



CITY COUNCIL REGULAR MEETING
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Tuesday, September 07, 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 absent was:

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
Parks & Community Services Director Kelly Schmidt
Senior Planner Tory Carpenter
Communications Director Lisa Sullivan
IT Coordinator Misty Dean
DSRP Manager Emily Nelson
Planning & Zoning Commission Chair Mim James
Transportation Consultant Leslie Pollack

WORKSHOP

Workshop items are for discussion only and no action will be taken.

1. Update and discussion regarding the Fiscal Year 2021-2022 Municipal Budget.

Shawn Cox gave a presentation on the Fiscal year 2021-2022 Municipal Budget which is on file. The Mayor directed staff to schedule a special budget meeting the following week on September 15th at 5:30 p.m.

CITY COUNCIL

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.

PROCLAMATIONS & PRESENTATIONS

- 2. Approval of a Proclamation proclaiming September 15, 2021 - October 15, 2021, as "Latin American Heritage Month" in the City of Dripping Springs, Texas.** *Sponsors: Council Member Tahuahua & Council Member Parks*

Council Member Tahuahua read the proclamation and presented it to representatives of Dripping Springs Community Empowering Positive Change.

A motion was made by Council Member Tahuahua to approve the proclamation. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

- 3. Approval of a Proclamation of the City of Dripping Springs Proclaiming the Month of October 2021 as "Hill Country Night Sky Month."** *Sponsor: Mayor Bill Foulds, Jr.*

Mayor Pro Tem read the proclamation.

A motion was made by Mayor Pro Tem Manassian to approve the proclamation. Council Member King seconded the motion which carried unanimously 4 to 0.

- 4. Approval of a Proclamation proclaiming the month of September 2021, as "National Preparedness Month" in the City of Dripping Springs, Texas.** *Sponsor: Council Member Harris-Allison*

Council Member Harris-Allison read the proclamation.

A motion was made by Council Member Harris-Allison to approve the proclamation. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

5. **Approval of a Proclamation proclaiming September 17 - September 23, 2021, as "Constitution Week" in the City of Dripping Springs, Texas.** *Sponsors: Council Member King and Council Member Parks*

Council Member King read the proclamation and presented it Gigi Sanchez, representative of the Sarah Pound Chapter, Texas Daughters of the American Revolution.

A motion was made by Council Member King to approve the proclamation. Mayor Pro Tem Manassian seconded the motion which carried unanimously 4 to 0.

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.

6. **Approval of the August 12, 2021 City Council special meeting minutes.**
7. **Approval of the August 17, 2021 City Council regular meeting minutes.**
8. **Approval of the August 25, 2021, City Council special meeting minutes.**
9. **Approval of a transfer of fee credit for Development Agreement application to Planned Development District Application for Wild Ridge Subdivision.**
10. **Approval of the 2021-2022 Contractor Agreement between the City of Dripping Springs and Earth Native Wilderness School for the Tracks and Tails Program Instructor Agreement.** *Sponsor: Wade King*
11. **Approval of a Resolution accepting improvements and maintenance bonds for the Founders Park parking lot extension.**

Filed as Resolution 2021-R27

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 6 – 11, with corrected minutes as presented for Item 8. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

BUDGET

12. **Public hearing and consideration of approval regarding an Ordinance of the City of Dripping Springs, Texas amending the current 2020-2021 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures.**

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

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance of the City of Dripping Springs, Texas amending the current 2020-2021 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance 2021-33

13. 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.

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

A motion was made by Council Member Harris-Allison to postpone approval of an Ordinance of the City of Dripping Springs, Texas adopting the 2021-2022 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Council Member King seconded the motion which carried unanimously 4 to 0.

Mayor Foulds, Jr. announced that the City Council will hold a public hearing on the Proposed Tax Rate for 2021 at the September 21, 2021, regular meeting at 6:00 p.m., and that an additional public hearing will be held on the proposed budget at the same meeting.

BUSINESS AGENDA

14. Discuss and consider approval of a Special Event Permit Application for the Dripping Springs Pumpkin Fest to take place September 25 through October 31, 2021, at the Dr. Pound Farmstead and Utilizing Founders Memorial Park for Parking and Dumpster and Portable Toilet Placement. Sponsor: Mayor Pro Tem Manassian.

Rey and Jenny Pack, Director of Marketing & Events Dr. Pound Historical Farmstead, presented the item.

Kelly Schmidt presented the staff report which is on file. Staff recommends approval of the application with the condition the applicant verify with city staff that the notice to neighbors letters were delivered to properties within 500 feet of Founders Memorial Park and the Dr. Pound Farmstead. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

15. Discuss and consider approval of a Use Agreement between the City of Dripping Springs and Hell Country Productions, Inc. for the use of Dripping Springs Ranch Park grounds to host a Haunted House and Hayride attraction. Sponsor: Council Member King

Emily Nelson presented the staff report which is on file. Staff recommends approval of the agreement.

Aaron Sulser with Hell Country Productions, Inc. was available for questions from the City Council.

A motion was made by Council Member King to approve a Use Agreement between the City of Dripping Springs and Hell Country Productions, Inc. for the use of Dripping Springs Ranch Park grounds to host a Haunted House and Hayride attraction. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

16. Discuss and consider approval of Sign Variance Request to allow an Orangetheory window business sign to exceed the maximum sign area allowed, located at 12680 West Highway 290, Suite 150. Applicant: Austin Fitness Group (dba Orange Theory Fitness)

a. Presentation – Applicant Janelle Kenny presented the item.

b. Staff Report – Sign Administrator Michelle Fischer presented the staff report which is on file. Staff recommends denial of the application for sign variance.

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

d. Variance – A motion was made by Mayor Pro Tem Manassian to deny approval of a **Sign Variance Request to allow an Orangetheory window business sign to exceed the maximum sign area allowed, located at 12680 West Highway 290, Suite 150. Council Member Harris-Allison seconded the motion which carried 3 to 1 via roll call vote:**

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

17. Public hearing and consideration of approval of VAR2021-0014: Variance Application to consider a variance to Section D107.2 from the 2018 International Fire Code for remoteness related to fire access to the development at the Overlook at Bunker Ranch Florio Tract Extension at 2004 Creek Road. Applicant: Cristina Cordoba, Civil & Environmental Consultants, Inc.

a. Presentation – No presentation was given, and applicant was not present.

b. Staff Report – Tory Carpentar presented the staff report which is on file. Staff recommends denial of the variance application.

c. Planning & Zoning Commission Report – Chair James presented the report. The Commission recommended denial of the application 6 to 0.

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

e. Variance – A motion was made by Council Member Harris-Allison to deny approval of a Variance Application to consider a variance to Section D107.2 from the 2018 International Fire Code for remoteness related to fire access to the development at the Overlook at Bunker Ranch Florio Tract Extension at 2004 Creek Road. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

18. Discuss and Consider approval of the Second Amended and Restated Wastewater Utility Agreement between the City of Dripping Springs and CRTX Development, LLC.

Ginger Faught presented the staff report which is on file. Staff recommends approval of the agreement and requests authorization to make corrections to exhibits.

A motion was made by Council Member Harris-Allison to approve the Second Amended and Restated Wastewater Utility Agreement between the City of Dripping Springs and CRTX Development, LLC and to authorize staff to clarify and make corrections to agreement exhibits. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

19. 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 BGE gave a presentation which is on file.

b. Staff Report – Laura Mueller presented the staff report which is on file. Staff recommends approval of the agreement. Leslie Pollack spoke regarding transportation items and Chad Gilpin spoke regarding water quality, drainage and habitat.

c. Planning & Zoning Commission Report – Chair James presented the report. The Commission recommend approval 5 to 1, with Chair James opposing.

d. Public Hearing – The following individuals spoke in opposition to the item citing concerns regarding wildlife habitat protection to include migratory birds and endangered species, density, impervious cover, dark skies preservation, buffer sizes, quality of life to include home value, views, safety and traffic, repatriation of artifacts, noise pollution and drainage and water quality to include water quality buffer zones and Little Barton Creek watershed.

Cathy Ramsey	Rebecca Pagan	Scott Crem
Angie Collins	Jessica Mejía	Roger Abuzalaf
Heather Daoust	Jennifer Goode	Holly Demro
Dorothy Mohammed	Anthony Rodriguez	Matt Dugan
Irene Harrell	Farrah Trussoni	Fran Nations
Lauren Hannigan	Dave Bailey	

e. Amended and Restated Development Agreement – The City Council considered Business Agenda Items 19 – 21 concurrently.

A motion was made by Mayor Pro Tem Manassian to postpone consideration of items 19 – 21 to the September 21, 2021, Regular City Council meeting. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

20. 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.

This item was postponed to the September 21, 2021, City Council regular meeting.

- 21. Discuss and consider approval of an Amendment to the Wholesale and Retail Water Agreement between the City of Dripping Springs and Double L Corporation.**

This item was postponed to the September 21, 2021, City Council regular meeting.

Mayor Pro Tem left dais at 9:27 p.m. and returned at 9:27 p.m.

- 22. Discuss and consider approval an Ordinance Amending Section 7.2 Replatting without Vacating Chapter 28, Exhibit A Subdivision to provide clarification on covenants and restrictions requiring vacation of plats prior to replatting.**

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

A motion was made by Council Member King to approve an Ordinance Amending Section 7.2 Replatting without Vacating Chapter 28, Exhibit A Subdivision to provide clarification on covenants and restrictions requiring vacation of plats prior to replatting. Council Member Tahuahua seconded the motion which carried unanimously 3 to 0.

File as Ordinance 2021-34

- 23. Discuss and consider the Appointment of Council Members to Areas of Oversight and City Committees. Sponsor: Mayor Bill Foulds, Jr.**

Mayor Foulds, Jr. appointed Council Member Tahuahua to Oversight of Transportation & Streets and the Transportation Committee. All other appointments will be made at the September 21, 2021, City Council regular meeting.

- a. Parks & Recreation
- b. Public Health & Safety
- c. Utilities
- d. Finance
- e. Transportation & Streets
- f. Community Services
- g. Economic Development Committee
- h. Transportation Committee

REPORTS

Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports 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.

- 24. Parks & Community Services July 2021 Director's Report**
Kelly Schmidt, PCS Director

- 25. Parks & Community Services August 2021 Director's Report**
Kelly Schmidt, Parks & Community Services Director

26. Economic Development Committee Monthly Report

Kim Fernea, EDC Chair

27. Transportation Committee Monthly Report

Travis Crow, TC Chair

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.

A motion was made by Council Member Tahuahua to adjourn into Executive Session under Texas Government Sections 551.071, Consultation with City Attorney and 551.072, Deliberation of Real Property, and regarding Executive Session Agenda Items 28 and 30. Council Member King seconded the motion which carried unanimously 3 to 0.

- 28. 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*
- 29. 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*
- 30. 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*
- 31. Consultation with City Attorney regarding legal issues related to the provision of retail utility services.** *Consultation with City Attorney, 551.071*
- 32. 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 9:31 p.m. – 10:09 p.m. Mayor Pro Tem Manassian returned to the meeting at 9:36 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 10:09 p.m.

OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to pull Executive Session Item 30 out of Executive Session for consideration and possible action. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

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*

A motion was made by Mayor Pro Tem to authorize staff to enter into an administrative settlement regarding a wastewater easement related to the west interceptor as discussed in Executive Session. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

September 21, 2021, at 6:00 p.m. (CC)

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

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

Board, Commission & Committee Meetings

September 8, 2021, DSRP Board at 12:00 p.m.

September 13, 2021, TIRZ No. 1 & No. 2 Board at 4:00 p.m.

September 14, 2021, Planning & Zoning Commission at 6:30 p.m.

September 16, 2021, Farmers Market Board at 10:00 a.m.

September 16, 2021, Emergency Management Commission at 12:00 p.m.

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

ADJOURN

A motion was made by Council Member King to adjourn the meeting. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

This regular meeting adjourned at 10:10 p.m.

APPROVED ON: September 21, 2021

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary