



CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING AMENDED

City of Dripping Springs

DRIPPING SPRINGS Council Chambers, 511 Mercer St, Dripping Springs, TX
Texas

Tuesday, February 07, 2023 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 6:03 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 Travis Crow
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
People & Communications Director Lisa Sullivan
City Secretary Andrea Cunningham
Deputy City Secretary Cathy Gieselman
IT Director Jason Weinstock
Planning Director Tory Carpenter
Public Works Director Aaron Reed
Parks & Community Services Director Andy Binz
Community Events Coordinator Johnna Krantz
Aquatics & Athletics Manager Mack Rusick
City Engineer Chad Gilpin
Content Marketing Specialist Stephanie Hartnett
Emergency Management Coordinator Roman Baligad
DSRP Program Coordinator Caylie Houchin
Planning & Zoning Commission Chair Mim James

PLEDGE OF ALLEGIANCE

Council Member Parks led the Pledge of Allegiance.

EMERGENCY MANAGEMENT

A motion was made by Mayor Pro Tem Manassian to consider Business Agenda Item 25 with Emergency Management Item 1. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

1. **Discuss and consider approval of an Extension of a Mayoral Disaster Declaration related to the winter storm being January 30, 2023.** *Sponsor: Mayor Foulds, Jr.*

25. **Discuss and consider approval of Emergency Expenditures related to the ice storm in January 30-February 2, 2023 for tree removal, facility repair, and other repairs of city property and infrastructure.** *Sponsor: Mayor Foulds, Jr.*

Roman Baligad, Andy Binz, Aaron Reed, and Laura Mueller presented the staff report which is on file. Staff recommends approval of the declaration and emergency expenditures,

A motion was made by Mayor Pro Tem Manassian to approve an Extension of a Mayoral Disaster Declaration related to the winter storm being January 30, 2023, and Emergency Expenditures related to the ice storm in January 30-February 2, 2023, for tree removal, facility repair, and other repairs of city property and infrastructure. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Disaster Declaration Filed as 2023-D02

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.

2. **Recognition of City Staff for efforts during and after the January/February 2023 Ice Storm.**

Mayor Foulds, Jr. recognized City Staff.

PRESENTATIONS

Presentations are for informational purposes and no action shall be taken.

3. **Presentation regarding the Dripping Springs Solar Eclipse Event.**
Lisa Sullivan, People & Communications Director

Lisa Sullivan gave a presentation regarding the Dripping Springs Solar Eclipse Event which is on file.

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

Chair Bill Foulds, Jr. called the Board of Adjustment meeting to order at 6:40 p.m.

Board of Adjustment Members present were:

Board Chair Bill Foulds, Jr.
Board Member Taline Manassian
Board Member Wade King
Board Member Geoffrey Tahuahua
Board Member Travis Crow
Board Member Sherrie Parks

BOARD OF ADJUSTMENT AGENDA

4. **Public hearing and consideration of approval of VAR2022-0011: an application for a variance to allow a gazebo within the building setback for a property located at 444 Katie Drive. Applicant: Ashvin Baru**
 - a. **Applicant Presentation** – Applicant was not present.
 - b. **Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends denial of the variance.
 - c. **Planning & Zoning Commission Report** – Chair James presented the report. The Planning & Zoning Commission recommended denial of the variance unanimously, 5 to 0.
 - d. **Public Hearing** – No one spoke during the Public Hearing.
 - e. **VAR2022-0011** – A motion was made by Board Member Crow to deny approval of VAR2022-0011: an application for a variance to allow a gazebo within the building setback for a property located at 444 Katie Drive. Board Member King seconded the motion which carried 5 to 1, with Board Member Tahuahua opposed.

Chair Foulds, Jr, closed the Board of Adjustment meeting and resumed the City Council meeting at 6:58 p.m.

CITY COUNCIL

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.

A motion was made by Council Member Parks to include Business Agenda Item 19 in the Consent Agenda. Council Member Crow seconded the motion which carried unanimously 5 to 0.

5. **Approval of the January 17, 2024, City Council regular meeting minutes.**
6. **Approval of a Resolution Appointing Walt Smith to the Tax Increment Reinvestment Zone No. 1 and No. 2 Board of Directors Place 7, for a term ending December 31, 2024.**
Filed as Resolution No. 2023-R07
7. **Approval of the Appointment of Catherine (Cathy) Gieselman as Deputy City Secretary of the City of Dripping Springs.**
8. **Approval of an Ordinance and Notice calling for the May 2021 General Municipal Elections for the City of Dripping Springs.**
Filed as Ordinance No, 2023-03
9. **Approval of a Rate Adjustment for an Agreement with Chapman Law Firm, P.C. Sponsor: Mayor Bill Foulds, Jr.**
10. **Approval of a Service Agreement between the City of Dripping Springs and Alterman for Electrical Services Related to the Utilities Department. Sponsor: Mayor Foulds, Jr.**
11. **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for Mercer St. Paving.**
Filed as Resolution No. 2023-R08
12. **Discuss and consider approval of a Resolution Approving and Accepting a Construction Bond for Caliterra Subdivision Phase 5 Section 14 Wastewater Fiscal Improvements.**
Filed as Resolution No. 2023-R09
19. **Discuss and consider approval of the Adult Softball Field Use Agreement between the City of Dripping Springs and Logan Lilly and the Thursday Night Adult Softball League. Sponsor: Council Member Parks**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 5 – 12 and 19, with corrections to Consent Agenda Item 5 to include the removal of the area under the oak tree in the City Hall parking lot in the motion for Business Agenda Item 13. Council Member Crow seconded the motion which carried unanimously 5 to 0.

BUSINESS AGENDA

13. **Public hearing regarding ZA2022-0008: an application for a zoning map amendment from two-family residential—Duplex (SF-4) to General Retail (GR) for approximately 0.165 acres out of the Town of Dripping Springs Subdivision located at 112 South Bluff Street. WITHDRAWN BY APPLICANT**

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

No action was taken on this item, as it was withdrawn by the applicant.

14. **Public hearing and consideration of approval of an Ordinance regarding ANNEX2022-0004cc: a Voluntary Request for the annexation of approximately 5.00 acres out of the H. B. Hargraves Survey located at 4300 E US 290. Applicant: Daniel Besa**

a. **Applicant Presentation** – Applicant Daniel Besa was present and available for questions.

b. **Staff Report** – Tory Carpenter 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. **ANNEX2022-0004** – A motion was made by Mayor Pro Tem to approve an Ordinance regarding ANNEX2022-0004cc: a Voluntary Request for the annexation of approximately 5.00 acres out of the H. B. Hargraves Survey located at 4300 E US 290. Council Member Tahuahua seconded the motion which carried 4 to 1, with Council Member Crow opposed.

Filed as Ordinance No. 2023-04

15. **Public hearing and consideration of approval of an Ordinance regarding ZA2022-0007: an application for a zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 5.00 acres out of the H. B. Hargraves Survey located at 4300 E US 290. Applicant: Daniel Besa**

a. **Applicant Presentation**– Applicant Daniel Besa was present and available for questions.

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 report. The Planning & Zoning Commission recommended approval of the zoning amendment 5 to 0.

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

e. **ZA2022-0007** – A motion was made by Council Member Tahuahua to postpone consideration of an Ordinance regarding ZA2022-0007: an application for a zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 5.00 acres out of the H. B. Hargraves Survey located at 4300 E US 290 to the February 21,

2023, City Council regular meeting. Council Member Crow seconded the motion which carried unanimously 5 to 0.

Via unanimous consent, the City Council considered Business Agenda Items 16 and 17 concurrently.

Council Member King stepped off the dais and exited the Council Chambers.

- 16. Public hearing and consideration of approval of DA2022-0002: an application to expand the existing Driftwood Development Agreement by 13.84 acres out of the Forelove Woody Survey being four properties located on FM 150 south of Mariah Drive. Applicant: Stephen R. Delgado, P.E.**
- 17. Discuss and consider approval of a Resolution Annexing 13.9499 acres into the Driftwood Conservation District. Applicant: J. David Rhoades, President**
 - a. Applicant Presentation** – Applicant Stephen Delgado was present and available for questions.
 - b. Staff Report** – Tory Carpenter and Laura Mueller presented the staff reports which are on file. Staff recommends approval of the development agreement expansion and resolution regarding annexation.
 - c. Planning & Zoning Commission Report** – Chair James presented the report. The Planning & Zoning Commission recommended approval of the development agreement expansion unanimously 5 to 0.
 - c. Public Hearing** – No one spoke during the Public Hearing.

A motion was made by Mayor Pro Tem Manassian to approve DA2022-0002: an application to expand the existing Driftwood Development Agreement by 13.84 acres out of the Forelove Woody Survey being four properties located on FM 150 south of Mariah Drive, and a Resolution Annexing 13.9499 acres into the Driftwood Conservation District. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

Filed as Resolution No. 2023-R10

Council Member King returned to the dais.

- 18. Discuss and consider approval of a Special Event Permit Application and Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for the 2nd Annual Brewers Festival on March 25, 2023. Sponsor: Council Member Sherrie Parks**

Johnna Krantz presented the staff report which is on file. Staff recommends approval of the application and agreement, with the condition that the DSVB provide adequate security for the projected event attendance.

A motion was made by Council Member Tahuahua to approve a Special Event Permit Application and Co-Sponsorship Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for the 2nd Annual Brewers Festival on March 25, 2023,

with the condition the applicant provide adequate security as recommended by staff. Council Member Crow seconded the motion which carried unanimously 5 to 0.

- 19. Discuss and consider approval of the Adult Softball Field Use Agreement between the City of Dripping Springs and Logan Lilly and the Thursday Night Adult Softball League. Sponsor: Council Member Parks**

This item was approved with the Consent Agenda.

Council Member Tahuahua stepped off the dais and exited the Council Chambers.

- 20. Discuss and consider approval of a bid submission from Southwest Monument & Sign, and authorization for staff to negotiate an Agreement for the Construction and Installment of the Park System Signage Phase I signs.**

Andy Binz presented the staff report which is on file. Staff recommends approval of selection of Southwest Monument & Sign.

A motion was made by Council Member Parks to approve the selection of bid submission from Southwest Monument & Sign, and authorization for staff to negotiate an Agreement for the Construction and Installment of the Park System Signage Phase I signs. Council Member King seconded the motion which carried unanimously 4 to 0.

- 21. Public hearing and consideration of approval of an Ordinance of the City of Dripping Springs, Texas amending the current 2022-2023 Fiscal Year Budget; Finding Municipal Purposes; 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. Ordinance – A motion was made by Mayor Pro Tem Manassian to approve an Ordinance of the City of Dripping Springs, Texas amending the current 2022-2023 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Council Member Parks seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2023-06

Council Member Tahuahua returned to the dais.

- 22. Discuss and consider approval of a Resolution adopting an Employee Referral Incentive Pilot Program Policy. Sponsor: Council Member Parks**

Andy Binz presented the staff report which is on file. Staff recommends approval of the resolution.

A motion was made by Council Member Parks to approve a Resolution adopting an Employee Referral Incentive Pilot Program Policy with the condition that staff clarify employee eligibility/ineligibility regarding recruitment activities beginning February 8, 2023. Council Member Crow seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2023-R11

23. Discuss and consider approval of the 2023 HDR Master Transportation Services Agreement and Task Orders. Sponsor: Councilmember Crow

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

A motion was made by Council Member Crow to approve the 2023 HDR Master Transportation Services Agreement and Task Orders. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

24. Discuss and consider adoption of City of the Dripping Springs budget calendar for Fiscal Year 2024.

Shawn Cox presented the staff report which is on file. Staff recommends adoption of the calendar.

A motion was made by Mayor Pro Tem Manassian to adopt the City of Dripping Springs budget calendar for Fiscal Year 2024. Council Member Parks seconded the motion which carried unanimously 5 to 0.

25. Discuss and consider approval of Emergency Expenditures related to the ice storm in January 30-February 2, 2023, for tree removal, facility repair, and other repairs of city property and infrastructure. Sponsor: Mayor Foulds, Jr.

This item was approved with Emergency Management Items.

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.

Reports are on file and available for review upon request.

26. January 2023 Maintenance Report
Craig Rice, Deputy Public Works Director

27. Planning Department Report

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, Deliberations about Real Property and regarding Executive Session Agenda Items 28 and 29. Council Member Tahuahua 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.

- 28. Consultation with City Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project.** *Consultation with City Attorney, 551.071, Deliberation of Real Property, 551.072*
- 29. Consultation with Counsel related to litigation regarding the South Regional Water Reclamation Project, Wastewater Permits, Code Enforcement, and related items.** *Consultation with City Attorney, 551.071*

The City Council met in Executive Session from 8:15 – 8:37 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 8:37 p.m.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

February 21, 2023, at 6:00 p.m. (CC)

March 7, 2023, at 6:00 p.m. (CC & BOA)

March 21, 2023, at 6:00 p.m. (CC)

Board, Commission & Committee Meetings

February 8, 2023, Utility Commission at 4:00 p.m.

February 13, 2023, TIRZ No. 1 & No. 2 Board at 4:00 p.m.

February 13, 2023, Founders Day Commission at 6:30 p.m.

February 15, 2023, Planning & Zoning Commission at 6:00 p.m.

February 16, 2023, Farmers Market Committee at 10:00 a.m.

February 16, 2023, Emergency Management Commission at 12:00 p.m.

ADJOURN

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

This regular meeting adjourned at 8:38 p.m.

APPROVED ON: February 21, 2023

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary