



CITY COUNCIL REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, September 21, 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 6:01 p.m.

City Council Members present were:

Mayor Bill Foulds, Jr.
Mayor Pro Tem Taline Manassian
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 April Harris Allison
Council Member Place 5 Sherrie Parks

City Council member absent was:

Council Member Place 2 Wake King

Staff, Consultants & Appointed/Elected Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Attorney Laura Mueller
City Treasurer Shawn Cox
City Secretary Andrea Cunningham
Maintenance Director Craig Rice
Planning Director Howard Koontz
Public Works Coordinator Aaron Reed
IT Coordinator Misty Dean
Communications & Marketing Director Lisa Sullivan
Senior Planner Tory Carpenter
Utility Commission Chair Chuck Miller
Transportation Consultant Leslie Pollack, HDR Engineering

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Manassian 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.

Cathy Ramsey spoke regarding karst topography in the Dripping Springs area.

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.

- 1. Approval of the September 7, 2021, City Council Workshop & Regular Meeting Minutes.**
- 2. Approval of the Appointment of Matthew Ordway to the Utility Commission for an At-Large seat with a term expiring June 30, 2023.**
- 3. Approval of the August 2021 City Treasurer's Report.**
- 4. Approval of an Ordinance updating the Dripping Springs Technical Criteria (DSTC).**

Filed as Ordinance No. 2021-35

- 5. Approval of a Resolution of the City of Dipping Springs, Texas, approving and accepting a construction bond for Driftwood Creek Subdivision Phase 1 Section 3 water and wastewater.**

Filed as Resolution No. 2021-R28

- 6. Approval of an Amendment to the Professional Services Agreement between the City of Dripping Springs and Keenan Smith (City Lights Design Alliance) for TIRZ Project Manager Services.**
- 7. Approval of a parking lot use, liability, and maintenance agreement for both Christmas on Mercer 2021 and Founders Day Festival 2022 city-wide events. Sponsor: Mayor Pro Tem Manassian**
- 8. Approval of a Facility Use Agreement between the City of Dripping Springs and Lions Club regarding Christmas on Mercer 2021. Sponsor: Mayor Por Tem Manassian**
- 9. Approval of the 2022 City of Dripping Springs Holiday Calendar.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 1 - 9, with corrected minutes as presented. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

BUDGET

10. Public hearing on the 2021 Ad Valorem Tax and Levy of 0.19 per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the Corporate City Limits.

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

11. Public hearing and consideration of approval regarding an Ordinance of the City of Dripping Springs, Texas adopting the 2021-2022 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures.

a. Staff Report – Shawn Cox presented the staff report which is on file. Staff recommends adoption of the budget.

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 of the City of Dripping Springs, Texas, setting and approving the municipal budget for fiscal year 2021-2022; funding municipal purposes; authorizing expenditures; providing for the following: findings of fact; enactment; filing of budget; repealer; severability; effective date; and proper notice and meeting to the City Council meeting on September 21, 2021. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0 via roll call vote:

Mayor Pro Tem Manassian	Aye
Council Member Tahuahua	Aye
Council Member Harris-Allison	Aye
Council Member Parks	Aye

Filed as Ordinance No. 2021-36

12. Discuss and consider approval of a Resolution ratifying the Municipal Budget for Fiscal Year 2021-2021; funding municipal purposes; authorizing expenditures; filing of budget; repealer; severability; effective date; and proper notice.

Mayor Foulds, Jr. noted a correction in the above caption, which should read, “Fiscal Year 2021-2022.”

A motion was made by Mayor Pro Tem Manassian to approve a resolution of the City of Dripping Springs, Texas, ratifying the municipal budget for fiscal year 2021-2022 reflecting this budget is based on raising more revenue from property taxes than in the previous year. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0 via roll call vote:

Mayor Pro Tem Manassian	Aye
Council Member Tahuahua	Aye

Council Member Harris-Allison Aye
Council Member Parks Aye

Filed as Resolution No. 2021-R29

- 13. Discuss and consideration of approval of an Ordinance approving the 2021 Ad Valorem Tax and Levy of 0.19 per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the Corporate City Limits; providing for penalties and interest; and providing for the following: findings of fact; severability; savings clause; publication and effective date.**

A motion was made by Mayor Pro Tem Manassian that the property tax rate be increased by the adoption of a maintenance and operations tax rate of .1900 per one hundred dollars of assessed valuation, which is effectively an 8.32 percent (8.32%) increase in the tax rate. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0 via roll call vote:

Mayor Pro Tem Manassian Aye
Council Member Tahuahua Aye
Council Member Harris-Allison Aye
Council Member Parks Nay

Filed as Ordinance No. 2021-37

BUSINESS AGENDA

- 14. Discuss and consider approval of a request to improve the landscaping Veterans Memorial Park adjacent to and surrounding the Welcome to Dripping Springs sign pursuant to partial lease of Veterans Memorial Park. Sponsor: Council Member King**

Craig Rice presented the staff report which is on file. Staff recommends approval of the request.

A motion was made by Council Member Tahuahua to approve a request to improve the landscaping Veterans Memorial Park adjacent to and surrounding the Welcome to Dripping Springs sign pursuant to partial lease of Veterans Memorial Park. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

- 15. Discuss and consider approval of a License Agreement between the City of Dripping Springs and Vicky Lewis for a Cluster Mail Box Unit at 511 Mercer Street (City Hall Parking Lot) for use by Mercer Street Businesses.**

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

Vicky Lewis spoke regarding issues with mail and packages for business owners in the Mercer Steet area.

A motion was made by Council Member Harris-Allison to approve a License Agreement between the City of Dripping Springs and Vicky Lewis for a Cluster Mailbox Unit at 511

Mercer Street (City Hall Parking Lot) for use by Mercer Street Businesses. Council Member Parks seconded the motion which carried unanimously 4 to 0.

16. Discuss and consider Appointments to the Founders Day Commission for the following seats and terms:

Andrea Cunningham presented the staff report which is on file. Staff recommends the appointment of members to the Founders Day Commission.

- a. (1) At-large for an unexpired term of June 30, 2022**
- b. (1) Lions Club Representative for term of June 30, 2023**
- c. (1) Cook-Off Club Representative for term of June 30, 2023**
- d. (1) St. Martin de Porres Church Representative for term of June 30, 2023**

A motion was made by Mayor Pro Tem to appoint the following individuals to the Founders Day Commission, Clinton Holtzendorf to the at-large seat for a term ending June 30, 2022, and Susan Warwick as the Lions Club representative, Danny Rowe as the Cook-Off Club representative and Darrell Debish as the St. Martin de Porres Church representative for terms ending June 30, 2023. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

17. Public hearing and consideration of approval of an Ordinance regarding DA2020-002: an application for an Amended and Restated Development Agreement for the Anarene/Double L tract as an update to the 2015 Amended and Restated Development Agreement on RR 12 north of 290 including an increase in density, roadways, parks improvements, and related changes. Applicant: Pablo Martinez, BGE, Inc.

- a. Presentation** – Seth Mearig with BGW, Inc. gave a presentation which is on file.
- b. Staff Report** – Laura Mueller presented the staff report with is on file. Staff recommends approval of the ordinance and agreement.
- c. Public Hearing** – The following individuals spoke in opposition to the ordinance and agreement citing issues with impervious cover, lot sizes and drainage abutting to existing developments, traffic and safety specifically Pecos River Crossing, buffer zones and maintenance of buffer zones, density and green spaces.

Wiley Frazee	Cathy Ramsey
Fran Nations	Farrah Trussoni
Angie Collins	Heather Daoust
Bill Seitz	Matt Dugan
Anthony Rodriguez	Irene Harrell

d. Amended and Restated Development Agreement – A motion was made by Council Member Tahuahua to approve an Ordinance regarding DA2020-002: an application for an Amended and Restated Development Agreement for the Anarene/Double L tract as an update to the 2015 Amended and Restated Development Agreement on RR 12 north of 290 including an increase in density, roadways, parks improvements, and related changes, and with direction to staff to work with Hays County on the protective

vegetative medians so as to eliminate the direct connection from Pecos River Crossing to Elizabeth Terrace in Founders Ridge and Legacy Trails. Council Member Parks seconded the motion which carried 4 to 1 via roll call vote:

Mayor Pro Tem Manassian	Aye
Council Member Tahuahua	Aye
Council Member Harris-Allison	Nay
Council Member Parks	Aye

Filed as Ordinance No. 2021-38

Via unanimous consent, the City Council considered Items 18 – 19 concurrently.

18. Discuss and consider approval of an Amendment to the Wastewater Utility Service and Fee Agreement between the City of Dripping Springs and Double L Corporation. *Applicant: Pablo Martinez, BGE, Inc.*

19. Discuss and consider approval of an Amendment to the Wholesale and Retail Water Agreement between the City of Dripping Springs and Double L Corporation. *Applicant: Pablo Martinez, BGE, Inc.*

Laura Muller’s staff report is on file. Staff recommends approval of the agreements.

A motion was made by Mayor Pro Tem Manassian to approve an Amendment to the Wastewater Utility Service and Fee Agreement between the City of Dripping Springs and Double L Corporation, and an Amendment to the Wholesale and Retail Water Agreement between the City of Dripping Springs and Double L Corporation. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

20. Mayoral appointment of Council Members to Areas of Oversight and City Committees. *Sponsor: Mayor Foulds, Jr.*

Council Member Tahuahua was appointed to Transportation & Streets Oversight and the Transportation Committee at the September 7, 2021 regular meeting.

a. Parks & Recreation – Mayor Foulds, Jr. appointed Council Member King.

b. Public Health & Safety – Mayor Foulds, Jr. appointed Council Member Harris-Allison.

c. Utilities – Mayor Foulds, Jr. appointed himself.

d. Finance – Mayor Foulds, Jr. appointed Mayor Pro Tem Manassian.

e. Transportation & Streets – Mayor Foulds, Jr. appointed Council Member Tahuahua.

f. Community Services – Mayor Foulds, Jr. appointed Council Member Parks.

g. Economic Development Committee – Mayor Foulds Jr. appointed Mayor Pro Tem Manassian and Council Member Parks to the Committee.

h. Transportation Committee – Mayor Foulds Jr. appointed Council Member Tahuahua to the Committee.

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.

21. Maintenance Director's Monthly Report

Craig Rice, Maintenance Director

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 and 551.072, Deliberation of Real Property and regarding Executive Session Agenda Items 22 and 23. Council Member Harris-Allison seconded the motion which carried unanimously 4 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.

- 22. Deliberation of real property and consultation with city attorney related to a planning project with park and civic property near RR 12.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 23. 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*
- 24. 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, 551.072*
- 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 regarding 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 No. 11; and, legal issues related to Bunker Ranch annexation and zoning.**
Consultation with City Attorney, 551.071

The City Council met in Executive Session from 8:42 – 9:47 p.m.

No action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 9:47 p.m.

OPEN SESSION

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

October 5, 2021, at 6:00 p.m. (CC & BOA)

October 19, 2021, at 6:00 p.m. (CC)

November 2, 2021, at 6:00 p.m. (CC & BOA)

November 16, 2021, at 6:00 p.m. (CC)

Board, Commission & Committee Meetings

September 22, 2021, Economic Development Committee at 4:00 p.m.

September 27, 2021, Transportation Committee at 3:30 p.m.

September 28, 2021, Planning & Zoning Commission at 6:30 p.m.

October 4, 2021, Parks & Recreation Commission at 6:00 p.m.

October 6, 2021, DSRP Board at 12:00 p.m.

October 7, 2021, Historic Preservation Commission at 4:00 p.m.

ADJOURN

A motion was made by Council Member Tahuahua to adjourn the meeting. Council Member Parks seconded the motion which carried unanimously 4 to 0.

This regular meeting adjourned at 9:48 p.m.

APPROVED ON: October 5, 2021

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary