



DRIPPING SPRINGS
Texas

CITY COUNCIL REGULAR MEETING
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Tuesday, April 18, 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 6:00 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
City Attorney Laura Mueller
City Treasurer Shawn Cox
City Secretary Andrea Cunningham
IT Director Jason Weinstock
Planning Director Tory Carpenter
Building Official Shane Pevehouse
Parks & Community Services Director Andy Binz
DSRP Manager Emily Nelson
Public Works Director Aaron Reed
Emergency Management Coordinator Roman Baligad
Special Counsel Dottie Palumbo, Bojorquez Law Firm
City PID Administrator Jon Snyder, P3 Works
Financial Advisor Andre Ayala, Hilltop Securities, Inc.

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 and discussion regarding the Heritage Public Improvement District issuance of bonds.**

Laura Mueller gave a presentation which is on file. City PID team members Dottie Palumbo, Jon Snyder and Andre Ayala were available for questions from the City Council.

EXECUTIVE SESSION

A motion was made by Council Member Tahuahua to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with Attorney, and regarding Consent Agenda items 6 and 7. Council Member Parks seconded the motion which carried unanimously 5 to 0.

The City Council met in Executive Session from 6:10 – 6:29 p.m. No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 6:29 p.m.

OPEN SESSION

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 March 21, 2023, City Council regular meeting minutes.**
- 3. Approval of the April 4, 2023, City Council workshop and regular meeting minutes.**
- 4. Approval of the March 2023 City Treasurer's Report.**
- 5. Approval of Agreement for Disclosure of Confidential Tax Information between the City of Dripping Springs and Los Olivos Market Dripping Springs LLC.**

6. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Pride of Dripping Springs for the Pride of Dripping Springs Festival on June 24, 2023.** *Applicant: Juana Searcy, President, Pride of Dripping Springs*
7. **Approval of a Professional Services & Use Agreement between the City of Dripping Springs and Hell Country Productions, Inc. for a Haunted House at Dripping Springs Ranch Park.** *Applicant: Aaron Sulser, Hell Country Productions, Inc.*
8. **Approval of Resolution Designating the Mayor, Mayor Pro Tem, and Certain City Staff as Authorized Signatories regarding Financial and Budgetary Procedures.** *Sponsor: Mayor Bill Foulds, Jr.*

Filed as Resolution No. 2023-R16

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda items 2 – 8. Council Member Crow seconded the motion. Upon further discussion, Mayor Pro Tem Manassian and Council Member Crow withdrew their motion and second respectively.

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda items 2 – 5, and 8. Council Member Crow seconded the motion which carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda item 6. Council Member Crow seconded the motion which carried 4 to 0 to 1, with Council Member Tahuahua abstaining.

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda item 7. Council Member Crow seconded the motion which carried 4 to 0 to 1, with Council Member Tahuahua abstaining.

BUSINESS AGENDA

9. **Discuss and consider approval of the selection of a contractor and authorization for city staff to negotiate an agreement for Building Inspection and Plan Review Services based on responses to the Request for Proposals.** *Sponsor: Mayor Bill Foulds, Jr.*

Shane Pevehouse presented the staff report which is on file. Staff recommends the selection of WLB Inspections, LLC.

A motion was made by Council Member Tahuahua to approve of the selection of WLB Inspections, LLC, as recommend by staff, for Building Inspection and Plan Review Services based on responses to the Request for Proposals, and to authorize staff to negotiate the agreement for services. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

10. **Discuss and consider approval of an Ordinance annexing and an Ordinance rezoning a 97.44-acre property to Planned Development District with a base zoning of SF-3 and GR, with 68.38-acres of residential uses, approximately 6.7-acres of commercial uses, and approximately 22.36-acres of open space, as amended by the ordinance language herein, for property located on U.S. 290 and north of the intersection of Drifting Wind**

Run commonly known as “Gateway Village”. *Applicant: John Doucet, Doucet and Associates*

a. Applicant Presentation – Peter Verdicchio with SEC Planning gave a presentation on the annexation, planned development district and associated agreements listed in Business Agenda Item 11. The presentation is on file.

b. Staff Report – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the annexation ordinance and agreement, and the zoning ordinance.

c. Planning & Zoning Commission Report – Laura Mueller presented the Planning & Zoning Commission report. The Commission did not consider the annexation ordinance and agreement; however, they recommended approval of the zoning ordinance.

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

Following the Public Hearing, Laura Mueller and Aaron Reed presented the staff reports for Business Items 11, 12 and 13, which are on file. Staff recommends approval of the agreements and resolution.

EXECUTIVE SESSION

A motion was made by Mayor Pro Tem Manassian to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with Attorney, and regarding Business Agenda Item 11. Council Member Crow seconded the motion which carried unanimously 5 to 0.

The City Council met in Executive Session from 7:10 – 7:17 p.m. No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 7:17 p.m.

OPEN SESSION

Laura Mueller and Aaron Reed continued with the staff reports and questions from the City Council.

e. Annexation Ordinance and Agreement

f. Zoning Ordinance

A motion was made by Council Member Tahuahua to approve an Ordinance annexing and an Ordinance rezoning a 97.44-acre property to Planned Development District with a base zoning of SF-3 and GR, with 68.38-acres of residential uses, approximately 6.7-acres of commercial uses, and approximately 22.36-acres of open space, as amended by the ordinance language herein, for property located on U.S. 290 and north of the intersection of Drifting Wind Run commonly known as “Gateway Village”. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

Annexation Filed as Ordinance No. 2023-14

Zoning Filed as Ordinance No. 2023-15

11. Discuss and consider approval of Agreements related to the Gateway Village Subdivision. *Applicant: Matthew Scrivener*

- a. **Staff Report** – Staff report was presented earlier in the meeting.
- b. **Offsite Road Agreement**
- c. **Wastewater Agreement**
- d. **Water Agreement**
- e. **Line Extension Agreement**

A motion was made by Mayor Pro Tem Manassian to approve Agreements related to Gateway Village. Council Member Parks seconded the motion which carried unanimously 5 to 0.

Items 12 and 13 were considered together.

12. Discuss and consider approval of a Resolution of the City of Dripping Springs, Texas consenting to the Annexation of Land commonly known as Gateway Village into Dripping Springs Municipal Utility District No. 1 and containing related findings and provisions. *Applicant: Matthew Scrivener*

Filed as Resolution No. 2023-R17

13. Discuss and consider approval of a First Amendment to Agreement Concerning Creation and Operation of Dripping Springs Municipal Utility District No. 1. *Applicant: Matthew Scrivener*

A motion was made by Mayor Pro Tem Manassian to approve a Resolution of the City of Dripping Springs, Texas consenting to the Annexation of Land commonly known as Gateway Village into Dripping Springs Municipal Utility District No. 1 and containing related findings and provisions; and, to approve the First Amendment to Agreement Concerning Creation and Operation of Dripping Springs Municipal Utility District No. 1. Council member Parks seconded the motion which carried unanimously 5 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.

14. March 2023 Maintenance Report
Craig Rice, Deputy Public Works Director

15. Emergency Management Report
Roman Baligad, Emergency Management Coordinator

16. Planning Department Report
Tory Carpenter, Planning Director

A motion was made by Mayor Pro Tem Manassian to adjourn into Executive Session under Texas Government Code sections 551.071, Consultation with Attorney, and regarding Executive Session Agenda Items 17 – 20. 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.

- 17. Consultation with Attorney related to settlement of litigation related to code enforcement and open government.** *Consultation with Attorney, 551.071*
- 18. Consultation with Attorney regarding legal issues related to coordination with the Dripping Springs Visitors Bureau.** *Consultation with Attorney, 551.071*
- 19. Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Water Service, and related items.** *Consultation with Attorney, 551.071*
- 20. Consultation with Attorney related to legislative program and matters regarding water, wastewater, utility issues, and other municipal issues at the Texas Legislature.** *Consultation with Attorney, 551.071*

The City Council met in Executive Session from 7:29 – 8:04 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr., returned the meeting to Open Session at 8:04 p.m.

OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to consider Executive Session Agenda Items 17 and 19 in Open Session. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

- 17. Consultation with Attorney related to settlement of litigation related to code enforcement and open government.** *Consultation with Attorney, 551.071*

A motion was made by Council Member Crow to authorize City Attorney Laura Mueller to reject the counteroffer from Bent Sky and to continue with the code enforcement lawsuit. Council Member. Council Member King seconded the motion which carried unanimously 5 to 0.

19. Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Water Service, and related items. *Consultation with Attorney, 551.071*

A motion was made by Mayor Pro Tem Manassian to reject the counteroffer from the Wastewater Lawsuit. Council Member Crow seconded the motion which carried unanimously 5 to 0.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

May 2, 2023, at 6:00 p.m. (CC & BOA)

May 16, 2023, at 6:00 p.m. (CC)

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

June 20, 2023, at 6:00 p.m. (CC)

Board, Commission & Committee Meetings

April 20, 2023, Emergency Management Commission at 12:00 p.m.

April 24, 2023, Transportation Committee at 3:30 p.m.

April 25, 2023, Planning & Zoning Commission at 6:00 p.m.

April 26, 2023, Economic Development Committee at 4:00 p.m.

April 27, 2023, Farmers Market Committee at 10:00 a.m.

May 1, 2023, Parks & Recreation Commission at 6:00 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.

APPROVED ON: May 2, 2023

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary