 0.

4. Public Hearing

Pam Owens spoke in favor of the conditional use permit.

5. Conditional Use Permit

This permit was considered concurrently with Business Agenda Item 9.

- 9. Public hearing and consideration of possible action regarding CUP2021-0003: an application for a Conditional Use Permit to consider an ordinance approving a Conditional Use Permit to allow the use “Bar” to be located at 310 Old Fitzhugh Rd, Dripping Springs, Texas. Applicant: Dog 'n' Bone LLC**

1. Presentation

Mike Pelland gave a presentation which is on file.

2. Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the conditional use permit.

3. Planning and Zoning Commission Report

Chair James presented the report. The Commission recommended approval 6 to 0.

4. Public Hearing

Pam Owens spoke in favor of the conditional use permit.

5. Conditional Use Permit

A motion was made by Council Member King to approve CUP2021-0002: an application for a Conditional Use Permit to consider an ordinance approving Conditional Use Permit to allow for the use “Mobile food vendor - longer than 10 days” located at 310 Old Fitzhugh Rd, Dripping Springs, Texas; and, CUP2021-0003: an application for a Conditional Use Permit to consider an ordinance approving a Conditional Use Permit to allow the use “Bar” to be located at 310 Old Fitzhugh Rd, Dripping Springs, Texas. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

CUP2021-0002 Filed as Ordinance No. 2021-19

CUP2021-0003 Filed as Ordinance No. 2021-20

- 10. Public Hearing and consideration of possible action regarding CUP2021-0004: an application to consider an ordinance approving a Conditional Use Permit to allow for the use “Accessory Dwelling” located at 451 Oak Springs Drive, Dripping Springs, Texas. Applicant: Michael Cottone, Journey Remodeling.**

1. Presentation

Applicant Michael Cottone was available for questions.

2. Staff Report

Abraham Martinez presented the staff report which is on file. Staff recommends approval of the conditional use permit.

3. Planning and Zoning Commission Report

Chair James presented the report. The Commission recommended approval 6 to 0.

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

5. Conditional Use Permit

A motion was made by Council Member Tahuahua to approve CUP2021-0004: an application to consider an ordinance approving a Conditional Use Permit to allow for the use “Accessory Dwelling” located at 451 Oak Springs Drive, Dripping Springs, Texas, with conditions set forth in the staff recommendation with an amendment to condition 6

to change from occupation to issuance of certificate of occupancy. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2021-21

- 11. Discuss and consider the Selection of Bid for Grounds Maintenance Contract and approval of Grounds Maintenance Contract with selected bidder. Sponsor: Councilmember Wade King**

Craig Rice presented the staff report which is on file. Staff recommends the selection of Elk Ridge Mowing.

A motion was made by Council Member Harris-Allison to select the bid submitted by Elk Ridge Mowing, and to approve the Grounds Maintenance Contract with Elk Ridge Mowing. Council Member Parks seconded the motion which carried unanimously 5 to 0.

- 12. Discuss and consider approval of a Wastewater Service and Fee Agreement between the City of Dripping Springs and Blue Ridge 3, LLC regarding the Blue Ridge Office Park.**

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

A motion was made by Council Member King to approve a Wastewater Service and Fee Agreement between the City of Dripping Springs and Blue Ridge 3, LLC regarding the Blue Ridge Office Park. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

- 13. Discuss and consider approval of a professional service agreement with Freese & Nichols Engineering for PS&E design of the Rob Shelton pedestrian improvements CSJ 0914-33-087 funded by the 2019 TxDOT TASA grant program.**

Aaron Reed presented the staff report which is on file. Staff recommends approval of the agreement.

A motion was made by Council Member Tahuahua to approve a professional service agreement with Freese & Nichols Engineering for PS&E design of the Rob Shelton pedestrian improvements CSJ 0914-33-087 funded by the 2019 TxDOT TASA grant program. Council Member Parks seconded the motion which carried unanimously 5 to 0.

- 14. Public hearing and consideration of approval regarding an Ordinance of the City of Dripping Springs, Texas amending the current 2020-2021 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures.**

1. Staff Report

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

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

3. Budget Amendment Ordinance

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance of the City of Dripping Springs, Texas amending the current 2020-2021 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2021-22

REPORTS

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

- 15. Maintenance Director's Monthly Report**
Craig Rice, Maintenance Director
- 16. Development Agreement Working Group Report**
Laura Mueller, City Attorney
- 17. City Attorney Report**
Laura Mueller, City Attorney

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 21 – 22. Council Member King seconded the motion which carried unanimously 5 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.

- 18. Consultation with City Attorney related to legislative program and matters regarding water, wastewater, and other utility issues.** *Consultation with City Attorney, 551.071*
- 19. Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders.** *Consultation with City Attorney, 551.071*
- 20. 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*
- 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 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*

The City Council met in Executive Session from 7:36 – 7:50 p.m.

No action or vote was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 7:50 p.m.

OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to pull Executive Session Agenda Item 22 into Open Session for consideration. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 22. Consultation with City Attorney 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*

A motion was made by Mayor Pro Tem Manassian to authorize staff to make an offer related to the South Regional Water Reclamation Expansion Project Easement Acquisition up to the updated appraisal amount as discussed in Executive Session. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

UPCOMING MEETINGS

City Council Meetings

June 15, 2021 at 6:00 p.m.

July 7, 2021 at 6:00 p.m.

July 20, 2021 at 6:00 p.m.

August 3, 2021 at 6:00 p.m.

August 17, 2021 at 6:00 p.m.

Board, Commission & Committee Meetings

June 9, 2021 Utility Commission at 4:00 p.m.

June 14, 2021 TIRZ No. 1 & No. 2 Board at 4:00 p.m.

June 14, 2021 Founders Day Commission at 6:30 p.m.

June 17, 2021 Farmers Market Association Board at 10:00 a.m.

June 17, 2021 Emergency Management Commission at 12:00 p.m.

ADJOURN

A motion was made by Council Member Harris-Allison to adjourn the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 7:51 p.m.

APPROVED ON: July 6, 2021

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary