



City Council Regular Meeting

City of Dripping Springs Council Chambers

511 Mercer Street - Dripping Springs, Texas

Tuesday, December 19, 2023, at 6:00 PM

MINUTES

CALL TO ORDER & 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 Travis Crow
Council Member Place 5 Sherrie Parks

Staff, Consultants & Appointed/Elected Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Administrator Shawn Cox
Planning Director Tory Carpenter
Parks & Community Services Director Andy Binz
Public Works Director Aaron Reed
Emergency Management Coordinator Roman Baligad
DSRP Manager Emily Nelson
Farmers Market Manager Charlie Reed
Content Marketing Specialist Stephanie Hartnett
DSRP Assistant Manager Lily Sellers
Maintenance Worker Fletcher Engstrom
IT Director Jason Weinstock
Deputy City Secretary Cathy Gieselman

PLEDGE OF ALLEGIANCE

Council Member King led the Pledge of Allegiance to the Flag.

PRESENTATION OF CITIZENS

A member of the public that wishes to address the City Council on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the City Council that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the City

Council must present the documents to the City Secretary or City Attorney providing at least seven (7) copies; if seven (7) copies are not provided, the City Council will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Mayor may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

Craig Demaret expressed thanks to City staff for helping with developers and builders related to flood control and improvements in Esperanza.

PRESENTATIONS

Presentations are for discussion purposes only and no action shall be taken.

1. Recognition of Park Maintenance Worker Fletcher Engstrom.

Emily Nelson and Andy Binz presented an Award of Recognition to Fletcher Engstrom for saving the life of an *Anytime Fitness* member by using his First Aid & CPR Training.

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.

2. Approval of the December 5, 2023, City Council regular meeting minutes.

3. Approval of a Resolution of the City of Dripping Springs Consenting to the Issuance of Bonds by Headwaters Municipal Utility District of Hays County. Applicant: Tony Corbett

Filed as Resolution No. 2023-41

4. Approval of a Professional Services Agreement between the City of Dripping Springs and Freese and Nichols for Mercer St. Sidewalks PS&E.

5. Approval of a Resolution Accepting Improvements and a Maintenance Bond for Arrowhead Ranch Subdivision Offsite Wastewater. Applicant: DNT Construction, LLC

Filed as Resolution No. 2023-42

6. Approval of the November 2023 Treasurer's Report.

A motion was made by Council Member Tahuahua to approve Consent Agenda Items 2 – 6 with changes to minutes. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

BUSINESS AGENDA

A motion was made by Mayor Pro Tem Manassian to consider Business Agenda Item 13 out of order. Council Member King seconded the motion.

13. **Discuss and consider approval of an Amended Interlocal Agreement between the City of Dripping Springs and Hays County as it relates to use of the Dripping Springs Ranch Park.** *Sponsor: Council Member Sherrie Parks.*

Michelle Fischer presented the staff report which is on file. The DSRP Board, Hays County Commissioners Court, and Staff recommend approval of the agreement.

A motion was made by Council Member Parks to approve an Amended Interlocal Agreement between the City of Dripping Springs and Hays County as it relates to use of the Dripping Springs Ranch Park. Council Member King seconded the motion which carried unanimously 5 to 0.

7. **Discuss and consider approval of a Roadway Agreement related to Double L Development Transportation Phasing pursuant to the Amended and Restated Development Agreement.** *Pablo Martinez, PE, Brown & Gay Engineers*

Pablo Martinez and Rob Fondren gave a presentation which is on file.

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

A motion was made by Council Member Tahuahua to approve a Roadway Agreement related to Double L Development Transportation Phasing pursuant to the Amended and Restated Development Agreement. Council Member Crow seconded the motion which carried unanimously 5 to 0.

8. **Public hearing and possible discussion regarding an Ordinance repealing and replacing Article 28.06 Landscaping and Tree Preservation, including changing procedures, tree preservation requirements, and landscaping changes.**

Tory Carpenter presented the staff report which is on file.

Lauren Robertson and Cathy Ramsey spoke during the Public Hearing. Cathy Ramsey spoke regarding concerns related to species not included in the ordinance as protected such as Escarpment Cherry and Rusty Blackhaw Viburnum, and she would like to see a specified common Bermuda as not being allowed in the same manner as St. Augustine as they are considered invasive should not be allowed as turf grass. Cathy also spoke regarding conservation and irrigation efforts.

9. **Public hearing and discussion regarding Ordinance regarding ZA2023-0002: an application for a zoning map amendment from Local Retail (LR) to Commercial Services (CS) for approximately 0.89 acres out of the North 40 subdivision located at 105 Brookside.** *Applicant has requested postponement to the January 16, 2023 City Council meeting.* *Applicant: Jon Thompson*

The applicant has requested postponement to the January 16, 2023, Regular City Council meeting.

Mayor Foulds, Jr. opened the Public Hearing to which no one spoke.

A motion was made by Mayor Pro Tem Manassian to postpone an Ordinance regarding ZA2023-0002: an application for a zoning map amendment from Local Retail (LR) to Commercial Services (CS) for approximately 0.89 acres out of the North 40 subdivision located at 105 Brookside to the January 16, 2023, Regular City Council meeting. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

10. **Discuss and consider approval of a Wastewater Easement from Dripping Springs Partners commonly known as the Burke Easement and approval of Reimbursement pursuant to the Wastewater Utility Service and Fee Agreement with Dripping Springs Partners, LLC related to Planned Development District No. 14.**

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

A motion was made by Mayor Pro Tem Manassian to approve a Wastewater Easement from Dripping Springs Partners commonly known as the Burke Easement and approval of Reimbursement pursuant to the Wastewater Utility Service and Fee Agreement with Dripping Springs Partners, LLC related to Planned Development District No. 14. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

11. **Discuss and consider Acceptance of approximately seven (7) acres of property adjacent to Sports and Recreation Park and as part of the Village Grove Subdivision pursuant to the Donation Agreement with Dripping Springs Partners.**

Ginger Faught presented the staff report which is on file. Staff recommends acceptance.

A motion was made by Mayor Pro Tem Manassian to Accept approximately seven (7) acres of property adjacent to Sports and Recreation Park and as part of the Village Grove Subdivision pursuant to the Donation Agreement with Dripping Springs Partners. Council Member King seconded the motion which carried unanimously 5 to 0.

12. **Public hearing and consideration of approval of an Ordinance amending the Fee Schedule as it relates to Construction Plan and certain Pool Permit Reviews.** *Sponsor: Mayor Bill Foulds, Jr.*

- a. **Staff Report** – Tory Carpenter 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 Council Member Parks to approve an Ordinance amending the Fee Schedule as it relates to Construction Plan and certain Pool Permit Reviews. Council Member Crow seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2023-40

13. **Discuss and consider approval of an Amended Interlocal Agreement between the City of Dripping Springs and Hays County as it relates to use of the Dripping Springs Ranch Park.** *Sponsor: Council Member Sherrie Parks.*

This item was considered and approved earlier in the agenda.

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

- 14. Discuss and consider approval of a Fiscal Sponsorship Fund Agreement with the Dripping Springs Community Foundation related to charitable funding of Visitors Bureau programs and related Fiscal Sponsorship Guidelines.** *Sponsor: Council Member Sherrie Parks.*

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the agreement and guidelines.

A motion was made by Council Member Parks to approve a Fiscal Sponsorship Fund Agreement with the Dripping Springs Community Foundation related to charitable funding of Visitors Bureau programs and related Fiscal Sponsorship Guidelines with changes of using titles of board members versus staff names. Mayor Pro Tem Manassian seconded the motion which carried unanimously 4 to 0.

- 15. Discuss and consider approval of membership into the OMNIA Partners Cooperative purchasing agency.**

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

A motion was made by Council Member Tahuahua to approve membership into the OMNIA Partners Cooperative purchasing agency. Council Member Parks seconded the motion which carried unanimously 4 to 0.

- 16. Public hearing and consideration of approval of an Ordinance regarding an Amendment to the Fiscal Year 2023-2024 Budget.**

a. Staff Report – Shawn Cox presented the staff report which is on file; he noted this is Budget Amendment number 2. 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 regarding Budget Amendment Number 2 to the Fiscal Year 2023-2024 Budget. Council Member Parks seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2023-41

REPORTS

Reports listed are on file and available for review upon request. The City Council may provide staff direction; however, no action shall be taken.

- 17. November Maintenance Report**
Craig Rice, Deputy Public Works Director

18. Planning Department Report for City Council on December 19, 2023.

Mayor Foulds announced that the January 2, 2024, City Council regular meeting has been cancelled.

A motion was made by Mayor Pro Tem Manassian to adjourn into Executive Session under Texas Government Code Sections 551.071, Consultation with Attorney; 551.074, Personnel Matters; and, 551.072 Deliberation of Real Property and related to Executive Session Agenda Items 19 – 21. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

EXECUTIVE SESSION AGENDA

The City Council has the right to adjourn into executive session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Executive Session item will be taken in Open Session.

- 19. Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service, Wastewater Fees, and related items. Consultation with Attorney, 551.071**
- 20. Deliberation regarding appointment, employment, evaluation, and duties of the deputy city attorney. (551.074, Personnel Matters)**
- 21. Consultation with Attorney and Deliberation of Real Property regarding legal and real estate issues related to potential facility sites and street extensions and expansions. Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072**

The City Council met in Executive Session from 7:04 – 8:06 p.m.

Council Member Crow recused himself from Executive Session Agenda Item 19, stepping off the dais and exiting the Council Chambers.

Council Member King returned to the Council Chambers and entered the Executive Session at 7:36 p.m. and took his seat at the dais.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 8:06 p.m.

Council Member Crow returned to the Council Chambers and took his seat at the dais.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

January 2, 2024, at 6:00 p.m. (CC & BOA)
January 16, 2024, at 6:00 p.m. (CC)
February 6, 2024, at 6:00 p.m. (CC & BOA)
February 20, 2024, at 6:00 p.m. (CC)

Board, Commission & Committee Meetings

December 21, 2023, Farmers Market Committee at 10:00 a.m.
January 4, 2024, Historic Preservation Commission
January 8, 2024, TIRZ Board No. 1 & No. 2
January 8, 2024, Founders Day Commission at 6:30 p.m.
January 10, 2024, Utility Commission at 4:00 p.m.
January 17, 2024, Parks & Recreation Commission at 6:00 p.m.
January 18, 2024, Emergency Management Commission at 12:00 p.m.
January 22, 2024, Transportation Committee at 3:30 p.m.
January 23, 2024, Planning & Zoning Commission at 6:00 p.m.
January 24, 2024, Economic Development Committee at 3:00 p.m.

ADJOURN

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

This regular meeting adjourned at 8:06 p.m.

APPROVED ON: *January 16, 2024*

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary