



# CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING - AMENDED

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, December 07, 2021 at 6:00 PM

## MINUTES

### AMENDED AGENDA

#### 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  
Council Member Place 5 Sherrie Parks

**Council Member absent was:**

Council Member Place 4 April Harris Allison

**Staff, Consultants & Appointed/Elected Officials present were:**

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Attorney Laura Mueller  
City Treasurer Shawn Cox  
City Secretary Andrea Cunningham  
Planning Director Howard Koontz  
Senior Planner Tory Carpenter  
Planning Assistant Warlan Rivera  
Parks & Community Services Director Kelly Schmidt  
Planning & Zoning Commission Chair Mim James

#### PLEDGE OF ALLEGIANCE

Council Member Sherrie Parks 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.

## **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.

1. **Approval of the November 16, 2021 City Council regular meeting Minutes.**
2. **Approval of the November 22, 2021 City Council special meeting Minutes.**
3. **Approval of the Appointment of Erika Fritz to the Farmers Market Committee for a term ending June 30, 2023.**
4. **Approval of the 2022 Uniform Submittal Ordinance for site plans and subdivision filings.**

### **Filed as Ordinance No. 2021-46**

5. **Approval of a Resolution approving MUD Reimbursement Bonds for Hays County MUD Number 4 for reimbursement for construction of water, wastewater, and drainage facilities. Applicant: Felix J. Manka, Burgess Niple, P.E.**

### **Filed as Resolution No. 2021-R39**

6. **Approval of a Letter of Support related to the City's Hays County Master Naturalist Firefly Project Grant Funding application for costs associated with upgrading Charro Ranch Park's native plant demonstration garden.**
7. **Approval of a Resolution of the City Council of the City of Dripping Springs, Authorizing Participation with the State of Texas, through the Office of the Attorney General in the Global Opioid Settlement and Approving the Term Sheet. Sponsor: Mayor Foulds, Jr.**

### **Filed as Resolution No. 2021-R40**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 1 – 7. Council Member King seconded the motion which carried unanimously 4 to 0.

## BUSINESS AGENDA

8. **Public hearing and consideration of approval of an Annexation Ordinance and Service Agreement (ANNEX2021-0004), and an Ordinance for zoning amendment (ZA2021-0007) from Agricultural (AG) to Single-Family Residential District - Moderate Density (SF-2) for approximately 39.341 acres out of the Benjamin F. Hannah Survey, located at 2901 W US 290. Applicant: Brian Estes, P.E., Civil and Environmental Consultants Inc.**

a. **Presentation** – No presentation given.

b. **Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the annexation and zoning amendment.

c. **Planning & Zoning Commission Report** – Mim James presented the report. The Commission recommended approval of the zoning amendment unanimously 4 to 0.

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

e. **Annexation Ordinance & Service Agreement**

f. **Zoning Amendment Ordinance**

A motion was made by Mayor Pro Tem Manassian to approve an Annexation Ordinance and Service Agreement (ANNEX2021-0004), and an Ordinance for zoning amendment (ZA2021-0007) from Agricultural (AG) to Single-Family Residential District - Moderate Density (SF-2) for approximately 39.341 acres out of the Benjamin F. Hannah Survey, located at 2901 W US 290. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

**Annexation filed as Ordinance No. 2021-47**

**Zoning Amendment filed as Ordinance No. 2021-48**

9. **Discuss and consider approval of a Waiver Application from the temporary development moratorium for the Silver Creek Subdivision. Applicant: Tracy Bratton, P.E., Doucet and Associates.**

a. **Presentation** – Applicant John Doucet gave a presentation.

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

c. **Waiver Application** – A motion was made by Council Member Parks to approve a Waiver Application from the temporary development moratorium for the Silver Creek Subdivision. Council Member Tahuahua seconded the motion which carried unanimously 4 to 0.

10. **Discuss and consider approval of a Waiver Application from the temporary development moratorium for 900 Hays Country Acres. Applicant: Jennifer M. Garcia, P.E.**

No action was taken on this item. The applicant withdrew their Waiver Application.

- a. **Presentation**
- b. **Staff Report**
- c. **Waiver Application**

11. **Discuss and consider approval of the proposed Dripping Springs Park System Wayfinding Signage Plan.**

Brent Baker presented the plan.

Kelly Schmidt presented the staff report which is on file. Staff and the Parks & Recreation Commission recommend approval of the plan.

A motion was made by Council Member Parks to approve the Dripping Springs Park System Wayfinding Signage Plan. Mayor Pro Tem Manassian seconded the motion which carried unanimously 4 to 0.

12. **Discuss and consider approval of the selection of contractor for the Cellular-Enabled Water Meters Request for Bids, and authorization for staff to negotiate and finalize the agreement.**

Shawn Cox presented the staff report which is on file. Staff recommends selection of Atlas Utility.

A motion was made by Mayor Pro Tem Manassian to select Atlas Utility as the contractor for the Cellular-Enabled Water Meters Request for Bids, and to authorize staff to negotiate and finalize the agreement. Council Member Parks seconded the motion which carried unanimously 4 to 0.

13. **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. **Staff Report** – Shawn Cox presented the staff report which is on file. Staff recommends approval of the budget amendment.

- b. **Public Hearing** – No one spoke during the Public Hearing.

- c. **Budget Amendment Ordinance** – A motion was made by Council Member Tahuahua to approve an Ordinance of the City of Dripping Springs, Texas amending the current 2021-2022 Fiscal Year Budget; Finding Municipal Purposes; Authorizing Expenditures. Mayor Pro Tem Manassian seconded the motion which carried unanimously 4 to 0.

**Filed as Ordinance No. 2021-49**

**14. Discuss and consider selection of Hays Central Appraisal District Board of Directors candidate(s), and approval of a Resolution to cast the ballot.**

**a. Candidate Selection** – Andrea Cunningham presented the staff report which is on file.

**b. Resolution** – A motion was made by Council Member Tahuahua to cast eleven (11) votes for Jenifer O’Kane and ten (10) votes for Will Conley for the Hays Central Appraisal District Board of Directors. Sherrie Parks seconded the motion. Upon further discussion, Council Member Tahuahua amended his motion to cast seven (7) ballots each for Jenifer O’Kane, Leonard Olsen and Will Conley. Council Member Parks accepted and seconded the amended motion which carried unanimously 4 to 0.

**Filed as Resolution No. 2021-R41**

**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.

**15. Report on Moratorium Exceptions & Waivers**

**16. Maintenance & Facilities Monthly Report**

*Craig Rice, Maintenance Director*

**17. Transportation Committee Monthly Report**

*Travis Crow, TC Chair*

Council Member King left the dais and exited the Council Chambers.

A motion was made by Mayor Pro Tem Manassian to adjourn into Executive Session under Texas Government Code Sections 551.074, Personnel Matters and 551.071, Consultation with City Attorney and regarding Executive Session Agenda Items 18 and 22. Council Member Tahuahua seconded the motion which carried unanimously 3 to 0.

Council Member King returned to the dais and was present during Executive Session.

**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. Deliberation of Personnel Matters regarding Fiscal Year 2022 Longevity Pay for the following: Penny Appleman, Roman Baligad, Jim Bass, Kevin Campbell, Sherry**

Canady, Tory Carpenter, Sarah Cole, Shawn Cox, Andrea Cunningham, Brandon Elliott, Ginger Faught, Michelle Fischer, Sesario Garza, Johnathon Hill, Caylie Houchin, Alison Jamieson, Rune Jamieson, Sheri Kapanka, Amy Kappler, Jesse Kennis, Howard Koontz, Johnna Krantz, Laura Mueller, Emily Emigh Nelson, Heather Newman, Shane Pevehouse, Steve Rasette, Aaron Reed, Charles Reed, Craig Rice, Warlan Rivera, Selina Romero, Mackenzie Rusick, Kelly Schmidt, Lily Sellers, Nick Spillar, Bill Stevens, Riley Sublett, Lisa Sullivan, and Marcus Vallejo. *Personnel Matters, 551.074.*

19. **Consultation with City Attorney regarding legal issues related to opioid settlement.** *Consultation with City Attorney, 551.071*
20. **Consultation with City Attorney regarding legal issues related to ongoing developments including Rob Shelton Improvements and Texas Department of Transportation and other sources of funding related to improvements and the provision of wastewater to PDD No. 11; and, legal issues related to Bunker Ranch annexation and zoning.** *Consultation with City Attorney, 551.071*
21. **Consultation with City Attorney regarding legal issues related to the provision of retail utility services.** *Consultation with City Attorney, 551.071*
22. **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*

The City Council met in Executive Session from 7:17 – 7:33 p.m.

No action or vote was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 7:33 pm.

## UPCOMING MEETINGS

### City Council & Board of Adjustment Meetings

December 14, 2021, at 5:00 p.m. (Waivers & Exceptions)

December 21, 2021, at 6:00 p.m. (Regular Meeting)

December 28, 2021, at 5:00 p.m. (Waivers & Exceptions)

January 4, 2022, at 6:00 p.m. (Regular & BOA)

January 11, 2022, at 5:00 p.m. (Waivers & Exceptions)

January 18, 2022, at 6:00 p.m. (Regular Meeting)

January 25, 2022, at 5:00 p.m. (Waivers & Exceptions)

### Board, Commission & Committee Meetings

December 8, 2021, Utility Commission at 4:00 p.m.

December 13, 2021, TIRZ No. 1 & No. 2 Board at 4:00 p.m.

December 13, 2021, Founders Day Commission at 4:00 p.m.

December 14, 2021, Planning & Zoning Commission at 6:30 p.m.

December 15, 2021, Economic Development Committee at 4:00 p.m.

December 16, 2021, Farmers Market Committee at 10:00 a.m.

December 16, 2021, Emergency Management Commission at 12:00 p.m.

December 20, 2021, Transportation Committee at 3:30 p.m.

**ADJOURN**

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member Parks seconded the motion which carried unanimously 4 to 0.

This regular meeting adjourned at 7:33 p.m.

**APPROVED ON:** December 21, 2021

*Bill Foulds, Jr.*

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Bill Foulds, Jr., Mayor

**ATTEST:**

*Andrea Cunningham*  
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Andrea Cunningham, City Secretary

