



# CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, October 05, 2021, at 6:00 PM

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## 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  
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 Attorney Laura Mueller  
City Treasurer Shawn Cox  
City Secretary Andrea Cunningham  
Planning Director Howard Koontz  
Senior Planner Tory Carpenter  
Communications & Marketing Director Lisa Sullivan  
IT Coordinator Misty Dean  
Planning & Zoning Commission Chair Mim James  
TIRZ Project Manager Keenan Smith  
Hays County Judge Ruben Becerra  
Hays County Judge Executive Assistant Anita Collins

Mayor Foulds, Jr. opened the meeting with the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

A motion was made by Mayor Pro Tem Manassian to move Item 3. Proclamations & Presentations to the beginning of the meeting. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

### PROCLAMATIONS & PRESENTATIONS

3. **Proclamation proclaiming October 11, 2021, as "Indigenous Peoples' Day" in the City of Dripping Springs, Texas.** *Sponsors: Council Member Parks & Council Member King*

Council Member Parks read the Proclamation and presented it to Dripping Springs Community Empowering Positive Change representative Laura Zarate. Judge Becerra and Anita Collins spoke regarding the proclamation.

Mayor Foulds, Jr. proceeded with the agenda as posted.

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**WORKSHOP**

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

1. **Presentation and discussion regarding a Resolution consenting to the Creation and Operation of Dripping Springs Municipal Utility District Number 1, otherwise known as Village Grove, located on 112.29 acres at Mokhtarian and surrounding tracts on the east end of Sports Park Road and Sports and Recreation Park and south of Highway 290.** *Applicant: Matthew Scrivener, P.E., Austin Land Innovations, LLC.*

John Doucet and Peter Verdicchio gave a presentation which is on file.

Laura Mueller presented the staff report which is on file.

2. **Presentation and discussion regarding a Memorandum of Understanding between the City of Dripping Springs and New Growth related to wastewater, transportation, and density for a property north of Highway 290 on Roger Hanks Parkway.** *Applicant: Isaac Karpay, New Growth Enterprises, L.L.C.*

Kyle Lovelady gave a presentation which is on file.

Laura Mueller and Howard Koontz presented the staff report which is on file.

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**CITY COUNCIL**

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**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.*

Wayne Clark spoke regarding the selection of the Official Newspaper asking the City Council to consider rotating the two newspapers in circulation in the Dripping Springs.

Dalton Sweat, Wimberley View General Manager, spoke in favor of the selection Dripping Springs Century News for the City's Official Newspaper.

### **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.*

4. **Approval of the September 15, 2021, City Council special meeting minutes.**
5. **Approval of the September 21, 2021, City Council regular meeting minutes.**
6. **Approval of a Professional Services Agreement between the City of Dripping Springs and Donald L. Allman, CPA, P.C. for Audit Services.**
7. **Approval of the City Council and Board of Adjustment 2022 meeting calendar.**
8. **Approval of a Resolution Accepting Improvements and a Maintenance Bond and Releasing a Construction Bond for the Big Sky Subdivision Phase 2 Grading, Street, Storm Sewer, and Wastewater Improvements.**

#### **Filed as Resolution No. 2021-R30**

9. **Approval of the Job Description for Volunteer Wildlife Manager. Sponsor: Mayor Bill Foulds, Jr.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 4 – 9, with corrected minutes as presented. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

### **BUSINESS AGENDA**

10. **Discuss and consider an ordinance amending Article 6.05 Farmers Market Association, Chapter 6 Business Regulations, changing to Committee, modifying meeting requirements, and related updates. Sponsor: Mayor Pro Tem Manassian.**

Laura Mueller presented the staff report which is on file. Staff recommends approval of the amendments.

A motion was made by Council Member Harris-Allison to approve an ordinance amending Article 6.05 Farmers Market Association, Chapter 6 Business Regulations, changing to

Committee, modifying meeting requirements, and related updates. Council Member King seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2021-38**

**11. Discuss and consider approval of a Resolution designating the Official Newspaper for the City of Dripping Springs for Fiscal Year 2021-2022.**

Andrea Cunningham presented the staff report which is on file.

A motion was made by Council Member King to approve a Resolution designating Century News as the Official Newspaper for the City of Dripping Springs for Fiscal Year 2021-2022. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

**Filed as Resolution No. 2021-R31**

**12. Discuss and consider approval of an Annexation Petition and direction to staff to negotiate an Annexation Agreement with owners to annex approximately 29.341 acres in the extraterritorial jurisdiction, situated in the Benjamin F Hanna Survey No. 28, Abstract No. 222 located at 2901 W UH 290, Dripping Springs, Texas 78620 (Tax ID: R15103). Applicant: Brian Estes, P.E.**

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

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

Patricia Van Buskirk spoke regarding the annexation and expressed concern regarding traffic and piecemeal planning.

**c. Annexation Petition** – A motion was made by Council Member Tahuahua to approve an Annexation Petition with direction to staff to negotiate an Annexation Agreement with owners to annex approximately 29.341 acres in the extraterritorial jurisdiction, situated in the Benjamin F Hanna Survey No. 28, Abstract No. 222 located at 2901 W UH 290, Dripping Springs, Texas 78620 (Tax ID: R15103) with additional direction as provided by counsel. 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.*

Report is on file and available for review upon request.

**13. Maintenance Director's Monthly Report**

*Craig Rice, Maintenance Director*

**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.

14. **Deliberation of real property and consultation with city attorney related to a planning project with park and civic property near RR 12.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
15. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
16. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Wastewater Operations, agreements related to Wastewater, the South Regional Water Reclamation Expansion Project Easement Acquisition, Wastewater Discharge Permit, and operation of the Lazy W WCID in the Extraterritorial Jurisdiction of the City of Dripping Springs.** *Consultation with City Attorney, 551.071; Deliberation regarding Real Property, 551.072*

The City Council did not meet in Executive Session.

## UPCOMING MEETINGS

### City Council & Board of Adjustment Meetings

October 19, 2021, at 6:00 p.m. (CC)  
November 2, 2021, at 6:00 p.m. (CC & BOA)  
November 16, 2021, at 6:00 p.m. (CC)

### Board, Commission & Committee Meetings

October 6, 2021, Dripping Springs Ranch Park Board at 12:00 p.m.  
October 7, 2021, Historic Preservation Commission at 4:00 p.m.  
October 12, 2021, Planning & Zoning Commission at 6:30 p.m.  
October 13, 2021, Utility Commission at 4:00 p.m.  
October 18, 2021, TIRZ No. 1 & No. 2 Board at 4:00 p.m.  
October 21, 2021, Farmers Market Board at 10:00 a.m.  
October 21, 2021, Emergency Management Commission at 12:00 p.m.

## ADJOURN

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

This regular meeting adjourned at 8:20 p.m.

**APPROVED ON:** November 2, 2021

*Bill Foulds Jr.*

Bill Foulds, Jr., Mayor

**ATTEST:**

*Andrea Cunningham*

Andrea Cunningham, City Secretary

