



CITY COUNCIL & BOARD OF ADJUSTMENT WORKSHOP & REGULAR MEETING

City of Dripping Springs

DRIPPING SPRINGS Council Chambers, 511 Mercer St, Dripping Springs, TX
Texas

Tuesday, June 06, 2023 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 6:04 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
Council Member Place 4 Travis Crow (left meeting at 8:30 p.m.)
Council Member Place 5 Sherrie Parks

Staff, Consultants & Appointed/Elected present were:

City Administrator Michelle Fischer
Interim Deputy City Administrator Shawn Cox
City Attorney Laura Mueller
People & Communications Director Lisa Sullivan
City Secretary Andrea Cunningham
IT Director Jason Weinstock
Deputy Public Works Director Craig Rice
Planning Director Tory Carpenter
Parks & Community Services Director Andy Binz
DSRP Manager Emily Nelson
Planning & Zoning Commission Chair Mim James
Architectural Consultant Keenan Smith

PLEDGE OF ALLEGIANCE

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

WORKSHOP

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

- 1. Presentation and discussion regarding the proposed Municipal Budget for Fiscal Year 2024.**

Shawn Cox gave a presentation which is on file. No action was taken regarding this item.

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

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.

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 Travis Crow

Board Member Sherrie Parks

BOARD OF ADJUSTMENT AGENDA

2. **Public hearing and consideration of VAR2023-0003: an application for a variance to allow a structure within the building setback for a property located at 147 Katie Drive. Applicant: Kevin & Yvonne Heerema**

a. Applicant Presentation – Applicant Yvonne Heerema presented the item and is requesting a variance citing lot topography and house position on the lot; that the variance is not out of place and is consistent with current structures already in place throughout the development; that denial of the request would be arbitrary in that other developments within the city are allowed these structures and if the approved, the variance would not be inconsistent; and, that the structure would serve as a shade structure and is necessary for the enjoyment of the pool and protection from the sun. The applicant also expressed that HOA and neighbors support the request for variance.

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

c. Planning & Zoning Commission Report – Chair James presented the report. The Commission recommended denial of the variance 5 to 2.

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

e. Variance – A motion was made by Board Member King to approve VAR2023-0003: an application for a variance to allow a structure within the building setback for a property located at 147 Katie Drive. Board Member Tahuahua seconded the motion which failed via the following roll call vote:

Chair Foulds, Jr.	Nay
Board Member Manassian	Nay
Board Member King	Aye
Board Member Tahuahua	Aye
Board Member Crow	Nay
Board Member Parks	Aye

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.

- 3. Approval of the May 16, 2023, City Council regular meeting minutes.**
- 4. Approval of an Ordinance amending City Council Member appointments and areas of oversight.** *Sponsor: Mayor Bill Foulds, Jr.*

Filed as Ordinance No. 2023-16

- 5. Approval of an Audit Engagement Letter with Whitley Penn for the Fiscal Year 2023 Audit.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 3 – 5. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

BUSINESS AGENDA

- 6. Presentation summarizing the bond pricing results of Heritage Public Improvement District Improvement Area #1 Project Series 2023 Special Assessment Revenue Bonds.** *Andre Ayala, Hilltop Securities*

Andre Ayala gave a presentation which is on file. No action was taken regarding this item.

7. **Public hearing and presentation regarding an Ordinance Levying Special Assessments for, and Apportioning the Costs of, Certain Improvements to Property in and for the Heritage Public Improvement District Improvement Area #1; Fixing a Charge and Lien against all properties within Improvement Area #1 of the District, and the Owners Thereof; Providing for the Manner and Method of Collection of Such Assessments; Providing for Penalties and Interest on Delinquent Assessments; Making a Finding of Special Benefit to Property in the District and the Real and True Owners Thereof; Approving a Service and Assessment Plan; Providing a Severability Clause; and Providing an Effective Date.**

- a. **Presentation** – No presentation was given. Laura Mueller’s staff report is on file.

- b. **Public Hearing** – Casey Sclar with P3 Works spoke in support of the ordinance and was available for any questions. Mim James spoke in support of the ordinance.

8. **Discuss and consider approval of an Ordinance Levying Special Assessments for, and Apportioning the Costs of, Certain Improvements to Property in and for the Heritage Public Improvement District Improvement Area #1; Fixing a Charge and Lien against all properties within Improvement Area #1 of the District, and the Owners Thereof; Providing for the Manner and Method of Collection of Such Assessments; Providing for Penalties and Interest on Delinquent Assessments; Making a Finding of Special Benefit to Property in the District and the Real and True Owners Thereof; Approving a Service and Assessment Plan; Providing a Severability Clause; and Providing an Effective Date.**

A motion was made by Council Member Parks to approve an Ordinance Levying Special Assessments for, and Apportioning the Costs of, Certain Improvements to Property in and for the Heritage Public Improvement District Improvement Area #1; Fixing a Charge and Lien against all properties within Improvement Area #1 of the District, and the Owners Thereof; Providing for the Manner and Method of Collection of Such Assessments; Providing for Penalties and Interest on Delinquent Assessments; Making a Finding of Special Benefit to Property in the District and the Real and True Owners Thereof; Approving a Service and Assessment Plan; Providing a Severability Clause; and Providing an Effective Date. Council Member Crow seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2023-17

9. **Discuss and consider approval of an Ordinance Authorizing the Issuance of the "City of Dripping Springs, Texas Special Assessment Revenue Bonds, Series 2023 (Heritage Public Improvement District Improvement Area #1 Project)"; Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, an Offering Memorandum, a Continuing Disclosure Agreement and other Agreements and Documents in Connection therewith; Making Findings with Respect to the Issuance of such Bonds; and Providing an Effective Date.**

- a. **Presentation** – No presentation was given. Laura Mueller’s staff report is on file.

- b. **Ordinance** – A motion was made Council Member Parks to approve an Ordinance Authorizing the Issuance of the "City of Dripping Springs, Texas Special Assessment

Revenue Bonds, Series 2023 (Heritage Public Improvement District Improvement Area #1 Project)"; Approving and Authorizing an Indenture of Trust, a Bond Purchase Agreement, an Offering Memorandum, a Continuing Disclosure Agreement and other Agreements and Documents in Connection therewith; Making Findings with Respect to the Issuance of such Bonds; and Providing an Effective Date. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2023-18

Business Agenda Items 10 – 12 were taken together. Laura Mueller presented the staff reports for each item which are on file. Staff recommends approval of all three agreements.

10. **Discuss and consider approval of an agreement for Transfer of Operations from the Dripping Springs Visitors Bureau to the City of Dripping Springs.** *Sponsor: Council Member Parks*
11. **Discuss and consider approval of a Professional Services Agreement between the City of Dripping Springs and Pam Owens for coordination of the Songwriters Festival.** *Sponsor: Council Member Parks*
12. **Discuss and consider approval of a Professional Services Agreement with BITwise Consulting for accounting services for the Dripping Springs Visitors Bureau.** *Sponsor: Council Member Parks*

A motion was made by Council Member Tahuahua to approve the following: an agreement for Transfer of Operations from the Dripping Springs Visitors Bureau to the City of Dripping Springs, a Professional Services Agreement between the City of Dripping Springs and Pam Owens for coordination of the Songwriters Festival and a Professional Services Agreement with BITwise Consulting for accounting services for the Dripping Springs Visitors Bureau. Council Member Parks seconded the motion which carried unanimously 5 to 0.

13. **Discuss and consider approval of a Master Professional Services Agreement between the City of Dripping Springs and Deckard Technologies, Inc. for the Rentalscape Platform.** *Sponsor: Council Member Sherrie Parks.*

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

A motion was made by Council Member Parks to approve a Master Professional Services Agreement between the City of Dripping Springs and Deckard Technologies, Inc. for the Rentalscape Platform. Council Member King seconded the motion which carried unanimously 5 to 0.

14. **Discuss and consider approval of a Professional Services Agreement between the City of Dripping Springs and Architexas for full architectural services for the Stephenson Building and authorization for staff to issue a Notice To Proceed on Task Order #1 (Design Development).** *Sponsor: Council Member Sherrie Parks.*

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

A motion was made by Mayor Pro Tem Manassian to approve a Professional Services Agreement between the City of Dripping Springs and Architexas for full architectural services for the Stephenson Building and authorization for staff to issue a Notice To Proceed on Task Order #1 (Design Development). Council Member Parks seconded the motion which carried unanimously 5 to 0.

15. Public hearing and consideration of approval of an Ordinance of the City of Dripping Springs, Texas amending the current 2022-2023 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures.

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

b. Public Hearing – No one spoke during the public hearing.

c. Budget Amendment Ordinance – A motion was made by Mayor Pro Tem Manassian to approve an Ordinance of the City of Dripping Springs, Texas amending the current 2022-2023 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Council Member Parks seconded the motion which carried unanimously 5 to 0.

Filed as Ordinance No. 2023-19

16. Discuss and consider selection of bidder and approval of the 2023 Sportsplex Drive Maintenance Project Agreement between Lone Star Paving and the City of Dripping Springs and authorization for staff to finalize the agreement.

Craig Rice presented the staff report which is on file. Staff recommends approval of the selection of Lone Star Paving.

A motion was made by Council Member King to select Lone Star Paving for the 2023 Sportsplex Drive Maintenance Project with authorization for staff to finalize the agreement. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

17. Discuss and consider selection of bidder and approval of the Ranch House Road Phase 2 Project Agreement between Myers Concrete Construction, LP and the City of Dripping Springs and authorization for staff to finalize the agreement.

Craig Rice presented the staff report which is on file. Staff recommends approval of the selection of Myers Concrete Construction, LP, to include base bid and bid alternate.

A motion was made by Council Member Crow to select Myers Concrete Construction, LP for the Ranch House Road Phase 2 Project with base bid and bid alternate, and authorization for staff to finalize the agreement. Council Member King seconded the motion which carried unanimously 5 to 0.

18. Discuss and consider approval of a Request for a Fee Reduction regarding SD2022-0033, VAR2022-008, SD2022-036, and VAR2022-009 related to Projects located at 1 Heritage Oaks and 31331 Ranch Road 12 from North Hays County Emergency Services District #1. Sponsor: Council Member Geoffrey Tahuahua.

Michelle Fischer presented the staff report which is on file. Staff recommends denial of the fee reduction request.

No action was taken regarding this item.

19. Discuss and consider the Appointment of Mayor Pro Tem to serve a term of one year.

A motion was made by Council Member Crow to approve of the Appointment of Council Member Taline Manassian as Mayor Pro Tem to serve a term of one year. Council Member King seconded the motion which carried unanimously 5 to 0.

20. Discuss and consider the Appointment of Council Members to Areas of Oversight. Sponsor: Mayor Bill Foulds, Jr.

A motion was made by Council Member Crow to approve of the Appointment of Council Members to the following Areas of Oversight as amended by Ordinance No. 2023-16:

- a. Parks** – Council Member Wade King
- b. Public Health & Safety** – Council Member Geoffrey Tahuahua
- c. Utilities** – Mayor Bill Foulds, Jr.
- d. Finance** – Mayor Pro Tem Taline Manassian
- e. Transportation & Streets** – Council Members Geoffrey Tahuahua and Travis Crow
- f. Community Events & Services** – Council Member Sherrie Parks.

Council Member King seconded the motion which carried unanimously 5 to 0.

21. Discuss and consider the Appointment of Council Members to the Transportation Committee, Economic Development Committee, and Farmers Market Committee.

Mayor Foulds, Jr. Appointed Council Members to the following committees:

- a. Transportation Committee** – Council Member Travis Crow
- b. Economic Development Committee** – Council Member Sherrie Parks
- c. Farmers Market Committee** – Council Member Sherrie Parks

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.

Report is on file and available for review upon request.

22. May Maintenance Report

Craig Rice, Deputy Public Works 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, Deliberations about Real Property and regarding Executive Session Agenda Items 24 – 26 and 28. 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.

23. **Consultation with Attorney regarding legal issues related to agreements and fees charged to political subdivisions related to development.** *Consultation with Attorney, 551.071*
24. **Consultation with Attorney related to settlement of litigation related to code enforcement and open government.** *Consultation with Attorney, 551.071*
25. **Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service, and related items.** *Consultation with Attorney, 551.071*
26. **Consultation with Attorney related to legislative program and matters regarding water, wastewater, utility issues, and other municipal issues at the Texas Legislature.** *Consultation with Attorney, 551.071*
27. **Consultation with City Attorney regarding legal issues related to the Dripping Springs Visitors Bureau and related agreements.** *Consultation with City Attorney, 551.071*
28. **Consultation with Attorney and Deliberation of Real Property regarding legal and real estate issues related to potential civic sites and street extensions and expansions.** *Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*

The City Council met in Executive Session from 7:59 p.m. – 8:35 p.m.

Council Member Crow recused from Executive Session Agenda Item 28, exited the Executive Session and did not return to the meeting once in Open Session.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 8:35 p.m.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

June 20, 2023, at 6:00 p.m. (CC)

July 5, 2023, at 6:00 p.m. (CC & BOA)

July 18, 2023, at 6:00 p.m. (CC)

August 1, 2023, at 6:00 p.m. (CC & BOA)

August 15, 2023, at 6:00 p.m. (CC)

Board, Commission & Committee Meetings

June 7, 2023, DSRP Board at 11:00 a.m.

June 12, 2023, TIRZ Board at 4:00 p.m.

June 12, 2023, Founders Day Commission at 6:30 p.m.
June 13, 2023, Planning & Zoning Commission at 6:00 p.m.
June 14, 2023, Utility Commission at 4:00 p.m.
June 15, 2023, Farmers Market Committee at 10:00 a.m.
June 15, 2023, Emergency Management Commission at 12:00 p.m.

ADJOURN

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

This regular meeting adjourned at 8:36 p.m.

APPROVED ON: June 20, 2023



Bill Foulds, Jr., Mayor

ATTEST:


Andrea Cunningham, City Secretary