



CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, February 09, 2021 at 6:00 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/81796467219?pwd=UHh1QU4wcUVHMHw1kUE9mVHBsV2o5QT09>

Meeting ID: 817 9646 7219

Passcode: 653073

Dial Toll Free:

888 475 4499 US Toll-free

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Find your local number: <https://us02web.zoom.us/j/81796467219>

Join by Skype for Business: <https://us02web.zoom.us/skype/81796467219>

CALL TO ORDER AND ROLL CALL

City Council Members present were:

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Todd Purcell

Council Member Place 4 April Harris Allison

Council Member Place 5 Travis Crow

Staff, Consultants & Appointed/Elected Officials present were:

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Treasurer Gina Gillis

Finance Director Shawn Cox

Communications Director Lisa Sullivan

City Secretary Andrea Cunningham

Public Works Coordinator Aaron Reed

Senior Planner Amanda Padilla

Emergency Management Coordinator Roman Baligad

DSRP Event Center Manager Tina Adams

IT Coordinator Misty Dean
Planning Consultant Robyn Miga
Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Foulds, Jr. called the meeting to order at 6:01 p.m.

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

PLEDGE OF ALLEGIANCE

Council Member Purcell 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

- 1. Approval of a Proclamation proclaiming the month of February 2021 as "Black History Month" in the City of Dripping Springs.** *Sponsor: Council Member Harris-Allison*

Council Member Harris-Allison read the proclamation and presented it to the Dripping Springs Community Empowering Positive Change representative Elizabeth Alaniz.

- 2. Approval of a Proclamation proclaiming the the month of February 2021 as "Dating Violence Awareness and Prevention Month" in the City of Dripping Springs.** *Sponsor: Council Member King*

Council Member King read the proclamation and presented it to Hays-Caldwell Women's Center representative Megan Osborne.

A motion was made by Council Member Harris-Allison to approve a Proclamation proclaiming the month of February 2021 as "Black History Month" in the City of Dripping Springs, and a Proclamation proclaiming the month of February 2021 as "Dating Violence Awareness and Prevention Month" in the City of Dripping Springs. Council Member King seconded the motion which carried unanimously 5 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.

- 3. Approval of the January 9, 2021 and January 16, 2021 City Council regular meeting minutes.**
- 4. Approval of the January 2021 City Treasurer's Report.**
- 5. Approval of an Ordinance and Notice calling for the May 2021 General Municipal Elections for the City of Dripping Springs.**

Filed as Ordinance No. 2021-07

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda items 4 and 5. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

No action was taken on Consent Agenda Item: **Approval of the January 9, 2021 and January 16, 2021 City Council regular meeting minutes.**

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

Board Members present were:

Bill Foulds, Jr., Chair
Taline Manassian
Wade King
Todd Purcell
April Harris-Allison
Travis Crow
Charles Busbey (Alternate Member)
Joe Volpe (Alternate Member)

BOARD OF ADJUSTMENT AGENDA

- 6. Public hearing and consideration of approval regarding VAR2020-0028: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.7.6 and 5.7.7 regarding parking calculation requirements for mixed use buildings. The property is located at 100 Commons Suite 9, Dripping Springs, TX (R138851). Applicant: Jon Thompson, J Thompson Professional Consulting**
 - a) Presentation*

Applicants Jon Thompson and Eric Turcotte presented the item and were available for questions.

b) Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the special exception.

c) Planning and Zoning Commission Report

Chair James: Commission recommended approval of the special exception unanimously 7 to 0.

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

e) Special Exception

A motion was made by Board Member Purcell to approve VAR2020-0028: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.7.6 and 5.7.7 regarding parking calculation requirements for mixed use buildings, and located at 100 Commons Suite 9, Dripping Springs, TX (R138851). Chair Foulds seconded the motion which carried unanimously 6 to 0.

CITY COUNCIL

BUSINESS AGENDA

- 7. Discuss and consider approval of an Annexation Application and direction to staff to negotiate an Annexation Agreement with Owners to annex approximately 18.250 acres in the extraterritorial jurisdiction, situated in the Benjamin F Hanna Survey, Survey No. 28, Abstract No. 222, located at 2004 Creek Road, Dripping Springs, Texas 78620 (Tax ID: R143390 and R14993). Applicant: Civil and Environmental Consultants, Inc.**

a) Presentation – No presentation given.

b) Staff Report

Robyn Miga presented the staff report which is on file. Staff recommends approval of the annexation application.

c) Annexation Application

A motion was made by Council Member Crow to approve an Annexation Application and direction to staff to negotiate an Annexation Agreement with Owners to annex approximately 18.250 acres in the extraterritorial jurisdiction, situated in the Benjamin F Hanna Survey, Survey No. 28, Abstract No. 222, located at 2004 Creek Road, Dripping Springs, Texas 78620 (Tax ID: R143390 and R14993). Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

8. **Public hearing and consideration of approval of an Ordinance regarding ZA2020-0011: an application for a Zoning Amendment to consider a proposed zoning map amendment from Two Family Residential - Duplex District (SF-4) to Multi-Family (MF) for an approximately 4.003 acre tract of land situated in Phillip A. Smith Survey, NO. 26, Abstract No. 415. This property is located at 210 Creek Road, Dripping Springs, TX.(R18047 and R18045). Applicant: Jon Thompson**

a) Presentation

Applicants Jon Thompson and Steve and Tony Koinis were available for questions.

b) Staff Report

Robyn Miga presented the staff report which is on file. Staff recommends approval of the zoning amendment with conditional overlay.

c) Planning and Zoning Commission Report

Chair James: Commission recommended approval with the conditional overlay 6 to 1, with Commissioner Strong opposed.

d) Public Hearing

Tony Koinis spoke in favor of the zoning amendment and conditional overlay.

e) Zoning Amendment Ordinance

A motion was made by Mayor Pro Tem Manassian to approve with conditional overlay as presented by staff, ZA2020-0011: an application for a Zoning Amendment to consider a proposed zoning map amendment from Two Family Residential - Duplex District (SF-4) to Multi-Family (MF) for an approximately 4.003 acre tract of land situated in Phillip A. Smith Survey, NO. 26, Abstract No. 415, and located at 210 Creek Road, Dripping Springs, TX (R18047 and R18045). Council Member Harris-Allison seconded the motion which carried 4 to 1, with Council Member King opposed.

Filed as Ordinance No. 2021-08

9. **Discuss and consider approval of the selection of Engineering Services regarding the TxDOT CSJ 0914-33-087 Rob Shelton Boulevard TASA Sidewalk Project, subject to TxDOT concurrence; and authorization for the City Administrator to negotiate the contract.**

A motion was made by Council Member Purcell approve of the selection of Freese & Nichols for the TxDOT CSJ 0914-33-087 Rob Shelton Boulevard TASA Sidewalk Project, subject to TxDOT concurrence; and authorization for the City Administrator to negotiate the contract. Council Member Crow seconded the motion which carried unanimously 5 to 0.

10. Discuss and consider adoption of City of the Dripping Springs budget calendar for Fiscal Year 2022.

Shawn Cox presented the staff report which is on file. Staff recommends approval of the calendar.

A motion was made by Mayor Pro Tem Manassian to approve adoption of the City Dripping Springs budget calendar for Fiscal Year 2022. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

11. Discuss and consider acceptance of a Letter of Resignation related to City Council Place 3.

Via unanimous consent, the City Council considered this item following the Executive Session.

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.

12. Maintenance Director's Monthly Report

Craig Rice, Maintenance Director

13. City Attorney Report

Laura Mueller, City Attorney

14. Legislative Report

Laura Mueller, City Attorney

15. Economic Development Committee Monthly Report

Kim Fernea, Chair

16. Parks & Community Services 2020 Annual Report

Kelly Schmidt, PCS Director

17. Parks & Community Services January 2021 Report

Kelly Schmidt, PCS 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 18 – 21. Council Member Crow 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.

18. **Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders.** *Consultation with City Attorney, 551.071*
19. **Consultation with City Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
20. **Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses and real property in the Triangle and Veterans Memorial Park.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
21. **Consultation with City Attorney regarding legal issues related to the Zoning Ordinance, Development Agreements, Municipal Utility Districts, Easements, and Density of Development.** *Consultation with Attorney, 551.071*

The City Council met in Executive Session from 6:54 p.m. – 8:02 p.m. No vote or action was taken in Executive Session.

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

OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to pull Executive Session Agenda Items 19 and 20 into Open Session for consideration and possible action. Council Member Purcell seconded the motion which carried unanimously 5 to 0.

19. **Consultation with City Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*

A motion was made by Mayor Pro Tem Manassian to authorize the Mayor and staff to make offers on easements on properties that were discussed in Executive Session. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manassian to approve a Resolution of the City of Dripping Springs determining a public need and necessity of acquisition of certain properties for the South Regional Water Reclamation Project and authorizing the City's Attorney to file proceedings of eminent domain to require said properties. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2021-R04

20. Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses and real property in the Triangle and Veterans Memorial Park. *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*

A motion was made by Council Member Purcell to have the City's response sent to the Dripping Springs Independent School District based on the City Attorney's recommendations and as discussed in Executive Session. Council Member King seconded the motion which carried unanimously 5 to 0.

Business Agenda Item

11. Discuss and consider acceptance of a Letter of Resignation related to City Council Place 3.

A motion was made by Council Member King to accept of a Letter of Resignation related to City Council Place 3. Council Member Crow seconded the motion which carried unanimously 5 to 0.

UPCOMING MEETINGS

City Council Meetings

February 16, 2021 at 6:00 p.m.

March 9, 2021 at 6:00 p.m.

March 16, 2021 at 6:00 p.m.

Board, Commission & Committee Meetings

Utility Commission, February 9, 2021 at 4:00 p.m.

Farmers Market Association Board, February 18, 2021 at 10:00 a.m.

Emergency Management Commission, February 18, 2021 at 12:00 p.m.

Transportation Committee, February 22, 2021 at 3:30 p.m.

Planning & Zoning Commission, February 23, 2021 at 6:30 p.m.

Economic Development Committee, February 24, 2021 at 4:00 p.m.

ADJOURN

A motion was made by Council Member Harris-Allison to adjourn the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 8:13 p.m.

March 9, 2021

APPROVED ON:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary