



City Council & Board of Adjustment Regular Meeting

City of Dripping Springs Council Chambers

511 Mercer Street - Dripping Springs, TexasTexas

Tuesday, February 06, 2024, at 6:00 PM

MINUTES

CALL TO ORDER & ROLL CALL

With a quorum of the City Council present, Mayor Pro Tem Manassian called the meeting to order at 6:02 p.m.

City Council Members present were:

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 (arrived at 6:10 p.m.)

Council Member absent was:

Mayor Bill Foulds, Jr.

Staff, Consultants, & Appointed/Elected Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Administrator Shawn Cox
City Attorney Laura Mueller
City Secretary Andrea Cunningham
IT Director Jason Weinstock
People & Communications Director Lisa Sullivan
Planning Director Tory Carpenter
Utilities Director Dane Sorensen
Parks & Community Services Director Andy Binz
Building Official Shane Pevehouse
Special Counsel David Tuckfield
Architectural Consultant Keenan Smith
Planning & Zoning Commission Chair Mim James
Planning & Zoning Commission Vice Chair Tammie Williamson

PLEDGE OF ALLEGIANCE

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

Council Member Tahuahua requested that the proclamation be read out of order and prior to the Board of Adjustment Meeting. Via unanimous consent, the proclamation was heard out of order.

PROCLAMATIONS & PRESENTATIONS

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

- 2. Proclamation proclaiming February 2024 as "Dating Violence Awareness and Prevention Month" in the City of Dripping Springs.** *Sponsor: Mayor Bill Foulds, Jr.*

Council Member Tahuahua read and presented the proclamation to Hays-Caldwell Women's Center Chief Development Officer Holly Cunningham-Kizer and Board of Directors Member Amy Casner.

BOARD OF ADJUSTMENT

CALL TO ORDER & ROLL CALL

The Board of Adjustment met from 6:08 p.m. – 6:30 p.m.

Board Members present were:

Acting Chair, Taline Manassian
Wade King
Geoffrey Tahuahua
Travis Crow
Sherrie Parks
Joe Volpe

BOARD OF ADJUSTMENT AGENDA

- 1. Public hearing and consideration of approval of VAR2023-0007: an application for a variance to Section 3.14.3 of the Zoning Ordinance to allow a building height in excess of 40 feet for the St. Martin de Porres Catholic Church located at 230 Post Oak Drive.** *Applicant: Daniel Pesek*

a. Applicant Presentation – Applicant representative BRW Architects Director Daniel Pesek, AIA, gave a presentation which is on file.

b. Staff Report – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the variance application with the following conditions:

- (1) The property shall be annexed into the City Limits; and
- (2) The two western-most properties shall be combined into a single platted lot.

c. Planning & Zoning Commission Report – Chair Mim James presented the report. The Commission recommended approval of the variance request 4 to 1, with the condition that the St. Martin de Porres Subdivision Lots be platted as one lot; Vice Chair Williamson was opposed.

d. Public Hearing – Charlie Busbey, adjacent property owner, spoke in favor of the City Council approving the variance request.

e. Variance Application – A motion was made by Board Member Crow to approve VAR2023-0007: an application for a variance to Section 3.14.3 of the Zoning Ordinance to allow a building height in excess of 40 feet for the St. Martin de Porres Catholic Church located at 230 Post Oak Drive with staff conditions. Board Member Parks seconded the motion which carried unanimously 6 to 0.

CITY COUNCIL

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.

Susan Cook spoke regarding the Texas Department of Transportation proposed plans from Highway 290 and expressed concerns regarding the project.

PROCLAMATIONS & PRESENTATIONS

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- 2. Proclamation proclaiming February 2024 as "Dating Violence Awareness and Prevention Month" in the City of Dripping Springs.** *Sponsor: Mayor Bill Foulds, Jr.*

The proclamation was read earlier in the meeting.

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.

- 3. Approval of the January 16, 2024, City Council regular meeting minutes.**
- 4. Approval of an Amended 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-R41 (amended)

5. **Approval of a Rate Adjustment for an Agreement with Chapman Law Firm, P.C.** *Sponsor: Mayor Bill Foulds, Jr.*
6. **Approval of the First Amendment to the Big Sky Wastewater Utility Agreement with Meritage Homes of Texas.** *Sponsor: Mayor Bill Foulds, Jr.*
7. **Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for Roger Hanks Parkway Extension II.** *Applicant: Cash Construction Company, Inc.*

Filed as Resolution No. 2024-R04

A motion was made by Council Member Tahuahua to approve Consent Agenda Items 3 – 7 with corrections to the minutes as presented at the dais. Council Member King seconded the motion which carried unanimously 5 to 0.

BUSINESS AGENDA

8. **Public hearing and consideration of approval of a License to Encroach for an existing structure partially within the City right-of-way at 101 S. College St.** *Applicant: Jon Thompson. Owner: Short Mama's LLC.*
 - a. **Applicant Presentation** – Applicant Jon Thompson spoke regarding the item and agrees with staff assessment and recommendation of the license.
 - b. **Staff Report** – Tory Carpentar presented the staff report which is on file. Staff recommends approval of the license to encroach and accompanying agreement with the following conditions:
 - 1) License to Encroach will only include the carriage house structure located on Wallace Street and will not include any fences in the right of way.
 - 2) If additional easements are needed for drainage and street improvements in the area, the applicant shall provide a 5-foot-wide easement along Wallace Street (exclusive of the carriage house) at no cost to the City.
 - d. **Public Hearing** – No one spoke during the Public Hearing.
 - e. **License to Encroach Application** – A motion was made by Council Member Tahuahua to approve a License to Encroach for an existing structure partially within the City right-of-way at 101 S. College Street with staff conditions. Council Member King seconded the motion which carried 4 to 0 to 1, with Council Member Crow abstaining.
9. **Public hearing and consideration of approval of a Sign Variance Request to exceed the maximum signable area allowed for a multi-unit complex monument sign for Headwaters Commercial West, located at 1055 Kibo Ridge.** *Applicant: Blake Rue*
 - a. **Applicant Report** – Property owner Britt Benton was available for questions.
 - b. **Staff Report** – Shane Pevehouse presented the staff report which is on file. Staff recommends approval of the sign variance request.

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

d. Variance Request – A motion was made by Council Member King to approve a Sign Variance Request to exceed the maximum signable area allowed for a multi-unit complex monument sign for Headwaters Commercial West, located at 1055 Kibo Ridge. Council Member Parks seconded the motion which carried unanimously 5 to 0.

10. Discuss and consider approval of a Facility Use Agreement between the City of Dripping Springs and Tiger Splash TAAF Swim Team related to use of the Founders Memorial Pool for the 2024 swim season. Sponsor: Councilmember Wade King

Andy Binz presented the staff report which is on file. Staff recommends approval of the agreement with a 10% discount.

Tiger Splash President James Landrum spoke regarding the request of an additional 5% discount, for a grand total discount of 15%.

A motion was made by Council Member King to approve a Facility Use Agreement between the City of Dripping Springs and Tiger Splash TAAF Swim Team related to use of the Founders Memorial Pool for the 2024 swim season with the staff recommended discount of 10%. Council Member Crow seconded the motion which carried unanimously 5 to 0.

11. Public hearing and consideration of approval of an Ordinance Calling the City of Dripping Springs 2024 Municipal General Election.

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

b. Ordinance – A motion was made by Council Member Parks to approve an Ordinance Calling the City of Dripping Springs 2024 Municipal General Election. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2024-04

12. Discuss and consider approval of the Environmental Health Inspector Job Description. Sponsor: Mayor Bill Foulds, Jr.

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

Via unanimous consent, the item was tabled.

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.

13. Planning Department Report
Tory Carpenter, Planning Director

A motion was made by Council Member Tahuahua to adjourn into Closed Session under Texas Government Code Sections 551.071, Consultation with City Attorney and 551.074, Personnel Matters; and regarding Closed Session Agenda Items 14 and 15, and Business Agenda Item 12. Council Member King seconded the motion which carried unanimously 5 to 0.

CLOSED SESSION

The City Council has the right to adjourn into closed 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 Closed Session item will be taken in Open Session.

- 14. Consultation with Attorney and Deliberation of the Hiring, Employment, and Duties of the Public Works Director, Deputy Public Works Director, Maintenance Director, and Environmental Health Inspector.** *Consultation with Attorney, 551.071; Personnel Matters, 551.074*
- 15. 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 for subdivisions and commercial projects, Wastewater Fees, and related items.** *Consultation with Attorney, 551.071*

The City Council met in Closed Session from 7:15 p.m. – 7:58 p.m.

Council Member Crow recused from Closed Session Agenda Item 15, stepping down from the dais and exiting the Council Chambers.

No vote or action was taken during Closed Session. Mayor Pro Tem Manassian returned the meeting to Open Session at 7:58 p.m.

OPEN SESSION

The City Council returned to tabled Business Agenda Item 12 for consideration.

- 12. Discuss and consider approval of the Environmental Health Inspector Job Description.** *Sponsor: Mayor Bill Foulds, Jr.*

A motion was made by Council Member Tahuahua to approve the Environmental Health Inspector Job Description with staff direction to post the position. Council Member Parks seconded the motion which carried un 5 to 0.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

February 20, 2024, at 6:00 p.m. (CC)
March 5, 2024, at 6:00 p.m. (CC & BOA)
March 19, 2024, at 6:00 p.m. (CC)

Board, Commission, & Committee Meetings

February 12, 2024, TIRZ No. 1 & No. 2 Board at 4:00 p.m.
February 14, 2024, DSRP Board at 11:00 a.m.
February 15, 2024, Farmers Market Committee at 10:00 a.m.
February 15, 2024, Emergency Management Commission at 12:00 p.m.
February 21, 2024, Parks & Recreation Commission at 6:00 p.m.

ADJOURN

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

This regular meeting adjourned at 8:00 p.m.

APPROVED ON: February 20, 2024

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary