



CITY COUNCIL REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, September 06, 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.
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 Travis Crow
Council Member Place 5 Sherrie Parks

Council Members absent were:

Mayor Pro Tem Taline Manassian

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
IT Director Jason Weinstock
People & Communications Director Lisa Sullivan
Parks & Community Services Director Andrew Binz
Community Events Coordinator Caylie Houchin
Building Official Sarah Cole
Planning Director Howard Koontz
Senior Planner Tory Carpenter
Emergency Management Coordinator Roman Baligad
Public Works Director Aaron Reed
Planning & Zoning Commission Chair Mim James

PLEDGE OF ALLEGIANCE

Jim Martin 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 September 2022 as “National Preparedness Month” in the City of Dripping Springs, Texas. Sponsor: Councilmember Tahuahua**

Council Member Tahuahua read and presented the Proclamation to Emergency Management Coordinator Roman Baligad.

A motion was made by Council Member Tahuahua to approve a Proclamation proclaiming the month of September 2022 as “National Preparedness Month” in the City of Dripping Springs, Texas. Council Member King seconded the motion which carried unanimously 4 to 0.

- 2. Presentation of Community Service Awards to Board, Commission, and Committee Members.**

Mayor Foulds, Jr. presented awards to the following individuals:

- Matthew Zarbaugh, Parks & Recreation Commission
- Barrett Criswell, Transportation Committee (absent)
- Andrea Nicholas, Economic Development Committee
- Tim Brown, Historic Preservation Commission (absent)
- Bruce Lewis, Historic Preservation Commission (absent)
- John McIntosh, TIRZ No. 1 & No. 2 Board
- Wade King, Parks & Recreation Commission
- Eric Henline, Parks & Recreation Commission
- Eric Russell, Parks & Recreation Commission
- Jim Martin, Planning & Zoning Commission and Transportation Committee

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 August 16, 2022, City Council Workshop & Regular Meeting Minutes.**
4. **Approval of the August 23, 2022, City Council Workshop & Regular City Council Meeting Minutes.**
5. **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for Caliterra Phase 4 Section 12 Wastewater Improvements and Releasing a Construction Bond.** *Applicant: Development Solutions CAT, LLC; Hays County Development District No. 1*

Filed as Resolution No. 2022-R33

6. **Approval of a Resolution Approving a Revegetation Bond for Caliterra Phase 4 Section 12.** *Applicant: Development Solutions CAT, LLC; Hays County Development District No. 1*

Filed as Resolution No. 2022-R34

7. **Approval of a request to amend the 2022 Local Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and the Friends of the Pound House Foundation.** *Applicant: Janet Hermann, Treasurer, Friends of the Pound House*

A motion was made by Council Member Tahuahua to approve Consent Agenda items 3 – 7. Council Member Crow seconded the motion which carried unanimously 4 to 0.

BUDGET

8. **Public Hearing on the 2022 Ad Valorem Tax and Levy of 0.1778 per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the Corporate City Limits.**
Mayor Foulds, Jr. presented the item and opened the Public Hearing.
No one spoke during the Public Hearing.

BUSINESS AGENDA

Business Agenda items 9 and 10 were presented and action was taken concurrently.

9. **Public hearing and consideration of approval of an Ordinance regarding AN2022-0002: an application to consider annexation for approximately 3.209 acres out of the Philip A Smith Survey, located at 501 Sportsplex Drive.** *Applicant: Bob Richardson, Dripping Springs Community Library*
 - a. **Applicant Presentation** – Applicant Bob Richardson presented the item.
 - b. **Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the ordinance.
 - c. **Public Hearing** – No one spoke during the Public Hearing.

d. Annexation

Filed as Ordinance No. 2022-29

- 10. Public hearing and consideration of approval of an Ordinance regarding ZA2022-0003: an application to consider a proposed zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 3.209 acres out of the Philip A Smith Survey, located at 501 Sportsplex Drive. Applicant: Bob Richardson, Dripping Springs Community Library**

- a. Applicant Presentation** – Applicant Bob Richardson presented the item.
- b. Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the ordinance.
- c. Planning & Zoning Commission Report** – Chair James presented the report. The Commission recommended approval unanimously 6 to 0.
- d. Public Hearing** – No one spoke during the Public Hearing.
- e. Zoning Amendment**

Filed as Ordinance No. 2022-30

A motion was made by Council Member Crow to approve an Ordinance regarding AN2022-0002: an application to consider annexation for approximately 3.209 acres out of the Philip A Smith Survey, located at 501 Sportsplex Drive; and, an Ordinance regarding ZA2022-0003: an application to consider a proposed zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 3.209 acres out of the Philip A Smith Survey, located at 501 Sportsplex Drive. Council Member King seconded the motion which carried unanimously 4 to 0.

- 11. Public hearing and consideration of approval of an Ordinance regarding ZA2022-0004: an application for a zoning map amendment from Two-Family Residential - Duplex (SF-4) to Multiple-family Residential (MF) and Conditional Overlay for 0.75 acres being lot 1, block 1 of the Van Merkel Addition located at 102 Rose Drive. Applicant: Jon Thompson.**

- a. Applicant Presentation** – Applicant was not present.
- b. Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the ordinance.
- c. Planning & Zoning Commission Report** – Chair James presented the report. The Commission recommended approval unanimously 6 to 0.
- d. Public Hearing** – No one spoke during the Public Hearing.
- e. Zoning Amendment** – A motion was made by Council Member King to approve an Ordinance regarding ZA2022-0004: an application for a zoning map amendment from Two-Family Residential - Duplex (SF-4) to Multiple-family Residential (MF) and

Conditional Overlay for 0.75 acres being lot 1, block 1 of the Van Merkel Addition located at 102 Rose Drive. Council Member Parks seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2022-31

12. **Public hearing and consideration of approval of a Sign Variance Request to grant an exemption from Section 26.01.004(b)(3) “sign which cannot be expressly authorized: electronic signs” of the City of Dripping Springs Sign Ordinance for Dripping Springs Elementary School, located at 29400 Ranch Road 12, Dripping Springs, Texas. Applicant: Lance Pelton, Core Displays/PR Custom Signs, LLC.**

a. Applicant Presentation – Applicant not present.

b. Staff Report – Sarah Cole presented the staff report which is on file. Staff recommends approval of the request.

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

d. Sign Variance Request – A motion was made by Council Member King to approve a Sign Variance Request to grant an exemption from Section 26.01.004(b)(3) “sign which cannot be expressly authorized: electronic signs” of the City of Dripping Springs Sign Ordinance for Dripping Springs Elementary School, located at 29400 Ranch Road 12, Dripping Springs, Texas, with the condition that the sign must be turned off at the close of business or 8:00 p.m., whichever is later. Council Member Parks seconded the motion which carried 3 to 2, with Mayor Foulds, Jr. casting the tie breaking vote, and Council Members Tahuahua and Crow opposed.

13. **Public hearing and consideration of approval of a Sign Variance Request for an exemption from Section 4.2.4(ii) of the Belterra Master Sign Plan Ordinance: “No tenant shall be allowed more than one projecting sign” for Mighty Fine Burgers, located at 116 Hargraves Dr., Building T, Austin, Texas 78737. Applicant: Ann Lewis, Lewis Sign.**

a. Applicant Presentation – Ann Lewis presented the item.

b. Staff Report – Sarah Cole presented the staff report. Staff recommends approval of the request, and that no other sign requests be approved for this business.

c. Public Hearing – Ann Lewis spoke in favor of the request.

d. Sign Variance Request – Council Member Parks made a motion to approve a Sign Variance Request for an exemption from Section 4.2.4(ii) of the Belterra Master Sign Plan Ordinance: “No tenant shall be allowed more than one projecting sign” for Mighty Fine Burgers, located at 116 Hargraves Dr., Building T, Austin, Texas 78737, with staff recommendation that no other variance requests be granted by this business. Council Member Tahuahua seconded the motion which carried 3 to 1, with Council Member Crow opposed.

14. **Discuss and consider approval of a Temporary Street Closure Permit application from the Dripping Springs Visitors Bureau to close a portion of Mercer Street from Bluff Street to San Marcos Street, and a portion of Old Fitzhugh Road on October 14 through 16, 2022, for the Dripping Springs Songwriters Festival. Sponsor: Councilmember King**

Caylie Houchin presented the staff report which is on file. Staff recommends approval of the permit.

A motion was made by Council Member King to approve a Temporary Street Closure Permit application from the Dripping Springs Visitors Bureau to close a portion of Mercer Street from Bluff Street to San Marcos Street, and a portion of Old Fitzhugh Road on October 14 through 16, 2022, for the Dripping Springs Songwriters Festival. Council Member Crow seconded the motion which carried unanimously 4 to 0.

15. **Discuss and consider approval of a Songwriters Festival 2022 Participation Agreement between the City of Dripping Springs, Dripping Springs Veterans of Foreign Wars Post 2933, and Vince F. Taylor American Legion Post 290 for parking services. Sponsor: Council Member King**

Caylie Houchin 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 Songwriters Festival 2022 Participation Agreement between the City of Dripping Springs, Dripping Springs Veterans of Foreign Wars Post 2933, and Vince F. Taylor American Legion Post 290 for parking services. Council Member Parks seconded the motion which carried unanimously 4 to 0.

16. **Discuss and consider approval of a request to amend the 2022 Local Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau. Applicant: Pam Owens, Dripping Springs Visitors Bureau**

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

A motion was made by Council Member Crow to approve a request to amend the 2022 Local Hotel Occupancy Tax Grant Funding Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau. Council Member Parks seconded the motion which carried unanimously 4 to 0.

17. **Discuss and consider approval of the Appointment of a Chair and Vice Chair to the Emergency Management Commission for terms ending January 1, 2023.**

Andrea Cunningham presented the staff report is on file.

A motion was made by Council Member Tahuahua to appoint Bonnie Humphrey as Chari and Bill Little as Vice Chair of the Emergency Management Commission for terms ending January 1, 2023. Council Member Crow seconded the motion which carried unanimously 4 to 0.

18. Discuss and consider approval of the Appointment of Becky Atkins to the Economic Development Committee for an unexpired term ending June 1, 2023.

Mayor Foulds, Jr. presented the item. Andrea Cunningham's staff report is on file. Staff recommends the appointment of Becky Atkins.

A motion was made by Council Member Parks to approve the Appointment of Becky Atkins to the Economic Development Committee for an unexpired term ending June 1, 2023. Council Member Tahuahua seconded the motion which carried unanimously 4 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.

19. Dripping Springs 2045 Comprehensive Plan Progress Update

Howard Koontz, Planning Director

Howard Koontz presented the report which is on file.

A motion was made by Council Member Tahuahua to adjourn into Executive Session under Texas Local Government Code Section 551.071, Consultation with City Attorney and 551.074, Personnel Matters and regarding Executive Session Agenda Items 20 - 22. Council Member Crow seconded the motion which carried unanimously 4 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.

20. Consultation with City Attorney regarding legal issues related to pending or contemplated litigation related to the wastewater permits and the Hays Trinity Groundwater Conservation District. Consultation with City Attorney, 551.071

21. Deliberation of Personnel Matters on the appointment, employment, evaluation, reassignment, pay, or duties of the Maintenance Director, Code Enforcement/Construction Inspector, and Building Official/Utility Coordinator. Personnel Matters, 551.074

22. Consultation with City Attorney related to the South Regional Water Reclamation Project and the litigation on the Wastewater Permits and related items. Consultation with City Attorney, 551.071

The City Council met in Executive Session from 7:01 p.m. – 7:40 p.m.

No action or vote was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session.

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

September 13, 2022, at 5:30 p.m.
September 20, 2022, at 6:00 p.m.
September 27, 2022, at 5:30 p.m.
October 3, 2022, at 6:00 p.m. (CC & BOA)

Board, Commission & Committee Meetings

September 7, 2022, DSRP Board at 11:00 p.m.
September 12, 2022, TIRZ No. 1 & No. 2 Board at 4:00 p.m.
September 12, 2022, Founders Day Commission at 6:30 p.m.
September 14, 2022, Utility Commission at 4:00 p.m.
September 15, 2022, Farmers Market Committee at 10:00 a.m.
September 15, 2022, Emergency Management Commission at 12:00 p.m.
September 19, 2022, Parks & Recreation Commission at 6:00 p.m.

ADJOURN

Via unanimous consent, the City Council adjourned the meeting.

This regular meeting adjourned at 7:41 p.m.

APPROVED ON: September 20, 2022



Bill Foulds, Jr., Mayor

ATTEST:



Andrea Cunningham, City Secretary

