



CITY COUNCIL REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, August 17, 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 Treasurer Shawn Cox
City Secretary Andrea Cunningham
IT Coordinator Misty Dean
Parks & Community Services Director Kelly Schmidt
City Engineer Chad Gilpin
Senior Planner Tory Carpenter
Utility Commission Chair Chuck Miller

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.

Frank Raymond spoke regarding city-wide drainage and stormwater runoff issues.

PROCLAMATIONS & PRESENTATIONS

- 1. Approval of a Proclamation of the City of Dripping Springs Proclaiming August – October 2021 and March – May 2022 as “Lights Out Migratory Months.”** *Sponsor: Mayor Pro Tem Manassian*

Mayor Pro Tem Manassian read the proclamation.

Via unanimous consent, the City Council approved a Proclamation of the City of Dripping Springs Proclaiming August – October 2021 and March – May 2022 as “Lights Out Migratory Months.”

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 July 20, 2021, City Council Special Budget meeting minutes and the July 20, 2021, City Council Regular meeting minutes.**
- 3. Approval of the July 29, 2021, City Council Special Budget meeting minutes.**
- 4. Approval of the August 3, 2021, City Council regular meeting minutes.**
- 5. Approval of the July 2021 City Treasurer's Report.**
- 6. Approval of an Ordinance extending certain Conditional Use Permits for construction purposes.** *Sponsor: Mayor Foulds, Jr.*

Filed as Ordinance No. 2021-29

- 7. Approval of an update to Daikin HVAC Services Agreement to change start date to September 1, 2021.**
- 8. Approval of updated rate sheet with additional services for Gilpin Engineering.**

A motion was made by Council Member Harris-Allison to approve Consent Agenda Items 2 – 8. Council Member Tahuahua seconded the motion with carried unanimously 5 to 0.

BUSINESS AGENDA

Via unanimous consent, the City Council considered items 9 and 10 concurrently.

9. **Discuss and consider approval of a Special Event Permit application from the Dripping Springs Visitors Bureau for the 2021 Dripping Springs Songwriters Festival to be held October 15-17, 2021, in the Mercer Street and Old Fitzhugh Road vicinity. Sponsor: Mayor Foulds, Jr.**
10. **Discuss and consider approval of a Temporary Street Closure Permit application from the Dripping Springs Visitors Bureau to close a portion of Mercer Street for the 2021 Dripping Springs Songwriters Festival on October 17, 2021. Sponsor: Mayor Bill Foulds, Jr.**

Kelly Schmidt presented the staff report for items 9 and 10, which are on file. Staff recommends approval of the special event permit and temporary street closure with the following conditions:

1. That the City Administrator and Emergency Management Coordinator approve the number of Deputy Constables/Deputy Sheriffs and their scheduled patrol times; and
2. That the City Administrator and Emergency Management Coordinator approve the public notice letter sent to affected properties.

A motion was made by Council Member Parks to approve a Special Event Permit application from the Dripping Springs Visitors Bureau for the 2021 Dripping Springs Songwriters Festival to be held October 15-17, 2021, in the Mercer Street and Old Fitzhugh Road vicinity, and the Temporary Street Closure Permit application from the Dripping Springs Visitors Bureau to close a portion of Mercer Street for the 2021 Dripping Springs Songwriters Festival on October 17, 2021, with the following conditions:

1. That the City Administrator and Emergency Management Coordinator approve the number of Deputy Constables/Deputy Sheriffs and their scheduled patrol times; and
2. That the City Administrator and Emergency Management Coordinator approve the public notice letter sent to affected properties.

Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

11. **Discuss and consider approval of the Appointment of two (2) individuals to the Parks and Recreation Commission for terms ending June 30, 2023.**

Andrea Cunningham presented the staff report which is on file.

A motion was made by Council Member Harris-Allison to appoint Tara Satine and Kristy Caldwell to the Parks & Recreation Commission for terms ending June 30, 2023. Council Member King seconded the motion which carried unanimously 5 to 0.

12. **Discuss and consider approval of the selection of bidder related to the Butler Ranch Road and Pin Oak Street Rehabilitation Project.**

Chad Gilpin presented the staff report which is on file. Staff recommends the selection of Lone Star Sitework, LLC and requests that the City Council also allow for staff to negotiate the related contract.

A motion was made by Council Member King to approve Lone Start Sitework, LLC as the selected bidder for the Butler Ranch Road and Pin Oak Street Rehabilitation Project, and to approve staff to negotiate the Construction Contract. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

13. Public Hearing and consideration of approval of an Ordinance and Annexation Agreement regarding approximately 283 acres of the Cynosure Tract north of 290 and east of RR 12 adjacent to the Big Sky and Headwaters subdivisions. Applicant: Rex Baker, Baker & Robertson

a. Presentation – Applicant Rex Baker was available for questions.

b. Staff Report – Laura Mueller presented the staff report which is on file. Staff recommends approval of the annexation ordinance and agreement.

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

d. Ordinance – **Filed as Ordinance No. 2021-30**

e. Agreement

A motion was made by Council Member Harris-Allison to approve an Ordinance and Annexation Agreement regarding approximately 283 acres of the Cynosure Tract north of 290 and east of RR 12 adjacent to the Big Sky and Headwaters subdivisions. Council Member Parks seconded the motion which carried unanimously 5 to 0.

14. Public hearing and consideration of approval of an Ordinance regarding PDD2021-002 Cynosure-Wild Ridge: an application for a Planned Development District to consider an ordinance enacting Planned Development District Number 13 and approving the zoning change from Agriculture (AG) to Planned Development District Number 13 (PDD #13) with a base zoning of SF-3 for up to 960 units with some local retail uses to be located on approximately 283 acres on the Cynosure Tract north of the Cannon Tract and east of the Scott Tract northeast of city limits. Applicant: Rex Baker, Baker & Robertson

a. Presentation – Applicant Rex Baker was available for questions.

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

c. Planning and Zoning Commission Report – Laura Mueller presented the Planning & Zoning Commission report. The Commission recommends approval of the ordinance.

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

e. Planned Development District Ordinance – **Filed as Ordinance No. 2021-31**

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance regarding PDD2021-002 Cynosure-Wild Ridge: an application for a Planned Development District to consider an ordinance enacting Planned Development District Number 13 and approving the zoning change from Agriculture (AG) to Planned Development District Number 13 (PDD #13) with a base zoning of SF-3 for up to 960 units with some local retail uses to be located on approximately 283 acres on the Cynosure Tract north of the Cannon Tract and east of the Scott Tract northeast of city limits. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Via unanimous consent, the City Council considered items 15, 16 and 17 concurrently.

- 15. Discuss and consider approval of a Resolution consenting to creation and operation of a Municipal Utility District at Cynosure Ranch a 283 acre tract north of 290 and east of RR 12 adjacent to Headwaters and Big Sky subdivisions. Applicant: Rex Baker, Baker & Robertson**

Filed as Resolution No. 2021-R26

- 16. Discuss and consider approval of a Transportation Enhancement Agreement between the City of Dripping springs and Meritage related to street, utility, and park improvements on the Cynosure Tract. Applicant: Rex Baker, Baker & Robertson**
- 17. Discuss and consider approval of Utility Agreements for Wastewater Service and Water Service between the City of Dripping Springs and Meritage for an approximately 283 acre tract at Cynosure Ranch for up to 960 dwelling units. Applicant: Rex Baker, Baker & Robertson**

Laura Mueller presented the staff report for items 15 – 17 which are one file. Staff recommends approval of the agreements.

A motion was made by Council Member Tahuahua to approve a Resolution consenting to creation and operation of a Municipal Utility District at Cynosure Ranch a 283 acre tract north of 290 and east of RR 12 adjacent to Headwaters and Big Sky subdivisions; a Transportation Enhancement Agreement between the City of Dripping springs and Meritage related to street, utility, and park improvements on the Cynosure Tract; and, Utility Agreements for Wastewater Service and Water Service between the City of Dripping Springs and Meritage for an approximately 283 acre tract at Cynosure Ranch for up to 960 dwelling units. Council Member Harris-Allison 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.

- 18. Maintenance Director's Monthly Report**
Craig Rice, Maintenance Director
- 19. Economic Development Committee Report**
Kim Fernea, EDC Chair

20. Transportation Committee Report

Jim Martin, TC Interim Chair

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, 551.071, Deliberation of Personnel Matters, and 551.072, Deliberation of Real Property and regarding Executive Session Agenda Items 21 and 22. Council Member Parks 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.

21. **Deliberation regarding the appointment, employment, evaluation, reassignment, compensation, and duties of Penny Appleman, Roman Baligad, Jim Bass, Melanie Blakely, Kevin Campbell, Sherry Canady, Tory Carpenter, Sarah Cole, Shawn Cox, Andrea Cunningham, Misty Dean, Brandon Elliott, Ginger Faught, Michelle Fischer, Sesario Garza, Johnathon Hill, Alison Jamieson, Sheri Kapanka, Amy Kappler, Johnna Krantz, Laura Mueller, Emily Nelson, Shane Pevehouse, Aaron Reed, Charles Reed, Craig Rice, Jessica Selina Romero, Warlan Rivera, Mackenzie Rusick, Kelly Schmidt, Lily Sellers, Nick Spillar, William Stevens, Riley Sublett, Lisa Sullivan, Planning Director, Residential Plans Examiner & Inspector, Maintenance Worker, and DSRP Facility Specialists.** *Deliberation of Personnel Matters, 551.074*
22. **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*
23. **Consultation with City Attorney and Deliberation of Real Property regarding the extension of Roger Hanks Parkway including related agreements.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.071.*
24. **Consultation with City Attorney regarding legal issues and Deliberation of Real Property related to the Wild Ridge Subdivision and Agreement related to the Wild Ridge Subdivision.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
25. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Wastewater Operations, agreements related to Wastewater, the South Regional Water Reclamation Expansion Project Easement Acquisition, Wastewater Discharge Permit, 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*

26. **Consultation with City Attorney for legal issues related to the provision of retail utility services.** *Consultation with City Attorney, 551.071*
27. **Consultation with City Attorney regarding legal issues related to ongoing developments including Rob Shelton Improvements and Texas Department of Transportation and other sources of funding related to improvements and the provision of wastewater to PDD 11 and legal issues related Bunker Ranch annexation and zoning.** *Consultation with City Attorney, 551.071*

The City Council met in Executive Session from 6:35 – 8:56 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr., returned the meeting to Open Session at 8:56 p.m.

OPEN SESSION

UPCOMING MEETINGS

City Council Meetings

August 25, 2021 at 6:00 p.m.

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

September 21, 2021 at 6:00 p.m.

Board, Commission & Committee Meetings

August 19, 2021, Farmers Market Board at 10:00 a.m.

August 19, 2021, Emergency Management Commission at 12:00 p.m.

August 23, 2021, Transportation Committee at 3:30 p.m.

August 24, 2021, Planning & Zoning Commission at 6:30 p.m.

August 25, 2021, Economic Development Committee at 4:00 p.m.

August 30, 2021, Parks & Recreation Commission at 6:00 p.m.

September 1, 2021, DSRP Board at 12:00 p.m.

September 2, 2021, Historic Preservation Commission at 4:00 p.m.

ADJOURN

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

This regular meeting adjourned at 8:56 p.m.

APPROVED ON: September 7, 2021

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary