



CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, July 06, 2021 at 6:00 PM

MINUTES

CALL TO ORDER AND ROLL CALL

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

Finance Director Shawn Cox

City Secretary Andrea Cunningham

Communications Director Lisa Sullivan

IT Coordinator Misty Dean

Parks & Community Services Director Kelly Schmidt

DSRP Manager Emily Nelson

Programs & Aquatics Manager Mack Rusick

Emergency Management Coordinator Roman Baligad

City Engineer Chad Gilpin

Transportation Consultant Leslie Pollack, HDR Engineering

Planning Consultant Robyn Miga

Planning & Zoning Commission Chair Mim James

WORKSHOP

The City Council did not hold a Workshop.

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

- 1. Presentation and discussion regarding the City of Dripping Springs Fiscal Year 2021-2022 Municipal Budget.**

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

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.

No one spoke during Presentation of Citizens.

PROCLAMATIONS & PRESENTATIONS

2. **Approval of a Proclamation proclaiming the month of July 2021 as "Parks and Recreation Month" in the City of Dripping Springs.** *Sponsor: Councilmember King.*

Council Member King and Kelly Schmidt read the proclamation.

Via unanimous consent, the City Council approved a Proclamation proclaiming the month of July 2021 as "Parks and Recreation Month" in the City of Dripping Springs.

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

Board of Adjustment Members present were:

Board Chair Bill Foulds, Jr.
Board Member Taline Manassian
Board Member Wade King
Board Member Geoffrey Tahuahua
Board Member April Harris Allison
Board Member Sherrie Parks

BOARD OF ADJUSTMENT AGENDA

3. **Public hearing and consideration of approval regarding VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the**

JWLP FAMILY Survey, Lot 6, Hays County). The applicant is asking for a special exception to Section 5.7.6 of the Zoning Ordinance which requires buildings with mixed uses to calculate parking requirements for the most intense use. As well as a variance to Section 5.6.2 Parking Based on use the applicant is proposing a different parking ratio for medical office. The last request is to utilize existing parking. Applicant: Jon Thompson

a. Presentation

Chris Nygard presented the item.

b. Staff Report

Robyn Miga presented the staff report which is on file. Staff recommends denial of the special exception.

c. Planning and Zoning Commission Report

Chair James: Commission recommended denial 6 to 0

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

e. Special Exception

A motion was made by Board Member Manassian to deny approval of VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County). Board Member Tahuahua seconded the motion which carried unanimously 6 to 0.

- 3. Public hearing and consideration of approval regarding VAR2020-0026: Special Exception Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1). Applicant: Christopher A. Reid, PE**

Applicant requested to withdraw the application.

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

No action was taken on this item.

CITY COUNCIL

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.

5. **Approval of the June 8, 2021 City Council & Board of Adjustment regular meeting minutes, and the June 15, 2021 City Council workshop and regular meeting minutes.**
6. **Approval of a Resolution Accepting Improvements as Complete and Approving a Maintenance Bond for Arrowhead Ranch Subdivision Phase 3 Streets, Drainage, and Wastewater Improvements, and Releasing a Construction Bond.**

Filed as Resolution No. 2021-R20

7. **Approval of the termination of the existing Professional Services Agreement between the City of Dripping Springs and Daikin Applied, and approval of a new Professional Services Agreement between the City of Dripping Springs and Daikin Applied related to HVAC services at the Dripping Springs Ranch Park & Event Center. Sponsor: Council Member King**
8. **Approval of an Agreement between the City of Dripping Springs and Jani-King for Custodial Services at Dripping Springs Ranch Park for regular and post-event cleaning. Sponsor: Council Member King**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 5 – 8. Council Member King seconded the motion which carried unanimously 5 to 0.

BUSINESS AGENDA

Via unanimous consent, Items 9 – 12 were presented together and taken up in one motion.

Steven Pierce gave a presentation on items 9 – 12 which is on file.

Laura Mueller presented the staff report for items 9 – 12 which is on file. Staff recommends approval of items 9 – 12.

9. **Public Hearing and consider approval of an Ordinance and Annexation Agreement regarding approximately 101 acres of the Cannon Tract on the northern portion of Cannon Ranch just east of Rob Shelton and just south of Founders Park Road. Applicant: Steven Pierce, Ashton Austin, L.L.C.**

- a. *Presentation*
- b. *Staff Report*
- c. *Public Hearing*

Chuck Miller spoke in favor of the annexation but has concerns regarding City reimbursement for construction costs.

- d. Ordinance*
- e. Agreement*

10. Public hearing and consideration of approval of an Ordinance enacting PDD # 12 and rezoning a property from Agriculture (AG) to PDD # 12 with base zoning of SF-3, the property being an approximately 101 acre portion of the Cannon Tract directly south of Founders Park Road and directly east of Rob Shelton Boulevard at A0415 Philp A Smith Survey, A0044 Edward W Brown Survey, A0475 Wm Walker Jr Survey, ABS 673 IV Davis Jr Survey, ABS 693 IV Davis Jr Survey. Applicant: Steven Pierce, Ashton Austin Residential, L.L.C.

- a. Presentation*
- b. Staff Report*
- c. Planning & Zoning Commission Report*

Chair James: Commission recommended approval 6 to 0

- d. Public Hearing – No one spoke during the Public Hearing.*
- e. Zoning Ordinance: PDD No. 12*

11. Discuss and consider approval of an Offsite Road Agreement between the City of Dripping springs and Ashton Austin Residential, L.L.C. related to improvements on the Cannon Ranch Tract and Rob Shelton Boulevard. Applicant: Steven Pierce, Ashton Austin Residential, L.L.C.

12. Discuss and consider approval of a Utility Agreements for Wastewater Service and Water Service between the City of Dripping Springs and Ashton Austin Residential for an approximately 97 acre tract in Cannon Ranch for up to 375 dwelling units. Applicant: Steven Pierce, Ashton Austin Residential, L.L.C.

A motion was made by Mayor Pro Tem Manassian to approve Business Agenda Items 9 – 12. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Annexation Filed as Ordinance No. 2021-23

PDD No. 12 Filed as Ordinance No. 2021-24

13. Public hearing and consideration of approval for a Sign Variance Request to allow two flags with noncommercial messages to exceed the maximum height and area allowed at Dreamland, located at 2770 W. Highway 290, Dripping Springs, Texas. Applicant: Greg Bland, CEO, Dreamland

- a. Presentation*

Greg Bland presented the item.

- b. Sign Administrator Report*

Michelle Fischer presented the Sign Administrator's report which is on file.

c. Public Hearing

Lee Sawyer spoke in favor of granting the sign variance request.

A motion was made by Council Member Tahuahua to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and regarding Business Agenda Item 13. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

EXECUTIVE SESSION

The City Council met in Executive Session from 7:30 p.m. – 8:02 p.m. No vote or action was taken during Executive Session.

A motion was made by Council Member Harris-Allison to return to Open Session. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Mayor Foulds, Jr. returned the meeting to Open Session at 8:02 p.m.

OPEN SESSION

Mayor Foulds, Jr. returned the meeting to Open Session and continued with Agenda Item 13d.

d. Sign Variance Request

A motion was made by Council Member Tahuahua to approve a Sign Variance Request to allow two flags with noncommercial messages to exceed the maximum height and area allowed at Dreamland, located at 2770 W. Highway 290, Dripping Springs, Texas with the following conditions:

- (1) No more than one (1) flag per flagpole.
- (2) Should the owner/operator decide to add lighting to the flags, lighting shall be in compliance with the City's lighting ordinance.
- (3) Sign Variance Request is granted only to Dreamland as that company has filed with the Secretary of State and is not transferable to future owners.
- (4) Owner/operator shall provide the City Engineer a copy of the stamped engineering plans and reports related to the installation of both flag poles within thirty (30) days for review and acceptance.
- (5) Only two (2) poles are granted with one (1) flag each are granted, and should the poles be damaged or require replacement the owner/operator is required to reapply for Sign Variance Request:
 - (a) Pole 1: no more than 150' (feet) in height, with a flag no more than 60' x 80', or no more than 4800 square feet; and
 - (b) Pole 2: no more than 80' (feet) in height, with a flag no more than 30' x 60', or 1800 square feet.

Council Member King seconded the motion which carried 4 to 1, with Mayor Pro Tem Manassian opposed.

Mayor Foulds, Jr. stepped away from the dais and Mayor Pro Tem Manassian presided over the meeting.

14. Discuss and consider approval of a Job Description for Dripping Springs Ranch Park Assistant Manager Position. Sponsor: Council Member King.

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

A motion was made by Council Member Harris-Allison to approve a Job Description for Dripping Springs Ranch Park Assistant Manager Position. Council Member King seconded the motion which carried unanimously 5 to 0.

15. Discuss and consider approval of a Resolution amending the Dripping Springs Farmers Market Rules. Sponsor: Mayor Pro Tem Manassian

Charlie Reed presented the staff report which is on file. Staff recommends approval of the resolution.

A motion was made by Council Member King to approve a Resolution amending the Dripping Springs Farmers Market Rules. Council Member Parks seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2021-R21

16. Discuss and consider approval of the Appointment of four (4) individuals to the Planning & Zoning Commission for terms ending June 30, 2022; and the appointment of a Chair to serve a term of one year.

Andrea Cunningham presented the staff report which is on file. Staff recommends the reappointment of Mim James, Christian Bourguignon and John McIntosh.

Mim James presented the Planning & Zoning recommendation also recommending the reappointment of Mim James, Christian Bourguignon and John McIntosh, and the appointment of Doug Crosson.

A motion was made by Council Member King to reappoint Mim James, Christian Bourguignon and John McIntosh, and to appoint Doug Crosson to the Planning & Zoning Commission for terms ending June 30, 2023; and to appoint Mim James as the Chair for a term of year. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

Mayor Foulds, Jr. returned to the dais and presided over the remainder of the meeting.

17. Discuss and consider approval of the Appointment of three (3) individuals to the Historic Preservation Commission for terms ending June 30, 2022.

Andrea Cunningham presented the staff report which is on file. Staff recommends the reappointment of Emilie Kopp and Ashley Bobel, and the appointment of Nichole Prescott.

A motion was made by Council Member Tahuahua to reappoint Emilie Kopp and Ashley Bobel, and to appoint Nichole Prescott to the Historic Preservation Commission for terms ending June 30, 2023. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

18. **Discuss and consider approval of the Appointment of six (6) individuals to the Economic Development Committee for terms ending June 1, 2022; and the appointment of a Chair to serve a term of one year.**

Andrea Cunningham presented the staff report which is on file. Staff recommends the reappointment of Kim Fernea, Dave Edwards, Melanie Fenelon, Whit Hanks and Keenan Smith.

A motion was made by Council Member Harris-Allison to reappoint Kim Fernea, Dave Edwards, Melanie Fenelon, Whit Hanks and Keenan Smith, and to appoint Tiffany Duncan to the Economic Development Committee for terms ending June 1, 2023; and the appointment of Kim Fernea as the Chair for a term of one year. Council Member Parks seconded the motion which carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manasian 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 19, 20 and 24. Council Member Harris-Allison 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.

19. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition 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*
20. **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*
21. **Consultation with City Attorney regarding legal issues related to Rob Shelton Improvements and Texas Department of Transportation and other sources of funding related to improvements and the provision of wastewater to PDD 11.** *Consultation with City Attorney, 551.071*
22. **Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, Public Safety, and Emergency Orders.** *Consultation with City Attorney, 551.071*

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. **Deliberation of Personnel Matters regarding the job description, compensation, benefits, and employment of the Planning Director and Senior Planner.** *Deliberation of Personnel Matters, 551.074*

The City Council met in Executive Session from 8:45 p.m. – 9:24 p.m. No vote or action was taken during Executive Session.

A motion was made by Council Member Tahuahua to return the meeting to Open Session. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

Mayor Foulds, Jr. returned the meeting to Open Session at 9:25 p.m.

OPEN SESSION

UPCOMING MEETINGS

City Council Meetings

July 20, 2021 at 6:00 p.m.

August 3, 2021 at 6:00 p.m.

August 12, 2021 at 6:00 p.m. (Budget Workshop)

August 20, 2021 at 6:00 p.m.

Board, Commission & Committee Meetings

July 7, 2021 DSRP Board at 12:00 p.m.

July 12, 2021 TIRZ No. 1 & No. 2 Board at 4:00 p.m.

July 12, 2021 Founders Day Commission at 6:30 p.m.

July 13, 2021 Planning & Zoning Commission at 6:30 p.m.

July 14, 2021 Utility Commission at 4:00 p.m.

July 15, 2021 Farmers Market Board at 10:00 a.m.

July 15, 2021 Emergency Management Commission at 12:00 p.m.

ADJOURN

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

This regular meeting adjourned at 9:25 p.m.

APPROVED ON: July 20, 2021

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary