



DRIPPING SPRINGS
Texas

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, January 18, 2022 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 present were:

Mayor Bill Foulds, Jr.
Mayor Pro Tem Taline Manassian
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua (arrived at 6:40 p.m.)
Council Member Place 4 April Harris Allison
Council Member Place 5 Sherrie Parks

Staff, Consultants & Appointed/Elected Officials present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Treasurer Shawn Cox
City Secretary Andrea Cunningham
Communications & Marketing Director Lisa Sullivan
Parks & Community Services Director Kelly Schmidt
Planning Director Howard Koontz
Senior Planner Tory Carpenter
Planning Assistant Warlan Rivera
City Engineer Chad Gilpin
Planning & Zoning Commission Chair Mim James
TIRZ Project Manager Keenan Smith
Special Counsel Cristian Rosas-Grillet

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

PLEDGE OF ALLEGIANCE

Council Member King led the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. **Proclamation of the City of Dripping Springs Memorializing Wayne E. Smith.** *Sponsor: Mayor Foulds, Jr.*

Council Member King read the proclamation.

Via unanimous consent, the City Council approved the Proclamation Memorializing Wayne E. Smith.

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.

Mayor Pro Tem Manassian exited the Council Chambers at 6:06 p.m.

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

With a quorum of the Board of Adjustment present, Chair Foulds, Jr. called the Board to order at 6:07 p.m.

Board of Adjustment Members present were:

Board Chair Bill Foulds, Jr.
Board Member Wade King
Board Member April Harris Allison
Board Member Sherrie Parks
Alternate Board Member Charles Busbey
Alternate Board Member Joe Volpe

Board of Adjustment Members absent were:

Board Member Taline Manassian
Board Member Geoffrey Tahuahua

BOARD OF ADJUSTMENT AGENDA

- 2. Public hearing and consideration of approval of VAR2021-0022: an application for Special Exception to allow the expansion of a nonconforming structure located at 102 Bluff Street, Dripping Springs, Texas. Applicant: Joe Grasso, P.E.; Doucet & Associates.**

- a. Applicant Presentation** – John Doucet gave a presentation on the item.

b. Staff Report – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the item.

c. Planning & Zoning Commission Report – Chair James presented the report. The Commission recommended City Council approval 5 to 0.

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

e. Special Exception – A motion was made by Board Member Harris-Allison to approve VAR2021-0022: an application for Special Exception to allow the expansion of a nonconforming structure located at 102 Bluff Street, Dripping Springs, Texas. Board Member Volpe seconded the motion which carried unanimously 6 to 0.

CITY COUNCIL

Mayor Pro Tem Manassian returned to the Council Chambers.

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 4, 2022, City Council regular meeting minutes.**
- 4. Approval of the December 2021 City Treasurer's Report.**
- 5. Approval of Parks & Community Services department seasonal program staff job descriptions for Coyote Kids Nature Camp. Sponsor: Council Member Parks.**
- 6. Approval of a Resolution of the City of Dipping Springs, Texas, approving and accepting a construction bond for Driftwood Club Core Phase 1 water and wastewater.**

Filed as Resolution No. 2022-R03

- 7. Approval of a Resolution of the City of Dipping Springs, Texas, approving and accepting a construction bond for Driftwood Club Core Phase 2 water and wastewater.**

Filed as Resolution No. 2022-R04

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda items 3 – 7. Council Member Parks seconded the motion which carried unanimously 4 to 0.

A motion was made by Mayor Pro Tem Manassian to consider Business Agenda Item No. 15 out of order and to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and regarding Business Agenda Item No. 15. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

EXECUTIVE SESSION

- 15. Public hearing and consideration of approval of CUP2021-0006: an application for a Conditional Use Permit for an accessory dwelling unit at 106 Bonnie Drive, Dripping Springs, Texas. Applicant: Todd Larsen**

The City Council met in Executive Session from 6:19 p.m. – 6:30 p.m.

There was no vote or action taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 6:30 p.m.

OPEN SESSION

BUSINESS AGENDA

- 15. Public hearing and consideration of approval of CUP2021-0006: an application for a Conditional Use Permit for an accessory dwelling unit at 106 Bonnie Drive, Dripping Springs, Texas. Applicant: Todd Larsen**

a. Applicant Presentation – Todd Larsen gave a presentation on the item.

b. Staff Report – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the conditional use permit with the following conditions:

- (1) CUP does not expire.
- (2) Minimum of two off-street parking spaces for the ADU must be provided in addition to any other parking requirements.
- (3) The ADU may not be sold separately from the primary structure.

c. Planning & Zoning Commission Report – Chair James presented the report. The Commission recommended City Council approval, with staff conditions, 5 to 0.

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

e. Conditional Use Permit – A motion was made by Mayor Pro Tem Manassian to deny approval of CUP2021-0006: an application for a Conditional Use Permit for an accessory dwelling unit at 106 Bonnie Drive, Dripping Springs, Texas. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 8. Discuss and consider approval of a Professional Services Agreement between the City of Dripping Springs and HDR Engineering, Inc. related to the TIRZ Old Fitzhugh Road Project. Sponsor: Mayor Pro Tem Manassian**

Keenan Smith presented the staff report which is on file. Staff recommends approval of the agreement.

A motion was made by Council Member King to approve a Professional Services Agreement between the City of Dripping Springs and HDR Engineering, Inc. related to the TIRZ Old Fitzhugh Road Project. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

9. Discuss and consider approval of expenditure of funds on Rob Shelton Improvements as provided for in the Ashton Woods (Cannon) Off Site Road Agreement. Applicant: Steven Pierce, Ashton Woods

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the agreement.

Via unanimous consent, the City Council tabled this item until after item 11.

Joe Grasso with Doucet & Associates gave a presentation which is on file.

A motion was made by Council Member King to approve the expenditure of funds on Rob Shelton Improvements as provided for in the Ashton Woods (Cannon) Off Site Road Agreement as presented and with five-foot (5') sidewalks where possible. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

10. Consideration and discussion regarding approval of a Proposal for a City Hall Needs Assessment from HDR Engineering, Inc. and authorization of City Staff to negotiate and execute a Professional Services Agreement with HDR Engineering for a City Hall Needs Assessment and to issue Task Orders #1 and #2. Sponsor: Mayor Foulds, Jr.

Michelle Fischer and Keenan Smith presented the staff report, which is on file, and Keenan introduced project engineer Chris Casey with HDR Engineering, Inc. Staff recommends approval of the proposal.

A motion was made by Mayor Pro Tem Manassian to approve a Proposal for a City Hall Needs Assessment from HDR Engineering, Inc. and authorization of City Staff to negotiate and execute a Professional Services Agreement with HDR Engineering for a City Hall Needs Assessment and to issue Task Orders #1 and #2. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

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

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance of the City of Dripping Springs, Texas amending the current 2021-2022 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2022-01

The City Council returned to consider tabled item 11.

12. **Discuss and consider selection of contractor and alternates from statements of qualifications for Comprehensive Planning services to update the City's Comprehensive Plan and authorize staff to finalize Professional Services Agreement with selected contractor.** *Sponsor: Mayor Foulds, Jr.*

Howard Koontz presented the staff report which is on file. Staff recommends the selection of DTJ Design.

A motion was made by Mayor Pro Tem Manassian to select DTJ Design as the contractor and Freese & Nichols as the alternate for Comprehensive Planning services to update the City's Comprehensive Plan and to authorize staff to finalize Professional Services Agreement. Council Member Parks seconded the motion which carried unanimously 5 to 0.

13. **Discuss and consider approval of a Resolution and Agreement extending access to City health benefits to the Dripping Springs Visitors Bureau under current City contract with Texas Municipal League Health Benefits Pool.** *Sponsor: Mayor Foulds, Jr.*

A motion was made by Council Member Harris-Allison to approve a Resolution and Agreement extending access to City health benefits to the Dripping Springs Visitors Bureau under current City contract with Texas Municipal League Health Benefits Pool. Council Member King seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2022-R05

14. **Discuss and consider approval of the Dripping Springs High School Baseball Booster Club's request for a street closure of Bluff Street and Wallace to host their annual washer tournament fundraiser on February 12, 2022.** *Sponsor: Council Member Parks.*

A motion was made by Council Member Parks to approve the Dripping Springs High School Baseball Booster Club's request for a street closure of Bluff Street and Wallace to host their annual washer tournament fundraiser on February 12, 2022. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

15. **Public hearing and consideration of approval of CUP2021-0006: an application for a Conditional Use Permit for an accessory dwelling unit at 106 Bonnie Drive, Dripping Springs, Texas.** *Applicant: Todd Larsen*

The City Council considered this item earlier in the agenda.

- a. **Applicant Presentation**
- b. **Staff Report / PZC Report**
- c. **Public Hearing**
- d. **Conditional Use Permit**

16. **Discuss and consider approval of Administrative Leave Request for Sherry Canady, Records Management Clerk.** *Sponsor: Mayor Foulds, Jr.*

A motion was made by Council Member Tahuahua to approve an Administrative Leave Request for Sherry Canady, Records Management Clerk through April 1, 2022. Council Member Parks seconded the motion which carried unanimously 5 to 0.

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.

There were no reports presented.

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 17 and 20. Council Member Parks 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.

- 17. Consultation with City Attorney regarding legal issues related to planning matters, wastewater capacity, comprehensive plan, and processes related to approvals.** *Consultation with City Attorney, 551.071*
- 18. Consultation with City Attorney and deliberation regarding real property related to Village Grove project.** *Consultation with Attorney, 551.071; Deliberation regarding Real Property, 551.072*
- 19. Deliberation of Personnel Matters regarding the job description, compensation, benefits, and employment of the Records Management Clerk.** *Deliberation of Personnel Matters, 551.074*
- 20. 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*

The City Council met in Executive Session from 8:01 p.m. -8:18 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 8:18 p.m.

OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to pull Executive Session Agenda Item 20 into Open Session for action. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 20. 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 approve a Resolution of the City of Dripping Springs determining a public need and necessity for the acquisition of certain property for the South Regional Water Reclamation Project and authorizing the City Attorney to file proceedings in eminent domain to require said property of interest as discussed in Executive Session. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

Filed as Resolution No. 2022-R06

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

January 25, 2022, at 5:00 p.m. (Exceptions & Waivers)
February 1, 2022, at 6:00 p.m. (CC & BOA)
February 8, 2022, at 5:00 p.m. (Exceptions & Waivers)
February 15, 2022, at 6:00 p.m. (CC)
February 22, 2022, at 5:00 p.m. (Exceptions & Waivers)

Board, Commission & Committee Meetings

January 20, 2022, Farmers Market Committee at 10:00 a.m.
January 20, 2022, Emergency Management Commission at 12:00 p.m.
January 24, 2022, Transportation Committee at 3:30 p.m.
January 24, 2022, Founders Day Commission at 6:30 p.m.
January 25, 2022, Planning & Zoning Commission at 6:00 p.m.
January 26, 2022, Economic Development Committee 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 8:21 p.m.

APPROVED ON: February 1, 2022

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary