TIRZ No. 1 & No. 2 Board Regular Meeting

Dripping Springs City Hall

511 Mercer Street - Dripping Springs, Texas

Monday, October 05, 2026, at 4:00 PM

AGENDA

CALL TO ORDER AND ROLL CALL

Board Members
Place 1 Ryan Thomas, Chair
Place 3 Taline Manassian, Vice Chair
Place 2 Jessy Milner
Place 4 Brock Johns
Place 5 Missy Atwood
Place 6 Susan Kimball
Place 7 Walt Smith
Advisory Member Bob Richardson

Staff, Consultants & Appointed/Elected Officials
City Administrator Michelle Fischer
Deputy City Administrator Shawn Cox
City Attorney Aniz Alani
City Secretary Diana Boone
City Engineer Chad Gilpin
TIRZ Project Manager Keenan Smith, AIA

PRESENTATION OF CITIZENS

A member of the public that wishes to address the Board on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the Board that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the Board must present the documents to the City Secretary or City Attorney providing at least eight (8) copies; if eight (8) copies are not provided, the Board will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Chair may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

MINUTES

1. **Consider approval of the August 17, 2026 TIRZ No. 1 & No. 2 Board special meeting minutes.**

2. **Consider approval of the September 14, 2026 TIRZ No. 1 & No. 2 Board regular meeting minutes.**

BUSINESS AGENDA

3. **Discussion and possible action regarding approval of the 2027 TIRZ No. 1 & No. 2 Board meeting calendar.**

4. **Update regarding TIRZ Priority Project - Stephenson School Building and Parking Lot Project.** *Keenan Smith, TIRZ Project Manager*

5. **Update regarding TIRZ Priority Project - Old Fitzhugh Road Improvement Project.** *Keenan Smith, TIRZ Project Manager and Chad Gilpin, City Engineer*

6. **Update regarding TIRZ Priority Project - Mercer Street Paseo Project.** *Keenan Smith, TIRZ Project Manager and Chad Gilpin, City Engineer*

    a. Update - Paseo Bid Selection

7. **Update regarding TIRZ Priority Project - Dripping Springs Community Library Project.** *Dan Wegmiller, Dripping Springs Community Library Financial Consultant*

8. **Consideration and possible action to recommend City Council approval of a one-year Professional Services Agreement with Keenan E. Smith, AIA, doing business as City Lights Design Alliance, for TIRZ project management services from October 1, 2026, through September 30, 2027, at $150 per hour, in an amount not to exceed $43,200.**

CLOSED SESSION

The Board has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), 551.0761 (Deliberation Regarding Critical Infrastructure Facility), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

UPCOMING MEETINGS

TIRZ No. 1 & No. 2 Board Meetings
November 9, 2026 at 4:00 p.m.
December 14, 2026 at 4:00 p.m.

City Council Meetings
October 6, 2026 at 6:00 p.m.
October 20, 2026 at 6:00 p.m.
November 3, 2026 at 6:00 p.m.
November 17, 2026 at 6:00 p.m.
December 1, 2026 at 6:00 p.m.
December 15, 2026 at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, www.cityofdrippingsprings.com, on September 29, 2026 at 4:00 PM.

_____
Diana Boone, City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.

TIRZ No. 1 & No. 2 Board Special Meeting

Dripping Springs City Hall

511 Mercer Street - Dripping Springs, Texas

Monday, August 17, 2026, at 4:00 PM

DRAFT MINUTES

CALL TO ORDER AND ROLL CALL

With a quorum of Board Members present, Chair Thomas called the meeting to order at 4:09 p.m.

Board Members Present
Place 1 Ryan Thomas, Chair
Place 4 Brock Johns (arrived at 4:15)
Place 5 Missy Atwood
Place 6 Susan Kimball
Place 7 Walt Smith
Advisory Member Bob Richardson

Board Members Absent
Place 3 Taline Manassian, Vice Chair
Place 2 Jessy Milner

Staff, Consultants & Appointed/Elected Officials
Deputy City Administrator Shawn Cox
Assistant City Attorney Laura Mueller
City Secretary Diana Boone
TIRZ Project Manager Keenan Smith, AIA

PRESENTATION OF CITIZENS

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No one spoke during Presentation of Citizens.

BUSINESS AGENDA

1. **Discussion and possible action regarding the TIRZ No.1 & No.2 Board Fiscal Year 2027 budget recommendation.** *Shawn Cox, Deputy City Administrator*

   A motion was made by Board Member Smith and seconded by Board Member Kimball, to approve the budget as presented with the adjustment of removing $66,000 for Old Fitzhugh, with those funds being paid for by POSAC (Parks & Open Spaces Advisory Commission) funding. The motion carried unanimously 5 to 0.

   Roll Call Vote:

   Chair Thomas – Aye
   Board Member Johns – Aye
   Board Member Atwood – Aye
   Board Member Kimball – Aye
   Board member Smith – Aye

CLOSED SESSION

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The Board did not meet in Closed Session.

ADJOURN

A motion was made by Board Member Smith and seconded by Board Member Johns, to adjourn the meeting. The motion carried unanimously 5 to 0.

The meeting was adjourned at 5:14 p.m.

TIRZ No. 1 & No. 2 Board Regular Meeting

Dripping Springs City Hall

511 Mercer Street - Dripping Springs, Texas

Monday, September 14, 2026, at 4:00 PM

DRAFT MINUTES

CALL TO ORDER AND ROLL CALL

With a quorum of board members present, Chair Thomas called the meeting to order at 4:02 p.m.

Board Members Present
Place 1 Ryan Thomas, Chair
Place 3 Taline Manassian, Vice Chair
Place 4 Brock Johns
Place 5 Missy Atwood
Place 6 Susan Kimball
Place 7 Walt Smith
Advisory Member Bob Richardson

Board Members Absent
Place 2 Jessy Milner

Staff, Consultants & Appointed/Elected Officials
City Administrator Michelle Fischer
Deputy City Administrator Shawn Cox
City Attorney Aniz Alani
Assistant City Attorney Laura Mueller
City Secretary Diana Boone
City Engineer Chad Gilpin
Financial Analyst Peyton Guillory
City Inspector Michael Tomasz
Project Manager Elisabeth Schaper
People & Communications Director Lisa Sullivan
Parks & Community Services Director Andy Binz
Parks & Community Services Assistant Director Emily Nelson
TIRZ Project Manager Keenan Smith, AIA

PRESENTATION OF CITIZENS

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No one spoke during Presentation of Citizens.

MINUTES

1. **Consider approval of the June 8, 2026 TIRZ No.1 & No.2 Board regular meeting minutes.**

2. **Consider approval of the August 10, 2026 TIRZ No.1 & No.2 Board regular meeting minutes.**

A motion was made by Vice Chair Manassian and seconded by Board Member Smith, to approve agenda items 1 and 2. The motion carried unanimously 6 to 0.

BUSINESS AGENDA

3. **Update regarding TIRZ Priority Project - Stephenson School Building and Parking Lot Project.** *Keenan Smith, TIRZ Project Manager*

a. Overall Project Schedule
TIRZ Project Manager Keenan Smith presented the update.

b. Marketing, Branding, Rates, and Programming
People & Communications Director Lisa Sullivan, and Parks & Community Services Assistant Director Emily Nelson presented the update.

No action was taken.

4. **Update regarding TIRZ Priority Project - Old Fitzhugh Road Improvement Project.** *Keenan Smith, TIRZ Project Manager and Chad Gilpin, City Engineer*

a. TxDOT Bid Concurrence
TIRZ Project Manager Keenan Smith presented the update.

b. Project Manager
New Project Manager Elisabeth Schaper was introduced to the board.

No action was taken.

5. **Discussion and possible action on a recommendation on HDR PSA Amendment No. 4, for Old Fitzhugh Road, supplemental Construction Administration and Construction Engineering Support Services.** *Keenan Smith, TIRZ Project Manager*

A motion was made by Board Member Smith and seconded by Board Member Atwood, to approve the HDR PSA Amendment No.4 for Old Fitzhugh Road and request reimbursement form POSAC (Parks and Open Spaces Advisory Commission) for additional expenses. The motion carried unanimously 6 to 0.

6. **Update regarding TIRZ Priority Project - Mercer Street Paseo Project.** *Keenan Smith, TIRZ Project Manager and Chad Gilpin, City Engineer*

a. Plan for Remainder of Improvements
TIRZ Project Manager Keenan Smith and City Engineer Chad Gilpin presented.

No action was taken.

CLOSED SESSION

The Board has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), 551.0761 (Deliberation Regarding Critical Infrastructure Facility), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

The board did not meet in Closed Session.

ADJOURN

A motion was made by Vice Chair Manassian and seconded by Board Member Kimball, to adjourn the meeting. The motion carried unanimously 6 to 0.

The meeting was adjourned at 4:56 p.m.

STAFF REPORT

City of Dripping Springs

PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Diana Boone, City Secretary

Board Meeting Date: October 5, 2026

Agenda Item Wording: **Discussion and possible action regarding approval of the 2027 TIRZ No. 1 & No. 2 Board meeting calendar.**

Agenda Item Requestor: Ryan Thomas, Chair

Summary/Background: Each year the City Secretary prepares the next year's meeting calendar for approval by the Board. Meeting dates are scheduled using the frequency as stated in the Board ordinance. The TIRZ No. 1 & No. 2 Board ordinance calls for monthly meetings which are currently scheduled for **4:00 p.m., the 2nd Monday of each month.**

Attached for review is the proposed 2027 TIRZ meeting calendar with approved city holidays. The proposed meeting dates are highlighted in yellow. The October meeting conflicts with a city holiday. Below is the proposed meeting date for this meeting. The Board may select to cancel meetings, and meetings may also be rescheduled throughout the year.

October 11, 2027 is a city holiday. Proposed meeting date:

Monday, October 4, 2027

Board Recommendations: Staff recommends approval of the calendar as presented. **Should there be any changes to meeting dates, please provide the changes in a motion.**

Attachments: 2027 TIRZ No. 1 & No. 2 Board Proposed Calendar

Next Steps/Schedule:

1. Update calendar if any changes
2. Add meetings to Outlook Calendars and send invites
3. Add meeting dates to City Calendar on website
4. Create meetings on Municode for agenda management
5. Add deadlines to Agenda Calendar

2027 TIRZ No.1 & No.2 Board

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

DRIPPING SPRINGS
Texas

Proposed Meeting Dates (yellow)
City Holiday (blue)

Meeting Dates:

Monday, January 11, 2027
Monday, February 8, 2027
Monday, March 8, 2027
Monday, April 12, 2027
Monday, May 10, 2027
Monday, June 14, 2027
Monday, July 12, 2027
Monday, August 9, 2027
Monday, September 13, 2027
Monday, October 4, 2027
Monday, November 8, 2027
Monday, December 13, 2027

STAFF REPORT

City of Dripping Springs

PO Box 384
511 Mercer Street
Dripping Springs, TX 78602

Submitted By: Chad Gilpin, City Engineer

Council Meeting Date: 10/6/2026

Agenda Item Wording: **Discuss and consider selection of a bidder and authorize staff to finalize agreement related to the Mercer Street Paseo Phase 2 Project.** *Sponsor: Mayor Pro-Tem Taline Manassian*

Agenda Item Requestor: Chad Gilpin, City Engineer

Summary/Background:

The TIRZ Board Recommended and City of Dripping Springs City Council approved a Budget of $ 200,000 for the Mercer Street Paseo Project. In July 2026, City Staff attempted to Change Order the entire Mercer Street Paseo Project into the Stephenson Building Project. Change Order price quotes exceeded City budget by more than double. City Staff re-evaluated the project and came up with the strategy to stay within budget by completing the project in 3 Phases. The 3 Phases and budgets are summarized below:

Phase 1 - $49,995
Phase 1 was change ordered into the Contract for the Stephenson Building project in July 2026. Phase 1 scope includes the Dumpster Enclosure, associated paving for trash truck maneuvers and Stephenson site work tie-in of curbs and sidewalks.

Phase 2 - $85,400 (Current Award Consideration)
Phase 2 includes the Paseo underground infrastructure & sidewalk. Underground infrastructure includes electrical conduit, light pole foundations, water service sleeving, wastewater service extension, storm drains, tree wells and storm curbs.

Phase 3 – $ 64,605 (Remaining Budget)
It is anticipated that the City will complete Phase 3 at a later date through a combination of DIY City labor forces and direct contract with a Landscape Construction Company. Remaining Phase 3 scope includes landscape plantings, crushed granite, benches, paver step stones, light poles and electric wire pulls.

Project Total - $ 200,000

Four (4) Contractors were invited to bid. Two (2) contractor bids for the referenced project were received.

- Si Environmental, LLC (Formerly Dig Dug Construction)
- S&D Constructors, Inc.

Bids have been evaluated and the low bid is **S&D Constructors, Inc.** with the following bid:

Total Base Bid Amount: $ 85,400.00

Staff recommends award of the Base Bid + an Allowance for a total amount of $100,000.00 to S&D Constructors, Inc. based on evaluation of the bid packages. The allowance amount may be used to complete certain planned Phase 3 finish out items with Phase 2.

Base Bid: $ 85,400.00
Allowance: $ 14,600.00

Total Award Amount: $ 100,000.00

Recommended Council Actions:

City Staff recommends authorizing staff to finalize agreement related to the Mercer Street Paseo Phase 2 Project.

Attachments:

- Bid Tabulation
- S&D Constructors, Inc. - Bid Response Package
- Si Environmental, LLC – Bid Response Package
- Project Manual
- Construction Plans

Next Steps/Schedule:

- Council Award: Tuesday October 6, 2026
- Issue Notice of Award: Wednesday October 7, 2026
- Execute Contract: Friday October 16, 2026
- Issue Notice to Proceed: Monday October 19, 2026
- Complete Construction: Early December

DRIPPING SPRINGS
Texas

September 28, 2006

Shawn Cox
Deputy City Administrator
City of Dripping Springs

RE: Mercer Street Paseo Phase 2
Engineer's Recommendation of Award

Four (4) Conctractors were invited to bid. Two (2) contractor bids for the referenced project were received.

- Si Environmental, LLC (Formerly Dig Dug Construction)
- S&D Constructors, Inc.

Bids have been evaluated and the low bid is **S&D Constructors, Inc.** with the following bid:

Total Base Bid Amount: $ 85,400.00

Staff recommends award of the Base Bid + an Allowance for a total amount of $100,000.00 to S&D Constructors, Inc. based on evaluation of the bid packages. The allowance amount may be used to complete certain planned Phase 3 finish out items with Phase 2.

Base Bid: $ 85,400.00
Allowance: $ 14,600.00

Total Award Amount: $ 100,000.00

Attached for reference is the bid tabulation and copies of the bidder's bid response package.

Chad Gilpin, PE
City Engineer

Enclosure:
- Staff Report
- Bid Tabulation
- S&D Constructors, Inc. - Bid Response Package
- Si Environmental, LLC – Bid Response Package
- Project Manual
- Construction Plans

DRIPPING SPRINGS
Texas

Contract Cover Sheet

Contract Number	CIT20261006 *Use first three letters of contractor and date of approval. Ex: contract approved for HDR on Jan.18, 2022 the Contract number is **HDR20220118**. If administratively approved, use the date the contract is submitted to the city signator.*
Contractor with Contact Information	*Company:* City Lights Design Alliance *POC:* Keenan E. Smith *Address:* 18320 Shepherds Corral, Dripping Springs, Tx 78620 *Phone Number:* 512-659-5062
Effective Date	October 1, 2026
Termination Date	September 30, 2027
Renewal/ Termination Notice Date	30 days
Bid/Quotes/ Budgeted	Renewal of current agreement. Not to exceed $43,200 for the year at $150 an hour.
Department	TIRZ/Finance
Reporting Requirements	*Insurance Certificate:* ☑ YES ☐ NA *Conflict Disclosure:* ☑ YES ☐ NA *1295 Reporting:* ☑ YES ☐ NA *Other Reporting Requirements:*
Council Meeting Date (if applicable)	October 6, 2026

STAFF REPORT

City of Dripping Springs

PO Box 384

511 Mercer Street

Dripping Springs, TX 78620

Submitted By: Michelle Fischer, City Administrator

Council Meeting Date: October 6, 2026

Agenda Item Wording: **Approval of a Professional Services Agreement with Keenan E. Smith, AIA, doing business as City Lights Design Alliance, for TIRZ project management services for a one-year term beginning October 1, 2026, at $150 per hour, in an amount not to exceed $43,200; and authorize the City Administrator to execute the agreement.** *Sponsor: Mayor Pro Tem Taline Manassian*

Agenda Item Requestor: Keenan Smith, TIRZ Project Manager

Summary/Background:

Keenan Smith has been the TIRZ Project Manager since 2016.

This agreement is similar to the one approved last year. The consultant will support TIRZ #1 & #2 Priority Projects: Stephenson Building & Downtown Parking Lot; Mercer Street Paseo; and Old Fitzhugh Rd.

Consultant's Key Responsibilities:

Project Management: team and Requests for Qualifications/Bids/ Proposals coordination; oversight of tasks, studies, plans, schedules, budgets, deliverables, cost estimates, reports, and consultant invoicing.

Liaison & Staff Support: TIRZ Boards, City, Hays County, landowners, businesses, and developers.

Coordination Services: with TIRZ Administrators, City Attorney, Financial Advisors, and consultants.

Compensation: $150/hour; 24 hours per month average; cap at $43,200/year. The estimate is not a minimum purchase commitment. Consultant will submit monthly invoices identifying the services performed, dates, hours, and applicable project.

Term: October 1, 2026 – Sept. 30, 2027, unless terminated earlier.

Renewal: Annual, subject to negotiation. Any continuation after that date requires a written agreement signed by both parties; any renewal rate must be agreed to in writing.

Commission Recommendations: TIRZ Board approved the expenses for this in the FY 2026-2027 Budget. They will consider a recommendation to City Council during their October 5th meeting,

Recommended Council Actions: Approve the PSA with City Lights Design Alliance for TIRZ project management services for a one-year term beginning October 1, 2026, at $150 per hour, in an amount not to exceed $43,200; and authorize the City Administrator to execute the agreement.

Attachments: Draft PSA

Next Steps/Schedule: If approved, execute agreement.

Contract No. CIT20261006

TIRZ PROJECT MANAGEMENT SERVICES AGREEMENT

This **TIRZ Project Management Services Agreement** (the **"Agreement"**) is entered into effective as of the date of last execution, (the **"Effective Date"**) by and between the **City of Dripping Springs**, a Texas general law municipality (the **"City"**), and **Keenan E. Smith, AIA**, an individual doing business as City Lights Design Alliance (the **"Consultant"**). The City and **Consultant** may be referred to individually as a **"Party"** and collectively as the **"Parties"**.

1. **Services.** At the City's direction, Consultant will provide project management, staff support, liaison, and coordination services for selected projects in Tax Increment Reinvestment Zones Nos. 1 and 2 (**TIRZs**), currently identified as: (a) Stephenson Building and Downtown Parking Lot; (b) Old Fitzhugh Road; and (c) Mercer Street Paseo. Services may include coordinating requests for qualifications and project-team selection; organizing project teams; overseeing project tasks, studies, plans, schedules, budgets, deliverables, cost estimates, reports, and consultant invoices; supporting and advising the TIRZ boards and City; serving as liaison with Hays County, the Dripping Springs Community Library, and TIRZ landowners and developers; and coordinating with TIRZ administrators, financial advisers and consultants, and City legal counsel. Specific tasks may vary by project. Consultant will perform services only as directed by the City and has no authority to bind the City or approve expenditures on its behalf unless separately authorized in writing.

2. **Term.** The term begins October 1, 2026, and ends September 30, 2027, unless terminated earlier under this Agreement. Any continuation after that date requires a written agreement signed by both parties; any renewal rate must be agreed to in writing.

3. **Compensation and invoicing.** The City will pay Consultant $150 per hour for authorized project coordination, liaison, and related services, based on an estimated average of 24 hours per month, up to a maximum of $43,200 for the term. The estimate is not a minimum purchase commitment. Consultant will submit monthly invoices identifying the services performed, dates, hours, and applicable project. Amounts properly invoiced are due on receipt, subject to the annual maximum. Consultant may not exceed the maximum or charge additional services or expenses unless the City approves them in writing in advance through an amendment signed by both parties. No work performed without that approval increases the City's payment obligation.

4. **Excluded services.** This Agreement does not include preparation of construction documents or surveying, structural, electrical, civil, geotechnical, or mechanical engineering services. Any additional scope requires the written approval described in Section 3.

5. **Termination.** Either party may terminate this Agreement on 30 days' written notice to the other party. Upon termination, the City will pay for authorized services performed through the effective termination date, subject to the maximum in Section 3. Consultant will deliver to the City work product prepared for the City through that date.

6. **Independent contractor.** Consultant is an independent contractor, not a City employee. The City will not provide employee benefits, including health insurance or paid vacation. The City may retain others to provide project management services.

7. **Conflicts of interest.** Consultant will notify the City and the TIRZ boards in writing of any potential conflict involving a third-party client. If a TIRZ board or the City Council identifies a direct conflict between a third-party project and the TIRZs, it will notify Consultant in writing. If the conflict cannot be resolved to the satisfaction of the parties, Consultant or the City may terminate this Agreement on seven days' written notice.

8. **Required disclosures and legal compliance.** Consultant will provide disclosures, certifications, and forms required by applicable Texas law for this Agreement, including any applicable conflict-of-interest questionnaire and certificate of interested parties. Consultant will comply with applicable Texas requirements for government contracts, including applicable restrictions concerning boycotts, firearm entities and trade associations, energy companies, and designated foreign terrorist organizations. A representation in this section applies only to the extent required by law for this Agreement and Consultant.

9. **Insurance and injuries.** Consultant is responsible for obtaining appropriate insurance coverage for Consultant and any employees used to perform services. To the extent permitted by law, Consultant waives claims against the City for injuries sustained by Consultant or Consultant's employees while performing under this Agreement. If Consultant uses employees for City services, Consultant will provide the City evidence of insurance at least 10 days before the expiration of existing coverage.

10. **Limitation of liability.** To the fullest extent permitted by law, Consultant's total liability to the City for injuries, claims, losses, expenses, damages, or claim expenses arising from Consultant's performance, other than amounts insurable under Consultant's insurance policies, will not exceed the total fees paid to Consultant under this Agreement. This limitation applies to claims based on negligence, errors, omissions, strict liability, breach of contract, or breach of warranty. Consultant is not liable under this Agreement for construction or design activities performed by third parties. Nothing in this section limits a liability that applicable law prohibits the parties from limiting.

11. **Assignment.** Consultant may not assign or transfer its obligations under this Agreement without the City's prior written consent.

12. **Notices.** All notices required or permitted under this Agreement shall be in writing and delivered by hand delivery, nationally recognized overnight courier, certified mail, or email with confirmation of transmission, addressed as follows:

To the City:
City of Dripping Springs
Attn: City Administrator
PO Box 384
Dripping Springs, TX 78620

To Consultant:
Keenan E. Smith, AIA
18320 Shepherds Corral
Dripping Springs, TX 78620
(512) 659-5062
keenan.e.smith.aia@gmail.com

Either Party may change its notice address by written notice to the other Party. Notice is deemed received upon delivery if delivered by hand or confirmed email, one (1) business day after deposit with an overnight courier, or three (3) days after deposit in the United States mail, postage prepaid.

13. **Entire agreement; amendments.** This Agreement is the parties' entire agreement concerning these services for the term stated in Section 2 and supersedes prior agreements concerning services during that term. It does not retroactively change payment obligations accrued before October 1, 2026. An amendment must be in writing and signed by both parties.

14. **Severability; waiver.** If a provision is invalid or unenforceable, it will be limited to the extent necessary to be enforceable, and the remaining provisions will remain in effect. A party's failure to enforce a provision is not a waiver of its right to enforce that provision later.

15. **Governing law and venue.** Texas law governs this Agreement. Venue for a dispute arising under this Agreement is in Hays County, Texas.

CITY OF DRIPPING SPRINGS **KEENAN E. SMITH, AIA**