



## City Council & Board of Adjustment Regular Meeting

*Dripping Springs ISD Center for Learning and Leadership*

*Board Room, 300 Sportsplex Drive – Dripping Springs, Texas*

*Tuesday, March 04, 2025, at 6:00 PM*

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### **DRAFT MINUTES**

#### **CALL TO ORDER & ROLL CALL**

With a quorum of Council Members present, Mayor Foulds called the meeting to order at 6:03 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 Travis Crow

Council Member Place 5 Sherrie Parks

##### **Staff, Consultants, & Appointed/Elected Officials**

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

Deputy City Administrator Shawn Cox

City Attorney Laura Mueller

Deputy City Attorney Aniz Alani

City Secretary Diana Boone

Community Events Coordinator Johnna Krantz

Aquatics Manager Drew Hughes

Parks & Community Services Assistant Director Emily Nelson

People & Communications Director Lisa Sullivan

Parks & Community Services Director Andy Binz

Planning Director Tory Carpenter

Human Resources Director Chase Winburn

Planning & Zoning Commission Chair Mim James

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Tahuahua.

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**BOARD OF ADJUSTMENT**

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#### **CALL TO ORDER & ROLL CALL**

**Board Members**

Chair Bill Foulds, Jr.

Taline Manassian

Wade King

Geoffrey Tahuahua

Travis Crow

Sherrie Parks

**BOARD OF ADJUSTMENT AGENDA**

1. **Public hearing, discussion, and consideration of approval of VAR2024-013: a variance request to allow three commercial buildings within the side building setback for the property located at 1300 E US 290. Applicant: Shawn Beichler, AAA Storage-Storserv**

- a. Applicant Presentation

The applicant was not present.

- b. Staff Report

The staff report was presented by Planning Director Tory Capenter. Staff recommends denial of the variance request.

- c. Planning & Zoning Commission Report

Planning & Zoning Commission Chair Mim James presented on behalf of the commission and recommended denial.

- d. Public Hearing

No one spoke during the Public Hearing.

- e. Variance

A motion was made by Council Member Crow and seconded by Council Member King, to deny variance 2024-013. The motion to deny carried unanimously 5 to 0.

2. **Public hearing, discussion, and consideration of approval of VAR2024-014: a variance request to waive the masonry fence requirement for a commercial development on the property located at 1300 E US 290. Applicant: Shawn Beichler, AAA Storage-Storserv**

- a. Applicant Presentation

The applicant was not present.

- b. Staff Report

The staff report was presented by Planning Director Tory Capenter. Staff recommends denial of the variance request.

c. Planning & Zoning Commission Report

Planning & Zoning Commission Chair Mim James presented on behalf of the commission and recommended denial.

d. Public Hearing

No one spoke during the Public Hearing.

e. Variance

After a brief discussion, this item was skipped to be addressed after Item 3.

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to postpone this item to date certain, April 1, 2025 and directed staff to find out when fence was built.

The motion to postpone carried unanimously 5 to 0.

**3. Public hearing, discussion, and consideration of approval of VAR2024-010: a variance request to allow a commercial building larger than 50,000 square feet in a Commercial Services zoning district for a property located at 598 E US 290. Applicant: Zachary Morgan, Quiddity**

a. Applicant Presentation

Kathy Strimple presented and requested a variance to allow a structure up to 150,000 sq.ft. in the Commercial Services District.

b. Staff Report

The staff report was presented by Planning Director Tory Carpenter. Staff recommends approval of the variance request with the condition that the applicant submit an alternative exterior design prior to submitting a site development application.

c. Planning & Zoning Commission Report

Planning & Zoning Commission Chair Mim James presented on behalf of the commission and recommended approval of the variance request.

d. Public Hearing

No one spoke during the Public Hearing.

e. Variance

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to approve the variance request to allow a commercial building larger than 50,000

square feet in a Commercial Services zoning district, not to exceed 150,000 square feet.

The motion to approve carried unanimously 5 to 0.

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## CITY COUNCIL

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### **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 regarding issues not on the agenda and two (2) minutes per item on the agenda 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.*

No one spoke during the Presentation of Citizens.

### **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.*

- 4. Approval of the February 18, 2025 Regular City Council Meeting Minutes.**
- 5. 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 2025 swim season. Sponsor: Mayor Pro Tem Manassian**
- 6. Discuss and consider approval of a resolution suspending the April 12, 2025 effective date of the interim rate adjustments proposed by Texas Gas Service Company for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases. Sponsor: Mayor Pro Tem Manassian**
- 7. Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for Caliterra Phase 2, Section 7 – Wastewater. Applicant: DNT Construction, LLC**

8. **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for Caliterra Phase 5, Section 13 – Wastewater.** *Applicant: DNT Construction, LLC*
9. **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for the Driftwood Golf & Ranch Club Phase 3B – Water & Wastewater Improvements.** *Applicant: Jimmy Evans Company*

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to approve items 5 – 9 and to bring back item 4 to the next council meetings with corrections.

The motion carried unanimously 5 to 0.

## **BUSINESS AGENDA**

10. **Public hearing, discussion, and consideration of approval of ZA2024-007: a zoning amendment request from PDD 1 to Commercial Services (CS) for Lot 1, Block B of the Dripping Springs Retail Center located at 598 E US 290.** *Applicant: Zachary Morgan, Quiddity*

- a. Applicant Presentation

Kathy Strimple remained in audience to answer questions.

- b. Staff Report

The staff report was presented by Planning Director Tory Capenter. Staff recommends approval of the zoning amendment as presented.

- c. Planning & Zoning Commission Report

Planning & Zoning Commission Chair Mim James presented on behalf of the commission and recommended approval of the request.

- d. Public Hearing

No one spoke during the Public Hearing.

- e. Zoning Amendment

A motion was made by Council Member Tahuahua and seconded by Council Member Parks, to approve the zoning amendment request from PDD 1 to Commercial Services (CS) for Lot 1, Block B of the Dripping Springs Retail Center located at 598 E US 290.

The motion to approve carried unanimously 5 to 0.

11. **Public hearing, discussion, and consideration of approval of an ordinance regarding DA2025-001: an application amending the Driftwood 552 Development Agreement to expand the existing Driftwood 552 Development Agreement Area by annexing Lots 5 & 6 of the Down Stream Subdivision.** *Applicant: Zachary Morgan, P.E.*

a. Applicant Presentation

Applicant was in audience, prepared to answer questions as needed.

b. Staff Report

The staff report was presented by Planning Director Tory Capenter. Staff recommends approval of the development expansion as presented.

c. Planning & Zoning Commission Report

Planning & Zoning Commission Chair Mim James presented on behalf of the commission and recommended approval.

d. Public Hearing

No one spoke during the Public Hearing.

e. Amendment

A motion was made by Council Member Tahuahua and seconded by Mayor Pro Tem Manassian, to approve the ordinance amending the Driftwood 552 Development Agreement to expand the existing Driftwood 552 Development Agreement Area by annexing Lots 5 & 6 of the Down Stream Subdivision.

The motion to approve carried unanimously 5 to 0.

**12. Discuss and consider approval of an Ordinance Amending Article 28.06 Landscaping and Tree Preservation Ordinance; Establishing Regulations for Development and the Preservation of Trees, related to Differentiating between Regulations Applicable to Projects in the City Limits or Extraterritorial Jurisdiction. Sponsor: Mayor Pro Tem Manassian**

This item was presented by City Attorney Laura Mueller who recommended approval followed by education via the city website and through direct contact with Building and Planning Departments.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to approve the ordinance amending the landscaping and tree preservation ordinance. The motion to approve carried unanimously 5 to 0.

**13. Public hearing, discussion, and consideration of approval of proposed amendments to the Standards of Care Ordinance, Chapter 16 Public Ways and Places, Article 16.02. Parks and Recreation, Division 3. Youth Programs' Standards of Care. Sponsor: Mayor Pro Tem Taline Manassian**

This item was postponed to date certain, March 25, 2025.

**14. Discuss and consider approval of an Ordinance amending the Solicitation Ordinance with respect to the regulation of Itinerant Vendors and Special Events.** *Sponsor: Council Member Sherrie Parks*

a. Staff Report

Deputy City Attorney Aniz Alani presented along with Community Events Coordinator Johnna Krantz.

b. Public Hearing

No one spoke during the Public Hearing.

c. Ordinance

A motion was made by Council Member Parks and seconded by Council Member Crow, to approve the ordinance amending the Solicitation Ordinance with respect to the regulation of itinerant vendors and special events. The motion to approve carried unanimously 5 to 0.

**15. Discuss and consider approval of an Ordinance Cancelling the 2025 Municipal Election.**

The staff report was presented by City Secretary Diana Boone.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Parks, to approve the ordinance cancelling the election. The motion to approve carried unanimously 5 to 0.

**16. Discuss and consider approval of a Resolution revising the City of Dripping Springs Personnel Manual.** *Sponsor: Mayor Bill Foulds, Jr.*

The staff report was presented by Human Resources Director Chase Winburn.

This item was briefly discussed and action was taken after Closed Session.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to approve the Personnel Manual revisions but direct staff to make other related revisions related to the Human Resources Director and bring back further revisions as discussed in Closed Session on March 25, 2025. The motion carried unanimously 5 to 0.

**17. Discuss and consider Appeal of the Takings Assessment related to the Hardy Tract project.** *Appellant: Jamie Rose, Greenberg Traurig*

a. Staff Report on Options

The staff report and options were presented by City Attorney Laura Mueller.

b. Appeal

Discussion of this item was moved to Closed Session under Section 551.071, Consultation with Attorney.

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to partially uphold the Takings Assessment as to the 24 road and related drainage and reverse the Takings Assessment as to the sidewalk adjacent to the Hardy Driveway due to the unique circumstances that have been discussed.

The motion to approve carried with 4 yays, 1 nay by Mayor Pro Tem Manassian.

**18. Discuss and consider approval of an Ordinance amending the Fiscal Year 2025 Budget related to Parks & Recreation Expenses. Sponsor: Mayor Pro Tem Taline Manassian**

a. Staff Report

The staff report was presented by Parks & Community Services Director Andy Binz, requesting approval of the repair of the existing fence and the installation of a 10 ft. fence at the Sports & Recreation Park. The staff report is included in the agenda packet and made available to the public via our website.

b. Public Hearing

No one spoke during the Public Hearing.

c. Budget Amendment

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Parks, to approve an ordinance amending the FY 2025 Budget related to Parks & Recreation expenses and move monies earmarked and approved for restroom improvements to partially fund the fence.

The motion to approve carried unanimously 5 to 0.

**19. Discuss and consider adoption of the Fiscal Year 2025 - 2026 Budget Calendar. Sponsor: Mayor Bill Foulds, Jr.**

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to adopt the budget calendar as presented. The motion to approve carried unanimously 5 to 0.

**20. Discuss and consider projects related to the proposed Certificates of Obligation. Sponsor: Mayor Bill Foulds, Jr.**

No action was taken.

## 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.*

**21. Building Official Update on approved side setback variance for 406 Sue Peaks Loop. Shane Pevehouse, Building Official**

No action was taken.



## CLOSED SESSION

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member King, to go into Closed Session with items 16, and 22-24, under sections 551.071 and 551.072. The motion carried unanimously 5 to 0.

Closed Session started at 8:31 p.m. and ended at 9:53 p.m.

*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.*

- 22. Consultation with Attorney and Deliberation Regarding Real Property related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** (*Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*)
- 23. Consultation with City Attorney related to legal issues regarding land use, economic development, waiver process, and infrastructure requirements and rough proportionality.** (*551.071, Consultation with Attorney*).
- 24. 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 and Agreements, Wastewater Fees, Wastewater Infrastructure Agreements, facility liability coverage, and related items.** (*Consultation with Attorney, 551.071*)

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Tahuahua, to move item 22 out of Closed Session. The motion carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Parks, to approve the Weichert agreement as presented. The motion to approve carried unanimously 5 to 0.

## ADJOURN

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

The meeting adjourned at 10:06 p.m.