



**CITY COUNCIL REGULAR MEETING**  
**City of Dripping Springs**  
**Council Chambers, 511 Mercer St, Dripping Springs, TX**  
**Tuesday, October 13, 2020 at 6:00 PM**

---

**VIDEOCONFERENCE MEETING**

*This meeting will be held via videoconference and the public is encouraged and welcome to participate. Public comment may be given during the videoconference by joining the meeting using the information below. Public comment for this meeting may also be submitted to the City Secretary at [acunningham@cityofdrippingsprings.com](mailto:acunningham@cityofdrippingsprings.com) no later than 3:00 PM on the day the meeting will be held.*

*The City Council respectfully requests that all microphones and webcams be disabled unless you are a member of the City Council or Board of Adjustment. City staff, consultants and presenters please enable your microphone and webcam when presenting to the City Council or Board of Adjustment.*

---

**AGENDA**

**MEETING SPECIFIC VIDEOCONFERENCE INFORMATION**

***Join Zoom Meeting***

<https://us02web.zoom.us/j/89599960858?pwd=cG9MNEE1S2ZiWDFBZVQrWFcrL1lzUT09>

***Meeting ID:*** 895 9996 0858

***Passcode:*** 039401

***Dial Toll Free:***

877 853 5257 US Toll-free

888 475 4499 US Toll-free

***Find your local number:*** <https://us02web.zoom.us/j/89599960858>

***Join by Skype for Business:*** <https://us02web.zoom.us/skype/89599960858>

**CALL TO ORDER AND ROLL CALL**

**City Council Members**

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Todd Purcell

Council Member Place 4 April Harris Allison

Council Member Place 5 Travis Crow

**Staff, Consultants & Appointed/Elected Officials**

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Ginger Faught  
City Treasurer Gina Gillis  
City Secretary Andrea Cunningham  
Senior Planner Amanda Padilla  
City Engineer Chad Gilpin  
Parks & Community Services Director Kelly Schmidt  
Communications Director Lisa Sullivan

## **PLEDGE OF ALLEGIANCE**

## **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.*

## **PROCLAMATIONS & PRESENTATIONS**

- 1. Approval of a Proclamation declaring the Month of October 2020 as "National Chiropractic Health Month" in the City of Dripping Springs, Texas. Sponsor: Mayor Pro Tem Manassian**
  
- 2. Presentation regarding Tax Reinvestment Zone No. 1 and No. 2 End of Fiscal Year 2020 Cost Reimbursement and Cash Flow Projections. Sponsor: Mayor Pro Tem Manassian**

*Presenters: TIRZ Board Chair Mim James, Financial Advisor Chris Lane, and TIRZ Administrator P3 Works, Jon Snyder*

## **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 September 8, 2020 City Council & Board of Adjustment Workshop & Regular meeting minutes; and the September 15, 2020 City Council Regular meeting minutes.
- 4.** Approval of the City Council & Board of Adjustment 2021 Annual Meeting Calendar.
- 5.** Approval of a Resolution designating Dripping Springs Century News as the Official Newspaper of the City of Dripping Springs, Texas for Fiscal Year 2020-2021.
- 6.** Approval of the September 2020 City Treasurer Report.
- 7.** Disapproval of a Preliminary Plat Amendment for SUB2020-0022: Preliminary Plat Amendment for Big Sky Ranch to add an additional 41 lots (211.4 acres) to the approved Preliminary Plat as addressed in staff report. The property is generally located at the intersection of Founders Park Road and Lone Peak Way. *Applicant: Christopher Reid, P.E. Doucet & Associates, INC.*
- 8.** Approval of a Hotel Occupancy Tax Grant Funding Program Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for Fiscal Year 2021-2022.
- 9.** Approval of the Hotel Occupancy Tax Grant Funding Program Agreement between the City of Dripping Springs and the Dr. Pound Historical Farmstead for Fiscal Year 2021-2022.
- 10.** Approval of a Resolution Consenting to the Issuance of Road Bonds for the Headwaters Subdivision.
- 11.** Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for Founders Park Road Street and Drainage Improvements.
- 12.** Approval of a Donation Agreement between the City of Dripping Springs and Denise Ranck regarding a Founders Park Memorial Bench with inlayed plaque honoring Rusty Ranck.
- 13.** Approval of a Donation Agreement between the City of Dripping Springs and Girl Scout Silver Award Candidate Autumn Pape regarding renovations to Charro Ranch Park's Informational Kiosk.
- 14.** Approval of a Donation Agreement between the City of Dripping Springs and North Hays County EMS for COVID-19 equipment.
- 15.** Approval of a Resolution of the City of Dripping Springs Accepting Dripping Springs Ranch Park Dam Improvements and Approving a two-year maintenance bond for Ranch Park Dam Improvements completed by DigDug Construction.
- 16.** Approval of a Resolution Amending the Personnel Manual as it relates to a Telecommuting Policy.
- 17.** Approval of the Dripping Springs Ranch Park Part-time Ranch Hand job description.

## BUSINESS AGENDA

- 18. Public hearing and consideration regarding ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment with a Conditional Use Overlay for two (2) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential - Town Home (SF-5). The Conditional Use Overlay would prohibit certain uses that are allowed by right in the SF-5. Applicant: Jon Thompson**

### **Applicant has requested Postponement**

- a) Presentation
- b) Staff Report
- c) Public Hearing
- d) Zoning Amendment with Conditional Overlay

- 19. Public hearing and consideration of approval regarding an Ordinance Amending the Dripping Springs City-Wide Trails Plan Map.**

- a) Staff Report
- b) Public Hearing
- c) Amendment Ordinance

- 20. Discuss and consider approval of a Resolution approving an updated Municipal Maintenance Agreement with the State of Texas for the maintenance of state highways in the city limits by the Texas Department of Transportation and the City of Dripping Springs.**

- 21. Discuss and consider the acceptance of Easement Offers related to the South Regional Water Reclamation Project.**

- 22. Discuss and consider approval of an Ordinance Adopting the City of Dripping Springs Emergency Management Plan and related annexes and amending Section 2.04 of the City of Dripping Springs Code of Ordinances as it relates to the emergency management coordinator and the local emergency management plan.**

## REPORTS

*Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports are on file and available for review upon request.*

- 23. Transportation Committee Report**

*Jim Martin, Interim Chair*

- 24. Economic Development Committee Monthly Report**

*Kim Fernea, Committee Chair*

- 25. City Attorney Report**

*Laura Mueller, City Attorney*

- 26. Maintenance & Facilities Monthly Report**  
*Craig Rice, Maintenance Director*
- 27. Parks & Community Services Monthly Report**  
*Kelly Schmidt, PCS Director*
- 28. City of Dripping Springs Annual International Dark Sky Community Report to the International Dark Sky Association.**  
*Michelle Fischer, City Administrator*

**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.*

- 29. Consultation with City Attorney regarding legal issues related to the Request for Proposals (RFP) for Improvements at the Triangle.** *Consultation with City Attorney, 551.071*
- 30. Consultation with City Attorney regarding legal issues related to the Zoning Ordinance, Development Agreements, easements, and density of development.** *Consultation with Attorney, 551.071*
- 31. Consultation with City Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 32. Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders including upcoming city events.** *Consultation with City Attorney, 551.071*
- 33. Consultation with City Attorney and Deliberation of Real Property related to real property associated with the Town Center Project.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*

**UPCOMING MEETINGS**

**City Council Meetings:**

- October 20, 2020 at 6:00 p.m.
- November 10, 2020 at 6:00 p.m.
- November 17, 2020 at 6:00 p.m.

**Board, Commission & Committee Meetings**

- October 14, 2020 Utility Commission at 4:00 p.m.
- October 15, 2020 Farmers Market Association Board at 10:00 a.m.
- October 15, 2020 Emergency Management Commission at 12:00 p.m.

October 19, 2020 Founders Day Commission at 6:30 p.m.  
October 26, 2020 Transportation Committee at 3:30 p.m.  
October 27, 2020 Planning & Zoning Commission at 6:30 p.m.  
October 28, 2020 Economic Development Committee at 4:00 p.m.

**ADJOURN**

**TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING**

*All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting.*

*Due to the Texas Governor Order, Hays County Order, City of Dripping Springs Disaster Declaration, and Center for Disease Control guidelines related to COVID-19, a quorum of this body could not be gathered in one place, and this meeting will be conducted through videoconferencing. Texas Government Code Sections 551.045; 551.125; and 551.127.*

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com), on **October 9, 2020 at 4:00 p.m.***

---

City Secretary

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



**PROCLAMATION  
OF THE CITY OF DRIPPING SPRINGS  
PROCLAIMING JULY 2020 AS**

**“National Chiropractic Health Month”**

- WHEREAS,** Chiropractors are physician-level healthcare providers who focus on the whole person as part of their hands-on, nondrug approach to pain management and health promotion, and who have special expertise in the prevention, treatment, and rehabilitation of musculoskeletal conditions and injuries; and
- WHEREAS,** Chiropractors were identified in a March 2020 memo by the U.S. Department of Homeland Security as part of the essential healthcare workforce and many have continued to serve their patients and communities since the beginning of the COVID-19 pandemic; and
- WHEREAS,** With many Americans working from home and attending school online since the beginning of the pandemic, the incidence of musculoskeletal conditions has grown due in part to an increase in sedentary lifestyles, poor posture, and stress; and
- WHEREAS,** Even before the pandemic, musculoskeletal conditions have been among the most commonly reported medical conditions for adults and seniors; among them, low back pain is the single leading cause of disability worldwide, preventing people from participating in daily and recreational activities; and
- WHEREAS,** Chiropractic care is widely recognized as one of the safest nondrug, noninvasive approaches available for the treatment of low back pain and other musculoskeletal complaints; and
- WHEREAS,** In addition to their expertise in spinal manipulation, chiropractors have broad diagnostic skills and are trained to recommend therapeutic and rehabilitative exercises, and to provide nutritional, dietary, and lifestyle advice; and
- WHEREAS,** Chiropractors recognize that physical activity can improve symptoms, decrease disability, and improve function and well-being in a range of chronic musculoskeletal conditions, in addition to reducing stress and anxiety and enhancing sleep and quality of life; and
- WHEREAS,** The American College of Physicians low back pain treatment guidelines released in 2017 promote the use of noninvasive, nondrug approaches such as spinal manipulation as a first line of defense against back pain, and groups such as the Centers for Disease Control and Prevention and the Joint Commission have also adopted positions supporting this approach.

**NOW THEREFORE, BE IT PROCLAIMED by the City Council of Dripping Springs, Texas:**

1. That the Dripping Springs City Council proclaims October 2020 as “National Chiropractic Health Month” in the City of Dripping Springs and joins with the American Chiropractic Association and the Texas Chiropractic Association in promoting the benefits of movement, good posture, healthy living and a nondrug approach to pain management with its “Active and Adaptive” campaign; and
2. That Chiropractic Health Month serves as a reminder to all citizens of Dripping Springs, Texas, that noninvasive, nondrug treatments for low back pain and other musculoskeletal conditions such as spinal manipulation and other chiropractic services, combined with an active, healthy lifestyle, may lesson or eliminate the need for riskier, potentially addictive treatments such as prescription pain medications and surgery.

\_\_\_\_\_  
Bill Foulds, Jr., Mayor



**City of Dripping Springs  
Tax Increment Reinvestment Zone  
Executive Summary (Q3 2020)**

*October 05, 2020*



---

**Project Participants**

City of Dripping Springs  
Hays County  
Dripping Springs Independent School District  
Dripping Springs Community Library District





Table 1: Total Cost Summary									
	Creation Costs	Town Center	Old Fitzhugh Road	Triangle Drainage	Downtown Parking	Total			
<b>CREATION COSTS</b>									
<i>FY 2017</i>	\$ 60,971	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,971
<i>FY 2018</i>	-	-	-	-	-	-	-	-	-
<i>FY 2019</i>	-	-	-	-	-	-	-	-	-
<i>FY 2020*</i>	-	-	-	-	-	-	-	-	-
	<b>\$ 60,971</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 60,971</b>
<b>DIRECT EXPENSES</b>									
<i>FY 2017</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>FY 2018</i>	-	146,758	84,610	5,706	-	-	-	-	237,075
<i>FY 2019</i>	-	79,887	2,450	2,180	18,182	-	-	-	102,699
<i>FY 2020*</i>	-	40,250	2,050	-	11,678	-	-	-	53,978
	<b>\$ -</b>	<b>\$ 266,895</b>	<b>\$ 89,110</b>	<b>\$ 7,886</b>	<b>\$ 29,860</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 393,752</b>
<b>ALLOCATION OF INDIRECT EXPENSES</b>									
<i>FY 2017</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>FY 2018</i>	-	75,357	43,446	2,930	-	-	-	-	121,733
<i>FY 2019</i>	-	76,728	2,353	2,094	17,463	-	-	-	98,639
<i>FY 2020*</i>	-	104,367	5,316	-	30,281	-	-	-	139,964
	<b>\$ -</b>	<b>\$ 256,453</b>	<b>\$ 51,114</b>	<b>\$ 5,024</b>	<b>\$ 47,745</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 360,336</b>
<b>MARKET/P3 STUDY EXPENSES</b>									
<i>FY 2017</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>FY 2018</i>	-	22,870	-	-	-	-	-	-	22,870
<i>FY 2019</i>	-	37,455	-	-	-	-	-	-	37,455
<i>FY 2020*</i>	-	42,805	-	-	-	-	-	-	42,805
	<b>\$ -</b>	<b>\$ 103,130</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 103,130</b>
<b>TOTAL EXPENSES</b>									
<i>FY 2017</i>	\$ 60,971	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,971
<i>FY 2018</i>	-	244,985	128,056	8,636	-	-	-	-	381,678
<i>FY 2019</i>	-	194,071	4,803	4,274	35,645	-	-	-	238,793
<i>FY 2020*</i>	-	187,422	7,366	-	41,960	-	-	-	236,747
	<b>\$ 60,971</b>	<b>\$ 626,478</b>	<b>\$ 140,225</b>	<b>\$ 12,910</b>	<b>\$ 77,605</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 918,189</b>

\* Invoices received as of 9/30/2020



Table 2: Creation Costs					
Public Improvements	City	County	Library	DSISD	Total
<b>Cost Participation</b>	100.00%	0.00%	0.00%	0.00%	100.00%
<b>CREATION COSTS</b>					
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971
FY 2018	-	-	-	-	-
FY 2019	-	-	-	-	-
FY 2020*	-	-	-	-	-
	<b>\$ 60,971</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 60,971</b>



**Table 3: Town Center Expenditures**

	City	County	Library	DSISD	Total
<b>Cost Participation</b>					
Direct & Indirect	33.33%	33.33%	33.33%	0.00%	100.00%
Market/P3 Study	34.00%	0.00%	0.00%	66.00%	100.00%
<b>DIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	48,919	48,919	48,919	-	146,758
FY 2019	26,629	26,629	26,629	-	79,887
FY 2020*	13,417	13,417	13,417	-	40,250
	<u>\$ 88,965</u>	<u>\$ 88,965</u>	<u>\$ 88,965</u>	<u>\$ -</u>	<u>\$ 266,895</u>
<b>ALLOCATION OF INDIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	25,119	25,119	25,119	-	75,357
FY 2019	25,576	25,576	25,576	-	76,728
FY 2020*	34,789	34,789	34,789	-	104,367
	<u>\$ 85,484</u>	<u>\$ 85,484</u>	<u>\$ 85,484</u>	<u>\$ -</u>	<u>\$ 256,453</u>
<b>MARKET/P3 STUDY EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	7,776	-	-	15,094	22,870
FY 2019	12,735	-	-	24,721	37,455
FY 2020*	14,554	-	-	28,251	42,805
	<u>\$ 35,064</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 68,066</u>	<u>\$ 103,130</u>
<b>TOTAL EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	81,814	74,039	74,039	15,094	244,985
FY 2019	64,940	52,205	52,205	24,721	194,071
FY 2020*	62,759	48,206	48,206	28,251	187,422
	<u>\$ 209,514</u>	<u>\$ 174,450</u>	<u>\$ 174,450</u>	<u>\$ 68,066</u>	<u>\$ 626,478</u>

\* Invoices received as of 9/30/2020



Table 4: Old Fitzhugh Expenditures					
	City	County	Library	DSISD	Total
<b>Cost Participation</b>					
Direct & Indirect	50.00%	50.00%	0.00%	0.00%	100.00%
Market/P3 Study	0.00%	0.00%	0.00%	0.00%	0.00%
<b>DIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	42,305	42,305	-	-	84,610
FY 2019	1,225	1,225	-	-	2,450
FY 2020*	1,025	1,025	-	-	2,050
	<b>\$ 44,555</b>	<b>\$ 44,555</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 89,110</b>
<b>ALLOCATION OF INDIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	21,723	21,723	-	-	43,446
FY 2019	1,177	1,177	-	-	2,353
FY 2020*	2,658	2,658	-	-	5,316
	<b>\$ 25,557</b>	<b>\$ 25,557</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 51,114</b>
<b>MARKET/P3 STUDY EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	-	-	-	-	-
FY 2019	-	-	-	-	-
FY 2020*	-	-	-	-	-
	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	64,028	64,028	-	-	128,056
FY 2019	2,402	2,402	-	-	4,803
FY 2020*	3,683	3,683	-	-	7,366
	<b>\$ 70,112</b>	<b>\$ 70,112</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 140,225</b>

\* Invoices received as of 9/30/2020



Table 5: Triangle Expenditures					
	City	County	Library	DSISD	Total
<b>Cost Participation</b>					
Direct & Indirect	33.33%	66.67%	0.00%	0.00%	100.00%
Market/P3 Study	0.00%	0.00%	0.00%	0.00%	0.00%
<b>DIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	1,902	3,804	-	-	5,706
FY 2019	727	1,453	-	-	2,180
FY 2020*	-	-	-	-	-
	<b>\$ 2,629</b>	<b>\$ 5,258</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,886</b>
<b>ALLOCATION OF INDIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	977	1,953	-	-	2,930
FY 2019	698	1,396	-	-	2,094
FY 2020*	-	-	-	-	-
	<b>\$ 1,675</b>	<b>\$ 3,349</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,024</b>
<b>MARKET/P3 STUDY EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	-	-	-	-	-
FY 2019	-	-	-	-	-
FY 2020*	-	-	-	-	-
	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	2,879	5,758	-	-	8,636
FY 2019	1,425	2,849	-	-	4,274
FY 2020*	-	-	-	-	-
	<b>\$ 4,303</b>	<b>\$ 8,607</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 12,910</b>

\* Invoices received as of 9/30/2020



**Table 6: Parking Expenditures**

	City	County	Library	DSISD	Total
<b>Cost Participation</b>					
Direct & Indirect	100.00%	0.00%	0.00%	0.00%	100.00%
Market/P3 Study	0.00%	0.00%	0.00%	0.00%	0.00%
<b>DIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	-	-	-	-	-
FY 2019	18,182	-	-	-	18,182
FY 2020*	11,678	-	-	-	11,678
	<b>\$ 29,860</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 29,860</b>
<b>ALLOCATION OF INDIRECT EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	-	-	-	-	-
FY 2019	17,463	-	-	-	17,463
FY 2020*	30,281	-	-	-	30,281
	<b>\$ 47,745</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 47,745</b>
<b>MARKET/P3 STUDY EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	-	-	-	-	-
FY 2019	-	-	-	-	-
FY 2020*	-	-	-	-	-
	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL EXPENSES</b>					
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	-	-	-	-	-
FY 2019	35,645	-	-	-	35,645
FY 2020*	41,960	-	-	-	41,960
	<b>\$ 77,605</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 77,605</b>

\* Invoices received as of 9/30/2020



Table 7: Indirect Costs Summary						
Year	PM & Coordination	Legal & Administration	Regional DDS	Miscellaneous Expenses	Total	
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	\$ 77,660	\$ 33,703	\$ 6,680	\$ 3,691	\$ 121,733	
FY 2019	\$ 68,230	\$ 29,936	\$ -	\$ 473	\$ 98,639	
FY 2020	\$ 73,897	\$ 63,062	\$ -	\$ 3,005	\$ 139,964	
<b>Total</b>	<b>\$ 219,787</b>	<b>\$ 126,701</b>	<b>\$ 6,680</b>	<b>\$ 7,168</b>	<b>\$ 360,336</b>	



Table 8: Entity Expenditures						
	City	County	Library	DSISD	Total	
<b>CREATION COSTS</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	-	-	-	-	-	
FY 2019	-	-	-	-	-	
FY 2020*	-	-	-	-	-	
	<b>\$ 60,971</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 60,971</b>	
<b>TOWN CENTER</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	81,814	74,039	74,039	15,094	244,985	
FY 2019	64,940	52,205	52,205	24,721	194,071	
FY 2020*	62,759	48,206	48,206	28,251	187,422	
	<b>\$ 209,514</b>	<b>\$ 174,450</b>	<b>\$ 174,450</b>	<b>\$ 68,066</b>	<b>\$ 626,478</b>	
<b>OLD FITZHUGH</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	64,028	64,028	-	-	128,056	
FY 2019	2,402	2,402	-	-	4,803	
FY 2020*	3,683	3,683	-	-	7,366	
	<b>\$ 70,112</b>	<b>\$ 70,112</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 140,225</b>	
<b>TRIANGLE</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	2,879	5,758	-	-	8,636	
FY 2019	1,425	2,849	-	-	4,274	
FY 2020*	-	-	-	-	-	
	<b>\$ 4,303</b>	<b>\$ 8,607</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 12,910</b>	
<b>PARKING</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	-	-	-	-	-	
FY 2019	35,645	-	-	-	35,645	
FY 2020*	41,960	-	-	-	41,960	
	<b>\$ 77,605</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 77,605</b>	
<b>TOTAL EXPENDITURES</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	148,721	143,824	74,039	15,094	381,678	
FY 2019	104,412	57,456	52,205	24,721	238,793	
FY 2020*	108,402	51,889	48,206	28,251	236,747	
	<b>\$ 422,505</b>	<b>\$ 253,169</b>	<b>\$ 174,450</b>	<b>\$ 68,066</b>	<b>\$ 918,189</b>	
<b>CASH CONTRIBUTION</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	146,340	170,000	50,000	-	366,340	
FY 2019**	160,320	120,000	35,000	39,195	354,516	
FY 2020***	115,000	-	65,000	27,546	207,546	
	<b>\$ 482,631</b>	<b>\$ 290,000</b>	<b>\$ 150,000</b>	<b>\$ 66,741</b>	<b>\$ 989,372</b>	
<b>CONTRIBUTION LESS EXPENDITURES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	\$ (2,381)	\$ 26,176	\$ (24,039)	\$ (15,094)	(15,338)	
FY 2019	\$ 55,909	\$ 62,544	\$ (17,205)	\$ 14,475	115,722	
FY 2020	\$ 6,598	\$ (51,889)	\$ 16,794	\$ (705)	(29,201)	
	<b>\$ 60,126</b>	<b>\$ 36,831</b>	<b>\$ (24,450)</b>	<b>\$ (1,325)</b>	<b>\$ 71,183</b>	

\* Invoices received as of 9/30/2020

\*\* Includes Town Center Market Study (\$20,000) and P3 Study (\$84,370 + \$30,000) allocated between City (34%) and School District (66%).

\*\*\* Amounts received from each entity for FY 2020.





Table 9: TIRZ No. 1 - Estimated TIRZ Revenues							
Year	Assessed Value*	Valuation Delta vs Base Year	City Tax Rate (per \$100/AV)	County Tax Rate (per \$100/AV)	TIRZ City Revenue	TIRZ County Revenue	Total
FY 2017	\$ 37,912,603	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	\$ 48,892,539	\$ 10,979,936	\$ 0.1900	\$ 0.4012	\$ 10,431	\$ 22,026	\$ 32,457
FY 2019	\$ 83,591,560	\$ 45,678,957	\$ 0.1900	\$ 0.3899	\$ 43,395	\$ 89,051	\$ 132,446
FY 2020	\$ 107,058,243	\$ 69,145,640	\$ 0.1900	\$ 0.3899	\$ 65,688	\$ 134,799	\$ 200,488
					<b>\$ 119,514</b>	<b>\$ 245,876</b>	<b>\$ 365,391</b>

\*Assessed Value per Hays Central Appraisal District "Assessment Roll Grand Totals Report" printed on 5.26.2020 at 9:03 AM.



Table 10: TIRZ No. 2 - Estimated TIRZ Revenues							
Year	Assessed Value*	Valuation Delta vs Base Year	City Tax Rate (per \$100/AV)	County Tax Rate (per \$100/AV)	City Revenue	County Revenue	Total
FY 2017	\$ 5,836,710	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2018	\$ 12,307,670	\$ 6,470,960	\$ 0.1900	\$ 0.4012	\$ 6,147	\$ 12,981	\$ 19,128
FY 2019	\$ 28,732,478	\$ 22,895,768	\$ 0.1900	\$ 0.3899	\$ 21,751	\$ 44,635	\$ 66,386
FY 2020	\$ 48,439,951	\$ 42,603,241	\$ 0.1900	\$ 0.3899	\$ 40,473	\$ 83,055	\$ 123,528
					<b>\$ 68,371</b>	<b>\$ 140,671</b>	<b>\$ 209,043</b>

\*Assessed Value per Hays Central Appraisal District "Assessment Roll Grand Totals Report" printed on 5.22.2020 at 1:16 PM.



Table 11 - Total Cash Position						
	City	County	Library	DSISD	Total	
<b>TOTAL EXPENDITURES</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	148,721	143,824	74,039	15,094	381,678	
FY 2019	104,412	57,456	52,205	24,721	238,793	
FY 2020*	108,402	51,889	48,206	28,251	236,747	
	<b>\$ 422,505</b>	<b>\$ 253,169</b>	<b>\$ 174,450</b>	<b>\$ 68,066</b>	<b>\$ 918,189</b>	
<b>CASH CONTRIBUTION</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	146,340	170,000	50,000	-	366,340	
FY 2019**	160,320	120,000	35,000	39,195	354,516	
FY 2020***	115,000	-	65,000	27,546	207,546	
	<b>\$ 482,631</b>	<b>\$ 290,000</b>	<b>\$ 150,000</b>	<b>\$ 66,741</b>	<b>\$ 989,372</b>	
<b>CONTRIBUTION LESS EXPENDITURES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	(2,381)	26,176	(24,039)	(15,094)	(15,338)	
FY 2019	55,909	62,544	(17,205)	14,475	115,722	
FY 2020	6,598	(51,889)	16,794	(705)	(29,201)	
	<b>\$ 60,126</b>	<b>\$ 36,831</b>	<b>\$ (24,450)</b>	<b>\$ (1,325)</b>	<b>\$ 71,183</b>	
<b>TIRZ NO. 1 REVENUES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	10,431	22,026	-	-	32,457	
FY 2019	43,395	89,051	-	-	132,446	
FY 2020	65,688	134,799	-	-	200,488	
	<b>\$ 119,514</b>	<b>\$ 245,876</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 365,391</b>	
<b>TIRZ NO. 2 REVENUES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	6,147	12,981	-	-	19,128	
FY 2019	21,751	44,635	-	-	66,386	
FY 2020	40,473	83,055	-	-	123,528	
	<b>\$ 68,371</b>	<b>\$ 140,671</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 209,043</b>	
<b>TOTAL TIRZ REVENUES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	16,578	35,006	-	-	51,585	
FY 2019	65,146	133,686	-	-	198,832	
FY 2020	106,161	217,854	-	-	324,016	
	<b>\$ 187,886</b>	<b>\$ 386,547</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 574,433</b>	
Less: City Creation Costs	\$ (60,971)	\$ -	\$ -	\$ -	\$ (60,971)	
Less: County Cash Contribution	\$ -	\$ (290,000)	\$ -	\$ -	\$ (290,000)	
Less: Old Fitzhugh	\$ (14,501)	\$ -	\$ -	\$ -	\$ (14,501)	
Less: Downtown Parking	\$ (30,371)	\$ -	\$ -	\$ -	\$ (30,371)	
Less: Triangle	\$ (1,684)	\$ -	\$ -	\$ -	\$ (1,684)	
Remaining TIRZ Revenues	<b>\$ 80,358</b>	<b>\$ 96,547</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 176,906</b>	
<b>TOTAL CASH POSITION</b>	<b>\$ 140,484</b>	<b>\$ 133,379</b>	<b>\$ (24,450)</b>	<b>\$ (1,325)</b>	<b>\$ 248,089</b>	

\* Invoices received as of 9/30/2020

\*\* Includes Town Center Market Study (\$20,000) and P3 Study (\$84,370 + \$30,000) allocated between City (34%) and School District (66%).

\*\*\* Amounts received from each entity for FY 2020.

\*\*\*\*

Table 12 - Breakdown of TIRZ Eligible Reimbursements					
Reimbursement to Stakeholders					
	TIRZ No. 1		TIRZ No. 2		Total
Total TIRZ Revenue (Through FY 2020)	\$	365,391	\$	209,043	\$ 574,433
Less: City Creation Costs	\$	(30,485)	\$	(30,485)	\$ (60,971)
Less: County Contributions	\$	(237,578)	\$	(52,422)	\$ (290,000)
Less: Town Center*	\$	-	\$	-	\$ -
Less: Old Fitzhugh - City	\$	(14,501)	\$	-	\$ (14,501)
Less: Triangle - City	\$	(668)	\$	(1,017)	\$ (1,684)
Less: Parking - City	\$	(12,038)	\$	(18,333)	\$ (30,371)
<b>TIRZ Funds Available for Reimbursement</b>	<b>\$</b>	<b>70,120</b>	<b>\$</b>	<b>106,786</b>	<b>\$ 176,906</b>

\*Reimbursements are "turned off" for Town Center.

**BREAKDOWN OF TIRZ ELIGIBLE REIMBURSEMENTS**

<b>Creation Costs (Total Costs)</b>	\$	<b>30,485</b>	\$	<b>30,485</b>	\$	<b>60,971</b>
<b>Creation Costs</b>	\$	-	\$	-	\$	-
<i>City (\$60,971 Reimbursed)</i>	\$	-	\$	-	\$	-
<b>Town Center to be Reimbursed</b>	\$	<b>339,022</b>	\$	<b>113,007</b>	\$	<b>452,029</b>
<i>City - 33% + 33% of P3/MKT Study</i>	\$	<i>157,135</i>	\$	<i>52,378</i>	\$	<i>209,514</i>
<i>County - 33% (\$174,450 Reimbursed)</i>	\$	-	\$	-	\$	-
<i>Library - 33%</i>	\$	<i>130,837</i>	\$	<i>43,612</i>	\$	<i>174,450</i>
<i>DSISD - 67% of P3/MKT Study</i>	\$	<i>51,049</i>	\$	<i>17,016</i>	\$	<i>68,066</i>
<b>Old Fitzhugh Rd to be Reimbursed</b>	\$	<b>70,112</b>	\$	-	\$	<b>70,112</b>
<i>City - 50% *</i>	\$	<i>70,112</i>	\$	-	\$	<i>70,112</i>
<i>County - 50% (\$70,112 Reimbursed)</i>	\$	-	\$	-	\$	-
<b>Triangle to be Reimbursed</b>	\$	<b>3,228</b>	\$	<b>1,076</b>	\$	<b>4,303</b>
<i>City - 33% **</i>	\$	<i>3,228</i>	\$	<i>1,076</i>	\$	<i>4,303</i>
<i>County - 67% (\$8,607 Reimbursed)</i>	\$	-	\$	-	\$	-
<b>Parking to be Reimbursed</b>	\$	<b>58,204</b>	\$	<b>19,401</b>	\$	<b>77,605</b>
<i>City - 100% ***</i>	\$	<i>58,204</i>	\$	<i>19,401</i>	\$	<i>77,605</i>
<b>Total to be Reimbursed</b>	\$	<b>470,565</b>	\$	<b>133,484</b>	\$	<b>604,050</b>
<i>City (\$60,971 Reimbursed)</i>	\$	<i>288,679</i>	\$	<i>72,855</i>	\$	<i>361,534</i>
<i>County (\$253,169 Reimbursed)</i>	\$	-	\$	-	\$	-
<i>Library</i>	\$	<i>130,837</i>	\$	<i>43,612</i>	\$	<i>174,450</i>
<i>DSISD</i>	\$	<i>51,049</i>	\$	<i>17,016</i>	\$	<i>68,066</i>

\* \$14,501 expected to be reimbursed for Old Fitzhugh Road.

\*\* \$1,684 expected to be reimbursed for the Triangle.

\*\*\* \$30,371 expected to be reimbursed for Parking.



Table 13 - Summary of Cash Position						
	City	County	Library	DSISD	Total	
<b>TOTAL EXPENDITURES</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	148,721	143,824	74,039	15,094	381,678	
FY 2019	104,412	57,456	52,205	24,721	238,793	
FY 2020*	108,402	51,889	48,206	28,251	236,747	
	<b>\$ 422,505</b>	<b>\$ 253,169</b>	<b>\$ 174,450</b>	<b>\$ 68,066</b>	<b>\$ 918,189</b>	
<b>CASH CONTRIBUTION</b>						
FY 2017	\$ 60,971	\$ -	\$ -	\$ -	\$ 60,971	
FY 2018	146,340	170,000	50,000	-	366,340	
FY 2019**	160,320	120,000	35,000	39,195	354,516	
FY 2020***	115,000	-	65,000	27,546	207,546	
	<b>\$ 482,631</b>	<b>\$ 290,000</b>	<b>\$ 150,000</b>	<b>\$ 66,741</b>	<b>\$ 989,372</b>	
<b>CONTRIBUTION LESS EXPENDITURES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	(2,381)	26,176	(24,039)	(15,094)	(15,338)	
FY 2019	55,909	62,544	(17,205)	14,475	115,722	
FY 2020	6,598	(51,889)	16,794	(705)	(29,201)	
	<b>\$ 60,126</b>	<b>\$ 36,831</b>	<b>\$ (24,450)</b>	<b>\$ (1,325)</b>	<b>\$ 71,183</b>	
<b>TIRZ NO. 1 REVENUES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	10,431	22,026	-	-	32,457	
FY 2019	43,395	89,051	-	-	132,446	
FY 2020	65,688	134,799	-	-	200,488	
	<b>\$ 119,514</b>	<b>\$ 245,876</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 365,391</b>	
<b>TIRZ NO. 2 REVENUES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	6,147	12,981	-	-	19,128	
FY 2019	21,751	44,635	-	-	66,386	
FY 2020	40,473	83,055	-	-	123,528	
	<b>\$ 68,371</b>	<b>\$ 140,671</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 209,043</b>	
<b>TOTAL TIRZ REVENUES</b>						
FY 2017	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2018	16,578	35,006	-	-	51,585	
FY 2019	65,146	133,686	-	-	198,832	
FY 2020	106,161	217,854	-	-	324,016	
	<b>\$ 187,886</b>	<b>\$ 386,547</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 574,433</b>	
Less: City Creation Costs	\$ (60,971)	\$ -	\$ -	\$ -	\$ (60,971)	
Less: County Cash Contribution	\$ -	\$ (290,000)	\$ -	\$ -	\$ (290,000)	
Less: Old Fitzhugh	\$ (14,501)	\$ -	\$ -	\$ -	\$ (14,501)	
Less: Downtown Parking	\$ (30,371)	\$ -	\$ -	\$ -	\$ (30,371)	
Less: Triangle	\$ (1,684)	\$ -	\$ -	\$ -	\$ (1,684)	
Remaining TIRZ Revenues	<b>\$ 80,358</b>	<b>\$ 96,547</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 176,906</b>	
<b>TOTAL CASH POSITION</b>	<b>\$ 140,484</b>	<b>\$ 133,379</b>	<b>\$ (24,450)</b>	<b>\$ (1,325)</b>	<b>\$ 248,089</b>	

\* Invoices received as of 9/30/2020

\*\* Includes Town Center Market Study (\$20,000) and P3 Study (\$84,370 + \$30,000) allocated between City (34%) and School District (66%).

\*\*\* Amounts received from each entity for FY 2020.



**Table 14 - FY 2021 Budget and Estimated Ending Cash Balance**

TIRZ NO. 1 REVENUE EXPECTED 1/31/21*	\$ 272,397
TIRZ NO. 2 REVENUE EXPECTED 1/31/21**	\$ 197,541
	<u>\$ 469,938</u>
LESS: FY 2021 BUDGET	\$ (320,000)
<b>REMAINING TIRZ REVENUES CASH ON HAND AT END OF FY 21</b>	<b>\$ 149,938</b>
AVAILABLE CASH AS OF 9/30/2020	\$ 248,089
<b>ESTIMATED TOTAL CASH POSITION AT END OF FY 21</b>	<b>\$ 398,026</b>

\*Estimates based on HCAD Estimated Certified Assessed Values dated August 4, 2020. Assumes \$89,249 in City TIRZ No. 1 Revenue and \$183,148 in County TIRZ No. 1 Revenue.

\*\*Estimates based on HCAD Estimated Certified Assessed Values dated August 4, 2020. Assumes \$64,723 in City TIRZ No. 2 Revenue and \$132,818 in County TIRZ No. 2 Revenue.



Table 15: New Assessed Value Calculation

TIRZ Year	Construction Year	TIRZ No. 1						TIRZ No. 2							
		Heritage Home Construction	Heritage Home Price	Heritage Multi-Family Construction	Heritage Multi-Family Price	Value Added	Assessed Value Added	Arrowhead Home Construction	Bunker Ranch Home Construction	Bunker Ranch Condo Construction	Arrowhead Home Price	Bunker Ranch Home Price	Bunker Ranch Condo Price	Value Added	Assessed Value Added
4	2020	-	\$ 300,000	-	\$ 125,000	\$ -	\$ -	-	-	-	\$ 357,338	\$ 523,800	\$ 283,000	\$ -	\$ -
5	2021	-	\$ 309,000	-	\$ 128,750	\$ -	\$ -	50	29	10	\$ 368,058	\$ 539,514	\$ 291,490	\$ 36,963,713	\$ -
6	2022	-	\$ 318,270	-	\$ 132,613	\$ -	\$ -	50	29	10	\$ 379,100	\$ 555,699	\$ 300,235	\$ 38,072,624	\$ 36,963,713
7	2023	-	\$ 327,818	-	\$ 136,591	\$ -	\$ -	50	29	10	\$ 390,473	\$ 572,370	\$ 309,242	\$ 39,214,803	\$ 38,072,624
8	2024	89	\$ 337,653	-	\$ 140,689	\$ 30,051,085	\$ -	50	18	12	\$ 402,187	\$ 589,542	\$ 318,519	\$ 34,543,329	\$ 39,214,803
9	2025	89	\$ 347,782	-	\$ 144,909	\$ 30,952,618	\$ 30,051,085	46	-	-	\$ 414,253	\$ 607,228	\$ 328,075	\$ 19,055,623	\$ 34,543,329
10	2026	89	\$ 358,216	100	\$ 149,257	\$ 46,806,850	\$ 30,952,618	-	-	-	\$ 426,680	\$ 625,445	\$ 337,917	\$ -	\$ 19,055,623
11	2027	89	\$ 368,962	-	\$ 153,734	\$ 32,837,632	\$ 46,806,850	-	-	-	\$ 439,481	\$ 644,208	\$ 348,054	\$ -	\$ -
12	2028	89	\$ 380,031	-	\$ 158,346	\$ 33,822,761	\$ 32,837,632	-	-	-	\$ 452,665	\$ 663,534	\$ 358,496	\$ -	\$ -
13	2029	89	\$ 391,432	-	\$ 163,097	\$ 34,837,444	\$ 33,822,761	-	-	-	\$ 466,245	\$ 683,440	\$ 369,251	\$ -	\$ -
14	2030	61	\$ 403,175	-	\$ 167,990	\$ 24,593,670	\$ 34,837,444	-	-	-	\$ 480,232	\$ 703,943	\$ 380,328	\$ -	\$ -
15	2031	-	\$ 415,270	-	\$ 173,029	\$ -	\$ 24,593,670	-	-	-	\$ 494,639	\$ 725,062	\$ 391,738	\$ -	\$ -
16	2032	-	\$ 427,728	-	\$ 178,220	\$ -	\$ -	-	-	-	\$ 509,479	\$ 746,814	\$ 403,490	\$ -	\$ -
17	2033	-	\$ 440,560	-	\$ 183,567	\$ -	\$ -	-	-	-	\$ 524,763	\$ 769,218	\$ 415,595	\$ -	\$ -
18	2034	-	\$ 453,777	-	\$ 189,074	\$ -	\$ -	-	-	-	\$ 540,506	\$ 792,294	\$ 428,063	\$ -	\$ -
19	2035	-	\$ 467,390	-	\$ 194,746	\$ -	\$ -	-	-	-	\$ 556,721	\$ 816,063	\$ 440,905	\$ -	\$ -
20	2036	-	\$ 481,412	-	\$ 200,588	\$ -	\$ -	-	-	-	\$ 573,423	\$ 840,545	\$ 454,132	\$ -	\$ -
21	2037	-	\$ 495,854	-	\$ 206,606	\$ -	\$ -	-	-	-	\$ 590,625	\$ 865,762	\$ 467,756	\$ -	\$ -
22	2038	-	\$ 510,730	-	\$ 212,804	\$ -	\$ -	-	-	-	\$ 608,344	\$ 891,734	\$ 481,789	\$ -	\$ -
23	2039	-	\$ 526,052	-	\$ 219,188	\$ -	\$ -	-	-	-	\$ 626,594	\$ 918,486	\$ 496,242	\$ -	\$ -
24	2040	-	\$ 541,833	-	\$ 225,764	\$ -	\$ -	-	-	-	\$ 645,392	\$ 946,041	\$ 511,129	\$ -	\$ -
25	2041	-	\$ 558,088	-	\$ 232,537	\$ -	\$ -	-	-	-	\$ 664,754	\$ 974,422	\$ 526,463	\$ -	\$ -
26	2042	-	\$ 574,831	-	\$ 239,513	\$ -	\$ -	-	-	-	\$ 684,697	\$ 1,003,655	\$ 542,257	\$ -	\$ -
27	2043	-	\$ 592,076	-	\$ 246,698	\$ -	\$ -	-	-	-	\$ 705,237	\$ 1,033,765	\$ 558,525	\$ -	\$ -
28	2044	-	\$ 609,838	-	\$ 254,099	\$ -	\$ -	-	-	-	\$ 726,395	\$ 1,064,778	\$ 575,281	\$ -	\$ -
29	2045	-	\$ 628,133	-	\$ 261,722	\$ -	\$ -	-	-	-	\$ 748,186	\$ 1,096,721	\$ 592,539	\$ -	\$ -
30	2046	-	\$ 646,977	-	\$ 269,574	\$ -	\$ -	-	-	-	\$ 770,632	\$ 1,129,623	\$ 610,315	\$ -	\$ -



**Table 16: TIRZ Revenue Calculations**

Fiscal Year No.	Fiscal Year	Incremental Assessed Value		Tax Rates		TIRZ No. 1			TIRZ No. 2			Annual Grand Total
		TIRZ No. 1	TIRZ No. 2	City	County	City	County	Annual Total	City	County	Annual Total	
						Contribution @ 50%	Contribution @ 50%		Contribution @ 50%	Contribution @ 50%		
0	2017	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	2018	\$ 10,979,936	\$ 6,470,960	\$ 0.1900	\$ 0.4012	\$ 10,431	\$ 22,026	\$ 32,457	\$ 6,147	\$ 12,981	\$ 19,128	\$ 51,585
2	2019	\$ 45,678,957	\$ 22,895,768	\$ 0.1900	\$ 0.3899	\$ 43,395	\$ 89,051	\$ 132,446	\$ 21,751	\$ 44,635	\$ 66,386	\$ 198,832
3	2020	\$ 69,145,640	\$ 42,603,241	\$ 0.1900	\$ 0.3899	\$ 65,688	\$ 134,799	\$ 200,488	\$ 40,473	\$ 83,055	\$ 123,528	\$ 324,016
4	2021	\$ 131,858,712	\$ 73,966,086	\$ 0.1900	\$ 0.3899	\$ 125,266	\$ 257,059	\$ 382,324	\$ 70,268	\$ 144,197	\$ 214,465	\$ 596,789
5	2022	\$ 135,814,473	\$ 113,148,782	\$ 0.1900	\$ 0.3899	\$ 129,024	\$ 264,770	\$ 393,794	\$ 107,491	\$ 220,584	\$ 328,075	\$ 721,869
6	2023	\$ 139,888,908	\$ 154,615,869	\$ 0.1900	\$ 0.3899	\$ 132,894	\$ 272,713	\$ 405,608	\$ 146,885	\$ 301,424	\$ 448,309	\$ 853,917
7	2024	\$ 144,085,575	\$ 198,469,149	\$ 0.1900	\$ 0.3899	\$ 136,881	\$ 280,895	\$ 417,776	\$ 188,546	\$ 386,916	\$ 575,461	\$ 993,237
8	2025	\$ 178,459,227	\$ 238,966,552	\$ 0.1900	\$ 0.3899	\$ 169,536	\$ 347,906	\$ 517,443	\$ 227,018	\$ 465,865	\$ 692,884	\$ 1,210,326
9	2026	\$ 214,765,622	\$ 265,191,171	\$ 0.1900	\$ 0.3899	\$ 204,027	\$ 418,686	\$ 622,713	\$ 251,932	\$ 516,990	\$ 768,922	\$ 1,391,635
10	2027	\$ 268,015,441	\$ 273,146,907	\$ 0.1900	\$ 0.3899	\$ 254,615	\$ 522,496	\$ 777,111	\$ 259,490	\$ 532,500	\$ 791,989	\$ 1,569,100
11	2028	\$ 308,893,536	\$ 281,341,314	\$ 0.1900	\$ 0.3899	\$ 293,449	\$ 602,188	\$ 895,637	\$ 267,274	\$ 548,475	\$ 815,749	\$ 1,711,386
12	2029	\$ 351,983,103	\$ 289,781,553	\$ 0.1900	\$ 0.3899	\$ 334,384	\$ 686,191	\$ 1,020,575	\$ 275,292	\$ 564,929	\$ 840,222	\$ 1,860,797
13	2030	\$ 397,380,040	\$ 298,475,000	\$ 0.1900	\$ 0.3899	\$ 377,511	\$ 774,692	\$ 1,152,203	\$ 283,551	\$ 581,877	\$ 865,428	\$ 2,017,632
14	2031	\$ 433,895,111	\$ 307,429,250	\$ 0.1900	\$ 0.3899	\$ 412,200	\$ 845,879	\$ 1,258,079	\$ 292,058	\$ 599,333	\$ 891,391	\$ 2,149,470
15	2032	\$ 446,911,965	\$ 316,652,127	\$ 0.1900	\$ 0.3899	\$ 424,566	\$ 871,255	\$ 1,295,821	\$ 300,820	\$ 617,313	\$ 918,133	\$ 2,213,954
16	2033	\$ 460,319,324	\$ 326,151,691	\$ 0.1900	\$ 0.3899	\$ 437,303	\$ 897,393	\$ 1,334,696	\$ 309,844	\$ 635,833	\$ 945,677	\$ 2,280,373
17	2034	\$ 474,128,903	\$ 335,936,242	\$ 0.1900	\$ 0.3899	\$ 450,422	\$ 924,314	\$ 1,374,737	\$ 319,139	\$ 654,908	\$ 974,047	\$ 2,348,784
18	2035	\$ 488,352,770	\$ 346,014,329	\$ 0.1900	\$ 0.3899	\$ 463,935	\$ 952,044	\$ 1,415,979	\$ 328,714	\$ 674,555	\$ 1,003,269	\$ 2,419,247
19	2036	\$ 503,003,353	\$ 356,394,759	\$ 0.1900	\$ 0.3899	\$ 477,853	\$ 980,605	\$ 1,458,458	\$ 338,575	\$ 694,792	\$ 1,033,367	\$ 2,491,825
20	2037	\$ 518,093,454	\$ 367,086,602	\$ 0.1900	\$ 0.3899	\$ 492,189	\$ 1,010,023	\$ 1,502,212	\$ 348,732	\$ 715,635	\$ 1,064,368	\$ 2,566,580
21	2038	\$ 533,636,258	\$ 378,099,200	\$ 0.1900	\$ 0.3899	\$ 506,954	\$ 1,040,324	\$ 1,547,278	\$ 359,194	\$ 737,104	\$ 1,096,299	\$ 2,643,577
22	2039	\$ 549,645,345	\$ 389,442,176	\$ 0.1900	\$ 0.3899	\$ 522,163	\$ 1,071,534	\$ 1,593,697	\$ 369,970	\$ 759,218	\$ 1,129,188	\$ 2,722,884
23	2040	\$ 566,134,706	\$ 401,125,441	\$ 0.1900	\$ 0.3899	\$ 537,828	\$ 1,103,680	\$ 1,641,508	\$ 381,069	\$ 781,994	\$ 1,163,063	\$ 2,804,571
24	2041	\$ 583,118,747	\$ 413,159,204	\$ 0.1900	\$ 0.3899	\$ 553,963	\$ 1,136,790	\$ 1,690,753	\$ 392,501	\$ 805,454	\$ 1,197,955	\$ 2,888,708
25	2042	\$ 600,612,309	\$ 425,553,980	\$ 0.1900	\$ 0.3899	\$ 570,582	\$ 1,170,894	\$ 1,741,475	\$ 404,276	\$ 829,617	\$ 1,233,894	\$ 2,975,369
26	2043	\$ 618,630,679	\$ 438,320,600	\$ 0.1900	\$ 0.3899	\$ 587,699	\$ 1,206,021	\$ 1,793,720	\$ 416,405	\$ 854,506	\$ 1,270,911	\$ 3,064,630
27	2044	\$ 637,189,599	\$ 451,470,218	\$ 0.1900	\$ 0.3899	\$ 605,330	\$ 1,242,201	\$ 1,847,531	\$ 428,897	\$ 880,141	\$ 1,309,038	\$ 3,156,569
28	2045	\$ 656,305,287	\$ 465,014,324	\$ 0.1900	\$ 0.3899	\$ 623,490	\$ 1,279,467	\$ 1,902,957	\$ 441,764	\$ 906,545	\$ 1,348,309	\$ 3,251,266
29	2046	\$ 675,994,446	\$ 478,964,754	\$ 0.1900	\$ 0.3899	\$ 642,195	\$ 1,317,851	\$ 1,960,046	\$ 455,017	\$ 933,742	\$ 1,388,758	\$ 3,348,804
30	2047	\$ 696,274,279	\$ 493,333,697	\$ 0.1900	\$ 0.3899	\$ 661,461	\$ 1,357,387	\$ 2,018,847	\$ 468,667	\$ 961,754	\$ 1,430,421	\$ 3,449,268

Note: TIRZ No. 2 can only fund 25% of Town Center, Downtown Parking, and Triangle costs. The amounts shown are gross revenues, not revenues subject to the cap.





Table 17: TIRZ Cash Flow

Year No.	Fiscal Year	TIRZ Revenues Available				Projected General Ledger Costs		TIRZ Revenue Surplus/(Shortage)
		TIRZ No. 1	TIRZ No. 2*	Total Annual Revenue	Cumulative Revenue	Annual	Cumulative	
0	2017	\$ -	\$ -	\$ -	\$ -	\$ 60,971	\$ 60,971	\$ (60,971)
1	2018	\$ 32,457	\$ 19,128	\$ 51,585	\$ 51,585	\$ 381,678	\$ 442,648	\$ (391,063)
2	2019	\$ 132,446	\$ 66,386	\$ 198,832	\$ 250,417	\$ 238,793	\$ 681,442	\$ (431,024)
3	2020	\$ 200,488	\$ 123,528	\$ 324,016	\$ 574,433	\$ 320,000	\$ 1,001,442	\$ (427,008)
4	2021	\$ 382,324	\$ 214,465	\$ 596,789	\$ 1,171,222	\$ 320,000	\$ 1,321,442	\$ (150,219)
5	2022	\$ 393,794	\$ 328,075	\$ 721,869	\$ 1,893,091	\$ 320,000	\$ 1,641,442	\$ 251,650
6	2023	\$ 405,608	\$ 448,309	\$ 853,917	\$ 2,747,008	\$ 200,000	\$ 1,841,442	\$ 905,566
7	2024	\$ 417,776	\$ 575,461	\$ 993,237	\$ 3,740,245	\$ 180,000	\$ 2,021,442	\$ 1,718,804
8	2025	\$ 517,443	\$ 692,884	\$ 1,210,326	\$ 4,950,571	\$ 160,000	\$ 2,181,442	\$ 2,769,130
9	2026	\$ 622,713	\$ 768,922	\$ 1,391,635	\$ 6,342,206	\$ 160,000	\$ 2,341,442	\$ 4,000,764
10	2027	\$ 777,111	\$ 12,843	\$ 789,953	\$ 7,132,159	\$ 160,000	\$ 2,501,442	\$ 4,630,718
11	2028	\$ 895,637	\$ -	\$ 895,637	\$ 8,027,796	\$ 160,000	\$ 2,661,442	\$ 5,366,355
12	2029	\$ 1,020,575	\$ -	\$ 1,020,575	\$ 9,048,371	\$ 160,000	\$ 2,821,442	\$ 6,226,930
13	2030	\$ 1,152,203	\$ -	\$ 1,152,203	\$ 10,200,574	\$ 160,000	\$ 2,981,442	\$ 7,219,133
14	2031	\$ 1,258,079	\$ -	\$ 1,258,079	\$ 11,458,653	\$ -	\$ 2,981,442	\$ 8,477,212
15	2032	\$ 1,295,821	\$ -	\$ 1,295,821	\$ 12,754,475	\$ -	\$ 2,981,442	\$ 9,773,033
16	2033	\$ 1,334,696	\$ -	\$ 1,334,696	\$ 14,089,170	\$ -	\$ 2,981,442	\$ 11,107,729
17	2034	\$ 1,374,737	\$ -	\$ 1,374,737	\$ 15,463,907	\$ -	\$ 2,981,442	\$ 12,482,466
18	2035	\$ 1,415,979	\$ -	\$ 1,415,979	\$ 16,879,886	\$ -	\$ 2,981,442	\$ 13,898,445
19	2036	\$ 1,458,458	\$ -	\$ 1,458,458	\$ 18,338,344	\$ -	\$ 2,981,442	\$ 15,356,903
20	2037	\$ 1,502,212	\$ -	\$ 1,502,212	\$ 19,840,556	\$ -	\$ 2,981,442	\$ 16,859,115
21	2038	\$ 1,547,278	\$ -	\$ 1,547,278	\$ 21,387,835	\$ -	\$ 2,981,442	\$ 18,406,393
22	2039	\$ 1,593,697	\$ -	\$ 1,593,697	\$ 22,981,531	\$ -	\$ 2,981,442	\$ 20,000,090
23	2040	\$ 1,641,508	\$ -	\$ 1,641,508	\$ 24,623,039	\$ -	\$ 2,981,442	\$ 21,641,597
24	2041	\$ 1,690,753	\$ -	\$ 1,690,753	\$ 26,313,792	\$ -	\$ 2,981,442	\$ 23,332,350
25	2042	\$ 1,741,475	\$ -	\$ 1,741,475	\$ 28,055,267	\$ -	\$ 2,981,442	\$ 25,073,826
26	2043	\$ 1,793,720	\$ -	\$ 1,793,720	\$ 29,848,987	\$ -	\$ 2,981,442	\$ 26,867,545
27	2044	\$ 1,847,531	\$ -	\$ 1,847,531	\$ 31,696,518	\$ -	\$ 2,981,442	\$ 28,715,076
28	2045	\$ 1,902,957	\$ -	\$ 1,902,957	\$ 33,599,475	\$ -	\$ 2,981,442	\$ 30,618,034
29	2046	\$ 1,960,046	\$ -	\$ 1,960,046	\$ 35,559,521	\$ -	\$ 2,981,442	\$ 32,578,080
30	2047	\$ 2,018,847	\$ -	\$ 2,018,847	\$ 37,578,368	\$ -	\$ 2,981,442	\$ 34,596,927
<b>Total</b>		<b>\$ 34,328,368</b>	<b>\$ 3,250,000</b>	<b>\$ 37,578,368</b>		<b>\$ 2,981,442</b>		

\* TIRZ No. 2 revenue capped at 25% of TIRZ Expenditures for Town Center, Downtown Parking, and Triangle Improvements. The Analysis assumes a total cost of \$13 million of these improvements, thereby capping TIRZ No. 2 revenue at 25% of \$25 million, or \$3,250,000.

**DATE:** October 5, 2020

**TO:** Mayor Bill Foulds City of Dripping Springs  
City Council City of Dripping Springs  
Michelle Fischer City Administrator  
Ginger Faught Deputy City Administrator  
Gina Gillis City Treasurer  
Laura Mueller City Attorney  
Richard Donoghue McCall, Parkhurst & Horton LLP

**FROM:** Christina M. Lane SAMCO Capital Markets, Inc.

**SUBJECT:** **City of Dripping Springs, Texas**  
***TIRZ No. 1 & TIRZ No. 2 Cash Flow Analysis (Town Center Project – Phases 1 & 1A)***

---

***Summary:***

This has prepared based on request from Council.

***Attached for your review is a PROJECTED cash flow analysis for the TIRZ Town Center Project Phases 1 & 1A ONLY (EXCLUDES BUILDING CONSTRUCTION).*** As requested, the cash flow begins in 2020 with the current and projected budget. Current outstanding amounts owed will be paid out over time which has been included in the cash flow. ***The Cash Flow assumes that City would make a cash contribution to the TIRZ for \$250,000 in years 2020, 2021 and 2022 (At this time - EXCLUDES CONTRIBUTION BY OTHER STAKEHOLDERS).*** The Cash Flow also assumes approximately \$6,500,000 in debt is projected to be issued in FY 2023 and an additional approximately \$6,500,000 would be issued in FY 2024. All funds will not be needed in the first year. The assumption is that Certificates of Obligation or Private Placement issued by the City. This type of transaction will save time and money for the City. If necessary, we would do an open market sale. This includes the estimated infrastructure, land purchase, building demo and issuance costs.

**Other Possible Funding Sources:**

***Reserve for Capital Projects Fund:***

Staff has stated there is existing **\$838,747** available in the Reserve for Capital Projects Fund.

***Other Balance Forward Amounts:***

Another thing to note is that the City will be done in **early 2021** with the Economic Development Agreement with B&O. This will free up \$300,000 to \$460,000 in FY21 depending upon which month it is paid off and annually approximately **\$460,000+** thereafter.

---

**Other Potential and/or Pending City Projects:**

**Wastewater Project** - The City currently has two outstanding commitments with the Texas Water Development Board for the Wastewater System. *These projects are funded from wastewater revenue, impact fees, and a percentage of sales tax collections. The projects are as follows:*

\$ 9,500,000 Projected Funding Date Mid 2021/2022  
 \$10,395,000 Projected Funding Date Mid 2022/2023

**TxDOT Grant (Sidewalks)** – Matching funds needed for grant received from TxDOT \$705,051 as follows (must be included in annual budget):

\$168,454 Projected 2021  
 \$256,008 Projected 2022  
 \$182,781 Projected 2023  
 \$ 97,808 Projected 2024

**DSRP (Parking Lot & RV Sites)** – Planned expenses approximately \$606,000. Timing to be determined – this year’s budget assumes \$50,000 from Hotel Occupancy Tax Funds. **Remaining Balance Approx. \$556,000.** **Hays Co. Livestock Board - \$150,000** to be paid back over time through rental fees for the Parking Lot and RV Sites.

**Stephenson Building Renovation - \$1,724,094** estimated total project cost.

**Old Fitzhugh Road Project - \$4,800,000** – This project is also eligible for TIRZ 1 Funding.

**Downtown Parking** – Working on parking lot plan adjacent to the Stephenson building. In the future we will be looking at additional parking improvements. This project is also eligible for TIRZ 1 and up to 25% of the cost of the parking to be paid by TIRZ 2.

**Construction of New City Hall – NOT eligible for TIRZ funding.** **New City Hall estimated cost \$10,500,000.** **Bonds issued for 20 years at 4% would be approximately \$750,000 per year in debt service payment.**

**Assumptions:**

- (1) Are based on PROJECTED information provided by P3 Works; EPS; and the City.
- (2) THIS IS PHASE 1 AND 1A ONLY DOES NOT INCLUDE BLDG. CONSTRUCTION.
- (3) Assumes TIRZ reimburses City and others for contributions made prior to 2020 and those included in Cash Flow overtime (Est. - \$1,500,000).
- (4) Assumes other Stakeholders DO NOT contribute to funding up front.
- (5) Bond Issue Assumptions: City issues C/O’s for 20 yrs. @ 4%.
- (6) Payment by the TIRZ back to the City and others is a recommendation made by the TIRZ with City approval. The Cash Flow is an assumption based on trying to maintain near \$500,000 in the TIRZ fund balance. We have provided assumptions assuming a 20% reduction in revenue also.

**CITY OF DRIPPING SPRINGS  
TIRZ No. 1 & TIRZ No. 2 CASH FLOW PROJECTIONS  
OCTOBER 5, 2020 (20 yr bonds)**

	A	B	C	D	E	F	G	H	I	J	K	
1												
2												
3												
4		PLUS +	PLUS +	EQUALS =	(LESS)	EQUALS =	PLUS + City of	(LESS)	(LESS)	(LESS) Payment	EQUALS =	
5		TIRZ REV	TIRZ REV	Total TIRZ	TIRZ Proj.	TIRZ Yr. End Bal.	Dripping Springs	PROJ. Debt 2023	PROJ. Debt 2024	TIRZ To City	Year End	Cumulative
6		No. 1	No. 2	Revenue	Expenses	Before DS Contrib.	Contribution	\$6.500M 20 yr	\$6.500M 20 yr	& Others	Balance	Balance
7	2020											\$ 498,089
8	2021	\$ 382,324	\$ 214,465	\$ 596,789	\$ 320,000	\$ 276,789	\$ 250,000				\$ 526,789	\$ 1,024,878
9	2022	\$ 393,794	\$ 328,075	\$ 721,869	\$ 390,000	\$ 331,869	\$ 250,000				\$ 581,869	\$ 1,606,747
10	2023	\$ 405,608	\$ 448,309	\$ 853,917	\$ 390,000	\$ 463,917		\$ 260,000		\$ 850,000	\$ (646,083)	\$ 960,664
11	2024	\$ 417,776	\$ 575,461	\$ 993,237	\$ 330,000	\$ 663,237		\$ 470,000	\$ 260,000		\$ (66,763)	\$ 893,901
12	2025	\$ 517,443	\$ 692,884	\$ 1,210,327	\$ 270,000	\$ 940,327		\$ 470,000	\$ 470,000		\$ 327	\$ 894,228
13	2026	\$ 622,713	\$ 768,922	\$ 1,391,635	\$ 230,000	\$ 1,161,635		\$ 470,000	\$ 470,000		\$ 221,635	\$ 1,115,863
14	2027	\$ 777,111	\$ 12,843	\$ 789,954	\$ 175,000	\$ 614,954		\$ 470,000	\$ 470,000		\$ (325,046)	\$ 790,817
15	2028	\$ 895,637		\$ 895,637	\$ 175,000	\$ 720,637		\$ 470,000	\$ 470,000		\$ (219,363)	\$ 571,454
16	2029	\$ 1,020,575		\$ 1,020,575	\$ 140,000	\$ 880,575		\$ 470,000	\$ 470,000		\$ (59,425)	\$ 512,029
17	2030	\$ 1,152,203		\$ 1,152,203	\$ 140,000	\$ 1,012,203		\$ 470,000	\$ 470,000		\$ 72,203	\$ 584,232
18	2031	\$ 1,258,079		\$ 1,258,079	\$ 140,000	\$ 1,118,079		\$ 470,000	\$ 470,000	\$ 215,000	\$ (36,921)	\$ 547,311
19	2032	\$ 1,295,821		\$ 1,295,821		\$ 1,295,821		\$ 470,000	\$ 470,000	\$ 400,000	\$ (44,179)	\$ 503,132
20	2033	\$ 1,334,696		\$ 1,334,696		\$ 1,334,696		\$ 470,000	\$ 470,000	\$ 35,000	\$ 359,696	\$ 862,828
21	2034	\$ 1,374,737		\$ 1,374,737		\$ 1,374,737		\$ 470,000	\$ 470,000		\$ 434,737	\$ 1,297,565
22	2035	\$ 1,415,979		\$ 1,415,979		\$ 1,415,979		\$ 470,000	\$ 470,000		\$ 475,979	\$ 1,773,544
23	2036	\$ 1,458,458		\$ 1,458,458		\$ 1,458,458		\$ 470,000	\$ 470,000		\$ 518,458	\$ 2,292,002
24	2037	\$ 1,502,212		\$ 1,502,212		\$ 1,502,212		\$ 470,000	\$ 470,000		\$ 562,212	\$ 2,854,214
25	2038	\$ 1,547,278		\$ 1,547,278		\$ 1,547,278		\$ 470,000	\$ 470,000		\$ 607,278	\$ 3,461,492
26	2039	\$ 1,593,697		\$ 1,593,697		\$ 1,593,697		\$ 470,000	\$ 470,000		\$ 653,697	\$ 4,115,189
27	2040	\$ 1,641,508		\$ 1,641,508		\$ 1,641,508		\$ 470,000	\$ 470,000		\$ 701,508	\$ 4,816,697
28	2041	\$ 1,690,753		\$ 1,690,753		\$ 1,690,753		\$ 470,000	\$ 470,000		\$ 750,753	\$ 5,567,450
29	2042	\$ 1,741,475		\$ 1,741,475		\$ 1,741,475		\$ 470,000	\$ 470,000		\$ 801,475	\$ 6,368,925
30	2043	\$ 1,793,720		\$ 1,793,720		\$ 1,793,720		\$ 470,000	\$ 470,000		\$ 853,720	\$ 7,222,645
31	2044	\$ 1,847,531		\$ 1,847,531		\$ 1,847,531			\$ 470,000		\$ 1,377,531	\$ 8,600,176
32	2045	\$ 1,902,957		\$ 1,902,957		\$ 1,902,957					\$ 1,902,957	\$ 10,503,133
33	2046	\$ 1,960,046		\$ 1,960,046		\$ 1,960,046					\$ 1,960,046	\$ 12,463,179
34	2047	\$ 2,018,847		\$ 2,018,847		\$ 2,018,847					\$ 2,018,847	\$ 14,482,026
35	<b>Total</b>	\$ 33,962,978	\$ 3,040,959	\$ 37,003,937	\$ 2,700,000	\$ 34,303,937	\$ 500,000	\$ 9,660,000	\$ 9,660,000	\$ 1,500,000	\$ 13,983,937	

36

37 **Notes:** This cash flow is based on information and PROJECTIONS provided by P3 Works, EPS and the City.

38 Assumes TIRZ reimburses City and others for contributions made prior to 2020 and those included in this cash flow (Est. - \$1,500,000).

39 Bond Issue Assumptions: City issues C/O's as a Private Placement or Open Market - 20 yrs @ 4%(Includes: Infrastructure; Land; Demo; and Est. Bond Issuance Cost)

40 Payment by the TIRZ back to the City and others is a decision to be made by the TIRZ. The above is just an assumption based on maintaining at least \$500,000+ in the TIRZ fund balance.

41 Phase 1 and Phas 1A Only

**CITY OF DRIPPING SPRINGS  
TIRZ No. 1 & TIRZ No. 2 CASH FLOW PROJECTIONS  
OCTOBER 5, 2020 (Assumes Revenue is Reduced by 20%)**

	A	B	C	D	E	F	G	H	I	J	K	
		PLUS + TIRZ REV No. 1	PLUS + TIRZ REV No. 2	EQUALS = Total TIRZ Revenue	(LESS) TIRZ Proj. Expenses	EQUALS = TIRZ Yr. End Bal. Before DS Contrib.	PLUS + City of Dripping Springs Contribution	(LESS) PROJ. Debt 2023 \$6,500M 20 yr.	(LESS) PROJ. Debt 2024 \$6,500M 20 yr.	(LESS) Payment TIRZ To City & Others	EQUALS = Year End Balance	Cumulative Balance
7	2020											\$ 498,089
8	2021	\$ 305,859	\$ 171,572	\$ 477,431	\$ 320,000	\$ 157,431	\$ 250,000				\$ 407,431	\$ 905,520
9	2022	\$ 315,035	\$ 262,460	\$ 577,495	\$ 390,000	\$ 187,495	\$ 250,000				\$ 437,495	\$ 1,343,015
10	2023	\$ 324,486	\$ 358,647	\$ 683,134	\$ 390,000	\$ 293,134		\$ 260,000			\$ 33,134	\$ 1,376,149
11	2024	\$ 334,221	\$ 460,369	\$ 794,590	\$ 330,000	\$ 464,590		\$ 470,000	\$ 260,000		\$ (265,410)	\$ 1,110,739
12	2025	\$ 413,954	\$ 554,307	\$ 968,262	\$ 270,000	\$ 698,262		\$ 470,000	\$ 470,000		\$ (241,738)	\$ 869,000
13	2026	\$ 498,170	\$ 615,138	\$ 1,113,308	\$ 230,000	\$ 883,308		\$ 470,000	\$ 470,000		\$ (56,692)	\$ 812,308
14	2027	\$ 621,689	\$ 10,274	\$ 631,963	\$ 175,000	\$ 456,963		\$ 470,000	\$ 470,000		\$ (483,037)	\$ 329,271
15	2028	\$ 716,510	\$ 566,773	\$ 1,283,282	\$ 175,000	\$ 1,108,282		\$ 470,000	\$ 470,000		\$ 168,282	\$ 497,554
16	2029	\$ 816,460	\$ 583,776	\$ 1,400,236	\$ 140,000	\$ 1,260,236		\$ 470,000	\$ 470,000	\$ 310,000	\$ 10,236	\$ 507,790
17	2030	\$ 921,762	\$ 601,290	\$ 1,523,052	\$ 140,000	\$ 1,383,052		\$ 470,000	\$ 470,000	\$ 360,000	\$ 83,052	\$ 590,842
18	2031	\$ 1,006,463		\$ 1,006,463	\$ 140,000	\$ 866,463		\$ 470,000	\$ 470,000		\$ (73,537)	\$ 517,305
19	2032	\$ 1,036,657		\$ 1,036,657		\$ 1,036,657		\$ 470,000	\$ 470,000	\$ 105,000	\$ (8,343)	\$ 508,962
20	2033	\$ 1,067,757		\$ 1,067,757		\$ 1,067,757		\$ 470,000	\$ 470,000	\$ 130,000	\$ (2,243)	\$ 506,719
21	2034	\$ 1,099,790		\$ 1,099,790		\$ 1,099,790		\$ 470,000	\$ 470,000	\$ 160,000	\$ (210)	\$ 506,508
22	2035	\$ 1,132,783		\$ 1,132,783		\$ 1,132,783		\$ 470,000	\$ 470,000	\$ 190,000	\$ 2,783	\$ 509,291
23	2036	\$ 1,166,766		\$ 1,166,766		\$ 1,166,766		\$ 470,000	\$ 470,000	\$ 225,000	\$ 1,766	\$ 511,058
24	2037	\$ 1,201,770		\$ 1,201,770		\$ 1,201,770		\$ 470,000	\$ 470,000	\$ 20,000	\$ 241,770	\$ 752,827
25	2038	\$ 1,237,822		\$ 1,237,822		\$ 1,237,822		\$ 470,000	\$ 470,000		\$ 297,822	\$ 1,050,650
26	2039	\$ 1,274,958		\$ 1,274,958		\$ 1,274,958		\$ 470,000	\$ 470,000		\$ 334,958	\$ 1,385,607
27	2040	\$ 1,313,206		\$ 1,313,206		\$ 1,313,206		\$ 470,000	\$ 470,000		\$ 373,206	\$ 1,758,814
28	2041	\$ 1,352,602		\$ 1,352,602		\$ 1,352,602		\$ 470,000	\$ 470,000		\$ 412,602	\$ 2,171,416
29	2042	\$ 1,393,180		\$ 1,393,180		\$ 1,393,180		\$ 470,000	\$ 470,000		\$ 453,180	\$ 2,624,596
30	2043	\$ 1,434,976		\$ 1,434,976		\$ 1,434,976		\$ 470,000	\$ 470,000		\$ 494,976	\$ 3,119,572
31	2044	\$ 1,478,025		\$ 1,478,025		\$ 1,478,025			\$ 470,000		\$ 1,008,025	\$ 4,127,597
32	2045	\$ 1,522,366		\$ 1,522,366		\$ 1,522,366					\$ 1,522,366	\$ 5,649,963
33	2046	\$ 1,568,037		\$ 1,568,037		\$ 1,568,037					\$ 1,568,037	\$ 7,217,999
34	2047	\$ 1,615,078		\$ 1,615,078		\$ 1,615,078					\$ 1,615,078	\$ 8,833,077
35	2048	\$ 1,615,078		\$ 1,615,078		\$ 1,615,078					\$ 1,615,078	\$ 10,448,155
36	2049	\$ 1,615,078		\$ 1,615,078		\$ 1,615,078					\$ 1,615,078	\$ 12,063,232
37	<b>Total</b>	\$ 30,400,538	\$ 4,184,606	\$ 34,585,143	\$ 2,700,000	\$ 31,885,143	\$ 500,000	\$ 9,660,000	\$ 9,660,000	\$ 1,500,000	\$ 11,565,143	

Notes: This cash flow is based on information and PROJECTIONS provided by P3 Works, EPS and the City.  
 Assumes TIRZ reimburses City and others for contributions made prior to 2020 and those included in this cash flow (Est. - \$1,500,000).  
 Bond Issue Assumptions: City issues C/O's as a Private Placement or Open Market - 20 yrs @ 4% (Includes: Infrastructure; Land; Demo; and Est. Bond Issuance Cost)  
 Payment by the TIRZ back to the City and others is a decision to be made by the TIRZ. The TIRZ fund balance stays close to \$150,000.  
 PHASE 1 AND PHASE 1A ONLY



# CITY COUNCIL & BOARD OF ADJUSTMENT WORKSHOP & REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, September 08, 2020 at 6:00 PM

## MINUTES

### MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

***Join Zoom Meeting***

<https://us02web.zoom.us/j/84864758707?pwd=UjMrMTFDSXZYTXZPSURzR05FY1V4Zz09>

***Meeting ID:*** 848 6475 8707

***Passcode:*** 155873

***Dial Toll Free:***

888 475 4499 US Toll-free

877 853 5257 US Toll-free

***Find your local number:*** <https://us02web.zoom.us/u/kyRzhA72W>

***Join by Skype for Business:*** <https://us02web.zoom.us/skype/84864758707>

### CALL TO ORDER AND ROLL CALL

***City Council Members present were:***

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Todd Purcell

Council Member Place 4 April Harris Allison

Council Member Place 5 Travis Crow

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

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Treasurer Gina Gillis

City Secretary Andrea Cunningham

Senior Planner Amanda Padilla

Parks & Community Services Director Kelly Schmidt

DSRP Event Center Manager Tina Adams

Events & Programming Specialists Maggie Martin

Communications Director Lisa Sullivan

Public Works Coordinator Aaron Reed

IT Coordinator Misty Dean  
 TIRZ Project Manager Keenan Smith  
 Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Foulds called the meeting to order at 6:02 p.m.

---

### **WORKSHOP**

---

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

**1. Discussion regarding the City of Dripping Springs 2020 Proposed Ad Valorem Tax Rate and Levy.**

Laura Mueller reviewed the item and was available for any questions.

Consent Agenda Item No. 10 was also discussed during the Workshop.

---

### **CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING**

---

#### **PLEDGE OF ALLEGIANCE**

Council Member King led the Pledge of Allegiance.

#### **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**

**2. Approval of a Proclamation declaring the week of September 18 - 24, 2020 as "Constitution Week" in the City of Dripping Springs. Sponsor: Council Member King**

Council Member King read the proclamation.

Via unanimous consent, the City Council approved the proclamation.

- 3. Approval of a Proclamation declaring August - October 2020 and March - May 2021, as "Lights Out Migratory Months" in the City of Dripping Springs, Texas.** *Sponsor: Mayor Pro Tem Manassian*

Mayor Pro Tem Manassian read the proclamation.

Via unanimous consent, the City Council approved the proclamation.

- 4. Approval of a Proclamation declaring the Month of October 2020 as "Hill Country Night Sky Month" in the City of Dripping Springs.** *Sponsor: Mayor Foulds, Jr.*

Mayor Pro Tem Manassian read the proclamation.

Via unanimous consent, the City Council approved the proclamation.

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, Deliberation of Real Property and regarding Executive Session Agenda Items 35 – 37. Council Member King seconded the motion which carried unanimously 5 to 0.

The City Council met in Executive Session from 6:24 – 6:51 p.m. No vote or action was taken in Executive Session.

A motion was made by Mayor Pro Tem Manassian to return the meeting to Open Session. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting returned to Open Session at 6:51 p.m.

#### **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.*

- 5. Approval of the August 11, 2020 City Council & Board of Adjustment Workshop & Regular Meeting Minutes and the August 18, 2020 City Council Regular Meeting Minutes.**
- 6. Approval of the August 2020 City Treasurer Report.**
- 7. Approval of the DSRP Guest Services Coordinator Job Description.** *Sponsor: Council Member Purcell*
- 8. Approval of a Tractor Sponsorship & Purchase Agreement between the City of Dripping Springs and ACM Tractors and Kioti related to activities and events at the Dripping Springs Ranch Park Event Center.** *Sponsor: Council Member Purcell*



9. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Dripping Springs Helping Hands regarding the 24th Annual Empty Bowls Project to take place November 8, 2021 at the Dripping Springs Ranch Park Event Center.** *Sponsor: Council Member Purcell*
  10. **Approval of a Co-Sponsorship Agreement between the City of Dripping Springs and Texas Market Guide for the Hill Country Harvest Market to be held at the Dripping Springs Ranch Park Event Center October 10 & 11, 2020.** *Sponsor: Council Member Purcell*
  11. **Approval of a Contract Instructor Agreement between the City of Dripping Springs and Earth Native Wilderness regarding the use of City Parks for class instruction.** *Sponsor: Council Member Purcell*
  12. **Approval of a Resolution Authorizing City Staff to Negotiate an Advance Funding Agreement (AFA) with TxDOT for the Middle School Transportation Alternative Set Aside (TASA) Grant Project.** *Sponsor: Council Member Crow*
- Filed as Resolution No. 2020-R40**
13. **Approval of an Amendment to the Professional Services Agreement between the City of Dripping Springs and Keenan Smith (City Lights Design Alliance) for TIRZ Project Manager Services.** *Sponsor: Mayor Pro Tem Manassian*

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 5 – 13. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

---

### **BOARD OF ADJUSTMENT**

---

#### **CALL TO ORDER AND ROLL CALL**

**Board of Adjustment Members present were:**

Bill Foulds, Jr., Chair  
 Taline Manassian  
 Wade King  
 Todd Purcell  
 April Harris-Allison  
 Travis Crow  
 Charlie Busbey (Alternate Member)  
 Joe Volpe (Alternate Member)

#### **BOARD OF ADJUSTMENT**

14. **Public hearing and consideration regarding VAR2020-0013: Variance Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1).** *Applicant: Christopher A. Reid, PE*

**Applicant has requested postponement. Planning and Zoning Commission postponed this item to its next regular meeting.**

*a) Presentation – No presentation was given.*

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends postponement to the October 13, 2020 Board of Adjustment meeting.

*c) Planning & Zoning Commission Report*

Chair James: Commissioner recommended postponement to the September 28, 2020 Planning & Zoning Commission 4 to 3.

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

*e) Variance*

A motion was made by Board Member Crow to postpone VAR2020-0013: Variance Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1) to the October 13, 2020 Board of Adjustment regular meeting. Board Member King seconded the motion which carried unanimously 6 to 0.

---

**CITY COUNCIL**

---

**BUDGET**

- 15. Public hearing and consideration of approval of an Ordinance approving the 2020 Ad Valorem Tax and Levy of 0.19 per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the Corporate City Limits; providing for penalties and interest; and providing for the following: findings of fact; severability; savings clause; publication and effective date.**

*a) Staff Report*

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

*b) Public Hearing*

Charles Busbey spoke in favor of the Ordinance.

*c) Ordinance*

A motion was made by Mayor Pro Tem Manassian that the property tax rate be increased by the adoption of a tax rate of nineteen cents per one hundred dollars valuation which is effectively a 2.7 percent increase in the tax rate. Council Member King seconded the motion which carried unanimously 5 to 0 via roll call vote.

**Filed as Ordinance No. 2020-43**

- 16. Discuss and consider approval of a Resolution ratifying the Municipal Budget for Fiscal Year 2020-2021; funding municipal purposes; authorizing expenditures; filing of budget; repealer; severability; effective date; and proper notice.**

A motion was made by Mayor Pro Tem Manassian to approve a Resolution of the City of Dripping Springs, Texas, Ratifying the Municipal Budget for Fiscal Year 2020-2021 reflecting the property tax increase in the budget. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0 via roll call vote.

**Filed as Resolution No. 2020-R41**

**BUSINESS AGENDA**

- 17. Public hearing and consideration of approval of an Ordinance regarding CUP2020-0008: An application for a Conditional Use Permit to allow the use Mobile Food Vendor - longer than 10 days located at 1111 W US Highway 290, Dripping Springs, TX 78620, which is zoned Commercial Services. Applicant: Jon Thompson**

*a) Presentation*

Jon Thompson and Chris and Wendy Bykowski presented the item.

*b) Staff Report*

Amanda Padilla presented the staff report. Staff recommends approval of the ordinance with conditions as outlined in the conditional use permit.

*c) Planning & Zoning Commission Report*

Chair James: Commission recommended approval 7 to 0, with the additional condition that there be no parking on Bonnie Drive.

*d) Public Hearing*

Mary Pryor spoke in opposition to the requirement of masonry screening between her property and the subject property, and prefers natural screening as she uses the subject property to access her septic.

*e) Conditional Use Permit*

A motion was made by Council Member Purcell to approve Ordinance regarding CUP2020-0008: An application for a Conditional Use Permit to allow the use Mobile Food Vendor - longer than 10 days located at 1111 W US Highway 290, Dripping Springs, TX 78620, which is zoned Commercial Services with the condition that the applicant construct a vegetative barrier, rather than a masonry barrier, to shield residents from the subject property. Council Member King seconded the motion to which Council Member Purcell called to question and the City Council proceeded to vote. The motion to approve carried 4 to 1, with Mayor Pro Tem Manassian opposed.

**Filed as Ordinance No. 2020-44**

**18. Public hearing and consideration of approval of an Annexation Agreement and Ordinance of the City of Dripping Springs, Texas to Voluntarily Annex by Request of the Property Owner approximately 11.1044 Acres of Land Located in the E.B. Hargraves Survey No. 4, Abstract Number 240, In Hays County, Texas.**

*a) Presentation – no presentation given.*

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the ordinance and agreement.

*c) Public Hearing – no one spoke during the Public Hearing.*

*d) Annexation Agreement*

*e) Annexation Ordinance*

A motion was made by Mayor Pro Tem Manassian to approve an Annexation Agreement and Ordinance of the City of Dripping Springs, Texas to Voluntarily Annex by Request of the Property Owner approximately 11.1044 Acres of Land Located in the E.B. Hargraves Survey No. 4, Abstract Number 240, In Hays County, Texas. Council Member King seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-45**

**19. Public hearing and consideration of approval of an Ordinance regarding ZA2020-0005: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044 acre tract of land situated in the E B HARGRAVES SURVEY. This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road (R95789). Applicant: Jon Thompson**

*a) Presentation*

Jon Thompson presented the item.

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the ordinance.

*c) Planning & Zoning Commission Report*

Chair James: Commission recommended approval 7 to 0.

*d) Public Hearing – no one spoke during the Public Hearing.**e) Zoning Amendment*

A motion was made by Council Member Harris-Allison to approve an Ordinance regarding ZA2020-0005: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044 acre tract of land situated in the E B HARGRAVES SURVEY. This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road (R95789). Council Member King seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-46**

- 20. Public hearing and consideration of approval of an Ordinance regarding ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Single Family-4 (SF-4) to Single Family-5 (SF-5). Tract 3 is requesting to rezone from SF-4 to General Retail (GR). Applicant: Jon Thompson**

Mayor Pro Tem Manassian recused from this item, and an Affidavit providing notice of potential conflict of interest is on file in the City Secretary's Office.

*a) Presentation*

Jon Thompson presented the item and is requesting that only Tract 3 be acted on, and that Tracts 1 and 2 be postponed.

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the ordinance regarding Tract 3, and the postponement of Tracts 1 and 2.

*c) Planning & Zoning Commission Report*

Chair James: Commission recommend approval of Tract 3 and postponement of Tracts 1 and 2 unanimously 7 to 0.

d) *Public Hearing – no one spoke during the Public Hearing.*

e) *Zoning Amendment*

A motion was made by Council Member Crow to approve an Ordinance regarding ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for Tract 3 from SF-4 to General Retail (GR) generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District and the postponement of Tracts 1 and 2 requesting rezone from Single Family-4 (SF-4) to Single Family-5 (SF-5) to the October 13, 2020 City Council meeting. Council Member Harris-Allison seconded the motion which carried 4 – 0 – 1, with Mayor Pro Tem Manassian recused.

**Filed as Ordinance No. 2020-47**

- 21. Discuss and consider approval of a Refund Request of Membership Fee for an individual at the Dripping Springs Ranch Park.** *Requester: Paul Wolters*

Laura Mueller presented the staff report which is on file.

A motion was made by Council Member Purcell to approve the Refund Request of Membership Fee for an individual at the Dripping Springs Ranch Park with the condition that the refund amount is prorated for the portion that has been used. Council Member King seconded the motion which carried unanimously 5 to 0.

- 22. Discuss and consider approval of a Donation Agreement between the City of Dripping Springs and the Dripping Springs Lions Club for the Refurbishment of the Dripping Springs Monument.** *Sponsor: Mayor Pro Tem Manassian.*

Mayor Pro Tem Manassian introduced the item and Michelle Fischer presented the staff report which is on file. Staff recommends approval of the agreement.

A motion was made by Council Member Harris-Allison to approve a Donation Agreement between the City of Dripping Springs and the Dripping Springs Lions Club for the Refurbishment of the Dripping Springs Monument. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 23. Discuss and consider approval of a License Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for Holiday Decorations.** *Sponsor: Mayor Pro Tem Manassian*

A motion was made by Council Member Purcell to approve a License Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for Holiday Decorations. Council Member King seconded the motion which carried unanimously 5 to 0.

- 24. Discuss and consider approval of a Facilities Use Agreement between the City of Dripping Springs and Dripping Springs Lions Club regarding Co-sponsorship of Christmas on Mercer.** *Sponsor: Mayor Pro Tem Manassian*

A motion was made by Council Member Purcell to approve a Facilities Use Agreement between the City of Dripping Springs and Dripping Springs Lions Club regarding Co-sponsorship of Christmas on Mercer. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**25. Discuss and consider approval of an Ordinance Amending the Fiscal Year 2021 Budget related to Dripping Springs Ranch Park Revenues and Expenditures.**

Council Member Purcell introduced the item and Kelly Schmidt presented the staff report which is on file. Staff recommends approval of the ordinance.

A motion was made by Council Member King to approve an Ordinance Amending the Fiscal Year 2021 Budget related to Dripping Springs Ranch Park Revenues and Expenditures. Council Member Harris-Allison seconded the motion which carried unanimously 4 – 0 – 1, with Council Member Purcell abstaining.

**Filed as Ordinance No. 2020-48**

**26. Discuss and consider approval of an Ordinance Amending Appendix A: Article A1.000 (General Provisions) of the Dripping Springs Code of Ordinances, Amending the Dripping Springs Fee Schedule Section 3: Site Development; Section 4: Subdivisions; and Section 17: Dripping Springs Ranch Park.**

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

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance Amending Appendix A: Article A1.000 (General Provisions) of the Dripping Springs Code of Ordinances, Amending the Dripping Springs Fee Schedule Section 3: Site Development; Section 4: Subdivisions; and Section 17: Dripping Springs Ranch Park. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

The City Council directed staff to reevaluate the re-filing fee after some time has passed to ensure that it adequately compensates the City for staff time.

**Filed as Ordinance No. 2020-49**

**27. Discuss and consider approval of an Amendment to the Hotel Occupancy Tax Grant Program Funding Agreement between the City of Dripping Springs and the Hill Country Alliance. Sponsor: Mayor Pro Tem Manassian.**

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

Karen Ford spoke on behalf of Hill Country Alliance and thanked the City for its support.

A motion was made by Council Member King to approve an Amendment to the Hotel Occupancy Tax Grant Program Funding Agreement between the City of Dripping Springs and the Hill Country Alliance. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 28. Discuss and consider approval of a Change Order No. 4 to the Professional Services Agreement between the City of Dripping Springs and SAM, LLC regarding the South Regional Water Reclamation Expansion Project.** *Sponsor: Mayor Foulds*

Ginger Faught presented the staff report which is on file. Staff recommends approval of the change order.

A motion was made by Council Member King to approve a Change Order No. 4 to the Professional Services Agreement between the City of Dripping Springs and SAM, LLC regarding the South Regional Water Reclamation Expansion Project. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 29. Discuss and consider the Election of one (1) member to the Texas Municipal League Health Benefits Pool Board of Trustees.**

Andrea Cunningham presented the Election Memo which is on file.

A motion was made by Council Member King to postpone the Election of one (1) member to the Texas Municipal League Health Benefits Pool Board of Trustees to the September 15, 2020 City Council meeting. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

- 30. Discuss and consider the Election of four (4) members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for Places 1 - 4.**

Andrea Cunningham presented the Election Memo which is on file.

- a) Place 1
- b) Place 2
- c) Place 3
- d) Place 4

A motion was made by Mayor Pro Tem Manassian to postpone the Election of four (4) members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for Places 1 – 4 to the September 15, 2020 City Council meeting. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 31. Discuss and consider the Appointment of one (1) individual as the City of Dripping Springs Representative to the Capital Area Council of Governments General Assembly.**

Andrea Cunningham presented the Appointment Memo which is on file.

A motion was made by Council Member Crow to appoint Mayor Pro Tem Manassian as the City of Dripping Springs Representative to the Capital Area Council of Governments General Assembly. Council Member Harris-Allison 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.*



- 32. Parks & Community Services Report**  
*Kelly Schmidt, Parks & Community Services Director*
- 33. Economic Development Committee Report**  
*Kim Fernea, Chair*
- 34. Maintenance & Facilities 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.*

- 35. Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders including upcoming city events.** *Consultation with City Attorney, 551.071*
- 36. Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses and real property in the Triangle and Veterans Memorial Park.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
- 37. Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*

The City Council met in Executive Session earlier in the agenda.

### **UPCOMING MEETINGS**

#### **City Council & BOA Meetings**

September 15, 2020 at 6:00 p.m.

October 13, 2020 at 6:00 p.m. (Workshop 6:00 / Regular Meeting 6:30)

October 20, 2020 at 6:00 p.m.

#### **Board, Commission & Committee Meetings**

September 9, 2020 Utility Commission at 4:00 p.m.

September 14, 2020 TIRZ No. 1 & No. 2 Board at 4:00 p.m.

September 14, 2020 Founders Day Commission at 6:30 p.m.

September 17, 2020 Farmers Market Association Board at 10:00 a.m.

September 17, 2020 Emergency Management Commission at 12:00 p.m.

September 22, 2020 Planning & Zoning Commission at 6:30 p.m.

September 23, 2020 Economic Development Committee at 4:00 p.m.

September 28, 2020 Transportation Committee at 3:30 p.m.

**ADJOURN**

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member King seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 8:33 p.m.

**APPROVED ON:** October 13, 2020

---

Bill Foulds, J., Mayor

**ATTEST:**

---

Andrea Cunningham, City Secretary



**CITY COUNCIL REGULAR MEETING**  
**City of Dripping Springs**  
 Council Chambers, 511 Mercer St, Dripping Springs, TX  
 Tuesday, September 15, 2020 at 6:00 PM

---

## MINUTES

### MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

***Join Zoom Meeting:***

<https://us02web.zoom.us/j/84893445405?pwd=WU1HSjl4M1BEa3pnYkx1VldqRXZZZz09>

***Meeting ID:*** 848 9344 5405

***Passcode:*** 388131

***Dial Toll Free:***

888 475 4499 US Toll-free

877 853 5257 US Toll-free

***Find your local number:*** <https://us02web.zoom.us/j/84893445405>

***Join by Skype for Business:*** <https://us02web.zoom.us/j/84893445405>

### CALL TO ORDER AND ROLL CALL

**City Council Members**

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Todd Purcell (arrived at 6:03 p.m.)

Council Member Place 4 April Harris Allison

Council Member Place 5 Travis Crow

**Staff, Consultants & Appointed/Elected Officials**

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Treasurer Gina Gillis

City Secretary Andrea Cunningham

Communications Director Lisa Sullivan

City Engineer Chad Gilpin

IT Coordinator Misty Dean

### PLEDGE OF ALLEGIANCE

Mayor Pro Tem Manassian led the Pledge of Allegiance to the Flag.

## PROCLAMATIONS & PRESENTATIONS

1. **Texas Department of Transportation Presentation regarding the US Highway 290 from RM 1826 to RM 12 Feasibility Study.**

Michelle Cooper introduced the item and Gary Gemar gave the presentation.

No action was taken on this item.

## 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.*

2. **Approval of a Resolution of the City of Dripping Springs Consenting to the Issuance of Unlimited Tax Bonds by Municipal Utility District Number 5 of Hays County.**  
**Filed as Resolution No. 2020-R42**
3. **Approval of Job Description for Finance Director/City Treasurer.**
4. **Approval of the City of Dripping Springs 2021 Holiday Calendar.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 2 – 4. Council Member Crow seconded the motion which carried unanimously 5 to 0.

## BUSINESS AGENDA

**5. Discuss and consider approval of a Temporary Street Closure Request for the Run by the Creek 5K and 10K Event for the closure of Rogers Hanks Parkway/Highway 290 to Rogers Hanks Parkway/Creek Road on November 15, 2020 from 6:30 a.m. to 10:30 p.m.**

Michelle Fischer presented the staff report, which is on file, and noted that the closure should be 6:30 a.m. – 10:30 a.m., and not 10:30 p.m. Staff recommends approval of the street closure request.

A motion was made by Mayor Pro Tem Manassian to approve a Temporary Street Closure Request for the Run by the Creek 5K and 10K Event for the closure of Rogers Hanks Parkway/Highway 290 to Rogers Hanks Parkway/Creek Road on November 15, 2020 from 6:30 a.m. to 10:30 a.m. Council Member King seconded the motion which carried unanimously 5 to 0.

**6. Discuss and approve Temporary Road Closure permit request for Christmas on Mercer on Saturday, December 5, 2020 from 6:30am-8:00pm, including the West end of Mercer from Bluff to San Marcos, College from Wallace to Mercer, San Marcos from Wallace to Mercer, and Old Fitzhugh from Ranch Road 12 to Mercer (closed at Mercer and closed to through traffic at Ranch Road 12).**

Michelle Fischer presented the staff report, which is on file. Staff recommends approval of the road closure permit.

A motion was made by Council Member King to approve a Temporary Road Closure permit request for Christmas on Mercer on Saturday, December 5, 2020 from 6:30am-8:00pm, including the West end of Mercer from Bluff to San Marcos, College from Wallace to Mercer, San Marcos from Wallace to Mercer, and Old Fitzhugh from Ranch Road 12 to Mercer (closed at Mercer and closed to through traffic at Ranch Road 12). Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

**7. Discuss and consider approval of an Ordinance of the City of Dripping Springs, Texas Amending the Current 2019-2020 Fiscal Year Budget transferring funds to the Capital Improvement Fund.**

Gina Gillis presented the staff report which is on file. Staff recommends approval of the ordinance.

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance of the City of Dripping Springs, Texas Amending the Current 2019-2020 Fiscal Year Budget transferring funds to the Capital Improvement Fund. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-50**

**8. Discuss and consider approval of an Ordinance Amending Section 1.02.041: Regular Meetings: Establishing a new meeting time for City Council; Providing for the following: findings of fact; amendment; repealer; severability; codification; effective date; and proper notice and meeting.**

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

A motion was made by Council Member King to approve an Ordinance Amending Section 1.02.041: Regular Meetings: Establishing a new meeting time for City Council; Providing for the following: findings of fact; amendment; repealer; severability; codification; effective date; and proper notice and meeting. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-51**

**9. Discuss and consider the Election of one (1) member to the Texas Municipal League Health Benefits Pool Board of Trustees.**

Michelle Fischer presented the item and recommended the City Council appoint Tad Cleaves.

A motion was made by Mayor Pro Tem Manassian to elect Tad Cleaves to the Texas Municipal League Health Benefits Pool Board of Trustees. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**10. Discuss and consider the Election of four (4) members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for Places 1 - 4.**

A motion was made by Council Member Harris-Allison to elect incumbents to their respective place numbers and as indicated on the official ballot:

- a) Place 1 – Robert T. Herrera
- b) Place 2 – John W. (Buzz) Fullen
- c) Place 3 – Jeffrey Snyder
- d) Place 4 – Robert S. Hauk

Council Member King 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.*

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, Deliberation of Real Property and regarding Executive Session Agenda Items 11 – 15. Council Member King seconded the motion which carried unanimously 5 to 0.

Council Member Crow recused from Executive Session Agenda Item 15, and exited the virtual meeting room at 7:18 p.m.

11. **Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses and real property in the Triangle and Veterans Memorial Park.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
12. **Deliberation of Real Property and Consultation with City Attorney regarding legal issues related to the South Regional Water Reclamation Expansion Project Easement Acquisition.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
13. **Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders including upcoming city events.** *Consultation with City Attorney, 551.071*
14. **Consultation with City Attorney regarding legal issues related to Ethics and Election Issues.** *Consultation with City Attorney, 551.071*
15. **Consultation with City Attorney regarding legal issues related to the Dripping Springs Water Supply Corporation Water Service Area Cooperation Agreement.** *Consultation with City Attorney, 551.071*

The City Council met in Executive Session from 6:52 – 7:36 p.m. No vote or action was taken during Executive Session.

Mayor Foulds returned the meeting to Open Session at 7:36 p.m.

## UPCOMING MEETINGS

### City Council Meetings:

October 13, 2020 at 6:00 p.m. (Workshop 6:00 / Regular Meeting 6:30)

October 20, 2020 at 6:00 p.m.

November 10, 2020 at 6:00 p.m. (Workshop 6:00 / Regular Meeting 6:30)

November 17, 2020 at 6:00 p.m.

### Board, Commission & Committee Meetings:

September 17, 2020 Farmers Market Association Board at 10:00 a.m.

September 17, 2020 Emergency Management Commission at 12:00 p.m.

September 22, 2020 Planning & Zoning Commission at 6:30 p.m.

September 23, 2020 Economic Development Committee at 4:00 p.m.

September 28, 2020 Transportation Committee at 3:30 p.m.

October 1, 2020 Historic Preservation Commission at 4:00 p.m.

October 5, 2020 TIRZ No. 1 & No. 2 Board at 4:00 p.m.

October 5, 2020 Parks & Recreation Commission at 6:00 p.m.

October 7, 2020 DSRP Board of Directors at 12:00 p.m.

## ADJOURN

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

This regular meeting adjourned at 7:37 p.m.

**APPROVED ON:** October 13, 2020

---

Bill Foulds, Jr., Mayor

**ATTEST:**

---

Andrea Cunningham, City Secretary





**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Andrea Cunningham, City Secretary

**Board Meeting Date:** October 13, 2020

**Agenda Item Wording:** **Approval of the City Council & Board of Adjustment 2021 Annual Meeting Calendar.**

**Agenda Item Requestor:** Andrea Cunningham, City Secretary

**Summary/Background:** Annually the City prepares the meeting calendar for the City Council and Board of Adjustment. The attached calendar considers the approved City of Dripping Springs Holiday Calendar and additional observed holidays by DSISD.

The City Council meets the 2<sup>nd</sup> and 3<sup>rd</sup> Tuesday of each month, with the Board of Adjustment agenda included in the 1<sup>st</sup> monthly meeting. Meetings begin at 6:00 p.m. and may include a Workshop. Should certain business arise requiring a special meeting, the City Council will be contacted to ensure a quorum and the meeting will be scheduled pursuant to the Texas Open Meetings Act and City Code. The proposed calendar has no conflicts with any City Holidays or City Hall Closures.

**Recommended Board Actions:** Staff recommends approval of the attached calendar.

**Attachments:**

1. Approved 2021 City Hall Closure & Holiday Calendar
2. Proposed City Council & board of Adjustment 2021 Meeting Calendar

**Next Steps/Schedule:**

1. Update meeting calendars to include City website and City Meeting Calendar for posting
2. Forward 2021 meeting invites to CC members and staff
3. Created meetings in Municode for agendas

# 2021

## Holidays

### 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	

### Holidays - City Hall Closures

- January 1 - New Year's Day
- January 18 - Martin Luther King Day
- February 15 - Presidents Day
- May 31 - Memorial Day
- July 5 - Independence Day (observed)
- September 6 - Labor Day
- October 11 - Columbus Day
- November 11 - Veterans Day
- November 25 & 26 - Thanksgiving Day
- December 24 - Christmas Eve
- December 31 - New Year's Eve

### DSISD Holidays & Breaks

- Spring Break, March 15 - 19
- April 2 - Staff/Student Holiday
- Thanksgiving Break, November 23 - 26
- Winter Break, December 20 - January 4

# 2021

## City Council & BOA

### City Hall Closure, DSISD Break

#### 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						

#### 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			

#### 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					

#### 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						

#### 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		

#### 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				

#### 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						

#### 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

#### 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			

#### 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			

#### 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						

#### 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

#### January

- 12 - CC & BOA Workshop & Regular Meeting
- 19 - CC Regular Meeting

#### February

- 9 - CC & BOA Workshop & Regular Meeting
- 16 - CC Regular Meeting

#### March

- 9 - CC & BOA Workshop & Regular Meeting
- 16 - CC Regular Meeting

#### April

- 13 - CC & BOA Workshop & Regular Meeting
- 20 - CC Regular Meeting

#### May

- 11 - CC & BOA Workshop & Regular Meeting
- 18 - CC Regular Meeting

#### June

- 8 - CC & BOA Workshop & Regular Meeting
- 15 - CC Regular Meeting

#### July

- 13 - CC & BOA Workshop & Regular Meeting
- 20 - CC Regular Meeting

#### August

- 10 - CC & BOA Workshop & Regular Meeting
- 17 - CC Regular Meeting

#### September

- 14 - CC & BOA Workshop & Regular Meeting
- 21 - CC Regular Meeting

#### October

- 12 - CC & BOA Workshop & Regular Meeting
- 19 - CC Regular Meeting

#### November

- 9 - CC & BOA Workshop & Regular Meeting
- 16 - CC Regular Meeting

#### December

- 14 - CC & BOA Workshop & Regular Meeting
- 21 - CC Regular Meeting



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Andrea Cunningham, City Secretary

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** **Approval of a Resolution designating Dripping Springs Century News as the Official Newspaper of the City of Dripping Springs, Texas for Fiscal Year 2020-2021.**

**Agenda Item Requestor:** Andrea Cunningham, City Secretary

**Summary/Background:** Pursuant to Texas Government Code Section 2051.049 Selection of Newspaper, the governmental entity or representative required to publish a notice in a newspaper shall select, in accordance with this subchapter, one or more newspapers to publish the notice, which is subject to certain criteria in sections 2051.044 – 2051.051.

Annually the City solicits submissions from local newspapers that meet the publishing requirements and staff reviews each submission accordingly. All approved submissions are provided to the Council for selection.

Submission packets were provided to Dripping Century News General Manager Dalton Sweat and Editor Bonnie Gonzalez, and News-Dispatch Publisher Cyndy Slovak-Barton and Editor Anita Miller via email and USPS mail on September 17, 2020 and due October 6, 2020.

As of the submission deadline the City has received a submission from Century News, and the News-Dispatch has declined to submit. Century News meets all of the criteria for selection and has provided the City excellent customer service over the past three years with regards to the posting of City related public and legal notices.

**Recommended Council Actions:** I recommend City Council selection of Century News for the City's Fiscal Year 2020-2021 Official Newspaper.

**Attachments:**

1. Century News Submission
2. News-Dispatch Notice to Decline
3. Resolution designating selection of newspaper
4. Agreement regarding designation of official newspaper

**Next Steps/Schedule:**

1. Execute and file agreement and resolution
2. Notify staff of designation



**OFFICIAL NEWSPAPER OF THE CITY OF DRIPPING SPRINGS**  
**APPLICATION FOR FISCAL YEAR 2020-2021**  
*Application Due October 6, 2020*

**NAME OF NEWSPAPER:** Dripping Springs Century News

**INDICATE BELOW WHETHER OR NOT YOUR NEWSPAPER MEETS THE FOLLOWING CRITERIA:**

*Please select Yes or No for each:*

	<i>YES</i>	<i>NO</i>
1. Newspaper devotes not less than 25% of total column lineage to general interests items	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Newspaper published at least once a week	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Newspaper is entered as 2 <sup>nd</sup> class postal matter in the county where published	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Newspaper has been published regularly and continuously for the past 12 months	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Newspaper has not omitted more than two issues in the past 12 months	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSCRIBER & DISTRIBUTION INFORMATION FOR CALENDAR YEAR 2020:**

Total number of subscribers	<u>1184</u>
Number of subscribers by zip code 78620	<u>836</u>
Number of subscribers by zip code 78619	<u>58</u>
Number of subscribers by zip code 78737	<u>110</u>
Average number of unique website visitors per month	<u>5667</u>
Average number of website page views per month	<u>12954</u>
Number of likes on Facebook	<u>3794</u>
Number of Twitter Followers	<u>249</u>

**STATEMENT OF UNDERSTANDING:**

I understand that pursuant to Texas Government Code [Section 2051.045 Legal Rate Charged for Publication](#), that the legal rate for publication of a notice in a newspaper is the newspaper's lowest published rate for classified advertising, and [Section 2051.051 Bill for Publication](#), that a newspaper that publishes a notice shall submit a bill for the publication with a clipping of the published notice and a verified statement of the publisher that: (1) states the rate charged, (2) certifies that the rate charged is the newspaper's lowest published rate for classified advertising, and (3) certifies the number and dates of the publication.

I understand that the following must be attached to this application in order to be considered for the City of Dripping Springs Official Newspaper for Fiscal Year 2020-2021 (October 1, 2020 – September 30, 2021):

1. Rate Sheet for public notice, legal notice, tax rate hearing notice and public affidavit.
2. Completed CIQ Form.

Dalton Sweat,  
 General Manager of Dripping Springs Century News      10/06/2020

**Signature**

**Printed Name and Title**

**Date**

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

**This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.**

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

**OFFICE USE ONLY**

Date Received

**1 Name of vendor who has a business relationship with local governmental entity.**

Dripping Springs Century News

**2**  **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3 Name of local government officer about whom the information is being disclosed.**

N/A

\_\_\_\_\_  
Name of Officer

**4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes       No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes       No

**5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6**  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7** 

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

10/06/2020

\_\_\_\_\_  
Date

# Legal Ad Rates for City of Dripping Springs

10-6-20

## Public Notices:

### *Line Ad*

Public Notice line ads are based on lines used. From 1 to 4 lines the charge is \$9.36 flat, with a charge of \$2.34 per each additional line.

### *Display Ad*

There are four rate levels based on the size of the ad. Under 30 column inches (ci) the charge is \$9.35 per column inch (pci). Between 30-125 ci the charge is \$8.20 pci. From 126-251 ci the charge is \$7.50 pci. 252 ci and more the cost is \$7.00 pci. The size of the ads is rounded up to the nearest column inch for pricing purposes.

## Legal Notice

There are four rate levels based on the size of the ad. Under 30 column inches (ci) the charge is \$9.35 per column inch (pci). Between 30-125 ci the charge is \$8.20 pci. From 126-251 ci the charge is \$7.50 pci. 252 ci and more the cost is \$7.00 pci. The size of the ads is rounded up to the nearest column inch for pricing purposes.

## Tax Rate Hearing Notice:

Tax Rate Hearing Notices, run once per year unless the client requests additional runs, are required to run as a display ad in the standard pages of the newspaper, as opposed to in the classified section. These ads are almost always a  $\frac{1}{4}$  page and the price is \$259.88 per run.

## Public Affidavit:

A Public Affidavit tearsheet is \$6.00 for the first tearsheet and \$3.00 for each additional tearsheet.



**Public Notice**  
**Line**

**\$32.76**

**\$6 tear sheet**

**Total: \$38.76**

# Dripping Springs

# CLASSIFIED

**P.O. Box 732 Dripping Springs, TX 78620**

**Public Notice**

**Public Notice**

**Public Notice**

**Public Notice**

**General Help Wanted**

**General Help Wanted**

**City of Dripping Springs**  
**Public Notice of Approved Ordinance**  
**FY20 Budget Amendment**  
**Effective Date: September 24, 2020**  
**Ordinance No. 2020-50**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CURRENT 2019-2020 FISCAL YEAR BUDGET; FINDING MUNICIPAL PURPOSES; AUTHORIZING EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**NOTICE TO CREDITORS**

Notice is hereby given that original Letters Testamentary for the Estate of Robin R. Essl, Deceased, we issued on August 26, 2020, in Cause No. 20-2032-P, pending in the County Court at Law of Hays County, Texas, to: Georgia L. Essl.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: **Carrie Campbell**  
**Attorney at Law**  
**303 Mesa Drive**  
**Wimberley, Texas 78676**

**DATED** the 16th day of September, 2020.

Carrie Campbell  
Attorney for Georgia L. Essl  
State Bar No.: 00792393  
303 Mesa Drive  
Wimberley, Texas 78676  
Telephone: (512) 847-1308  
Facsimile: (512) 847-3590  
E-mail: [carriec1970@gmail.com](mailto:carriec1970@gmail.com)

**NOTICE OF PUBLIC HEARING**  
**(Request for Zoning)**

**NOTICE OF PUBLIC HEARING**  
**(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, October 8, 2020 at 6:00 p.m.** to consider the following: **CUP-20-006** – an application for a Conditional Use Permit (CUP) to allow for the construction of a second residential building at 600 Flite Acres Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, October 15, 2020, at 6:00 p.m.** at City Hall.

Comments on this request from any member of the public may be presented in person at City Hall, by mail (221 Stillwater, Wimberley, TX), or by email ([planner@cityofwimberley.com](mailto:planner@cityofwimberley.com)) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

**Did you know?**  
You can now view the  
Legals and Public  
Notices Online at  
[drippingspringsnews.com](http://drippingspringsnews.com)

Like us on  
**facebook**

**NOW HIRING**  
Sign on Bonus  
401K  
Insurance  
Employment



**Port Aransas Police Department**

Immediate openings for experienced officers and dispatchers.

Details:  
[cityofportaransas.org](http://cityofportaransas.org)

**INDEPENDENT CONTRACTOR**  
**NEWSPAPER CARRIERS NEEDED!**

Early morning hours, 7 days per week  
San Marcos & surrounding areas

**Requirements:**  
Valid Drivers License  
Social Security  
Dependable Vehicle  
Back Up Vehicle  
Dependability

Please call, text or email Rose  
@ (830)385-4298,  
[rose@earlybirdexpressllc.com](mailto:rose@earlybirdexpressllc.com), Early Bird Express, LLC,  
Owner



**General Help Wanted**

**General Help Wanted**

**General Help Wanted**

**Pubic Notice**  
**Display**  
**\$133.24**  
**\$6 tear sheet**  
**Total: \$139.24**

# Dripping Springs

# CLASSIFIED

**P.O. Box 732 Dripping Springs, TX 78620**

**Public Notice**

**Public Notice**

**Public Notice**

**General Help Wanted**

**General Help Wanted**

**General Help Wanted**

**REQUEST FOR QUALIFICATIONS FOR  
 "GRANT WRITING SERVICES  
 OLD FITZHUGH ROAD PROJECT"  
 CITY OF DRIPPING SPRINGS, TEXAS**

**PUBLIC NOTICE**

Notice is hereby given that the City of Dripping Springs, Texas is soliciting Statements of Qualifications for Grant Writing and Management Services Old Fitzhugh Road Project.

Sealed Statements of Qualifications must be submitted in one (1) original, five (5) copies, and one (1) electronic copy in PDF format on a flash drive and shall be delivered to:

City of Dripping Springs, Texas  
 Attn: Ginger Faught, Deputy City Administrator  
 511 Mercer Street  
 Dripping Springs, Texas 78620

In lieu of paper submissions, submissions may be made through electronic submission by email to [gfaught@cityofdrippingsprings.com](mailto:gfaught@cityofdrippingsprings.com) with the subject line "OFR Grant Writing Services". Documents should be submitted in PDF format. Statements of Qualifications must be submitted **by 4 p.m. on October 30, 2020**, at which time the statements will be publicly opened and read aloud. Statements received after the opening date and time will not be considered.

A pre-proposal meeting will be held on October 23, 2020 at 10 a.m. via Zoom Meeting. This meeting is optional. If interested in participating in the pre-proposal meeting please email [kcampbell@cityofdrippingsprings.com](mailto:kcampbell@cityofdrippingsprings.com) by October 16, 2020. Information to participate in the Zoom Meeting will be provided prior to the meeting to any person who has requested to participate.

If additional information is requested, please email questions to Ginger Faught, Deputy City Administrator at [gfaught@cityofdrippingsprings.com](mailto:gfaught@cityofdrippingsprings.com) with "OFR Grant Writing Services" in the subject line. RFQs may be picked up at the above address or viewed online at the City's website at [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com).

**Administrative Assistant**  
 North Hays County Emergency Service  
 District #1 has a part-time vacancy.  
 - \$12 to \$20/hr. DOQ  
 - 10-20 hours per week  
 - Flexible schedule  
 - No holidays or weekends

Direct questions, resumes and letters of interest to  
[administrator@northhayscountyesd1.org](mailto:administrator@northhayscountyesd1.org)  
 or mail to:

NHCESD#1  
 PO Box 1604  
 Dripping Springs, TX 78620

See Job description on home page  
<https://www.northhayscountyesd1.org/administrative-assistant/>



**Texas F**

Garrison Brothers Dis looking for someone c with us as a Hospitality part-time (on Fridays & down the road).

We start early and we individual will greet vis up our equipment, swe bourbon samples for c

This individual will co most people learn in a with our guests. All wi

To apply, please visit t resume to [sitandsip@g](mailto:sitandsip@g) job description from M

Wallflowers, socialites, APPLY.



**General Help Wanted**

**General Help Wanted**

**DRIPPING SPRINGS DAIRY QUEEN**

**NOW HIRING GENERAL MANAGER**  
 IMMEDIATE OPENINGS

**What We Offer:**  
 Competitive Pay  
 Paid Holidays and Vacation  
 Incentive Pay and Career Advancement

**General Help Wanted**

**INDEPENDENT NEWSPAPER CAF**

Early morning hour  
 San Marcos & su

Require  
 Valid Drive  
 Social S  
 Depend

**Public Notice**

**Public Notice**

**NOTICE TO CREDITORS**

Notice is hereby given that original Letters Testamentary for the Estate of Judy Czop, Deceased, were issued on October 5, 2020 in Cause No. 20-0293-P pending in the County Court at Law of Hays County, Texas to John R. Czop, as Independent Executor of said Estate. All persons having claims against this Estate are required



**General Help Wanted**

**IMMEDIATE HIRE**  
 For male and female caregivers in

Notice is hereby given that original Letters Testamentary for the Estate of Richard C. Graham, Deceased, were issued on June 23, 2020, in Cause No. 20-0154-P, pending in the County Court at Law of Hays County, Texas, to: George Shaw.

## Legal Notice

**\$98.18**

**\$6 tear sheet**

**Total:**

**\$104.18**

Ric  
:/o  
190  
Wir

DATED the 21st day of July, 2020.

Carrie Campbell  
190 Oak Drive  
Wimberley, Texas 78676  
Telephone: (512) 847-1308  
Facsimile: (512) 847-3590

### NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Gracie Irene Shaw, deceased, were issued on July 1, 2020, in Cause No. 20-0156-P, pending in the County Court at Law of Hays County, Texas, to: George Shaw.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

George Shaw  
:/o Carrie Campbell  
190 Oak Drive  
Wimberley, Texas 78676

DATED the 21st day of July, 2020.

Carrie Campbell  
190 Oak Drive  
Wimberley, Texas 78676  
Telephone: (512) 847-1308  
Facsimile: (512) 847-3590

**Did you know?**  
You can now view the Legals and Public Notices Online at [drippingspringsnews.com](http://drippingspringsnews.com)

[www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe), or call the FEMA Mapping and Insurance eXchange toll free at 1-877-FEMA MAP (1-877-336-2627).

**Public Notice**

**Public Notice**

**Public Notice**

### CITY OF DRIPPING SPRINGS, TEXAS MUNICIPAL BUDGET HEARING NOTICE FISCAL YEAR 2020-2021

The City of Dripping Springs, Texas, will hold a public hearing at the following day, time and place for the purpose of receiving written or oral comments concerning the proposed budget for fiscal year 2020-2021.

Date: August 11, 2020  
Time: 6:30 p.m.  
Place: City Hall Council Chambers via Zoom Videoconference  
511 Mercer Street, Dripping Springs, Texas 78620  
*(Meeting join information is posted on the City's website calendar)*

This budget will raise more total property taxes than last year's budget by \$224,350 or 17.23% and of that amount \$177,956 is tax revenue to be raised from new property added to the tax roll this year.

All interested citizens are encouraged to attend and/or submit written comments. A copy of the proposed budget in its entirety is available for public inspection during normal business hours in the office of the City Secretary, 511 Mercer Street, Dripping Springs, Texas 78620 and on the City's web site at [cityofdrippingsprings.com](http://cityofdrippingsprings.com). Written comments can be emailed to City Secretary Andrea Cunningham at [acunningham@cityofdrippingsprings.com](mailto:acunningham@cityofdrippingsprings.com) or mailed to the Attention of the City Secretary, City of Dripping Springs, PO Box 384, Dripping Springs, TX 78640.

**General Help Wanted**

**General Help Wanted**

### INDEPENDENT CONTRACTOR NEWSPAPER CARRIERS NEEDED!

Early morning hours, 7 days per week  
San Marcos & surrounding areas

**Requirements:**  
Valid Drivers License  
Social Security  
Dependable Vehicle  
Back Up Vehicle  
Dependability



Please call, text or email Rose  
@ (830)385-4298,  
[rose@earlybirdexpressllc.com](mailto:rose@earlybirdexpressllc.com), Early Bird Express, LLC,  
Owner

**Public Notice**

**Public Notice**

**Public Notice**

**Public Notice**

### Public Notice to Contractors

#### Wimberley Village Library District

Wimberley Village Library District (WVLD) is soliciting bids from businesses or individuals interested in a contract for the following positions: Landscape Maintenance, Facilities Maintenance, Facility Custodian, and Pest Control. A job specification packet will be available at the Wimberley Village

GEO #90611208  
Geographic ID  
R52090  
Address:  
2 Maplewood Circle  
Wimberly, Texas  
78676  
(203) 948-4444

Item # 5.

MAN  
SSI  
room  
Wim  
Marcc  
pente  
wash  
62

*Classifieds Work!*

**Auctions**

**V & V M  
2915 S. ZA  
SAN A  
SATURDAY  
VIEWING: SA**

**THIS MACHINE SHC  
MACHINES & INV  
SEE OUR W**

**WWW.SISKAUC  
JOHN SISK AUCTION**



**WE BU**

**Both non-pr  
including Non-Part  
Provide us your des**

CALL TO

LO  
PO I  
Lol

**Donate A Boat  
or Car Today**

**Boat Angel**

**"2-Night Free Vacati**

# NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of \$ 0.1900 per \$100 valuation has been proposed by the governing body of the City of Dripping Springs, Texas.

PROPOSED TAX RATE	0.1900 per \$100
NO-NEW REVENUE TAX RATE	0.1850 per \$100
VOTER-APPROVAL REVENUE TAX RATE	0.2077 per \$100

The no-new-revenue tax rate is the tax rate for the 2020 tax year that will raise the same amount of property tax revenue for the City of Dripping Springs from the same properties in both the 2019 tax year and the 2020 tax year.

The voter-approval rate is the highest tax rate that the City of Dripping Springs may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that the City of Dripping Springs is proposing to increase property taxes for the 2020 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON SEPTEMBER 8, 2020 AT 6:30 P.M. AT CITY HALL – 511 MERCER STREET – DRIPPING SPRINGS, TEXAS OR VIRTUALLY AS SHOWN ON THE CITY WEBSITE [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com). THE PUBLIC IS INVITED TO ATTEND THE HEARING AT CITY HALL IN PERSON IF DESIRED.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, the City of Dripping Springs is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support or opposition the proposed tax rate by contacting the members of the City Council of the City of Dripping Springs at their officers or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

$$\text{Property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

FOR the proposal: Taline Manassian, Wade King, April Harris Allison, Todd Purcell, Travis Crow  
 AGAINST the proposal: None  
 ABSENT: None

The 86<sup>th</sup> Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by the City of Dripping Springs last year to the taxes proposed to be imposed on the average residence homestead by the City of Dripping Springs this year.

	2019	2020	Change
Total Tax Rate (per \$100 of value)	0.1900	0.1900	\$0.00
Average homestead taxable value	\$352,150	\$373,261	<i>Increase of 5.99%</i>
Tax on average homestead	\$669	\$709	<i>Increase of \$40 or 5.99%</i>
Total tax levy on all properties	1,303,165	1,453,887	<i>Increase of \$150,277 or 11.57%</i>

**For assistance with tax calculations, please contact the tax assessor for City of Dripping Springs at 512-393-5545 or [jenifer.okane@co.hays.tx.us](mailto:jenifer.okane@co.hays.tx.us), or visit [www.hayscountytax.com](http://www.hayscountytax.com) for more information.**

**Tax Rate**  
**Hearing**  
**Notice**  
**\$259.88**  
**\$6 tear sheet**  
**Total:**  
**\$265.88**

**FOR** the proposal: Douglas L. Bott  
**AGAINST** the proposal: None  
**PRESENT** and not voting: None  
**ABSENT:** None

The following table compares taxes year to taxes proposed on the average

Total tax rate (per \$100 of value)  
  
 Difference in rates per \$100 of valu  
 Percentage increase/decrease in rate  
 Average appraised residence homes  
 General homestead exemptions ava  
 (excluding 65 years of age or older or disabl  
 Average residence homestead taxab  
 Tax on average residence homesteaa  
 Annual increase/decrease in taxes if  
 proposed tax rate is adopted (+/-)  
 and percentage of increase (+/-)

## NOTICE OF ELECTION

If the district adopts a combined de that would result in the taxes on th percent, the qualified voters of the determine whether to reduce the of rate under Section 49.23603, Water

The 86th Texas Legislature modi calculated to limit the rate of growtl

**San Marcos Publishing, LP**  
**Wimberley View • Century News**  
P.O. Box 49, Wimberley, Texas 78676  
**(512) 847-2202**

State of Texas  
County of Hays

Before me, the undersigned authority, on this day personally appeared Dalton Sweat, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the General Manager, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 week on the following dates:

September 24, 2020  
\_\_\_\_\_, 2020  
\_\_\_\_\_, 2020  
\_\_\_\_\_, 2020

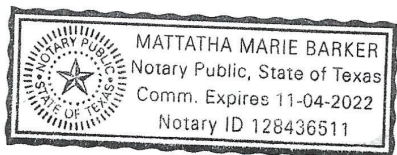
EXAMPLE

The said General Manager, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

[Signature]  
\_\_\_\_\_  
Signature of Affiant

Subscribed and Sworn to me, by the said General Manager Dalton Sweat this 5<sup>th</sup> day of October, 2020 to certify which witness my hand and seal of office.

[Signature]  
\_\_\_\_\_  
NOTARY PUBLIC in and for Hays County, Texas



**Advertising Receipt  
Ad 59600**

**San Marcos Daily Record**

P.O. Box 1109  
San Marcos, TX 78667  
512-392-2458

Andrea Cunningham  
City of Dripping Springs  
PO Box 384  
Dripping Springs, TX 78620

**Customer:** RA1942  
**Phone:** 512-858-4725  
**Ad No.:** 59600  
**Date:** 09/16/20  
**Sales Rep:** Barker, Taffy

Public Notices	Publication	First Date	Last Date	Days	Cost
<b>City of Dripping Springs Public Notice of Approved Ordinance FY20 Budget Amendment Effective Date: September 24, 2020 Ordinance No. 2020-50</b>	Wimberley Legal Classifieds	09/24/20	09/24/20	1	\$38.76
<b>Total Days: 1</b>				<b>Total Cost: \$38.76</b>	

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CURRENT 2019-2020 FISCAL YEAR BUDGET; FINDING MUNICIPAL PURPOSES; AUTHORIZING EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

EXAMPLE

<b>Payment Date:</b>	<b>Pmt Amount:</b>
<b>Payment Type:</b>	<b>Other Credits:</b>
<b>Check/Card No.</b>	<b>Amount Due:</b> \$38.76

**From:** [csb.haysfreepress.com](mailto:csb.haysfreepress.com)  
**To:** [Andrea Cunningham](#)  
**Subject:** official publication  
**Date:** Tuesday, October 6, 2020 4:17:53 PM

---

Thanks for the reminder. I would love to take this on next year, but I feel like changes need to be made before I do this again. I remember when it was alternated between the two newspapers, but it seems that the council no longer wants to take this approach. After showing up 2 years in a show and not being allowed to be a part of it, I will decline this year.

I hope to go forward next year with a presentation.

c

Cyndy Slovak-Barton  
Publisher  
Barton Publications  
Hays Free Press • News-Dispatch  
512.268.7862

**CITY OF DRIPPING SPRINGS**

**RESOLUTION No. 2020-R\_\_\_\_\_**

A RESOLUTIONS OF THE CITY OF DRIPPING SPRINGS, TEXAS,  
DESIGNATING AN OFFICIAL NEWSPAPER OF THE FISCAL YEAR 2020-  
2021.

**WHEREAS**, the City of Dripping Springs is required to adopt an official municipal newspaper at the beginning of each Fiscal Year, as per Chapter 2051 of the Texas Government Code and Chapter 52 of the Texas Local Government Code ; and

**WHEREAS**, the Dripping Springs Century News, a newspaper in the City of Dripping Springs, meets the statutory requirements for the official newspaper.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS THAT:**

1. The City Council designates the Dripping Springs Century News as the City of Dripping Springs' Official Newspaper for Fiscal Year 2020-2021; and
2. The City of Dripping Springs shall publish in the Dripping Springs Century News each ordinance caption, public notice or other matter required by law or ordinance to be published.; and
3. The City of Dripping Springs shall require applicants to publish in the Dripping Springs Century News each public notice or other matter required by law or ordinance to be published by an applicant.

**PASSED & APPROVED this, the 13<sup>th</sup> day of October 2020, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary



DSCN101320

**OFFICIAL NEWSPAPER AGREEMENT**

This Agreement, made and entered into this, the 13<sup>th</sup> day of October 2020, by and between the **City of Dripping Springs**, Texas (hereinafter referred to as the “City”) and **Dripping Springs Century-News** (hereinafter referred to as “Contractor”), is understood and agreed to be as set forth herein:

- 1. Description of Services:** In accordance with Chapter 52 of the Texas Local Government Code, the City has selected the Contractor to be its official newspaper. The City shall publish in its official newspaper each ordinance, notice, or other matter required by law or ordinance to be published. Tex. Loc. Gov’t Code § 52.004. The City and Contractor agree to the following:
  - (a) Contractor shall deliver affidavits of all published items submitted by the City of Dripping Springs to City Hall via mail, in person, or other electronic means as appropriate.
  - (b) Contractor shall conduct business in good faith displaying professionalism and a courteous manner in dealings with the staff, citizens, and customers of the City.
  - (c) Contractor will report to the City Administrator and City Secretary, verbally or in writing, any conflicts between Contractor and any citizen or customer in the course of performing said duties and responsibilities.
  - (d) Contractor shall maintain complete and accurate records of work performed for the City. Contractor shall manage both public and confidential records that the Contractor obtains pursuant to this Agreement with the understanding that some records may be subject to state open records laws. Contractor shall comply with the City’s public information policies.
  - (e) Performs other related duties as needed.
- 2. Payment for Services:** The City will compensate the Contractor in accordance with the fee structure contained in the Contractor’s submission included as **Attachment “A”**. The Contractor shall invoice the City in accordance with **Attachment “A”**. Any charge that is in excess of the costs attached shall not be paid by the City.
- 3. Duration:** This Agreement shall be in effect until the end of the 2020-2021 Fiscal Year, or September 30, 2021, after which time the City Council of the City of Dripping Springs is required by Texas Local Government Code Chapter 52 to adopt an official municipal newspaper.
- 4. Termination:** Either party may terminate this Agreement by a thirty (30) day written notice.

- 5. Relationship of Parties:** It is understood by the parties that the Contractor is an independent contractor with respect to the City and not an employee of the City. The City will not provide fringe benefits, including health insurance benefits, paid vacation, or any employee benefit, for the benefit of the Contractor.
- 6. Employees:** Contractor employees, if any, who perform services for the City under this Agreement shall also be bound by the provisions of this Agreement. At the request of the City, the Contractor shall provide adequate evidence that such persons are the Contractor's employees.
- 7. Mandatory Disclosure:** Texas law requires that vendors make certain disclosures. Prior to the effective date of this Agreement, the Contractor has submitted to the City a copy of the Conflict of Interest Questionnaire (CIQ Form) approved by the Texas Ethics Commission (Texas Local Government Code Chapter 176). The Contractor must also file a 1295 Certificate, as required by the Texas Ethics Commission, and submit it to the City. The form may be found here: <https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>.
- 8. Indemnification:** The Contractor agrees to indemnify and hold the City harmless from all claims, losses, expenses, fees, including attorney's fees, costs, and judgements that may be asserted against the City that result from acts or omissions of the Contractor, its employees if any, and the Contractor's agents.
- 9. Assignment:** The Contractor's obligation under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior written consent of the City.
- 10. Notice:** All notices required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States Mail, postage prepaid, and addressed as follows:

**To the City:**

City of Dripping Springs  
 Attn: City Secretary  
 PO Box 384  
 Dripping Springs, TX 78620  
 (512) 858-4725

**To the Contractor:**

The Dripping Springs Century-News  
 Attn: Dalton Sweat, General Manager/Editor  
 PO Box 732  
 Dripping Springs, TX 78620  
 (512) 847-2202

Either party may change such address from time to time by providing written notice to the other party in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in U.S. Mail.

**11. Entire Agreement:** This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written agreements between the parties.

**12. Amendment:** This Agreement may be modified or amended only if the amendment is made in writing and is signed by both parties.

**13. Severability:** If any provision of this Agreement shall be held to be invalid or unenforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

**14. Waiver of Contractual Right:** The failure of any party to enforce any provision of this Agreement shall not be construed as a waiver of that party’s right to subsequently enforce and compel strict compliance with every provision of the Agreement.

**15. Applicable Law:** The laws of the State of Texas shall govern this Agreement.

**16. Venue:** The venue for any all legal disputes arising under this Agreement shall be Hays County, Texas.

**CITY OF DRIPPING SPRINGS:**

**DRIPPING SPRINGS CENTURY-NEWS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

\_\_\_\_\_  
Dalton Sweat, General Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A"*

*Contractor Submission*

## Legal Q&A

By Christy Drake-Adams, TML Legal Counsel  
November 2013

### Must a city designate an official newspaper?

State law requires that at the beginning of the fiscal year the city council of a Type A city designate its official newspaper by resolution or ordinance and contract with that paper to publish required notices. TEX. LOC. GOV'T CODE § 52.004(a). Each ordinance, notice, and any other matter required by law or ordinance to be published must be published in the official paper regardless of where else it is published. *Id.* § 52.004(b).

These requirements are not expressly provided in state law for other types of general law cities. However, they arguably apply because of the “borrowing provisions.” Specifically, Type B cities have the same duties as a Type A city, unless there is a conflicting state provision regarding only Type B cities. *Id.* § 51.035. And, depending on its population, a Type C city has either the same duties as a Type B city or a Type A city. *Id.* § 51.051.

State law also seems to anticipate that a home rule city designate an official newspaper. *See id.* § 52.013(b) (“If the charter . . . does not provide for the method of publication of an ordinance, the full text of the ordinance or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance may be published at least twice in the municipality’s official newspaper.”). In some cities, the charter actually “name[s] the official newspaper in which to publish the official city notices.” TERRELL BLODGETT, TEXAS HOME RULE CHARTERS 93 (2d. ed. 2010). Any details regarding the designation, such as the timing and form of designation, are found in the city’s charter as well.

### Must a city seek competitive bids or proposals in designating its official newspaper?

Maybe. With certain exceptions, a city is required to following the bidding or proposal procedures outlined in Local Government Code Chapter 252 when it plans to make an expenditure of more than \$50,000 in city funds. TEX. LOC. GOV'T CODE § 252.021(a)-(b); *id.* § 252.022(a)(16) (providing that Chapter 252 does not apply to an expenditure for advertising, other than legal notices). An informal survey conducted by the Texas Municipal League in 2012 indicates that only the largest cities (500,000+ population) reach this \$50,000 spending threshold for newspaper publications. However, it is important to note that a city may impose on itself a lower dollar threshold and, in that way, trigger the need to competitively bid for an official newspaper.

### What criteria must a newspaper meet in order to qualify as the official newspaper?

While there is some dispute among attorneys as to the exact requirements that apply in designating an official newspaper, a city using the criteria in Government Code Sections 2051.044 and 2051.048 is on strong legal footing. Section 2051.044 provides that a newspaper used to convey official notices must as a general matter:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
- (2) be published at least once each week;
- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.

TEX. GOV'T CODE § 2051.044(a).

Section 2051.048 provides that a notice published by a city must, as a general matter, be published in a newspaper:

- (1) that is published in the city; and
- (2) that will publish the notice at or below the legal rate.

*Id.* § 2051.048(b). (Note: Section 2051.048 provides alternative requirements when no newspaper is published in the city at the specified rate. *Id.* § 2051.048(c)-(d).)

A home rule city must also look to its charter for any additional criteria. *See, e.g., State ex rel. Winn v. City of San Antonio*, 259 S.W.2d 248, 251-52 (Tex. Civ. App.—San Antonio 1953, writ ref'd n.r.e.) (discussing a charter provision that required publication in a “daily newspaper”).

### **Has a city’s designation of a particular newspaper as its “official newspaper” ever been challenged?**

Yes. From time to time, we hear from cities that receive threatening letters from a newspaper claiming that the city has not complied with the law in its designation of an official newspaper. This often arises when a city is located in more than one county, and has multiple papers to choose from, or when a city is changing its official newspaper. Some newspapers have actually sued cities in conjunction with the designation of an official newspaper. *See, e.g., Forney Messenger, Inc. v. Tennon*, 959 F.Supp. 389, 390 (N.D. Tex. 1997) (alleging that city officials conducted a sham bidding process and then voted to switch all city advertising to a different newspaper in violation of the Open Meetings Act).

### **Is an “official newspaper” the same thing as a newspaper of “general circulation”?**

No, not necessarily. The attorney general has opined that a newspaper of general circulation is one that: (1) has more than a de minimis number of subscribers within a specific geographic region; (2) has a diverse readership; and (3) publishes some items of general interest to the community. Tex. Att’y Gen. Op. No. JC-0223 (2000). Thus, if your city is acting under one of the many statutes that requires notice be published in a newspaper of general circulation, the newspaper must meet the three criteria set out above.

In addition, assuming the law under which the city is acting does not specify a contrary manner of publication, the attorney general has opined that a newspaper of general circulation must also meet the requirements of an official newspaper. *Id.* (discussing county publications and concluding that “a newspaper of general circulation must be a newspaper for the purposes of

section 2051.044, in addition to having more than a de minimis number of subscribers and a diverse subscribership”).

### **What could happen if a city is required, but fails, to use a newspaper of general circulation?**

A city that takes an action for which notice must be published in a newspaper of general circulation is subject to having that action challenged if a proper newspaper is not used. *See, e.g., Christy v. Williams*, 292 S.W.2d 348, 350-51 (Tex. Civ. App.—Galveston 1956, writ dismissed)(challenging a bond election notice because the paper was not entered as a second class postal matter); Tex. Att’y Gen. Op. No. GA-0380 (2005) (discussing possible consequences of county’s failure to use a newspaper of general circulation).

### **How much should a newspaper charge your city to publish a notice?**

Section 2051.045 of the Government Code provides that the legal rate for publication of a notice in a newspaper by a governmental entity is the newspaper’s lowest published rate for classified advertising.

If no newspaper published in either the city or the county in which the city is located will publish the notice at or below this legal rate, a city should post the notice at the door of the county courthouse in the court in which the city is located. TEX. GOV’T CODE § 2051.048(d); *see also* Tex. Att’y Gen. Op. No. GA-0856 (2011).

### **Where is a newspaper published?**

The attorney general has opined that, under Texas law, the location of publication is where the newspaper is released to the public. Tex. Att’y Gen. Op. No. GA-0838 (2011) (citing *Christy v. Williams*, 292 S.W.2d 348, 352 (Tex. Civ. App.—Galveston 1956, writ dismissed) and Tex. Att’y Gen. Op. No. O-7112 (1946)).

### **Which state statutes require a city to publish notice in the newspaper?**

A noncomprehensive review of the state law identified over 100 statutes that require cities to publish some type of notice in a newspaper. Many statutes require publication of the same notice multiple times. Following are some of the most common situations in which state law requires a city to publish a notice in a newspaper:

- Adopting an Ordinance. *See, e.g.,* TEX. LOC. GOV’T CODE §§ 52.011-.013.
- Holding an Election. *See, e.g.,* TEX. ELEC. CODE § 4.003, TEX. LOC. GOV’T CODE §9.004 (charter amendment).
- Conducting a Hearing. *See, e.g.,* TEX. LOC. GOV’T CODE §§ 43.0561 (annexation), 102.0065 (budget), 211.006 (zoning).
- Making a Purchase. *See, e.g., id.* § 252.041.

**What is one of the most common questions the attorneys at the League receive regarding newspaper notice?**

One of the most frequent inquiries our attorneys receive in relation to newspaper notice is whether state law requires a city to advertise job openings in a newspaper. The answer is no. There is no law that requires a city to advertise every job opening in a newspaper. Nevertheless, one way to prevent having an Equal Employment Opportunity Commission (EEOC) discrimination complaint or lawsuit filed against the city is to sufficiently advertise job openings, which may include advertisement in a newspaper.

To avoid a discrimination claim, a city should advertise a job opening so that it reaches a large cross-section of the population. Federal, state, and sometimes local laws prohibit hiring practices that discriminate on the grounds of age, disability, race, color, religion, sex, pregnancy, citizenship, military service and national origin. Thus, a city's hiring practice of merely advertising an opening to a certain geographic area, for example, may be used as evidence of discriminatory intent if a claim is filed against the city. For that reason, many cities choose to advertise job openings not only in a newspaper of general circulation, but in places like trade magazines and on the internet.

If your city does not have a hiring policy, including a policy regarding the advertisement of a job opening, you should seriously consider adopting one. Before advertising a job vacancy, the city should have a written job description in place that provides objective qualifications and responsibilities necessary to perform the job. The description should be devoid of any reference to sex, race, national origin, or any other protected class. In addition, a job description should include the essential functions of the position and other requirements, such as education, skills, and work experience. The job description should be used as a template for the job advertisement.

By taking the time to adopt a hiring policy, and to advertise a job opening to a wide range of people, your city: (1) increases its chance of hiring the best qualified person for the job; and (2) decreases the chance of facing a discrimination claim or lawsuit.





# City of Dripping Springs

Report to the MAYOR and MEMBERS of the City Council

From the CITY TREASURER

For the Month ending September 30, 2020

Date: October 13, 2020

The City's General Fund saw increases across the board over budgeted amounts for FY 20. Ad Valorem was up by 1.66% over budget. This is usually due to an increase in collections for previous years. Correspondingly, the penalties and interest on Ad Valorem increased. Sales tax collections increased over the previous year's collections by 12.72%. Building Code fees were ahead of budget by 58.31%. While Subdivision fees were lower than anticipated for the year, Site Development fees were increased by 55.4%. Other Income, health permits and Interest were all higher than anticipated as well. The pandemic does not seem to have had a financial effect on City revenues other than Park revenues which are considerably and understandably lower than anticipated. General Fund expenses are close to the projected amounts for the year. I am currently working on the General Fund final budget amendment for FY20.

Wastewater Revenue for the most part was over budget for the year. Expenses were near budgeted amounts. We are currently waiting for a TWDB application payment which is a large part of the expense total. I am waiting for Pump and Haul final payments since it is now operating as a temporary plant and will be reconciling that account prior to the final Wastewater budget amendment.

Dripping Springs Ranch Park was considerably under budget in revenue due to the pandemic and resulting cancellations. I continue to caution prudent spending until the current climate is more amenable to facility rentals.

\$16,111.07 was collected in interest for the Month of September. The General Fund, Wastewater Utility Fund and Dripping Springs Ranch Park Fund statements are included with this report.

Respectfully Submitted,

Gina Gillis

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
<b>Revenues</b>				
Sales Tax Revenue	\$ 161,639.42	\$ 156,664.93	\$ 1,868,631.05	\$ 1,879,979.60
Mixed Beverage	0.00	0.00	53,132.70	58,000.00
Alcohol Permit Fees	1,762.49	531.50	6,847.49	6,378.00
Ad Val Tax Interest /Penalties	(22.08)	333.37	5,203.35	4,000.00
Ad Valorem Tax	16,613.93	107,377.25	1,309,947.19	1,288,527.00
TXF from Rsve for Cp Improvment	0.00	307,500.00	0.00	307,500.00
Transfer from Park Dedication	68,422.25	22,475.00	152,073.98	269,700.00
TXF from Landscaping Fund	0.00	741.63	0.00	8,900.00
FEMA Funds Dam Repair	55,998.76	352,487.00	117,374.80	352,487.00
TXF from DSRP	0.00	0.00	15,500.00	0.00
Subdivision Fees	0.00	37,641.63	293,125.00	451,700.00
Site Development Fees	42,573.39	22,127.55	412,837.60	265,530.82
Other Fees (Zoning, Sign, Ord)	36,936.50	5,442.12	120,512.80	65,305.00
Building Code Fees	145,744.80	85,000.00	1,614,773.76	1,020,000.00
Daily Pool Entries	0.00	0.00	9,680.00	0.00
Programs	0.00	0.00	1,274.50	0.00
Swim Lesson Fees	0.00	0.00	833.70	0.00
Private Pool Party Fees	0.00	0.00	280.00	0.00
Park Rental Income	50.00	125.00	3,608.00	1,500.00
Park Donations	0.00	0.00	5,916.92	5,000.00
Pavilion,& Pool Rental	0.00	0.00	585.00	0.00
Rental Income	0.00	0.00	150.00	0.00
Muni Court Summons Fees	0.00	20.87	0.00	250.00
Checking Acct Interest	3,623.24	2,916.63	47,933.28	35,000.00
Txf from Contingencies	0.00	0.00	28,274.09	0.00
Other Income	26,616.81	4,166.63	114,668.69	50,000.00
Health Permits/Inspections	3,605.00	4,166.63	52,643.75	50,000.00
ESD Inspections Income	5,403.29	0.00	22,129.51	15,000.00
FD Arts,Crafts,Business Booth	0.00	0.00	0.00	6,500.00
FD Food Booths	0.00	0.00	0.00	1,100.00
FD BBQ Cookers	0.00	0.00	0.00	4,600.00
FD Carnival	0.00	0.00	0.00	9,500.00
FD Parade	0.00	0.00	0.00	3,750.00
FD Sponsorship/Other	0.00	0.00	0.00	63,600.00
FD Parking Concession	0.00	0.00	0.00	1,700.00
FD Electric	0.00	0.00	0.00	2,400.00
FD Miscellaneous	0.00	0.00	700.00	0.00
<b>Total Revenues</b>	<b>568,967.80</b>	<b>1,109,717.74</b>	<b>6,258,637.16</b>	<b>6,227,907.42</b>
<b>Expenses</b>				
TML Liability Insurance	0.00	1,230.75	15,026.25	14,769.00
TML Property Insurance	0.00	2,086.13	31,779.25	25,034.00
TML Workmen's Comp Insurance	0.00	1,835.50	21,621.50	22,026.00
Office Salaries	133,327.53	137,570.75	1,599,723.35	1,650,848.56
City OT	315.70	0.00	9,775.87	0.00
DSRP Parks	8,985.29	19,287.00	155,088.30	231,444.00
Pool Management	0.00	0.00	9,076.50	0.00
Parks Consultant	0.00	416.63	0.00	5,000.00
DSRP On Call	(200.00)	0.00	0.00	0.00
Lifeguard	0.00	0.00	19,086.37	0.00
Lifeguard OT	0.00	0.00	16.50	0.00
DSRP OT	395.37	0.00	5,246.64	0.00
Camp Staff	0.00	0.00	0.00	24,960.00
Dam Repair	115,835.36	25,596.23	348,243.23	307,155.20
ON CALL	1,000.00	0.00	12,600.00	0.00

For Management Purposes Only

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
Bldg. Inspector	226,355.73	68,000.00	1,025,694.34	816,000.00
Health Inspector	7,139.32	3,750.00	44,038.78	45,000.00
Bad Debt Expense	0.00	416.63	325.00	5,000.00
St. Unemployment Ins.-Off	246.58	0.00	26,070.69	0.00
TMRS Retirement	513.53	8,801.24	6,503.13	105,614.33
Employee Benefits	17,343.13	16,874.67	176,111.81	202,496.59
Office FICA	8,562.73	0.00	107,190.72	0.00
Parks FICA	4,012.36	0.00	42,060.69	0.00
Office Med	2,002.60	0.00	25,724.88	0.00
Parks Med	323.80	0.00	3,600.46	0.00
Financial Services	13,807.50	11,666.63	149,427.50	140,000.00
Engr/Surveying Services	24,357.50	5,833.37	68,815.16	70,000.00
Architect and Landscape Cons	0.00	416.63	4,373.20	5,000.00
Lighting Consultant	0.00	83.37	900.00	1,000.00
Human Resource Consultant	0.00	1,250.00	10,427.61	15,000.00
City Attorney	0.00	9,583.37	115,231.76	115,000.00
Muni Court Attorney/ Judge	0.00	416.63	5,584.39	5,000.00
Records Management	60.00	48.37	840.00	580.00
Fleet Acquisition	0.00	0.00	24,951.08	27,000.00
Fleet Maintenance	384.68	1,000.00	6,532.26	12,000.00
Office Supplies	1,725.26	2,083.37	22,186.37	25,000.00
Founders Park/Pool Supplies	163.97	487.50	5,285.74	5,850.00
Sports & Rec Park Supplies	0.00	0.00	164.14	0.00
Pool Chemicals	0.00	583.37	3,688.19	7,000.00
Office Equip & Misc Office Exp	0.00	416.63	5,076.68	5,000.00
Maintenance Equipment	405.36	3,875.00	37,894.02	46,500.00
Program Supplies	0.00	83.37	786.05	1,000.00
Maintenance Supplies	83.73	233.12	3,077.36	2,797.00
Tools & Equipment	0.00	0.00	19.34	0.00
Pool Equipment	0.00	31.25	149.00	375.00
Charro Ranch Supplies	0.00	129.13	0.00	1,550.00
General Park Supplies	0.00	333.37	3,308.88	4,000.00
Parks Mileage	28.18	0.00	180.56	0.00
Park Dues, Fees, Subscriptions	0.64	0.00	112.17	0.00
Pool Training	0.00	83.37	342.00	1,000.00
Network & Telephone	767.07	1,680.00	33,695.40	20,160.00
Office IT Equipment & Support	5,991.36	4,946.15	42,693.64	59,353.36
Software	39,848.67	19,324.00	139,981.98	231,888.00
Pool Phone & Network	579.55	66.63	1,904.01	800.00
Portable Toilets Parks	460.00	416.63	4,890.00	5,000.00
Postage & Shipping	433.95	291.63	2,498.32	3,500.00
Family Violence Center	0.00	583.37	7,000.00	7,000.00
Lighting Compliance	1,470.00	166.63	1,716.07	2,000.00
Public Safety	0.00	0.00	3,400.00	3,400.00
Stephenson Maintenance	0.00	416.63	23.94	5,000.00
Office Maintenance/Repairs	748.26	913.37	10,915.79	10,960.00
City Hall Improvements	0.00	833.37	5,491.53	10,000.00
Equipment Maintenance	59.44	95.87	997.11	1,150.00
Uniforms	357.00	250.00	2,820.90	3,000.00
Office Electricity	465.32	375.00	4,330.90	4,500.00
Street Electricity	1,366.57	1,666.63	15,587.61	20,000.00
Founders Park/Pool Electricity	622.25	625.00	6,649.37	7,500.00
Sports & Rec Park Electricity	27.68	41.63	734.32	500.00
Triangle Electricity	38.25	166.63	500.69	2,000.00
DSRP House Network/Phone	175.84	66.63	1,402.98	800.00
DSRP Electricity	147.46	100.00	918.72	1,200.00
DSRP House Septic	0.00	62.50	0.00	750.00
Stephenson Bldg Electric	111.76	166.63	1,229.89	2,000.00

For Management Purposes Only

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
Historic District	187.50	125.00	2,330.21	1,500.00
Charro Ranch Improvements	0.00	58.37	0.00	700.00
Founders Park/Pool Improvmts	(355.63)	6,250.00	73,832.12	75,000.00
Sports & Rec Park Improvements	61,900.00	17,833.37	71,356.00	214,000.00
DSRP Improvements	0.00	2,621.63	24,613.74	31,460.00
Stephenson Bldg	0.00	1,250.00	17,437.50	15,000.00
Stephenson Parking Lot	2,350.00	541.63	2,350.00	6,500.00
DSRP House Furniture & Equip	0.00	0.00	1,710.88	0.00
Copier Lease Expense	0.00	0.00	2,577.71	0.00
Street Maintenance	6,268.13	14,626.25	35,791.96	175,515.00
Transportation Improvements	4,141.25	55,801.63	317,258.50	669,620.00
General Parks Maintenance	0.00	666.63	61.81	8,000.00
Charro Ranch Maintenance	154.48	766.63	6,993.49	9,200.00
Founders Pool/Park Maintenance	0.00	750.00	7,531.62	9,000.00
Sports & Rec Park Maintenance	0.00	1,083.37	4,760.20	13,000.00
Triangle Maintenance	0.00	291.63	41.13	3,500.00
DSRP Maintenance	1,000.00	116.63	2,479.95	1,400.00
Stephenson Lawn Maintenance	0.00	0.00	400.00	0.00
Founders Park Lawn Maintenance	450.00	541.63	5,200.00	6,500.00
Sports & Rec Park Lawn Mainten	1,050.00	825.00	12,600.00	9,900.00
Triangle Lawn Maintenance	0.00	458.37	400.00	5,500.00
City Hall Lawn Maintenance	0.00	83.37	0.00	1,000.00
Charro Ranch Lawn Maintenance	0.00	575.00	6,100.00	6,900.00
S&R Trail Maintenance	0.00	416.63	2,220.00	5,000.00
Pool Maintenance	45.78	1,291.63	1,460.48	15,500.00
Founders Park/Pool Water	307.66	291.63	4,677.71	3,500.00
Sports & Rec Park Water	(8,299.14)	1,083.37	11,792.03	13,000.00
Triangle Water	35.63	16.63	441.60	200.00
City Hall Water	40.83	54.13	523.36	650.00
City Streets Water	282.05	250.00	3,981.21	3,000.00
Stephenson Bldg Water	35.63	41.63	442.12	500.00
Training/Education	816.95	3,446.06	12,416.67	41,352.50
Future Land Use Plan	0.00	2,500.00	0.00	30,000.00
Dues, Fees, Publications	2,934.09	2,002.12	19,748.11	24,025.00
Public Notices	1,169.40	500.00	8,358.40	6,000.00
Public Relations	0.00	416.63	2,497.05	5,000.00
Newsletter- Website	0.00	0.00	1,500.00	1,500.00
Code Publication	3,423.80	708.37	12,392.99	8,500.00
FD Publicity	24.46	0.00	1,977.48	8,500.00
FD Portable Toilets	0.00	0.00	0.00	6,500.00
FD Security	0.00	0.00	0.00	20,000.00
FD Traffic Plan & Barricades	0.00	0.00	5,247.20	19,874.00
FD Band	0.00	0.00	0.00	15,000.00
FD Clean Up	0.00	0.00	0.00	4,600.00
FD Postage/Supplies/Misc	0.00	0.00	83.00	7,000.00
FD Sponsorship	0.00	0.00	178.11	5,000.00
FD Parade	0.00	0.00	0.00	650.00
FD Tent, Table, Chairs	0.00	0.00	0.00	4,500.00
FD Electricity	0.00	0.00	0.00	1,800.00
FD Electrical setup	0.00	0.00	0.00	4,600.00
FD Contingencies	0.00	0.00	0.00	31,141.36
City Mileage	17.25	166.63	1,640.26	2,000.00
Christmas on Mercer St.	0.00	0.00	1,668.00	0.00
Miscellaneous Office Expense	(2,559.19)	1,666.63	(2,939.87)	20,000.00
Economic Development	0.00	0.00	5,000.00	5,000.00
Emergency Management	0.00	381.63	29,567.96	33,835.13
Emergency Equipment Maint	92.12	333.37	1,400.84	4,000.00
Emergency Fire& Safety	83.00	176.50	1,162.00	2,118.00

For Management Purposes Only

City of Dripping Springs GENERAL FUND  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
EM Mgt PR	0.00	441.63	0.00	5,300.00
COVID 19	7,304.11	0.00	20,356.70	0.00
Municipal Election	0.00	0.00	0.00	5,700.00
Contingencies	0.00	4,166.63	28,274.09	50,000.00
Transfer to Reserve Fund	0.00	0.00	125,000.00	125,000.00
TXF to TIRZ	0.00	0.00	510,527.92	180,471.77
TXF to DSRP OP	3,678.00	0.00	61,235.86	57,557.86
	<hr/>	<hr/>	<hr/>	<hr/>
Total Expenses	707,424.44	483,376.30	5,911,998.99	6,389,531.66
	<hr/>	<hr/>	<hr/>	<hr/>
Net Income	\$ (138,456.64)	\$ 626,341.44	\$ 346,638.17	\$ (161,624.24)

City of DS Wastewater Utility Fund  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
<b>Revenues</b>				
1/4 Cent Sales Tax	\$ 54,303.43	\$ 49,044.33	\$ 613,675.28	\$ 588,532.40
Solid Waste	0.00	0.00	36,414.42	36,000.00
Cable	0.00	9,583.37	132,067.92	115,000.00
Telephone Franchise Fees	1.68	1,250.00	12,921.68	15,000.00
PEC Franchise fees	0.00	0.00	125,824.80	120,000.00
Texas Gas Franchise Fees	0.00	300.00	3,542.07	3,600.00
Line Extensions	0.00	0.00	2,422.44	0.00
Delayed Connection Fees	25,000.00	17,345.87	154,286.88	208,150.00
Over Use fees	4,524.19	1,666.63	54,325.27	20,000.00
Transfer Fees	1,350.00	83.37	7,038.92	1,000.00
Wastewater Service	71,860.84	67,323.06	780,471.81	807,877.16
Reuse Fees	117,250.00	10,334.02	127,300.00	124,007.69
Interest Income	5,773.60	3,750.00	61,673.83	45,000.00
Late Fees	1,318.90	250.00	10,536.75	3,000.00
Other Income	1,648.08	2,500.00	54,275.06	30,000.00
TXF from TWDB	0.00	0.00	973,829.18	0.00
<b>Total Revenues</b>	<b>283,030.72</b>	<b>163,430.65</b>	<b>3,150,606.31</b>	<b>2,117,167.25</b>
<b>Expenses</b>				
Administrative	9,456.00	8,700.00	113,793.00	104,400.00
Operations- Routine	3,636.57	6,250.00	47,704.11	75,000.00
Operations Non Routine	18,397.73	4,166.63	68,386.53	50,000.00
Regulatory	0.00	291.63	1,877.76	3,500.00
Legal Fees	970.00	2,500.00	20,292.78	30,000.00
Financial	0.00	0.00	10,000.00	10,000.00
Planning/Permitting	516.25	4,166.63	66,026.05	50,000.00
Engineering and Surveying	1,288.93	1,666.63	39,487.57	20,000.00
Chlorinator Alarm	0.00	83.37	0.00	1,000.00
Discharge Amendment 2 1695-001	0.00	0.00	13,115.15	0.00
Construction Phase Services	0.00	833.37	0.00	10,000.00
Road Reconstruction	0.00	1,666.63	1,806.27	20,000.00
TWDB East Interceptor	23,966.40	0.00	103,079.94	0.00
TWDB West Interceptor	34,135.75	0.00	189,094.24	0.00
2nd Phase Ca Irrigation Fields	0.00	25,000.00	0.00	300,000.00
CIP 2nd Amend1881-001	0.00	416.63	0.00	5,000.00
TWDB 1923-001	1,741.65	0.00	32,259.87	0.00
TWDB Misc	16,541.81	0.00	1,145,910.79	0.00
Lift Station Upgrades	0.00	0.00	46,734.58	0.00
Reclaimed Water Fac 1953-001	12,082.50	0.00	94,079.37	0.00
Reclaim Wtr Hold Pond 1952-001	6,135.00	0.00	30,062.50	0.00
Sewer CAD Modeling	0.00	0.00	36,480.40	0.00
Other Expense	10,251.25	416.63	37,892.70	5,000.00
WW Lawn Maintenance	0.00	0.00	10,878.86	0.00
System Maintenance and Repair	0.00	1,666.63	14,064.56	20,000.00
Odor Control	5,900.00	1,250.00	6,026.82	15,000.00
Jetting Lines	0.00	833.37	20,173.46	10,000.00
Drip Field Repairs	51.18	1,666.63	6,049.99	20,000.00
Lift Station Cleaning	0.00	333.37	4,731.73	4,000.00
Meter Calibration	0.00	58.37	0.00	700.00
Chlorinator Maintenance	501.27	208.37	2,546.27	2,500.00
Drip Field Maintenance	201.15	833.37	490.13	10,000.00
Electric	5,062.27	3,750.00	42,974.86	45,000.00
Phone	171.80	250.00	6,217.76	3,000.00
Supplies	1,453.68	250.00	11,012.68	3,000.00
Chemicals	319.70	666.63	6,891.59	8,000.00

For Management Purposes Only

City of DS Wastewater Utility Fund  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
Lab Testing	2,601.91	2,083.37	48,857.23	25,000.00
Sludge Hauling	3,450.00	6,666.63	80,427.50	80,000.00
Wastewater Flow Measurement	590.00	750.00	7,080.00	9,000.00
Pump Repairs	0.00	0.00	3,957.47	0.00
Lift Station Repairs & Maint	1,339.24	1,250.00	32,583.20	15,000.00
WWTP Repairs	0.00	2,500.00	23,600.80	30,000.00
Equipment	0.00	1,416.63	13,267.49	17,000.00
Pump and Haul	0.00	2,500.00	97,140.00	30,000.00
Water CCN Application	0.00	0.00	0.00	5,000.00
Reimb Caliterra West Intercept	0.00	41,666.63	0.00	500,000.00
Dues, Fees and Subscriptions	0.00	8.37	0.00	100.00
Transfer to Water Fund	0.00	0.00	0.00	12,000.00
<b>Total Expenses</b>	<u>160,762.04</u>	<u>126,766.52</u>	<u>2,537,056.01</u>	<u>1,548,200.00</u>
<b>Net Income</b>	<u>\$ 122,268.68</u>	<u>\$ 36,664.13</u>	<u>\$ 613,550.30</u>	<u>\$ 568,967.25</u>

DSRP Operating Fund  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
<b>Revenues</b>				
Riding Series	\$ 514.00	\$ 6,666.63	\$ 61,125.50	\$ 80,000.00
Fair and Rodeo Profit	0.00	0.00	0.00	5,500.00
General Donations	0.00	0.00	6.00	0.00
Cleaning Fees	200.00	291.63	8,789.19	3,500.00
Staff Fees	0.00	208.37	1,186.25	2,500.00
Horse Riding Permits	942.46	1,000.00	9,903.56	12,000.00
Interest Income	21.84	83.37	873.33	1,000.00
Other Income	39.00	500.00	10,948.78	6,000.00
Field Rental	0.00	0.00	1,396.25	0.00
Miscellaneous Fees	30.00	0.00	850.00	0.00
Indoor Arena Rental	300.00	0.00	20,497.81	0.00
Event Facility Rental	0.00	8,333.37	3,250.00	100,000.00
House Rental	0.00	333.37	0.00	4,000.00
RV Site Rental	1,000.00	1,875.00	12,090.07	22,500.00
Stall Rental	810.00	1,083.37	19,886.07	13,000.00
Outdoor Arena	0.00	0.00	850.00	0.00
Equipment Rental	0.00	500.00	4,545.25	6,000.00
Special Event Room Rental	1,500.00	0.00	10,362.50	0.00
Merchandise Sales	222.39	833.37	10,058.37	10,000.00
TXF from HOT Parking Lot	0.00	0.00	0.00	50,000.00
NA Small Event Room	800.00	0.00	4,800.00	0.00
Small Indoor Arena	2,300.00	0.00	2,300.00	0.00
NA Concession	0.00	0.00	800.00	0.00
DSRP Concessions	0.00	0.00	1,057.03	0.00
TXF from Gen Fund	3,678.00	0.00	61,235.86	57,557.86
TXF from HOT	21,000.00	0.00	67,138.76	135,759.76
DSRP Sponsorship	0.00	0.00	300.00	0.00
TXF from Landscape Fund	0.00	0.00	0.00	20,700.00
TXF from Ag Facility Fund	0.00	0.00	12,180.00	2,555.00
<b>Total Revenues</b>	<b>33,357.69</b>	<b>21,708.48</b>	<b>326,430.58</b>	<b>532,572.62</b>
<b>Expenses</b>				
Advertising	0.00	41.63	529.00	500.00
Bank Fees	125.91	0.00	1,047.43	0.00
DSRP ON CALL	800.00	866.63	7,200.00	10,400.00
Training and Education	439.80	266.25	4,544.63	3,195.00
Stall Cleaning	0.00	166.63	600.00	2,000.00
Lawn Maintenance	850.00	1,000.00	15,450.00	12,000.00
General Maintenance & Repairs	4,528.83	4,583.37	11,953.54	55,000.00
Dues, Fees and Subscriptions	0.00	83.37	1,072.00	1,000.00
Fair & Rodeo Expense	0.00	0.00	50.00	0.00
Network/Communications	1,097.94	1,291.63	6,830.83	15,500.00
Riding Series	485.00	3,333.37	32,541.90	40,000.00
DSRP Postage	0.00	0.00	5.99	0.00
Merchandise Supplies	0.00	416.63	9,594.00	5,000.00
DSRP Improvements	0.00	5,833.37	79,957.04	70,000.00
Other Expense	0.00	208.37	299.07	2,500.00
Mileage	0.00	125.00	340.50	1,500.00
Alarm	0.00	0.00	1,280.00	1,080.00
Propane/Gas	0.00	291.63	1,819.01	3,500.00
Electric	4,820.41	5,000.00	55,055.38	60,000.00
Phone	0.00	0.00	33.08	0.00
Water	952.24	1,250.00	7,894.14	15,000.00
Supplies	123.63	1,666.63	19,292.53	20,000.00
Office Equipment and Supplies	(1,151.37)	250.00	6,216.10	3,000.00

For Management Purposes Only



DSRP Operating Fund  
Income Statement  
For the Twelve Months Ending September 30, 2020

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget
TXF to HCLE	0.00	2,166.63	2,280.00	26,000.00
Portable Toilets	65.00	66.63	780.00	800.00
Drainage Repairs	21,000.00	9,166.63	21,000.00	110,000.00
Equipment Maintenance	0.00	1,666.63	17,252.17	20,000.00
Equipment	25,000.00	1,666.63	47,101.76	20,000.00
Equipmental Rental	0.00	83.37	1,796.68	1,000.00
Fleet Maintenance	0.00	0.00	406.77	0.00
Contingencies	0.00	0.00	13,168.00	0.00
TXF to Gen Fund	0.00	0.00	15,500.00	15,500.00
<b>Total Expenses</b>	<u>59,137.39</u>	<u>41,491.03</u>	<u>382,891.55</u>	<u>514,475.00</u>
<b>Net Income</b>	<u>\$ (25,779.70)</u>	<u>\$ (19,782.55)</u>	<u>\$ (56,460.97)</u>	<u>\$ 18,097.62</u>



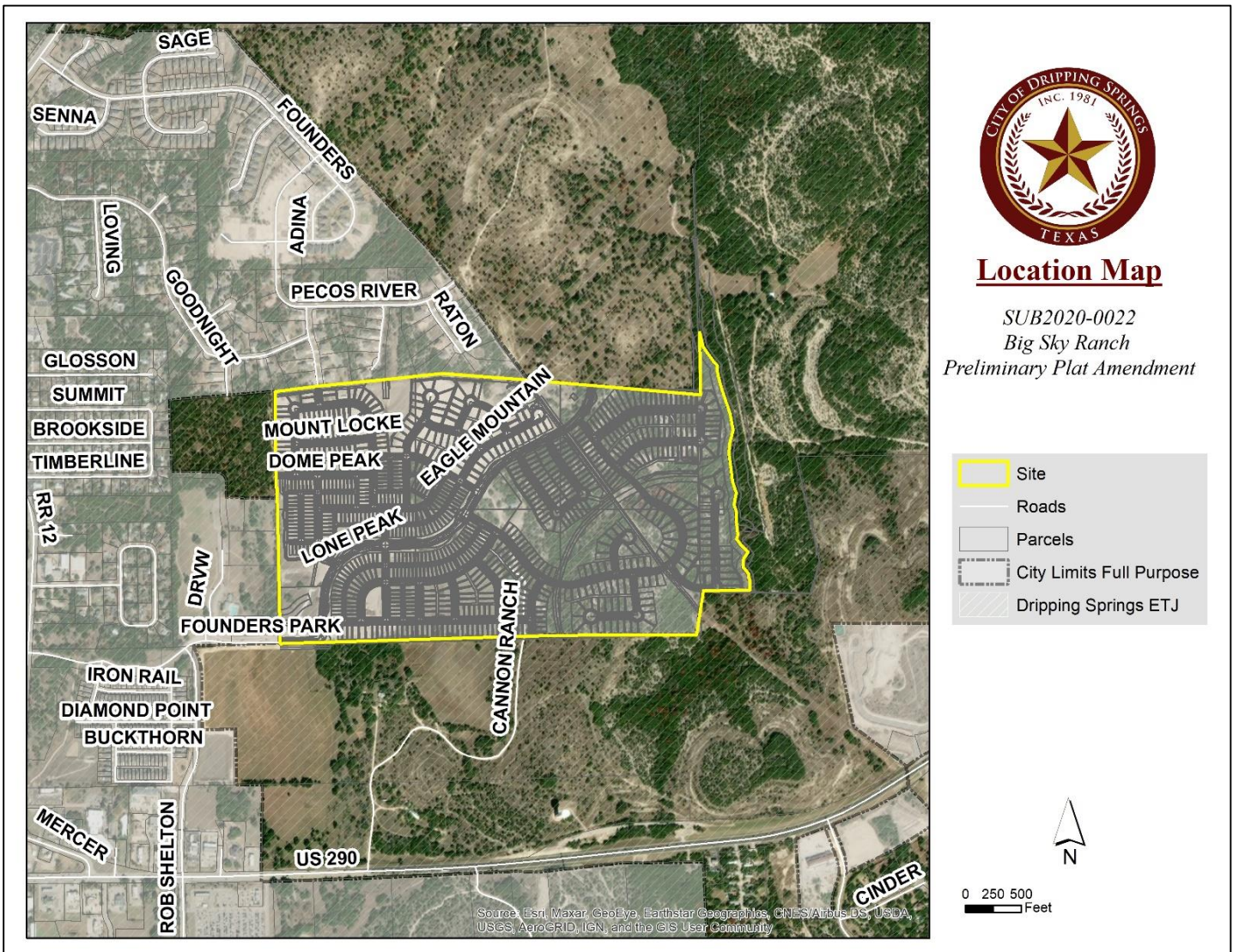
# City Council Planning Department Staff Report

Item # 7.

**City Council Meeting:** October 13, 2020  
**Project No:** SUB2020-0022  
**Project Planner:** Amanda Padilla, Senior Planner

### Item Details

**Project Name:** Big Sky Preliminary Plat Amendment  
**Property Location:** Lone Peak way at Founders Park Road, Dripping Springs Texas  
Approximately 200.4 acres out of the Phillip A. Smith League, Survey No. 26, Abstract No. 415 and 13.585 acres out of the LV Davis Jr. Preemption Survey, Abstract No. 673.  
**Legal Description:**  
**Applicant:** Chris Reid, P.E. Doucet & Associates, Inc  
**Property Owner:** Meritage Homes of Texas, LLC  
**Request:** Applicant is requesting to amend the Big Sky Ranch Preliminary Plat.  
**Staff recommendation:** Staff is recommending disapproval of the plat with the outstanding comments attached.



## Overview

The applicant is requesting to amend the Big Sky Ranch preliminary plat, the subject property that is approximately 213.985 acres. The property is generally located north of US Hwy 290 and east of Ranch Road 12 within the City's City Limits. The property is zoned Planned Development District No. 10. Big Sky Ranch is comprised of approximately 200.4 acres located northeast of the intersection of Hwy 290 and Ranch Road 12 and adjacent to Founders Park, and wholly within the City Limits of Dripping Springs, Texas. This revision adds approximately 13.6 acres (40 lots) of the Cynosure Tract into the Big Sky Ranch development, creating a contiguous 214-acre development with residential lots, public and private parkland, and undisturbed open space. It is still anticipated that the project will be designed, permitted, and constructed in the four (4) phases originally planned (See Exhibit A – Location Map). This proposed revision introduces no right-of-way (ROW) width, lot frontage width, or pavement width modifications to the previously approved preliminary plan.

The Preliminary Plat is also subject to the Development Agreement which was recorded at the County Clerks Department as Document #18028627 in Hays County, Texas date July 10th, 2018.

The Planned Development District No 10 was amended to include the 13.585 – acre tract at the June 9, 2020 City Council meeting.

Big Sky Ranch Preliminary Plat utility providers are listed below:

Wastewater- City of Dripping Springs

Water – Dripping Springs Water Supply Corporation

Electric- Pedernales Electric Cooperative

Phone - Frontier

On May 12, 2020, the parkland dedication was approved at the City Council Regular meeting.

## Recommendation:

Staff is recommending *disapproval of the plat with the outstanding comments* attached (see below Section).

The property is within a Planned Development District and a Development Agreement, once all comments have been met the proposed plat will be consistent and comply with the development standards set forth in the Development Agreement and City Ordinances.

## Outstanding Comments:

Please see Exhibit 3- Outstanding Comments Letter

## Public Notification

Signs were posted on the-site, notice was placed on the City Website.

## Meetings Schedule

September 22, 2020 Planning and Zoning Commission

October 13, 2020 City Council/ Board of Adjustments

# Planning Department Staff Report

## Attachments

Exhibit 1 – Subdivision Application

Exhibit 2 – resubmitted Preliminary Plat

Exhibit 3 – Outstanding Comments Letter

Exhibit 4 – Planned Development District No 10 Ordinance

Exhibit 5 – Parkland Dedication Approved

Recommended Action	Deny Plat with the outstanding comments.
Alternatives/Options	Approve the Plat; Approve the Plat with Conditions
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



# CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

Item # 7.

## PRELIMINARY PLAT APPLICATION

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

### MEETINGS REQUIRED

(AS APPLICABLE PER SUBDIVISION ORDINANCE)

INFORMAL CONSULTATION

PRE-APPLICATION CONFERENCE

DATE: \_\_\_\_\_

DATE: 4/07/20

NOT SCHEDULED

NOT SCHEDULED

### CONTACT INFORMATION

APPLICANT NAME Christopher A. Reid, P.E.

COMPANY Doucet & Associates, Inc.

STREET ADDRESS 7401B Hwy. 71 W., Ste. 160

CITY Austin STATE TX ZIP CODE 78735

PHONE 512-583-7645 EMAIL creid@doucetengineers.com

OWNER NAME \_\_\_\_\_

COMPANY Meritage Homes of Texas, LLC

STREET ADDRESS 8920 Business Park Dr., Ste. 350

CITY Austin STATE TX ZIP CODE 78759

PHONE 512-615-6432 EMAIL rob.archer@meritagehomes.com

PROPERTY INFORMATION	
PROPERTY OWNER NAME	Meritage Homes of Texas, LLC
PROPERTY ADDRESS	Lone Peak Way at Founders Park Dr.
CURRENT LEGAL DESCRIPTION	Approximately 200.4 acres out of the Phillip A. Smith League, Survey No. 26, Abstract No. 415 and 13.585 acres out of the LV Davis Jr. Preemption Survey, Abstract No. 673.
TAX ID #	R17869, R18077, R12923, R12924, R19906, R19907
LOCATED IN	<input checked="" type="checkbox"/> City Limits <input type="checkbox"/> Extraterritorial Jurisdiction
CURRENT LAND ACREAGE	213.985 acres
SCHOOL DISTRICT	Dripping Springs ISD
ESD DISTRICT(S)	ESD #6
ZONING/PDD/OVERLAY	PDD #10: Big Sky (Amended 6/9/20)
EXISTING ROAD FRONTAGE	<input type="checkbox"/> Private Name: _____ <input type="checkbox"/> State Name: _____ <input checked="" type="checkbox"/> City/County (public) Name: <u>Founders Park Rd.</u>
DEVELOPMENT AGREEMENT? (If so, please attach agreement)	<input checked="" type="checkbox"/> Yes (see attached) <input type="checkbox"/> Not Applicable Annexation & Development Agreement for Scott Tract Development Agreement Name: _____


ENVIRONMENTAL INFORMATION	
IS PROPERTY OVER THE EDWARDS AQUIFER RECHARGE ZONE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
IS PROPERTY OVER THE BARTON SPRINGS CONTRIBUTING ZONE TO THE EDWARDS AQUIFER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IS PROPERTY WITHIN A FEMA FLOODPLAIN AS DEFINED BY THE MOST CURRENT FIRM?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

<b>PROJECT INFORMATION</b>	
PROPOSED SUBDIVISION NAME	Big Sky Ranch Preliminary Plat Amendment
TOTAL ACREAGE OF DEVELOPMENT	211.4 acres
TOTAL NUMBER OF LOTS	804 (40 new lots)
AVERAGE SIZE OF LOTS	
INTENDED USE OF LOTS	<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL/OTHER: _____
# OF LOTS PER USE	RESIDENTIAL: <u>804</u> COMMERCIAL: _____ INDUSTRIAL: _____
ACREAGE PER USE	RESIDENTIAL: <u>211.4</u> COMMERCIAL: _____ INDUSTRIAL: _____
LINEAR FEET (ADDED) OF PROPOSED ROADS	PUBLIC: <u>30,387 LF</u> PRIVATE: _____
ANTICIPATED WASTEWATER SYSTEM	<input type="checkbox"/> CONVENTIONAL SEPTIC SYSTEM <input type="checkbox"/> CLASS I (AEROBIC) PERMITTED SYSTEM <input checked="" type="checkbox"/> PUBLIC SEWER
WATER SOURCES	<b>SURFACE WATER</b> <input type="checkbox"/> PUBLIC WATER SUPPLY <input type="checkbox"/> RAIN WATER <b>GROUND WATER*</b> <input type="checkbox"/> PUBLIC WELL <input type="checkbox"/> SHARED WELL <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY
<p>*IF DOING GROUND WATER PROVISION FOR THE DEVELOPMENT USING GROUNDWATER RESOURCES, THE HAYS-TRINITY GROUNDWATER CONSERVATION DISTRICT MUST BE NOTIFIED:</p> <p>HAYS-TRINITY GCD NOTIFIED?   <input type="checkbox"/> YES   <input checked="" type="checkbox"/> NO</p>	

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620

512.858.4725 • [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com)

COMMENTS: \_\_\_\_\_

TITLE: Sr. Project Manager SIGNATURE: 

**PUBLIC UTILITY CHECKLIST**

**ELECTRIC PROVIDER NAME** (if applicable): Pedernales Electric Cooperative

VERIFICATION LETTER ATTACHED  NOT APPLICABLE

**COMMUNICATIONS PROVIDER NAME** (if applicable): Frontier Communications

VERIFICATION LETTER ATTACHED  NOT APPLICABLE

**WATER PROVIDER NAME** (if applicable): Dripping Springs Water Supply Corporation

VERIFICATION LETTER ATTACHED  NOT APPLICABLE

**WASTEWATER PROVIDER NAME** (if applicable): City of Dripping Springs

VERIFICATION LETTER ATTACHED  NOT APPLICABLE

**GAS PROVIDER NAME** (if applicable): Texas Gas

VERIFICATION LETTER ATTACHED  NOT APPLICABLE

PARKLAND DEDICATION?	AGRICULTURE FACILITIES (FINAL PLAT)?
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NOT APPLICABLE



**COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE?\***

*(See attached agreement)*

\*If proposed subdivision is in the City Limits, compliance with the Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement, or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (see Outdoor Lighting tab on the city's website at [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com) and online Lighting Ordinance under the Code of Ordinances tab for more information).

YES (REQUIRED)    YES (VOLUNTARY\*)    NO

**APPLICANT'S SIGNATURE**

Note: An additional signature is required on page 7 of the application verifying completeness. Applications should be submitted **only** when all required information is included in the submittal.

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below signed applicant is not the owner of said property, the signature of the property owner must be included below, or consent must be attached (If a corporation, please list title, and name of corporation.)

Christopher A. Reid, P.E., Doucet & Associates, Inc.

Applicant Name

*C.A. Reid*

8/05/2020

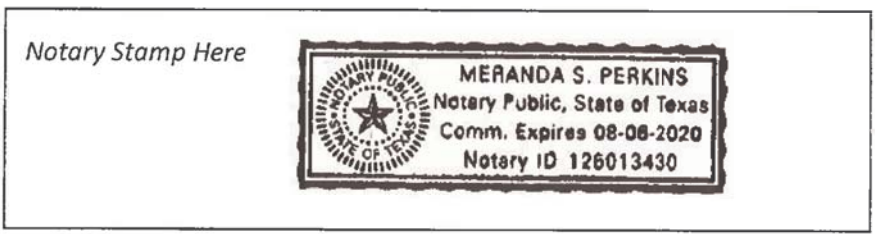
Applicant Signature

*Meranda S. Perkins*

Date  
8/05/2020

Notary

Date



Meritage Homes of Texas, LLC

Property Owner Name

*R. H. [Signature]* FOR MERITAGE


8-10-2020

Property Owner Signature

HOUSES OF TEXAS, LLC

Date

All required items and information (including all applicable below listed exhibits and fees) must be received by the City for an application and request to be considered complete. Incomplete submissions will not be deemed filed and complete. By signing below, I acknowledge that I have read through and met all requirements for a complete submittal:

Applicants Signature:  Date: 8/5/20

**For projects within the ETJ, per the City of Dripping Springs Interlocal Cooperation Agreement with Hays County, a county subdivision application must also be submitted for review to the City. Fees for Hays County shall also be paid. The City will forward the application and Hays County Fees to the County.**

<b>PRELIMINARY PLAT CHECKLIST</b>		
<b>Subdivision Ordinance, Section 4</b>		
STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed application form – including all required notarized signatures
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application fee (refer to Fee Schedule)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copies/PDF of all submitted items – please provide a coversheet outlining what digital contents are included on the CD/USB drive.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Data (GIS) of Subdivision
<input type="checkbox"/>	<input type="checkbox"/> N/A	County Application Submittal – proof of online submission (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ESD No. 6 Application (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	\$240 Fee for ESD No. 6 Application (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contract Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineer’s Summary Report
<input type="checkbox"/>	<input type="checkbox"/>	Preliminary Drainage Study
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Preliminary Plats (1 Copy required – 11 x 17)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tax Certificates – verifying that property taxes are current
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Notice Letter to the School District – notifying of preliminary submittal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development Agreement/PDD (If applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utility Service Provider “Will Serve” Letters
<input type="checkbox"/>	<input type="checkbox"/> N/A	Documentation showing approval of driveway locations (TxDOT, County,)
<input type="checkbox"/>	<input type="checkbox"/>	Documentation showing Hays County 911 addressing approval (if applicable)

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620

512.858.4725 • [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parkland Dedication Submittal (narrative, fees)
<input type="checkbox"/>	<input type="checkbox"/>	\$25 Public Notice Sign Fee
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ITE Trip Generation Report, or if required; a Traffic Impact Analysis
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geologic Assessment Identifying Critical Environmental Features [Sub. Ord. 4.8(l)(4)]
<input type="checkbox"/>	<input type="checkbox"/> N/A	OSSF Facility Planning Report or approved OSSF permit ( <i>if applicable</i> )
<input type="checkbox"/>	<input type="checkbox"/> N/A	Hays Trinity Groundwater Conservation District approval of water well ( <i>if applicable</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Preliminary Conference Form signed by City Staff
<b>PRELIMINARY PLAT INFORMATION REQUIREMENTS</b>		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A vicinity, or location, map that shows the location of the proposed Preliminary Plat within the City (or within its ETJ) and in relationship to existing roadways.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments (per the City Engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot or Unit (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location, widths and names of all streets, alleys and easements (it shall be the applicant's responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of proposed street names shall be submitted (in the form of a letter or memo along with the application form) for all new street names (street name approval is required at the time the Preliminary Plat is approved)

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620

512.858.4725 • [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains (can be shown on a separate sheet, if preferred), gas mains or other underground structures, or other existing features within the area proposed for subdivision;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed arrangement and square footage of lots or Units (including lot and block numbers or Unit numbers) proposed use of same; for nonresidential uses, the location and size of buildings, existing and proposed. This information shall be provided on a separate sheet, such as on a concept plan or the final site plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All sheets shall have a title block which shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of Hays County, Texas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the 100-year floodplain (pursuant to the flood study, if required by the City Engineer) that may be within or adjacent to (i.e., within 100 feet of) the property (final monumentation of the floodplain shall occur, and shall be shown, on the final plat prior to approval and filing at the County) - if no floodplain is present, then a note stating this shall be shown on the plat
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Areas contributing drainage to the proposed subdivision shall be shown in the drainage study and construction plans; locations proposed for drainage discharge from the site shall be shown by directional arrows.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All physical features of the property to be subdivided shall be shown, including: <ul style="list-style-type: none"> <li>- The location and size of all watercourses; and</li> <li>- 100-year floodplain according to Federal Emergency Management Agency (FEMA) information; and</li> </ul>

		<ul style="list-style-type: none"> <li>- Water Quality Buffer Zones as required by [WQO 22.05.017]</li> <li>- Drainage ways and drainage easements. Drainage easements are required for bypass of any offsite flows and for concentrated flows conveyed across lots. Drainage easements shall be large enough to contain the 100-yr storm [Sub. Ord. 12.2.2].</li> <li>- U.S. Army Corps of Engineers flowage easement requirements; and</li> <li>- All critical environmental features (CEFs) such as karsts, springs, sinkholes, caves, etc., to be located and documentation to be signed and certified by a geologist. All CEF to have a minimum setback of 150'. All designated wetlands to be certified as such by an accredited wetland biologist relying the presence of wetlands plant species. Applicant to include a slope map identifying the breakdown of all lands in categories from 0% to 15 slope, 15 to 30 slope, and over 30% slope; and</li> <li>- Ravines; and</li> <li>- Bridges; and</li> <li>- Culverts; and</li> <li>- Existing structures; and</li> <li>- Drainage area in acres or area draining into subdivisions (to be included in drainage study and construction plans); and</li> <li>- Outline of major wooded areas or the location of major or important individual trees (excluding Cedar Trees) with trunk diameters exceeding twelve inches (12") measured four feet (4') above the ground, and other features pertinent to subdivision; is defined in the City's Technical Construction Standards and Specifications, and the City's Landscape Ordinance.</li> </ul>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Provide notes identifying the following:</p> <ul style="list-style-type: none"> <li>• Owner responsible for operation and maintenance of stormwater facilities.</li> <li>• Owner/operator of water and wastewater utilities.</li> <li>• Owner/operator of roadway facilities</li> </ul>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Schematic Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated</p>

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Proposed phasing of the development: Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the Preliminary Plat, shall provide a schedule of development, the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Engineer shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the City Engineer determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>All Preliminary Plats shall be submitted in a legible format that complies with Hays County requirements for the filing of plats.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Existing zoning of the subject property and all adjacent properties if within the city limits.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Construction Traffic Plan showing proposed routes for construction vehicle traffic and points of ingress and egress of such vehicles during construction; temporary construction easement approvals if needed, this shall be sealed by a registered engineer</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Certificates and other language shall be included on the plat, pursuant to the following Subsections: A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant.</p> <ul style="list-style-type: none"> <li>- A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant.</li> <li>- An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest one hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.</li> <li>- The registered professional land surveyor’s certificate, with a place for his or her signature and notarization of his or her signature.</li> <li>- A place for plat approval signature of the Chair or Vice Chair, in the Chair’s absence) of the Planning and Zoning Commission, a place for the City Secretary to attest such signature, and the approval dates by Planning and Zoning Commission.</li> <li>- Appendices to this Chapter contain certificates and languages to be used on the plat to accommodate the above requirements:</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<p>If any amount of surface water is to be used by the subject property, the Applicant must provide documentation to the City establishing that the Applicant has notified the following entities of the Applicant’s plans for the</p>

		project: Lower Colorado River Authority (LCRA), and the United States Fish and Wildlife Service (USFWS).
--	--	--

### NARRATIVE OF COMPLIANCE

A written narrative describing how all portions of the subdivision meets all requirements of this code and other codes, including landscaping, lighting, parkland dedication, site development, water quality protection, and zoning, as may be relevant.

Outdoor Lighting, Article 24.06	Per PDD 10, the subdivision will comply with the Outdoor Lighting Ordinance
Parkland Dedication, Article 28.03	<p>Per 2.4.12 Parkland and Exhibit C of PDD 10, 44.8 acres of Total Parkland/Open Space was dedicated.</p> <p>Per 3.4.12 Parkland of PDD 10, in addition to the previously dedicated Parkland in 2018, the development will provide 0.6 acres in parkland dedication as recommended by the Parks &amp; Recreation Commission on 5/4/20 and approved by City Council 5/12/20. No additional dedication or fee-in-lieu is required for Tract 2 beyond that.</p>
Landscaping and Tree Preservation, Article 28.06	Per 3.9 Tree Replacement Plan of PDD 10, a tree survey is submitted with this preliminary plat.



<p>Subdivision, 28.02, Exhibit A</p>	<p>This section shall also include, depending on what type of plat is being filed, how public or private improvements will meet City standards, including water quality, drainage, stormwater, and fire (if applicable).</p> <p>The design of the subdivision is in accordance with the approved Development Agreement and PDD 10.</p>
<p>Zoning, Article 30.02, Exhibit A</p>	<p>The design of the subdivision is in accordance with the approved PDD 10.</p>

PARKLAND SUMMARY			
CATEGORY	DESCRIPTION	LOT#	Area (AC)
<1.0 AC	PRIVATE OPEN SPACE	1	0.17
	PUBLIC PARKLAND	24	0.59
	PUBLIC PARKLAND	23	0.54
	PRIVATE PARKLAND	19	0.43
	PUBLIC PARKLAND	47	0.51
	PUBLIC PARKLAND	47	0.03
	PUBLIC PARKLAND	45	0.73
	PUBLIC PARKLAND	39	12.03
	PUBLIC PARKLAND	48	24.07
	PUBLIC PARKLAND	29	38.00
1.0-2.0 AC	PRIVATE OPEN SPACE	29	0.50
	PUBLIC PARKLAND	27	0.30
	PUBLIC PARKLAND	27	0.07
	PUBLIC PARKLAND	36	11.04
	PUBLIC PARKLAND	14	11.01
	TOTAL	20	5.12
	PUBLIC PARKLAND	37	33.19
	PUBLIC PARKLAND	1	1.10
	PUBLIC PARKLAND	42	1.35
	TOTAL	5	4.34
2.0-3.0 AC	PUBLIC PARKLAND	1	4.15
	PUBLIC PARKLAND	2	3.73
	PRIVATE PARKLAND	1	3.08
	PRIVATE OPEN SPACE	8	3.17
	PRIVATE OPEN SPACE	53	2.86
	PRIVATE OPEN SPACE	49	3.21
	PUBLIC PARKLAND	38	3.39
	PUBLIC PARKLAND	41	3.76
	PRIVATE OPEN SPACE	43	4.22
	TOTAL	7	31.57
5.0-10.0 AC	PUBLIC PARKLAND	B35-14	7.38

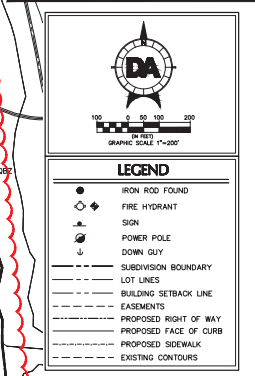
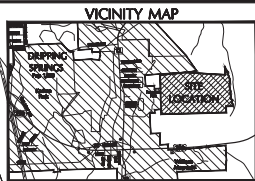
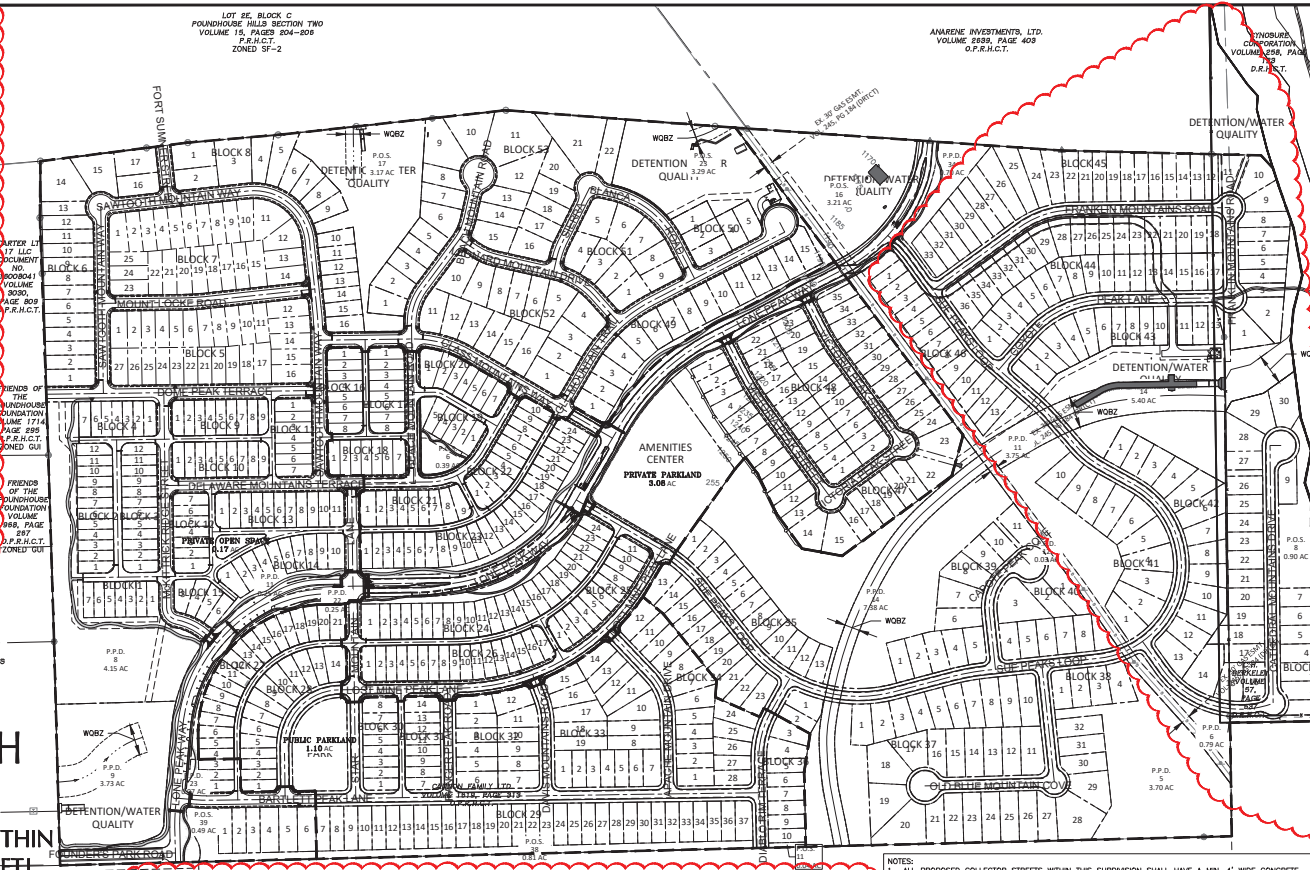
LOT SETBACKS	
FRONT	10'
REAR	10'
SIDE	5'
CORNER	7.5'

R.O.W. WIDTHS	
ALLEY	20'/28'
LOCAL	50'
COLLECTOR	70'

PAVEMENT WIDTHS	
LOCAL	28'
COLLECTOR	32'



SITE DATA TABLE	
TOTAL SITE AREA	211.05 AC
RESIDENTIAL LOTS A (34' X 115')	282 28.06 AC
RESIDENTIAL LOTS B (45' X 120')	368 13.82 AC
RESIDENTIAL LOTS C (60' X 120')	155 6.55 AC
TOTAL RESIDENTIAL LOTS	805 48.43 AC
PUBLIC PARKLAND	905 28.20 AC
PRIVATE OPEN SPACE	11 14.54 AC
PRIVATE PARKLAND	2 4.36 AC
STREET R.O.W.	30,387 LF
NUMBER OF BLOCKS	54

TOTAL PHASE ONE AREA	
TOTAL PHASE ONE AREA	70.20 AC
RESIDENTIAL LOTS A (34' X 115')	104 10.38 AC
RESIDENTIAL LOTS B (45' X 120')	85 13.82 AC
RESIDENTIAL LOTS C (60' X 120')	67 14.74 AC
PUBLIC PARKLAND	4 8.20 AC
PRIVATE OPEN SPACE	3 6.95 AC
PRIVATE PARKLAND	0 0.00 AC

TOTAL PHASE TWO AREA	
TOTAL PHASE TWO AREA	35.92 AC
RESIDENTIAL LOTS A (34' X 115')	130 12.69 AC
RESIDENTIAL LOTS B (45' X 120')	58 8.24 AC
RESIDENTIAL LOTS C (60' X 120')	0 0.00 AC
PUBLIC PARKLAND	5 1.67 AC
PRIVATE OPEN SPACE	1 0.89 AC
PRIVATE PARKLAND	1 3.06 AC

TOTAL PHASE THREE AREA	
TOTAL PHASE THREE AREA	80.07 AC
RESIDENTIAL LOTS A (34' X 115')	0 0.00 AC
RESIDENTIAL LOTS B (45' X 120')	137 26.32 AC
RESIDENTIAL LOTS C (60' X 120')	88 19.89 AC
PUBLIC PARKLAND	6 18.33 AC
PRIVATE OPEN SPACE	6 6.39 AC
PRIVATE PARKLAND	0 0.00 AC

TOTAL PHASE FOUR AREA	
TOTAL PHASE FOUR AREA	24.86 AC
RESIDENTIAL LOTS A (34' X 115')	48 5.01 AC
RESIDENTIAL LOTS B (45' X 120')	88 13.17 AC
RESIDENTIAL LOTS C (60' X 120')	0 0.00 AC
PUBLIC PARKLAND	0 0.00 AC
PRIVATE OPEN SPACE	1 0.81 AC
PRIVATE PARKLAND	1 1.10 AC

# BIG SKY RANCH SUBDIVISION

## HAYS COUNTY, TEXAS WITHIN THE DRIPPING SPRINGS ETJ

**OWNER/DEVELOPER:** MATTHEW SCRIVENER  
HERITAGE HOMES  
6920 BUSINESS PARK DRIVE, SUITE 250  
AUSTIN, TEXAS 78759  
(512)955-0409

**CONTACT:** MATTHEW SCRIVENER

**ENGINEER:** DOUCET & ASSOCIATES  
7401 B HWY. 71 WEST, SUITE 800  
AUSTIN, TEXAS 78735  
(512) 583-2600

**CONTACT:** CHRIS A. REDD, PE - MANAGING ENGINEER

**LAND SURVEY:** DOUCET & ASSOCIATES, INC.  
7401 B HWY. 71 WEST, SUITE 800  
AUSTIN, TEXAS 78735  
(512) 583-2600

**CONTACT:** GARRETT CAVALUOLO, RPLS.

**UTILITY PROVIDERS:** WATER: DRIPPING SPRINGS WATER SUPPLY CORP.  
WASTEWATER: CITY OF DRIPPING SPRINGS  
ELECTRIC: MIDLANDS ELECTRICAL COOPERATIVE  
TELEPHONE: FRONTIER COMMUNICATIONS

**JURISDICTION:** CITY OF DRIPPING SPRINGS  
1/2 MILE EXTRA TERRITORIAL JURISDICTION (ETJ)

**LEGAL DESCRIPTION:** BEING A 211.05 ACRES (9,303,300 SQUARE FEET) TRACT OF LAND OUT OF THE IV. DAVIS, JR. PREEMPTION SURVEY, ABSTRACT NUMBER 673, AND THE PHILIP A. SMITH SURVEY NUMBER 26, ABSTRACT 418, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 2910.4 ACRE TRACT, DESCRIBED TO CYNOSURE CORPORATION, AS RECORDED IN VOLUME 236, PAGE 123 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 2004.4 ACRE TRACT, DESCRIBED TO HERITAGE HOMES OF TEXAS, L.L.C. AS RECORDED IN DOCUMENT NUMBER 16036474 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

**SITE AREA:** 211.05 ACRES

**BENCHMARK:** WENCH WOOD FOUND IN THE NORTH LINE OF THAT CALLED 2723.2-ACRE TRACT DESCRIBED TO KATHERINE BERKLEY CANNON, ET AL. IN VOLUME 198, PAGE 81 DEED, FOR THE SOUTHWEST CORNER OF THAT CALLED 1576-ACRE TRACT DESCRIBED TO CITY OF DRIPPING SPRINGS AS RECORDED IN VOLUME 174, PAGE 289 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (PLPACT)

**WATERSHED:** THIS PROJECT IS LOCATED WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.

**FLOODPLANE:** ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP FOR HAYS COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48209C0010, DATED SEPTEMBER 3, 2002, NO PORTIONS OF THIS SUBDIVISION ARE LOCATED WITHIN THE 100-YEAR FLOOD PLAIN.

PUBLIC ROADWAY TABLE			
STREET NAME	R.O.W. PAVEMENT C&G	LENGTH	SIDEWALK
APACHE MOUNTAIN DRIVE	50' 28'	609.22 LF	BOTH SIDES 4' WIDE
BARRETT PEAK LANE	50' 28'	1,429.55 LF	BOTH SIDES 4' WIDE
BEACH MOUNTAIN ROAD	50' 28'	1,049.33 LF	BOTH SIDES 4' WIDE
CAPTIVE PEAK COVE	50' 28'	4,393.93 LF	BOTH SIDES 4' WIDE
CATHEDRAL MOUNTAIN DRIVE	50' 28'	1,375.90 LF	BOTH SIDES 4' WIDE
COYOTE PEAK LANE	50' 28'	1,041.95 LF	BOTH SIDES 4' WIDE
DAVIS MOUNTAINS ROAD	50' 28'	397.40 LF	BOTH SIDES 4' WIDE
DELAWARE MOUNTAIN TERRACE	50' 28'	1,304.83 LF	BOTH SIDES 4' WIDE
DIABLO RIM TERRACE	50' 28'	568.27 LF	BOTH SIDES 4' WIDE
DOME PEAK TERRACE	50' 28'	878.87 LF	BOTH SIDES 4' WIDE
EAGLE MOUNTAIN TRAIL	50' 28'	2,286.02 LF	BOTH SIDES 4' WIDE
FORT SUMNER ROAD	50' 28'	1,740.55 LF	BOTH SIDES 4' WIDE
FOUNDER'S PARK ROAD	50' 32'	372.33 LF	8' WIDE TRAIL
FRANKLIN MOUNTAINS ROAD	50' 28'	1,324.30 LF	BOTH SIDES 4' WIDE
GLASS MOUNTAINS WAY	50' 28'	1,028.41 LF	BOTH SIDES 4' WIDE
LEONARD MOUNTAIN DRIVE	50' 28'	598.72 LF	BOTH SIDES 4' WIDE
LONE PEAK WAY	70' 32'	3,731.72 LF	4' WIDE SIDEWALK & 8' TRAIL
LOST MINE PEAK LANE	50' 28'	1,671.55 LF	BOTH SIDES 4' WIDE
MCKITTRICK RIDGE STREET	50' 28'	900.28 LF	BOTH SIDES 4' WIDE
MOUNT LOCKE ROAD	50' 28'	686.79 LF	BOTH SIDES 4' WIDE
OLD BLUE MOUNTAIN COVE	50' 28'	798.43 LF	BOTH SIDES 4' WIDE
RANGER PEAK ROAD	50' 28'	349.85 LF	BOTH SIDES 4' WIDE
SANTOOTH MOUNTAIN WAY	50' 28'	2,143.64 LF	BOTH SIDES 4' WIDE
SIERRA BLANCA ROAD	50' 28'	771.02 LF	BOTH SIDES 4' WIDE
STAR MOUNTAIN LANE	50' 28'	1,014.13 LF	BOTH SIDES 4' WIDE
SUE PEAKS LOOP	50' 28'	3,816.78 LF	BOTH SIDES 4' WIDE

**NOTES:**

- ALL PROPOSED COLLECTOR STREETS WITHIN THIS SUBDIVISION SHALL HAVE A MIN. 4' WIDE CONCRETE SIDEWALK ALONG ONE SIDE OF THE STREET, AND AN 8' WIDE CONCRETE TRAIL ON THE OTHER.
- ALL PROPOSED LOCAL STREETS WITHIN THIS SUBDIVISION SHALL HAVE A MIN. 4' WIDE CONCRETE SIDEWALK ALONG BOTH SIDES OF THE STREET.
- OWNERSHIP AND MAINTENANCE OF ALL NON-SINGLE FAMILY LOTS AND DRAINAGE EASEMENTS (EXCLUDING PUBLIC PARKLANDS) WILL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.
- UTILITIES WILL BE PROVIDED BY THE FOLLOWING:  
WATER - DRIPPING SPRINGS W.S.C.  
WASTEWATER CITY OF DRIPPING SPRINGS/PRIVATE  
ELECTRICITY - P.E.C.
- FINAL DETERMINATION FOR EASEMENTS TO BE DETERMINED WITH FINAL PLAT AND CONSTRUCTION PLANS.
- STORM WATER SHALL BE CONVEYED VIA DRAINAGE EASEMENTS.
- DESIGN STANDARDS FOR CITY OF DRIPPING SPRINGS STANDARDS AS MODIFIED BY APPROVED DEVELOPMENT AGREEMENT.
- IF A PUBLIC UTILITY EASEMENT ADJACENT TO ALL PUBLIC STREETS IS HEREBY DEDICATED, NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES, OR LANDSCAPING, SHALL BE ALLOWED IN A DRAINAGE EASEMENT.
- THE PROPERTY OWNER SHALL PROVIDE ACCESS TO DRAINAGE AND UTILITY EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS FOR INSPECTION, OPERATION AND MAINTENANCE.
- ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS/HER ASSIGNS.
- ALL (NEW) TELEPHONE AND CABLE TELEVISION UTILITY LINES AND ALL ELECTRIC UTILITY SERVICE LINES AND WIRES SHALL BE PLACED UNDERGROUND.
- ALL ELECTRICAL, CABLE TELEVISION, AND TELEPHONE SUPPORT EQUIPMENT (TRANSFORMERS, AMPLIFIERS, SWITCHING DEVICES, ETC.) NECESSARY FOR UNDERGROUND INSTALLATIONS IN SUBDIVISIONS SHALL BE PAD MOUNTED ON PLOTS UNDERGROUND IN A PUBLIC UTILITY EASEMENT.
- A PROPERTY OWNERS ASSOCIATION WILL BE CREATED BY RESTRICTIVE COVENANTS AND MUST BE SUBMITTED TO THE CITY AT THE TIME OF FINAL PLAT.
- STREET LIGHTING WILL COMPLY WITH LIGHTING ORDINANCE [SDA 3.11].
- CONSTRUCTION ACCESS SHALL BE VIA RO. SHELTON BLVD.

STATE OF TEXAS  
COUNTY OF HAYS  
CITY OF DRIPPING SPRINGS

THIS PLAT, BIG SKY RANCH SUBDIVISION, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF DRIPPING SPRINGS AND IS HEREBY APPROVED.

APPROVED, THIS DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_

MAYOR OR MAYOR PRO TEM.

ATTEST: \_\_\_\_\_

ANDREA CUNNINGHAM, CITY SECRETARY

**SUBMITTED BY:** CHRIS A. REDD, PE

**ORIGINAL SUBMITTAL DATE:** JANUARY 12, 2018

**RESUBMITTAL DATE:** AUGUST 10, 2020

**RESUBMITTAL DATE:** AUGUST 14, 2018

**RESUBMITTAL DATE:** SEPTEMBER 10, 2018

**DA DOUCET & ASSOCIATES**  
Civil Engineering - Entitlement - Surveying/Mapping  
7401 B. Highway 71, Suite 160  
Austin, Texas 78735  
www.doucetengineers.com  
P.E. Registration Number: 3137

**OVERALL PRELIMINARY PLAT**

**BIG SKY RANCH PRELIMINARY PLAT**

**DRIPPING SPRINGS, TX**



**EXHIBIT F**

Designed: JH & JB  
Drawn: \_\_\_\_\_  
Date: 8-10-2020

**SHEET 1 OF 7**

Project No: 1691-002

Drawing: C:\p\working\projects\subdivisions\1691-002\1691-002-PP-05.dwg  
User: MJD001  
Plot Date/Time: Aug 10, 2020 1:13:49 PM  
Plot Size/Scale: 11.0 x 17.0 = 1:1000



## CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620  
512.858.4725 • [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com)

September 15, 2020

Christopher Reid  
Doucet & Associates Inc.  
7401B Hwy 71 W Suite 160  
Austin TX 78735  
[creid@doucetengineers.com](mailto:creid@doucetengineers.com)

Dear Christopher Reid,

This letter is to inform you that the case number **SUB2020-0022** is being denied due to the following comments:

### **City Planning Comments**

The following comments have been provided by Amanda Padilla. Should you have any questions or require additional information, please contact Amanda Padilla by email [apadilla@cityofdrippingsprings.com](mailto:apadilla@cityofdrippingsprings.com)

1. Parkland summary chart does not match the Preliminary plat, for example acreage is off for Block 43 Lot 14 and block 19 Lot 6. I don't see any changes to the chart from the original preliminary plat
2. Show the acreage for the Detention /Water Quality/ Private Open Space Lot within Phase 4.
3. Delete "1/2 mile extra-territorial jurisdiction (ETJ)" that is at the bottom left within the Jurisdiction info.
4. PDD outlines that it is 213.585 acres, please explain why the Site area is only for 211.5 acres.
5. Deed given to the City indicates that the property is still owned by Cynosure Corporation, please provide owner authorization allowing the Plat application or a new deed.
6. Provide documentation showing Hays 911 addressing approval for the amended preliminary plat
7. Include the additional sheets, 2-7.
8. Update signature block to include a place for signatures.

### **City Engineer Comments**

The following comments have been provided by Chad Gilpin. Should you have any questions or require additional information, please contact Chad Gilpin by email [cgilpin@cityofdrippingsprings.com](mailto:cgilpin@cityofdrippingsprings.com)

9. Confirm if the original Environmental assessment submitted dated 2017 covers the added area. I do not think it does. If it does not complete an addendum to the EA covering the added area.
10. Label the drainage easement between Lots 10 & 11 Block 45.
11. Clarify what the line work is crossing Lot 3, Block 45?
12. Label the gap between Lot 26 & 27, Block 54. It looks like it should be a drainage easement.
13. The DA concept plan and roadway connectivity plan as well as the approved Preliminary Plat show an extension of Coyote Peak Lane east. Add the connection back on the Preliminary Plat.

### **Fire Marshall Comments**

The following comments have been provided by Dillon Polk. Should you have any questions or require additional information, please contact Dillon Polk by email [dpolk@northhaysfire.com](mailto:dpolk@northhaysfire.com)

14. Approved

Resubmittals must include a cover letter addressing each reviewer comment and noting where associated corrections/revisions/changes can be found in the submittal documents. **Please keep previous review comments on the document as you resubmit your response letter, so that staff can keep track of the original comments.** Resubmittals that do not include a cover letter will be considered incomplete and returned. For more information regarding resubmitting an application and dates please visit our website at <http://www.cityofdrippingsprings.com/page/Planning.Submittinganapp>

**Please note that this is the first denial of this project. If the project is denied again for unaddressed comments it will require a complete refiling including a refiling fee, 10-day completeness check, and 30-day comment review period. To avoid this, we encourage applicants to schedule a meeting with reviewers to properly address the above comments.**

Should you have any questions or concerns in the meantime, please feel free to reach out to the planning department.

**PLANNED DEVELOPMENT DISTRICT No. 10:  
Big Sky**

Planned Development District Ordinance No. 2018-24

amended by Ordinance No. 2020-25 on June 9, 2020

Approved by the Planning & Zoning Commission on:  
September 25, 2018.

Approved by the City Council on:  
October 16, 2018

Amendments approved by the Planning & Zoning Commission on:

Amendments Approved by City Council on:

June 9, 2020

**THIS PLANNED DEVELOPMENT DISTRICT ORDINANCE** (“Ordinance”) is enacted pursuant to City of Dripping Springs Code of Ordinances, Article 30.3.

**WHEREAS**, the Owner is the owner of certain real property consisting of approximately 200 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “*Tract 1*” within the Big Sky development, and as more particularly identified and described in *Exhibit “A”* (the “Property”) to *Attachment “A”*; and

**WHEREAS**, the Owner is the owner of certain real property consisting of approximately 13.585 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “*Tract 2*” within the Big Sky development, and is more particularly identified and described in *Exhibit “A”* to *Attachment “A”*; and

**WHEREAS**, the Property will be subdivided and developed by Owner, its affiliates or their successors and assigns, for construction and use in general accordance with the PD Master Plan shown as *Exhibit “B”* to *Attachment “A”*; and

**WHEREAS**, the Owner, its affiliates or their successors and assigns intends to develop a master-planned community that will include a mix of land uses, together with parkland and roadway connections described herein;

**WHEREAS**, the Owner has submitted an application to the City to rezone the Property to Planned Development District (“PDD”), designating it “PDD – 10”; and

**WHEREAS**, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on September 25, 2018; and

**WHEREAS**, the Owner submitted an application to include the addition of 13.585 acres, to be known as “*Tract 2*” within PDD-10; and

**WHEREAS**, the Original PDD 10 boundary, as depicted in *Exhibit “A”* to *Attachment “A”*, which was approved by City Council by Ordinance No. 2018-24 on October 9, 2018 is now referred to as “*Tract 1*” within the overall Big Sky development; and

**WHEREAS**, the addition of the 13.585 acres “*Tract 2*” did not amend or change language that was approved by Ordinance No. 2018-24; and

**WHEREAS**, the Planning & Zoning Commission conducted a public hearing and recommended approval of “*Tract 2*” on May 26, 2020; and

**WHEREAS**, pursuant to the City’s Planned Development Districts Ordinance, Article 30.03 of the City’s Code of Ordinances (the “PD Ordinance”), the Owner has submitted a PD Master Plan that conceptually describes the Project, which is attached to this

Ordinance as *Exhibit "B"* to *Attachment "A"*; and

**WHEREAS**, this Ordinance, PD Master Plan, and the Code of Ordinances shall be read in harmony, will be applicable to the Property, and will guide development of the Property; and

**WHEREAS**, the City Council has reviewed this proposed Ordinance, the PD Master Plan, and the Annexation and Development Agreement for Scott Ranch and has determined that it promotes the health, safety, and general welfare of the citizens of Dripping Springs; complies with the intent of the City of Dripping Springs Comprehensive Plan; and is necessary in light of changes in the neighborhood; and

**WHEREAS**, the City Council finds that this proposed Ordinance ensures the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes under Code §30.03.004: provides for a superior design of lots or buildings; provides for increased recreation and/or open space opportunities for public use; provides amenities or features that would be of special benefit to the property users or community; protects or preserves natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, views, and wildlife habitats; protects or preserves existing historical buildings, structures, features or places; provides an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and meets or exceeds the present standards of this article;

**WHEREAS**, the City Council is authorized to adopt this Ordinance in accordance with Texas Local Government Code Chapters 51 and 211; and

**WHEREAS**, the Ordinance has been subject to public notices and public hearings and has been reviewed and approved by the City's Planning and Zoning Commission.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

### 1. FINDINGS OF FACT

The City Council finds that the facts and matters in the foregoing recitals are true and correct; and, are hereby incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### 2. ENACTMENT

**A. Zoning District Created.** PDD – 10 is hereby established consistent with *Attachment "A,"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Code of Ordinances Chapter 30, Exhibit A [Zoning Ordinance], § 3.1 [Zoning Districts] is

hereby amended to add the zoning district identified as PDD – 10, as amended by the addition of Tract 2, said 13.585 acres.

- B. Zoning Map Amended.** The official zoning map of the City is hereby amended to demarcate the boundaries of PDD – 10 consistently with the boundaries of the Property delineated in the Property Legal Description, *Exhibit “A”* to *Attachment “A”*.
- C. PD Master Plan Approved.** The PD Master Plan attached *as Exhibit “B”* to *Attachment “A”* is hereby approved. The PD Master Plan, together with *Attachment “A”*, constitutes the zoning regulations for the Project. All construction, land use and development of the Property must substantially conform to the terms and conditions set forth in the PD Master Plan as established by Ordinance No. 2018-24, and as amended herein, referred to as, this Ordinance, *Attachment “A”* and the exhibits. The PD Master Plan is intended to serve as a guide to illustrate the general vision and design concepts. The PD Master Plan is to serve as the conceptual basis for the site plan(s) subsequently submitted to the City seeking site development permit approval.
- D. Administrative Approval of Minor Modifications.** In order to provide flexibility with respect to certain details of the development of the Project, the City Administrator is authorized to approve minor modifications. Minor modifications do not require consent or action of the Planning & Zoning Commission or City Council. Examples of minor modifications include the location of use classifications; slight adjustments to the internal street and drive alignments; building envelopes; number of buildings; orientation of buildings; and adjustments that do not result in overall increases to traffic, density, or impervious cover. The City Administrator may approve minor modifications in writing following consultation with the City Engineer. Any appeal of the City Administrator’s determination regarding whether or not a change is a minor modification may be appealed by any aggrieved party to the Board of Adjustment.
- E. Code of Ordinances.** The Code of Ordinances shall be applicable to the Project, except as specifically provided for by this Ordinance, *Attachment “A”*, or the PD Master Plan.
- F. Resolution of Conflicts.** The documents governing the PDD should be read in harmony to the extent possible. If a conflict arises between the charts included in the exhibits and the illustrations contained in the exhibits, the charts shall control. If a conflict arises between the terms of this Ordinance and the exhibits, the terms of this Ordinance shall control.
- G. PDD Fees.** Owner shall receive credit towards the Planned Development District Request Fee equal to \$20,030.00 previously paid by Owner to the City for the Development Agreement Fee for Tract 1.
- H. Attachments and Exhibits Listed.** The following attachment and exhibits thereto are incorporated into this Ordinance in their entirety, as though set forth fully in the text of this Ordinance:

*Attachment “A”* – Planned Development District No. 10 and Zoning Map



<b>Exhibit A</b>	<b>Property Legal Description</b>
<b>Exhibit B</b>	<b>PD Master Plan</b>
<b>Exhibit C</b>	<b>Parks, Trails and Open Space Plan</b>
<b>Exhibit D</b>	<b>PD Code Modifications Chart</b>
<b>Exhibit E</b>	<b>Founders Memorial Park and Pound House Improvements</b>
<b>Exhibit F</b>	<b>PD Street Standards</b>
<b>Exhibit G</b>	<b>Water Quality Buffer Zones</b>
<b>Exhibit H</b>	<b>PD Phasing Plan</b>
<b>Exhibit I</b>	<b>PD Uses Chart</b>

### **3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **5. PENALTY**

Any person, firm, association or persons, company, corporations or their agents or employees violating or failing to comply with any of the provisions of this Ordinance may be subject to a fine pursuant to Section 54.001 of the Texas Local Government Code, upon conviction of not more than Two Thousand Dollars (\$2,000.00). The foregoing fine may be cumulative of other remedies provided by State law, and the power on injunction as provided by Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a complaint filed.

### **6. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

### **7. PROPER NOTICE & MEETING**

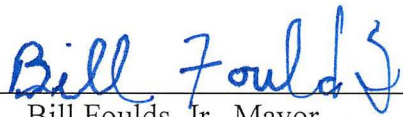
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapters 52 and 211 of the Texas Local Government Code.

**8. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon approval by the City Council and publication as required by law.

**PASSED & APPROVED** this, the 9<sup>th</sup> day of June 2020, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

  
\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
Andrea Cunningham, City Secretary



## *Attachment “A”*

# City of Dripping Springs

## CODE OF ORDINANCES

### ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS

#### PLANNED DEVELOPMENT DISTRICT NO. 10:

##### ARTICLE I. GENERAL PROVISIONS

- 1.1. **Popular Name.** This Chapter shall be commonly cited as the “PDD – 10 Ordinance”, also referred to as “this Ordinance” herein.
- 1.2. **Scope.** This Ordinance applies to the Property.
- 1.3. **PD Master Plan.** The PD Master Plan has been approved by the City and shall guide permitting, development and use of the Property.
- 1.4. **Definitions.** Words and terms used herein shall have their usual meaning except as they may be specifically defined herein, or, if capitalized and not defined herein, as defined in the Code (hereinafter defined):

**City:** The City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.

**City Administrator or Administrator:** The chief administrative officer of the City of Dripping Springs, Texas. The term also includes the Deputy City Administrator and City Administrator’s designee.

**City Council:** The governing body of the City of Dripping Springs, Texas.

**City Engineer:** The person or firm designated by the City Council as the engineer for the City of Dripping Springs, Texas.

**Code, City’s Code of Ordinances or City of Dripping Springs Code of Ordinances:** The entirety of the City’s ordinances, regulations and official policies in effect as of July 10, 2018 except as modified by the Project Approvals and variances granted under the Development Agreement and this Ordinance. This term does not include Zoning or

Building Codes, Sign Ordinance, the Water Quality Protection Ordinance or regulations mandated by state law, or that are necessary to prevent imminent harm to human safety or property, which may be modified and made applicable to the Project even after the Effective Date.

**Development Agreement:** The Annexation and Development Agreement for Scott Ranch between Owner and the City with the effective date of July 10, 2018 as applied to Tract 1. Tract 2 is not subject to the Development Agreement.

**Effective Date:** The Effective Date of this Ordinance shall be the date of approval by the City Council and publication as required by law.

**Homeowners Association:** A community group that is organized with respect to the Property in which individual owners of lots share common interests and responsibilities for costs and upkeep of common space or facilities. The group may take the form of a Home Owners Association or Property Owners Association.

**Impervious Cover:** Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration as determined by City Engineer. For purposes of compliance with this document, the term expressly excludes storage tanks for rainwater collection systems, the structure covering specifically the rainwater collection tanks, decomposed granite surfaces, permeable concrete, or any other permeable surface.

**Impervious Cover Percentage:** The percentage calculated by dividing the total acres of impervious cover on the Property by the total number of acres included in the Property. Whether or not outdoor decks are included in the calculation of impervious cover shall be determined by the City Engineer based on the deck design and materials. In the calculation of impervious cover, the following shall be characterized as pervious for all purposes: open space, greenbelt, mitigation land, park, irrigation field, flood plain, water quality and/or drainage facility and/or area not lined with impermeable material, detention facility, swale, irrigation area, playground, athletic fields, granite and/or pea gravel trails, “green roof” areas and roof areas utilizing rainwater harvesting, and such other areas as determined by City Engineer.

**Landscaping Ordinance:** Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs Code of Ordinances.

**Outdoor Lighting Ordinance:** Article 24.06, Outdoor Lighting, of Chapter 24 of the City of Dripping Springs Code of Ordinances.

**Owner:** Meritage Homes of Texas, LLC., an Arizona limited liability company, and their successors and assigns as subsequent owners of any portion of the Property.

**Project:** A land use and development endeavor proposed to be performed on the Property,

as provided by this Ordinance and generally depicted on the PD Master Plan on ***Exhibit B***”.

**Project Approvals:** The approvals, waivers and exceptions to the Applicable Rules approved by the City with respect to the development of the Property, as set forth on ***Exhibit “D” and Exhibit “H”***.

**Property:** The land as more particularly described in ***Exhibit “A”***.

**TCEQ:** The Texas Commission on Environmental Quality, or its successor agency.

**TCSS Manual:** The City of Dripping Springs Technical Construction Standards and Specifications Manual.

**TIA:** Traffic Impact Analysis, as specified in Chapter 28, Article 28.02: Exhibit A-Subdivision Ordinance, Section 11.11 of the Dripping Springs Code of Ordinances.

**TxDOT:** The Texas Department of Transportation or its successor agency.

**Water Quality Protection Ordinance:** Article 22.05 of Chapter 22, General Regulations of the Code.

## **ARTICLE II. TRACT 1 DEVELOPMENT STANDARDS**

- 2.1. General Regulations.** Except as otherwise provided in this Ordinance and the PD Master Plan, the Property shall be governed by the site regulations and development standards contained in the Code of Ordinances.
- 2.2. Phasing.** The Property may be developed in phases. The Project is intended to be developed in phases as shown on ***Exhibit “H”***. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently. Site plans shall be submitted to the City for approval with each phase.
- 2.3. Permitted Uses.**
- 2.3.1. Base Zoning:** The base zoning district for the Property shall be SF-3, which shall be the basis for all zoning specifications not addressed in this Ordinance or the PD Master Plan.
- 2.3.2. Allowed Uses:** Those uses listed in the PD Uses Chart attached as ***Exhibit “I”*** are hereby permitted by right within the Project.
- 2.4. Design Specifications:**
- 2.4.1 Impervious Cover.** The Property may be developed with an Impervious Cover

Percentage that does not exceed fifty percent (50%) over the entire Project. Owner shall have the right to apportion impervious cover limits on a lot by lot or use by use basis. Owner may apportion such limits as it deems desirable so long as the overall limitation herein specified is not exceeded.

- 2.4.2 Minimum Lot Area:** Three thousand four hundred (3,400) square feet.
- 2.4.3 Building Height.** Buildings shall not exceed 2 ½ stories or 40 feet, whichever is less, measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level or as defined in Section 28.05.004 of the 2017 City of Dripping Springs Code of Ordinances.
- 2.4.4 Minimum Lot Width:** Thirty-four (34) feet measured from the set back line.
- 2.4.5 Minimum Width of Residential Building:** Twenty-three (23) feet (as modified by process for minor modifications on May 1, 2020).
- 2.4.6 Setbacks.** Building setbacks shall be as follows:
- a. Minimum Front Yard:** Building setbacks shall be ten (10) feet from the street right of way.
  - b. Minimum Side Yard:** Building setbacks shall be five (5) feet; provided, however corner lots will be set back a minimum of seven and one half (7.5) feet from the street right of way.
  - c. Minimum Rear Yard:** Building setbacks shall be ten (10) ten feet.
  - d. Minimum setback for Garage Door from Alley:** Ten (10) feet.
  - e. Minimum Setback for Accessory Building:** Five (5) feet; no accessory buildings or structures are permitted in any front yard.
  - f. Maximum Height of Fence within front Street Yard:** Three (3) feet and shall provide a finished face to abutting streets.
  - g. Maximum Height of Fence Outside Street Yard:** Six (6) feet; provided, however, lots that are contiguous to the boundaries of the Property may have an eight (8) foot maximum height of fence outside street yard. All fences shall provide a finished face to abutting streets and these fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.
  - h. Buffer areas and Setbacks:** A thirty (30) foot Land Use Transition buffer will extend along the shared property line where residential lots are contiguous to the Poundhouse Hill development to aid in screening the change in density. The lots adjacent to the Poundhouse Hill development shall be at least a fifth of an acre

in size. The buffer along such shared boundary shall meet the requirements in City Ordinance Section 28.06.051 – Landscape Buffers. Additionally, residential lots that are contiguous to the lots in Poundhouse Hills development shall be a minimum of sixty (60) feet wide and shall have in addition to the thirty (30) foot buffer, a twenty (20) foot or fifteen (15) foot building set back line from the boundary of the buffer, depending on the orientation of the lot.

- 2.4.7 Cut & Fill.** Improvements requiring a site development permit will be held to no more than twelve (12) feet of cut or fill; however, fill placed under foundations with sides perpendicular to the ground need not comply with this requirement. No cut shall be greater than twelve (12) feet, except for structural excavation for building foundations, which must be approved by City Engineer. To be allowable, the City Engineer must first review and approve the structural stability, the aesthetics, and the erosion prevention techniques to be utilized for all cuts and fills exceeding six feet (6') of depth. Cut and fill requirements shall not apply to either right-of-way or residential development.
- 2.4.8 Parking.** Development of the Property shall include parking at a minimum of two spaces per residence. There shall be parking along only one side of each internal local street.
- 2.4.9 Design of Residences:** Homes shall consist of 100% Masonry on all front facing and street (excluding alley) facing elevations. Native Stone and/or Brick Masonry, doors and windows shall comprise a minimum of 70% of these elevations. Stucco elements shall be deemed an appropriate architectural feature to satisfy the remaining 30% front and street facing elevation requirements. Side and rear elevations may be horizontally installed cement based or wood based siding.
- 2.4.10 Roofs and Overhead Structures.** On buildings with pitched roofs, the minimum main roof pitch is 5:12. Lower roof pitches are acceptable on porch elements, awnings or architectural feature elements. Pitched roofs shall be clad in 30-year minimum composition shingles or low reflectivity coated metal roofing materials.
- 2.4.11 Density of Development:** With respect to the density of the Project, Owner will have the right to develop the Land at a density not to exceed 780 LUEs.
- 2.4.12 Parkland:** The Project is required to have 31.2 acres of Parkland. The Project will include approximately 33.8 net acres that will be dedicated for Parkland, the area being shown more fully shown on *Exhibit "C"* attached hereto and incorporated herein for all purposes (the "Parkland"). In addition, Owner has agreed to install certain additional improvements to Founders Memorial Park and within areas dedicated as Parkland. The cost of which may be a credit towards any "cash in lieu" requirement of the Parkland Dedication Ordinance, as shown within *Exhibit "C"*, if needed, with the consent of the City. This dedication of the Parkland shall fulfill all parkland dedication requirements of the Project to the City, including, but not limited to the requirements of Article 28.03 (Parkland Dedication) under the

City's Code of Ordinances and Sections 19.1 and 19.4 (Subdivisions). Owner has prepared a Master Parks and Open Space Plan which has been approved by City. In addition, 4.1 acres of the parkland will be dedicated to the City for use in the exchange for right-of-way to be used for improvements to Founders Park Road. This exchange will be done in a separate Park Dedication Agreement that has been approved by Owner and City.

**2.4.13 Founders Memorial Park and Pound House:** Owner has agreed to install/construct an asphalt parking area consisting of approximately 45 parking spaces within Founders Memorial Park with additional overflow parking lot, subject to the approval by City as shown in **Exhibit "E" Founders Memorial Park and Pound House Improvements**. Placement of parking spaces may be modified within Founders Memorial Park by the City. Additionally, Owner shall create a ninety (90) foot landscape buffer eastward from the Pound House property boundary. The cost of these improvements may be a credit towards any "cash in lieu" requirement of the Parkland Dedication Ordinance as approved by the City. The Owner shall also install fencing approved by the Pound House and the City surrounding the Pound House and shall notify the City of the contractor prior to installation.

**2.4.14 Landscaped Buffer Areas.** Landscaped buffer areas shall be established for the Property in accordance with the PD Master Plan, **Exhibit "B"**, and maintained in perpetuity.

**2.5. Parks, Trails and Open Space.** Parkland and open space and associated improvements shall be in accordance the standards shown on **Exhibit "C"** attached hereto. A Master Parks and Trails Plan shall be submitted to the City for approval prior to approval of the first preliminary plat for the Project. The Master Parks and Trails Plan shall address all issues regarding public dedication, public access, and maintenance.

**2.6. Access.**

**2.6.1 Traffic Impact Analysis.** Owner has provided to the City, and the City has approved, a capacity analysis study (the "Traffic Study"), that constitutes a Traffic Impact Analysis.

**2.6.2 Roadway Alignments:** The roadway alignments shown on the PD Master Plan are approved by the City. All roadways and driveways not shown on the PD Master Plan shall be subject to the approval of the City Administrator, which approval shall not be unreasonably withheld.

**2.7. Utilities.** All proposed utilities within the Property will be located underground (other than above-ground appurtunences to such underground utilities) provided, however, to the extent any above-ground utilities exist as of the date hereof, they can remain above-ground.

**2.8. Lighting and Signage.** All illumination for street lighting, signage, security, exterior,



landscaping, and decorative facilities for the Project shall comply with Article 24.06 of the City's Code of Ordinances ("Outdoor Lighting Ordinance"), as may be amended, from time to time. To the extent any portion of the Agreement conflicts or is inconsistent with the Outdoor Lighting Ordinance, the Outdoor Lighting Ordinance shall control. Owner, homeowners, end users and/or a Property Owner Association will be required to operate and maintain the lighting within the Project according to the Applicable Rules. Owner agrees that the CCR's for the Project shall reinforce this provision and be applied to all construction and builders. A Master Sign Plan shall be submitted for City approval prior to the placement of any signs that are not in compliance with either (i) the City's Sign Ordinance or (ii) the variances described in the PD Modifications Chart attached hereto as **Exhibit "D"**.

**2.9. Tree Preservation:** Landscaping Ordinance: Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs City Code shall apply to the project except as modified by this Agreement. Full tree survey to be submitted with each preliminary plat. An aerial tree survey may be used in lieu of a full tree survey if approved by the City Administrator.

#### **2.9.1 Tree Replacement Plan.**

**2.9.1.1** Subject to 2.9.1.2, the Tree Replacement Plan shall be in accordance to the City of Dripping Springs Code of Ordinances – Chapter 28, Article 28.06 Landscaping and Tree Preservation.

**2.9.1.2** The cash-in-lieu fees are determined to be \$1,056,000.00. There will be 176 of Disturbed Areas (176 acres times \$6,000 equals \$1,056,000.00). Owner shall receive credit against the cash-in-lieu fees equal to the following:

- 764 lots with two 3-inch trees at \$685.00 per tree for a total lot credit of \$1,046,680, plus
- 150 4-inch trees to be located in the boulevards and amenity center at \$985.00 per tree for a total of \$147,750 for the 4-inch trees.

The combined total credit will be \$1,056,000.00. The total cost of tree replacements in the Tree Replacement Plan exceeds the minimum the total cost per acre of disturbance in the Tree Removal Plan.

### **ARTICLE III. TRACT 2 DEVELOPMENT STANDARDS**

**3.1 General Regulations.** Except as otherwise provided in this Ordinance and the PD Master Plan, the Property shall be governed by the site regulations and development standards contained in the Code of Ordinances.

**3.2 Phasing.** The Property may be developed in phases. The Project is intended to be developed in phases as shown on *Exhibit "H"*. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently, but Tract 2 shall not be developed until the wastewater

agreement is negotiated to provide enough LUEs to accommodate the tract. Site plans shall be submitted to the City for approval with each phase.

### **3.3 Permitted Uses.**

**3.3.1 Base Zoning:** The base zoning district for the Property shall be SF-3, which shall be the basis for all zoning specifications not addressed in this Ordinance or the PD Master Plan.

**3.3.2 Allowed Uses:** Those uses listed in the PD Uses Chart attached as *Exhibit "I"* are hereby permitted by right within the Project.

### **3.4 Design Specifications:**

**3.4.1 Impervious Cover.** The Property may be developed with an Impervious Cover Percentage that does not exceed fifty percent (50%) over the entire Project. Owner shall have the right to apportion impervious cover limits on a lot by lot or use by use basis. Owner may apportion such limits as it deems desirable so long as the overall limitation herein specified is not exceeded.

**3.4.2 Minimum Lot Area:** Three thousand four hundred (3,400) square feet.

**3.4.3 Building Height.** Buildings shall not exceed 2 ½ stories or 40 feet, whichever is less, measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level or as defined in Section 28.05.004 of the 2017 City of Dripping Springs Code of Ordinances.

**3.4.4 Minimum Lot Width:** Thirty-four (34) feet measured from the set back line.

**3.4.5 Minimum Width of Residential Building:** Twenty-three (23) feet.

**3.4.6 Setbacks.** Building setbacks shall be as follows:

**a. Minimum Front Yard:** Building setbacks shall be ten (10) feet from the street right of way.

**b. Minimum Side Yard:** Building setbacks shall be five (5) feet; provided, however corner lots will be set back a minimum of seven and one half (7.5) feet from the street right of way.

**c. Minimum Rear Yard:** Building setbacks shall be ten (10) ten feet.

**d. Minimum setback for Garage Door from Alley:** Ten (10) feet.

**e. Minimum Setback for Accessory Building:** Five (5) feet; no accessory buildings or structures are permitted in any front yard.

**f. Maximum Height of Fence within front Street Yard:** Three (3) feet and shall provide a finished face to abutting streets.

**g. Maximum Height of Fence Outside Street Yard:** Six (6) feet; provided, however, lots that are contiguous to the boundaries of the Property may have an eight (8) foot maximum height of fence outside street yard. All fences shall provide a finished face to abutting streets and these fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

**3.4.7 Cut & Fill.** Improvements requiring a site development permit will be held to no more than twelve (12) feet of cut or fill; however, fill placed under foundations with sides perpendicular to the ground need not comply with this requirement. No cut shall be greater than twelve (12) feet, except for structural excavation for building foundations, which must be approved by City Engineer. To be allowable, the City Engineer must first review and approve the structural stability, the aesthetics, and the erosion prevention techniques to be utilized for all cuts and fills exceeding six feet (6') of depth. Cut and fill requirements shall not apply to either right-of-way or residential development.

**3.4.8 Parking.** Development of the Property shall include parking at a minimum of two spaces per residence. There shall be parking along only one side of each internal local street.

**3.4.9 Design of Residences:** Homes shall consist of 100% Masonry on all front facing and street (excluding alley) facing elevations. Native Stone and/or Brick Masonry, doors and windows shall comprise a minimum of 70% of these elevations. Stucco elements shall be deemed an appropriate architectural feature to satisfy the remaining 30% front and street facing elevation requirements. Side and rear elevations may be horizontally installed cement based or wood based siding.

**3.4.10 Roofs and Overhead Structures.** On buildings with pitched roofs, the minimum main roof pitch is 5:12. Lower roof pitches are acceptable on porch elements, awnings or architectural feature elements. Pitched roofs shall be clad in 30-year minimum composition shingles or low reflectivity coated metal roofing materials.

**3.4.11 Density of Development:** With respect to the density of the Project, Owner will have the right to develop the Land at a density not to exceed 38 dwelling units. The Owner will be required to negotiate a Wastewater agreement to include Tract 2 before a Final Plat will be accepted for filing.

**3.4.12 Parkland:** The development shall provide 0.6 acres in parkland dedication, as recommended by the Parks & Recreation Commission on May 4, 2020, and approved by City Council May 12, 2020. No additional dedication or fee in lieu shall be required for Tract 2 beyond that.

- 3.4.13 Landscaped Buffer Areas.** Landscaped buffer areas shall be established for the Property in accordance with the PD Master Plan, *Exhibit "B"*, and maintained in perpetuity.
- 3.5 Parks, Trails and Open Space.** Parkland and open space and associated improvements shall be in accordance the standards shown on *Exhibit "C"* attached hereto. A Master Parks and Trails Plan shall be submitted to the City for approval prior to approval of the first preliminary plat for the Project. The Master Parks and Trails Plan shall address all issues regarding public dedication, public access, and maintenance.
- 3.6 Access.**
- 3.6.1 Roadway Alignments:** The roadway alignments shown on the PD Master Plan are approved by the City. All roadways and driveways not shown on the PD Master Plan shall be subject to the approval of the City Administrator, which approval shall not be unreasonably withheld.
- 3.7 Utilities.** All proposed utilities within the Property will be located underground (other than above-ground appurtunences to such underground utilities) provided, however, to the extent any above-ground utilities exist as of the date hereof, they can remain above-ground.
- 3.8 Lighting and Signage.** All illumination for street lighting, signage, security, exterior, landscaping, and decorative facilities for the Project shall comply with Article 24.06 of the City's Code of Ordinances ("Outdoor Lighting Ordinance"), as may be amended, from time to time. To the extent any portion of the Agreement conflicts or is inconsistent with the Outdoor Lighting Ordinance, the Outdoor Lighting Ordinance shall control. Owner, homeowners, end users and/or a Property Owner Association will be required to operate and maintain the lighting within the Project according to the Applicable Rules. Owner agrees that the CCR's for the Project shall reinforce this provision and be applied to all construction and builders. A Master Sign Plan shall be submitted for City approval prior to the placement of any signs that are not in compliance with either (i) the City's Sign Ordinance or (ii) the variances described in the PD Modifications Chart attached hereto as *Exhibit "D"*.
- 3.9 Tree Preservation:** Landscaping Ordinance: Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs City Code shall apply to the project. Full tree survey to be submitted with each preliminary plat.

## EXHIBIT A

Property Legal Description:  
Tract 1 – 200.4 Acres

LEGAL DESCRIPTION:

BEING A 200.4-ACRE [8,731,530 SQUARE FEET] TRACT OF LAND OUT OF THE PHILIP A. SMITH LEAGUE, SURVEY NUMBER 26, ABSTRACT NUMBER 415, HAYS COUNTY, TEXAS, SAID TRACT BEING THAT CALLED 200-ACRE TRACT DESCRIBED TO WILLIAM R. SCOTT AND BESSIE E. SCOTT, HUSBAND AND WIFE AS RECORDED IN VOLUME 171, PAGE 229 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.], SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH ROD FOUND IN THE NORTH LINE OF THAT CALLED 277.23-ACRE TRACT DESCRIBED TO KATHERINE BERKLEY CANNON, ET. AL. IN VOLUME 198, PAGE 151 D.R.T.C.T., FOR THE SOUTHEAST CORNER OF THAT CALLED 1.978-ACRE TRACT DESCRIBED TO CITY OF DRIPPING SPRINGS AS RECORDED IN VOLUME 1714, PAGE 289 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAME BEING THE SOUTHWEST CORNER OF SAID 200-ACRE TRACT AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE WITH THE WEST LINE OF SAID 200-ACRE TRACT, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

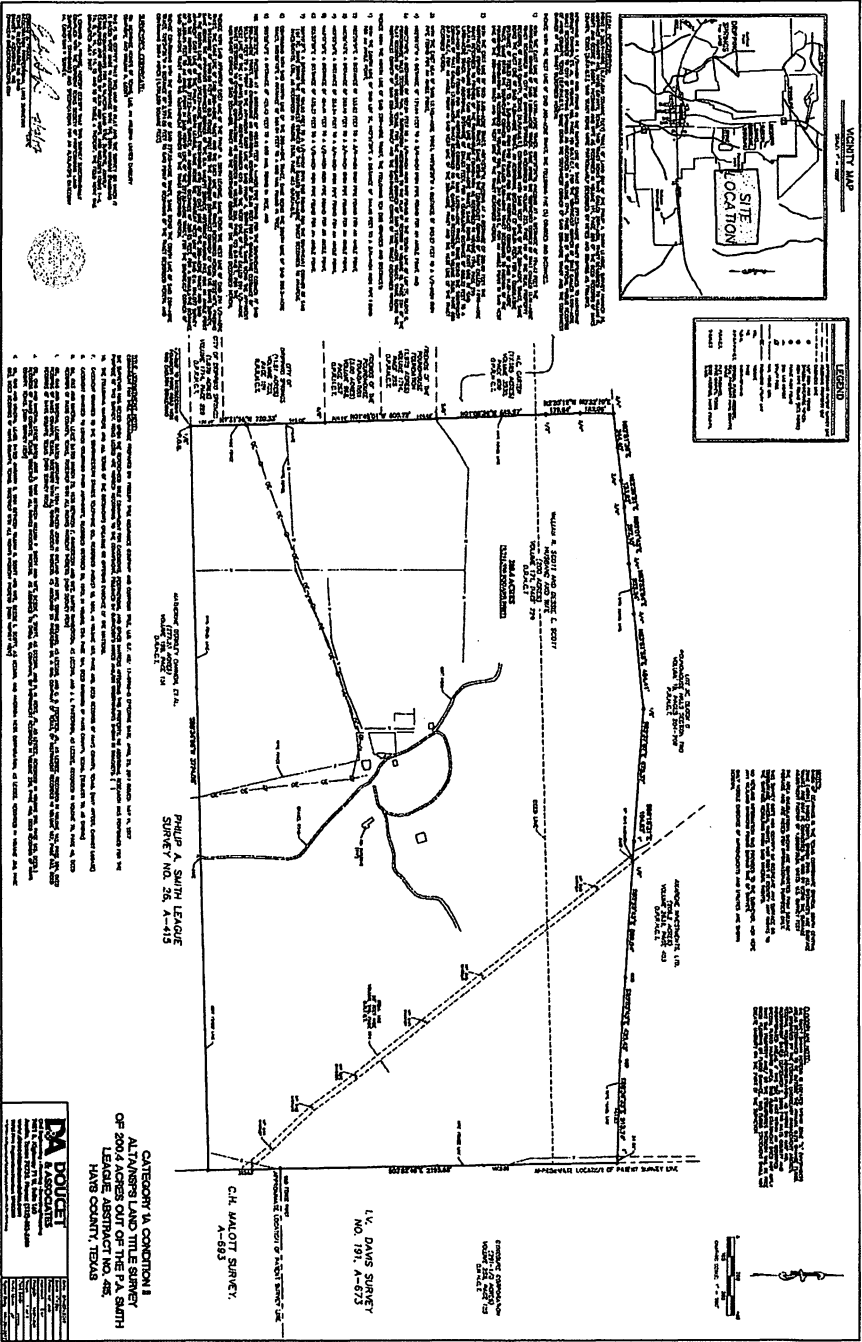
- 1) WITH THE EAST LINE OF SAID 1.978-ACRE TRACT, N01°31'26"W, PASSING AT A DISTANCE OF 174.47 FEET THE NORTHEAST CORNER OF SAID 1.978-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 11.61-ACRE TRACT DESCRIBED TO CITY OF DRIPPING SPRINGS AS RECORDED IN VOLUME 733, PAGE 101 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS [R.P.R.H.C.T.], CONTINUING WITH SAID WEST LINE OF THE 200-ACRE TRACT, SAME BEING THE EAST LINE OF SAID 11.61-ACRE TRACT, AN ADDITIONAL DISTANCE OF 545.86 FEET, FOR A CUMULATIVE DISTANCE OF 720.33 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 11.61-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 3.00-ACRE TRACT DESCRIBED TO FRIENDS OF THE POUNDHOUSE FOUNDATION AS RECORDED IN VOLUME 968, PAGE 267 O.P.R.H.C.T., FOR AN ANGLE POINT IN SAID WEST LINE OF THE 200-ACRE TRACT AND THE WEST LINE OF THE TRACT DESCRIBED HEREIN,
- 2) WITH THE EAST LINE OF SAID 3.00-ACRE TRACT, N01°45'01"W, PASSING AT A DISTANCE OF 306.69 FEET THE NORTHEAST CORNER OF SAID 3.00-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 1.978-ACRE TRACT DESCRIBED TO FRIENDS OF THE POUNDHOUSE FOUNDATION AS RECORDED IN VOLUME 1714, PAGE 295 O.P.R.H.C.T., CONTINUING WITH SAID WEST LINE OF THE 200-ACRE TRACT, SAME BEING THE EAST LINE OF SAID 1.978-ACRE TRACT, AN ADDITIONAL DISTANCE OF 294.03 FEET, FOR A CUMULATIVE DISTANCE OF 600.72 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 1.978-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 17.185-ACRE TRACT DESCRIBED TO H.C. CARTER AS RECORDED IN VOLUME 3030, PAGE 809 O.P.R.H.C.T., FOR AN ANGLE POINT IN SAID WEST LINE OF THE 200-ACRE TRACT AND THE WEST LINE OF THE TRACT DESCRIBED HEREIN,
- 3) WITH THE EAST LINE OF SAID 17.185-ACRE TRACT, N01°58'39"W A DISTANCE OF 585.27 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 4) N02°20'12"W A DISTANCE OF 179.64 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT, AND
- 5) N00°32'10"E A DISTANCE OF 182.06 FEET TO A 3/4-INCH IRON PIPE FOUND IN THE SOUTH LINE OF LOT 2E, BLOCK C, POUNDHOUSE HILLS SECTION TWO, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 15, PAGE 204 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF SAID 17.185-ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 200-ACRE TRACT AND THE NORTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE WITH THE NORTH LINE OF SAID 200-ACRE TRACT, THE FOLLOWING TEN (10) COURSES AND DISTANCES:

- 1) WITH THE SOUTH LINE OF SAID LOT 2E, N82°51'38"E A DISTANCE OF 344.40 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 2) N82°39'51"E A DISTANCE OF 133.82 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 3) N85°01'43"E A DISTANCE OF 292.10 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 4) N83°52'54"E A DISTANCE OF 253.24 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 5) N83°51'55"E A DISTANCE OF 484.41 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 6) S85°37'07"E A DISTANCE OF 675.37 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 7) S86°18'31"E A DISTANCE OF 104.93 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 2E, SAME BEING THE SOUTHWEST CORNER OF THAT CALLED 206.2-ACRE TRACT DESCRIBED TO ANARENE INVESTMENTS, LTD., AS RECORDED IN VOLUME 2639, PAGE 403 O.P.R.H.C.T.,
- 8) CONTINUING WITH SAID NORTH LINE OF THE 200-ACRE TRACT, SAME BEING THE SOUTH LINE OF SAID 206.2-ACRE TRACT, S85°59'43"E A DISTANCE OF 589.04 FEET TO A 60D NAIL FOUND IN TREE,
- 9) S85°55'43"E A DISTANCE OF 425.43 FEET TO A 60D NAIL FOUND IN TREE, AND
- 10) S88°36'33"E, PASSING AT A DISTANCE OF 481.93 FEET A 1-INCH PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID 206.2-ACRE TRACT, AND CONTINUING AN ADDITIONAL DISTANCE OF 31.81 FEET FOR A CUMULATIVE DISTANCE OF 513.74 FEET TO A POINT IN THE APPARENT EAST LINE OF SAID PHILIP A. SMITH LEAGUE, SAME BEING THE APPARENT WEST LINE OF THE I.V. DAVIS SURVEY, ABSTRACT NUMBER 673 AND THE WEST LINE OF THAT CALLED 291 1/3-ACRE TRACT DESCRIBED TO CYNOSURE CORPORATION AS RECORDED IN VOLUME 258, PAGE 123 D.R.H.C.T., FOR THE NORTHEAST CORNER OF SAID 200-ACRE TRACT AND THE NORTHEAST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE WITH SAID APPARENT EAST LINE OF THE PHILIP A. SMITH LEAGUE, SAME BEING THE WEST LINE OF SAID 291 1/3-ACRE TRACT, THE EAST LINE OF SAID 200-ACRE TRACT AND THE EAST LINE OF THE TRACT DESCRIBED HEREIN, S0°52'46"E, PASSING AT A DISTANCE OF 1809.00 FEET AN OLD FENCE POST FOR THE APPARENT SOUTHWEST CORNER OF SAID I.V. DAVIS SURVEY, SAME BEING THE APPARENT NORTHWEST CORNER OF THE C.H. MALOTT SURVEY, ABSTRACT NUMBER 693, FOR AN ANGLE POINT IN THE NORTH LINE OF SAID 277.23-ACRE TRACT, CONTINUING WITH SAID EAST LINE OF THE 200-ACRE TRACT AND SAID APPARENT EAST LINE OF THE PHILIP A. SMITH LEAGUE, SAME BEING THE APPARENT WEST LINE OF SAID C.H. MALOTT SURVEY AND THE NORTH LINE OF SAID 277.23-ACRE SURVEY, AN ADDITIONAL DISTANCE OF 386.85 FEET, FOR A CUMULATIVE DISTANCE OF 2,195.85 FEET TO AN ANGLE POINT IN SAID NORTH LINE OF THE 277.23-ACRE TRACT, FOR THE SOUTHEAST CORNER OF SAID 200-ACRE TRACT AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE CONTINUING WITH THE NORTH LINE OF SAID 277.23-ACRE TRACT, SAME BEING THE SOUTH LINE OF SAID 200-ACRE TRACT, S88°34'56"W A DISTANCE OF 3,774.08 FEET TO SAID POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN, AND CONTAINING 200.4 ACRES [8,731,530 SQUARE FEET].



## Tract 2 – 13.585 acres

**BEING A 13.585 ACRE [591,778 SQUARE FEET] TRACT OF LAND OUT OF THE I.V. DAVIS, JR. PREEMPTION SURVEY, ABSTRACT NUMBER 673, HAYS COUNTY, TEXAS, SAID 13.585 ACRE BEING A PORTION OF A CALLED 291-1/3 ACRE TRACT, DESCRIBED TO CYNOSURE CORPORATION, AS RECORDED IN VOLUME 258, PAGE 123 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.], SAID TRACT OF LAND (TRACT 1) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 5/8 inch iron pipe in the remains of a rock mound, found for the northeast corner of the Philip A. Smith Survey, Number 26, Abstract Number 415, and a called 206.2 acre tract, described in Volume 2639, Page 403 of the Official Public Records of Hays County, Texas [O.P.R.H.C.T.], same being an internal corner of the Edward W. Brown Survey, Number 136, Abstract Number 44, same being the south corner of a called 29.78 acre tract described in Volume 2486, Page 544 [O.P.R.H.C.T.], and same being the northwest corner of said 291-1/3 acre tract;

**THENCE** S00°50'48"E, with the east line of said Abstract Number 415, and the west line of said Abstract Number 44 and said 291-1/3 acre tract, passing at a distance of 1,210.76 feet, a point from which a stone mound, found for the northeast corner of said Abstract Number 673, bears N89°09'19"E, 1,423.11 feet, and continuing in total 2,777.38 feet to the **POINT OF BEGINNING** of the herein described tract;

**THENCE** over and across said Abstract Number 673 and said 291-1/3 acre tract, parallel to and offset west from the centerline of a dry creek bed, the following twenty-six (26) courses and distances:

- 1) S17°06'33"E, a distance of 30.00 feet to a point,
- 2) S11°24'17"E, a distance of 103.63 feet to a point,
- 3) S35°39'02"E, a distance of 159.05 feet to a point,
- 4) S41°27'27"E, a distance of 51.28 feet to a point,
- 5) S03°58'38"W, a distance of 43.46 feet to a point,
- 6) S14°17'07"E, a distance of 131.27 feet to a point,
- 7) S17°43'46"E, a distance of 120.76 feet to a point,
- 8) S19°22'37"E, a distance of 148.90 feet to a point,
- 9) S10°23'00"E, a distance of 154.36 feet to a point,
- 10) S14°14'54"W, a distance of 114.91 feet to a point,
- 11) S05°34'05"W, a distance of 96.36 feet to a point,
- 12) S07°27'07"E, a distance of 254.36 feet to a point,
- 13) S17°34'19"E, a distance of 110.33 feet to a point,
- 14) S11°19'38"W, a distance of 104.20 feet to a point,

- 15) S17°52'08"E, a distance of 67.64 feet to a point,
- 16) S00°23'49"W, a distance of 75.11 feet to a point,
- 17) S06°13'51"E, a distance of 139.51 feet to a point,
- 18) S21°39'42"W, a distance of 31.90 feet to a point,
- 19) S33°29'02"E, a distance of 58.75 feet to a point,
- 20) S45°11'02"E, a distance of 97.26 feet to a point,
- 21) S32°35'23"W, a distance of 70.59 feet to a point,
- 22) S03°03'30"W, a distance of 77.47 feet to a point,
- 23) S37°58'31"E, a distance of 81.75 feet to a point,
- 24) S04°12'41"W, a distance of 29.46 feet to a point,
- 25) S30°08'52"E, a distance of 18.63 feet to a point,
- 26) S02°04'33"E, passing at a distance of 75.52 feet a 1-inch iron pipe, found for reference, and continuing for a total distance of 94.44 feet to a point in the south line of said Abstract Number 673, and said 291-1/3 acre tract, same being in the north line of a called 277.23 acre tract, described in Volume 198, Page 151, from which a found 1/2-inch iron pipe bears N89°00'33"E, 119.45 feet,

**THENCE** S89°00'33"W, with the south line of said Abstract Number 673 and said 291-1/3 acre tract, a distance of 417.14 feet to a 1/2 inch iron rod with "Doucet" cap, set for the southwest corner of herein described tract, same being in the west line of said Abstract Number 673, and the east line of said Abstract Number 415 and a called 200 acre tract described in Volume 171, Page 229 [D.R.H.C.T.];

**THENCE** N00°50'48"W, with the east line of said Abstract Number 415 and said 200 acre tract, same being the west line of said Abstract Number 673 and said 291-1/3 acre tract, passing at a distance of 1,831.55 feet, a 1 inch iron pipe, found for the northeast corner of said 200 acre tract, same being the southeast corner of said 206.2 acre tract, and continuing for a total distance of 2,316.66 feet, back to the **POINT OF BEGINNING** of the herein described tract, containing 13.585 acres [591,778 square feet].

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and were converted from grid by using a combined scale factor of 1.000077936  
Units: U.S. Survey Feet.

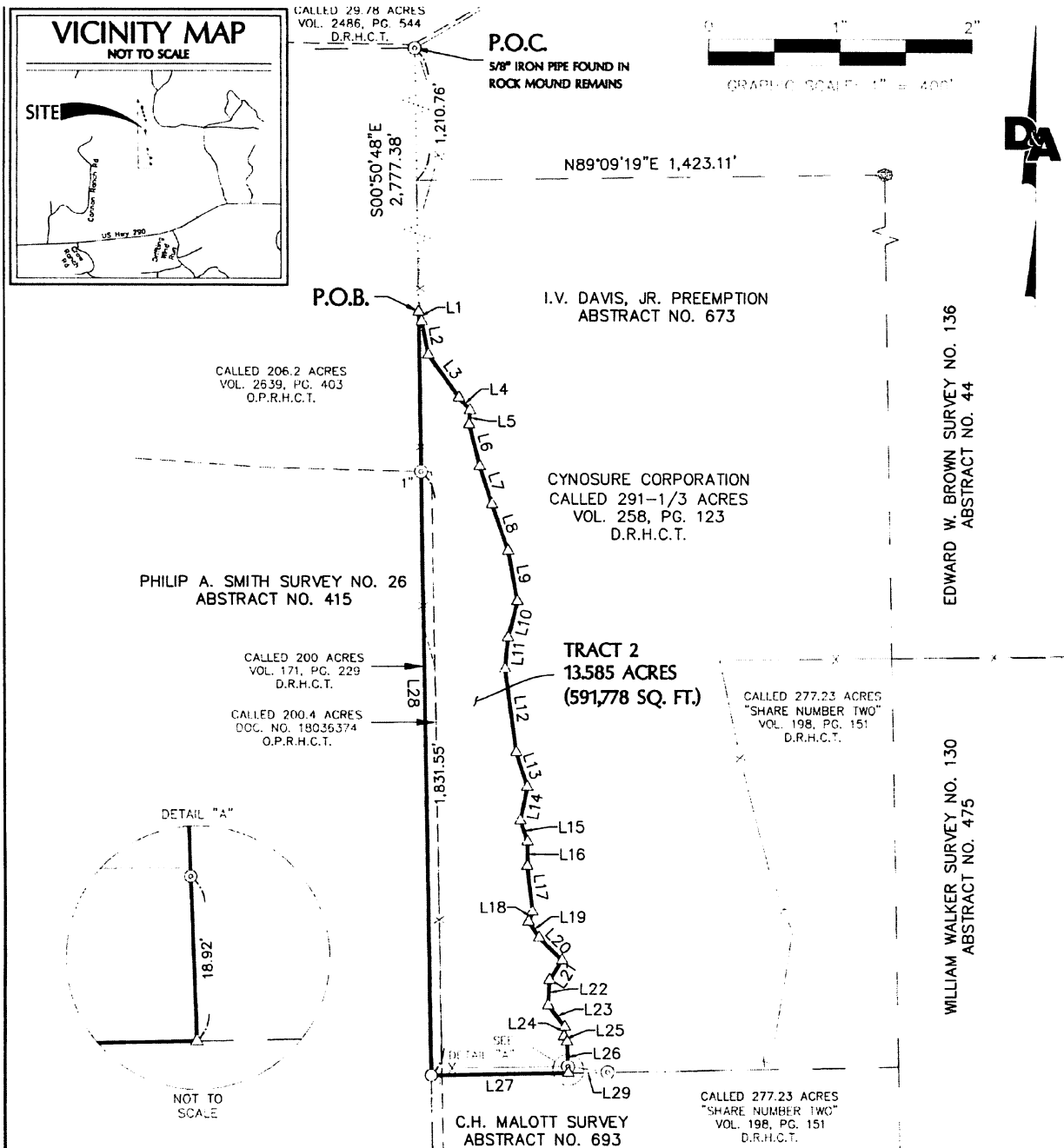
I, Garrett Cavaiuolo, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground.

  
 \_\_\_\_\_  
 Garrett Cavaiuolo  
 Registered Professional Land Surveyor  
 Texas Registration No. 6714  
 Doucet & Associates  
 GCavaiuolo@DoucetEngineers.com  
 TBPELS Firm Registration No. 10105800

3/12/20  
Date







<p>13.585 ACRE (591,778 SQUARE FEET) BOUNDARY EXHIBIT TRACT 2</p>	<p><b>DOUCET &amp; ASSOCIATES</b> Civil Engineering - Planning - Geospatial 7401 B. Highway 71 W, Suite 160 Austin, Texas 78735, Phone: (512)-583-2600 www.doucetandassociates.com TBPELS Firm No.: 10105800 TBPE Firm No.: F-3937</p>	Date: 05/13/2020
		Scale: 1" = 400'
<p>CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS</p>	Drawn by: JWF	Project: 1691-004
	Reviewed by: GC	Sheet: 3 OF 4
	Field Book: 527	Party: ADM
	Survey Date: 03/06/2020	

K:\Departments\Geospatial\Projects\1691-004\_Cynosure\0401.dwg\Acton\1691-004-13.585ACRE\_Tract\_2\_3rd.dwg Surface.dwg

PD Master Plan

EXHIBIT B

**DA DOUCET & ASSOCIATES**  
 1233 Lakewood Drive, Suite 1002  
 Fort Worth, Texas 76107, Tel: (817) 232-2344  
 Fax: (817) 232-2345  
 TPA Firm Number: 212  
 TPA Firm Number: 1010500

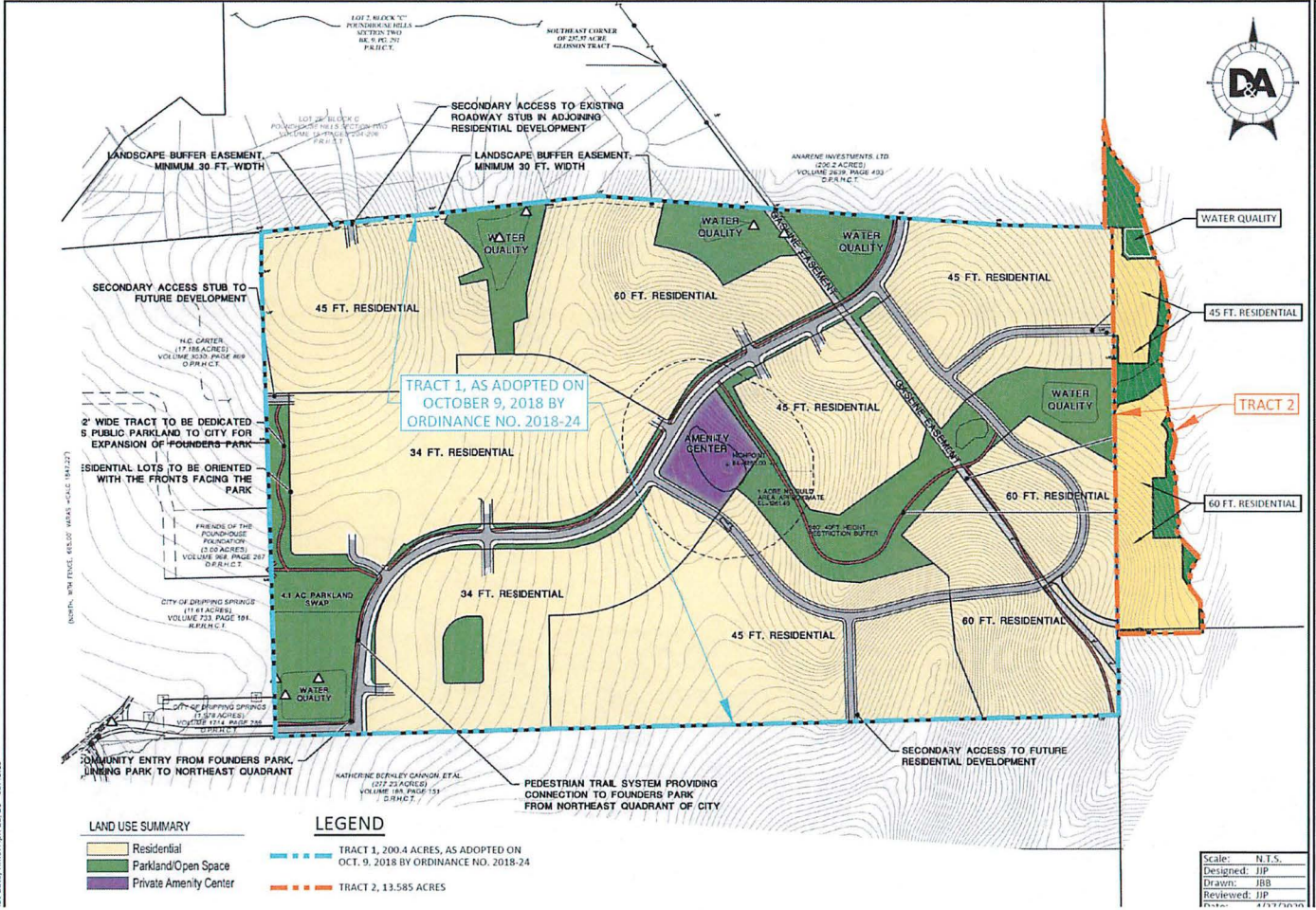
CONCEPT PLAN

**BIG SKY RANCH**  
 DRIPPING SPRINGS  
 TEXAS

SHEET  
**1**  
 1 of 1  
 Project No.:  
 1601-002

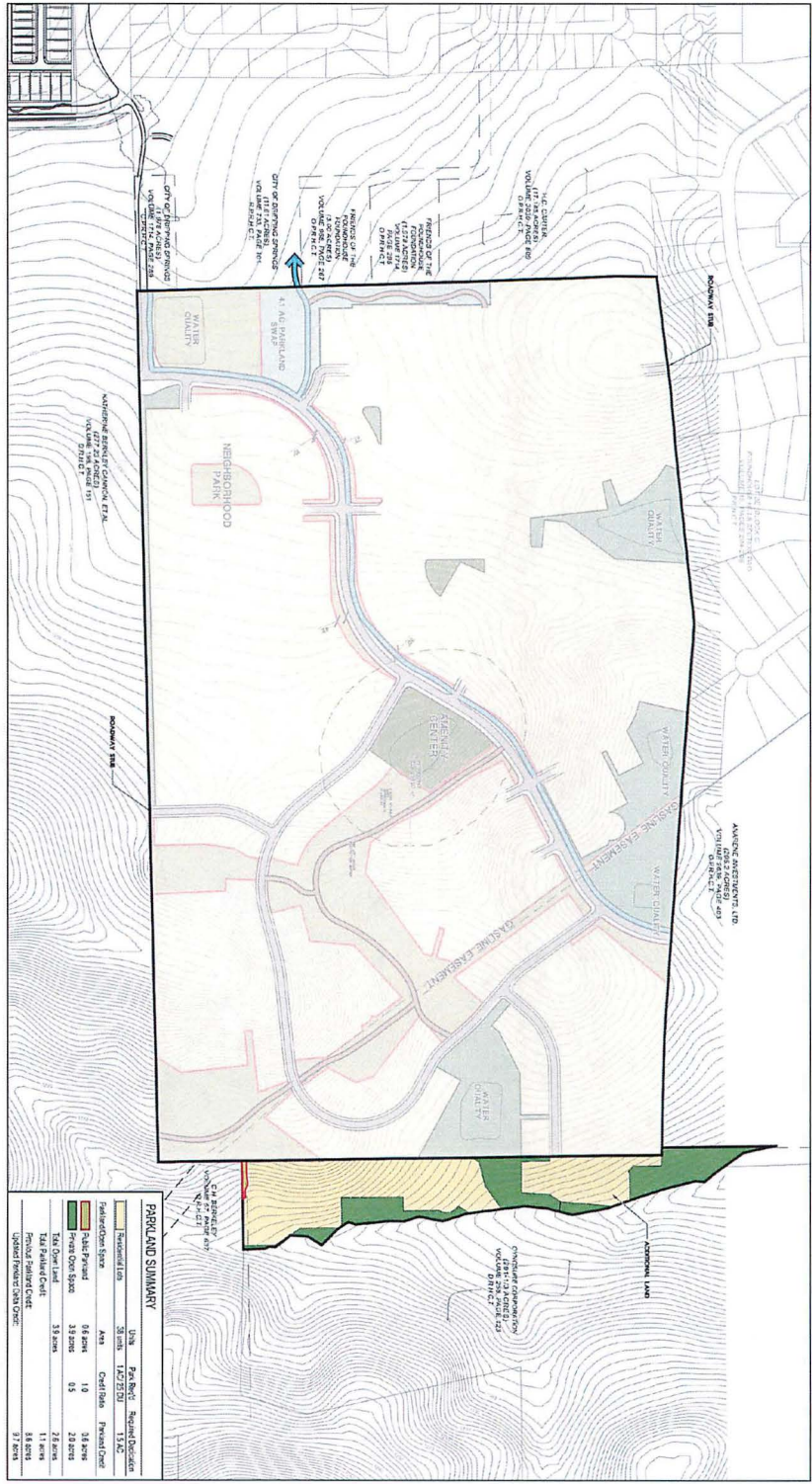


Scale: N.T.S.  
 Designed: JJP  
 Drawn: JBB  
 Reviewed: JJP



PD Parks, Trails and Open Space Plan

EXHIBIT C



**SFC Planning, LLC**  
 Land Planning • Landscape Architecture • Community Branding  
 ALPINE, TEXAS  
 79010  
 817.392.3333  
 www.sfcplanning.com

**PARKLAND CONTEXT EXHIBIT**  
**BIG SKY RANCH**  
 DRIPPING SPRINGS, TEXAS

**PARKLAND SUMMARY**

Subcategory	Area	Acres	Category	Permitted Use
Special Use	15.00	15.00	Special Use	Special Use
Open Space	15.00	15.00	Open Space	Open Space
Parks	15.00	15.00	Parks	Parks
Trails	15.00	15.00	Trails	Trails
Bike	15.00	15.00	Bike	Bike
Walk	15.00	15.00	Walk	Walk
<b>Total</b>	<b>15.00</b>	<b>15.00</b>		

Scale: 1" = 400'  
 North Date: April 29, 2020



**Big Sky Ranch** – Dripping Springs, Texas  
August 9, 2018

## **PARKLAND AND OPEN SPACE CALCULATIONS**

### **Property Overview**

Big Sky Ranch is a residential community located northeast of Ranch Road 12 and US 290 within the City of Dripping Springs ETJ. The property is approximately 200 acres and seeking City of Dripping Springs approval for the development of up to 780 residential lots.

The property is characterized as a mix of flat pasture land as well as typical Hill Country with moderate hills and topography. The property is covered with a mix of cedar (Ashe Juniper), live oak and cedar elm hardwoods.

The Big Sky Ranch Parkland and Open Space Plan consists of a combination of private and public parkland and open space. The centerpiece of the private parkland component will be a 3.1 acre Neighborhood Park. The park is centrally located within the community surrounding a hilltop that will remain undeveloped. Program elements to be constructed within the Neighborhood Park by the developer include a pool, pavilion, playscape, unstructured lawn play area and associated parking.

Big Sky Ranch is located immediately east of Founders Memorial Park. With the community's proximity to the park in mind, a community open space system has been designed to offer pedestrian trail corridors from east Dripping Springs to Founders Memorial Park. The community Parkland and Open Space Plan shall provide nearly two miles of roadside and off-road trails. The City of Dripping Springs Parks, Recreation & Open Space Master Plan 2014-2024, Park Needs Implementation Plan identifies "Walking / Hiking / Biking Trails" as the first "High Priorities" listed within the plan. Big Sky Ranch's trails system offering is in alignment with the City of Dripping Springs' high priority and further extends the public trails system to the east.

The public parkland dedication also includes an 8.0 acre tract of land immediately adjacent to Founders Memorial Park. This parcel will open visibility and accessibility to the park from the east and offer expanded unstructured recreational opportunities at Founders Memorial Park.

### **Parkland Calculations**

Following is a summary of parkland requirements and the parkland provided within Big Sky Ranch. The calculations are intended to support the Big Sky Ranch Parkland and Open Space Plan.

#### **I. Parkland Required by City of Dripping Springs' Code of Ordinances**

##### **1. Required**

One (1) acre of parkland per 25 living unit equivalents (LUE's), satisfied by cash or land. Based on the maximum 780 residential units within the Development Agreement, a maximum of 31.2 acres of parkland credit shall be required.

In addition to the required parkland dedication, the Applicant has agreed to dedicate 4.1 acres of additional parkland to help the City of Dripping Springs meet parkland dedication requirements once Founders Memorial Drive is converted to a public right-of-way in accordance with the transportation plan.



In total, the parkland dedication requirement to meet the residential development and Founders Memorial Park right of way dedication is 35.3 acres.

## II. Proposed Parkland Compliance Program

### 1. Public Parks

A total of 26.7 acres is being dedicated to the City as a public park as well as public trails corridors. A tract approximately 8.0 acres in size is located within the southwest portion of the property. Approximately 4.1 acres of the tract is designated as the Parkland swap tract. The remaining 3.9 acres shall incorporate a dry stormwater detention facility constructed to comply with State of Texas design standards.

One often visualizes a detention pond as a hole with concrete side walls surrounded by a chain link fence. Due to the highly visible location of the detention facility, the Applicant will design the detention/water quality facility with natural side slopes than can be navigated by park users. The bottom of the depression will be constructed with a lawn area that may be used by park users for informal sporting events, flying kits or enjoying other lawn focused events.

In addition to the 8.0 acres in the southeast portion of the property, The Parkland and Open Space Plan public open space corridors will include:

- **Roadside Trails**
  - Meandering roadside trails will be constructed with a set of varied width concrete public parkland tracts that traverse the property adjacent to the collector right-of-way. The open space tracts and concrete trails will extend to the east and strengthen the City of Dripping Spring's public trails system.
- **Off-Road Trails**
  - Off-road trails will be constructed in a set of natural open space corridors within the community. Trails may be built using concrete, mulch or other natural materials and will further expand the City of Dripping Spring's public trails system.
  - Trailheads (Including 1 bench, 1 trailhead sign, enhanced landscaping and connections) will be provided at each location where the off-road trails connect with a public right-of-way.

### 2. Private Parks

The Big Sky Ranch Parkland and Open Space Plan includes a 3.1 acre Neighborhood Park. The Neighborhood Park will be privately maintained by the H.O.A. This facility will include:



- Resort style swimming pool
- Restroom/storage building
- Parking Lot: Surface parking lot with curbs
- Unstructured play area
- Children’s playground (school ages 5-12): ADA access children’s playscape with 12” depth engineered mulch playground surface
- Bike Rack: Located convenient to pavilion and parking lot.

3. Private Open Space

Private parkland and open space will be distributed throughout the community. Some portions of the open space will provide stormwater detention and water quality on the property while other portions of the open space will remain undisturbed.

Consistent with the detention facility design described within Section II.1 Public Parks, the Applicant will design and construct these detention facilities in a natural manner. The detention ponds will have natural side slopes as well as earthen embankment structures. Additionally, the facilities will be naturally landscaped to blend into the surrounding natural area areas during plant establishment.

The preservation of open space within the community also addresses The City of Dripping Springs Parks, Recreation & Open Space Master Plan 2014-2024, Park Needs Implementation Plan Section High Priorities “Natural Areas and Open Space” goal.

III. **Parkland Calculation Summary**

Parkland Dedication Requirements: Based on parkland calculations required by the City of Dripping Springs Code, Big Sky Ranch is required to provide 31.2 acres of total parkland.

Proposed Parkland Credit: As shown in the Parkland Open Space Plan, a total of 46.7 acres of parkland and open space shall be provided in association with the development of Big Sky Ranch, providing 36.7 acres of City parkland credits. This provides a surplus of 5.5 acres of public parkland credit.

Total Residential Units:	780 units		
Parkland Requirement:	31.2 acres		
<b>Parkland Credit Calculations</b>	<b>Area</b>	<b>Credit</b>	<b>Dedication</b>
Private Uplands Neighborhood Park	3.5 acres	50% Credit	1.7 acres
Private Uplands Park/Open Space	14.6 acres	50% Credit	7.3 acres
Private Parkland Credit	18.1 acres		9.0 acres
Public Parkland/Open Space	26.7 acres	100% Credit	26.7 acres
Public Parkland Credit	26.7 acres		26.7 acres
Total Parkland/Open Space Area			44.8 acres
Total Parkland Credit			35.7 acres
Delta:			4.5 acres

Page 3 of 4  
R:\170080-MER\Cadfiles\PLANNING\Submittals\2018-05-05 Exhibits\Parkland\2018-09-21\_REVISIED Parkland and Open Space Calculations Letterhead.docx



Founders Park Roadway Dedication: Additionally, the proposed public right-of-way through Founder's Park is approximately 4.1 acres of parkland. As a result, additional parkland is required to offset this parkland area impact. Big Sky Ranch will dedicate an additional 4.1 acres of parkland (in addition to the 44.8 acres noted above) to account for this right-of-way requirement. In total Big Sky Ranch will be dedicating 48.9 acres of parkland for both private use as well as public parkland dedication.

#### IV. Maintenance

The Parkland and Open Space Plan for Big Sky Ranch includes private parks, private and public trails and natural open spaces. All parkland and open space areas will be maintained by the community's Homeowner Association (H.O.A.) The public open space areas will be maintained by the H.O.A. through an access easement overlay (to be coordinated with the City). The H.O.A. will maintain this public trail and park to conform with the maintenance level of the community. The H.O.A. will be established prior to selling homes and will be funded through a community fee. This fee will be used to maintain parks, open space trails, entry feature monuments and public areas within H.O.A. access easements.

#### V. Phasing

Big Sky Ranch will be a phased residential community. Following is a summary of anticipated dedication (as applicable) and construction of parkland:

- The park in the southwest portion of the property will be improved and dedicated to the City of Dripping Springs with the construction and acceptance of Phase 1 of Big Sky Ranch.
- Roadside concrete public trails will be constructed with construction of the associated roadway.
- Off-road trails corridors will be dedicated to the City within six months of City acceptance of the associated residential area. The construction of the trail within each tract shall be complete prior to dedication of the tract.
- The improved private neighborhood park will begin construction in Phase 2 of the development.
- Remaining private park and open space tracts will be developed with development of the associated residential area.

Revision approved with Tract 2, as recommended by the Parks & Recreation Commission on May 4, 2020, and approved by City Council on May 12, 2020.

**Big Sky Ranch** – Dripping Springs, Texas  
April 28, 2020

**PARKLAND AND OPEN SPACE CALCULATION UPDATES**

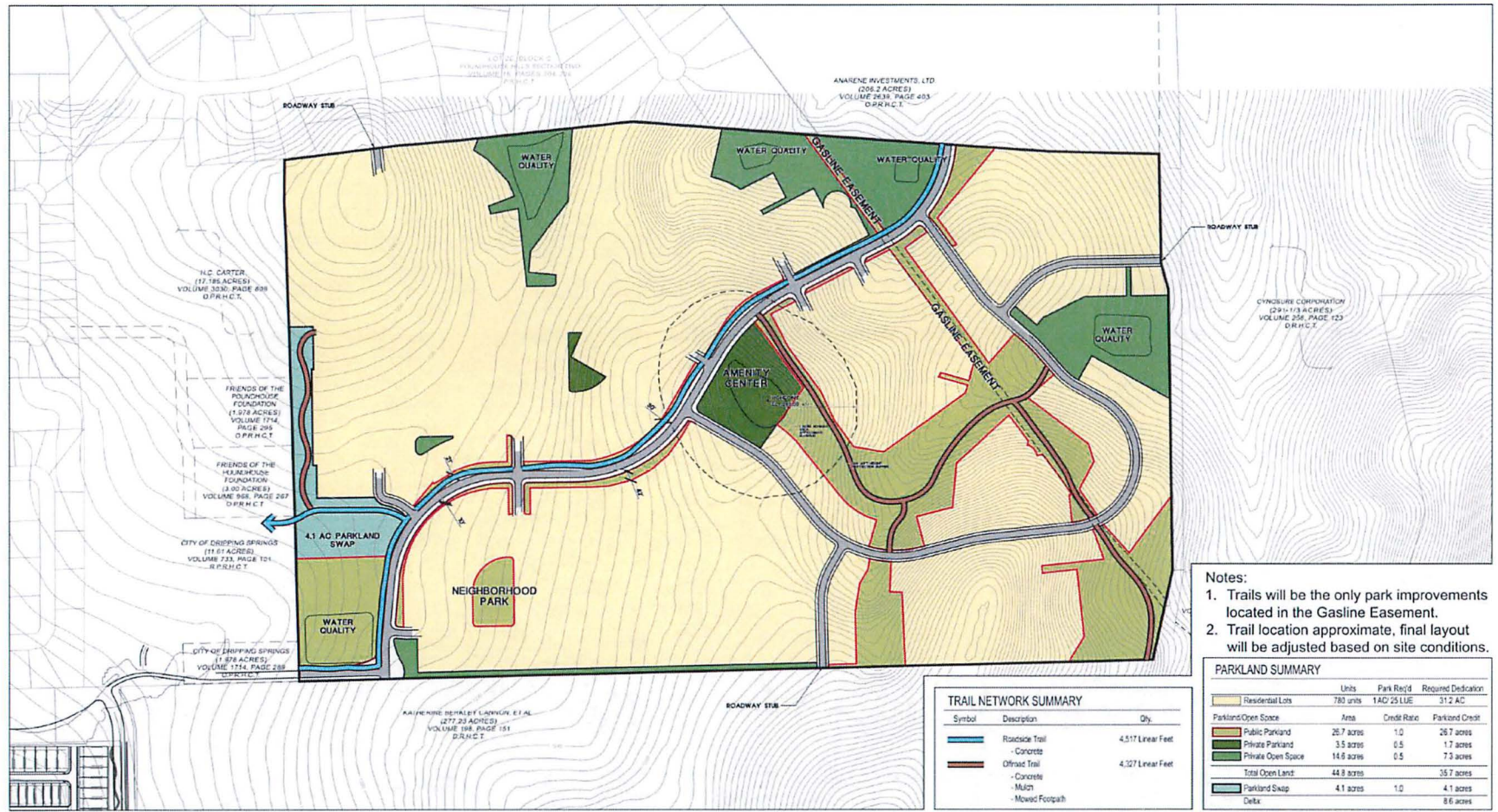
In 2018, the Big Sky Parkland Plan was submitted and approved by the City of Dripping Springs with an excess of 8.6 acres of dedicated parkland credit. In 2020, an additional 13 acres was added to the Big Sky Ranch master plan. This additional land is providing an additional 38 dwelling units. Per the parkland dedication requirements, the total parkland required for this 13 acre addition is 1.5 acres.

The total amount of dedicated private and public parkland in the new section combined totals 3.9 acres, which equates to a total credit of 2.6 acres. Although there exists an excess of 8.6 acres of parkland from the original Parkland Agreement, the new 13 acre tract is providing enough credit to offset its own parkland requirement and add an additional 1.1 acres to the remaining credit acres. Thus, the community of Big Sky Ranch now is providing an updated delta of 9.7 acres of parkland in excess to what is required per City regulations.

Total Residential Units: 38 units  
Parkland Requirement: 1.5 acres

<b>Parkland Credit Calculations</b>	<b>Area</b>	<b>Credit</b>	<b>Dedication</b>
Private Uplands Park/Open Space	3.9 acres	50% Credit	2.0 acres
Private Parkland Credit	3.9 acres		2.0 acres
Public Parkland/Open Space	0.6 acres	100% Credit	0.6 acres
Public Parkland Credit	0.6 acres		0.6 acres
Total Parkland/Open Space Area			2.6 acres
Total Parkland Credit:			1.1 acres
Previous Total Parkland Credit			8.6 acres
<b>Updated Parkland Dedication Delta:</b>			<b>9.7 acres</b>

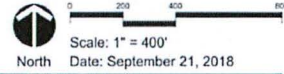




- Notes:
1. Trails will be the only park improvements located in the Gasline Easement.
  2. Trail location approximate, final layout will be adjusted based on site conditions.

Symbol	Description	Qty.
	Roadside Trail - Concrete	4,517 Linear Feet
	Offroad Trail - Concrete - Mulch - Mowed Footpath	4,327 Linear Feet

	Units	Park Req'd	Required Dedication
Residential Lots	780 units	1AC/25 LUE	31.2 AC
Parkland/Open Space	Area	Credit Rate	Parkland Credit
Public Parkland	26.7 acres	1.0	26.7 acres
Private Parkland	3.5 acres	0.5	1.7 acres
Private Open Space	14.6 acres	0.5	7.3 acres
Total Open Land	44.8 acres		35.7 acres
Parkland Swap	4.1 acres	1.0	4.1 acres
Delist			8.6 acres



**SEC Planning, LLC**  
Land Planning • Landscape Architecture • Community Boarding  
AUSTIN, TEXAS  
512.294.7603  
www.secplanning.com • info@secplanning.com

**PARKLAND & OPEN SPACE EXHIBIT**  
**BIG SKY RANCH**  
DRIPPING SPRINGS, TEXAS

SHEET FILE: R:\172085-MERIDIAN\PLANNING\Subarea\2018-05-09 Exhibit\Public\Parkland Exhibit 2018-09-21.dwg  
Data mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

**Big Sky Ranch  
Parkland & Open Space Summary  
August 9, 2018**

Units: 780 units  
 Parkland Ratio: 1 acre per 25 units  
 Required Parkland: 31.2 acres

<b>Parkland Summary</b>	<b>Area</b>	<b>Credit Ratio</b>	<b>Parkland Credit</b>
Public Parkland	26.7 acres	1	26.7 acres
Private Parkland	3.5 acres	0.5	1.7 acres
Private Open Space	16.5 acres	0.5	8.3 acres
	46.7 acres		36.7 acres

Dedication Credit Overage: 5.5 acres  
 Required Founder's Park Land\* 4.1 acres  
 Founder's Parkland Swap 4.1 acres  
 Remaining Parkland Credit: 5.5 acres

**Additional Improvements**

Public Parkland Improvements	\$1,600,000
Private Parkland Improvements:	\$1,500,000
Founders Memorial Park and Pound House Improvements:	\$250,000
<b>Total Cash Value:</b>	<b>\$3,350,000</b>

\*Approximate land area required to provide public right-of-way access from Ranch Road 12 across park per updated transportation plan.

**EXHIBIT D**

**PD Code Modification Chart (Project Approvals, including Variances and Exceptions)**

EXHIBIT D- LIST OF VARIANCES & ALTERNATIVE STANDARDS					
#	Ordinance	Description	Requirement	Requested Variance	Justification
<i>Chapter 11, Water Quality Protection</i>					
1	22.05.016(a)(2)	Maximum Impervious Cover	Sets maximum impervious cover for site development plans within the Edwards Aquifer contributing zone and the ETJ to 35%	Maximum impervious cover for site development plans within the Edwards Aquifer Contributing zone and the ETJ will be 50%	To have the ability to respond to evolving and diversified housing market. To provide a variety of housing types with variety of lot sizes.
2	22.05.015(c)(3)	Performance standards	Establishes 90% removal of total suspended solids, total phosphorus, and oil and grease	Use water quality BMPs that achieve a TSS removal of 89% and comply with the TCEQ Optional Enhanced Measures (OEM) load management requirements.	Providing stream buffers per the TCEQ OEM that exceed the City of Dripping Springs water quality buffer requirements. Including the LCRA Streambank Erosion Control volume in the water quality pond to protect natural waterways and habitat. Will create better use of the land, less long-term maintenance burden, more attractive water quality measures, and consistent with State standards.
<i>Chapter 23, Zoning</i>					
3	3.5.4(a),(2)	Lot Widths	SF-3: Width = 35'	For Residential Use: Width= 34' Width of all lots shall be measured at the Setback	To have the ability to respond to evolving and diversified housing market. To provide a variety of housing types with variety of lot sizes.

P:\1691-002\admin\entitlements\Development Agreement\1691-001\_ Exhibit D\_ Residential DA- Variances\_2018-06-20

Ordinance	Description	Requirement	Requested Variance	Justification
<i>Chapter 26, Signs</i>				
4	26.05	Prohibited signs	Off Premises signs are prohibited	<p>Allow four (4) off premises signs, two (2) monuments and two (2) construction/development signs. * Monuments to be erected at the intersection of Founders Park Road and Ranch Road 12 as well as at the intersection of Cannon Road and Hwy 290. Monument on Founders Park Road and RR 12 will be dual purpose and include Founders Park &amp; Pound House. Monument on Cannon Tract will include the Cannon Development as appropriate. *Construction /development signs to be erected along Rob Shelton and at Cannon entrance along Hwy 290.</p> <p>Entrance to the subdivision is not visible from public roadway. Master sign plan and permit applications are still required. Signs will conform with all city regulations regarding size and design standards.</p>
5	26.06.063 (b) & (c)	Monument signs for subdivisions	<p>Maximum area of a sign shall not exceed thirty-two (32) square feet. Maximum height for a sign shall not exceed six (6) feet.</p>	<p>Maximum area and height for monuments signs shall refer to the configuration for the letters only. Where monument is for multiple areas, such as addition of Pound House and Founders Park, each portion will be allotted a maximum of thirty-two (32) square feet.</p> <p>Allows flexibility for signage to be included as part of a decorative structure.</p>
6	26.06.056(c)	Construction Development signs	<p>Construction/development signs may only be erected on the land being developed upon the commencement of construction/development and shall be removed when eighty percent (80%) of the construction/development is completed or twelve (12) months after the sign is first installed, whichever comes first. The twelve-month term can be extended pursuant to the variance procedure of this chapter.</p>	<p>Allow an off premises construction/development sign to be erected along Rob Shelton and also along Hwy 290 at the access point to the subdivision on the Cannon Property. Sign along Rob Shelton shall be removed when construction is complete. Sign along Hwy 290 shall be removed and/or relocated when the commercial and/or residential portions of Cannon are developed.</p> <p>Entrance to the subdivision is not visible from public roadway. Developer will coordinate placement with property owner.</p>

P:\1691-002\admin\entitlements\Development Agreement\1691-001\_Exhibit D\_Residential DA- Variances\_2018-06-20

#	Ordinance	Description	Requirement	Requested Variance	Justification
<i>Chapter 28, Subdivisions and Site Development</i>					
7	(Exhibit A), 3.13	Lapse of plat approval	<u>Preliminary Plat.</u> All of the following shall occur within the one hundred and eighty-three (183) calendar days following Preliminary Plat approval: 1) City Engineer's approval of engineering plans for all proposed public improvements; and 2) payment of all applicable fees that are traditionally collected prior to release for site construction. In addition to the above, an application for approval of the final plat shall be submitted to the City within three hundred sixty-five (365) calendar days following approval of the preliminary plat in order to avoid lapse of the approved Preliminary Plat (unless such is extended or reinstated pursuant to provisions in this Chapter).	Preliminary Plat: All of the following shall occur within the one hundred and eighty-three (183) calendar days following Multi-Phased Preliminary Plat approval: 1) City Engineer's approval of engineering plans for Phase 1 proposed public improvements; and 2) payment of all applicable fees that are traditionally collected prior to release for site construction for Phase 1. In addition to the above, an application for approval of the Phase 1 final plat shall be submitted to the City within three hundred sixty-five (365) calendar days following approval of the preliminary plat in order to avoid lapse of the approved Preliminary Plat (unless such is extended or reinstated pursuant to provisions in this Chapter). Once conditions of Phase 1 are met the Preliminary plat shall be valid for 10 years unless such is extended or reinstated pursuant to provisions in this Chapter.	Allows time for the construction of infrastructure improvements prior to recordation of plats.
8	(Exhibit A), 3.13	Lapse of plat approval	<u>Final plat approved by the City Council but not yet filed with Hays County.</u> - All materials necessary to file the plat at the County, including plat mylars, filing fees, etc., shall be submitted to the City within thirty (30) calendar days of the date of final approval (The thirty-day period shall commence upon County approval of final plat if the property is in the ETJ).	<u>Final plat approved by the City Staff but not yet filed with Hays County.</u> - All materials necessary to file the plat at the County, including plat mylars, filing fees, etc., shall be submitted to the City within three hundred and sixty five (365) calendar days of the date of final approval.	Allows time for the construction of infrastructure improvements prior to recordation of plats.
9	(Exhibit A), 11.13.2	Frontage on Residential Collector Streets	Shall not exceed 20%	Applicable only to major collectors, minor arterials, and major arterials.	To showcase the lively neighborhood character with homes fronting streets where possible.

P:\1691-002\admin\entitlements\Development Agreement\1691-001\_Exhibit D\_Residential DA- Variances\_2018-06-20

#	Ordinance	Description	Requirement	Requested Variance	Justification
10	(Exhibit A), 11.21.1	Residential block lengths	Shall not exceed one thousand two hundred (1,200) feet between centerlines of street intersections	Shall not exceed three thousand (3,000) feet between centerlines of street intersections at the perimeter of the property.	This relates only to the perimeter of the property where access to neighboring property is limited by topographic conditions and adjacent land use.
11	(Exhibit A), 13.2	Intersecting Streets	Blocks shall not be less than four hundred feet (400') in length	Blocks shall not be less than two hundred feet (200') in length	Considering unique topographic conditions that may reduce intersection distances.
12	(Exhibit A), 14.6	Minimum Lot Sizes	For lots using surface water and public wastewater system is 0.75 acres	For lots using surface water and public wastewater system is 3,400 square feet	To have the ability to respond to evolving and diversified housing market. To provide a variety of housing types with variety of lot sizes.
13	(Exhibit A), 15.1	Sidewalks	Required on both sides of collector and arterial streets without open ditch drainage	Sidewalk or an 8-foot wide meandering trail will be provided on each side of collector street.	To fuse the hill country character within the community.
14	(Exhibit A), 20.1.3(g)	Sidewalks	Both sides of street in both residential and non-residential developments utilizing curb (not open ditch drainage). Required in conjunction with sewer line installation.	Sidewalks adjacent to residential lots constructed by the home builders at the time of home construction. Sidewalks not adjacent to residential lots will be constructed at time of roadway construction.	To fuse the hill country character within the community and remain consistent with the nearby high density development. To clarify timing of sidewalk construction
15	(Exhibit A), 30.2	Performance Guarantees	Required for public improvements	Performance guarantees shall be issued in the name of each current and future owner of public improvements including those owned and maintained by Hays County, City of Dripping Springs, or the Dripping Springs Water Supply Corporation.	Public Improvements will be owned and maintained by separate entities and thus performance guarantees shall be issued for each entity's benefit for the improvements that will be dedicated to them.
16	28.04.018	Cuts and fills	No fill or cut on any building site shall exceed a maximum of six (6) feet of depth	Improvements requiring a site development permit will be held to no more than 12 feet of cut and/or fill.	To respond to topographic conditions and provide roadways that meet design requirements.
17	28.06.051(a&b)	Residential Street Tree Requirements	Street trees [(2) 4" Trees/50 lf] to be planted adjacent to or near street right-of-way per associated zoning classification	Three inch (3") caliper or greater street trees planted within five feet (5') of the public right of way shall receive credit towards tree replacement requirements at a ratio of 1:1.	The development will provide a strong streetscape with mature trees earlier in the life of the project with this street tree planting plan.

Ordinance	Description	Requirement	Requested Variance	Justification	
<i>Hays County Development Regulations (2017) Chapter 721 - Roadway Standards</i>					
18	Table 721.02	Roadway Classification	ADT = 5001 -15000 corresponds to Minor Arterial with 100ft ROW	Utilize Roadway Classification of Minor Collector	The spine road is intended to act as a minor collector not an arterial.
19	Table 721.02	Roadway Classification: ROW Width	ADT = 5001 -15000 corresponds to Minor Arterial with 100ft ROW	Utilize City of Austin classification of Primary Collector (ADT = greater than 3500) with 70ft ROW	The spine road is an urban section with curb & gutter. City of Austin definition of roadway use and width is wide enough for current planned section, with potential to expand to a 4-lane in the future.
20	Table 721.02	Minimum Centerline Radius	Urbanized Local = 200 feet Minor Collector = 375 feet	Urbanized Local = 180 feet Minor Collector = 300 feet	Complies with AASHTO standards relative to proposed design speeds. Preserves natural character by minimizing impacts to existing topography.
21	Table 721.02	Cul-de-sac ROW/ Pavement Radius (feet)	70/45 for Urbanized Local and Minor Collector	60/48 for Urbanized Local. Islands are allowed in the cul-de-sac.	To preserve the natural character of the site by minimizing roadway impacts.
22	Table 721.02	Knuckles	No provision	Knuckles are allowed. Minimum ROW radius is 50 feet. Minimum pavement radius is 40 feet.	Preserves natural character by minimizing roadway impacts and concentrating residential density.
23	Table 721.02	Minimum Lot Frontage	Minor Collector= 100 feet	Minor Collector= 60 feet	To have the ability to respond to evolving and diversified housing market. Provide a variety of housing types and lot sizes.
24	Table 721.02	Minimum Drive Spacing	Minor Collector= 75 feet	Minor Collector= 60 feet	To have the ability to respond to evolving and diversified housing market. Provide a variety of housing types and lot sizes.
25	Section 9.2.2(a)(1)	Side slopes on swales	No steeper than 1 vertical to 6 horizontal	No steeper than 1 vertical to 3 horizontal	Complies with City of Austin, Drainage Criteria Manual 6.4.1.D

P:\1691-002\admin\entitlements\Development Agreement\1691-001\_Exhibit D\_ Residential DA- Variances\_2018-08-20

### EXHIBIT E

## Founders Memorial Park and Pound House Improvements



**SEC Planning, LLC**  
 Land Planning • Landscape Architecture • Community Branding

**FOUNDER'S PARK AND POUND HOUSE POTENTIAL IMPROVEMENTS**  
**BIG SKY RANCH**

Scale: 1" = 100'  
 Date: June 20, 2018

SHEET FILE: H:\17000-NRSE-Enhance of Founders Park Pound House Improvements\06-19-2018.dwg  
 Base mapping compiled from best available information. All map



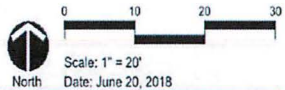
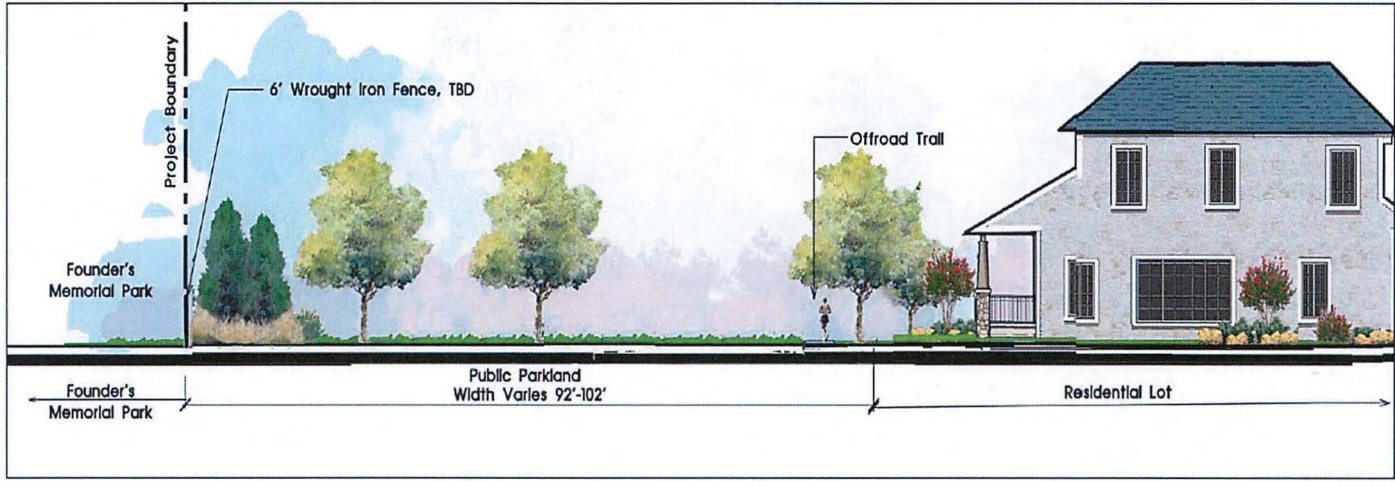
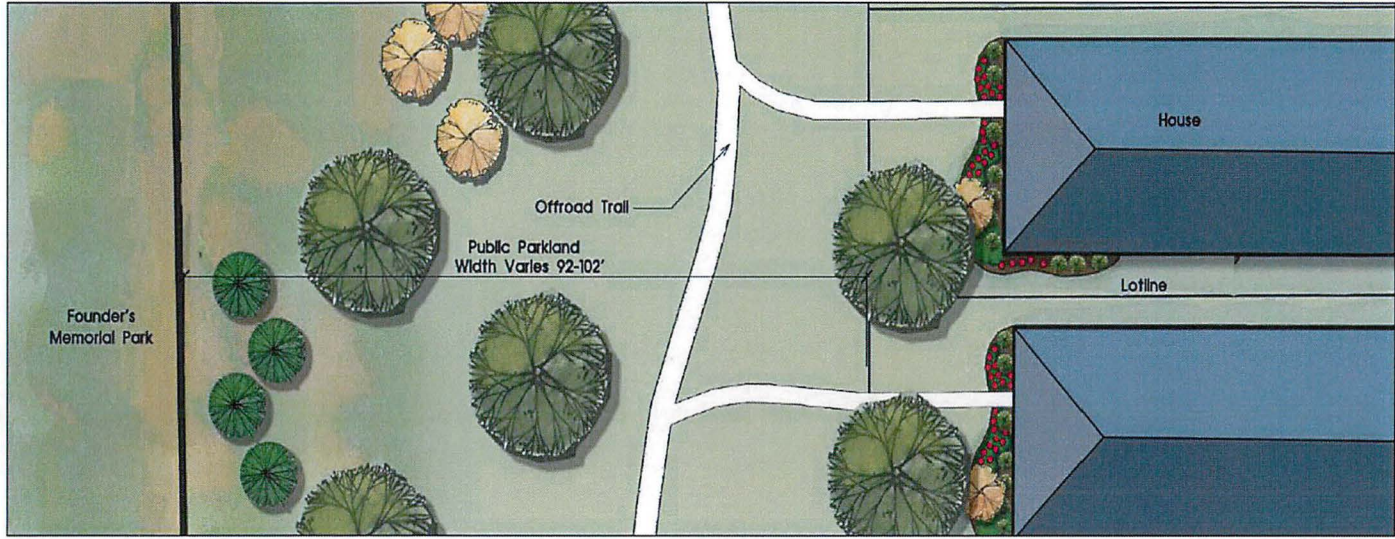
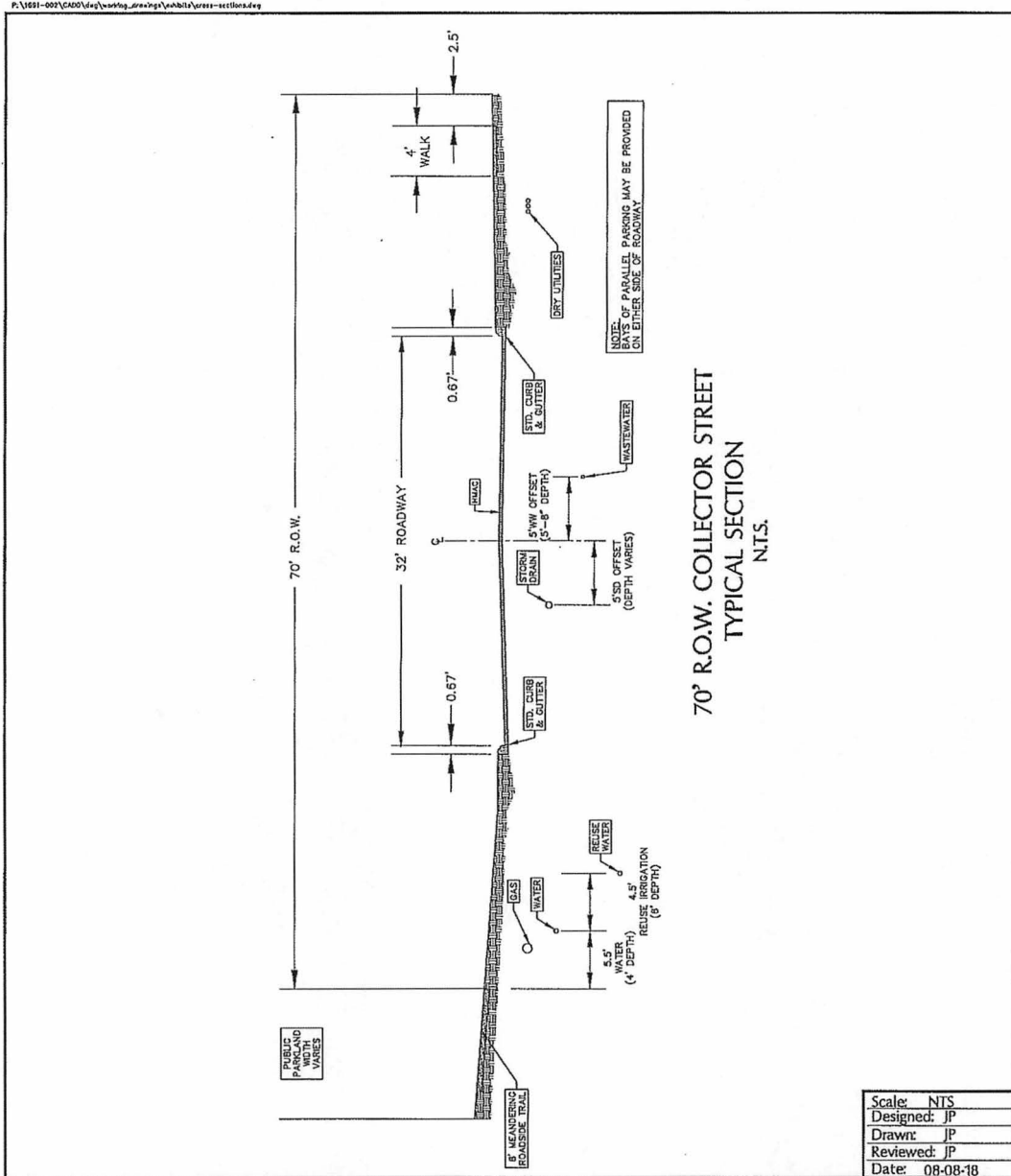
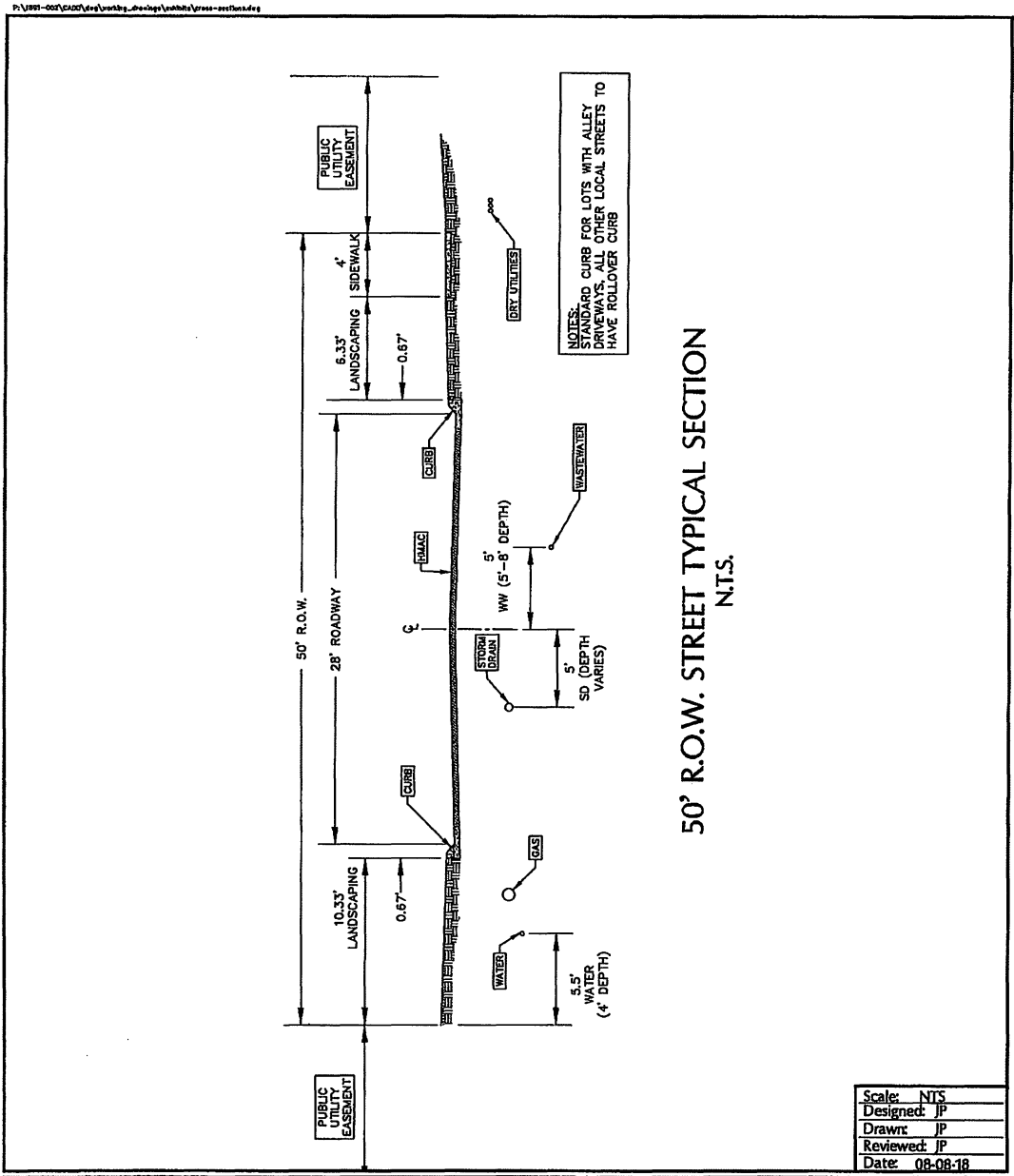


EXHIBIT F

PD Street Standards

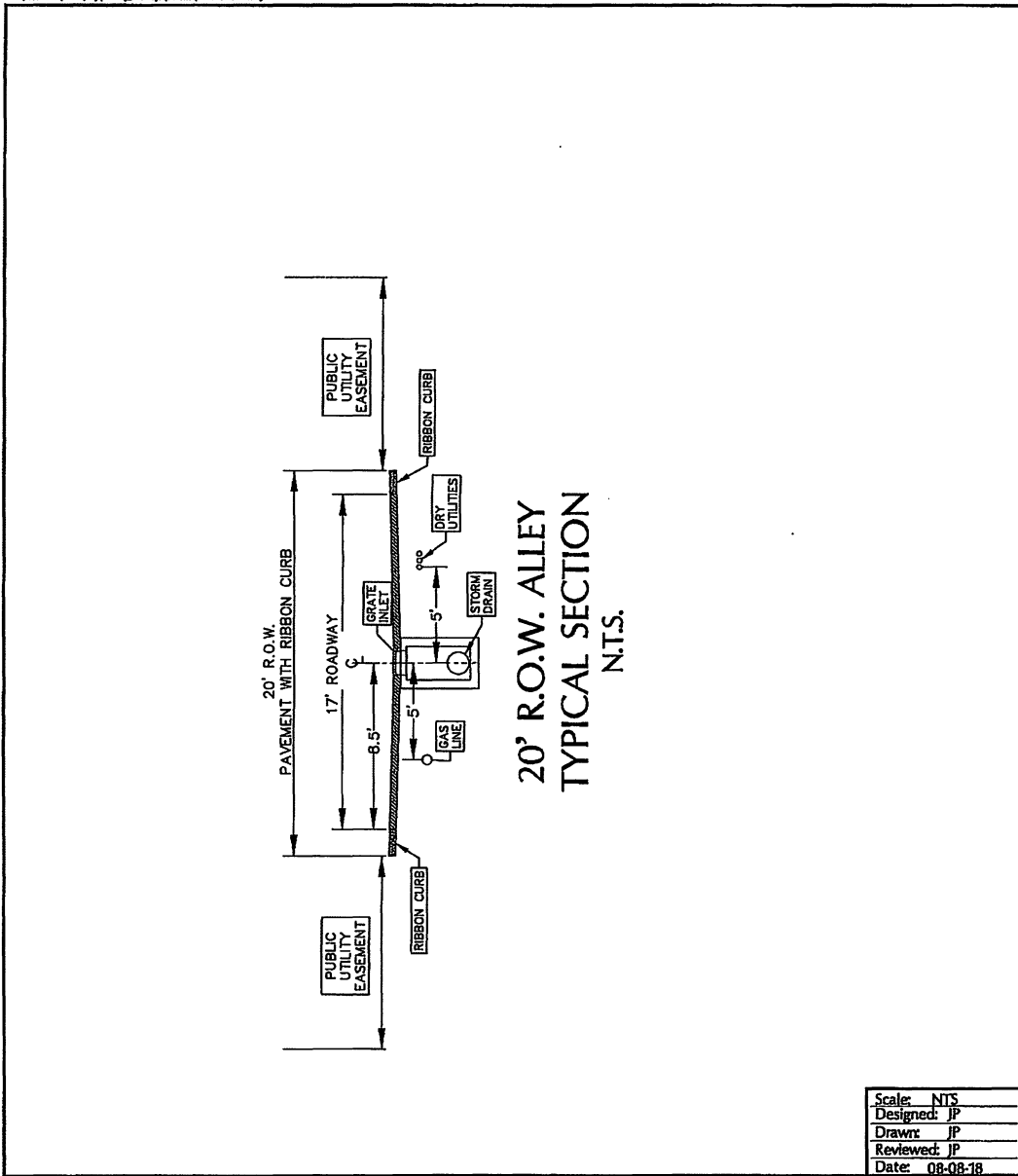


Project No: 16971-002	SHEET 1 OF 4	Big Sky Ranch DRIPPING SPRINGS, TEXAS	TYPICAL ROAD CROSS SECTION - 70' R.O.W. MINOR COLLECTOR	<b>DA DOUCET &amp; ASSOCIATES</b> Civil Engineering - Entitlements - Surveying/Mapping 7401 B. Highway 71 W, Suite 160 Austin, Texas 78735, Phone: (512)-583-2600 www.doucetengineers.com Firm Registration Number: 3937
--------------------------	--------------------	--	---	---



Project No: 1691-002	SHEET 2 OF 4	Big Sky Ranch DRIPPING SPRINGS, TEXAS	TYPICAL ROAD CROSS SECTION - 50' R.O.W. RESIDENTIAL STREET	<b>DOUCET &amp; ASSOCIATES</b> Civil Engineering - Entitlements - Surveying/Mapping 7401 B. Highway 71 W, Suite 160 Austin, Texas 78735, Phone: (512)-583-2600 www.doucetengineers.com Firm Registration Number: 3937
-------------------------	--------------------	--	--	--

P:\1691-002\CAD\working\drawings\public\cross-section.dwg



20' R.O.W. ALLEY  
TYPICAL SECTION  
N.T.S.

Scale:	NTS
Designed:	JP
Drawn:	JP
Reviewed:	JP
Date:	08-08-18

Project No:  
1691-002

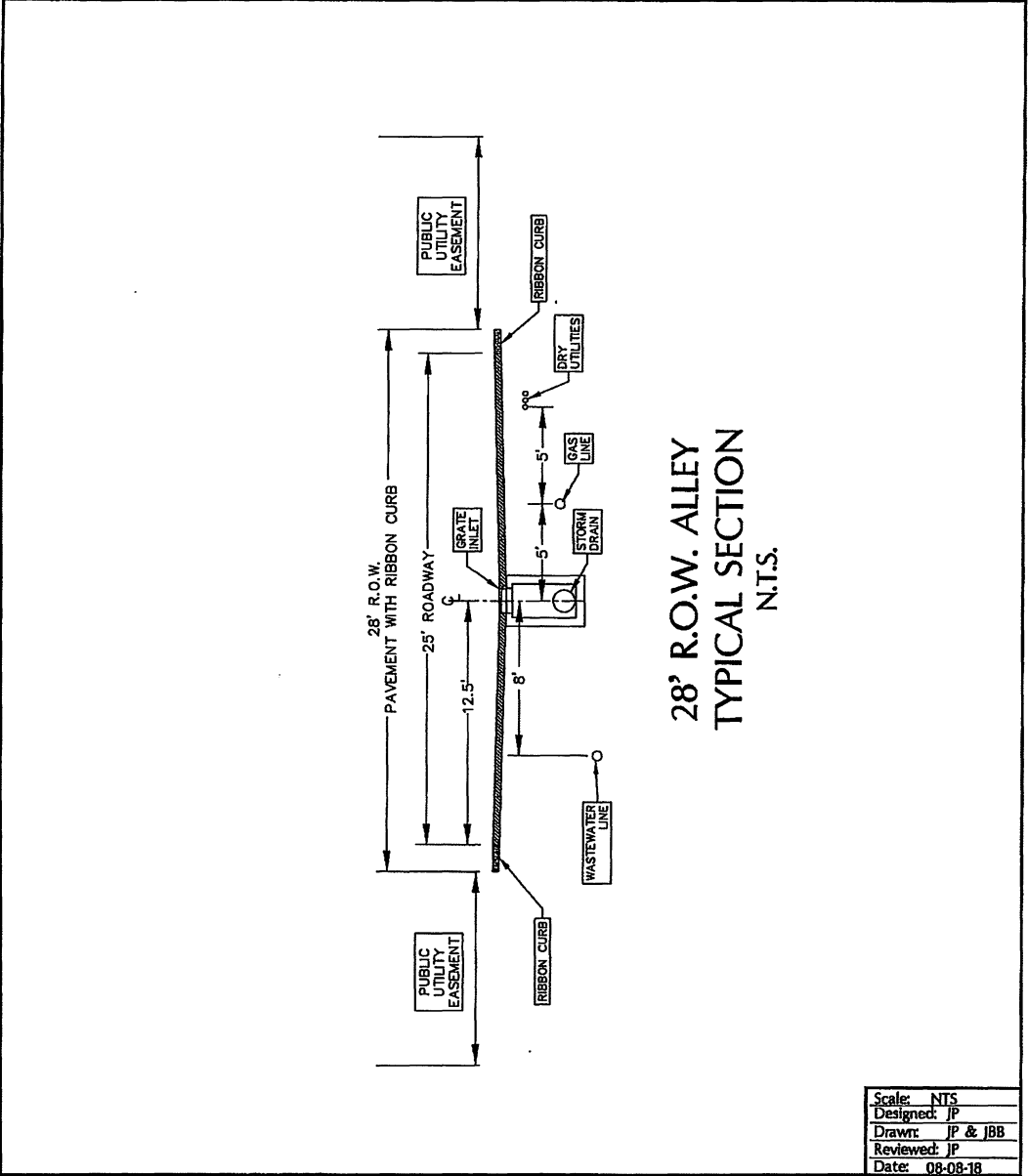
SHEET  
3  
OF 4

Big Sky Ranch  
DRIPPING SPRINGS, TEXAS

TYPICAL ROAD  
CROSS SECTION - 20' R.O.W.  
ALLEY

**DA DOUCET & ASSOCIATES**  
Civil Engineering - Eminentia - Surveying/Mapping  
7401 B. Highway 71 W, Suite 140  
Austin, Texas 78735, Phone: (512)-683-2600  
www.doucetengineering.com  
Firm Registration Number: 3937

P:\1691-002\1691-002\Drawings\1691-002\cross-section.dwg



Scale:	NTS
Designed:	JP
Drawn:	JP & JBB
Reviewed:	JP
Date:	08-08-18

Project No:  
1691-002

SHEET  
**4**  
OF 4

**Big Sky Ranch**  
DRIPPING SPRINGS, TEXAS

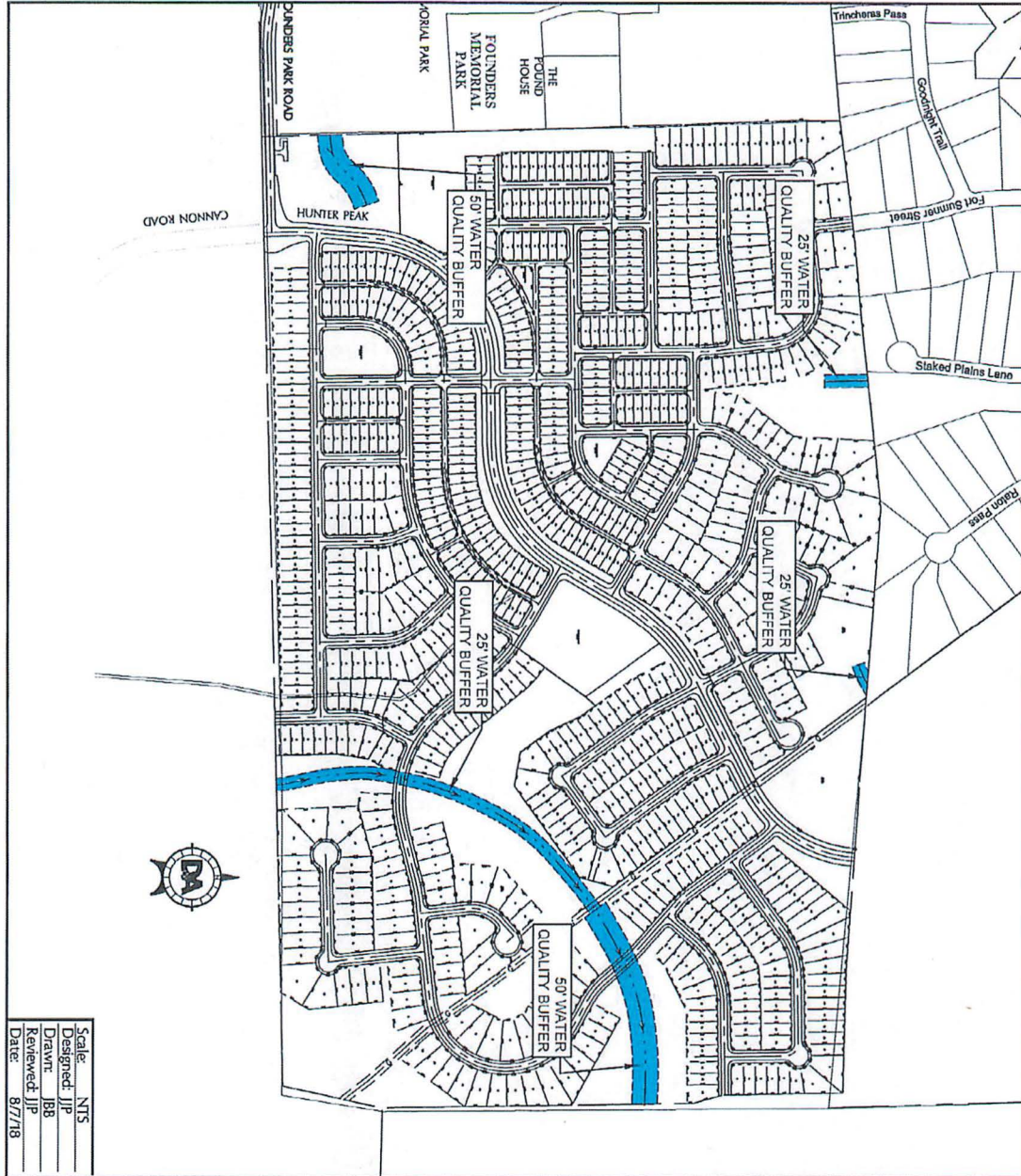
TYPICAL ROAD  
CROSS SECTION - 28' R.O.W.  
ALLEY

**DA DOUCET & ASSOCIATES**  
Civil Engineering - Eminent - Surveying/Mapping  
7401 B. Highway 71 W, Suite 160  
Austin, Texas 78736, Phone: (512)-583-2600  
www.doucetengineers.com  
Firm Registration Number: 3937

# EXHIBIT G

## Water Quality Buffer Zones

User: JBANISTER Plot Date/Time: Aug. 07, 18 - 10:55:51  
Drawing: P:\1691-002\CADD\dwg\working\_drawings\exhibits\CREEK\_BUFFER\_EXHIBIT.dwg

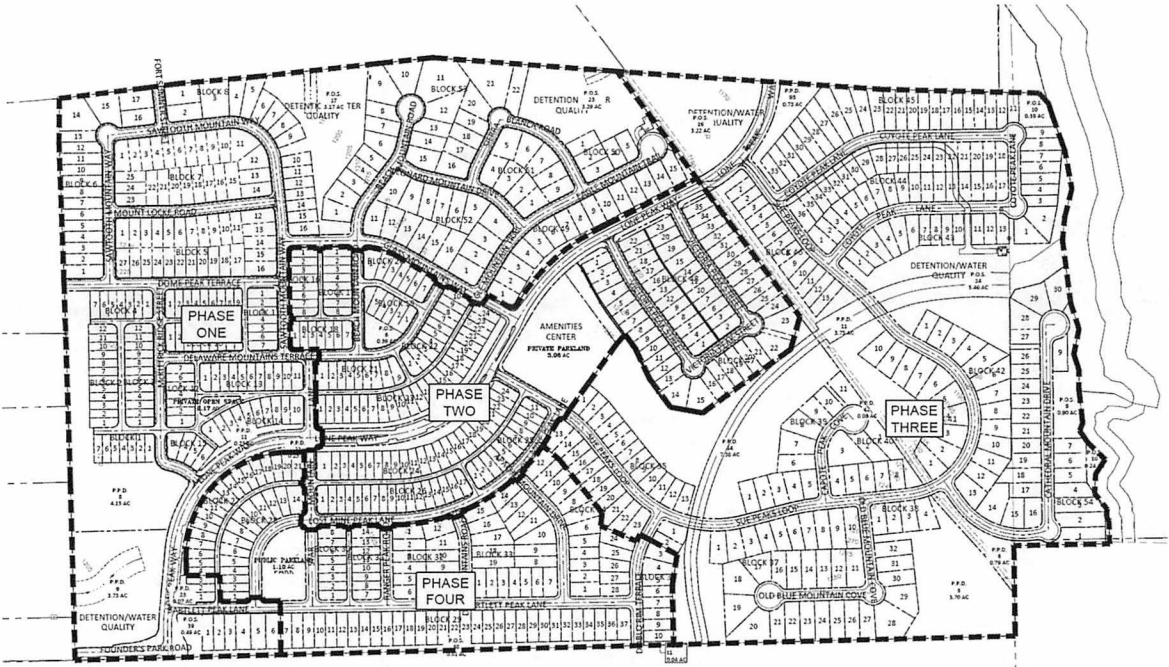
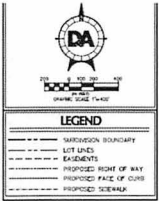


Scale:	NTS
Designed:	JJP
Drawn:	JBB
Reviewed:	JJP
Date:	8/7/18

SHEET <b>EXHIBIT</b> 1 OF 1 Project No: 1691-002	<b>BIG SKY RANCH</b> DRIPPING SPRINGS, TX	PLANNED DEVELOPMENT DISTRICT Exhibit H - Water Quality Buffer Zones	 <b>DOUCET &amp; ASSOCIATES</b> <small>Civil Engineering - Eminentments - Surveying/Mapping          7401 B. Highway 71 W. Suite 160          Austin, Texas 78735, Phone: (512)-583-2600          www.doucetengineers.com          Firm Registration Number: 3937</small>
--	--	--	---

Phasing Plan

EXHIBIT H



RESIDENTIAL LOTS BY PHASE	
<b>PHASE ONE</b>	
RESIDENTIAL LOTS A (34' X 115')	104
RESIDENTIAL LOTS B (45' X 120')	85
RESIDENTIAL LOTS C (60' X 120')	67
<b>TOTAL PHASE ONE</b>	<b>256</b>
<b>PHASE TWO</b>	
RESIDENTIAL LOTS A (34' X 115')	130
RESIDENTIAL LOTS B (45' X 120')	58
RESIDENTIAL LOTS C (60' X 120')	0
<b>TOTAL PHASE TWO</b>	<b>188</b>
<b>PHASE THREE</b>	
RESIDENTIAL LOTS A (34' X 115')	0
RESIDENTIAL LOTS B (45' X 120')	136
RESIDENTIAL LOTS C (60' X 120')	88
<b>TOTAL PHASE THREE</b>	<b>224</b>
<b>PHASE FOUR</b>	
RESIDENTIAL LOTS A (34' X 115')	48
RESIDENTIAL LOTS B (45' X 120')	88
RESIDENTIAL LOTS C (60' X 120')	0
<b>TOTAL PHASE FOUR</b>	<b>136</b>
<b>TOTAL</b>	
RESIDENTIAL LOTS A (34' X 115')	282
RESIDENTIAL LOTS B (45' X 120')	367
RESIDENTIAL LOTS C (60' X 120')	155
<b>TOTAL RESIDENTIAL LOTS</b>	<b>804</b>

**EXHIBIT I****PD Uses Chart:**

The uses permitted in PDD – 10 are as follows:

- Single-Family Dwelling, Detached;
- Garden Home/Townhome;
- Accessory Bldg/Structure (Residential);
- Home Occupation;
- Swimming Pool, Private;
- Community Center, Private; and
- Those uses listed in the City's zoning ordinance for the GR District or any less intense residential district uses are hereby permitted by right within the Project, and others are designated as requiring a Conditional Use Permit (CUP).



9600 Escarpment Blvd., Suite 745-4  
Austin, Texas 78789

Date: 05.01.20  
Project: Big Sky Ranch Tract 2  
City of Dripping Springs  
Parkland Dedication Plan

**MEMORANDUM**

To: Amanda Padilla, City of Dripping Springs Senior Planner

Cc: N/A

---

This memo serves as follow-up correspondence to the May 1, 2020 review by LUCK Design Team, LLC of the Big Sky Ranch Tract 2 Parkland Dedication Plan submitted April 28, 2020. The original Big Sky Ranch Parkland Dedication Plan was review by the Parks and Recreation Commission in October of 2018.

\*\*\* \*\*

After review we have the following observations and recommendations:

1. Tract 2 adds an extra proposed 38 dwelling units to the original 780 proposed LUEs (4.87% increase).
2. 38 dwelling units equate to 1.52 additional dedicated parkland acreage required.
3. As a standalone parkland dedication, 4.5 acres is being provided for Tract 2 in the following breakdown:

Private parkland: 3.9 acres (50% for private parkland dedication=2.0 acres dedicated).  
Public parkland: 0.6 acres (100% for public parkland dedication=0.6 acres dedicated).  
Total parkland dedication credits provided: 2.6 acres

The parkland dedication requirements exceed the amount required by ordinance.

4. The addition of Tract 2 does not significantly change the overall parkland distribution of public and private parks that were established in 2018. The additions of the Tract 2 parklands connect to the blocks of parkland proposed and accepted as part of the original parkland dedication.

*We recommend approval of the Parkland Dedication Plan as submitted.*

---

Prepared By: Brent Luck



**Big Sky Ranch – Dripping Springs, Texas**  
April 28, 2020

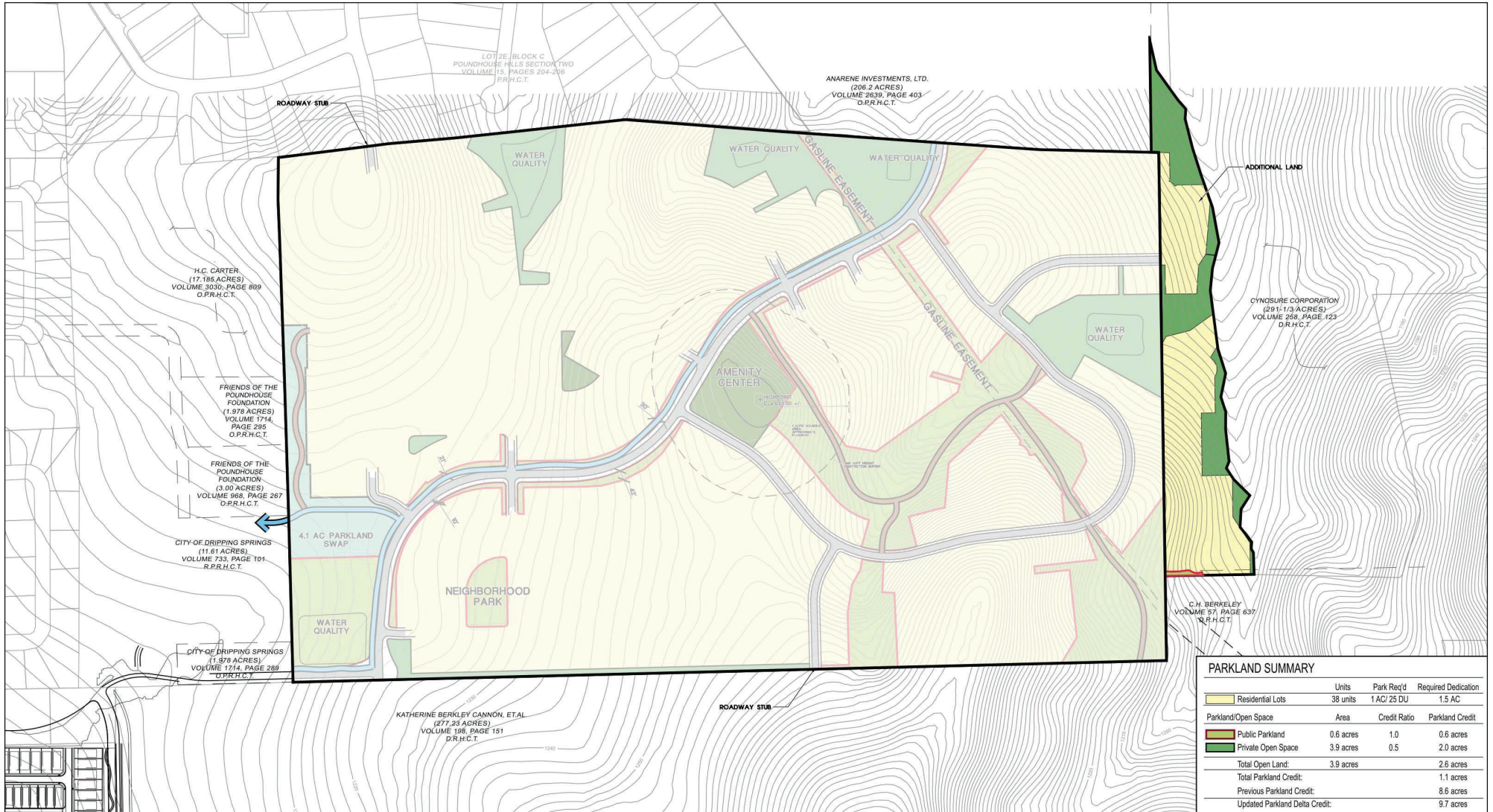
**PARKLAND AND OPEN SPACE CALCULATION UPDATES**

In 2018, the Big Sky Parkland Plan was submitted and approved by the City of Dripping Springs with an excess of 8.6 acres of dedicated parkland credit. In 2020, an additional 13 acres was added to the Big Sky Ranch master plan. This additional land is providing an additional 38 dwelling units. Per the parkland dedication requirements, the total parkland required for this 13 acre addition is 1.5 acres.

The total amount of dedicated private and public parkland in the new section combined totals 3.9 acres, which equates to a total credit of 2.6 acres. Although there exists an excess of 8.6 acres of parkland from the original Parkland Agreement, the new 13 acre tract is providing enough credit to offset its own parkland requirement and add an additional 1.1 acres to the remaining credit acres. Thus, the community of Big Sky Ranch now is providing an updated delta of 9.7 acres of parkland in excess to what is required per City regulations.

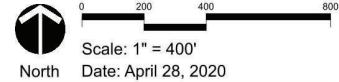
Total Residential Units: 38 units  
Parkland Requirement: 1.5 acres

<b>Parkland Credit Calculations</b>	<b>Area</b>	<b>Credit</b>	<b>Dedication</b>
Private Uplands Park/Open Space	3.9 acres	50% Credit	2.0 acres
Private Parkland Credit	3.9 acres		2.0 acres
Public Parkland/Open Space	0.6 acres	100% Credit	0.6 acres
Public Parkland Credit	0.6 acres		0.6 acres
Total Parkland/Open Space Area			2.6 acres
Total Parkland Credit:			1.1 acres
Previous Total Parkland Credit			8.6 acres
<b>Updated Parkland Dedication Delta:</b>			<b>9.7 acres</b>



**PARKLAND SUMMARY**

	Units	Park Req'd	Required Dedication
Residential Lots	38 units	1 AC/ 25 DU	1.5 AC
Parkland/Open Space			
	Area	Credit Ratio	Parkland Credit
Public Parkland	0.6 acres	1.0	0.6 acres
Private Open Space	3.9 acres	0.5	2.0 acres
<b>Total Open Land:</b>	<b>3.9 acres</b>		<b>2.6 acres</b>
<b>Total Parkland Credit:</b>			<b>1.1 acres</b>
<b>Previous Parkland Credit:</b>			<b>8.6 acres</b>
<b>Updated Parkland Delta Credit:</b>			<b>9.7 acres</b>





**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Michelle Fischer, City Administrator

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** **Approval of a Hotel Occupancy Tax Grant Funding Program Agreement between the City of Dripping Springs and the Dripping Springs Visitors Bureau for Fiscal Year 2021-2022.**

**Agenda Item Requestor:** Michelle Fischer, City Administrator

**Summary/Background:** Annually the City disburses Local Hotel Occupancy Tax revenues in the form of grant funds. The Dripping Springs Visitors Bureau submitted an application for funding requesting \$180,000.00 to be used for marketing and promotional activities related to events and tourism attraction, promotion of the arts that directly enhance tourism and the hotel and convention industry, and the operation of the Visitors Bureau. City Staff has reviewed the application and recommends funding the requested amount of \$180,000.00. The funds for this were approved in the budget.

**Commission Recommendations:** N/A

**Recommended Council Actions:** Approve the Hotel Occupancy Tax Grant Funding Program Agreement between the City and the Dripping Springs Visitors Bureau.

**Attachments:** Dripping Springs Visitors Bureau's Application to the Hotel Occupancy Tax Grant Funding Program

**Next Steps/Schedule:** Notify Dripping Springs Visitors Bureau of City Council action; if approved, execute the agreement.

**HOTEL OCCUPANCY TAX (HOT) GRANT PROGRAM  
FUNDING AGREEMENT**

This Agreement is hereby entered into on the 13<sup>th</sup> day of October 2020, by the **City of Dripping Springs**, Texas, a general-law municipality located in Hays County, Texas (“City”), and the **Dripping Springs Visitors Bureau**, a nonprofit corporation (“Visitors Bureau”).

**RECITALS:**

**WHEREAS**, the City benefits from tourism as a form of economic development; and

**WHEREAS**, the City has assessed a local hotel occupancy tax (HOT) on occupants of hotels within the Dripping Springs City Limits and the Extraterritorial Jurisdiction in accordance with Texas Tax Code Chapter 351; and

**WHEREAS**, pursuant to Texas Tax Code Section 351.101, the City is authorized to allocate HOT funds that: (1) directly enhance, attract, and promote tourism and the convention and hotel industry; and (2) clearly fit into one of nine statutorily provided categories for expenditure of local HOT funds; and

**WHEREAS**, the City Council may delegate the management or supervision of programs and activities paid for with HOT funds; and

**WHEREAS**, the City of Dripping Springs has been and remains a recognized destination for tourists, and as a result has developed a tourism industry which is beneficial to the City, its residents, and merchants; and

**WHEREAS**, the continued promotion and growth of the tourism industry will enhance the City, and insure to its benefit; and

**WHEREAS**, the City Council has deemed it to be in the best interest of Dripping Springs to accomplish the goals as set forth above, and to enact and approve a seven percent (7%) Hotel-Motel Occupancy Tax, the proceeds of which can be devoted to the foregoing purposes; and

**WHEREAS**, the City Council approved the expenditure of the grant funds in the Fiscal Year 2021 Budget through the approval of Ordinance No. 2020-42 on August 11, 2020; and

**WHEREAS**, the City Council awarded and approved the grant of these funds at a properly-conducted public meeting held on August 11, 2020.

**NOW, THEREFORE, BE IT MUTUALLY AGREED AS FOLLOWS:**

**1. Compensation**

(a) **Maximum Allocation:** The City agrees to pay the Visitors Bureau annually a total of One

Hundred Eighty Thousand Dollars (\$180,000.00) in four quarterly payments of Forty-Five Thousand Dollars (\$45,000.00) four times a year in consideration for services rendered by the Visitors Bureau during the previous quarter in accordance with this Agreement.

- (b) **Compensable Services:** The City will compensate the Visitors Bureau for services that directly enhance and promote tourism and the convention and hotel industry as listed in the Application attached as **Attachment "A"** including but not limited to the operation of a Visitors Center.
- (c) **Geographic Emphasis:** The City will compensate the Visitors Bureau for services designated to attract overnight visitors, tourists, and conventions to the local area from places or origin a least 75 miles outside the corporate city limits.
- (d) **Sign Permits:** The city will waive sign permit fees for signage directing the public to sights, attractions, conventions, and events visited frequently by hotel guests staying in the area.

## 2. Compensable Services

- (a) **Facilities:** The Visitors Bureau agrees to operate and maintain a Visitors Center. Administrative expenditures in support of a visitor information center that are compensable by the City from HOT funds include supplies, salaries, utilities, travel expenses, and administrative costs associated with a visitor center. The Visitors Center will provide tourist-related information about the City of Dripping Springs upon request.
- (b) **Activities:** The Visitors Bureau agrees to use the HOT funds provided by the City under this Agreement to conduct a continuing program of advertising and promotion for the sole purpose of attracting overnight visitors, tourists, and conventions to the local area by engaging in the following activities:
  - (1) **Convention Center or Visitor Information Center:** the establishment, improvement, equipping, repair, operation, or maintenance of a convention center or visitor information center;
  - (2) **Convention Registration:** providing funding for the administrative costs for facilitating convention registration;
  - (3) **Art:** promoting the arts;
  - (4) **Historical Restoration or Preservation:** performing historical restoration or preservation projects, activities, or programs;
  - (5) **Signage:** erecting signage directing the public to sights and attractions visited frequently by hotel guests staying in the area;
  - (6) **Publications:** publishing and distributing brochures and community information

packets that would attract overnight visitors, tourists, and conventions to the local area;

- (7) **Advertising:** advertising in various tourist publications and general media publications distributed outside of the local area, that being at least 75 miles from the corporate city limits, in a manner designed to increase the traveling public's awareness of the resort and recreational advantages of the local area;
- (8) **Event Sponsorship:** sponsoring events such as festivals, carnivals, and sporting events;
- (9) **Travel Shows:** attending travel shows and such other events to promote the area;
- (10) **State and Regional Tourist Agencies:** participating with state and regional agencies in tourist development programs to benefit the local area;
- (11) **Advisors to City:** serving as an advisory body to the City, on request, in matters related to expanding the tourist-derived economy; and
- (12) **Additional Activities:** conducting other qualifying activities, as approved in advance by the City Administrator.

### 3. Management of Funds

- (a) **Budget:** The Visitors Bureau shall perform its duties and activities under this Agreement pursuant to the Budget attached in its application in Attachment "A". After this initial year, the Visitors Bureau shall provide a new proposed budget with any future application for HOT Funds. The City agrees that the Visitors Bureau may reallocate on each separate instance up to ten percent (10%) of the total approved budget among line items to meet changing conditions.
- (b) **Fiduciary Relationship:** The Visitors Bureau acknowledges that the approval of such budget by the City Council creates a fiduciary duty in the Visitors Bureau with respect to the Hotel Tax Funds provided by the City to the Visitors Bureau under this Agreement. The Visitors Bureau shall spend Hotel Tax Funds only in the manner and for the purposes specified in this Agreement, Texas Tax Code Section 351.101 (a), and in the budget as approved by the City.
- (c) **Accounting:** The Visitors Bureau agrees to maintain accurate financial records of the receipt and expenditure of HOT funds, in accordance with generally accepted account principles. The Visitors Bureau shall make its financial records related to this Agreement available to the City upon request.
- (d) **Quarterly Report:** Visitors Bureau shall provide the City with quarterly reports for the Visitors Bureau's expenditure of the HOT funds in the past quarter with an emphasis on explaining how the City's allocation of HOT revenue to the Visitors Bureau furthers the stated objective of attracting overnight visitors, tourists, and conventions to the local area.

The Visitors Bureau shall meet with the Hotel Occupancy Tax Grant Advisory Committee after the first quarter. The Visitors Bureau shall meet with the Hotel Occupancy Tax Grant Advisory Committee after subsequent quarters if requested to do so by the Committee. Reports shall be due to the City on or about January 1, 2021, April 1, 2021; July 1, 2021; and September 30, 2021. The Visitors Bureau may be requested to present its quarterly or annual report to the City Council.

- (e) **Payments:** The City shall remit to the Visitors Bureau a quarterly payment for qualifying services for the previous quarter. Payments shall be made within 30 days after the quarterly report is submitted to the city.

#### 4. Independent Contractor

It is expressly understood and agreed by and between the parties that the Visitors Bureau is engaged under this Agreement solely as an independent contractor and is not an officer, agent or employee of the City. The City shall not be responsible for the day to day supervision of the Visitors Bureau, its officers, agents, or employees.

#### 5. Term and Renewal of Agreement

- (a) **Calendar Year:** This Agreement shall be effective on October 9, 2020 and shall remain effective until October 1, 2021.
- (b) **For Cause Termination:** This Agreement may be terminated by either party *for cause* upon the objecting party's notice for cause termination being conveyed to the other party at least ninety (90) days prior to the termination date.

#### 6. Notification

Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mails, either certified or registered mail, postage prepaid and addressed to the following locations:

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

**For the Visitors Bureau**  
 Dripping Springs Visitors Bureau  
 Attn: President  
 PO Box 206  
 Dripping Springs, TX 78620

#### 7. Assignment or Delegation

No part of this Agreement may be assigned or delegated without the prior written consent of the other party, and any attempted assignment of benefits or rights or delegation of duties or obligations shall be a breach of this Agreement.

However, nothing in this Agreement shall prohibit the Visitors Bureau from participating with other city, regional, or state tourism programs or to contract for joint promotion with other



agencies.

#### **8. Controlling Law & Venue**

This Agreement shall be subject to the laws and statutes of the State of Texas. It is understood and agreed that in the event any provision of this Agreement is inconsistent with the requirements of the Act, or any other applicable State law, the requirements of the law will control. The Venue for any legal disputes arising under this Agreement shall be Hays County.

#### **9. Absence of Indemnification**

Each party to this Agreement shall be solely responsible and liable for the acts, errors, and omissions of its officers, agents, and employees, and for any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the party's own operations carried out in furtherance of this Agreement. No indemnification of one party by the other party is intended or shall be implied by this Agreement.

#### **10. Entire Agreement**

This Agreement constitutes the entire agreement between the parties, relative to the City's allocation of HOT funds as compensation for services to be provided by the Visitors Bureau.

**IN WITNESS WHEREOF, the parties hereby execute this Agreement:**

**[signature page follows]**

**CITY OF DRIPPING SPRINGS:**

**DRIPPING SPRINGS VISITORS  
BUREAU:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

\_\_\_\_\_  
Pam Owens, President

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

**Attachment "A"**  
**Visitor's Bureau HOT Funding Application**

Received

MAY 01 2020

**Dripping Springs Visitors Bureau  
2021-2022 HOT Allocation Application\***

City of Dripping Springs

**Introduction**

The Dripping Springs Visitors Bureau was established as a 501(c)3 charitable entity on March 30, 2016, under the direction of the Dripping Springs Chamber of Commerce and then the Dripping Springs Visitors Bureau became its own entity, governed by its own Board of Directors in January 2018. The Visitors Bureau also has a fourteen-member Tourism Advisory Team with each member serving on one of six tourism workgroups. Pamela Owens, is the president/CEO of the Dripping Springs Visitors Bureau. Hope Boatright is the communications and marketing director.

Significant Dripping Springs area tourism highlights:

- Dripping Springs Founders Day Festival – 3-day festival brings vendors, cook-off participants, carnival and parade
- Dr Pound Historical Farmstead & Museum – established as a museum in 2003
- Dripping with Taste Wine & Food Festival first started in 2007 and ran for 11 years. Started Dripping with Taste Passport Trail in 2019.
- Dripping Springs Ranch Park Event Center – 2013. Established as equestrian and livestock facility as well as public event center with banquet room. Park includes small playground, bird viewing station plus hiking, biking and horse trails
- Dripping Springs designated as Dark Sky Community and host of the bi-annual Dark Sky Festival
- Wedding Capital of Texas® established Legislative session 2015
- Destination Dripping Springs developed as marketing tool for tourism in 2015
- Area Wedding/Event venues – approximately 40
- Wineries, breweries, distilleries + independent tasting rooms – approximately 40
- Charro Ranch Park – hiking trails and bird viewing station
- Dripping Springs Songwriters Festival began in 2013 hosting songwriters from around the world - now owned and promoted by DS Visitors Bureau
- Nationally known as the home of Hamilton Pool (a Travis County Park)
- Pedernales State Park, Reimers Ranch and Westcave Preserve all nearby Dripping Springs
- Nationally marketed hotels Sleep Inn & Suites (opened in 2011) and Holiday Inn Express (opened in 2017). In addition, approximately 45 private lodging venues are within the Dripping Springs ETJ
- Annual holiday lighting campaign for historic districts – began in 2018
- Texas Film Friendly Community designation in 2018
- Texas Hill Country Beer Trail – established in 2018 to promote Hill Country region breweries including Dripping Springs/Driftwood
- National Triumph Register held their annual national conference in Dripping Springs in October 2019 (during the week) – 165 participants – booked entire 84 rooms of Holiday Inn Express and 30 rooms at Sleep Inn, Sunday-Thursday.

## Marketing & Activities

The Dripping Springs Visitors Bureau works on, promotes and markets all the above locations/events as well as local restaurants, music venues and lodgings in the Dripping Springs/Driftwood area in our portion of the Texas Hill Country.

We manage the Visitors Bureau with a volunteer staff of 14, developing and distributing materials, calendars, etc. of local tourism events and businesses as well as non-tourism Dripping Springs area businesses and providing locals and travelers with information.

Specific ways of promotion through social media, print, sponsorship:

- Bi-annual Visitor's Guide - working with Dripping Springs Century News to produce – includes writing articles, editing, some photography
- Destination Dripping Springs – managing website (recently revamped) – event calendar, business pages, blogs, etc.
- Destination Dripping Springs - managing social media postings (Facebook 5,004 followers, Instagram 2,911 followers, Twitter 97 followers)
- Destination Dripping Springs – developing and distributing monthly newsletter
- Destination Dripping Springs – managing digital app containing events, places, day trips, etc.
- Wedding Capital of Texas® - managing website  
Wedding Capital of Texas® - managing social media postings (Facebook 2,193 followers, Instagram 1,242 followers)
- Wedding Capital of Texas® - participated as vendor at Austin Bridal Extravaganza, sponsored and promoted Dripping Springs Wedding Showcase
- Dripping with Taste™ Trail - managing website
- Dripping with Taste Trail™ - managing social media postings (Facebook 6,933 followers, Instagram 1,235 followers)
- Dripping with Taste™ Trail Passport – manage 2-3 passport programs for 25+ area alcohol venues
- Dripping Springs Songwriters Festival – purchased and now managing all aspects of festival including website and newsletter
- Dripping Springs Songwriters Festival - managing social media postings (Facebook 2,758 followers, Instagram 1,235 followers)
- www.TourTexas.com – developing ads and maintaining digital presence
- Texas Hill Country Trail Region – 19 county region of Texas partially funded by Texas Historical Commission and participation fees. Pam Owens attends bi-monthly meetings as board member and is president-elect for 2020-2022

- Articles, print ads and listings in *Texas Highways Magazine*, *Texas State Travel Guide*, *Hill Country Sun*, *Dripping Springs Outlook*, *Dripping Springs Century News*, *Community Impact*, *Visit Austin Magazine*
- television interviews (2 in 2019 and 2 in 2020)
- 7 press releases since October 2019
- sponsoring local and regional events – Texas Night Sky Festival, Dripping Springs Songwriters Festival, Boots & Bling for the Pound House Museum, Tomato Time!, C5 Chamber Mixer, Hays Co. Master Naturalist Bird Viewing Station, Fire in the Sky, From the Hills with Love Festival, Outside the City Limits Festival at Vista Brewing, 2020 Beer Now Conference, Hill Country Beer Trail Brochure

**Marketing plan after COVID-19:**

Continue to promote Dripping Springs as shown above – emphasize our location as prime destination for Texas stay-cations by marketing weddings, our alcohol venues and natural beauty on specific digital platforms and social media.

- Develop a birding marketing plan to expand our tourism base
- Work with the City and other entities such as the Dr Pound Historical Museum on specific programs
- Market Dripping Springs as a weekday/corporate location

**\*Disclaimer:**

Because the Dripping Spring Visitors Bureau is not a project or event, some of the HOT Grant Funding Program application does not apply to our entity, especially the section titled “All Funding Requests”. We have entered as much appropriate information for our organization in this section, and throughout the whole application, as it applies to DSVB.



Application Date: 04/30/2020

## HOT GRANT FUNDING PROGRAM APPLICATION

### *Organizational Information*

Name of Organization/Business: Dripping Springs Visitors Bureau

Address: 509 Mercer Street

City, State, Zip: Dripping Springs, TX 78620

Contact Name: Pam Owens

Contact Phone/Email: 512-858-4740/pam@destinationdrippingsprings.com

Website Address: www.destinationdrippingsprings.com

Type of Business/Organization: Visitors Bureau

Non-Profit Status: 501(c)3

Tax ID Number: 81-2538565

Entity's Creation Date: March 30, 2016

### Purpose of Organization/Business:

The Dripping Springs Visitors Bureau is a non-profit organization that supports the Dripping Springs area tourism industry by creating a presence through marketing tools, as well as through the local Visitors Bureau. The DS Visitors Bureau also supports the Dripping Springs Chamber of Commerce, the City of Dripping Springs and the Texas Hill Country Trail in their efforts to promote Dripping Springs and tourism within our area of the Texas Hill Country.

### *Event/Project Information*

Name of Event/Project: Dripping Springs Visitors Bureau

Date of Event/Project: October 1, 2020 - September 30, 2021

Location of Event/Project: Dripping Springs area including Driftwood  
 Description of Event/project: Marketing the tourism industry within the Dripping Springs area  
 Funding Amount Requested: \$180,000.00

How funds will be used, including itemized list of expenditures

For the Visitors Bureau facility and management, marketing the Dripping Springs/Driftwood area and supporting other organizations/events with HOT eligible funding.

Percentage of Total Event/Project Cost Covered by HOT Funding: 100%

*Please indicate which Category or Categories apply to the Funding Request, and list the Amount Requested under each category:*

**Convention Center or Visitor Information Center:** construction, improvement, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers or both.

*Amount requested under this category:* \$145,000.00

**Registration of Convention Delegates:** furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants

*Amount requested under this category:* \_\_\_\_\_

**Advertising, Solicitation, Promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.**

*Amount requested under this category:* \$25,000.00

**Promotion of the Arts that Directly Enhance Tourism and the Hotel & Convention Industry:** the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry. The impact may be that the art facility or event can show hotel nights that are booked due to their events or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion picture, radio, television, tap and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

*Amount requested under this category:* \$10,000.00

**Historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historical sites or museums.**

*Amount requested under this category:* \_\_\_\_\_

**Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the city or its vicinity.**



Amount requested under this category: -0-

How many individuals are expected to participate in the sporting related event? \_\_\_\_\_

How many participants at the sporting related event are expected to be from another City or County? Quantify how the sporting related event will substantially increase economic activity at hotels within the city or its vicinity.

**Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations: 1) the commercial center of the city; 2) a convention center in the city; 3) other hotels in or near the city; and 4) tourist attractions in or near the city.**

Amount requested under this category: -0-

What sites or attractions will tourists be taken to by this transportation: \_\_\_\_\_

Will members of the general public (non-tourists) be riding on this transportation? \_\_\_\_\_

What percentage of the ridership will be local citizens? \_\_\_\_\_

**Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.**

Amount requested under this category: \_\_\_\_\_

What tourist attractions will be the subject of the signs: \_\_\_\_\_

**Promotion and Preservation of Dark Skies.** Construction and maintenance of infrastructure and the purchase and installation of hardware that reduces light pollution and sky glow.

Amount requested under this category: 0

Describe Construction or Maintenance Project to include location, type of infrastructure and/or hardware to be installed:

[Empty box for describing construction or maintenance project]

**All Funding Requests**

*Section must be completed for city to evaluate this application. Incomplete applications are subject to automatic denial.*

How many years have you held this Event/Project: SEE DISCLAIMER FOR THIS SECTION What is the expected attendance of the Event/Project: \_\_\_\_\_

How many people attending the Event/Project will use Dripping Springs hotels: \_\_\_\_\_

How many nights will the attendees be staying for the Event/Project: \_\_\_\_\_

Do you reserve a room block for this event/project at an area hotel and if so, for how many rooms and at which hotels?

List other years (over the last three years) that you have hosted your Event/Project with amount of HOT grant funding and the number of hotel rooms used:

<u>Month/Year Held</u>	<u>Grant Amount</u>	<u>Number of Hotel Rooms Used</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc)?

Through hotelier reports - the two major hotels report that 75-80% of their weekend activity is from weddings. The Sleep Inn reported an overall occupancy of 67.65% and the Holiday Inn Express was at 62% for the period Jan-Dec 2019

Please list other organization, government entities, and grants that have offered financial support to your event/project:

[Empty box for listing other organizations, government entities, and grants]

**Admission Fee for Event/Project:** \_\_\_\_\_

**Anticipated Net Profit, if any:** \_\_\_\_\_

**Please list all promotion efforts your organization is coordinating, and the amount financially committed to each media outlet:**

Newspaper: \_\_\_\_\_

Internet: \_\_\_\_\_

Radio: \_\_\_\_\_

TV: \_\_\_\_\_

Other Paid Advertising: \_\_\_\_\_

Number of Press Releases to Media: \_\_\_\_\_

Number of Direct Mailings to out-of-town recipients: \_\_\_\_\_

Other Promotions: \_\_\_\_\_

**Will you include a link to the Dripping Springs Visitors Bureau or other source on your promotional handouts and in your website for booking hotel nights during this event/project?** Please select one

**Will you negotiate a special rate or hotel/event package to attract overnight stays?** Please select one

**What new marketing initiatives will you utilize to promote hotel and convention activity for this event/project?**

We will continue to analyze and stay on the cutting edge of marketing techniques to maximize budgeted marketing dollars. Our Tourism Advisory Team is working on an inventory of meeting/lodging assets in order to develop a weekday/corporate outreach plan.

**What geographical areas does your advertising and promotion reach?**

Targeted social media in the Houston, Dallas and San Antonio areas as well as paid promotions on www.TourTexas.com which reaches an international market.

**How many individuals will your proposed marketing reach who are located in another city of county?**

Unavailable

If the funding requested is related to a permanent facility (e.g. museum, visitor center)? Expected Attendance Monthly/Annually: DS Visitors Bureau - approximately 1,500

Percentage of those in attendance that are staying at area hotel/lodging facilities: 50%

Completed application with required attachments must be submitted to the City of Dripping Springs:

By Mail to:

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

In Person to:

City of Dripping Springs  
City Hall  
511 Mercer Street  
City of Dripping Springs, TX 78620

Electronic Submission to:

[mfischer@cityofdrippingsprings.com](mailto:mfischer@cityofdrippingsprings.com)

I fully understand the Local HOT Grant Program Application and Guidelines established by the City of Dripping Springs. I intend to use this grant for the aforementioned Event/Project expenditure to forward the efforts of the City in *directly* enhancing and promoting tourism **and** the convention and hotel industry by attracting visitors from outside Dripping Springs into the city or its vicinity. I have attached to this application:

- proposed marketing plan for event/project
- schedule of activities for event/project
- a list of the organization/business board of directors
- proof of non-profit status (if applicable)
- proof of registered business with the State of Texas (if applicable), and

I understand that if I am awarded a Local HOT Grant by the City of Dripping Springs, I will be required to enter into a Local HOT Grant Program Agreement with the City and any deviation from the approved project and the Agreement may result in the partial or total withdrawal of the Local HOT Grant Program funds.

Dripping Springs Visitors Bureau

*Business/Organization Name*

*Damela Owens*

*Applicant's Signature*

*5-1-2020*

*Date*

Dripping Springs Visitors Bureau  
Board of Directors  
2020-2021

Mary McRoberts  
President  
7400 McGregor Lane  
Dripping Springs  
512-809-4958

Michelle Alexander  
Secretary  
6730 Creek Road  
Dripping Springs  
512-917-1194

Bonnie Humphrey  
Treasurer  
300 Sunset Ride  
Dripping Springs  
512-217-4278

Kim Hanks  
3509 Creek Road  
Dripping Springs  
512-971-6081

Doyle Fellers  
1300 Creek Road  
Dripping Springs  
512-858-0330

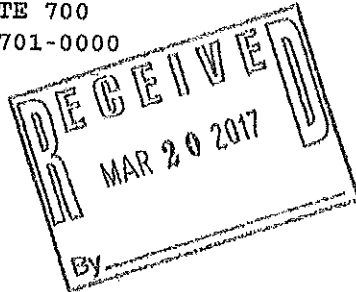
Dave Niemeyer  
211 Mercer St  
Dripping Springs  
281-650-6685

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAR 14 2017**

DRIPPING SPRINGS VISITORS BUREAU  
720 BRAZOS SUITE 700  
AUSTIN, TX 78701-0000



Employer Identification Number:  
81-2538565  
DLN:  
26053469002837  
Contact Person:  
CUSTOMER SERVICE ID# 31954  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990/990-EZ/990-N Required:  
Yes  
Effective Date of Exemption:  
March 30, 2016  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

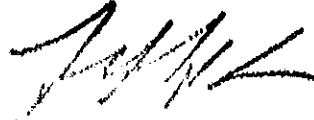
If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

DRIPPING SPRINGS VISITORS BUREAU

Sincerely,



Jeffrey I. Cooper  
Director, Exempt Organizations  
Rulings and Agreements

Letter 947



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Michelle Fischer, City Administrator

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** **Approval of the Hotel Occupancy Tax Grant Funding Program Agreement between the City of Dripping Springs and the Dr. Pound Historical Farmstead for Fiscal Year 2021-2022.**

**Agenda Item Requestor:** Michelle Fischer, City Administrator

**Summary/Background:** Annually the City disburses Local Hotel Occupancy Tax revenues in the form of grant funds. The Dr. Pound Historical Farmstead submitted an application for funding requesting \$4,700.00 to be used for signage, historical restoration and preservation projects, marketing, and promotional activities related to events and tourism attraction. City Staff has reviewed the application and recommends funding the requested amount of \$4,700.00. Funds for this agreement are in the approved budget.

**Commission Recommendations:** N/A

**Recommended Council Actions:** Approve the Hotel Occupancy Tax Grant Funding Program Agreement between the City and the Dr. Pound Historical Farmstead.

**Attachments:** Dr. Pound Historical Farmstead's Application to the Hotel Occupancy Tax Grant Funding Program

**Next Steps/Schedule:** Notify the Dr. Pound Historical Farmstead of City Council action; if approved, execute the agreement.



**HOTEL OCCUPANCY TAX (HOT) GRANT PROGRAM  
FUNDING AGREEMENT**

This Agreement made and entered into this, the 13<sup>th</sup> of October 2020, and between the **City of Dripping Springs**, Texas a general-law municipality located in Hays County, Texas (“City”), and **Dr. Pound Historical Farmstead**, is understood and agreed to be as set forth herein.

**RECITALS:**

**WHEREAS**, the City of Dripping Springs has been and remains a recognized destination for tourists, and as a result has developed a tourism industry which is beneficial to the City, its residents, and merchants; and

**WHEREAS**, the continued promotion and growth of the tourism industry will enhance the City, and insure to its benefit; and

**WHEREAS**, there is available a seven percent (7%) Hotel Occupancy Tax, authorized by state statute, the proceeds of which can be utilized by the City to promote tourism, and enhance the arts and historical preservation of the City; and

**WHEREAS**, the City Council has deemed it to be in the best interest of Dripping Springs to accomplish the goals as set forth above, and to enact and approve a seven percent (7%) Hotel-Motel Occupancy Tax, the proceeds of which can be devoted to the foregoing purposes; and

**WHEREAS**, the City Council deems it to be in the public interest to promote tourism and increased hotel occupancy through the execution of certain limited funding agreements that award grants financed by a portion of the proceeds from the collection of Hotel-Motel Occupancy Tax revenue; and

**WHEREAS**, the City's Hotel Occupancy Tax Committee reviewed various funding proposals and made a recommendation regarding the grant described herein; and

**WHEREAS**, the City Council approved the expenditure of the grant funds in the Fiscal Year 2021 Budget through the approval of Ordinance No. 2020-42 on August 11, 2020; and

**WHEREAS**, the City Council awarded and approved the grant of these funds at a properly-conducted public meeting held on August 11, 2020.

**NOW, THEREFORE, BE IT MUTUALLY AGREED AS FOLLOWS:**

**1. PARTIES**

The parties to this Agreement shall be the City of Dripping Springs (City), and the Dr. Pound Historical Farmstead, a nonprofit corporation organized under the laws of the State of Texas.

## 2. FINDINGS

The parties hereby agree that the project(s) described in the Recipient's funding application ("Exhibit "A") promotes tourism.

## 3. GRANT

The City hereby agrees to transfer as a grant a portion of the Fiscal Year 2021 Hotel Occupancy Tax funds to Dr. Pound Historical Farmstead for signage, public relation materials, and restoration painting in an amount Four Thousand and Seven Hundred Dollars (\$4,700). The grant shall be payable in one lump sum payment no later than 30 days after the date this Agreement is signed by both parties.

## 4. SERVICES

In exchange for the grant described above, Dr. Pound Historical Farmstead hereby agrees to utilize the grant funds in the amount of Four Thousand and Seven Hundred Dollars (\$4,700) for the purposes as described in Exhibit A and below, which directly enhance and promote tourism and the convention and hotel industry; advertise and promote the city and its vicinity; and, enhance the arts, in which participants are tourists to the city.

- (a) New signage;
- (b) Public Relations materials; and
- (c) Restoration painting.

## 5. REQUIREMENTS

- 5.1** Recipient must ensure that all Dripping Springs lodging and their current contact information are listed on information provided to registrants, vendors, and event attendees, including event websites, funded by the grant. Also, all Dripping Springs hoteliers must be made aware of the event, have access to mailing lists, and have sufficient time to participate in the bidding process for both primary bookings and overflow.
- 5.2** If grant funds are used for advertising, the City Administrator must approve the final advertising copy prior to publishing or distribution for appropriate representation of the City of Dripping Springs, and local lodging.
- 5.3** Promotional materials using grant funds are required to include the appropriate City of Dripping Springs branding as provided by the City Administrator. Also, any event sponsor signage is required to include the appropriate City of Dripping Springs brand; and
- 5.4** Recipient must provide the City Administrator with two copies of all printed materials created with grant funds.

## 6. DURATION

This Agreement is commencing on October 1, 2020 and ending on September 30, 2021. Recipient must expend the grant funds during the term of this Agreement or remit the remaining balance back to the City.

## 7. TERMINATION

This Agreement may be terminated by either party prior to performance with or without cause upon written notification to the other party. After the Recipient has commenced performance of the obligations provided for in this Agreement, the City may terminate the Agreement only in instances of breach by the Recipient, at which time the Recipient shall reimburse to the City the amount of the grant not yet expended. If the Recipient terminates this Agreement after having received funds from the City, the Recipient shall reimburse the City the complete amount of the grant provided for herein.

## 8. ACCOUNTING

Prior to the expiration of this Agreement, an agent of the Recipient will submit a Post Event Report Form as provided by the City describing the status of the project and explaining how the grant funds were used. The report shall include expenditures covered by the funds provided by this Agreement, visitor attendance data from event surveys, and estimated number of visitors overnight stays due to the event/expenditure. Following submission of the Post Event Form, an agent of the Recipient may be required to attend a City Council meeting to personally account for the expenditures made in accordance with this Agreement, if requested to do so by the City Administrator.

## 9. CONTACTS

For purposes of this Agreement, communications may be sent as follows:

**To the City:**

City of Dripping Springs  
Attn: Michelle Fischer  
PO Box 384  
Dripping Springs, TX 78620

**To the Recipient:**

Dr. Pound Historical Farmstead  
Attn: Jenny Pack  
PO Box 1150  
Dripping Springs, TX 78620

## 10. INDEMNIFICATION

The Recipient hereby releases, indemnifies, and holds the City, its employees and agents, harmless for any damages, injuries, or other claims resulting from Recipient's actions or inactions, or the conduct of Recipient's agents, employees, or contractors.

## 11. INCLUSIVENESS

This document represents the entire understanding between the parties. This Agreement may only be amended in writing with the mutual consent of the parties.

**12. SEVERABILITY**

If any sentence, clause or portion of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

**WHEREFORE PREMISES AND CONSIDERATION ACCEPTED, AND HEREBY AGREED:**

**CITY OF DRIPPING SPRINGS:**

**DR. POUND HISTORICAL FARMSTEAD:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

\_\_\_\_\_  
Jenny Pack, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

**Attachment "A"**

**Dr. Pound Historical Farmstead HOT Funding Application**

## CITY OF DRIPPING SPRINGS

### LOCAL HOTEL OCCUPANCY TAX GRANT FUNDING PROGRAM

By law of the State of Texas, the City of Dripping Springs, Texas, collects a Hotel Occupancy Tax (HOT) from hotels, bed & breakfasts, and other lodging facilities. Under state law, HOT revenue may be used only to directly promote tourism and the hotel and convention industry. **Chapter 351 of the Tax Code states that the use of HOT funds is limited to:**

- a) **Convention Centers and Visitor Information Centers:** the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing operation and maintenance of convention center facilities or visitor information centers, or both;
- b) **Registration of Convention Delegates:** the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- c) **Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry:** advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- d) **Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry:** the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry. The impact may be that the art facility or event can show hotel nights that are booked due to their events or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
- e) **Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry:** historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
- f) **Sporting Event Expenses that Substantially Increase Economic Activity at Hotels:** Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists.

The event must substantially increase economic activity at hotels within the city or its vicinity.

**g) Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations:**

1. The commercial center of the city; 2. a convention center in the city; 3. other hotels in or near the city; or 4. tourist attractions in or near the city.

City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines & Application Page 1 of 9

The law specifically prohibits the use of the local hotel tax to cover the costs for general city transit

**h) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality**

.

**i) Promotion and preservation of dark skies:** Construction and maintenance of infrastructure and the purchase and installation of hardware that reduces light pollution and sky glow.

The City of Dripping Springs, Texas, accepts applications from organizations and businesses whose program fits into one or more of the above categories. All requests for funds should be submitted in writing accompanied by the official application by May 1, 2020. The application will be reviewed by the Hotel Occupancy Tax Grant Program Application Review Committee at the earliest possible regularly scheduled meeting. The applicant may be asked to be present at the meeting to answer any questions regarding the application. Applicants will be notified one week prior to the meeting of the time and place for the review. Based on the application, the Hotel Occupancy Tax Grant Program Application Review Committee will make a recommendation to the City Council. The City Council will make the final decision on your request.

Priority will be given to projects and events based on their ability to generate overnight visitors to Dripping Springs. The requested amount should not exceed more than 50 percent of the gross amount of hotel night revenue predicted to be created by your event. Events can demonstrate this potential to generate overnight visitors by:

- a) **historic information on the number of room nights used during previous years of the same events;**
- b) **current information on the size of a room block that has been reserved at area hotels to accommodate anticipated overnight guests attending the funded event;**

- c) **historical information on the number of guests at hotel or other lodging facilities that attended the event (through surveys, guest directories, or other sources);**  
and/or
- d) **examples of the planned marketing of the programs and activities that will likely generate overnight visitors** to local lodging properties from this event.

Along with the application, please submit the following:

- Proposed Marketing Plan for Funded Event/Project
- Schedule of Activities Relating to the Funded Event/Project
- Board of Directors Contact Information
- Proof of Non-Profit Status (if applicable)
- Proof of Registered Business (obtained through Secretary of State)

### **Submit Completed Applications**

**to:**

**By Mail: In Person to:** City of Dripping Springs City of Dripping Springs  
Attn: City Administrator City Hall PO Box 384 511 Mercer Street Dripping Springs, TX 78620 Dripping Springs, TX 78620

**By Electronic Submission:**  
[mfischer@cityofdrippingsprings.com](mailto:mfischer@cityofdrippingsprings.com)  
m

City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines & Application Page 2 of 9

### **Grant Application**

#### **Timeline:**

March 20 Application submission open, and application packets will be available on the City for download, for pick-up at City Hall (511 Mercer Street, Dripping Springs, TX), or by request to [mfischer@cityofdrippingsprings.com](mailto:mfischer@cityofdrippingsprings.com).

May 1 Application submission deadline at 5:00 p.m.

May 4-15 City staff review of applications for administrative completeness and basic requirements.

May 18-27 HOT Grant Funding Program Application Review Committee discuss and provide funding allocation recommendations for City



Council.

July 14-21 City Council discuss HOT Grant Program funding requests.

September 8 City Council consider approval of funding recommendations in Fiscal Year Budget.

October 1 Executed agreements due for disbursement of funds from City Treasurer.

*The City deadlines are only an estimate based on optimum circumstances related to the review, approval, and execution of the program and its agreements. These items could be delayed based on a variety of factors.*

Date: 05/01/2020

HOT GRANT FUNDING PROGRAM  
APPLICATION

***Organizational Information***

**Name of Organization/Business:** Dr. Pound Historical Farmstead

**Address:** P.O. Box 1150

**City, State, Zip:** Dripping Springs, Texas 78620

**Contact Name:** Jenny Pack

**Contact Phone/Email:** 512-858-2030 / pioneer@drpoundfarmstead.org

**Website Address:** <https://drpoundfarmstead.org>

**Type of Business/Organization:** Museum

**Non-Profit Status:** 501 c (3)

**Tax ID Number:** 74-2580000

**Entity's Creation Date:** January 1991

**Purpose of Organization/Business:** Protect, preserve and develop the Dr. Pound Farmstead for the use, education, enjoyment and benefit of present and future generations. The Dr. Pound Historical Farmstead Museum is a living depiction of early life in the Texas Hill Country, providing historical education, a destination point for visitors and a gathering place for the community.

***Event/Project Information***

**Name of Event/Project:** Implementation of Address Change: signage, mailing collateral and marketing collateral. Preservation Project painting of the exterior of the house and porch.

**Date of Event/Project:** October 1, 2020

**Location of Event/Project:** Dr. Pound Farmstead, 419-B Founders Park Road, Dripping Springs

City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines & Application Page 4 of 9

**Description of Event/project:** Due to development and construction, the physical address for our museum was automatically changed from its existing street address of 29 years. As part of the development agreement with the City, the Dr. Pound House will receive new fencing around the perimeter of our property. Therefore, once the new fencing is installed, we will need to replace all existing signage to reflect the new address. The change of address requires new gate signage; new mailing collateral; new marketing collateral, such as reprinted brochures and maps, and updates on our website as well as with all registered entities.

In addition, the exterior of the heritage house and porch and in need of restoration painting. The house has not been painted in almost 10 years and is chipped, peeling and in disrepair.

**Funding Amount Requested:** \$4700

**How funds will be used, including itemized list of expenditures which can be attached separately:**

Gate Signage: \$1900, Directional Road Signage: \$350, Mailing Collateral: \$400, Marketing collateral: \$525, Exterior Paint \$2400

**Percentage of Total Event/Project Cost Covered by HOT**

**Funding:** 85%

*Please indicate which Category or Categories apply to the Funding Request, and list the Amount Requested under each category:*

**Convention Center or Visitor Information Center:** construction, improvement, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers or both.

*Amount requested under this category:*

**Registration of Convention Delegates:** furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants

*Amount requested under this category:*

**Advertising, Solicitation, Promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.**

*Amount requested under this category: \$925.00*

**Promotion of the Arts that Directly Enhance Tourism and the Hotel & Convention Industry:** the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry. The impact may be that the art facility or event can show hotel nights that are booked due to their events or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion picture, radio, television, tap and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

*Amount requested under this category:*

**Historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historical sites or museums.**

*Amount requested under this category: \$2400*

**Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the city or its vicinity.**

*Amount requested under this category:*

City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines & Application Page 5 of 9

How many individuals are expected to participate in the sporting related event?

How many participants at the sporting related event are expected to be from another City or County? Quantify how the sporting related event will substantially increase economic activity at hotels within the city or its vicinity.

**Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations: 1) the commercial center of the city; 2) a convention center in the city; 3) other hotels in or near the city; and 4) tourist attractions in or near the city.**

*Amount requested under this category:*

What sites or attractions will tourists be taken to by this transportation:

Will members of the general public (non-tourists) be riding on this transportation?

What percentage of the ridership will be local citizens?

**Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.**

*Amount requested under this category: \$1375*

What tourist attractions will be the subject of the signs: The Dr. Pound Historical Farmstead Museum

**Promotion and Preservation of Dark Skies.** Construction and maintenance of infrastructure and the purchase and installation of hardware that reduces light pollution and sky glow.

*Amount requested under this category:* Describe Construction or Maintenance Project to include location, type of infrastructure and/or hardware to be installed:

City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines & Application Page 6 of 9

***All Funding Requests Section must be completed for city to evaluate this application. Incomplete applications are subject to automatic denial.***

**How many years have you held  
this Event/Project:** 29 Years

**What is the expected attendance  
of the Event/Project:** 3,000

**How many people attending the Event/Project will use Dripping Springs  
hotels:** UK

**How many nights will the attendees be staying for the  
Event/Project:** NA

**Do you reserve a room block for this event/project at an area hotel and if so, for how many rooms and at  
which hotels?** No

**List other years (over the last three years) that you have hosted your Event/Project with amount of HOT  
grant funding and the number of hotel rooms used:**

**Month/Year Held Grant Amount Number of Hotel Rooms Used**

**How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc)?** We will measure impact by recording the total number of guests that visit the museum, including those visiting from out-of-town, and also by monitoring social media follows and comments.

**Please list other organization, government entities, and grants that have offered financial support to your event/project:** NA

**Admission Fee for  
Event/Project:** \$5.00 per person

City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines & Application Page 7 of 9

**Anticipated Net Profit, if  
any:**

**Please list all promotion efforts your organization is coordinating, and the amount financially committed to each media outlet:**

Newspaper: Century News \$250

Internet: Social Media/Website \$800

Radio: KDrip \$200

TV:

Other Paid Advertising:

Number of Press Releases to Media: 4-6 annually

Number of Direct Mailings to out-of-town recipients:

Other Promotions: Collateral materials at the Chamber/Visitor's Bureau and local hotels. Promotions through the Chamber of Commerce and Dripping Springs Women's Club.

**Will you include a link to the Dripping Springs Visitors Bureau or other source on your promotional handouts and in your website for booking hotel nights during this event/project?** We have a Destination Dripping Springs "plan your visit" widget/link permanently on our website.

**Will you negotiate a special rate or hotel/event package to attract overnight stays?** NA

**What new marketing initiatives will you utilize to promote hotel and convention activity for this event/project?** NA

**What geographical areas does your advertising and promotion reach?** Hays, Travis and Comal Counties. Some events target a broader audience state-wide.

**How many individuals will your proposed marketing reach who are located in another city of county?** Unknown

**If the funding requested is related to a permanent facility (e.g. museum, visitor center)?**



## City of Dripping Springs Fiscal Year 2020-2021 HOT Guidelines &amp; Application Page 8 of 9

Expected Attendance

Monthly/Annually: 3000 Annually

Percentage of those in attendance that  
are staying at area hotel/lodging  
facilities: 70%

**Completed application with required attachments must be submitted to the City of Dripping Springs:**

**By Mail to: In Person to:**

City of Dripping Springs City of Dripping Springs Attn: City Administrator  
City Hall PO Box 384 511 Mercer Street Dripping Springs, TX 78620 City  
of Dripping Springs, TX 78620

**Electronic Submission**

**to:**

[mfischer@cityofdrippingsprings.com](mailto:mfischer@cityofdrippingsprings.com)  
m

I fully understand the Local HOT Grant Program Application and Guidelines established by the City of Dripping Springs. I intend to use this grant for the aforementioned Event/Project expenditure to forward the efforts of the City in *directly* enhancing and promoting tourism **and** the convention and hotel industry by attracting visitors from outside Dripping Springs into the city or its vicinity. I have attached to this application:

- proposed marketing plan for event/project
- schedule of activities for event/project
- a list of the organization/business board of directors
- proof of non-profit status (if applicable)
- proof of registered business with the State of Texas (if applicable), and

I understand that if I am awarded a Local HOT Grant by the City of Dripping Springs, I will be required to enter into a Local HOT Grant Program Agreement with the City and any deviation from the approved project and the Agreement may result in the partial or total withdrawal of the Local HOT Grant Program funds.

*Business/Organization Name Dr. Pound Historical Farmstead*

*Applicant's Signature Date Jenny Pack May 1, 2020*



## **Marketing Plan for Change of Address & Painting Project**

After 29 years, the Dr. Pound Farmstead has new neighbors (and a new address). The construction of the Big Sky Development has changed the roadways entering Founders Park. As the only museum in Dripping Springs, and as one of the features of Founders Park, we offer a special amenity to the new residents of Big Sky and to all who visit our grounds. We will update all visible signage on the gates and grounds to reflect our new address. The Dr. Pound Farmstead would also like to add two new roadway markers directing traffic to the museum & park: one on Rob Shelton Blvd and another on Founders park Road. The gate signage will consist of a custom sandblast wood sign (logo/entrance) as well as laminated max metal (hours and admis. The road signage will be laminated max metal on a square post.

In addition to the signage, the Dr. Pound Farmstead will be updating all of our collateral materials including mailing supplies (envelopes, return address labels, stamps, etc.) and marketing materials (brochures, rack cards, maps, etc.) to reflect the new address.

Concurrently with the address update, the Dr. Pound Farmstead will complete a preservation project painting the exterior of the house and porch. It has been nearly 10 years since the heritage house was last painted and it is in disrepair. The paint will help protect, preserve and beautify the museum. Once complete, we will host a “we have moved” celebratory event, inviting neighbors from the Big Sky development to join us.

We will market this event as well as promote the museum in general, by creating a small welcome package which includes free admission and information about the Dr. Pound Farmstead to the new residents of the Big Sky community.

While this event mainly targets the bordering community, our highway signage, gate signage and painting restoration will draw visitors from all over. We will distribute our new marketing collateral to local hotels, through the visitor’s bureau and through press releases and social media.



## **Schedule of Activities**

### **HOT Grant Fund**

Summer 2020	Update address on website, with county EMS (GPS), and all registered entities such as the Texas Historical Commission
October 2020	Create new mailing collateral and marketing collateral Install new gate signage Install roadway signage Issue press releases & social media posts
November 2020	Paint exterior of the house Distribute welcome packets to residents of Big Sky Distribute marketing collateral to all local agencies
2021	Host “We have moved” event



**TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**  
SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

January 16, 2014

FRIENDS OF THE POUND HOUSE FOUNDATION  
PO BOX 1150  
DRIPPING SPGS, TX 78620-1150

According to the records of the Comptroller of Public Accounts, the following exemption(s) from Texas taxes apply to the above organization(s):

Franchise tax, as of 07-30-1990

Sales and use tax, as of 07-29-1991

(provide Texas sales and use tax exemption certificate Form 01-339 (Back) to vendor)

The entity is not exempt from hotel occupancy tax.

Texas taxpayer identification number: 17425800004

This exemption verification is not a substitute for the completed exemption certificates that are required when claiming exemption from Texas taxes. Vendors should be familiar with the requirements for accepting the certificates in good faith from their customers.

This exemption verification does not mean that the organization holds a permit for collecting or remitting any Texas taxes.

Exempt organizations must collect tax on most sales. For more information, please see our publication Exempt Organizations. Sales and Purchases (96-122). Online registration is available.

For information concerning sales taxpayer permit status, please use the vendor search we provide online.

Corporations that are registered in Texas with the Secretary of State must maintain a current registered agent and registered office address. Information is available from Business and Nonprofit Forms page of the Secretary of State's Website. Additionally, out-of-state corporations, limited liability companies, or limited partnerships transacting business in Texas may need to file a Certificate of Authority or Registration with the Texas Secretary of State. More information is available from the Foreign or Out-of-State Entities page on the Secretary of State's Website.

Our publications and other helpful information are available on our website. If you need more information, write to us at exempt.orgs@cpa.state.tx.us, or call us at (800) 252-5555.

**Board of Trustees 2020/2021**

Miles Mathews, President  
144 Cats Eye Cove  
Dripping Springs, TX 78620  
[miles@hmvkglobal.com](mailto:miles@hmvkglobal.com)  
512-940-8554

Betty Meyer, Vice President  
8000 Mt. Sharp Road  
Wimberley, TX 78676  
[Halbett13@aol.com](mailto:Halbett13@aol.com)  
512-431-7839

Sarah Henline, Secretary  
PO Box 1091  
Dripping Springs, TX 78620  
[shenline@maidpro.com](mailto:shenline@maidpro.com)  
972-849-9695

Amy Sullivan, Co-Treasurer  
214 North Sage Hollow  
Dripping Springs, TX 78620  
[Amysullivan109@hotmail.com](mailto:Amysullivan109@hotmail.com)  
512-789-0913

Evan Webb, Co-Treasurer  
1380 Pursely Rd.  
Dripping Springs, TX 78620  
[evan@patrioterectors.com](mailto:evan@patrioterectors.com)  
512-743-5846

Kevin Franta  
586 Butler Ranch Rd  
Dripping Springs, TX 78620  
[Frantalaw@gmail.com](mailto:Frantalaw@gmail.com)  
512-826-1308

Wanda Mauldin  
3716 Kandy Drive  
Austin, TX 78749  
[omesadieladywjm@gmail.com](mailto:omesadieladywjm@gmail.com)  
512-892-5315

Lauren Neugebauer  
1060 Sunset Canyon Drive  
Dripping Springs, TX 78620  
[lsneugebauer@gmail.com](mailto:lsneugebauer@gmail.com)  
512-858-2251

Bonnie Walker  
PO BOX 772  
Dripping Springs, TX 78620  
[bonniewalker@me.com](mailto:bonniewalker@me.com)  
512-415-1646

Kelly Smith  
167 Vincas Shadow Ct.  
Driftwood, TX 78619  
[kelly@kellysmithphotography.net](mailto:kelly@kellysmithphotography.net)  
979-574-0303

Echo Uribe  
3805 Lone Man Mountain Rd  
Wimberley, TX 78676  
[echo@echospeak.com](mailto:echo@echospeak.com)  
512-796-7895

Stephanie Pope  
512-644-0413  
[stephanie@stanberry.com](mailto:stephanie@stanberry.com)

Laura Kirk  
512-751-6902  
[lbkirk@flash.net](mailto:lbkirk@flash.net)

Jenny Pack, Executive Director  
1519 Trebled Waters Trail  
Driftwood, TX 78619  
562-682-7909  
[pioneer@drpoundfarmstead.org](mailto:pioneer@drpoundfarmstead.org)

**CITY OF DRIPPING SPRINGS**

**RESOLUTION 2020-R\_\_\_\_\_**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS,  
CONSENTING TO THE ISSUANCE OF ROAD BONDS BY HEADWATERS  
MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY.

**WHEREAS**, Headwaters Municipal Utility District of Hays County (the "District") is a conservation and reclamation district, a body corporate and politic and governmental agency of the State of Texas, created under Article XVI, Sec. 59 of the Texas Constitution by order of the Texas Commission on Environmental Quality, and the District operates under Chapters 49 and 54 of the Texas Water Code, as amended; and

**WHEREAS**, the District, Headwaters Development Company, the Townes Family Trust and the City of Dripping Springs entered into that certain "Agreement Concerning Creation and Operation of Headwaters Municipal Utility District" dated to be effective February 8, 2005, as subsequently amended by that certain "First Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District" dated June 10, 2008; that certain "Second Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District" last executed on February 3, 2015; and that certain "Third Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District" last executed on May 29, 2020 (collectively, the "Consent Agreement"); and

**WHEREAS**, among other matters, the Consent Agreement provides that all bonds of the District shall be approved by the City Council of the City of Dripping Springs prior to issuance; and

**WHEREAS**, during the 2015 Regular Legislative Session, the Texas Legislature enacted HB 4185 granting the District the powers of a road district including the power to issue bonds to finance paved roads, and improvements in aid of those roads. The City Council of the City of Dripping Springs adopted Resolution No. 2015-06 in support of such legislation; and

**WHEREAS**, on November 3, 2015, the registered voters within the District authorized the issuance of road bonds by the District in a maximum amount not to exceed \$54,545,000 and the levy of a tax for payment of debt service on such bonds; and

**WHEREAS**, the District has heretofore issued its \$3,000,000 Unlimited Tax Road Bonds, Series 2017 (the "Series 2017 Bonds"), its \$2,685,000 Unlimited Tax Road Bonds, Series 2018 (the "Series 2018 Bonds"), and its \$4,500,000 Unlimited Tax Road Bonds, Series 2020 (the "Series 2020 Bonds") pursuant to the authority of the election held on November 3, 2015 as described in the paragraph above; and

**WHEREAS,** the District now desires to proceed with the issuance of its fourth series of road bonds in a principal amount not to exceed \$3,740,000 (the “*Road Bonds*”); and

**WHEREAS,** the Road Bonds will be obligations solely of the District, and the City of Dripping Springs will not be responsible for payment of the Road Bonds.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS THAT:**

Section 1. This meeting of the City Council of the City of Dripping Springs has been properly posted in accordance with the Texas Open Meetings Act.

Section 2. The City Council of the City of Dripping Springs hereby approves the issuance by the District of the Road Bonds in a par amount not to exceed \$3,740,000.

Section 3. This Resolution shall be effective upon the date of its approval.

**PASSED & APPROVED this, the 13<sup>th</sup> day of October 2020.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_

Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_

Andrea Cunningham, City Secretary



**HEADWATERS MUNICIPAL UTILITY DISTRICT  
OF HAYS COUNTY**

**FINANCIAL STATEMENTS,  
SUPPLEMENTAL INFORMATION  
AND  
INDEPENDENT AUDITOR'S REPORT**

**FOR THE YEAR ENDED  
DECEMBER 31, 2019**

**WEST, DAVIS & COMPANY, LLP**  
*Certified Public Accountants*  
**Austin, Texas**

This page intentionally left blank.

# HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

## Annual Financial Report For the Year Ended December 31, 2019

### ANNUAL FILING AFFIDAVIT

THE STATE OF TEXAS }  
COUNTY OF TRAVIS }

I, Harvey Zinn, Jr. of the Headwaters Municipal Utility District of Hays County hereby swear, or affirm, that the district named above has reviewed and approved at a meeting of the Board of Directors of the District on the 30th day of March, 2020, its annual audit report for the year ended December 31, 2019, and that copies of the annual report have been filed in the district office, located at 901 South MoPac, Suite 225, Austin, Texas 78746.

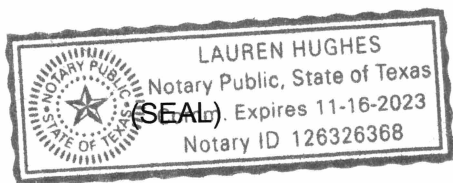
The annual filing affidavit and the attached copy of the annual audit report are being submitted to the Texas Commission on Environmental Quality in satisfaction of the annual filing requirements of Texas Water Code Section 49.194.

Date: March 30, 2020

By: [Signature] President  
(Signature of District Representative)

Harvey Zinn, Jr. President  
(Name & Title of above District Representative)

Sworn to and subscribed to before me this 30th day of March, 2020.



[Signature]  
(Signature of Notary)

My Commission Expires On: November 16, 2023.  
Notary Public in and for the State of Texas.

# HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

## Annual Financial Report For the Year Ended December 31, 2019

### TABLE OF CONTENTS

	<u>Page</u>
<b>FINANCIAL SECTION</b>	
Independent Auditor’s Report on Financial Statements .....	1
Management’s Discussion & Analysis (Required Supplementary Information) .....	4
<u>Basic Financial Statements</u>	
Government-wide Financial Statements:	
Statement of Net Assets and Reconciliation to Governmental Funds Balance Sheet .....	12
Statement of Activities and Reconciliation to Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds .....	13
Notes to the Financial Statements .....	14
<b>REQUIRED SUPPLEMENTARY INFORMATION</b>	
Budgetary Comparison Schedule – General Fund .....	28
<b>TEXAS COMMISSION ON ENVIRONMENTAL QUALITY SUPPLEMENTARY INFORMATION</b>	
Index of Supplemental Schedules Required by the Texas Commission on Environmental Quality .....	29
Supplemental Schedules Required by the Texas Commission on Environmental Quality .....	30
<b>OTHER INFORMATION</b>	
Principal Taxpayers.....	42
Assessed Value by Classification.....	42

**FINANCIAL SECTION**

---

**Independent Auditor's Report**

Board of Directors  
Headwaters Municipal Utility District of Hays County  
Austin, Texas

We have audited the accompanying financial statements of the governmental activities and each major fund of Headwaters Municipal Utility District of Hays County (the District) as of and for the year ended December 31, 2019, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluation the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a reasonable basis for our audit opinion.

## Opinion

In our opinion the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities and each major fund of the District at December 31, 2019, and the changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## Other Matters

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the budgetary comparison information identified as Required Supplementary Information in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### *Texas Commission on Environmental Quality Supplementary Information*

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the District's basic financial statements. The supplemental schedules required by the Texas Commission on Environmental Quality are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supplemental schedules required by the Texas Commission on Environmental Quality are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplemental schedules required by the Texas Commission on Environmental Quality are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

*Other Information*

The other information listed in the table of contents has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

*West, Harris & Company*

Austin, Texas  
March 15, 2020



**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

In accordance with Governmental Accounting Standards Board Statement 34 (“GASB 34”), the management of Headwaters Municipal Utility District of Hays County (the “District”) offers the following discussion and analysis to provide an overview of the District’s financial activities for the year ended December 31, 2019. Since this information is designed to focus on current year’s activities, resulting changes, and currently known facts, it should be read in conjunction with the District’s financial statements that follow.

### FINANCIAL HIGHLIGHTS

- **General Fund:** The unassigned fund balance at the end of the year was approximately \$283 thousand which was an increase of \$149 thousand from the end of the previous year end. Revenue increased from \$539 thousand in the previous fiscal year to \$1.0 million thousand in the current fiscal year due to increased property tax and service account revenue as the result of growth within the District.
- **Debt Service Fund:** This fund balance increased from \$479 thousand to \$516 thousand due to increased property tax revenue. This fund made interest payments of \$187 thousand on bonded indebtedness.
- **Capital Projects Fund:** This fund balance increased from \$11 thousand to \$12 thousand during the year. This fund’s only activity during the year was interest earning on temporary investments of approximately \$1 thousand.
- **Governmental Activities:** On a Government-wide basis for governmental activities, the District had expenses in excess of income of approximately \$27 thousand before developer contributions of \$120 thousand in cash and \$494 thousand of land. Net position increased \$587 thousand during the year.

### OVERVIEW OF THE DISTRICT

The District, a political subdivision of the State of Texas, was created by the Texas Commission on Environmental Quality on August 8, 2007 pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code. The District was created and organized for the purpose of constructing water, sewer, and drainage facilities and providing water and sewer services to residential and commercial establishments within the District. The District is located entirely within Hays County and is partially located within the corporate boundaries of, and partially located within the extraterritorial jurisdiction of the City of Dripping Springs, Texas.

**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

**USING THIS ANNUAL REPORT**

The District's reporting is comprised of five parts:

- Management's Discussion and Analysis (this section)
- Basic Financial Statements
  - Statement of Net Assets and Reconciliation to Governmental Funds Balance Sheet
  - Statement of Activities and Reconciliation to Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds
- Notes to the Financial Statements
- Required Supplementary Information
- Texas Supplementary Information (required by the Texas Commission on Environmental Quality)

The Government-wide statements are reported using the flow of economic resources measurement focus and the full accrual basis of accounting. The Governmental Fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting.

For purposes of GASB 34, the District is considered a special purpose government. This allows the District to present the newly required fund and government-wide statements in a single schedule. The requirement for fund financial statements that are prepared on the modified accrual basis of accounting is met with the "Governmental Funds Total" column. An adjustment column includes those entries needed to convert to the full accrual basis government-wide statements. Government-wide statements are comprised of the Statement of Net Assets and the Statement of Activities.

**OVERVIEW OF THE BASIC FINANCIAL STATEMENTS**

**The Statement of Net Assets and Governmental Funds Balance Sheet** includes a column (titled "Governmental Funds Total") that represents a balance sheet prepared using the modified accrual basis of accounting. The adjustments column converts those balances to a balance sheet that more closely reflects a private-sector business. Over time, increases or decreases in the District's net assets will indicate financial health.

**The Statement of Activities and Governmental Funds Revenues, Expenditures, and Changes in Fund Balances** includes a column (titled "Governmental Funds Total") that derives the change in fund balances resulting from current year revenues, expenditures, and other financing sources or uses. These amounts are prepared using the modified accrual basis of accounting. The adjustments column converts those activities to full accrual, a basis that more closely represents the income statement of a private-sector business.

**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

The Notes to the Financial Statements provide additional information that is essential to a full understanding of the information presented in the *Statement of Net Assets and Governmental Funds Balance Sheet* and the *Statement of Activities and Governmental Funds Revenues, Expenditures, and Changes in Fund Balances*.

The Required Supplementary Information presents a comparison statement between the District’s adopted budget and its actual results.

**FINANCIAL ANALYSIS OF THE DISTRICT AS A WHOLE**

**Summary Statement of Net Position**

	Governmental Activities (in thousands)		Increase (Decrease)
	December 2019	December 2018	
Current and Other Assets	\$ 1,277	\$ 1,057	\$ 220
Capital and Non-Current Assets	5,918	5,343	575
<b>Total Assets</b>	<b>7,195</b>	<b>6,400</b>	<b>795</b>
Current Liabilities	557	345	212
Long-Term Liabilities	6,483	6,487	(4)
<b>Total Liabilities</b>	<b>7,040</b>	<b>6,832</b>	<b>208</b>
Net Investment in Capital Assets	(840)	(1,217)	377
Restricted	598	520	78
Unrestricted	397	265	132
<b>Total Net Position</b>	<b>\$ 155</b>	<b>\$ (432)</b>	<b>\$ 587</b>

The District’s total assets were approximately \$6.7 million as of December 31, 2019. Of this amount, approximately \$1.1 million is accounted for by cash and short-term investments. The District had outstanding liabilities of approximately \$7.0 million. The District’s unrestricted net position, which can be used to finance day to day operations, totaled \$397 thousand.

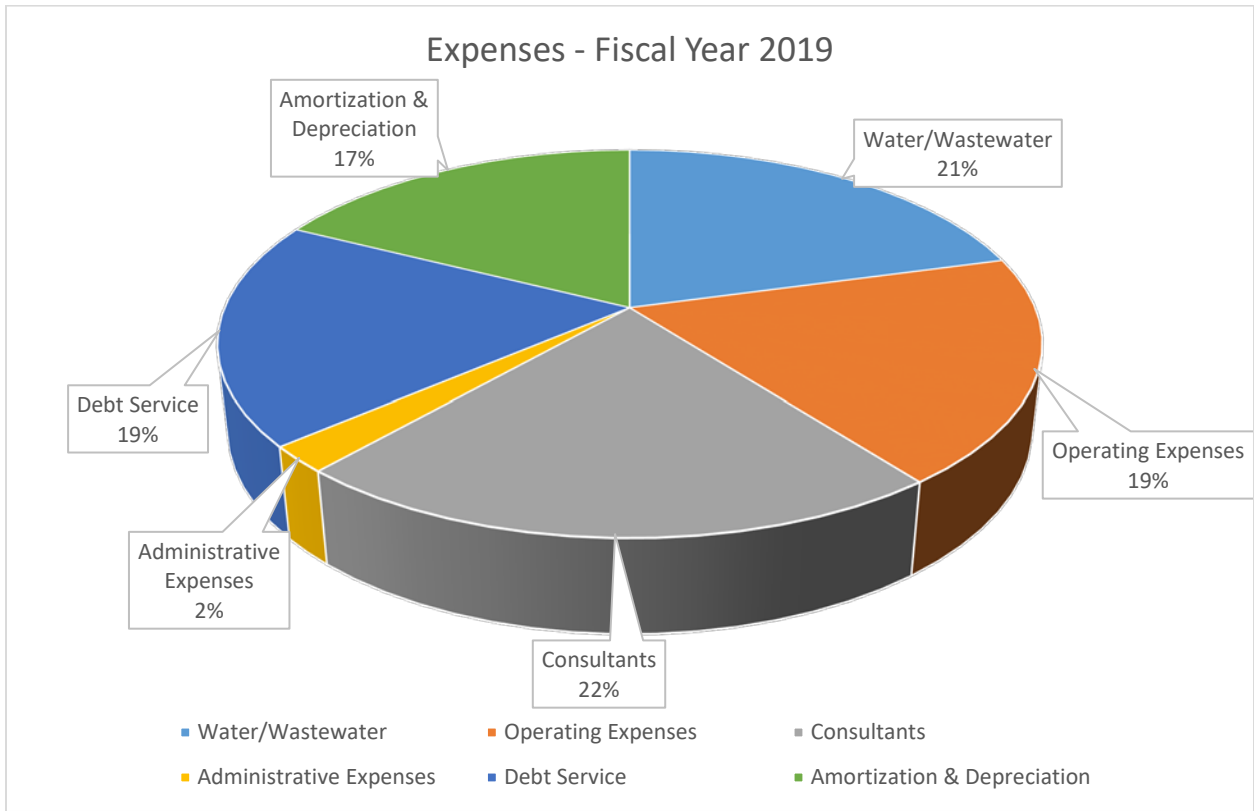
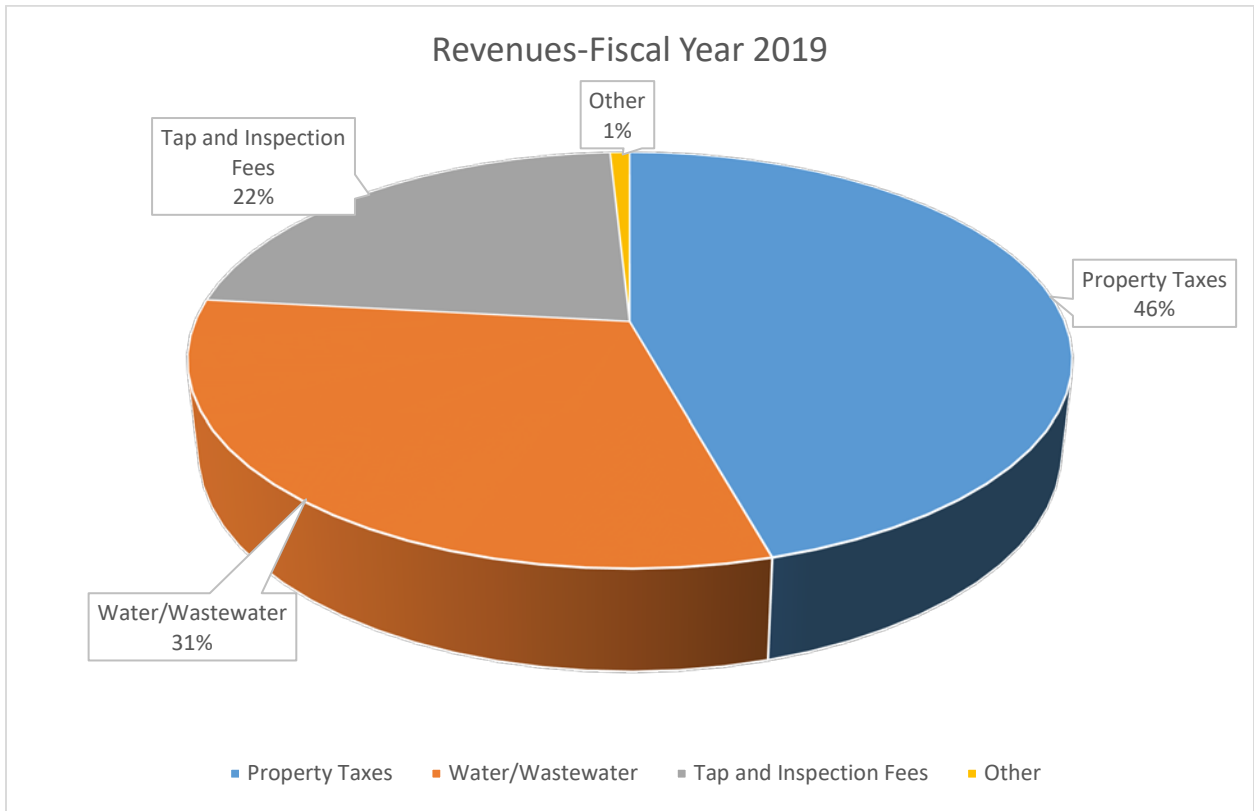
**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

**Summary Statement of Activities**

	Governmental Activities (in thousands)		Increase (Decrease)
	2019	2018	
Property Taxes	\$ 589	\$ 358	\$ 231
Water/Wastewater	401	153	248
Tap and Inspection Fees	289	135	154
Other	11	5	6
<b>Total Revenues</b>	<b>1,290</b>	<b>651</b>	<b>639</b>
Water/Wastewater	273	276	(3)
Operating Expenses	248	183	65
Consultants	289	235	54
Administrative Expenses	29	24	5
Debt Service	247	143	104
Amortization & Depreciation	231	167	64
<b>Total Expenses</b>	<b>1,317</b>	<b>1,028</b>	<b>289</b>
Other Financing Sources (Uses)	614	110	504
<b>Change In Net Position</b>	<b>587</b>	<b>(267)</b>	<b>854</b>
<b>Beginning Net Position</b>	<b>(432)</b>	<b>(165)</b>	<b>(267)</b>
<b>Ending Net Position</b>	<b>\$ 155</b>	<b>\$ (432)</b>	<b>\$ 587</b>

Revenues and Other Financing Sources were approximately \$1.9 million for the year ended December 31, 2019 including developer contributions of \$614 thousand. Expenses were approximately \$1.3 million for the year ended December 31, 2019. The following charts summarize the sources of revenue and areas of expenses, excluding Other Financing Sources and Uses.

Management Discussion and Analysis  
For the Year Ended December 31, 2019



**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

**FINANCIAL ANALYSIS OF THE DISTRICT’S FUND LEVEL STATEMENTS**

In comparison to the Government-wide statements, the Fund-level statements focus on the key funds of the District. The District uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

The District reports the following types of Governmental funds: General Fund, Debt Service Fund and Capital Projects Fund. The focus of the District’s Governmental funds is to provide information on near-term inflows, outflows, and available resources. Such information is useful in assessing the District’s financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government’s net resources available at the end of the fiscal year.

**Summary Balance Sheet**

	Governmental Funds		
	(in thousands)		
	December 2019	December 2018	Increase (Decrease)
Cash and Investments	\$ 1,067	\$ 868	\$ 199
Accounts Receivable	442	315	127
Prepaid Expenses	4	12	(8)
<b>Total Assets</b>	<b>1,513</b>	<b>1,195</b>	<b>318</b>
Accounts Payable	459	362	97
Customer Deposits	47	37	10
Deferred Revenue	184	160	24
<b>Total Liabilities</b>	<b>690</b>	<b>559</b>	<b>131</b>
Nonspendable	12	12	-
Restricted for Debt Service	516	479	37
Restricted for Capital Projects	12	11	1
Unassigned	283	134	149
<b>Total Fund Balances</b>	<b>823</b>	<b>636</b>	<b>187</b>
<b>Total Liabilities and Fund Balances</b>	<b>\$ 1,513</b>	<b>\$ 1,195</b>	<b>\$ 318</b>

**The General Operating Fund**, which pays for daily operating expenses, has an unassigned balance of \$283 thousand at the end of the current fiscal year. This is an increase of \$149 thousand from the prior fiscal year.

**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

**The Debt Service Fund** increased \$37 thousand during the current fiscal year. The District issued no new bonds during the year. This fund remitted no bond principal and \$187 thousand in bond interest during the year.

**The Capital Projects Fund** was inactive during the year other than earning just under \$1 thousand in interest on temporary investments.

**BUDGETARY HIGHLIGHTS**

The Board of Directors adopted the fiscal year 2019 annual budget for the General Fund on August 30, 2018. The budget included revenues of \$925 thousand, including developer advances of \$240 thousand and expenditures of \$925 thousand. Actual revenue amounted to \$1.162 million and actual expenditures amounted to \$1.013 million. More detailed information about the District’s budgetary comparison is presented in the Required Supplementary Information section.

**CAPITAL ASSETS**

The District’s road facilities have been dedicated to Hays County which is responsible for operation and maintenance of these facilities. The District recognizes the \$4.689 million in costs, as road usage rights. These costs are being amortized over 40 years. In addition, the District acquired a wastewater treatment plant expansion at a cost of \$312 thousand by entering into a lease purchase agreement. This plant is being depreciated over 10 years. Land represents parcels conveyed to the District by the Developer.

**Summary of Capital Assets**

	Governmental Activities		Increase (Decrease)
	(in thousands)		
	September 2019	September 2018	
Land	\$ 494	\$ -	\$ 494
Water and Wastewater System	1,163	851	312
Accumulated Depreciation	(163)	(49)	(114)
Usage Rights	4,689	4,689	-
Accumulated Amortization	(265)	(148)	(117)
<b>Total Capital Assets (Net)</b>	<b>\$ 5,918</b>	<b>\$ 5,343</b>	<b>\$ 575</b>

**Management Discussion and Analysis  
For the Year Ended December 31, 2019**

**LONG TERM DEBT**

The District issued no new bonds during the year but did enter into an agreement to finance a wastewater treatment plant expansion in the amount of \$312 thousand for lease purchase payments. More detailed information about the District’s long-term debt is presented in the Notes to the Basic Financial Statements.

**ECONOMIC FACTORS**

The taxable assessed value of property within the District as of January 1, 2019 has been fixed by the Hays County Appraisal District at \$61 million. The tax rates adopted by the District on August 15, 2019 for the coming fiscal year are \$0.50 for maintenance and operations and \$0.40 for debt service. The District expects this to produce \$550 thousand in total property tax revenue for next year. The adopted budget for fiscal year 2020 projects a small increase to the operating fund balance.

**REQUESTS FOR INFORMATION**

This financial report is designed to provide a general overview of the District’s finances and to demonstrate the District’s accountability for the funds it receives. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the District in care of McLean & Howard, 901 South MoPac, Suite 225, Austin, Texas 78746.



**BASIC FINANCIAL STATEMENTS**

STATEMENT OF NET ASSETS  
AND GOVERNMENTAL FUNDS BALANCE SHEET  
DECEMBER 31, 2019

	GOVERNMENTAL FUNDS				ADJUSTMENTS	STATEMENT OF NET ASSETS
	GENERAL	DEBT SERVICE	CAPITAL PROJECTS	TOTAL		
<b>ASSETS</b>						
Cash	\$ 302,729	\$ -	\$ 12,808	\$ 315,537	\$ -	\$ 315,537
Investments	136	750,886	-	751,022	-	751,022
Accounts Receivable (Net of Allowance)	23,054	-	-	23,054	-	23,054
Property Taxes Receivable	102,037	81,629	-	183,666	-	183,666
Due From Other Funds	235,751	-	-	235,751	(235,751)	-
Unrealized Expenses	3,819	-	-	3,819	-	3,819
Land	-	-	-	-	494,380	494,380
Intangible Assets (Net of Amortization)						
Service Rights	-	-	-	-	4,423,978	4,423,978
Capital Assets (Net of Depreciation)						
Wastewater Treatment Plant	-	-	-	-	999,679	999,679
<b>Total Assets</b>	<b>\$ 667,526</b>	<b>\$ 832,515</b>	<b>\$ 12,808</b>	<b>\$ 1,512,849</b>	<b>\$ 5,682,286</b>	<b>\$ 7,195,135</b>
<b>LIABILITIES</b>						
Accounts Payable	\$ 223,132	\$ -	\$ -	\$ 223,132	84,608	\$ 307,740
Customer Deposits	47,400	-	-	47,400	-	47,400
Due To Other Funds	-	234,431	1,320	235,751	(235,751)	-
Capital Lease Payable in less than one year	-	-	-	-	127,071	127,071
Capital Lease Payable in more than one year	-	-	-	-	872,608	872,608
Bonds Payable in less than one year	-	-	-	-	75,000	75,000
Bonds Payable in more than one year	-	-	-	-	5,610,000	5,610,000
<b>Total Liabilities</b>	<b>270,532</b>	<b>234,431</b>	<b>1,320</b>	<b>506,283</b>	<b>6,533,536</b>	<b>7,039,819</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>						
Property Taxes	102,037	81,629	-	183,666	(183,666)	-
<b>Total Deferred Inflows</b>	<b>102,037</b>	<b>81,629</b>	<b>-</b>	<b>183,666</b>	<b>(183,666)</b>	<b>-</b>
<b>FUND EQUITY</b>						
Nonspendable	12,069	-	-	12,069	(12,069)	-
Restricted For Debt Service	-	516,455	-	516,455	(516,455)	-
Restricted For Capital Projects	-	-	11,488	11,488	(11,488)	-
Unassigned	282,888	-	-	282,888	(282,888)	-
<b>Total Fund Equity</b>	<b>294,957</b>	<b>516,455</b>	<b>11,488</b>	<b>822,900</b>	<b>(822,900)</b>	<b>-</b>
<b>Total Liabilities, Fund Equity &amp; Deferred Inflows of Resources</b>	<b>\$ 667,526</b>	<b>\$ 832,515</b>	<b>\$ 12,808</b>	<b>\$ 1,512,849</b>		
<b>NET POSITION</b>						
Net Investment in Capital Assets					(839,762)	(839,762)
Restricted for Debt Service					598,084	598,084
Unrestricted					396,994	396,994
<b>Total Net Position</b>					<b>\$ 155,316</b>	<b>\$ 155,316</b>

The notes to financial statements are an integral part of this statement.

STATEMENT OF ACTIVITIES AND GOVERNMENTAL FUNDS  
 REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES  
 FOR THE YEAR ENDED DECEMBER 31, 2019

REVENUES	GOVERNMENTAL FUNDS				ADJUSTMENTS	STATEMENT OF ACTIVITIES
	GENERAL	DEBT SERVICE	CAPITAL PROJECTS	TOTAL		
Property Tax	\$ 351,312	\$ 214,249	\$ -	\$ 565,561	\$ 23,689	\$ 589,250
Water Service	303,771	-	-	303,771	-	303,771
Wastewater Service	96,836	-	-	96,836	-	96,836
Tap and Connection Fees	288,948	-	-	288,948	-	288,948
Interest	1,023	10,024	487	11,534	-	11,534
<b>TOTAL REVENUES</b>	<b>1,041,890</b>	<b>224,273</b>	<b>487</b>	<b>1,266,650</b>	<b>23,689</b>	<b>1,290,339</b>
<b>EXPENDITURES</b>						
Current:						
Water Service Fees	273,577	-	-	273,577	-	273,577
Wastewater Services	-	-	-	-	-	-
Repairs and Maintenance	61,505	-	-	61,505	-	61,505
Inspection Fees	31,917	-	-	31,917	-	31,917
Utilities	15,061	-	-	15,061	-	15,061
Laboratory Expenses	18,504	-	-	18,504	-	18,504
Solid Waste Services	47,786	-	-	47,786	-	47,786
Landscaping	73,551	-	-	73,551	-	73,551
Insurance	9,830	-	-	9,830	-	9,830
Tax Assessor -Collector	2,376	-	-	2,376	-	2,376
Director Salaries and Taxes	4,521	-	-	4,521	-	4,521
Legal Fees	40,565	-	-	40,565	-	40,565
Audit Fees	8,000	-	-	8,000	-	8,000
Accounting	37,950	-	-	37,950	-	37,950
Management and Consulting Fees	99,765	462	-	100,227	-	100,227
Engineering Fees	102,052	-	-	102,052	-	102,052
Legal Notices	500	-	-	500	-	500
Printing and Office Supplies	11,399	-	-	11,399	-	11,399
Debt Service:						
Interest	60,383	186,247	-	246,630	-	246,630
Principal	114,127	-	-	114,127	(114,127)	-
Amortization	-	-	-	-	117,221	117,221
Depreciation	-	-	-	-	114,127	114,127
Capital Expenditures	-	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>1,013,369</b>	<b>186,709</b>	<b>-</b>	<b>1,200,078</b>	<b>117,221</b>	<b>1,317,299</b>
<b>OTHER FINANCING SOURCES (USES)</b>						
Developer Advances	120,056	-	-	120,056	494,380	614,436
Bond Proceeds	-	-	-	-	-	-
Bond Issuance Costs	-	-	(317)	(317)	-	(317)
<b>TOTAL OTHER SOURCES</b>	<b>120,056</b>	<b>-</b>	<b>(317)</b>	<b>119,739</b>	<b>494,380</b>	<b>614,119</b>
Excess (Deficit) of Revenues and Other Financing Sources over Expenditures	148,577	37,564	170	186,311	(186,311)	-
Change in Net Position					587,159	587,159
Fund Balance/Net Position - Beginning	146,380	478,891	11,318	636,589	(1,068,432)	(431,843)
<b>Fund Balance/Net Position - Ending</b>	<b>\$ 294,957</b>	<b>\$ 516,455</b>	<b>\$ 11,488</b>	<b>\$ 822,900</b>	<b>\$ (667,584)</b>	<b>\$ 155,316</b>

The notes to financial statements are an integral part of this statement.

**HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**1. Summary of Significant Accounting Policies**

The accounting and reporting policies of the District relating to the funds included in the accompanying financial statements conform to generally accepted accounting principles (GAAP) as applied to governmental entities. Generally accepted accounting principles for local governments include those principles prescribed by the *Governmental Accounting Standards Board* (GASB), which constitutes the primary source of GAAP for governmental units. The more significant of these accounting policies are described below and, where appropriate, subsequent pronouncements will be referenced.

Headwaters Municipal Utility District of Hays County (the District), a political subdivision of the State of Texas, was created on August 8, 2007, by the Texas Commission on Environmental Quality pursuant to the provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The District was created and organized for the purpose of constructing water, sewer, and drainage facilities and providing water and sewer services to residential and commercial establishments within the District.

These financial statements report the financial activity of the District. The reporting entity of the District encompasses those activities and functions over which the District's elected officials exercise significant oversight or control. The District is governed by a five-member Board of Directors (the Board) that has been elected by District residents. The funds and government-wide financial statements presented in this report are within the oversight responsibility of the Board, in accordance with Governmental Accounting Standards Board (GASB) Codification of Governmental Accounting and Financial Reporting Standards Part II, Financial Reporting. There are no component units of the District, nor is the District a component unit of any other entity.

**A. Basis of Presentation, Basis of Accounting**

In accordance with GASB Statement No. 34, the District has elected to combine their Government-wide and Governmental Fund Financial Statements into one set of financial statements with a reconciliation of the individual line items in a separate column on the financial statements.

**Government-wide Financial Statements:**

The **Statement of Net Position** and the **Statement of Activities** include the financial activities of the overall government. Governmental activities are generally financed through property taxes and utility service revenue.

The **Statement of Activities** presents a comparison between direct expenses and program revenues for each function of the District's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**1. Summary of Significant Accounting Policies (continued)**

**Fund Financial Statements:**

The governmental fund financial statement columns are labeled **Governmental Funds Balance Sheet** and **Governmental Funds Revenue, Expenditures and Changes in Fund Balance**. In the fund financial statements, the accounts of the District are organized on the basis of funds, each of which is considered a separate accounting entity. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column.

The District reports the following major governmental funds:

**General Fund:** This is the District’s primary operating fund. It accounts for all financial resources of the District except those required to be accounted for in another fund.

**Debt Service Fund:** The Debt Service Fund is used to account for the accumulation of financial resources for, and the payment of, general long-term debt principal and interest.

**Capital Projects Fund:** The Capital Projects Fund is used to account for the acquisition or construction of major capital facilities. Principal sources of revenue are municipal long-term debt proceeds and interest income.

**B. Measurement Focus, Basis of Accounting**

The Government-wide financial statements are reported using the flow of economic resources measurement focus and the accrual basis of accounting. Revenue is recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied.

**Governmental Fund Financial Statements:** Governmental funds are reported using the current financial resources management focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The District does not consider revenues collected after its year end to be available in the current period. Revenues from local sources consist primarily of property taxes. Miscellaneous revenues are recorded as revenues when received in cash because they are generally not measurable until actually received. Investment earnings are recorded as earned, since they are both measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on long term debt, which is recognized as an expenditure to the extent that it has matured. General capital asset acquisitions are reported as expenditures in major governmental funds. Proceeds of general long-term debt are reported as other financing sources.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**1. Summary of Significant Accounting Policies (continued)**

**C. Fund Balances**

The District has adopted GASB Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions which establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

Those fund balance classifications are described below.

Nonspendable – Amounts that cannot be spent because they are either not in a spendable form or are legally or contractually required to be maintained intact.

Restricted – Amounts that can be spent only for specific purposes because of constraints imposed by external providers or imposed by constitutional provisions or enabling legislation.

Committed – Amounts that can only be used for specific purposes pursuant to approval by formal action by the Board.

Assigned – For the General Fund, amounts that are appropriated by the Board or Board designee, if any, that are to be used for specific purposes. For all other governmental funds, any remaining positive amounts not previously classified as nonspendable, restricted or committed.

Unassigned – Amounts that are available for any purpose; these amounts can be reported only in the District’s General Fund.

Fund balance of the District may be committed for a specific purpose by formal action of the Board, the District’s highest level of decision-making authority. Commitments may be established, modified, or rescinded only through a resolution approved by the Board. The Board has not delegated the authority to assign fund balance.

**D. Budget**

The Board adopted an annual budget for the General Fund on the basis consistent with generally accepted accounting principles. The District’s Board of Directors utilizes the budget as a management tool for planning and cost control purposes. All annual appropriations lapse at fiscal year end.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**1. Summary of Significant Accounting Policies (continued)**

**E. Pensions**

The District has not established a pension plan.

**F. Cash and Cash Equivalents**

These include cash on deposit as well as investments with maturities of three months or less at the time of purchase.

**G. Prepaid Items**

Certain payments to vendors reflect costs applicable to future periods and are recorded as prepaid assets in both the government-wide and fund financial statements. Prepaid assets are charged to expenditures when consumed.

**H. Service Accounts Receivable**

The District provides for uncollectible accounts receivable using the allowance method of accounting for bad debts. Under this method of accounting, a provision for uncollectible accounts is charged to earnings. The allowance account is increased or decreased based on past collection history and management's evaluation of accounts receivable. All amount considered uncollectible are charged against the allowance account, and recoveries of previously charged off accounts are added to the allowance. As of December 31, 2017, the allowance for uncollectible accounts was \$-0-.

**I. Capital Assets**

Intangible assets, which consist of the right to use roads within the District, are reported in the governmental activities columns in the government-wide financial statements. Intangible assets are defined by GASB Statement No. 51 as assets which lack physical substance, are nonfinancial in nature, and have an initial useful life extending beyond a single reporting period. Such assets are recorded at historical cost if purchased or estimated fair value at the date of donation if donated. Intangible assets are amortized using the straight-line method over the estimated life of the assets, which in this case is estimated to be 40 years.

**J. Interfund Transactions**

Transfers from one fund to another fund are reported as interfund receivable and payables if there is intent to repay that amount and if the debtor fund has the ability to repay the advance on a timely basis. Operating transfers represent legally authorized transfers from the fund receiving resources to the fund through which the resources are to be expended.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**1. Summary of Significant Accounting Policies (continued)**

**K. Long-Term Debt**

Unlimited tax bonds, which have been issued to acquire capital assets, are to be repaid from tax revenues of the District. In the Government-wide financial statements, long-term debt and other long-term obligations are, once issued and outstanding, reported as liabilities in the applicable governmental activities. Bond premiums and discounts are deferred and amortized over the life of the bonds. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are expensed as incurred.

In the fund financial statement, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums and discounts on debt issuances are reported as other financing sources and uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as expenditures.

**L. Deferred Outflows and Inflows of Resources**

GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, provides guidance for reporting the financial statement elements of deferred outflows of resources, which represent the consumption of the District's net position that is applicable to a future reporting period, and deferred inflows of resources, which represent the District's acquisition of net position applicable to a future reporting period. GASB Statement No. 63 became effective for fiscal years beginning after December 15, 2011 and has been implemented in the financial statements.

GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, establishes accounting and financial reporting standards that reclassify, as deferred outflows of resources or deferred inflows of resources, certain items that were previously reported as assets and liabilities and recognizes, as outflows of resources or inflows of resources, certain items that were previously reported as assets and liabilities. GASB Statement No. 65 is effective for fiscal years beginning after December 15, 2012 and has been implemented in these financial statements.

**M. Recently Issued Account Pronouncements**

In June 2017, the GASB issued GASB Statement No. 87, *Leases*, effective for fiscal years beginning after December 15, 2019, with earlier implementation encouraged. The objective of GASB Statement No. 87 is to improve accounting and financial reporting for leases by governments by requiring recognition of certain lease assets and liabilities that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. GASB Statement No. 87 establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under GASB Statement



**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**1. Summary of Significant Accounting Policies (continued)**

No. 87, a lessee is required to recognize a lease liability and an intangible right-to-use asset, and a lessor is required to recognize a lease receivable and deferred inflow of resources. Management has evaluated the effects that the full implementation of GASB Statement No. 87 will have on its financial statements and implemented the new requirements during the year ended December 31, 2018.

In March 2018, the GASB issued GASB Statement No. 88, *Certain Disclosures Related to Debt, including Direct Borrowings and Direct Placements*. The objective of GASB Statement No. 88 is to improve the consistency in the information that is disclosed in notes to government financial statements related to debt, including direct borrowings and direct placements, and to provide financial statement users with additional essential information about debt. This statement is effective for reporting periods beginning after June 15, 2018. GASB Statement No. 88 has been implemented in these financial statements.

**2. Cash and Investments**

The investment policies of the District are governed by State statute and an adopted District Investment Policy that includes depository contract provisions and custodial contract provisions. Major provisions of the District’s Investment Policy include: depositories must be FDIC-insured Texas banking institutions; depositories must fully insure or collateralize all demand and time deposits; securities collateralizing time deposits are held by independent third-party trustees.

**Cash** – At year end, deposits were held by the District’s depository bank in accounts that were secured at the balance sheet date by Federal Deposit Insurance Corporation (FDIC) coverage or by pledged collateral held by the District’s agent bank in the District’s name.

**Investments** - The District is required by Government Code Chapter 2256, The Public Funds Investment Act, to adopt, implement, and publicize an investment policy. That policy must be written; primarily emphasize safety of principal and liquidity; address investment diversification, yield, and maturity and the quality and capability of investment management; and include a list of the types of authorized investments in which the investing entity’s funds may be invested; and the maximum allowable stated maturity of any individual investment owned by the entity.

The Public Funds Investment Act (“Act”) requires an annual audit of investment practices. Audit procedures in this area conducted as part of the audit of the general purpose financial statements disclosed that in the areas of investment practices, management reports and establishment of appropriate policies, the District adhered to the requirement of the Act. Additionally, investment practices of the District were in accordance with local policies.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**2. Cash and Investments (continued)**

The Act determines the types of investments which are allowable for the District. These include, with certain restriction, (1) obligations of the US Treasury, certain US Agencies, and the State of Texas, (2) certificates of deposit, (3) certain municipal securities, (4) money market savings accounts, (5) repurchase agreements, (6) banker’s acceptances, (7) mutual funds, (8) investment pools, (9) guaranteed investment contracts, and (10) commercial paper.

The District categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

Not all assets meeting the definition of an investment are required to be reported at fair value. Including among excepted investments are certain investments held by 2a7-like external investments pools. As detailed below the District has invested funds in specific 2a7-like external investment pools that are valued at amortized cost and not subject to the fair value hierarchy levels.

The District’s investments at year end are shown below.

<u>Investment</u>	<u>Fair Value</u>		<u>Maturity</u>	<u>Fair Value</u>
	<u>Level</u>	<u>Rating</u>		
TexPool	N/A	AAAm	1 Day Average	\$ 751,022

**Analysis of Specific Cash and Investment Risks** – GASB Statement No. 40 requires a determination as to whether the District was exposed to the following specific investment risks at year end and, if so, the reporting of certain related disclosures.

**Credit Risk** – Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The ratings of securities by nationally recognized rating agencies are designed to give an indication of credit risk. At year end, the District was not significantly exposed to credit risk.

At year end, the District’s investments, other than those which are obligations of or guaranteed by the US Government, are rated as to credit quality as detailed above:

**Custodial Credit Risk** – Deposits are exposed to custodial credit risk if they are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution’s trust department or agent but not in the District’s name.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**2. Cash and Investments (continued)**

Investment securities are exposed to custodial credit risk if the securities are uninsured, are not registered in the name of the government, and are held by either the counterpart or the counterpart's trust department or agent but not in the District's name. At year end, the District was not exposed to custodial credit risk.

**Concentration of Credit Risk** – This risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. At year end, the District was not exposed to concentration of credit risk.

**Interest Rate Risk** – This is the risk that changes in interest rates will adversely affect the fair value of an investment. At year end, the District was not exposed to interest rate risk.

**Foreign Currency Risk** – This is the risk that exchange rates will adversely affect the fair value of an investment. At year end, the District was not exposed to foreign currency risk.

**Investment Accounting Policy** – The District's general policy is to report money market investments and short-term participating interest-earning investment contracts at amortized cost and to report nonparticipating interest-earning investment contracts using a cost-based measure. However, if the fair value of an investment is significantly affected by the impairment of the credit standing of the issuer or by other factors, it is reported at fair value. All other investments are reported at fair value unless a legal contract exists which guarantees a higher value. The term "short-term" refers to investments which have a remaining term of one year or less at time of purchase. The term "nonparticipating" means that the investment's value does not vary with market interest rate changes. Nonnegotiable certificates of deposit are examples of nonparticipating interest-earning investment contracts.

**Public Funds Investment Pools** – Public funds investment pools in Texas ("Pools") are established under the authority of the Interlocal Cooperation Act, Chapter 79 of the Texas Government Code, and are subject to the provisions of the Public Funds Investment Act (the "Act"), Chapter 2256 of the Texas Government Code. In addition to other provisions of the Act designed to promote liquidity and safety of principal, the Act requires Pools to: 1) have an advisory board composed of participants in the Pool and other person who do not have a business relationship with the Pool and are qualified to advise the Pool; 2) maintain a continuous rating of no lower than AAA or AAA-m or an equivalent rating by at least on nationally recognized rating service; and 3) maintain the market value of its underlying investment portfolio with one half of one percent of the value of its shares.

The District's investments in Pools are reported at an amount determined by the fair value per share of the Pool's underling portfolio, unless the Pool is 2a7-like, in which case they are reported at share value. A 2a7-like Pool is one which is not registered with the Securities and Exchange Commission ("SEC") as an investment company, but nevertheless has a policy that it will, and does, operate in a manner consistent with the SEC's Rule 2a7 of the Investment Company Act of 1940.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**2. Cash and Investments (continued)**

**TexPool** – The District invests in the Texas Local Government Investment Pool (TexPool), which is a local government investment pool that was established in conformity with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, and operates under the Public Funds Investment Act, Chapter 2256 of the Texas Government Code. The State Comptroller of Public Accounts oversees TexPool. Federated Investors, Inc. is the administrator and investment manager of TexPool under a contract with the State Comptroller. In accordance with the Public Funds Investment Act, the State Comptroller has appointed the TexPool Investment Advisory Board to advise with respect to TexPool. The board is composed equally of participants in TexPool Portfolios and other persons who do not have a business relationship with TexPool Portfolios and are qualified to advise in respect to TexPool Portfolios. The Advisory Board members review the investment policy and management fee structure. TexPool is rated AAAM by Standard & Poor’s and operates in a manner consistent with the SEC’s Rule 2a7 of the Investment Company Act of 1940. All investments are stated at amortized cost, which usually approximates the market value of the securities. The stated objective of TexPool is to maintain a stable average \$1.00 per unit net asset value; however, the \$1.00 net asset value is not guaranteed or insured. The financial statements can be obtained from the Texas Trust Safekeeping Trust Company website at [www.ttstc.org](http://www.ttstc.org).

**3. Property Taxes**

Property taxes are considered available when collected within the current period or expected to be collected soon enough thereafter to be used to pay liabilities of the current period. The District levies its taxes in conformity with Subtitle E, Texas Property Tax Code. Taxes are due upon receipt of the tax bill and are past due and subject to interest if not paid by February 1 of the year following the levy date. Taxes are due if not paid by June 30. Delinquent taxes are subject to both penalty and interest charges plus 15% delinquent collection fees for attorney costs.

Property taxes were levied by the District for the 2019 fiscal year at the rate of \$0.90 per hundred assessed value (\$0.65 for maintenance and \$0.25 for debt service). Uncollected property taxes amounted to \$183,666 at the end of the year.

**4. Capital Assets**

During previous years, the District has reimbursed developers \$4,688,835 for the construction of roads within the District. These roads have been dedicated to Hays County however the District recognizes the rights to use of these roads as an intangible asset. This cost is amortized over an estimated useful life of 40 years. Amortization in the amount of \$117,221 has been charged to system operations for the year. Accumulated amortization amounted to \$264,857 at the end of the year, leaving a net book value of \$4,423,978.

Also during the year, the District expanded its wastewater treatment facilities at a cost of \$312,000 by entering into a lease purchase agreement. These facilities, along with the original plant, are being depreciated over an estimated useful life of 10 years. Depreciation in the amount of \$114,127 has been charged to system operations for the year. Accumulated depreciation amounted to \$163,698 at the end of the year, leaving a net book value of \$999,679.

**HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**4. Capital Assets (continued)**

<u>Capital Assets:</u>	<u>Balance 1/1/2019</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 12/31/2019</u>
Land	\$ -	494,380	-	\$ 494,380
Wastewater System	851,377	312,000	-	1,163,377
Usage Rights	4,688,835	-	-	4,688,835
Total	<u>5,540,212</u>	<u>806,380</u>	<u>-</u>	<u>6,346,592</u>
<u>Accumulated Amortization and Depreciation:</u>				
Land	-	-	-	-
Wastewater System	(49,571)	(114,127)	-	(163,698)
Usage Rights	(147,636)	(117,221)	-	(264,857)
Total	<u>(197,207)</u>	<u>(231,348)</u>	<u>-</u>	<u>(428,555)</u>
<b>Capital Assets (Net)</b>	<b><u>\$ 5,343,005</u></b>	<b><u>575,032</u></b>	<b><u>-</u></b>	<b><u>\$ 5,918,037</u></b>

**5. Bonds**

At an election held within the District on November 6, 2007, voters authorized a total of \$64,700,000 of unlimited tax bonds for the purpose of purchasing, constructing, acquiring, owning, improving, extending, maintaining, repairing, or operating a waterworks system, a sanitary sewer system, and a drainage and storm water system for the District. At the same election, the voters of the District authorized the issuance of a total of \$97,050,000 of refunding bonds.

At an election held on November 3, 2015, voters authorized the issuance of \$54,545,000 in bonds for constructing, improving, acquiring, maintaining, financing or operating roads and related improvements. Additionally, at an election held on November 5, 2019, voters approved the creation of a commercial defined area within the boundaries of the District and authorized the issuance of \$138,500,000 of bonds for water, wastewater and drainage system facilities to serve the commercial defined area and the levy of taxes in payment of the bonds.

The District's bonds are collateralized by the levy of an annual ad valorem tax against all taxable property within the District. The District has no direct borrowings or direct placement debt.

Under the terms of the Second Amendment to the Agreement Concerning Creation and Operation of Headwaters Municipal Utility District, as amended, the District has agreed to limit the amount of unlimited tax bonds to be issued to a maximum amount of \$80,000,000.

Bond activity during the year is summarized as follows:

<u>Bonds:</u>	<u>Balance 1/1/2019</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 12/31/2019</u>
Unlimited Tax Road Bonds, Series 2017	\$ 3,000,000	-	-	\$ 3,000,000
Unlimited Tax Road Bonds, Series 2018	2,685,000	-	-	2,685,000
<b>Total Bond Indebtedness</b>	<b><u>\$ 5,685,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 5,685,000</u></b>

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**5. Bonds (continued)**

In December 2017 the District issued \$3,000,000 in Series 2017 unlimited road tax bonds and used the proceeds to acquire certain road facilities within the District. The bonds are payable from and secured by a pledge of the proceeds of a continuing, direct, annual ad valorem tax without legal limitation as to rate or amount levied against all taxable property located within the District.

In December 2018 the District issued \$2,685,000 in Series 2018 unlimited road tax bonds and used the proceeds to acquire certain road facilities within the District. The bonds are payable from and secured by a pledge of the proceeds of a continuing, direct, annual ad valorem tax without legal limitation as to rate or amount levied against all taxable property located within the District.

The District’s outstanding bonds are described as follows:

<u>Issue</u>	<u>Original Issue Amount</u>	<u>Installments (In Thousands)</u>	<u>Final Maturity</u>	<u>Interest Rates</u>	<u>Outstanding</u>
Series 2017	\$3,000,000	\$75 to 205	2042	2.25 – 4.125%	\$3,000,000
Series 2018	\$2,685,000	\$65 to 185	2043	3.50 – 4.600%	\$2,685,000

Redemption

Series 2017      Bonds maturing on or after August 15, 2025, are subject to redemption at the option of the District prior to their maturity dates in whole, or from time to time, in part, on August 15, 2024, or on any date thereafter at a price of par value plus unpaid accrued interest from the most recent interest payment date to the date fixed for redemption. Additionally, term bonds maturing on August 15 in the years 2028, 2030, 2032, 2037 and 2042 are subject to mandatory sinking fund redemption.

Series 2018      Bonds maturing on or after August 15, 2025, are subject to redemption at the option of the District prior to their maturity dates in whole, or from time to time, in part, on August 15, 2024, or on any date thereafter at a price of par value plus unpaid accrued interest from the most recent interest payment date to the date fixed for redemption. Additionally, term bonds maturing on August 15 in the years 2027, 2030, 2033, 2036, 2039 and 2043 are subject to mandatory sinking fund redemption.

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**5. Bonds (continued)**

Debt Service Requirements-Bonds

Debt service requirements on long-term bond debt as of the end of the year are as follows:

<u>Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Totals</u>
2020	\$ 75,000	\$ 225,621	\$ 300,621
2021	145,000	223,933	368,933
2022	150,000	219,658	369,658
2023	160,000	215,008	375,008
2024	165,000	209,833	374,833
2025-2029	970,000	956,024	1,926,024
2030-2034	1,210,000	757,019	1,967,019
2035-2039	1,525,000	482,288	2,007,288
2040-2044	1,285,000	131,174	1,416,174
<b>Totals</b>	<b>\$ 5,685,000</b>	<b>\$ 3,420,558</b>	<b>\$ 9,105,558</b>

**6. Capital Leases**

The District assumed responsibility for a lease purchase agreement in May 2018 to facilitate the acquisition of certain capital assets. At year end the agreement has a remaining non-cancellable term of 38 months with an option to extend for another 40 months. The District may exercise its option to purchase the facilities during the term of the lease for an amount that declines monthly. In addition, the District has an obligation to reimburse the developer in the amount of \$299,860 for payments made prior to assumption by the District. In July 2018 the District entered into another lease purchase agreement with similar terms for its Phase 2 plant expansion. Payments under this lease purchase agreement commenced in February 2019.

Debt service requirements on lease purchase agreements as of the end of the year are as follows:

<u>Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Totals</u>
2020	\$ 127,071	\$ 52,689	\$ 179,760
2021	129,116	42,064	171,180
2022	130,993	31,607	162,600
2023	142,128	20,472	162,600
2024	105,254	9,577	114,831
2025-2029	365,117	7,458	372,575
<b>Totals</b>	<b>\$ 999,679</b>	<b>\$ 163,867</b>	<b>\$ 1,163,546</b>

**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**7. Risk Management**

The District is exposed to various risks of losses related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. The District has obtained coverage from commercial insurance companies to effectively manage its risk. All risk management activities are accounted for in the General Fund. Expenditures and claims are recognized when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. In determining claims, events that might create claims, but for which none have been reported, are considered.

**8. Contingencies**

The District has an obligation to reimburse developers that have incurred costs benefitting the District and costs expended on behalf of the District for the construction of water, sewer, drainage and road systems designed to serve the District. Since the construction of these facilities is not yet complete, the ultimate amount of the future reimbursements cannot be determined at this time.

**9. Estimates**

The preparation of financial statements in accordance with U.S. generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

**10. Subsequent Events**

The District has evaluated subsequent events as of March 15, 2020, the date the financial statements were available to be issued.

**11. Reconciliation of Government-wide and Fund Financial Statements**

Adjustments to convert the Governmental Funds Balance Sheet to the Statement of Net Assets are as follows:

<b>Governmental Funds Total Fund Balances</b>	<b>\$</b>	<b>822,900</b>
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds		5,918,037
Long-term liabilities (bonds payable) are not due and payable in the current period and, therefore, are not reported in the funds		(6,684,679)
Interest is accrued on outstanding debt in the government-wide statements, whereas in the governmental funds, an interest expenditure is reported when made and not accrued in the funds		(84,608)
Deferred tax revenue is not available to pay for current period expenditures and, therefore, is deferred in the funds		183,666
<b>Total Net Position</b>	<b>\$</b>	<b>155,316</b>



**HEARWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**  
**Notes to the General Purpose Financial Statements**  
**At and For the Year Ended December 31, 2019**

**11. Reconciliation of Government-wide and Fund Financial Statements (continued)**

Adjustments to convert the Governmental Funds, Revenues, Expenditures and Changes in Fund Balances to the Statement of Activities are as follows:

<b>Governmental Funds Excess of Revenues over Expenditures</b>	<b>\$ 186,311</b>
Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds	
Change in Deferred Tax Revenue	23,689
Governmental funds report capital outlays as expenditures however, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives as depreciation expense	
Capital Outlay	-
Amortization Expense	(117,221)
Depreciation Expense	(114,127)
Governmental funds do not report contributions of capital assets as revenue however, in the Statement of Activities, such contributions are reported as revenue	
Developer Contributions of Capital Assets-Land	494,380
Governmental funds report principal payments as expenditures however, in the Statement of Activities, these payments are not reported as operating expenses	
Bond Principal	-
Lease Purchase Principal	114,127
Governmental funds do not report the change in accrued interest as an expenditure, however, in the Statement of Activities, this change in the amount accrued is reported as an expense	
Accrued Interest	-
Bond Proceeds are reported as other financing sources in the governmental funds and thus contribute to the change in fund balance. In the Statement of Net Position, however, issuing debt increases long-term liabilities and does not affect the Statement of Activities	
Bond Proceeds	-
<b>Change in Net Assets</b>	<b>\$ 587,159</b>

**REQUIRED SUPPLEMENTARY INFORMATION**

**COMBINED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND  
BALANCES - GENERAL FUND  
BUDGET AND ACTUAL  
FOR THE YEAR ENDED DECEMBER 31, 2019**

	<u>ORIGINAL BUDGET</u>	<u>ACTUAL</u>	<u>FAVORABLE (UNFAVORABLE)</u>
<u>REVENUES</u>			
Property Tax	\$ 240,401	\$ 351,312	\$ 110,911
Water Service	242,537	303,771	61,234
Wastewater Service	122,423	96,836	(25,587)
Tap and Connection Fees	79,500	288,948	209,448
Interest	135	1,023	888
<b>TOTAL REVENUES</b>	<b><u>684,996</u></b>	<b><u>1,041,890</u></b>	<b><u>356,894</u></b>
<u>EXPENDITURES</u>			
Current:			
Water Service Fees	247,766	273,577	(25,811)
Wastewater Services	7,500	-	7,500
Repairs and Maintenance	37,500	61,505	(24,005)
Inspection Fees	40,402	31,917	8,485
Utilities	17,828	15,061	2,767
Laboratory Expenses	23,000	18,504	4,496
Solid Waste Services	5,000	47,786	(42,786)
Landscaping	66,731	73,551	(6,820)
Insurance	5,000	9,830	(4,830)
Tax Assessor -Collector	2,500	2,376	124
Director Salaries and Taxes	9,690	4,521	5,169
Legal Fees	45,000	40,565	4,435
Audit Fees	8,000	8,000	-
Accounting	30,000	37,950	(7,950)
Management and Consulting Fees	120,000	99,765	20,235
Engineering Fees	45,000	102,052	(57,052)
Legal Notices	3,000	500	2,500
Printing and Office Supplies	31,430	11,399	20,031
Debt Service:			
Interest	65,633	60,383	5,250
Principal	114,127	114,127	-
Capital Expenditures	-	-	-
<b>TOTAL EXPENDITURES</b>	<b><u>925,107</u></b>	<b><u>1,013,369</u></b>	<b><u>(88,262)</u></b>
<u>OTHER FINANCING SOURCES (USES)</u>			
Developer Advances	240,111	120,056	(120,055)
<b>TOTAL OTHER SOURCES</b>	<b><u>240,111</u></b>	<b><u>120,056</u></b>	<b><u>(120,055)</u></b>
Excess (Deficit) of Revenues over Expenditures	-	148,577	148,577
Fund Balance - Beginning of Year	146,380	146,380	-
Fund Balance - End of Year	<u>\$ 146,380</u>	<u>\$ 294,957</u>	<u>\$ 148,577</u>

The notes to financial statements are an integral part of this statement.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**SUPPLEMENTARY INFORMATION**

**INDEX OF SUPPLEMENTAL SCHEDULES REQUIRED  
BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
FOR THE YEAR ENDED DECEMBER 31, 2019**

(Schedules included are checked; explanatory notes are provided for omitted schedules).

- [√] Schedule of Services and Rates
  
- [√] Schedule of General Fund Expenditures
  
- [√] Temporary Investments
  
- [√] Analysis of Taxes Levied and Receivable
  
- [√] General Long Term Debt Service Requirements by Years
  
- [√] Analysis of Changes in General Long Term Debt
  
- [√] Comparative Schedule of Revenues and Expenditures - General Fund
  
- [√] Comparative Schedule of Revenues and Expenditures – Debt Service Fund
  
- [√] Board Members, Key Personnel, and Consultants



HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

SCHEDULE OF GENERAL FUND EXPENDITURES  
FOR THE YEAR ENDED DECEMBER 31, 2019

Current:

**Purchased Services for Resale**

Water \$ 273,577

**Professional Fees**

Audit 8,000  
Engineering 90,052  
Rate Study 12,000  
Legal 40,565  

---

**150,617**

**Contracted Services**

Accounting 37,950  
Inspection Fees 31,917  
Landscaping 73,551  
Operations 99,765  
Repairs and Maintenance 61,505  
Solid Waste 47,786  
Tax Appraisal/Collection 2,376  

---

**354,850**

**Utilities**

Electricity 15,061  
Laboratory 18,504  

---

**33,565**

**Administrative**

Director Salaries and Payroll Taxes 4,521  
Insurance 9,830  
Legal Notices 500  
Printing and Office Supplies 11,399  

---

**26,250**

Current:

**Interest** 60,383  
**Principal** 114,127  

---

**174,510**

Capital Expenditures

---

---

**-**

**TOTAL EXPENDITURES**

---

---

**\$ 1,013,369**

Number of persons employed by the District: -0-

TEMPORARY INVESTMENTS  
DECEMBER 31, 2019

Funds	Identification or Certificate Number	Interest Rate	Maturity Date	Balance at End of Year	Accrued Interest Receivable at End of Year
<b><u>GENERAL FUND</u></b>					
State Investment Pool	7941200005	2.19%	N/A	\$ 136	\$ -
Total				<u>136</u>	<u>-</u>
<b><u>DEBT SERVICE FUND</u></b>					
State Investment Pool	7941200003	2.19%	N/A	342,116	-
State Investment Pool	7941200001	2.19%	N/A	408,770	-
Total				<u>750,886</u>	<u>-</u>
<b><u>CAPITAL PROJECTS FUND</u></b>					
State Investment Pool	N/A	N/A	N/A	-	-
Total				<u>-</u>	<u>-</u>
<b>TOTALS - ALL FUNDS</b>				<u><u>\$ 751,022</u></u>	<u><u>\$ -</u></u>



HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

ANALYSIS OF TAXES LEVIED AND RECEIVABLE  
FOR THE YEAR ENDED DECEMBER 31, 2019

	<u>MAINTENANCE TAXES</u>	<u>DEBT SERVICE TAXES</u>
Taxes Receivable, Beginning of Period	\$ 119,097	\$ 40,880
2019 Original Levy	304,395	243,516
Adjustments	29,745	11,439
Add: Penalty & Interest	<u>112</u>	<u>43</u>
Total to be accounted for	<u>453,349</u>	<u>295,878</u>
Tax collections:		
Current year	202,358	161,886
Prior years	148,954	52,363
Total Collections	<u>351,312</u>	<u>214,249</u>
Taxes Receivable, End of Period	<u>\$ 102,037</u>	<u>\$ 81,629</u>

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Property Valuations:					
Land & Improvements	<u>60,879,048</u>	<u>37,581,750</u>	<u>22,646,944</u>	<u>902,900</u>	<u>237,900</u>
Tax Rates Per \$100 Valuation:					
Debt Service tax rates	\$ 0.4000	\$ 0.2500	\$ -	\$ -	\$ -
Maintenance tax rates	0.5000	0.6500	0.9000	0.9000	0.9000
Totals	<u>\$ 0.9000</u>	<u>\$ 0.9000</u>	<u>\$ 0.9000</u>	<u>\$ 0.9000</u>	<u>\$ 0.9000</u>
Original Tax Levy	<u>\$ 547,911</u>	<u>\$ 338,236</u>	<u>\$ 203,822</u>	<u>\$ 8,126</u>	<u>\$ 2,141</u>

**HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**

**GENERAL LONG TERM DEBT SERVICE REQUIREMENTS-BY YEARS  
FOR THE YEAR ENDED DECEMBER 31, 2019**

DUE DURING FISCAL YEARS ENDING	SERIES 2017		
	TOTAL PRINCIPAL DUE	TOTAL INTEREST DUE	TOTAL PRINCIPAL AND INTEREST DUE
2020	75,000	111,313	186,313
2021	80,000	109,625	189,625
2022	80,000	107,625	187,625
2023	85,000	105,425	190,425
2024	90,000	102,875	192,875
2025	95,000	100,085	195,085
2026	100,000	97,045	197,045
2027	105,000	93,745	198,745
2028	110,000	90,175	200,175
2029	115,000	86,435	201,435
2030	120,000	82,410	202,410
2031	125,000	78,210	203,210
2032	130,000	73,585	203,585
2033	135,000	68,775	203,775
2034	145,000	63,375	208,375
2035	150,000	57,575	207,575
2036	155,000	51,575	206,575
2037	165,000	45,375	210,375
2038	170,000	38,775	208,775
2039	180,000	31,763	211,763
2040	190,000	24,338	214,338
2041	195,000	16,500	211,500
2042	205,000	8,456	213,456
2043	-	-	-
	<u>\$ 3,000,000</u>	<u>\$ 1,645,060</u>	<u>\$ 4,645,060</u>

HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

GENERAL LONG TERM DEBT SERVICE REQUIREMENTS-BY YEARS  
FOR THE YEAR ENDED DECEMBER 31, 2019

DUE DURING FISCAL YEARS ENDING	SERIES 2018		
	TOTAL PRINCIPAL DUE	TOTAL INTEREST DUE	TOTAL PRINCIPAL AND INTEREST DUE
2020	-	114,308	114,308
2021	65,000	114,308	179,308
2022	70,000	112,033	182,033
2023	75,000	109,583	184,583
2024	75,000	106,958	181,958
2025	80,000	104,239	184,239
2026	85,000	101,239	186,239
2027	90,000	97,945	187,945
2028	95,000	94,458	189,458
2029	95,000	90,658	185,658
2030	100,000	86,858	186,858
2031	105,000	82,858	187,858
2032	110,000	78,395	188,395
2033	115,000	73,720	188,720
2034	125,000	68,833	193,833
2035	130,000	63,364	193,364
2036	135,000	57,676	192,676
2037	140,000	51,770	191,770
2038	145,000	45,470	190,470
2039	155,000	38,945	193,945
2040	160,000	31,970	191,970
2041	170,000	24,610	194,610
2042	180,000	16,790	196,790
2043	185,000	8,510	193,510
	<u>\$ 2,685,000</u>	<u>\$ 1,775,498</u>	<u>\$ 4,460,498</u>

HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

GENERAL LONG TERM DEBT SERVICE REQUIREMENTS-BY YEARS  
FOR THE YEAR ENDED DECEMBER 31, 2019

DUE DURING FISCAL YEARS ENDING	ALL SERIES		
	TOTAL PRINCIPAL DUE	TOTAL INTEREST DUE	TOTAL PRINCIPAL AND INTEREST DUE
2020	75,000	225,621	300,621
2021	145,000	223,933	368,933
2022	150,000	219,658	369,658
2023	160,000	215,008	375,008
2024	165,000	209,833	374,833
2025	175,000	204,324	379,324
2026	185,000	198,284	383,284
2027	195,000	191,690	386,690
2028	205,000	184,633	389,633
2029	210,000	177,093	387,093
2030	220,000	169,268	389,268
2031	230,000	161,068	391,068
2032	240,000	151,980	391,980
2033	250,000	142,495	392,495
2034	270,000	132,208	402,208
2035	280,000	120,939	400,939
2036	290,000	109,251	399,251
2037	305,000	97,145	402,145
2038	315,000	84,245	399,245
2039	335,000	70,708	405,708
2040	350,000	56,308	406,308
2041	365,000	41,110	406,110
2042	385,000	25,246	410,246
2043	185,000	8,510	193,510
	<u>\$ 5,685,000</u>	<u>\$ 3,420,558</u>	<u>\$ 9,105,558</u>

HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

ANALYSIS OF CHANGES IN GENERAL LONG TERM DEBT  
FOR THE YEAR ENDED DECEMBER 31, 2019

	SERIES 2017	SERIES 2018	SERIES FUTURE	SERIES FUTURE	TOTALS
Interest Rate	2.25 - 4.125%	3.5 - 4.6%			
Dates Interest Payable	2/15 : 8/15	2/15 : 8/15			
Maturity Dates	2020-42	2021-43			
Bonds-Beginning of Year	\$ 3,000,000	\$ 2,685,000	\$ -	\$ -	\$ 5,685,000
Bonds Sold During the Year	-	-	-	-	-
Bonds Defeased During the Year	-	-	-	-	-
Retirements During the Year	-	-	-	-	-
<b>Bonds-End of Year</b>	<b>\$ 3,000,000</b>	<b>\$ 2,685,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,685,000</b>
Interest Paid During the Year	\$ 111,312	\$ 74,935	\$ -	\$ -	\$ 186,247
Accrued Interest-Beginning	(41,743)	(42,865)	-	-	(84,608)
Accrued Interest-Ending	41,743	42,865	-	-	84,608
<b>Interest on Financial Statements</b>	<b>\$ 111,312</b>	<b>\$ 74,935</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 186,247</b>
Paying Agent:	BOKF	BOKF			
	Tax Bonds	Refunding Bonds	Road Bonds	Defined Area Bonds	Refunding Bonds
Bond Authority:					
Amount Authorized By Voters	\$ 64,700,000	\$ 97,050,000	\$ 54,545,000	\$ 138,500,000	\$ 81,817,500
Amount Issued	\$ -	\$ -	\$ 5,685,000	\$ -	\$ -
Remaining To Be Issued	\$ 64,700,000	\$ 97,050,000	\$ 48,860,000	\$ 138,500,000	\$ 81,817,500
Debt Service Fund Cash and Temporary Investments balances as of December 31, 2019					\$ 750,886
Average annual debt service payment (principal & interest) for remaining term of all bond debt					\$ 379,398

HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

COMPARATIVE SCHEDULE OF REVENUES AND EXPENDITURES - GENERAL FUND  
FOR THE YEAR ENDED DECEMBER 31, 2019

	AMOUNTS				
	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
<u>REVENUES</u>					
Property Tax	\$ 351,312	\$ 304,466	\$ 43,345	\$ 18,964	\$ 2,141
Water Service	303,771	104,361	45,002	2,273	-
Wastewater Service	96,836	48,858	25,513	2,156	-
Tap and Connection Fees	288,948	134,369	91,630	28,375	-
Interest	1,023	939	42	7	3
<b>TOTAL REVENUES</b>	<b>1,041,890</b>	<b>592,993</b>	<b>205,532</b>	<b>51,775</b>	<b>2,144</b>
<u>EXPENDITURES</u>					
Current:					
Water Service Fees	273,577	275,169	308,354	162,417	135,223
Wastewater Services	-	753	33,723	-	-
Repairs and Maintenance	61,505	35,170	16,517	-	-
Inspection Fees	31,917	33,044	5,673	480	-
Utilities	15,061	14,323	7,727	1,608	-
Laboratory Expenses	18,504	29,632	7,281	-	-
Solid Waste	47,786	4,270	615	-	-
Landscaping	73,551	66,816	51,340	-	-
Insurance	9,830	2,503	1,975	1,975	1,975
Tax Assessor -Collector	2,376	1,443	60	10	10
Director Salaries and Taxes	4,521	5,167	6,459	5,652	3,875
Legal Fees	40,565	43,481	47,899	56,958	30,355
Audit Fees	8,000	8,000	8,000	-	-
Accounting	37,950	37,000	20,185	14,975	10,250
Management and Consulting Fees	99,765	88,017	15,696	14,320	-
Engineering Fees	102,052	58,538	58,706	20,291	13,609
Legal Notices	500	-	-	-	-
Printing and Office Supplies	11,399	14,417	8,454	6,077	4,742
Debt Service:					
Interest	60,383	28,269	-	-	-
Principal	114,127	49,571	-	-	-
Capital Expenditures	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>1,013,369</b>	<b>795,583</b>	<b>598,664</b>	<b>284,763</b>	<b>200,039</b>
<u>OTHER FINANCING SOURCES</u>					
Developer Advances	120,056	347,922	354,156	232,431	215,889
<b>TOTAL OTHER SOURCES</b>	<b>120,056</b>	<b>347,922</b>	<b>354,156</b>	<b>232,431</b>	<b>215,889</b>
Excess (Deficit) of Revenues & Other Sources over Expenditures	<u>\$ 148,577</u>	<u>\$ 145,332</u>	<u>\$ (38,976)</u>	<u>\$ (557)</u>	<u>\$ 17,994</u>
<b>TOTAL ACTIVE CONNECTIONS</b>	<b>210</b>	<b>142</b>	<b>55</b>	<b>25</b>	<b>-</b>

## PERCENT OF REVENUES

<u>12/31/2019</u>	<u>12/31/2018</u>	<u>12/31/2017</u>	<u>12/31/2016</u>	<u>12/31/2015</u>
34%	51%	21%	37%	100%
29%	18%	22%	4%	0%
9%	8%	12%	4%	0%
28%	23%	45%	55%	0%
0%	0%	0%	0%	0%
<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
26%	46%	150%	314%	6307%
0%	0%	16%	0%	0%
6%	6%	8%	0%	0%
3%	6%	3%	1%	0%
1%	2%	4%	3%	0%
2%	5%	4%	0%	0%
5%	1%	0%	0%	0%
7%	11%	25%	0%	0%
1%	0%	1%	4%	92%
0%	0%	0%	0%	0%
0%	1%	3%	11%	181%
4%	7%	23%	110%	1416%
1%	1%	4%	0%	0%
4%	6%	10%	29%	478%
10%	15%	8%	28%	0%
10%	10%	29%	39%	635%
0%	0%	0%	0%	0%
1%	2%	4%	12%	221%
6%	5%	0%	0%	0%
11%	8%	0%	0%	0%
0%	0%	0%	0%	0%
<u>97%</u>	<u>134%</u>	<u>291%</u>	<u>550%</u>	<u>9330%</u>
12%	59%	172%	449%	10069%
<u>12%</u>	<u>59%</u>	<u>172%</u>	<u>449%</u>	<u>10069%</u>
<u>14%</u>	<u>25%</u>	<u>-19%</u>	<u>-1%</u>	<u>839%</u>

HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY

COMPARATIVE SCHEDULE OF REVENUES AND EXPENDITURES - DEBT SERVICE FUND  
FOR THE YEAR ENDED DECEMBER 31, 2019

	AMOUNTS				
	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
<u>REVENUES</u>					
Property Tax	\$ 214,249	\$ 55,157	\$ -	\$ -	\$ -
Interest	10,024	4,152	93	-	-
<b>TOTAL REVENUES</b>	<b>224,273</b>	<b>59,309</b>	<b>93</b>	<b>-</b>	<b>-</b>
<u>EXPENDITURES</u>					
Debt Service:					
Tax Assessor-Collector	-	-	-	-	-
Interest	186,247	72,353	-	-	-
Principal	-	-	-	-	-
Fiscal Agent Fees	462	200	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>186,709</b>	<b>72,553</b>	<b>-</b>	<b>-</b>	<b>-</b>
Bond Proceeds & Transfers	-	246,419	245,623	-	-
Excess (Deficit) of Revenues and Transfers Over Expenditures	<u>\$ 37,564</u>	<u>\$ 233,175</u>	<u>\$ 245,716</u>	<u>\$ -</u>	<u>\$ -</u>



**PERCENT OF REVENUES**

<u>12/31/2019</u>	<u>12/31/2018</u>	<u>12/31/2017</u>	<u>12/31/2015</u>	<u>12/31/2014</u>
96%	93%	0%	n/a	n/a
4%	7%	100%	n/a	n/a
<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>n/a</u>	<u>n/a</u>
0%	0%	0%	n/a	n/a
83%	122%	0%	n/a	n/a
0%	0%	0%	n/a	n/a
0%	0%	0%	n/a	n/a
<u>83%</u>	<u>122%</u>	<u>0%</u>	<u>n/a</u>	<u>n/a</u>
<u>0%</u>	<u>415%</u>	<u>264111%</u>	<u>n/a</u>	<u>n/a</u>
<u>17%</u>	<u>393%</u>	<u>264211%</u>	<u>n/a</u>	<u>n/a</u>

**HEADWATERS MUNICIPAL UTILITY DISTRICT OF HAYS COUNTY**

**BOARD MEMBERS, KEY PERSONNEL, AND CONSULTANTS  
FOR THE YEAR ENDED DECEMBER 31, 2019**

DISTRICT MAILING ADDRESS: c/o McLean & Howard, 901 S MoPac, Suite 225, Austin, TX 78746

DISTRICT BUSINESS TELEPHONE NUMBER: (512) 328-2008

LIMITS ON FEES OF OFFICE THAT A DIRECTOR MAY RECEIVE DURING A FISCAL YEAR: \$7,200

<u>NAMES</u>	<u>TERM OF OFFICE</u>	<u>SALARY FYE 12/31/19</u>	<u>REIMBURSEMENTS FYE 12/31/19</u>	<u>TITLE AT YEAR END</u>
<b><u>DIRECTORS</u></b>				
Harvey Zinn, Jr.	Elected 5/18-5/22	\$ 1,200	\$ -	President
Lisa Stephens	Elected 5/18-5/22	600	-	Vice President
Chase Belew	Elected 5/18-5/22	600	-	Secretary
William Farrell	Elected 5/16-5/20	900	-	Treasurer
Brian Jacks	Appointed 11/18-5/20	900	-	Asst Sec
Payments to Past Directors		-	-	
		<u>\$ 4,200</u>	<u>\$ -</u>	

**CONSULTANTS**

Crossroads Utility Services		\$ 99,765	\$ -	Operator
McLean & Howard		\$ 40,565	\$ -	Attorney
West, Davis & Company		\$ 8,000	\$ -	Auditor
Municipal Accounts & Consulting		\$ 37,950	\$ -	Accountant
Allen Engineering Group		\$ 61,575	\$ -	Engineer
Malone Wheeler		\$ 90,052	\$ -	Engineer
Expergy		\$ 12,000	\$ -	Rate Consultant

**OTHER INFORMATION**

PRINCIPAL TAXPAYERS  
DECEMBER 31, 2019

Taxpayer	Taxable Assessed Value	% of 2019 Certified Taxable Assessed Value
Weekley Homes, LLC	\$ 4,106,078	6.74%
WFC Headwaters Owner VII, LP	* 2,885,230	4.74%
Taylor Morrison of Texas, Inc.	2,319,110	3.81%
Ridge at Headwaters, Ltd.	1,581,700	2.60%
Dream Finders Homes, LLC	1,087,670	1.79%
Trendmaker Homes, Inc	1,067,175	1.75%
DFH Wildwood, LLC	1,047,340	1.72%
DFH Wildwood, LLC	972,530	1.60%
Individual	636,260	1.05%
Individual	609,540	1.00%
<b>Total</b>	<b>\$ 16,312,633</b>	<b>26.80%</b>

\* Developer Entity

ASSESSED VALUE BY CLASSIFICATION  
DECEMBER 31, 2019

Type of Property	2019 Taxable Assessed Value
Land	\$ 43,133,270
Improvements	\$ 39,818,501
Personal Property	154,643
Total Assessed Valuation	83,106,414
Exemptions	22,227,366
Total Taxable Appraised Valuation	<b>\$ 60,879,048</b>

Chapter 887

H.B. No. 4185

1 AN ACT  
2 relating to the powers and duties of the Headwaters Municipal  
3 Utility District; providing authority to issue bonds and impose  
4 taxes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 7951 to read as follows:

8 CHAPTER 7951. HEADWATERS MUNICIPAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7951.001. DEFINITION. In this chapter, "district"  
11 means the Headwaters Municipal Utility District.

12 Sec. 7951.002. NATURE AND PURPOSES OF DISTRICT. (a) The  
13 district is a municipal utility district created under Section 59,  
14 Article XVI, Texas Constitution.

15 (b) The district is created to accomplish the purposes of:

16 (1) a municipal utility district as provided by  
17 general law and Section 59, Article XVI, Texas Constitution; and

18 (2) Section 52, Article III, Texas Constitution, that  
19 relate to the construction, acquisition, improvement, operation,  
20 or maintenance of macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 SUBCHAPTER B. POWERS AND DUTIES

23 Sec. 7951.051. GENERAL POWERS AND DUTIES. The district has  
24 the powers and duties necessary to accomplish the purposes for

H.B. No. 4185

1 which the district is created.

2 Sec. 7951.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
3 DUTIES. The district has the powers and duties provided by the  
4 general law of this state, including Chapters 49 and 54, Water Code,  
5 applicable to municipal utility districts created under Section 59,  
6 Article XVI, Texas Constitution.

7 Sec. 7951.053. AUTHORITY FOR ROAD PROJECTS. Under Section  
8 52, Article III, Texas Constitution, the district may design,  
9 acquire, construct, finance, issue bonds for, improve, operate,  
10 maintain, and convey to this state, a county, or a municipality for  
11 operation and maintenance macadamized, graveled, or paved roads, or  
12 improvements, including storm drainage, in aid of those roads.

13 Sec. 7951.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
14 project must meet all applicable construction standards, zoning and  
15 subdivision requirements, and regulations of each municipality in  
16 whose corporate limits or extraterritorial jurisdiction the road  
17 project is located.

18 (b) If a road project is not located in the corporate limits  
19 or extraterritorial jurisdiction of a municipality, the road  
20 project must meet all applicable construction standards,  
21 subdivision requirements, and regulations of each county in which  
22 the road project is located.

23 (c) If the state will maintain and operate the road, the  
24 Texas Transportation Commission must approve the plans and  
25 specifications of the road project.

26 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

27 Sec. 7951.101. AUTHORITY TO ISSUE BONDS AND OTHER

H.B. No. 4185

1 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
2 other obligations payable wholly or partly from ad valorem taxes,  
3 revenue, contract payments, grants, or other district money, or any  
4 combination of those sources, to pay for a road project authorized  
5 by Section 7951.053.

6 (b) The district may not issue bonds payable from ad valorem  
7 taxes to finance a road project unless the issuance is approved by a  
8 vote of a two-thirds majority of the district voters voting at an  
9 election held for that purpose.

10 (c) At the time of issuance, the total principal amount of  
11 bonds or other obligations issued or incurred to finance road  
12 projects and payable from ad valorem taxes may not exceed  
13 one-fourth of the assessed value of the real property in the  
14 district.

15 Sec. 7951.102. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 district shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections 54.601 and 54.602, Water Code.

21 SECTION 2. The Headwaters Municipal Utility District  
22 retains all rights, powers, privileges, authority, duties, and  
23 functions that it had before the effective date of this Act.

24 SECTION 3. (a) The legislature validates and confirms all  
25 governmental acts and proceedings of the Headwaters Municipal  
26 Utility District that were taken before the effective date of this  
27 Act.

H.B. No. 4185

1 (b) This section does not apply to any matter that on the  
2 effective date of this Act:

3 (1) is involved in litigation if the litigation  
4 ultimately results in the matter being held invalid by a final court  
5 judgment; or

6 (2) has been held invalid by a final court judgment.

7 SECTION 4. (a) The legal notice of the intention to  
8 introduce this Act, setting forth the general substance of this  
9 Act, has been published as provided by law, and the notice and a  
10 copy of this Act have been furnished to all persons, agencies,  
11 officials, or entities to which they are required to be furnished  
12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
13 Government Code.

14 (b) The governor, one of the required recipients, has  
15 submitted the notice and Act to the Texas Commission on  
16 Environmental Quality.

17 (c) The Texas Commission on Environmental Quality has filed  
18 its recommendations relating to this Act with the governor, the  
19 lieutenant governor, and the speaker of the house of  
20 representatives within the required time.

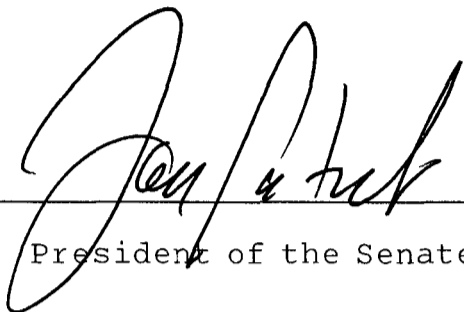
21 (d) All requirements of the constitution and laws of this  
22 state and the rules and procedures of the legislature with respect  
23 to the notice, introduction, and passage of this Act are fulfilled  
24 and accomplished.

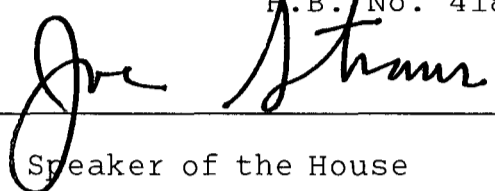
25 SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this



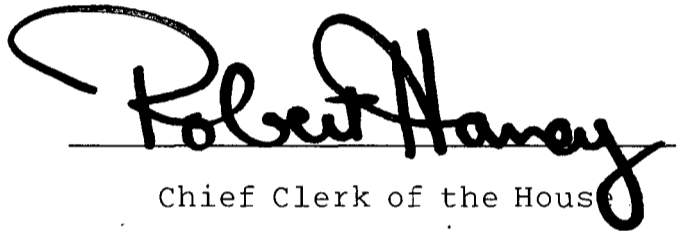
H.B. No. 4185

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2015.

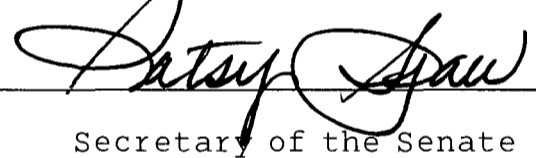
  
\_\_\_\_\_  
President of the Senate

H.B. No. 4185  
  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 4185 was passed by the House on May 15, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

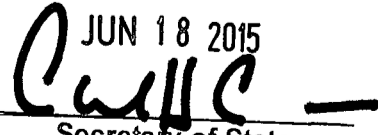
  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 4185 was passed by the Senate on May 27, 2015, by the following vote: Yeas 30, Nays 1.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 pm O'CLOCK  
JUN 18 2015  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 20, 2015**

**TO:** Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB4185** by Isaac (Relating to the powers and duties of the Headwaters Municipal Utility District; providing authority to issue bonds and impose taxes.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** UP, KVe, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 24, 2015**

**TO:** Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4185** by Isaac (Relating to the powers and duties of the Headwaters Municipal Utility District; providing authority to issue bonds and impose taxes.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** UP, KVe, EK

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
 Toby Baker, *Commissioner*  
 Zak Covar, *Commissioner*  
 Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 22, 2015

The Honorable Joe Straus  
 Texas House of Representatives  
 Capitol Station  
 PO Box 2910  
 Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 4185, as Filed by Representative Jason Isaac - Relating to the powers and duties of the Headwaters Municipal Utility District; providing authority to issue bonds and impose taxes

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill codifies Headwaters Municipal Utility District (the "District") in Chapter 7951, Special District Local Laws Code. The bill specifies that the District is a municipal utility district under Water Code Chapters 49 and 54, and also grants the District road powers.

The bill confirms and validates all actions of the District that were taken before the effective date of the bill. The confirmation and validation does not apply to any matter that on the effective date of the bill: (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or (2) has been held invalid by a final court judgment.

Sincerely,

Linda Brookins, Director  
 Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts  
 Representative Jason Isaac, Texas House of Representatives

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

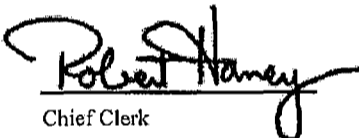
HB 4185  
Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/10/2015

Date transmitted to  
Governor's Office

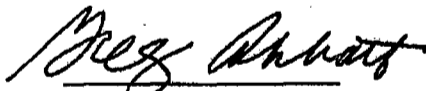
  
Chief Clerk  
House of Representatives

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.


April 10, 2015

Date transmitted to  
Texas Commission on Environmental Quality

  
Governor

TO: The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

  
Texas Commission on Environmental Quality



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §  
  §  
COUNTY OF HAYS §

Before me, the undersigned authority, on this day personally appeared

Don Moore, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the Publisher  
*(title of newspaper representative)*

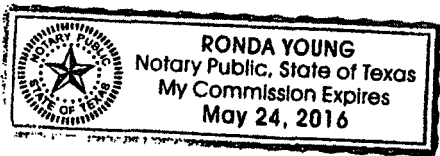
of the San Marcos Daily Record; that said newspaper is regularly published or circulated in Hays County, Texas; that the attached notice was published in said newspaper on the following date(s):

February 12, 2015

*Don Moore*  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 16<sup>th</sup> day of February, 2015, to certify which witness my hand and seal of office.

(NOTARY SEAL)



*Ronda Young*  
Notary Public, State of Texas  
Ronda Young  
Print or Type Name of Notary Public

My Commission Expires: May 24, 2016

Notice is hereby given of the intention to introduce in the Regular Session of the 84th Legislature of Texas a bill creating and establishing a special district in the extraterritorial jurisdiction of the City of Dripping Springs, Hays County, under the provisions of Article XVI, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to municipal districts operating pursuant to Chapters 49 and 54, Texas Water Code, with road powers pursuant to Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, creation, and financing. The proposed boundaries of the district will include all or part of the following land situated in Hays County, Texas:

DESCRIPTION OF NINE (9) PARCELS OF LAND (1) CALLED TO BE 1051.23 ACRES OF LAND OUT OF THE ANTHONY G. DAVY SURVEY NO. 38, A-148, THE MARCUS D. RAPER SURVEY NO. 37, A-394, AND THE EDWARD W. BROWN SURVEY NO. 136, A-44, DESCRIBED IN A DEED TO ANARENE INVESTMENTS, LTD., OF RECORD IN VOLUME 2639, PAGE 410, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (2) CALLED TO BE 206.2 ACRES OF LAND OUT OF THE EDWARD W. BROWN SURVEY NO. 136, A-44, AND THE PHILIP A. SMITH SURVEY NO. 26, A-415, DESCRIBED IN A DEED TO ANARENE INVESTMENTS, LTD., OF RECORD IN VOLUME 2639, PAGE 403, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (3) CALLED TO BE 139.16 ACRES OUT OF THE ANTHONY G. DAVY SURVEY NO. 38, A-148, DESCRIBED AS TRACT 1, (4) CALLED TO BE 11.02 ACRES OUT OF THE ANTHONY G. DAVY SURVEY NO. 39, A-148, DESCRIBED AS TRACT 2, (5) CALLED TO BE 11.00 ACRES OUT OF THE ANTHONY G. DAVY SURVEY NO. 38, A-148, DESCRIBED AS TRACT 3, (6) CALLED TO BE 11.05 ACRES OUT OF THE ANTHONY G. DAVY SURVEY NO. 38, A-148, DESCRIBED AS TRACT 4, (7) CALLED TO BE 226.11 ACRES OUT OF THE EDWARD W. BROWN SURVEY NO. 136, A-44, DESCRIBED AS TRACT 5, SAVE AND EXCEPT 25.7398 ACRES DESCRIBED IN A DEED TO THE CITY OF DRIPPING SPRINGS, OF RECORD IN VOLUME 4467, PAGE 508, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (8) CALLED TO BE 17.80 ACRES OUT OF THE GEORGE W. LINDSEY SURVEY NO. 138, A-280, AND THE EDWARD W. BROWN SURVEY NO. 136, A-44, (3) ALL DESCRIBED IN A DEED TO ANARENE INVESTMENTS, LTD., OF RECORD IN VOLUME 2639, PAGE 420, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND (9) CALLED TO BE 29.78 ACRES, DESCRIBED IN A DEED TO ANARENE INVESTMENTS, LTD., OF RECORD IN VOLUME 2639, PAGE 400, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THE FOLLOWING DESCRIPTION IS A COMPILATION OF INFORMATION FROM THE ABOVE MENTIONED DEEDS OF RECORD AND IN NO WAY REPRESENTS A SURVEY ON THE GROUND.

- BEGINNING in the easterly right-of-way of Ranch Road 12, at the northwest corner of said 1051.23 acre tract:
- THENCE, with the northerly and easterly lines of said 1051.23 acre tract the following nineteen (19) courses:
- 1) N 84° 54' 13" E, 41.10 feet;
  - 2) S 54° 58' 12" E, 349.54 feet;
  - 3) S 46° 30' 30" E, 373.94 feet;
  - 4) S 75° 31' 52" E, 280.39 feet;
  - 5) S 87° 28' 36" E, 509.18 feet;
  - 6) N 70° 52' 58" E, 436.06 feet;
  - 7) N 74° 15' 19" E, 335.56 feet;
  - 8) S 60° 04' 22" E, 195.80 feet;
  - 9) S 28° 26' 22" E, 244.50 feet;
  - 10) S 01° 37' 38" W, 503.50 feet;
  - 11) S 16° 09' 38" W, 587.50 feet;
  - 12) S 34° 41' 38" W, 697.70 feet;
  - 13) S 09° 57' 38" W, 414.80 feet;
  - 14) S 20° 16' 22" E, 327.40 feet;
  - 15) S 37° 29' 22" E, 126.60 feet;
  - 16) S 54° 33' 38" W, 280.20 feet;
  - 17) S 62° 30' 22" E, 466.67 feet;
  - 18) S 58° 21' 22" E, 511.36 feet;
  - 19) S 27° 42' 18" W, 4426.48 feet to the most northerly corner of said 29.78 acre tract;
- THENCE, with the easterly line of said 29.78 acre tract, the following two (2) courses:
- 1) S 29° 36' 26" E, 931/41 feet;
  - 2) S 60° 36' 50" W 1551.06 feet to the northeast corner of said 206.2 acre tract;
- THENCE, with the east line of said 206.2 acre tract the following fifteen (15) courses:
- 1) S 24° 30' 16" E, 46.65 feet;
  - 2) S 15° 29' 56" E, 280.55 feet;
  - 3) S 15° 36' 02" E, 182.44 feet;
  - 4) S 06° 30' 37" W, 104.00 feet;
  - 5) S 02° 19' 28" E, 55.08 feet;
  - 6) S 14° 50' 58" W, 71.24 feet;
  - 7) S 07° 20' 07" W, 154.45 feet;
  - 8) S 07° 07' 05" W, 263.18 feet;
  - 9) S 17° 20' 44" W, 196.99 feet;
  - 10) S 01° 55' 39" W 330.60 feet;
  - 11) S 01° 28' 16" W, 273.89 feet;
  - 12) S 04° 26' 22" E, 42.77 feet;
  - 13) S 00° 29' 14" E 238.72 feet;
  - 14) S 00° 26' 31" W, 353.54 feet;
  - 15) S 01° 05' 28" W, 706.28 feet to the southeast corner of said 206.2 acre tract;
- THENCE, with the south line of said 206.28 acre tract, the following three (3) courses:
- 1) N 87° 23' W, 482.22 feet;
  - 2) N 84° 43' W, 425.43 feet;
  - 3) N 84° 47' W, 587.97 feet to the southwest corner of said 206.2 acre tract;
- THENCE, with the westerly line of said 206.2 acre tract, the following four (4) courses:
- 1) N 35° 19' 20" W, 1263.76 feet;
  - 2) N 41° 23' 11" W, 1696.56 feet;
  - 3) N 41° 43' 03" W, 764.40 feet;
  - 4) N 41° 16' 40" W, 437.00 feet to a point in the south line of said 1051.23 acre tract at the northwest corner of said 206.2 acre tract;
- THENCE, S 88° 07' 17" W, approximately 443.3 feet (calculated) to the most southerly southwest corner of said 1051.23 acre tract;
- THENCE, with a westerly line of said 1051.23 acre tract, the following nine (9) courses:
- 1) N 03° 04' 29" W, 631.00 feet;
  - 2) N 74° 12' 57" E, 295.30 feet;
  - 3) N 64° 28' 29" E, 427.51 feet;
  - 4) N 02° 33' 52" E 669.83 feet;
  - 5) N 86° 13' 48" W, 349.56 feet;
  - 6) N 03° 46' 12" E, 80.00 feet;
  - 7) N 86° 13' 48" W, 120.00 feet;
  - 8) N 03° 46' 12" E, 40.00 feet;
  - 9) N 86° 13' 48" W, 418.83 feet to a point in the west right-of-way line of said Ranch Road 12, at the most westerly southwest corner of said 1051.23 acre tract;
- THENCE, S 26° 09' 19" W, across said Ranch Road 12, 456.1 feet (calculated), to the southeast corner of said 226.11 acre tract;
- THENCE, N 27° 34' W, with the south line of said 226.11 acre tract, 325.2 feet (calculated) to the southeast corner of said 25.7398 acre tract out of said 226.11 acre tract;
- THENCE, N 14° 36' 32" E, with the easterly line of said 25.7398 acre tract, 1469.96 feet;
- THENCE, N 49° 13' 13" W, with the northerly line of said 25.7398 acre tract, 598.82 feet;
- THENCE, S 45° 59' 39" W, with the westerly line of said 25.7398 acre tract, 1153.28 feet to a point in the south line of said 226.11 acre tract, at the southwest corner of said 25.7398 acre tract;
- THENCE, N 46° 16' W, with the southerly line of said 226.11 acre tract, 4567.50 feet to the southwest corner of said 226.11 acre tract;
- THENCE, with the west line of said 226.11 acre tract, the following five (5) courses:
- 1) N 00° 25' W, 453.14 feet;
  - 2) N 00° 31' W 460.69 feet;
  - 3) N 00° 13' W, 335.96 feet;
  - 4) N 00° 10' W, 332.87 feet;
  - 5) N 00° 02' E, 70.40 feet to the northwest corner of said 226.11 acre tract;
- THENCE, S 60° 00' E, with the northerly line of said 226.11 acre tract, 4804.0 feet (calculated) to the southwest corner of said 17.80 acre tract;
- THENCE, with the westerly line of said 17.80 acre tract, the following three (3) courses:
- 1) N 29° 48' E, 406.76 feet;
  - 2) N 62° 27' W, 425.33 feet;
  - 3) N 29° 48' E, 385.15 feet passing the southerly right-of-way line of a 50 foot roadway easement, and continuing for a total distance of 410.34 feet to a point in the centerline of said roadway easement at the northwest corner of said 17.80 acre tract;
- THENCE, with the centerline of said right-of-way easement, the following five (5) courses:
- 1) S 67° 33' E, 21.40 feet;
  - 2) A curve to the left having an arc distance of 192.52 feet, the chord of which bears S 86° 40' E, 188.97 feet;
  - 3) N 74° 13' E, 344.89 feet;
  - 4) A curve to the right having an arc distance of 192.03 feet, the chord of which bears S 86° 04' E, 188.26 feet;
  - 5) S 66° 20' E, 109.07 feet to a point in the westerly right-of-way line of said Ranch Road 12, at the northeast corner of said 17.80 acre tract;
- THENCE, with the westerly right-of-way line of said Ranch Road 12, a curve to the right having a radius of 1959.86 feet, an arc distance of 511.4 feet, and a chord which bears N 36° 06' 22" E, 510.0 feet (calculated) to the most southerly corner of said 11.05 acre tract;
- THENCE, with the westerly line of said 11.05 acre tract, said 11.00 acre tract, and said 11.02 acre tract, the following four (4) courses:
- 1) N 04° 48' W, 327.50 feet;
  - 2) N 41° 55' E, 114.00 feet;
  - 3) S 75° 06' E, 117.50 feet;
  - 4) N 09° 37' W, at 852.55 feet passing the northwesterly corner of said 11.05 acre tract, same being the southwest corner of said 11.00 acre tract, at 1402.67 feet, passing the northwesterly corner of said 11.02 acre tract, same being the southwest corner of said 11.02 acre tract, and continuing for a total distance of 1833.86 feet to the northwesterly corner of said 11.02 acre tract;
- THENCE, S 58° 09' E, with the northerly line of said 11.02 acre tract, 1614.18 feet to a point in the westerly right-of-way line of said Ranch Road 12, at the northeasterly corner of said 11.02 acre tract;
- THENCE, N 29° 01' 42" E, with the westerly right-of-way line of said Ranch Road 12, 1614.9 feet (calculated) to the most easterly southeast corner of said 139.16 acre tract;
- THENCE, N 58° 44' W, with the easterly south line of said 139.16 acre tract, 600.00 feet to an ell corner of said 139.16 acre tract;
- THENCE, with an easterly line of said 139.16 acre tract, the following four (4) courses:
- 1) S 31° 16' W, 446.38 feet;
  - 2) S 39° 56' W, 156.68 feet;
  - 3) S 08° 04' E, 37.25 feet;
  - 4) S 31° 16' W, 160.89 feet to the most southerly southwest corner of said 139.16 acre tract;
- THENCE, N 58° 44' W, with the westerly south line of said 139.16 acre tract, 1466.48 feet to the most southerly southwest corner of said 139.16 acre tract;
- THENCE, with the westerly line of said 139.16 acre tract, the following four (4) courses:
- 1) N 09° 36' W, 910.69 feet;
  - 2) N 29° 46' E, 541.97 feet;
  - 3) N 29° 51' E, 867.20 feet;
  - 4) N 29° 58' E, 537.44 feet to the northwest corner of said 139.16 acre tract;
- THENCE, with the northerly line of said 139.16 acre tract, the following thirteen (13) courses:
- 1) S 42° 30' E, 223.80 feet;
  - 2) S 17° 52' E, 395.01 feet;
  - 3) S 37° 43' E, 432.07 feet;
  - 4) S 57° 56' E, 741.70 feet;
  - 5) S 41° 38' E, 328.55 feet;
  - 6) S 59° 20' E, 143.73 feet;
  - 7) S 88° 59' E, 220.97 feet;
  - 8) N 74° 41' E, 139.23 feet;
  - 9) S 70° 49' E, 284.34 feet;
  - 10) S 52° 43' E, 247.45 feet;
  - 11) S 68° 29' E, 358.23 feet;
  - 12) N 51° 55' E, 134.38 feet;
  - 13) S 58° 25' E, 379.90 feet to a point in the westerly right-of-way line of said Ranch Road 12, at the northeast corner of said 139.16 acre tract;
- THENCE, S 56° 03' 31" E, across said Ranch Road 12, 137.2 feet (calculated), to the POINT OF BEGINNING.



**AGREEMENT CONCERNING CREATION AND OPERATION  
OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS     §  
  §  
COUNTY OF HAYS         §

This Agreement Concerning Creation and Operation of Headwaters Municipal Utility District (the "Agreement") is made and entered into by and among the City of Dripping Springs, Texas (the "City"), a general law city situated in Hays County, Texas, acting herein by and through its undersigned duly authorized Mayor, as authorized by specific action of its City Council; Townes Family Trust (the "Trust") and Headwaters Development Company, a Texas Corporation (collectively, "Landowners"); and Headwaters Municipal Utility District, a municipal utility district to be created and operated pursuant to Chapters 49 and 54 of the Texas Water Code, who, after its creation and organization, will join in this Agreement for the purposes specified below; and is as follows:

**RECITALS**

- A. Landowners are the current owners of approximately 1509.68 acres, as described on Exhibit A (the "Property"). The Property lies entirely within the City's extraterritorial jurisdiction ("ETJ"). Landowners have petitioned to obtain the consent of the City for creation of a district to be known as the Headwaters Municipal Utility District over the Property. The resulting district, created with that name or such similar name as may be required by the Texas Commission on Environmental Quality ("Commission"), is referred to below as the "District."
- B. The City and Landowners have reached agreement concerning the creation of the District, including the terms under which the City will consent to creation of the District and to the inclusion of the Property within the District, and wish to set forth their agreement in writing herein.
- C. Pursuant to Section 42.042 of the Texas Local Government Code and Section 54.016, Texas Water Code, the City has consented, subject to the terms and conditions of this Agreement, to the creation of the District by Resolution adopted on January 11, 2005, in an open and duly posted public meeting of the City (the "Resolution").
- D. The District will be created by order of the Commission and will operate pursuant to Chapters 49 and 54, Texas Water Code; however, it is an essential element of the granting of the City's Consent that the contemplated District will approve this Agreement and become a party to it after creation of the District as provided herein.
- E. For and in consideration of the premises and the mutual agreements, covenants and conditions hereinafter set forth, the parties hereto hereby contract and agree as follows:

**ARTICLE I**

**CONSENT TO CREATION AND REORGANIZATION  
OF DISTRICT BOUNDARIES**

The City consents to creation of the District over the boundaries described earlier as the Property.

**ARTICLE II**

**THE DEVELOPMENT AGREEMENT**

Landowners and City have entered into a separate agreement titled "The Headwaters at Barton Creek Development Agreement," Drippings Springs City Secretary Contract No. \_\_\_\_\_, (the "Development Agreement.") regarding the proposed development within the District (the "Project"), which provides for orderly development of the Project, which may include mixed use development, including but not limited to, single family residential homes and commercial development. A copy of the Development Agreement is attached hereto as **Exhibit B**.

**ARTICLE III**

**ISSUANCE OF BONDS BY DISTRICTS**

A. The District may issue bonds as permitted by law and as allowed by the City pursuant to this Agreement.

B. Pursuant to Section 54.016, the parties agree that the purposes for which the District's bonds, or other lawful obligations to be issued by the District, may be issued are limited to the purposes of purchase, conservation, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances, and associated professional and licensing or permitting fees and the refunding of such bonds, necessary.

1. To provide a water supply for municipal uses, domestic uses and commercial purposes;
2. To collect, transport, process, dispose of and control all domestic, commercial, industrial or communal wastes, whether in fluid, solid or composite state;
3. To gather, conduct, divert and control local storm water or other local harmful excesses of water in the District, related water quality facilities, and/or the payment of organization expenses, operation expenses during construction, and interest during construction;

4. To provide open space, conservation land, mitigation land, easements, parks and other recreational facilities as may be consistent with City ordinances and authorized pursuant to Chapters 49 and 54 of the Texas Water Code; and

5. To provide any other facilities, amenities and/or improvements that benefit the Property within the District, that are consistent with City ordinances, and that qualify for developer reimbursement pursuant to rules promulgated by the Commission.

C. The District agrees that it shall issue bonds only in the maximum amount of \$40,000,000 for the purpose of providing for construction or acquisition of water, sanitary sewer, fire protection or drainage facilities, or contract rights therefore and the purposes set out in Article III (the "Facilities"), and in the manner provided by the Commission and as permitted herein. The District shall submit to the City Administrator for City staff review a copy of the bond application, including the engineering report, at the time the District submits the same to the Commission. All bonds of the District shall be approved by the City Council prior to issuance. However, all bonds shall be deemed approved unless the City Council acts to expressly disapprove of the bonds within sixty (60) days after submission of the complete bond application to the City. Such disapproval shall only be in the event that either the landowners or the District is in material breach of this Agreement or the Development Agreement. Issuance of bonds is also contingent upon fees in escrow accounts being current.

D. The District further agrees to the following restrictions on the sale of, and on the terms and provisions of, District bonds, warrants or other obligations and notes (the "District Bonds") that are issued to provide service to the Property, so long as the restrictions do not generally render the bonds and notes unmarketable. The City may obtain the recommendation of the City's Financial Advisor, that the sale and amount of each particular bond issue is feasible and prudent based upon a number of considerations including, but not limited to any overlapping tax rates, the number of homes occupied, taxpayer concentrations and ratio of debt to assessed valuation within the District, and compliance with Commission rules. Further, unless the following conditions are waived by the City based on the advice of its Financial Advisor, the parties agree that the District Bonds:

1. are limited to a maximum maturity of 25 years;
2. may not have interest rates that exceed 2% above the weekly tax exempt Bond Buyer Index for 25 year revenue bonds;
3. may not be issued if the District's debt to certified taxable assessed valuation, as determined by the records of the Hays County Appraisal District, will exceed 25 percent upon issuance;
4. must have amortization that results in approximately level debt service payments considering all bond issues, except for an initial period of interest only payments; and
5. shall contain call redemption features.
6. may be refunded and additional bonds may be issued as refunding bonds.

E. One of the purposes of this Agreement is to authorize the District and the City, pursuant to the provisions of Section 54.016 of the Texas Water Code that allow a district and a city to contract regarding annexation, to enter into a binding contract regarding the terms and conditions of annexation of areas within the District by the City. The parties acknowledge that the City may annex area within the District in the future and the terms and conditions of the parties' agreement regarding annexation are contained within the Development Agreement. Accordingly, the Parties agree as follows:

1. If the City annexes the entire area in the District, the City will succeed to *all the powers, duties, assets and obligations of the District, including but not limited to any rights and obligations under valid and duly-authorized contracts entered into by the District prior to the first notice of annexation (e.g., developer reimbursement agreement)*. The District will not enter into any developer reimbursement agreements or agreements for new projects or extraordinary expenses, except as necessary for continued operation and maintenance of existing District Facilities, after publication of the first notice of proposed annexation. The District further agrees that any agreements with the District in violation of this requirement shall be void.

2. Alternatively, subject to the terms of the Development Agreement, the City may exercise any options available under Chapter 43 of the Texas Local Government Code, or similar annexation laws of the State of Texas, that are in effect with regard to the provision of water and/or sewer service to areas within Municipal Utility Districts that are annexed by cities.

3. After annexation, the City may set rates for water and/or sewer services for property that was within the District at the time of annexation which may include a surcharge in addition to the rates charged to other ratepayers of the City for the purpose of *wholly or partially compensating the City for the assumption of the District's obligations*. Such additional surcharges shall be calculated solely to recover those District debts and other obligations assumed by the City upon annexation which are not covered by any increase in the City's ad valorem tax revenue arising out of the annexation. The surcharge may continue for thirty (30) years after the initial District debt is issued or until the bonded indebtedness of the District has been retired, whichever occurs last, but in no case for a longer period of time than is necessary to wholly compensate the City for its assumption of the obligations of the District. The District shall comply with all of the requirements of Section 54.016(h), or such similar laws as may be in effect, regarding filing with the county clerk a duly affirmed and acknowledged statement which includes certain notice information to purchasers of property regarding the City's right to collect this surcharge.

F. The District may negotiate and enter into developer reimbursement agreements, provided that the District will give the City the opportunity to review and provide comments to the District on such developer reimbursement agreements.

G. The District, after its creation, shall proceed to obtain the necessary authorization for and to issue District bonds for the financing of the acquisition or construction of the Facilities

to the extent and as permitted by laws applicable to the District. The City hereby consents to the issuance of the District's bonds to the extent, for the purposes, and in the manner described in this Agreement.

**ARTICLE IV**

**CONSTRUCTION AND ACQUISITION OF FACILITIES**

A. Landowners and the District shall cause the Facilities to be designed and constructed or acquired within or for the District in accordance with the plans prepared by the engineer for Landowners or the District, and approved as hereinafter provided.

B. The City has applied for and intends to obtain a Certificate of Convenience and Necessity ("CCN") from the Commission to become the retail provider of potable water to the Project. As allowed by law, including section 402.014 of the Local Government Code, the District will construct the water distribution system for the City to serve the District. The City and the District will set forth the terms under which the District will be the City's operations and maintenance contractor related to the City's provision of retail water service to the Property pursuant to the CCN in a separate interlocal agreement, to be attached hereto as **Exhibit B** (the "O&M Agreement").

C. The Landowners and the District will construct all facilities and infrastructure to serve the land within the District in accordance with plans and specifications that have been approved by the City, pursuant to City ordinance, as amended from time to time including those pertaining to utility design, construction and installation requirements. The City shall have the right to inspect, at reasonable times, all facilities being constructed by the Landowners or the District. The City agrees to timely review all plans and specifications provided by the Landowners or the District in a timely manner and pursuant to the procedures set forth in City ordinances and guidelines; not to unreasonably withhold its approval of such plans and specifications; and to conduct its inspections of ongoing construction in a manner that minimizes interference with such construction. Construction or acquisition of any of the Facilities within or for the District shall not commence unless the plans and specifications for them have been reviewed and approved by the City and any other governmental entities having governmental jurisdiction or contractual rights to do so. No additional fees for the foregoing inspections and reviews by the City will be charged pursuant to this Agreement; the parties intend that all such fees are to be assessed and paid pursuant to the Development Agreement and the O&M Agreement.

**ARTICLE V**

**OPERATION AND MAINTENANCE OF THE DISTRICT FACILITIES**

A. Subject to the terms of the O&M Agreement, the District may operate and maintain the Facilities serving the District or the District may contract in any manner allowed by law for the operation and maintenance of same. All water and sanitary sewer connections within the District shall be inspected by the District for compliance with the requirements of the Uniform Plumbing Code or its successor regulations and the City's local amendments thereto,

the water and sanitary sewer service detail promulgated by the City and the requirements of the Commission.

B. Every year, the District shall file with the City Administrator a copy of its annual audit and a copy of its proposed budget for the following year showing expenses, income and revenue.

**ARTICLE VI**

**AREA OF, AND LIMITATIONS ON, SERVICE**

Unless the prior approval of the City Council of the City is obtained, the District shall not: (1) construct, acquire or install Facilities to serve areas outside the District; (2) sell or deliver water or wastewater service to areas outside the District; or (3) annex any additional lands to the District. Any land for which annexation to the District or out-of-district service is hereafter requested and approved shall be subject to the terms of this Agreement.

**ARTICLE VII**

**ANNEXATION OF THE DISTRICT BY THE CITY**

A. The parties hereto acknowledge and agree that the Property lies, and will continue to lie, wholly within the ETJ of the City; is not bordered by another city, town, or village; and is not currently anticipated to be scheduled for annexation by the City in accordance with any annexation plan of the City. The parties further acknowledge that the creation of the District, and the City's consent thereto, are for the purpose of promoting the orderly development and extension of City services to the Property.

B. In furtherance of the purposes of this Agreement, the District and Landowners, and their respective successors and assigns, covenant and agree to the extent allowed by law that, except upon written consent of the City Council of the City or as otherwise set forth in Subsection C. below they will not: (1) seek or support any effort to incorporate any of the Property, or any part thereof; or (2) sign, join in, associate with or direct to be signed any petition seeking to incorporate any of the Property or to include any of the Property within the boundaries of any other district, incorporated entity, or political subdivision of the State of Texas.

**ARTICLE XI**

**SEVERABILITY AND ENFORCEABILITY**

The provisions of this Agreement are severable and, in the event any word, phrase, clause, sentence, paragraph, section or other provision of this Agreement, or the application thereof to any person or circumstance, shall ever be held or determined to be invalid, illegal or unenforceable for any reason, the remainder of this Agreement shall remain in full force and effect and the application thereof to any other person or circumstance shall not be affected thereby.

**ARTICLE XII**

**ASSIGNMENT OF AGREEMENT**

Neither the District nor the City shall assign this Agreement without written consent of each of the other parties hereto. Landowners shall not assign this Agreement without written consent of the City, except that Landowners are specifically authorized to assign this Agreement to the District upon its creation; provided, however, that such assignment shall not relieve Landowners or any successors or assigns from their obligations hereunder. It is specifically intended that this Agreement and all terms, conditions and covenants herein shall survive a transfer, conveyance or assignment occasioned by the exercise of foreclosure of lien rights by a creditor or a party hereto, whether judicial or non-judicial.

**ARTICLE XIII**

**TERM OF AGREEMENT**

This Agreement shall be effective from the date of execution hereof by the City and Landowners, and shall continue in effect until the District is annexed and dissolved by the City.

**ARTICLE XIV**

**BENEFITS OF AGREEMENT**

This Agreement is for the benefit of the City, the District and the Landowners, their successors and assigns, and shall not be construed to confer any benefit on any other party except as expressly provided herein.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its undersigned duly authorized representative in multiple copies, each of equal dignity, on the date or dates indicated below.

Dated effective January 11, 2005.

CITY OF DRIPPING SPRINGS

By: Todd Purcell  
Name: Todd Purcell  
Its: Mayor

ATTEST:

By: Amanda Craig  
Name: Amanda Craig  
Its: City Secretary

**HEADWATERS DEVELOPMENT COMPANY**

By: \_\_\_\_\_  
Name: Edward R. Rathgeber  
Its: President

**TOWNES FAMILY TRUST**

By: \_\_\_\_\_  
Name: Susan Townes Gesford

By: \_\_\_\_\_  
Name: Goss Townes

By: \_\_\_\_\_  
Name: Townes G. Pressler



**EXHIBIT "A"**

**To the RESOLUTION GRANTING THE CONSENT OF  
THE CITY OF DRIPPING SPRINGS TO THE CREATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT,  
SUBJECT TO VARIOUS TERMS AND CONDITIONS**

**Description of the Land to be Included in the District**

The land to be included in the District, which also is described in the Petition, consists of:

1539.46 acres of land, more or less, located in Hays County, Texas, being more fully described in the attached metes and bounds description;

**SAVE AND EXCEPT** 29.78 acres of land, more or less, located in Hays County, Texas, and also more fully described in the attached metes and bounds description;

Comprising a total of 1509.68 Acres of land, more or less, situated in Hays County, Texas.

**EXHIBIT "B"**  
**Development Agreement**

(attach City Secretary Contract No. titled "The Headwaters at Barton Creek Development Agreement between City of Dripping Springs and Townes Family Trust and Headwaters Development Co., dated January 11, 2005)

**FIRST AMENDMENT TO AGREEMENT CONCERNING CREATION AND OPERATION OF HEADWATERS MUNICIPAL UTILITY DISTRICT**

State of Texas           §  
                                  §  
County of Hays         §

This First Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District (the "First Amendment") is made and entered into by and among the City of Dripping Springs, Texas (the "City"), a general law city situated in Hays County, Texas, Townes Family Trust (the "Trust"), Headwaters Development Co., a Texas corporation (collectively "Landowners"), and Headwaters Municipal Utility District, a municipal utility district organized and operating in Hays County, Texas (the "District"), is as follows:

**RECITALS**

- A. City and Landowners have previously entered into the Agreement for the Creation and Operation of Headwaters Municipal Utility District (the "Agreement"), approved by the Dripping Springs City Council on January 11, 2005.
- B. The Texas Commission on Environmental Quality ("Commission") approved the Landowner's application for the creation of Headwaters Municipal Utility District ("District") on August 8, 2007 and the District has been approved by the voters and has commenced operation.
- C. Before the District was created, a portion of the land over which the District was created was annexed into the corporate limits of the City, as authorized by the April 13, 2005 "Headwaters at Barton Creek Development Agreement between City of Dripping Springs and Townes Family Trust and Headwaters Development Company" ("Development Agreement") regarding certain property described in the Development Agreement recorded in the Official Public Records of Hays County, Texas in Volume 265, page 649, which property description is incorporated herein as the "Property"
- D. The District wishes to ratify and join in the Agreement.
- E. The Parties desire to amend portions of the Agreement.

NOW THEREFORE, for an in consideration of their mutual covenants and agreements, the Parties agree as follows:

**AMENDMENT ARTICLE 1**

The District consents to, adopts and joins as a Party to the Agreement, to be bound in all respects by the terms applicable to the District. Capitalized terms in this First Amendment have the same meaning that they have in the Agreement. Owner agrees to reimburse the City for professional fees incurred by the City in negotiating and preparing this First Amendment.

**AMENDMENT ARTICLE 2**

Article III, Section C, is deleted and amended and replaced with the following:

C. The District agrees that it shall issue bonds only in the maximum amount of \$58,000,000 for the purpose of providing for construction or acquisition of water, sanitary sewer, fire protection or drainage facilities, or contract rights therefore, and the purposes set out in Article III (the "Facilities"), and for the payment of creation, organization, and other costs and expenses reimbursable under the rules of TCEQ, and in the manner provided by the Commission and as permitted herein. The District shall submit to the City Administrator for City staff review a copy of the bond application, including the engineering report, at the time the District submits the same to the Commission. All bonds of the District shall be approved by the City Council of the City prior to issuance. Review for such approval shall be performed by the City in a timely manner so as not to delay the TCEQ's schedule for approval of the District's bonds. In addition, such approval shall not be unreasonably withheld or delayed and may be withheld only if either Landowners or the District is in material breach of this Agreement or the Development Agreement. Issuance of bonds is also contingent upon fees in escrow accounts being current.

**AMENDMENT ARTICLE 3**

Article III, Section C, is amended to add the following at the end of the section:

City agrees that the rights and obligations under the Agreement may be assigned to Rathgeber Investment Company, Ltd. City further agrees that portions of the rights and obligations under the Agreement may be further assigned in whole or in part by Rathgeber Investment Company, Ltd. to any person or entity ("Assignee"), under the following conditions:

- a. Assignee is a successor owner of all or any part of the Property;
- b. The assignment is in writing executed by the Assignor and Assignee;
- c. Assignee expressly assumes the obligations under the Agreement with regard to the portion of the Property owned by Assignee; and
- d. A copy of the fully executed assignment is provided to the City within fifteen (15) days after execution.

**AMENDMENT ARTICLE 4**

Article VII, Section A, is deleted and amended and replaced with the following:

A. The parties hereto acknowledge and agree that, except for the 176.409 acre tract of the Property that was annexed by the City on August 14, 2007, the Property lies, and will continue to lie, wholly within the ETJ of the City; is not bordered by another city, town, or village; and is not

currently anticipated to be scheduled for annexation by the City in accordance with any annexation plan of the City. The parties further acknowledge and agree that the creation of the District, and the City's consent thereto, are for the purpose of promoting the orderly development and extension of City services to the Property. Finally, the parties acknowledge and agree that, when the entirety of the Property has been annexed by the City subject to the terms of the Development Agreement, then the District shall dissolve and cease to exist, and no portion of the District shall then exist or continue to exist within the City limits.

The parties now ratify and confirm that the Agreement, as amended by this First Amendment, is in full force and effect and is binding on all parties. The Effective Date of this First Amendment is June 10, 2008.

**CITY OF DRIPPING SPRINGS:**

**Attest:**

*Jo Ann Touchstone*  
Jo Ann Touchstone  
City Secretary

By: *Todd Purcell*  
Todd Purcell, Mayor

Date: 8/15/08

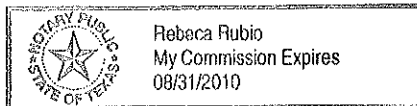
STATE OF TEXAS

§  
§  
§

COUNTY OF Hays

This instrument was acknowledged before me on this 15<sup>th</sup> day of August, 2008 by Todd Purcell, Mayor of the City of Dripping Springs, Texas, a Texas municipality, on behalf of said city.

*Rebeca Rubio*  
Notary Public's Signature



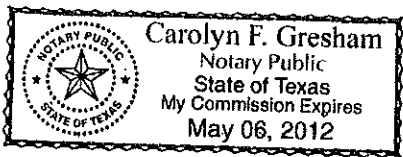
**HEADWATERS MUNICIPAL UTILITY DISTRICT:**

By: *Jeremy Martin*  
Jeremy Martin, President

STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

This instrument was acknowledged before me on this 14th day of July, 2008 by Jeremy Martin, President of Headwaters Municipal Utility District, a Texas corporation, on behalf of said corporation.



*Carolyn F. Gresham*  
Notary Public's Signature

**HEADWATERS DEVELOPMENT CO.:**

By: *Edward R. Rathgeber*  
Edward R. Rathgeber, President

STATE OF TEXAS

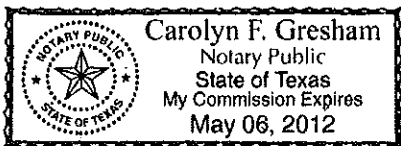
§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this 12th day of July, 2008 by Edward R. Rathgeber, President of Headwaters Development Co., a Texas corporation, on behalf of said corporation.



*Carolyn F. Gresham*  
Notary Public's Signature

**RATHGEBER INVESTMENT COMPANY, LTD.**

By: **Rathgeber Investment G.P., Inc.,**  
its general partner

By: *Edward R. Rathgeber*  
Edward R. Rathgeber, President

STATE OF TEXAS

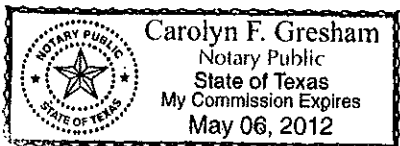
§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this 12th day of July, 2008 by Edward R. Rathgeber, President of Rathgeber Investment Company, Ltd., a Texas corporation, on behalf of said corporation.



*Carolyn F. Gresham*  
Notary Public's Signature

Jul 17 08 02:47p  
Jul 17 2008 2:43PM

Susan Gesford  
HP LASERJET FAX

936-365-2244

P. 2  
P. 2

Item # 10.

**TOWNES FAMILY TRUST**

By: *Susan Townes Gesford*  
Name: **Susan Townes Gesford, Trustee**

STATE OF TEXAS

§  
§  
§

COUNTY OF Harris

This instrument was executed before me by Susan Townes Gesford, as Trustee of the Townes Family Trust on this the 17<sup>th</sup> day of July, 2008.

*Peggy Haymon*  
Notary Public, State of Texas



**SIGNATURE PAGE TO:  
FIRST AMENDMENT TO AGREEMENT  
CONCERNING CREATION AND OPERATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT**



**TOWNES FAMILY TRUST**

By: Karen L. Aidman, Trustee  
Name: Karen L. Aidman, Trustee

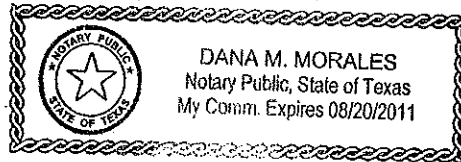
STATE OF TEXAS

§  
§  
§

COUNTY OF Travis

This instrument was executed before me by Karen L. Aidman, as Trustee of the Townes Family Trust on this the 22 day of July, 2008.

Dana M. Morales  
Notary Public, State of Texas



**SIGNATURE PAGE TO:  
FIRST AMENDMENT TO AGREEMENT  
CONCERNING CREATION AND OPERATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT**

TOWNES FAMILY TRUST

By: *Townes G. Pressler*  
Name: Townes G. Pressler, Trustee

STATE OF TEXAS

COUNTY OF HARRIS

§  
§  
§

This instrument was executed before me by Townes G. Pressler, as Trustee of the Townes Family Trust on this the 17<sup>th</sup> day of July, 2008.



*Peggy Haymon*  
Notary Public, State of Texas

SIGNATURE PAGE TO:  
FIRST AMENDMENT TO AGREEMENT  
CONCERNING CREATION AND OPERATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT

**FIRST AMENDMENT TO AGREEMENT CONCERNING CREATION AND OPERATION OF HEADWATERS MUNICIPAL UTILITY DISTRICT**

State of Texas           §  
                                  §  
County of Hays         §

This First Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District (the "First Amendment") is made and entered into by and among the City of Dripping Springs, Texas (the "City"), a general law city situated in Hays County, Texas, Townes Family Trust (the "Trust"), Headwaters Development Co., a Texas corporation (collectively "Landowners"), and Headwaters Municipal Utility District, a municipal utility district organized and operating in Hays County, Texas (the "District"), is as follows:

**RECITALS**

- A. City and Landowners have previously entered into the Agreement for the Creation and Operation of Headwaters Municipal Utility District (the "Agreement"), approved by the Dripping Springs City Council on January 11, 2005.
- B. The Texas Commission on Environmental Quality ("Commission") approved the Landowner's application for the creation of Headwaters Municipal Utility District ("District") on August 8, 2007 and the District has been approved by the voters and has commenced operation.
- C. Before the District was created, a portion of the land over which the District was created was annexed into the corporate limits of the City, as authorized by the April 13, 2005 "Headwaters at Barton Creek Development Agreement between City of Dripping Springs and Townes Family Trust and Headwaters Development Company" ("Development Agreement") regarding certain property described in the Development Agreement recorded in the Official Public Records of Hays County, Texas in Volume 265, page 649, which property description is incorporated herein as the "Property"
- D. The District wishes to ratify and join in the Agreement.
- E. The Parties desire to amend portions of the Agreement.

NOW THEREFORE, for an in consideration of their mutual covenants and agreements, the Parties agree as follows:

**AMENDMENT ARTICLE 1**

The District consents to, adopts and joins as a Party to the Agreement, to be bound in all respects by the terms applicable to the District. Capitalized terms in this First Amendment have the same meaning that they have in the Agreement. Owner agrees to reimburse the City for professional fees incurred by the City in negotiating and preparing this First Amendment.

## AMENDMENT ARTICLE 2

Article III, Section C, is deleted and amended and replaced with the following:

C. The District agrees that it shall issue bonds only in the maximum amount of \$58,000,000 for the purpose of providing for construction or acquisition of water, sanitary sewer, fire protection or drainage facilities, or contract rights therefore, and the purposes set out in Article III (the "Facilities"), and for the payment of creation, organization, and other costs and expenses reimbursable under the rules of TCEQ, and in the manner provided by the Commission and as permitted herein. The District shall submit to the City Administrator for City staff review a copy of the bond application, including the engineering report, at the time the District submits the same to the Commission. All bonds of the District shall be approved by the City Council of the City prior to issuance. Review for such approval shall be performed by the City in a timely manner so as not to delay the TCEQ's schedule for approval of the District's bonds. In addition, such approval shall not be unreasonably withheld or delayed and may be withheld only if either Landowners or the District is in material breach of this Agreement or the Development Agreement. Issuance of bonds is also contingent upon fees in escrow accounts being current.

## AMENDMENT ARTICLE 3

Article III, Section C, is amended to add the following at the end of the section:

City agrees that the rights and obligations under the Agreement may be assigned to Rathgeber Investment Company, Ltd. City further agrees that portions of the rights and obligations under the Agreement may be further assigned in whole or in part by Rathgeber Investment Company, Ltd. to any person or entity ("Assignee"), under the following conditions:

- a. Assignee is a successor owner of all or any part of the Property;
- b. The assignment is in writing executed by the Assignor and Assignee;
- c. Assignee expressly assumes the obligations under the Agreement with regard to the portion of the Property owned by Assignee; and
- d. A copy of the fully executed assignment is provided to the City within fifteen (15) days after execution.

## AMENDMENT ARTICLE 4

Article VII, Section A, is deleted and amended and replaced with the following:

A. The parties hereto acknowledge and agree that, except for the 176.409 acre tract of the Property that was annexed by the City on August 14, 2007, the Property lies, and will continue to lie, wholly within the ETJ of the City; is not bordered by another city, town, or village; and is not

currently anticipated to be scheduled for annexation by the City in accordance with any annexation plan of the City. The parties further acknowledge and agree that the creation of the District, and the City's consent thereto, are for the purpose of promoting the orderly development and extension of City services to the Property. Finally, the parties acknowledge and agree that, when the entirety of the Property has been annexed by the City subject to the terms of the Development Agreement, then the District shall dissolve and cease to exist, and no portion of the District shall then exist or continue to exist within the City limits.

The parties now ratify and confirm that the Agreement, as amended by this First Amendment, is in full force and effect and is binding on all parties. The Effective Date of this First Amendment is June 10, 2008.

**CITY OF DRIPPING SPRINGS:**

**Attest:**

*Jo Ann Touchstone*  
Jo Ann Touchstone  
City Secretary

By: *Todd Purcell*  
Todd Purcell, Mayor

Date: 8/15/08

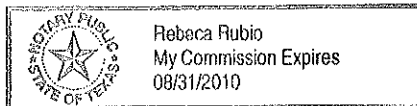
STATE OF TEXAS

§  
§  
§

COUNTY OF Hays

This instrument was acknowledged before me on this 15<sup>th</sup> day of August, 2008 by Todd Purcell, Mayor of the City of Dripping Springs, Texas, a Texas municipality, on behalf of said city.

*Rebeca Rubio*  
Notary Public's Signature



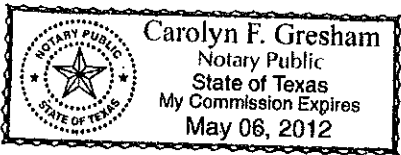
**HEADWATERS MUNICIPAL UTILITY DISTRICT:**

By: *Jeremy Martin*  
Jeremy Martin, President

STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

This instrument was acknowledged before me on this 14th day of July, 2008 by Jeremy Martin, President of Headwaters Municipal Utility District, a Texas corporation, on behalf of said corporation.



*Carolyn F. Gresham*  
Notary Public's Signature

**HEADWATERS DEVELOPMENT CO.:**

By: *Edward R. Rathgeber*  
Edward R. Rathgeber, President

STATE OF TEXAS

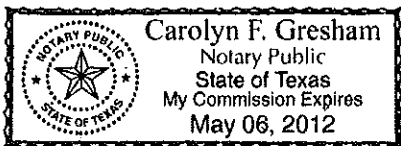
§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this 12th day of July, 2008 by Edward R. Rathgeber, President of Headwaters Development Co., a Texas corporation, on behalf of said corporation.



*Carolyn F. Gresham*  
Notary Public's Signature

**RATHGEBER INVESTMENT COMPANY, LTD.**

By: **Rathgeber Investment G.P., Inc.,**  
its general partner

By: *Edward R. Rathgeber*  
Edward R. Rathgeber, President

STATE OF TEXAS

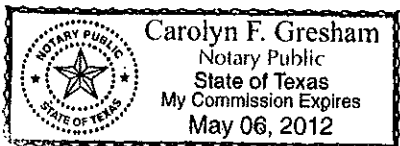
§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this 12th day of July, 2008 by Edward R. Rathgeber, President of Rathgeber Investment Company, Ltd., a Texas corporation, on behalf of said corporation.



*Carolyn F. Gresham*  
Notary Public's Signature

Jul 17 08 02:47p  
Jul 17 2008 2:53PM

Susan Gesford  
HP LASERJET FAX

936-365-2244

P. 2  
P. 2

Item # 10.

**TOWNES FAMILY TRUST**

By: *Susan Townes Gesford*  
Name: **Susan Townes Gesford, Trustee**

STATE OF TEXAS

§  
§  
§

COUNTY OF Harris

This instrument was executed before me by Susan Townes Gesford, as Trustee of the Townes Family Trust on this the 17<sup>th</sup> day of July, 2008.

*Peggy Haymon*  
Notary Public, State of Texas



**SIGNATURE PAGE TO:  
FIRST AMENDMENT TO AGREEMENT  
CONCERNING CREATION AND OPERATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT**



**TOWNES FAMILY TRUST**

By: Karen L. Aidman, Trustee  
Name: Karen L. Aidman, Trustee

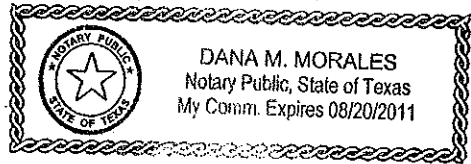
STATE OF TEXAS

§  
§  
§

COUNTY OF Travis

This instrument was executed before me by Karen L. Aidman, as Trustee of the Townes Family Trust on this the 22 day of July, 2008.

Dana M. Morales  
Notary Public, State of Texas



**SIGNATURE PAGE TO:  
FIRST AMENDMENT TO AGREEMENT  
CONCERNING CREATION AND OPERATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT**

TOWNES FAMILY TRUST

By: *Townes G. Pressler*  
Name: Townes G. Pressler, Trustee

STATE OF TEXAS

COUNTY OF HARRIS

§  
§  
§

This instrument was executed before me by Townes G. Pressler, as Trustee of the Townes Family Trust on this the 17<sup>th</sup> day of July, 2008.



*Peggy Haymon*  
Notary Public, State of Texas

SIGNATURE PAGE TO:  
FIRST AMENDMENT TO AGREEMENT  
CONCERNING CREATION AND OPERATION OF  
HEADWATERS MUNICIPAL UTILITY DISTRICT

\*\*\*\* Electronically Filed Document \*\*\*\*

Hays County Texas  
Liz Q. Gonzalez  
County Clerk

Document Number: 2015-15031503  
Recorded As : ELECTRONIC RECORDING

Recorded On: October 01, 2015  
Recorded At: 02:41:29 pm  
Number of Pages: 14  
Book-VI/Pg: Bk-OPR VI-5339 Pg-649  
Recording Fee: \$74.00

Parties:

Direct- WFC HEADWATER OWNER VII LP  
Indirect- DRIPPING SPRINGS CITY OF

Receipt Number: 410167  
Processed By: Rose Robinson

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

*Liz Q. Gonzalez*

Liz Q. Gonzalez, County Clerk

**SECOND AMENDMENT TO AGREEMENT CONCERNING CREATION AND OPERATION  
OF HEADWATERS MUNICIPAL UTILITY DISTRICT**

THIS SECOND AMENDMENT TO AGREEMENT CONCERNING CREATION AND OPERATION OF HEADWATERS MUNICIPAL UTILITY DISTRICT ("Second Amendment") is made and entered into by and among: (i) the City of Dripping Springs, Texas (the "City"), (ii) WFC Headwaters Owner VII, L.P., a Delaware limited partnership registered to do business in Texas ("WFC"), (iii) Rathgeber Investment Company, Ltd. ("Rathgeber"), (iv) E.E. Townes Family Trust ("Trust") and (v) Headwaters Municipal Utility District, a municipal utility district organized and operating in Hays County, Texas pursuant to Chapters 49 and 54 of the Texas Water Code (the "District"). (The City, WFC, Rathgeber, Trust and the District are hereinafter sometimes collectively referred to as the "Parties" and singularly as a "Party").

**RECITALS:**

A. Effective February 8, 2005, the City, the Trust, Headwaters Development Company, a Texas corporation ("Headwaters"), and the District entered into that certain Agreement Concerning Creation and Operation of Headwaters Municipal Utility District ("Creation Agreement"), Trust and Headwaters being then owners of land in the District.

B. Effective June 10, 2008, the City, Trust, Headwaters and the District entered into that certain First Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District (the "First Amendment"). The Creation Agreement, as amended by the First Amendment, is hereinafter referred to as the "Agreement."

C. In accordance with the terms of the Agreement, Headwaters previously assigned its rights and obligations under the Agreement to Rathgeber Investment Company, Ltd. ("RIC"), RIC subsequently assigned its rights and interests under the Agreement to HABC, Ltd., ("HABC") in connection with the conveyance of certain real property to HABC; HABC subsequently assigned its rights and interests under the Agreement to Robert Pittenger Company, Inc. ("Pittenger"); Pittenger assigned its rights and interests under the Agreement to Austin-Highway 290 LLC ("Austin-Highway 290"); and Austin-Highway 290 assigned its rights and interests under the Agreement to WFC.

D. The Parties desire to amend portions of the Agreement relating to the District's authority to issue bonds.

**AGREEMENT**

**NOW, THEREFORE**, for and in consideration of their mutual covenants and agreements, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **District Bonds**. The Parties agree that Article III, Section C, of the Agreement is hereby amended to read in its entirety as follows:

"C. The District agrees that it shall issue bonds only in the maximum amount of \$80,000,000 for the purpose of: (i) providing for construction or acquisition of water, sanitary sewer, fire protection or drainage facilities, or contract rights therefor; (ii) the

purposes set out in Article III (the "Facilities"); (iii) for the payment of creation, organization, and other costs and expenses reimbursable under the rules of TCEQ, and in the manner provided by the Commission and as permitted herein; and (iv) to finance costs relating to road projects in the event the District secures road district powers under Section 52, Article III, Texas Constitution. The District shall submit to the City Administrator for City staff review a copy of the bond application, including the engineering report, at the time the District submits the same to the Commission for any bonds subject to review and approval by the Commission. All bonds of the District shall be approved by the City Council of the City prior to issuance. Review for such approval shall be performed by the City in a timely manner so as not to delay the TCEQ's schedule for approval of the District's bonds (if applicable). In addition, such approval shall not be unreasonably withheld or delayed and may be withheld only if either Landowners or the District is in material breach of this Agreement or the Development Agreement. Issuance of bonds is also contingent upon fees in escrow accounts being current."

2. **Road District Powers.** The Agreement is hereby amended to include a new Article XV to read in its entirety as follows:

**"ARTICLE XV**

**ROAD DISTRICT POWERS**

A. The City hereby consents to the acquisition and exercise of road district powers by the District under Section 52, Article III, Texas Constitution. The City agrees that the District may secure such powers by application to TCEQ pursuant to Section 54.234 of the Texas Water Code or by special act of the Legislature.

B. Simultaneously with approval of this Second Amendment, the City shall adopt a Resolution substantially in the form attached hereto as **Exhibit "A"** supporting the passage of legislation granting road district powers to the District. Upon request of the District, the City agrees to otherwise reasonably cooperate with and support the acquisition of road district powers by the District."

3. **Capitalized Terms.** Except as otherwise defined herein, all capitalized terms shall have the meanings set forth in the Agreement.
4. **Effect on Agreement.** Except as specifically modified by this Second Amendment, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment effective as of July 28th, 2015.

WFC:

WFC HEADWATERS OWNER VII, L.P.,  
a Delaware limited partnership

By: WFC Headwaters Holdings GP VII, L.L.C.,  
a Delaware limited liability company,  
its General Partner

By: WFC Headwaters Holdings JV VII, L.L.C.,  
a Delaware limited liability company,  
its Sole Member


By: [Signature]  
Name: Jesse R Baker  
Title: Authorized Signatory

STATE OF Massachusetts §  
COUNTY OF Suffolk §

This instrument was acknowledged before me on February 3, 2015 by Jesse R. Baker, as Authorized Signatory of WFC Headwaters Holdings JV VII, L.L.C., a Delaware limited liability company, as Sole Member of WFC Headwaters GP VII, L.L.C., a Delaware limited liability company, as General Partner of WFC HEADWATERS OWNER VII, L.P., a Delaware limited partnership, on behalf of said entities.

[Signature]  
Notary Public, State of

My Commission Expires: 4/7/17

 **KIERSTEN P. JESTER**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
April 7, 2017

CITY:

CITY OF DRIPPING SPRINGS

Attest:

Keri Craig  
~~JoAnn Touchstone~~ Keri Craig  
City Secretary

By: Todd Purcell  
Todd Purcell, Mayor

STATE OF TEXAS §  
COUNTY OF HAYS §

This instrument was acknowledged before me on 9<sup>th</sup>, December, by Todd Purcell, Mayor of the City of Dripping Springs, Texas, a Texas municipality, on behalf of said city.

My Commission Expires: 9/3/18  
Keri Craig  
Notary Public, State of Texas



**DISTRICT:**

HEADWATERS MUNICIPAL UTILITY DISTRICT  
OF HAYS COUNTY:

By: Harvey Zinn, Jr. President.  
President

[Handwritten Signature]

District Secretary

STATE OF TEXAS  
COUNTY OF Travis

§  
§

This instrument was acknowledged before me on February 9, 2015, by Harvey Zinn, Jr., President of the Headwaters Municipal Utility District of Hays County, on behalf of said District.

[Handwritten Signature]  
Notary Public, State of Texas

My Commission Expires: 11/16/2015

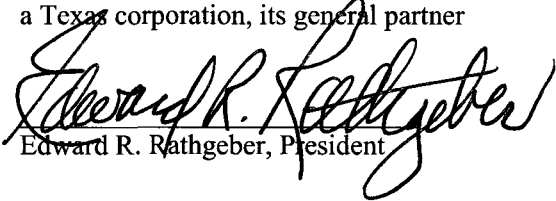




**RATHGEBER:**

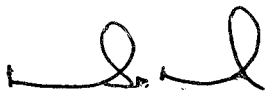
RATHGEBER INVESTMENT COMPANY, LTD., a  
Texas limited partnership

By: Rathgeber Investment G.P., Inc.,  
a Texas corporation, its general partner

By:   
Edward R. Rathgeber, President

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me on this 19th day of January, 2015, by Edward R. Rathgeber, as President of Rathgeber Investment G.P., Inc., a Texas corporation, general partner of Rathgeber Investment Company, Ltd., a Texas limited partnership, on behalf of said entities.

  
\_\_\_\_\_  
Notary Public, State of TEXAS



TRUST:

E.E. TOWNES FAMILY TRUST

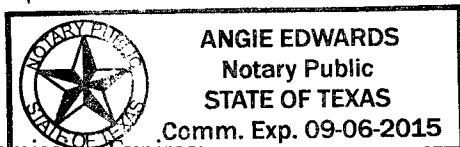
By: *Susan Townes Gesford*  
Susan Townes Gesford, Trustee

By: *Karen L. Aidman*  
Karen L. Aidman, Trustee

By: *Townes G. Pressler*  
Townes G. Pressler, Trustee

STATE OF TEXAS  
COUNTY OF Polk

This instrument was executed by Susan Townes Gesford before me on this the 23 day of July, 2015.



*Angie Edwards*  
Notary Public, State of Texas

My Commission Expires: 09-06-15

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was executed by Karen L. Aidman before me on this the 28th day of July, 2015.

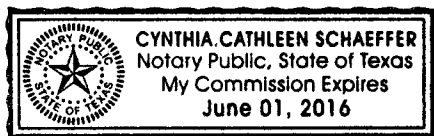


*Matt D. Matthews*  
Notary Public, State of Texas

My Commission Expires: 05-19-17

STATE OF TEXAS  
COUNTY OF HARRIS

This instrument was executed by Townes G. Pressler before me on this the 21<sup>st</sup> day of July.



*Cynthia C Schaeffer*  
Notary Public, State of Texas

My Commission Expires: 6/1/2016

**Exhibit A**  
**Form of Resolution**

**RESOLUTION NO. 2015-06**

**RESOLUTION EXPRESSING SUPPORT OF CITY OF DRIPPING SPRINGS  
FOR LEGISLATION GRANTING ROAD DISTRICT POWERS TO  
HEADWATERS MUNICIPAL UTILITY DISTRICT**

**WHEREAS**, Headwaters Municipal Utility District (the "District") is a Texas conservation and reclamation district created by Order of the Texas Commission on Environmental Quality dated August 8, 2007, and the District operates under the authority of Chapters 49 and 54 of the Texas Water Code;

**WHEREAS**, the City Council of the City of Dripping Springs has received a request to support the passage of legislation granting the District the authority of a road district under Section 52, Article III, Texas Constitution and specifically authorizing the District to construct and finance road projects, and to issue bonds and other obligations to finance road projects;

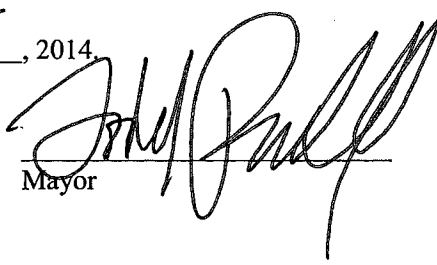
**WHEREAS**, the City Council of the City of Dripping Springs desires to adopt this Resolution to express its support for passage of legislation granting such authority to the District. **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS THAT:**

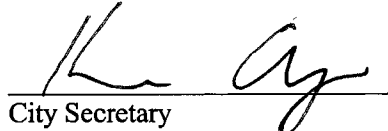
Section 1. The City Council of the City of Dripping Springs hereby expresses its support for passage of legislation granting road district authority to the District and authorizing the District to issue bonds or other obligations to finance road projects.

Section 2. This Resolution shall become effective from and after the date of its passage.

ADOPTED this 9<sup>th</sup> day December, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

## ASSIGNMENT AGREEMENT

THIS ASSIGNMENT AGREEMENT is entered into on this 9th day of Dec., 2014 (“**Effective Date**”) by and between the City of Dripping Springs, Texas (the “**City**”); Headwaters Municipal Utility District (the “**District**”) and WFC Headwaters Owner VII, L.P., (“**WFC**” or “**Assignee**”). The City, District and WFC may be referred to herein individually as a “**Party**” or collectively as the “**Parties**”. This Assignment Agreement is hereafter referred to herein as the “**Assignment**”).

### RECITALS

WHEREAS, the City, Headwaters Development Co., and the Townes Family Trust entered into that certain Development Agreement (the “**Agreement**”) on or about April 13, 2005, recorded at Volume 2675, Page 675, Official Public Records of Hays County, Texas setting forth certain terms and conditions relating to the development of approximately 1,509 acres of real property described therein (the “**Land**”);

WHEREAS, the Agreement was amended by the First Amendment to The Headwaters at Barton Creek Development Agreement on or about June 10, 2008 (“**First Amendment**”);

WHEREAS, the Agreement was further amended by a Second Amendment to The Headwaters at Barton Creek Development Agreement on or about \_\_\_\_\_, 2014 (the “**Second Amendment**”);

WHEREAS, WFC has acquired a portion of the Land that it desires to develop for single family residential purposes;

WHEREAS, in connection with its acquisition of real property, on June 5, 2014, the Texas Commission on Environmental Quality (“**TCEQ**”) transferred to WFC Waste Disposal Permit No. WQ0014587001 authorizing the treatment and disposal of wastewater generated within the Land by a wastewater treatment plant that would be owned and operated by the District (the “**District WWTP**”);

WHEREAS, the City currently owns and operates the City of Dripping Springs Regional Wastewater Treatment System, which it plans to expand and extend from time to time to allow the City to provide wastewater service to existing and future customers in the City’s wastewater service area, as that area may be revised from time to time (the “**City Regional System**”);

WHEREAS, future extensions of the City Regional System may allow the City to provide wastewater treatment and disposal services to the Land in lieu of the District WWTP, or in lieu of future expansions to the District WWTP;

WHEREAS, expansion and extension of the City Regional System may require the City to amend its existing or any future TCEQ water quality permits to increase treatment and disposal

capacity, and to authorize disposal, including but not limited to a surface water discharge or direct potable reuse of treated wastewater effluent (the “**City Permit Amendment**”); and

WHEREAS, the District desires to contribute to the costs of the City Permit Amendment to facilitate implementation of the City Regional System and in return for such contribution, the City desires to assign certain fees to which it is entitled under the Agreement, as amended.

THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, including the agreements set forth below, the Parties agree as follows:

### AGREEMENT

1. Definitions. All capitalized terms used in this Assignment shall have the meanings ascribed to them in the Agreement, as amended, unless otherwise defined herein.
2. Payment to the City. Within ten business days of the execution of this Assignment by all Parties, WFC shall pay the City one million dollars (\$1,000,000) for and on behalf of the District (the “**City Permit Contribution**”). The City agrees that the City Permit Contribution shall be utilized only for funding costs and expenses relating to the City Permit Amendment, the City Regional System, or the City’s costs associated implementation of the “Agreement Concerning Creation and Operation of Headwaters Municipal Utility District” (effective January 11, 2005) as amended.
3. Assignment. The City hereby assigns, conveys, transfers and delivers to WFC, as Assignee, its successors and assigns, the first one million dollars (\$1,000,000) of the Facilities Expansion Fee to which the City is entitled under the Agreement, as amended (the “**Assigned Interests**”). Within ten (10) days of receipt of any such fees, the City shall provide payment thereof to WFC until such time as the City has provided payment of the Assigned Interests to WFC in full.

TO HAVE AND TO HOLD the Assigned Interests, together with all and singular the rights and appurtenances thereto in anywise belonging unto Assignee, its successors and assigns forever, and Assignor does hereby bind itself and its successors and assigns to WARRANT and FOREVER DEFEND all and singular the Assigned Interests unto Assignee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the City, but not otherwise.

4. Limitation on Payment Obligation. Nothing in this Assignment addresses or affects the City’s right to Facilities Expansion Fees or Additional Facilities Expansion Fee beyond the first one million dollars (\$1,000,000) of Facilities Expansion Fees contemplated by the Agreement, as amended.
5. As Is — Where Is Transfer. THE CITY DOES NOT IN ANY WAY GUARANTEE THAT THE BOND REIMBURSEMENTS THAT GIVE RISE TO

THE FACILITIES EXPANSION FEES UNDER THE AGREEMENT WILL EVER BE COLLECTED OR THAT ASSIGNEE WILL OTHERWISE RECOUP THE MONEY IT AGREES TO PAY UNDER THIS ASSIGNMENT. ASSIGNEE UNDERSTANDS AND ACCEPTS THIS RISK. The property conveyed hereby is conveyed to the Assignee AS IS and WITH ALL FAULTS and no warranties are to be implied by this transaction.

6. District Reimbursement. The City agrees that the District may reimburse WFC for the City Permit Contribution with bond proceeds to the extent that the bonds are issued in accordance with the "Agreement Concerning Creation and Operation of Headwaters Municipal Utility District" (effective June 10, 2008) as amended, and the Texas Commission on Environmental Quality authorizes such reimbursement. This Assignment Agreement does not amend the Agreement or any other agreement previously entered into among the City, the District or owners of the Land.
7. Further Assurances. Each Party hereto agrees that it will, at any time and from time to time, upon the written request of the other, execute and deliver such further documents (in recordable form, if appropriate under the circumstances) and do such further acts and things, as the requesting party may reasonably request in order to effect the purposes of this Assignment.
8. Governing Law. The validity, interpretation and effect of this Assignment shall be governed by and construed in accordance with the laws of the State of Texas without regard to conflicts of law doctrines.
9. Counterparts. This Assignment may be executed in multiple counterparts, and all such executed counterparts shall constitute the same agreement. It shall be necessary to account for only one such counterpart in proving the existence, validity or content of this Assignment.
10. Binding Effect. This Assignment shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

[REMAINDER OF PAGE BLANK]

EXECUTED to be effective as of the Effective Date.

**CITY:**

CITY OF DRIPPING SPRINGS, TEXAS

By: *Todd Purcell*

Name: TODD Purcell

Title: Mayor

ATTEST:

By: *Kerri Craig*

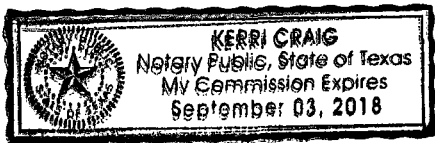
Name: Kerri Craig

Title: City Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS     §

This instrument was acknowledged before me on this 9<sup>th</sup> day of December, 2014, by Todd Purcell, as Mayor of the City of Dripping Springs, Texas, a Texas municipality, on behalf of said city.

*Kerri Craig*  
Notary Public, State of Texas





**THIRD AMENDMENT TO AGREEMENT CONCERNING CREATION AND  
OPERATION OF HEADWATERS MUNICIPAL UTILITY DISTRICT**

THIS THIRD AMENDMENT TO AGREEMENT CONCERNING CREATION AND OPERATION OF HEADWATERS MUNICIPAL UTILITY DISTRICT (“*Third Amendment*”) is made and entered into by and among: (i) the City of Dripping Springs, Texas (the “*City*”), (ii) WFC Headwaters Owner VII, L.P., a Delaware limited partnership (“*WFC*”), (iii) Rathgeber Investment Company, Ltd. (“*Rathgeber*”), (iv) Oryx Development, LLC, a Texas limited liability company (“*Oryx*”), successor in interest to E.E. Townes Family Trust (the “*Trust*”) and (v) Headwaters Municipal Utility District, a municipal utility district organized and operating in Hays County, Texas pursuant to Chapters 49 and 54 of the Texas Water Code (the “*District*”). The City, WFC, Rathgeber, Oryx and the District are hereinafter sometimes collectively referred to as the “*Parties*” and singularly as a “*Party*”.

**RECITALS:**

A. Effective February 8, 2005, the City, the Trust, Headwaters Development Company, a Texas corporation (“*Headwaters DevCo*”), and the District entered into that certain “Agreement Concerning Creation and Operation of Headwaters Municipal Utility District” (the “*Creation Agreement*”), Trust and Headwaters DevCo being then owners of land in the District.

B. Effective June 10, 2008, the City, the Trust, Headwaters DevCo and the District entered into that certain “First Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District” (the “*First Amendment*”).

C. In connection with the prior sale and conveyance of certain lands in the District being developed for single family residential purposes, Headwaters DevCo previously assigned its rights and obligations under the Creation Agreement to Rathgeber Investment Company, Ltd. (“*RIC*”); RIC then assigned its rights and interests under the Creation Agreement to HABC, Ltd. (“*HABC*”); HABC assigned its rights and interests under the Agreement to Robert Pittenger Company, Inc. (“*Pittenger*”); Pittenger assigned its rights and interests under the Creation Agreement to Austin-Highway 290 LLC (“*Austin-Highway 290*”); and Austin-Highway 290 assigned its rights and interests under the Creation Agreement to WFC.

D. Effective July 28, 2015, the City, Trust, Rathgeber, WFC and the District entered into that certain “Second Amendment to Agreement Concerning Creation and Operation of Headwaters Municipal Utility District” (the “*Second Amendment*”). The Creation Agreement, as amended by the First Amendment and Second Amendment, is hereinafter referred to as the “*Agreement*.”

E. In connection with the prior sale and conveyance of certain lands in the District being developed for mixed use purposes, the Trust previously assigned its rights and obligations under the Agreement to Oryx.

F. The Parties desire to amend certain terms of the Agreement relating to the District’s authority to issue bonds.

### AGREEMENT

**NOW, THEREFORE**, for and in consideration of their mutual covenants and agreements, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

- 1. **District Bonds.** The Parties agree that Article III, Section C, of the Agreement is hereby amended to read in its entirety as follows:

“C. The District agrees that it shall issue bonds only in the maximum amount of \$119,245,000 for the purpose of: (i) providing for construction or acquisition of water, sanitary sewer, fire protection or drainage facilities, or contract rights therefor; (ii) the purposes set out in Article III (the “Facilities”); (iii) for the payment of creation, organization, and other costs and expenses reimbursable under the rules of TCEQ, and in the manner provided by the Commission and as permitted herein; and (iv) to finance costs relating to road projects through powers secured by the District under Section 52, Article III, Texas Constitution. The District shall submit to the City Administrator for City staff review a copy of the bond application, including the engineering report, at the time the District submits the same to the Commission for any bonds subject to review and approval by the Commission. All bonds of the District shall be approved by the City Council of the City prior to issuance. Review for such approval shall be performed by the City in a timely manner so as not to delay the TCEQ’s schedule for approval of the District’s bonds (if applicable). In addition, such approval shall not be unreasonably withheld or delayed and may be withheld only if either of the Landowners or the District is in material breach of this Agreement or the Development Agreement. Issuance of bonds is also contingent upon fees in escrow accounts being current. The City and Landowners agree that the provisions of this paragraph relate only to bonds payable from ad valorem taxes levied upon all taxable property within the District and shall not apply to bonds issued by the District to pay for improvements, facilities, or services that primarily benefit a defined area of the District and that do not generally and directly benefit the District as a whole (the “*Defined Area Bonds*”). The terms and conditions applicable to the issuance of any Defined Area Bonds by the District shall be set forth in a separate written agreement between the District, the City and one or more of the Landowners.

- 2. **Capitalized Terms.** Except as otherwise defined herein, all capitalized terms shall have the meanings set forth in the Agreement.
- 3. **Effect on Agreement.** Except as specifically modified by this Third Amendment, all terms and conditions of the Agreement shall remain in full force and effect.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGES FOLLOW]

**IN WITNESS WHEREOF**, the Parties have executed this Third Amendment in multiple copies, each of which will be deemed to be an original and of equal force and effect, to be effective as of the Effective Date.

**WFC:**

WFC Headwaters Owner VII, L.P.,  
a Delaware limited partnership

By: WFC Headwaters GP VII, L.L.C.,  
a Delaware limited liability company,  
its General Partner

By: WFC Headwaters Holdings JV VII, L.L.C.,  
a Delaware limited liability company,  
its Sole Member

By: FCA Austin, LLC,  
a Delaware limited liability company,  
its Administrative Member

By: [Signature]  
Name: Jesse R. Baker  
Title: Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF SUFFOLK

Before me, the undersigned authority, on this day personally appeared Jesse R. Baker, known to me to be the Authorized Signatory of FCA Austin, LLC, Administrative Member of WFC Headwaters Holdings JV VII, L.L.C., Sole Member of WFC Headwaters GP VII, L.L.C., General Partners of WFC Headwaters Owner VII, L.P. on behalf of said limited partnership and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this 21<sup>st</sup> day of May, 2020.

[Signature]  
SADIE FIELDING  
Notary Public in and for the State of Massachusetts  
My Commission expires on: 6/12/26



CITY:

CITY OF DRIPPING SPRINGS



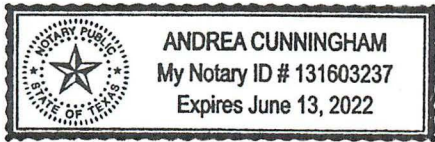
Bill Foulds Jr  
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham  
Andrea Cunningham, City Secretary

STATE OF TEXAS                   §  
   §  
COUNTY OF HAYS               §

This instrument was acknowledged before me on May 19, 2020, by Bill Foulds, Jr., Mayor of the City of Dripping Springs, Texas, a Texas municipality, on behalf of said municipality.



Andrea Cunningham  
Notary Public, State of Texas  
Printed Name: Andrea Cunningham  
My Commission Expires: 6/13/2020


[SEAL]





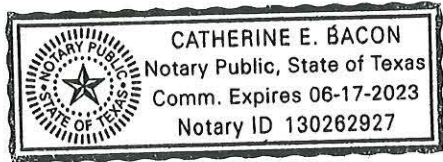
**ORYX:**


ORYX DEVELOPMENT, LLC  
a Texas limited liability company

By:   
Blake A. Rue, Managing Member

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was executed on this the 29<sup>th</sup> day of May, ~~2019~~ 2020 <sup>CEB</sup> by Blake A. Rue, as  
Managing Member of Oryx Development, LLC a Texas limited liability company, on behalf of said  
entity.



  
Notary Public, State of Texas  
Printed Name: Catherine E. Bacon  
My Commission Expires: 6-17-2023

[SEAL]



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

---

**Submitted By:** Aaron Reed, Public Works Coordinator

---

**Council Meeting Date:** 10/13/2020

**Agenda Item Wording:** **Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for Founders Park Road Street and Drainage Improvements.**

**Agenda Item Requestor:** Council Member Crow

---

**Summary/Background:** Founders Park Road was rebuilt as part of a donation agreement with the Big Sky subdivision. Drainage and trail improvements were included in the construction of the roadway. All elements of the project have been inspected by the City's inspectors and the City Engineer and found to be in conformance with the plans.

**Commission  
Recommendations:**

**Recommended  
Council Actions:** City Staff recommends approval.

**Attachments:**

**Next Steps/Schedule:** Send to City Secretary for execution.





MAINTENANCE BOND

BOND NO. 800103445

KNOW ALL MEN BY THESE PRESENTS:

That we CC Carlton Industries, Ltd. as Principal, and Atlantic Specialty Insurance Company as Surety, are held and firmly bound unto City of Dripping Springs

as Obligee in the sum of One Hundred Fifty-six Thousand Seventy-six And 25/100 Dollars (\$156,076.25) for which sum, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

WHEREAS, on the day of Principal entered into a contract with the Obligee for: Founders Park Road - Grading, Street, Storm Sewer and Wastewater Improvements

Which contract is by reference made a part hereof and is hereafter referred to as the Contract.

NOW THEREFORE, the condition of this obligation is such, that if the Contractor shall make good any defect in material or construction that shall appear within 2 (Two) year(s) from the date of the substantial completion, (October 13, 2020 ca) this shall be null and void and otherwise remain in full force and effect.

Signed, sealed and dated this 1st day of September, 2020.

CC Carlton Industries, Ltd.

Witness signature line

BY: [Signature] Principal ITS: PRESIDENT

Witness signature: Anduiana M. Gonzalez

Atlantic Specialty Insurance Company BY: [Signature] Attorney-In-Fact John W. Schuler



# Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Walter E. Benson Jr., Steve Dobson, John W. Schuler**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

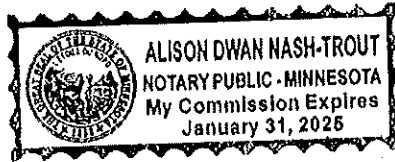
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.



By *Paul J. Brehm*  
Paul J. Brehm, Senior Vice President

STATE OF MINNESOTA  
HENNEPIN COUNTY

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



*Alison Nash-Trout*  
Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 1st day of September, 2020.



*Kara Barrow*  
Kara Barrow, Secretary

This Power of Attorney expires  
January 31, 2025

**IMPORTANT NOTICE**

To obtain information or make a complaint:

You may contact your agent.

You may call your Insurance Carrier's toll-free telephone number for information or to make a complaint at:

**1-800-321-2721**

You may also write to your Insurance Carrier  
at

Atlantic Specialty Insurance Company  
Paralegal

605 Highway 169 North, Suite 800  
Plymouth, MN 55441

1-781-332-7671

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints  
at

**1-800-252-3439**

You may write the Texas Department of Insurance:

P.O. Box 149104, Austin, TX 78714-9104

Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**PREMIUM OR CLAIM DISPUTES:** Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

**ATTACH THIS NOTICE TO YOUR POLICY:** This notice is for information only and does not become a part or condition of the attached document.

**AVISO IMPORTANTE**

Para obtener informacion o para someter una queja:

Puede comunicarse con su agente.

Usted puede llamar al numero de telefono gratis de su compañía de seguros para informacion o para someter una queja al:

**1-800-321-2721**

Usted tambien puede escribir a su compañía de seguros en:

Atlantic Specialty Insurance Company  
Paralegal

605 Highway 169 North, Suite 800  
Plymouth, MN 55441

1-781-332-7671

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de compañías, coberturas, derechos o quejas al:

**1-800-252-3439**

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104, Austin, TX 78714

Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**DISPUTAS SOBRE PRIMAS □ RECLAMOS:** Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:** Este aviso es solo para proposito de informacion y no se convierte en parte condicion del documento adjunto.



**ENGINEER'S CONCURRENCE LETTER**

October 1<sup>st</sup>, 2020

To: Aaron Reed ~ City Inspector  
 Chad Gilpin, PE ~ City Engineer  
 City of Dripping Springs 511 Mercer Street  
 PO Box 384  
 Dripping Springs, Texas 78620

Project: Founders Park Road  
 D&A Job #1691-002  
 Permit #SUB2018-0067

Owner/Developer's Name and Address:

Meritage Homes  
 8920 Business Park Drive, Suite 350  
 Austin, Texas 78759

Consultant Engineer's Name and Address:

Doucet and Associates, Inc.  
 7401B Highway 71 West, Suite 160  
 Austin, Texas 78735

I, Jennifer J Paisley, P.E., the undersigned Professional Engineer, or my representative made visual inspections of the above referenced project on multiple visits, most recently on September 26<sup>th</sup>. We have verified that the improvements were constructed per the approved plans with no significant deviations. There are a few things to note:

- 1) **Monument @ Cactus Garden:** On September 1<sup>st</sup> at the Parks meeting, the Commission made a determination to have the monument reconstructed. Meritage has agreed to work with the City to reconstruct a larger pedestal with the original stone to allow Parks to add information about the fauna in the cactus garden.
- 2) **Rob Shelton:** The valley gutter at the intersection of Rob Shelton was not installed. All parties have agreed that the intersection will be monitored for ponding. If the City decides there is a need, the contractor will install the valley gutter.

I, therefore, verify the that construction of the is project is complete.



Jennifer J Paisley, P.E.  
 Engineer-of-Record  
 Doucet & Associates,  
 Inc. TBPE Firm #3937

**CITY OF DRIPPING SPRINGS**

**RESOLUTION NO. 2020-R\_\_\_\_\_**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”),  
ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING A  
MAINTENANCE BOND FOR THE FOUNDERS PARK ROAD STREETS AND  
DRAINAGE IMPROVEMENTS, PROVIDING FOR EFFECTIVE DATE; AND  
PROPER NOTICE & MEETING

**WHEREAS**, CC Carlton Industries, Ltd. (“Contractor”) recently completed, and the City Engineer for the City of Dripping Springs has inspected, the improvements (“Improvements”) for Founders Park Road; and

**WHEREAS**, the City desires to accept as being complete in accordance with applicable development the Improvements at Founders Park Road; and

**WHEREAS**, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion on October 13, 2020 of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

**WHEREAS**, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:**

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
2. The City Council hereby accepts the Improvements at Founders Park Road.
3. The City Council hereby approves and accepts the Contractor’s proposed Maintenance Bond No. 800103445, from Atlantic Specialty Insurance Company (“Insurer”), included and attached herein (Attachment “A”).

4. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
5. The City Council hereby authorizes the Mayor or the Mayor's designee to execute any documentation on the City's behalf necessary to effectuate the intent and purpose of this Resolution.
6. This Resolution shall take effect immediately upon passage.
7. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED this, the 13<sup>th</sup> day of October 2020, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr, Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A"*

**(Insert Maintenance Bond No. 800103445: CC Carlton Industries Ltd., and Atlantic Specialty Insurance Company)**



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Kelly Schmidt

**Council Meeting Date:** 10.13.2020

**Agenda Item Wording:** **Approval of a Donation Agreement between the City of Dripping Springs and Denise Ranck regarding a Founders Park Memorial Bench with inlayed plaque honoring Rusty Ranck.**

**Agenda Item Requestor:** Denise Ranck

**Summary/Background:** Denise Ranck would like to purchase and donate a memorial bench to honor the memory of her late husband Rusty Ranck. The pair often walked Founders Park trails and the new section of trail was Rusty’s favorite segment of the walk. Ms. Ranck has provided her desired location and style of bench as well as plaque. She will pay for bench and plaque. The City Maintenance Department will install.



Memorial Plaque



Proposed Bench Location

**Landmark Recycled Plastic Memorial Benches**



**Memorial Benches with Extra Wide Back Perfect for Personalizing with an Engraving**

Constructed of eco-friendly, maintenance-free 100% recycled plastic using a 2" x 10" back board for strength and durability. These memorial benches are an outstanding symbol of Green Products for a Greener World. These benches can be securely fastened in place using the optional anchor kit. Available in the colors shown below. All stainless steel fasteners included.



**Model LB6WB-P**  
Cedar Seat | Black Frame

**Specifications**

- 6' Models have Three Frame Legs
- 8' Models have Four Frame Legs



**Staff  
Recommendations:**

Staff recommends approval of 6' memorial bench with black frame & cedar seat. The plaque to be provided by Denise Ranck. Install of the plaque and the bench to be completed by City Maintenance department.

**Commission  
Recommendations:**

Commission unanimously recommends the donation with a caveat that staff prepare and propose a formal memorial and recognition program to be considered and voted on at the next PRC meeting.

**Attachments:**

Donation Form

**Next Steps/Schedule:**

1. Contact Denise Ranck and inform her of Council's decision.
2. Order bench.
3. Submit work order with Maintenance Director Rice for bench install based on estimated delivery timeline.

Attachment A

# City of Dripping Springs Donation Form

Date Form Completed: 09.29.2020

Name of Donor: Denise Ranck Address of Donor:

Name of Donor's Representative (if different than Donor):

Phone Number of Donor:

Email Address of Donor: Deniseranck@gmail.com

Project for which Donation is made: Memorial Bench at Founders Park

Is this a Donation of: Labor/In-Kind Services? Cash? \_\_\_\_\_ Materials? \_\_\_\_\_  
Other? Memorial Bench

State the estimated completion date of project: 11.30.2020

Description of Donation:

**Landmark Recycled Plastic Memorial Benches** 

Memorial Benches with Extra Wide Back Perfect for Personalizing with an Engraving

Constructed of eco-friendly, maintenance-free 100% recycled plastic using a 2" x 10" back board for strength and durability. These memorial benches are an outstanding symbol of Green Products for a Greener World. These benches can be securely fastened in place using the optional anchor kit. Available in the colors shown below. All stainless steel fasteners included.




Model LB6WB-P  
Cedar Seat | Black Frame

**Specifications**

- 6' Models have Three Frame Legs
- 8' Models have Four Frame Legs

Actual or Approximate Value of Donation (including cost of materials and time):\$621.08

<p><b>Quote #</b> <b>WQ 276961</b></p> 	<p>Here is the Quote as per your request. The 'Shipping' total has been applied. To place an order, simply click 'Submit Order Confirmation' below. Please print this page for your records. Customer Order Confirmation is <b>required</b> to process order.</p> <p>627 Amersale Drive Naperville, IL. 60563 sales@belson.com</p> <p>Toll Free: <a href="tel:1-800-323-5664">1-800-323-5664</a> Phone: <a href="tel:1-630-897-8489">1-630-897-8489</a> Fax: <a href="tel:1-630-897-0573">1-630-897-0573</a></p>	<p><b>QUOTE #</b> <b>WQ 276961</b></p>																																										
<table border="1"> <thead> <tr> <th>Model #</th> <th>Description</th> <th>Lbs</th> <th>Quantity</th> <th>Unit Price</th> <th>Unit Total</th> </tr> </thead> <tbody> <tr> <td>LB6WB-P</td> <td>Recycled Plastic 6' Landmark Bench With Back, 3 Legs Choose Frame Color Choose Back/Seat Color</td> <td>142</td> <td>1</td> <td>\$401.00</td> <td>\$401.00</td> </tr> <tr> <td>RP-ROUTER</td> <td>Router / Engraving (Square/Rectangle/Circle Only) For Plaque's</td> <td>0</td> <td>1</td> <td>\$34.00</td> <td>\$34.00</td> </tr> <tr> <td colspan="2" style="text-align: right;">Subtotal</td> <td>142</td> <td></td> <td>Subtotal</td> <td>\$435.00</td> </tr> <tr> <td colspan="2"></td> <td></td> <td></td> <td><input type="checkbox"/> 0.000% Tax</td> <td>\$0.00</td> </tr> <tr> <td colspan="2"></td> <td></td> <td></td> <td>Shipping</td> <td>\$186.08</td> </tr> <tr> <td colspan="2"></td> <td></td> <td></td> <td>Grand Total</td> <td>\$621.08</td> </tr> </tbody> </table>			Model #	Description	Lbs	Quantity	Unit Price	Unit Total	LB6WB-P	Recycled Plastic 6' Landmark Bench With Back, 3 Legs Choose Frame Color Choose Back/Seat Color	142	1	\$401.00	\$401.00	RP-ROUTER	Router / Engraving (Square/Rectangle/Circle Only) For Plaque's	0	1	\$34.00	\$34.00	Subtotal		142		Subtotal	\$435.00					<input type="checkbox"/> 0.000% Tax	\$0.00					Shipping	\$186.08					Grand Total	\$621.08
Model #	Description	Lbs	Quantity	Unit Price	Unit Total																																							
LB6WB-P	Recycled Plastic 6' Landmark Bench With Back, 3 Legs Choose Frame Color Choose Back/Seat Color	142	1	\$401.00	\$401.00																																							
RP-ROUTER	Router / Engraving (Square/Rectangle/Circle Only) For Plaque's	0	1	\$34.00	\$34.00																																							
Subtotal		142		Subtotal	\$435.00																																							
				<input type="checkbox"/> 0.000% Tax	\$0.00																																							
				Shipping	\$186.08																																							
				Grand Total	\$621.08																																							
<p>Customer Order Confirmation is required to process order. Your Order will not be shipped without your "Order Confirmation"</p>																																												

Materials

& Staff Time for Install

Method value was determined (e.g., actual, retail/wholesale, appraisal, fair market value, other): **Retail**

---

Printed Name of Donor's Authorized Signee: Denise Ranck

Title of Authorized Signee: N/a

Signature of Authorized Signee: \_\_\_\_\_

Date Signed: \_\_\_/\_\_\_/\_\_\_

---

*City Use Only:*

Donation Agreement Required: \_\_\_ Yes \_\_\_ No

City Administrator Approval: \_\_\_ Yes \_\_\_ No

Commission/Board Approval: \_\_\_ Yes \_\_\_ No

City Council Approval: \_\_\_ Yes \_\_\_ No

ACCEPTED ON BEHALF OF THE CITY: \_\_\_/\_\_\_/\_\_\_

by: \_\_\_\_\_

## DONATION AGREEMENT

This Agreement by and between the City of Dripping Springs, Texas, a Type A, general-law municipality incorporated pursuant to the laws of the State of Texas and located in Hays County, Texas, (the “City”) and Denise Ranck providing for the requirements for and process of conveying and accepting donations to the City.

**WHEREAS**, the City is a general-law Type A municipality incorporated pursuant to the statutes of the State of Texas, and as such is authorized to accept donations for the benefit of the City; and

**WHEREAS**, the City is eligible under United States Internal Revenue Code Section 170(c)(1) to receive tax-deductible charitable contributions; and

**WHEREAS**, the City has express authority to contract with other persons pursuant to section 51.014 of the Texas Local Government Code; and

**WHEREAS**, the City of Dripping Springs encourages the donation of charitable contributions to the City for the benefit of the City and its residents; and

**WHEREAS**, the City Council finds that this Agreement will ensure complete implementation of a Donation; and

**WHEREAS**, the City Council finds that the following provisions are reasonable and necessary for the acceptance of donations.

**NOW THEREFORE, for and in consideration of the mutual covenants and obligations hereinafter set forth, and for other good and valuable consideration the City and Donor herein bargain, covenant, and agree with one another as follows:**

### **A. Purpose**

This Agreement serves as a statement or exchange of promises between the City and Donor. It is enacted to provide clear responsibilities and duties for the conveyance of a Donation by Donor and acceptance of a Donation by the City. The Agreement will ensure that each Donation accepted by the City is in the best interest of the City and its citizens.

### **B. Definitions**

- (1) **Agreement:** a statement or exchange of promises between the City and any Donor.
- (2) **City:** the City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.
- (3) **City Administrator:** the chief administrative officer of the City, or the officer’s designee.
- (4) **Donation:** any monetary or nonmonetary gift, grant, devise or bequest to the City. A monetary donation includes cash or a check, money order or other negotiable instrument. A nonmonetary donation includes real or personal property.
- (5) **Donation Form:** a document in a form approved by the City Administrator representing a donation conveyed to the City, including the value of the donation.

- (6) **Donor:** a person who gives a gift through a trust or charitable contribution.
- (7) **In-Kind:** payment or Donation made in the form of goods or services, rather than cash.
- (8) **Labor:** physical or mental exertion or productive activity that satisfies a City need.
- (9) **Land:** real property (i.e., real estate), including any fixtures or improvements upon and all water / mineral rights (unless expressly excluded).
- (10) **Materials:** Goods or products that satisfy a City need.
- (11) **Person:** a human individual, sole proprietorship, partnership, corporation, nonprofit corporation, foundation or unincorporated association, agency.
- (12) **Project:** an endeavor or undertaking for which a Donation is proposed, which is reasonably anticipated to benefit: (a) the City as an organization; (b) the citizenry, including residents, voters, and guests; or (c) the community at-large.
- (13) **Tax Deduction:** An expense, such as a charitable contribution, that can be deducted from one's taxable income.

### C. Types of Donations Generally

- (1) The City will accept most types of Donations if a Donation Form is filled out upon conveyance of a donation to the City.
- (2) The City is not legally able to own stock. As such, any donation of stock will be liquidated and turned into cash or another liquid asset, and treated as a monetary donation.
- (3) The City will not accept any type of Donation that the City Administrator, Deputy City Administrator, or Mayor (or City Council as provided below) deem is not beneficial to the City.

### D. Donation Form

Upon conveyance of a Donation of any type to the City, Donor agrees to fill out a Donation Form (*Attachment "A"*).

### E. Conveyance of Donation

Except for Donations of Land, the City will only accept Donations along with the requisite Donation Form presented to the City Administrator, Deputy City Administrator, or the Mayor at City Hall during normal City Hall hours.

### F. City Council Approval

All Donations of Land will only be accepted upon City Council approval.

### G. Accounting for Donation

The City will account for this Donation through a mechanism determined by the City.

### H. Tax-Deductible Contributions

- (1) Only upon completion and submission of a Donation Form to the City will Donor be eligible to receive a Tax Deduction for the Donation of a charitable contribution.
- (2) If the Donor does not complete and submit a Donation Form to the City, sign this Agreement, and complete the Donation, the City will not release any documents certifying the Donations.
- (3) Nothing in this Agreement shall be interpreted of imposing responsibility or accountability upon the City for the accuracy of the estimated value of the Donation received, unless the

City expressly agrees in writing to participate in the approximation of value through: (1) a public auction, (2) competitive bidding, (3) receipts provided (retail or wholesale) documenting the Donor's actual costs, or (4) a commonly utilized and clearly established methodology of determining fair market value.

- (4) The City is relieved from any and all responsibility and liability for estimating or calculating the value of the Donation received.

#### **I. Donation Amount**

By signing this Agreement Donor is acknowledging that:

- (1) The amount of the Donation is seven hundred fifty-nine (\$759.00) for a Memorial Bench at Founders Park including inlayed memorial plaque;
- (2) The anticipated cost for the entire project proposed as the subject of the Donation is not estimated to exceed seven hundred fifty-nine (\$759.00) for bench, installation hardware, inlayed plaque and/or
- (3) The project proposed as the subject of the Donation is anticipated sixty (60) days to reach substantial completion; and
- (4) The Donation does not unnecessarily burden the City or unreasonably encumber the funds contributed.

#### **J. Donation Completion**

- (1) By signing this Agreement Donor agrees to
  - a. Fully complete the Donation;
  - b. Complete the Donation within the timeframe specified under the Term of this Agreement.
  - c. Fund the cost of completing the Donation and refund the City any amount of funds it has lost or expended in expectation of timely compliance of the Donation if a project is not timely completed; and
  - d. Provide documentation specifically listing all gifts that the Donation will include; and;
  - e. Relieve the City from any and all responsibility for estimating or calculating the value of the Donation received.
- (2) If the City has received the Donation Form and a signed copy of this Agreement, the City agrees to release any and all documents certifying the Donation upon completion of the Donation.

#### **K. Criteria for Acceptance**

The City shall favorably consider accepting Donations if (in the sole discretion of the City) the intended bequeath satisfies one or more of the following criterion:

- (1) The Donation furthers a Project that has been approved by the City Council in the form of a long-term master or comprehensive plan (of some sort).
- (2) The Donation furthers a Project that is necessitated by a documented need to comply with county, state or federal regulations.
- (3) There is broad political or public support for the Donation and the Project.
- (4) The Project provides for the facilitation of cooperation between multiple civic groups, charitable organizations and/or political subdivisions.
- (5) The City has adequate human resources to maintain and operate the Project.
- (6) The Project will not pose a realistic threat to the public health, safety or welfare, or create an unreasonable source of legal liability for the City.

(7) The Donation will not pose an undue, continuing financial burden on the City, a result of which is to create a public obligation that outweighs the public benefits.

**L. Contact Information**

(1) Donor will at all times maintain the following points of contact:

Donor: Denise Ranck  
 Phone: 512-694-0119  
 Facsimile: n/a  
 Alternate Phone: n/a  
 E-Mail: deniseranck@gmail.com  
 Mailing Address: 700 Grand Prairie Circle, Dripping Springs, TX 78620

(2) The primary point of contact under this Agreement for the City shall be:

City Administrator: Michelle Fischer  
 Phone: (512) 858-4725  
 Facsimile: (512) 858-5646  
 Alternate Phone:  
 Email: mfischer@cityofdrippingsprings.com  
 Mailing Address: PO Box 984  
 Dripping Springs, Texas 78620-0384

**M. Term**

The term of this Agreement shall be for the duration of the product lifecycle of the bench. of the quality of the bench unless otherwise agreed to in writing by both parties through an amendment to this Agreement.

**N. Effective date**

This agreement takes effect 10.13.2020 and upon receipt of donation acquisition funds.

**O. Indemnification**

Denise Ranck agrees to INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY DAMAGES OCCURRING FROM THE ALLEGED NEGLIGENCE OF DONOR, HIS AGENTS, VOLUNTEERS, SERVANTS AND EMPLOYEES.

**P. Transferability**

Except as may otherwise be expressly provided herein, the rights and obligations created by this Agreement may not be transferred or assigned to another party without the express written consent of the City and Donor.

**Q. Governing Law**

The laws of the State of Texas shall govern any disputes or conflicts that arise under the terms of this Agreement. The venue for all legal actions involving this Agreement shall be Hays County.

**R. Entire Agreement**

This document represents the entirety of the agreement between the City and Donor. No oral or other written contracts outside of this Agreement shall have any affect unless they are approved in writing by both parties and made a part of this Agreement.

**S. Other Documents**

The City and Donor agree to execute such further documents, and to take such further acts, as may be necessary or required to carry out the terms of this Agreement.

**T. Amendments**

This Agreement may be amended only by an instrument in writing signed by the City and Donor.

**U. Severability**

The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application thereof to any person or circumstance shall ever be held by any agency or court of competent jurisdiction to be unenforceable, invalid or unlawful for any reason, the remainder of this Agreement shall not be affected thereby.

**V. Third Party**

Except as herein specifically and expressly provided, the terms and provisions of this Agreement are for the sole benefit of the City and Donor, and no third party whatsoever is intended to benefit herefrom.

**W. Authorization**

The City represents and warrants to, and covenants with Donor that:

- (1) The execution, delivery and performance of this Agreement by the executing officer have been duly authorized. This Agreement has been duly and validly executed and delivered by the executing officer on behalf of the City, and constitutes a valid and binding obligation, enforceable against the City in accordance with its terms.
- (2) No consent or approval of any third party, including, without limitation, any governmental authority, is required in connection with the execution, delivery or performance of this Agreement. The execution and delivery of this Agreement, and the performance of the obligations and consummation of the transactions contemplated herein do not and will not conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under any contract, indenture, mortgage, loan agreement, lease, joint venture or other agreement or instrument to which the City is a party or by which the City or any of its respective properties are bound, or result in any violation by it of any law, order, rule or regulation of any court or governmental agency or body. The City is not in material violation of any law, ordinance, governmental rule or regulation or court decree



to which it may be subject, nor has it failed to obtain and maintain in full force and effect any license, permit, certificate, franchise or other governmental authorization necessary to the ownership of its respective property or to the conduct of its operations under this Agreement.

**Executed this, the 13<sup>th</sup> day of October 2020.**

**CITY OF DRIPPING SPRINGS:**

**DONOR:**

\_\_\_\_\_  
Bill Foulds, Jr, Mayor

\_\_\_\_\_  
Denise Ranck



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Maggie Martin- Events and Program Specialist

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** **Approval of a Donation Agreement between the City of Dripping Springs and Girl Scout Silver Award Candidate Autumn Pope regarding renovations to Charro Ranch Park's Informational Kiosk.**

**Agenda Item Requestor:** Autumn Pope

**Summary/Background:** To earn their Silver Award, girl scouts must lead one project (equaling 50 hours or more) that will have lasting impact on the community. The Scouts have until December 31<sup>st</sup> to complete their project. Autumn Pope hopes to update and restore the Charro Ranch Kiosk because it lacks in relevant information about the park. The Parks and Community Services Department will oversee the execution of the project; however, Ms. Pope will be responsible for the project at hand. In the restoration, she will include interpretive signage to make it more accessible, any necessary repairs, and information regarding the park such as vegetation and wildlife.

**Recommended Council Actions:** Consent the approval of the Silver Award Charro Ranch Project recommended by the Parks Commission.

**Attachments:** Silver Award Parks Presentation, Donation Form, Donation Agreement

**Next Steps/Schedule:** Inform Ms. Pope of the Commission decision and move forward with the renovations of the Kiosk.

# Silver Award to Help Dripping Springs Park Department



Updating the Kiosk Signage at Charro Ranch Park

# Overview

The kiosk signage at Charro Ranch park is in need of renovating to be more inclusive of different communities and accessible to everybody. As part of my Silver Award Project for Girl Scouts, I would be more than willing to take on the responsibilities involved of updating the kiosk. This includes creating new interpretive signage and providing any repairs that may be necessary.



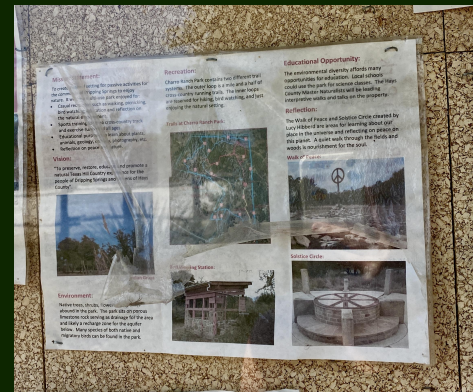
# Information About the Girl Scout Silver Award

The Silver Award is a project where an individual must make a lasting impact on the community for years to come by addressing something they care about. It requires approximately 50 hours of work. The deadline for my Silver Award Project is December 31st, so preferably I should finish renovating the kiosk a few weeks before then.



# What I Would Change

To make the kiosk more comprehensible and informative, I would include a map of the trails in the park and information on what vegetation, wildlife, and structures can be found in the park. I will ask members of the community what they would like to see and of any changes that they would like to be made. If the kiosk is in need of renovation, such as a paint job or repairs, I will be undertaking the task.



# Who it Will Help

This project would help:

- people that have vision impairments and may have trouble reading small print.
- people who speak other languages and need visuals to understand the information.
- people who want more details about what Charro Ranch Park and other Dripping Springs parks have to offer.

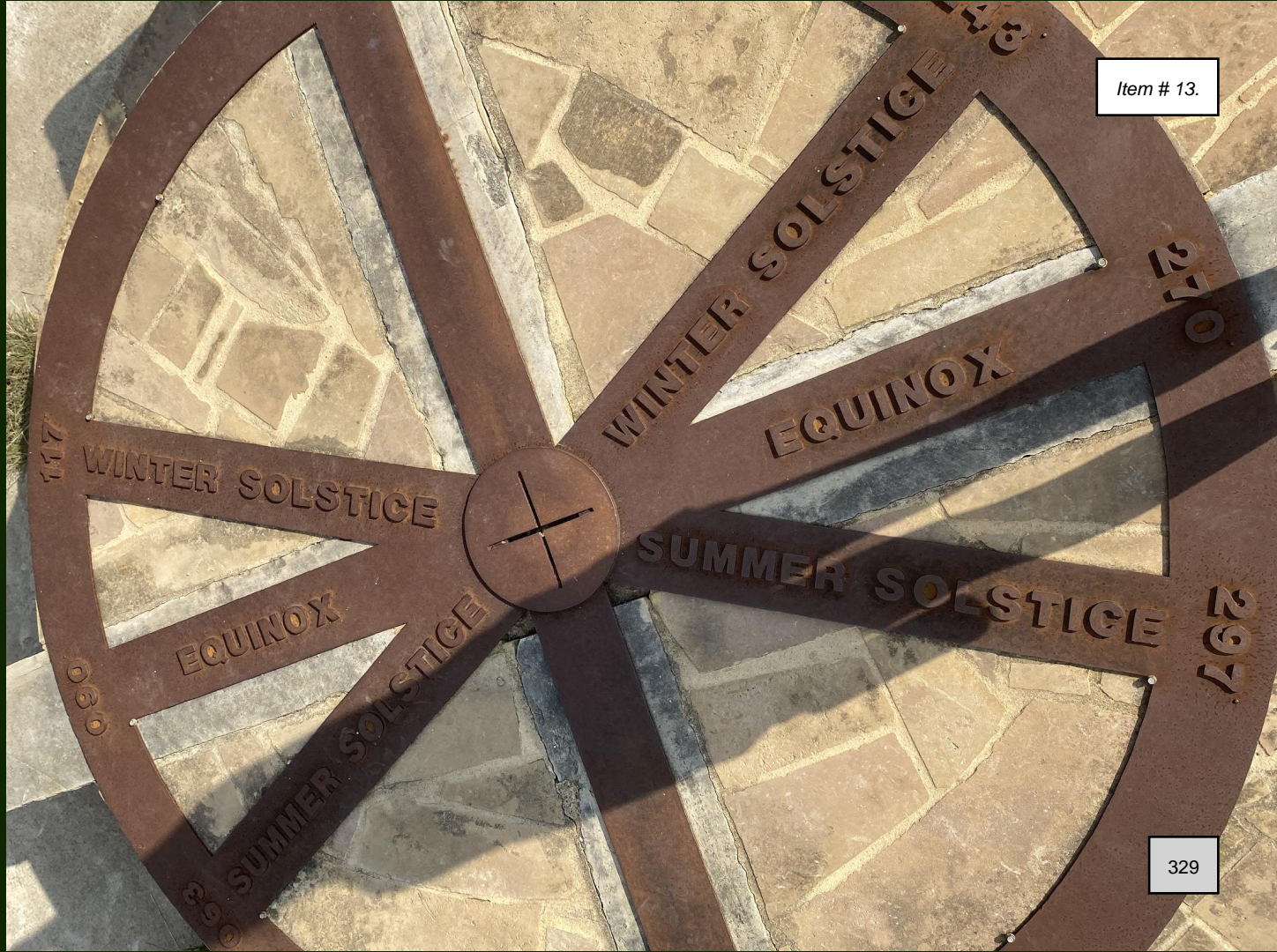
# Why I Chose to do this as my Project

I chose to work with the Dripping Springs Park Department because I love parks and enjoy being out in nature. I would like for people from all lifestyles to have the opportunity to enjoy themselves in the outdoors and learn about what lies there. My goal for this project is to attract more people to the park and also to learn more about it myself.





Thank you!



Item # 13.

329

**DONATION AGREEMENT**

This Agreement by and between the City of Dripping Springs, Texas, a Type A, general-law municipality incorporated pursuant to the laws of the State of Texas and located in Hays County, Texas, (the “City”) and Autumn Pape & Audrey Row providing for the requirements for and process of conveying and accepting donations to the City.

**WHEREAS,** the City is a general-law Type A municipality incorporated pursuant to the statutes of the State of Texas, and as such is authorized to accept donations for the benefit of the City; and

**WHEREAS,** the City is eligible under United States Internal Revenue Code Section 170(c)(1) to receive tax-deductible charitable contributions; and

**WHEREAS,** the City has express authority to contract with other persons pursuant to section 51.014 of the Texas Local Government Code; and

**WHEREAS,** the City of Dripping Springs encourages the donation of charitable contributions to the City for the benefit of the City and its residents; and

**WHEREAS,** the City Council finds that this Agreement will ensure complete implementation of a Donation; and

**WHEREAS,** the City Council finds that the following provisions are reasonable and necessary for the acceptance of donations.

**NOW THEREFORE, for and in consideration of the mutual covenants and obligations hereinafter set forth, and for other good and valuable consideration the City and Donor herein bargain, covenant, and agree with one another as follows:**

**A. Purpose**

This Agreement serves as a statement or exchange of promises between the City and Donor. It is enacted to provide clear responsibilities and duties for the conveyance of a Donation by Donor and acceptance of a Donation by the City. The Agreement will ensure that each Donation accepted by the City is in the best interest of the City and its citizens.

**B. Definitions**

- (1) **Agreement:** a statement or exchange of promises between the City and any Donor.
- (2) **City:** the City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.
- (3) **City Administrator:** the chief administrative officer of the City, or the officer’s designee.
- (4) **Donation:** any monetary or nonmonetary gift, grant, devise or bequest to the City. A monetary donation includes cash or a check, money order or other negotiable instrument. A nonmonetary donation includes real or personal property.
- (5) **Donation Form:** a document in a form approved by the City Administrator representing a donation conveyed to the City, including the value of the donation.

- (6) **Donor:** a person who gives a gift through a trust or charitable contribution.
- (7) **In-Kind:** payment or Donation made in the form of goods or services, rather than cash.
- (8) **Labor:** physical or mental exertion or productive activity that satisfies a City need.
- (9) **Land:** real property (i.e., real estate), including any fixtures or improvements upon and all water / mineral rights (unless expressly excluded).
- (10) **Materials:** Goods or products that satisfy a City need.
- (11) **Person:** a human individual, sole proprietorship, partnership, corporation, nonprofit corporation, foundation or unincorporated association, agency.
- (12) **Project:** an endeavor or undertaking for which a Donation is proposed, which is reasonably anticipated to benefit: (a) the City as an organization; (b) the citizenry, including residents, voters, and guests; or (c) the community at-large.
- (13) **Tax Deduction:** An expense, such as a charitable contribution, that can be deducted from one's taxable income.

### C. Types of Donations Generally

- (1) The City will accept most types of Donations if a Donation Form is filled out upon conveyance of a donation to the City.
- (2) The City is not legally able to own stock. As such, any donation of stock will be liquidated and turned into cash or another liquid asset, and treated as a monetary donation.
- (3) The City will not accept any type of Donation that the City Administrator, Deputy City Administrator, or Mayor (or City Council as provided below) deem is not beneficial to the City.

### D. Donation Form

Upon conveyance of a Donation of any type to the City, Donor agrees to fill out a Donation Form (*Attachment "A"*).

### E. Conveyance of Donation

Except for Donations of Land, the City will only accept Donations along with the requisite Donation Form presented to the City Administrator, Deputy City Administrator, or the Mayor at City Hall during normal City Hall hours.

### F. City Council Approval

All Donations of Land will only be accepted upon City Council approval.

### G. Accounting for Donation

The City will account for this Donation through a mechanism determined by the City.

### H. Tax-Deductible Contributions

- (1) Only upon completion and submission of a Donation Form to the City will Donor be eligible to receive a Tax Deduction for the Donation of a charitable contribution.
- (2) If the Donor does not complete and submit a Donation Form to the City, sign this Agreement, and complete the Donation, the City will not release any documents certifying the Donations.
- (3) Nothing in this Agreement shall be interpreted of imposing responsibility or accountability upon the City for the accuracy of the estimated value of the Donation

received, unless the City expressly agrees in writing to participate in the approximation of value through: (1) a public auction, (2) competitive bidding, (3) receipts provided (retail or wholesale) documenting the Donor's actual costs, or (4) a commonly utilized and clearly established methodology of determining fair market value.

- (4) The City is relieved from any and all responsibility and liability for estimating or calculating the value of the Donation received.

#### **I. Donation Amount**

- (1) By signing this Agreement Donor is acknowledging that:
- (2) The amount of the Donation is in-kind improvements and labor estimated at a value of equal to or less than eight hundred dollars (\$800.00) for improvements to the Charro Ranch Park's Information Kiosk;
- (3) The anticipated cost for the entire project proposed as the subject of the Donation is estimated not to exceed eight hundred dollars (\$800.00 inclusive of all funding); and/or
- (4) The project proposed as the subject of the Donation is anticipated 90 days to reach substantial completion; and
- (5) The Donation does not unnecessarily burden the City or unreasonably encumber the funds contributed.

#### **J. Donation Completion**

- (1) By signing this Agreement Donor agrees to
- a. Fully complete the Donation;
  - b. Complete the Donation within the timeframe specified under the Term of this Agreement.
  - c. Fund the cost of completing the Donation and refund the City any amount of funds it has lost or expended in expectation of timely compliance of the Donation if a project is not timely completed; and
  - d. Provide documentation specifically listing all gifts that the Donation will include; and;
  - e. Relieve the City from any and all responsibility for estimating or calculating the value of the Donation received.
- (2) If the City has received the Donation Form and a signed copy of this Agreement, the City agrees to release any and all documents certifying the Donation upon completion of the Donation.

#### **K. Criteria for Acceptance**

The City shall favorably consider accepting Donations if (in the sole discretion of the City) the intended bequeath satisfies one or more of the following criterion:

- (1) The Donation furthers a Project that has been approved by the City Council in the form of a long-term master or comprehensive plan (of some sort).
- (2) The Donation furthers a Project that is necessitated by a documented need to comply with county, state or federal regulations.
- (3) There is broad political or public support for the Donation and the Project.
- (4) The Project provides for the facilitation of cooperation between multiple civic groups, charitable organizations and/or political subdivisions.
- (5) The City has adequate human resources to maintain and operate the Project.

- (6) The Project will not pose a realistic threat to the public health, safety or welfare, or create an unreasonable source of legal liability for the City.
- (7) The Donation will not pose an undue, continuing financial burden on the City, a result of which is to create a public obligation that outweighs the public benefits.

**L. Contact Information**

- (1) Donor will at all times maintain the following points of contact:

Donor: Autumn Pape & Audrey Row (Girl Scout Silver Award Project)  
 Phone: 512-789-1633  
 E-Mail: dgpape@yahoo.com  
 Mailing Address: 100 Rachels Canyon Dr., Dripping Springs, TX 78620

- (2) The primary point of contact under this Agreement for the City shall be:

City Administrator: Michelle Fischer  
 Phone: (512) 858-4725  
 Facsimile: (512) 858-5646  
 Alternate Phone:  
 Email: mfischer@cityofdrippingsprings.com  
 Mailing Address: PO Box 384  
 Dripping Springs, Texas 78620-0384

**M. Term**

The term of this Agreement shall be for 90 days unless otherwise agreed to in writing by both parties through an amendment to this Agreement.

**N. Termination**

Either Party may terminate the agreement at hand, for any reason, with 30 days written notice to the other Party.

**O. Effective date**

This agreement takes effect as soon as it is signed by both Parties and approved by City Council.

**P. Indemnification**

DONOR AGREES TO INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY DAMAGES OCCURRING FROM THE ALLEGED NEGLIGENCE OF DONOR, HIS AGENTS, VOLUNTEERS, SERVANTS AND EMPLOYEES.

**Q. Transferability**

Except as may otherwise be expressly provided herein, the rights and obligations created by this Agreement may not be transferred or assigned to another party without the express written consent of the City and Donor.

**R. Governing Law**

The laws of the State of Texas shall govern any disputes or conflicts that arise under the terms of this Agreement. The venue for all legal actions involving this Agreement shall be Hays County.

**S. Entire Agreement**

This document represents the entirety of the agreement between the City and Donor. No oral or other written contracts outside of this Agreement shall have any affect unless they are approved in writing by both parties and made a part of this Agreement.

**T. Other Documents**

The City and Donor agree to execute such further documents, and to take such further acts, as may be necessary or required to carry out the terms of this Agreement.

**U. Amendments**

This Agreement may be amended only by an instrument in writing signed by the City and Donor.

**V. Severability**

The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application thereof to any person or circumstance shall ever be held by any agency or court of competent jurisdiction to be unenforceable, invalid or unlawful for any reason, the remainder of this Agreement shall not be affected thereby.

**W. Third Party**

Except as herein specifically and expressly provided, the terms and provisions of this Agreement are for the sole benefit of the City and Donor, and no third party whatsoever is intended to benefit herefrom.

**X. Authorization**

The City represents and warrants to, and covenants with Donor that:

- (1) The execution, delivery and performance of this Agreement by the executing officer have been duly authorized. This Agreement has been duly and validly executed and delivered by the executing officer on behalf of the City, and constitutes a valid and binding obligation, enforceable against the City in accordance with its terms.
- (2) No consent or approval of any third party, including, without limitation, any governmental authority, is required in connection with the execution, delivery or performance of this Agreement. The execution and delivery of this Agreement, and the performance of the obligations and consummation of the transactions contemplated herein do not and will not conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under any contract, indenture, mortgage, loan agreement, lease, joint venture or other agreement or instrument to which the City is a party or by which the City or any of its respective properties are bound, or result in any violation by it of any law, order, rule or regulation of any court or governmental agency or body. The City is not in material violation of any law, ordinance, governmental rule or regulation or court decree to which it may be subject, nor has it failed to obtain and maintain in full force and effect

any license, permit, certificate, franchise or other governmental authorization necessary to the ownership of its respective property or to the conduct of its operations under this Agreement.

**Executed this, the 13<sup>th</sup> day of October 2020.**

**CITY OF DRIPPING SPRINGS:**

**DONOR:**

\_\_\_\_\_  
Bill Foulds, Jr, Mayor

\_\_\_\_\_  
Autumn Pope

\_\_\_\_\_  
Audrey Row

### DONATION AGREEMENT

This Agreement by and between the City of Dripping Springs, Texas, a Type A, general-law municipality incorporated pursuant to the laws of the State of Texas and located in Hays County, Texas, (the “City”) and North Hays County Emergency Medical Services (Donee) providing for the requirements for and process of conveying and providing donations to a non-profit from the City.

The City is a general-law Type A municipality incorporated pursuant to the statutes of the State of Texas, and as such is authorized to provide funds, goods, and services for a public purpose to a community organization. The City has express authority to contract with other persons pursuant to section 51.014 of the Texas Local Government Code. The City acknowledges that the provision of resources needed for a response to COVID-19 for the Donee is for a public purpose.

The City agrees to provide resources in an amount up to four thousand dollars (\$4,000) for use in response to the COVID-19 Public Health Emergency for reimbursement of the purchase of a Clorox Disinfecting Sprayer. Receipt for purchase of the Sprayer is attached as Attachment “A”.

Donee agrees to use the donation provided by the city, for the public purpose of COVID-19 response and for the support of the residents of the City of Dripping Springs. Donee agrees to not waste, sell, or trade the donation or any goods or services purchased with donated funds provided by the City and that the donated goods donation or any goods or services purchased with donated funds may not be transferred, sold, given or assigned to any other organization or other entity. The Donee shall keep records of the use of the donated funds/goods and shall provide access to the City of the information related to the use of the donated goods/funds upon request. Donee agrees to provide access to the equipment for use by the City as needed and based on its availability for use.

#### A. Contact Information

(1) Donor will at all times maintain the following points of contact:

Donee: North Hays County Emergency Medical Services  
111 EMS Drive, Dripping Springs, TX 78620  
[info@northhayscountyesd1.org](mailto:info@northhayscountyesd1.org)  
(512) 829-4356

(2) The primary point of contact under this Agreement for the City shall be:

City: City Administrator, Michelle Fischer  
PO Box 384, Dripping Springs, TX 78620  
[mfischer@cityofdrippingsprings.com](mailto:mfischer@cityofdrippingsprings.com)  
(512) 858-4725



**B. Effective date**

This agreement takes effect as soon as it is signed by both Parties.

**C. Indemnification**

DONEE AGREES TO INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY DAMAGES OCCURRING FROM THE ALLEGED NEGLIGENCE OF DONEE, ITS AGENTS, VOLUNTEERS, SERVANTS AND EMPLOYEES.

**D. Transferability**

Except as may otherwise be expressly provided herein, the rights and obligations created by this Agreement may not be transferred or assigned to another party without the express written consent of the City and Donor.

**E. Governing Law**

The laws of the State of Texas shall govern any disputes or conflicts that arise under the terms of this Agreement. The venue for all legal actions involving this Agreement shall be Hays County.

**F. Entire Agreement**

This document represents the entirety of the agreement between the City and Donor. No oral or other written contracts outside of this Agreement shall have any affect unless they are approved in writing by both parties and made a part of this Agreement.

**Executed this, the 13<sup>th</sup> day of October 2020.**

**DONOR**

*City of Dripping Springs*

**DONEE**

*North Hays County Emergency Medical Services*

\_\_\_\_\_  
Michelle Fischer, City Administrator

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

Attachment "A"



**INVOICE**

010000389718282639747110000000003995000909203

North Hays County ESD 1  
Po Box 1604  
Dripping Springs, TX 78620-1604

Ship/Sold-To: 3897183  
North Hays County ESD 1  
111 Ems Dr  
Dripping Springs, TX 78620-2174

Bill-To: 3897182  
North Hays County ESD 1  
Po Box 1804  
Dripping Springs, TX 78620-1804

Invoice# 82639747	Invoice Date 09/09/20	Due Date 10/09/20	Invoice Total \$3995.00
Purchase Order# COVID19		Payment Terms Invoice Date + 30 days	
Customer DEA#		Customer State Reg#	
MTX Federal ID#		MTX D&B#	

LINE NO.	ITEM CODE	UNIT SIZE	DESCRIPTION	QTY ORDERED	QTY SHIPPED	CODE	UNIT PRICE	EXT. PRICE	BOX NO.	SHIP FROM	
<i>This is a backordered shipment for order:91884197 original invoice:79870942</i>											
1	136-3554	EA	Sprayer Clorox Total360 Electr Clx1100 ITEM UNDER 12 MONTHS WARRANTY FROM INVOICE DATE. CASE GOOD ITEM, MAY BE SHIPPED SEPARATELY.	1	1	W C	3,995.00	3,995.00	1	IN	
<b>MERCHANDISE TOTAL</b>							<b>\$3,995.00</b>				
<b>INVOICE TOTAL</b>							<b>\$3,995.00</b>				

Please refer to back of paperwork for Terms of Sale and disclosures or go to <http://www.henryschein.com/us-en/medical/legal/terms.aspx>. Such terms are incorporated herein by reference.

Thank you for your order!

Ship To# 3897183	Bill To# 3897182	Invoice# 82639747	Invoice Date 09/09/20	Invoice Total \$3995.00	<b>CODE STATUS KEY</b> S-Special Schein Pricing      A-Item has Safety Data Sheet (SDS) B-Backordered; Item will follow      R-Refrigerated Item; May be shipped separately C-Case Good Item      SK-School Kit D-Discontinued; Item no longer available      SM-Shipped from Multiple Buildings F-Special Offer      T-Trackable Item M-Item will ship directly from manufacturer      U-Temporarily Unavailable; please reorder NG-No Charge      W-Warranty Item P-Description Drug: Return Authorization Required      WH, NN, RC, DM-DCSA CODES
Order# 91884197	Order Date 07/15/20	# of Boxes 1	PO# COVID19		

Distribution Name/Address:  
 34 SDC W 7th St, Indianapolis, IN 46204  
 36M: 9-0160481 State Reg#: 4801176A  
 32ms: Reg: 0067488Y

Please remit payments to, Henry Schein, Inc. Dept CH 10241 Palatine, IL 60055-0241 US

Page 1 of 1



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

---

**Submitted By:** Michelle Fischer, City Administrator

---

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** **Approval of a Resolution of the City of Dripping Springs Accepting Dripping Springs Ranch Park Dam Improvements and Approving a two-year maintenance bond for Ranch Park Dam Improvements completed by DigDug Construction.**

**Agenda Item Requestor:** Michelle Fischer, City Administrator

---

**Summary/Background:** The DSRP Dam Improvements Project has been completed on time. The project went very smoothly with only one change order in the amount of \$12,332,25 for a French drain to remediate ground water. The project was inspected by City Staff and the City Engineer at every phase and the Design Engineer did a final inspection with City Staff. The Design Engineer has corresponded with TCEQ to confirm the declassification of the dam.

The project is a major improvement to this area of Ranch Park and the new sidewalk will provide a new way for park visitors to enjoy the pond and access the rest of the park trails.

The Resolution accepts the improvements and a two year maintenance bond in the amount of \$332,502.52.

**Commission Recommendations:** N/A

**Recommended Council Actions:** Approve the resolution.

**Attachments:** Resolution, Maintenance Bond, Rider to Maintenance Bond for Change Order, photos of project.

**Next Steps/Schedule:** File Maintenance Bond; pay contractor retainage.



 **Jerry Moreno** is with Stacy Berg at Dripping Springs Ranch Park & Event Center.  
1d · Dripping Springs · 🌐

Gorgeous evening.





# MAINTENANCE BOND

**46K000232**

KNOW ALL MEN BY THESE PRESENTS, that we,

DigDug Construction LLC

as Principal, and The Ohio Casualty Insurance Company, as Surety, are held and firmly bound unto City of Dripping Springs

(hereinafter called the Obligee), in the penal sum of Three Hundred Twenty Thousand One Hundred Seventy Dollars And Twenty-seven Cents Dollars \$320,170.27

for the payment of which, well and truly to be made, we do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Dated: April 24th, 2020

WHEREAS, the said Principal has heretofore entered into a contract with the Obligee for Ranch Park Dam

and, WHEREAS, the work called for under said contract has now been completed and accepted by said Obligee;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall for a period of 2 years from and after the date of the completion of the contract indemnify the Obligee against any loss or damage directly arising by reason of any defect in the material or workmanship that may be discovered within the period aforesaid, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that in the event of any default on the part of the Principal, written statement of the particular facts showing such default and the date thereof shall be delivered to the Surety by registered mail, at its home office in the city of Keene, New Hampshire, promptly and in any event within ten (10) days after the Obligee or his representative shall learn of such default; and that no claim, suit or action by reason of any default of the Principal shall be brought hereunder after the expiration of thirty days from the end of the maintenance period as herein set forth.

DigDug Construction LLC  
(Principal)

By: [Signature]

The Ohio Casualty Insurance Company

By: [Signature]  
Joy M Holten  
(Attorney-in-Fact)



S-177



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Item # 15.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8202140 - 977336

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Patrick L. Watkins, Joy M Holten, Sheila P. Noxon, James F. Siddons, April M. Terbay

all of the city of Austin state of TX each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 13th day of September, 2019.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 13th day of September, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 24th day of April, 2020.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary





TEXAS  
IMPORTANT NOTICE

To obtain information or make a complaint:

You may call toll-free for information or to make a complaint at  
1-877-751-2640

You may also write to:

Interchange Corporate Center  
450 Plymouth Road, Suite 400  
Plymouth Meeting, PA 19462-1644

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at  
1-800-252-3439

You may write the Texas Department of Insurance Consumer Protection (111-1A)  
P. O. Box 149091  
Austin, TX 78714-9091  
FAX: (512) 490-1007  
Web: <http://www.tdi.texas.gov>  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should first contact the agent or call 1-800-843-6446. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR  
POLICY:

This notice is for information only and does not become a part or condition of the attached document.

TEXAS  
AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis para informacion o para someter una queja al  
1-877-751-2640

Usted tambien puede escribir a:

Interchange Corporate Center  
450 Plymouth Road, Suite 400  
Plymouth Meeting, PA 19462-1644

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al  
1-800-252-3439

Puede escribir al Departamento de Seguros de Texas Consumer Protection (111-1A)  
P. O. Box 149091  
Austin, TX 78714-9091  
FAX # (512) 490-1007  
Web: <http://www.tdi.texas.gov>  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente o primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI)

UNA ESTE AVISO A SU POLIZA:

Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.



# CHANGE RIDER

To be attached to and form a part of Bond No. 46K000232

in the amount of \$12,332.25 issued by The Ohio Casualty Insurance Company

on behalf of DigDug Construction LLC

in favor of City of Dripping Springs

It is understood and agreed that the bond described above is hereby modified so as to  
Amend the Effective Date 10/13/2020 and the Maintenance Bond Amount to \$12,332.25.

It is further expressly understood and agreed that the aggregate liability of the The Ohio Casualty Insurance Company under said bond to the obligee herein mentioned shall not exceed the amount stated above.

Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, agreements, conditions or limitations of the above-mentioned bond, other than as above stated.

Signed, sealed and dated this 13th day of October, 2020.

The Ohio Casualty Insurance Company



BY: James F. Siddons Attorney-in-Fact



**CITY OF DRIPPING SPRINGS**

**RESOLUTION No. 2020-R\_\_**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING A MAINTENANCE BOND FOR THE CITY OF DRIPPING SPRINGS RANCH PARK DAM, PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE & MEETING

**WHEREAS**, DigDug Construction LLC (“Contractor”) recently completed, and the City Engineer for the City of Dripping Springs has inspected, the improvements (“Improvements”) for the City of Drippings Springs Ranch Park Dam; and

**WHEREAS**, the City desires to accept as being complete in accordance with applicable development the Improvements at Ranch Park Dam; and

**WHEREAS**, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

**WHEREAS**, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

**WHEREAS**, substantial completion of the improvements was verified and the Two (2) Year time period for the maintenance bond begins on October 13, 2020; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:**

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
2. The City Council hereby accepts the Ranch Park Dam improvements at the City of Dripping Springs Ranch Park.

3. The City Council hereby approves and accepts the Contractor’s proposed Maintenance Bond No. 46K000232 and the Rider for the 46K000232, from Liberty Mutual Surety (“Insurer”), included and attached herein (Attachments “A” and “B”).
4. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
5. The City Council hereby authorizes the Mayor or the Mayor’s designee to execute any documentation on the City’s behalf necessary to effectuate the intent and purpose of this Resolution.
6. This Resolution shall take effect immediately upon passage.
7. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED this, the 13<sup>th</sup> day of October 2020, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A"*

**(Insert Maintenance Bond No. 46K000232: Dig Dug Construction LLC, and Liberty Mutual Surety)**

*Attachment "B"*

**(Insert Rider to Maintenance Bond No. 46K000232: Dig Dug Construction LLC, and Liberty Mutual Surety)**



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

---

**Submitted By:** Laura Mueller, City Attorney

---

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** Approval of a Resolution Amending the Personnel Manual as it relates to a Telecommuting Policy.

**Agenda Item Requestor:** Mayor Bill Foulds, Jr.

---

**Summary/Background:** The City has seen an increase in telecommuting since March with the beginning of the Public Health Emergency, COVID-19. As employees transition back to their workplaces at the City it may still benefit the City and employees to have access to telecommuting in a structured environment. The changes to the Telecommuting Policy include additional criteria to consider when allowing telecommuting including:

1. Requiring that employee be available during telecommuting time by phone and email and for virtual meetings; and
2. Removal of telecommuting opportunities for failure to maintain availability; and
3. Ensuring someone is at the City offices in the department as much as possible; and
4. Reviewing productivity for telecommuting employees; and
5. Requiring a plan from the telecommuting employee.

**Commission Recommendations:** N/A

**Recommended Council Actions:** Approval of Policy.

**Attachments:** Resolution and Policy

**Next Steps/Schedule:** City Hall is still working a staggered schedule based on COVID-19, so the planning is done to accomplish the City's health goals. Once City Hall reopens, if the policy is adopted, any employee who wishes to continue to telecommute must provide their supervisor for a plan for telecommuting including hours and availability.

City staff will be educated on the policy should it be adopted.

**CITY OF DRIPPING SPRINGS**

**RESOLUTION No. 2020-R\_\_**

A RESOLUTION OF THE CITY COUNCIL OF DRIPPING SPRINGS, TEXAS,  
REVISING THE PERSONNEL MANUAL.

**WHEREAS**, each city should have a personnel manual directed to its employees to provide guidance on the duties and responsibilities of the city and the employees; and

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) finds it to be in the public interest, and necessary for the public health, safety and welfare, that the City of Dripping Springs *Personnel Manual* be updated from time to time to reflect current state and federal law and city practices related to city employees; and

**WHEREAS**, the City Council finds that it is reasonable and prudent for this amendment to the *Personnel Manual* to be adopted.

**NOW, THEREFORE, BE IT RESOLVED by the City of Dripping Springs City Council:**

1. The City Council hereby approves the amendment to City of Dripping Springs *Personnel Manual* pursuant to *Exhibit A*, attached.
2. The City Council approves the funds necessary for these personnel actions, as provided in the budget for the current fiscal year.
3. The City Council directs City staff to work with the Mayor and City Administrator to acknowledge the amendment to the *Personnel Manual* and receive training and information on the amended *Personnel Manual* under the direction of the Mayor and City Administrator.

**PASSED & APPROVED this, the 13<sup>th</sup> day of October 2020, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

---

Bill Foulds, Jr., Mayor

**ATTEST:**

---

Andrea Cunningham, City Secretary



ATTACHMENT "A"  
CITY OF DRIPPING SPRINGS  
TELECOMMUTING POLICY  
OCTOBER 2020

**6.04 Telecommuting**

Employees may be allowed to occasionally work from remote locations, with the prior consent of the Mayor or City Administrator. The City Administrator may also designate certain employees for regular telecommuting schedules. A telecommuting schedule is not guaranteed for any employee and may be modified, restricted, or removed at any time by the City Administrator or Mayor.

All telecommuting employees shall make themselves available on a set schedule including being available at their city owned cellphone during work hours, if any, or having their phone extension forwarded to their cellphone while telecommuting. The employee shall also maintain access to electronic mail at all times while telecommuting. Employee shall be available for virtual meetings while telecommuting. Any employee who is unable to maintain phone and electronic mail access during their telecommuting time shall not be eligible for telecommuting.

Considerations for telecommuting shall include: (1) department availability at City Hall; (2) availability of telecommuting employee; (3) productivity of telecommuting employee; and (4) in person meeting requirements for telecommuting employee.

Any telecommuting employee shall develop a written plan with the employee's supervisor upon request for telecommuting.



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

---

**Submitted By:** Tina Adams, Dripping Springs Ranch Park Event Manager

---

**Council Meeting Date:** 10.13.2020

**Agenda Item Wording:** Approval of the DSRP Part-time Ranch Hand job description

**Agenda Item Requestor:** Council Member Todd Purcell

---

**Summary/Background:**

DSRP & the Event Center are going through operational transition. With the onboarding of Tina Adams, the DSRP Event Center Manager, business needs were quickly identified that if implemented would increase the overall success of operations and guest services at DSRP.

During the FY 2021 budgeting process, it was identified that additional help was needed weekly and during large events. Three part-time positions at 10 hours per week were approved in the budget and labeled Event Techs. Staff recommends the positions be Part-time Ranch Hands with similar job duties as Full-time Ranch Hands, but not including the use of heavy equipment. Two 15 hour per week or three 10 hour per week positions may be filled.

These positions will not only improve the overall quality of guest experience and event rental success, but also reduce the amount of labor expenses associated with overtime of the current ranch hand staff.

Additional Ranch Hands will allow for much needed labor to assist with set up and production of events at DSRP. This position will work collaboratively with the Full-time DSRP Ranch Hands and the Lead Ranch Hand to complete weekly duties related to upkeep of the facility and also provide the highest caliber of customer service to the patrons of DSRP.

**DSRP Board  
Recommendations:**

Recommend Approval of the Job Description

**Recommended  
Council Actions:**

Recommend Approval of the Job Description

**Attachments:** DSRP Part-time Ranch Hand Job Description

- Next Steps/Schedule:**
1. Post opportunities on the City's website Employment page & Social Media site for two weeks.
  2. Screen applicants for the best fit and greatest qualifications.
  3. Invite candidates for an interview.
  4. Make candidate selection and offer job.



# City Council Planning Department Staff Report

**City Council Meeting:** October 13, 2020

**Project Number:** ZA2020-0006

**Project Planner:** Amanda Padilla, Senior Planner

### Item Details

**Project Name:** Haydon Tracts 1, and 2

**Property Location:** This property is generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District.

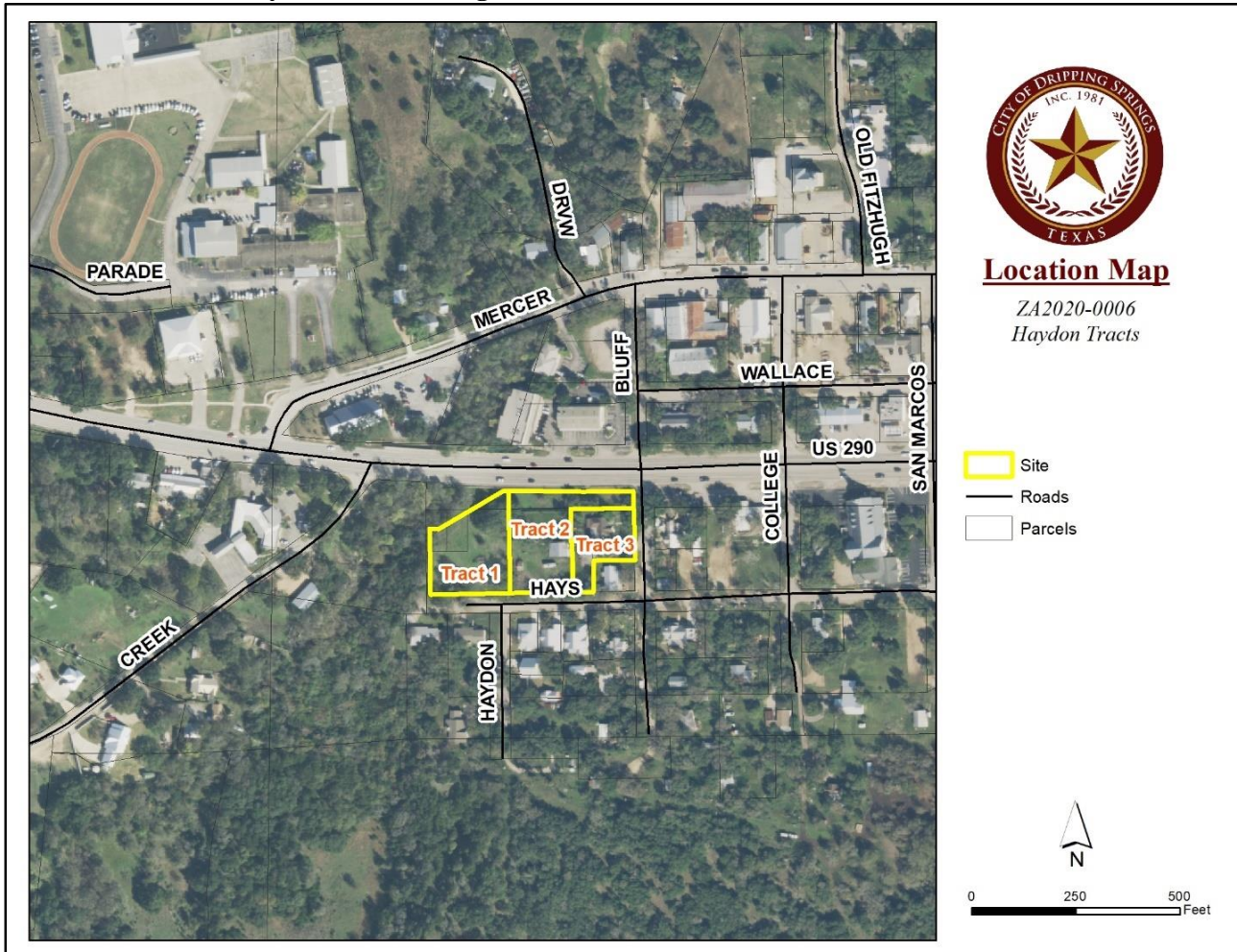
**Legal Description:** W.T. Chapman # 5, Block 1,2,3,4,7,8 & 0.68 acre of spring street

**Applicant:** Jon Thompson

**Property Owner:** Charles Haydon

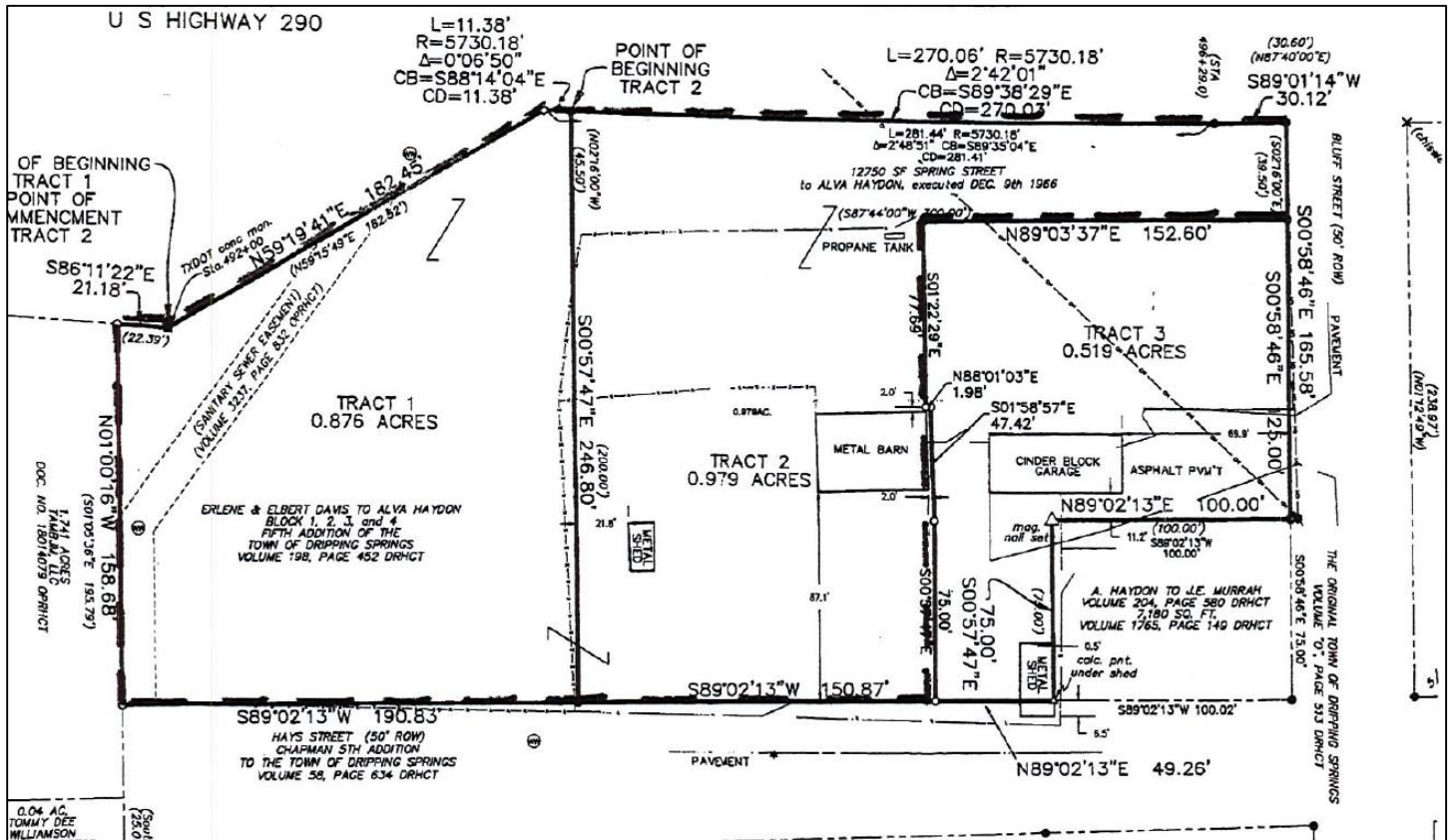
**Request:** A proposed zoning map amendment for two (2) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Two-Family Residential - Duplex (SF4) to Single-Family Attached Residential - Town Home (SF5) with a Conditional Overlay.

**Staff Recommendation:** **Applicant has requested postponement.** Staff recommends postponement to the November 18, 2020 Planning and Zoning Commission Meeting and the December 8, 2020 City Council Meeting.



Overview

The applicant is requesting a zoning map amendment change for two (2) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Two-Family Residential - Duplex (SF4) to Single-Family Attached Residential District (SF-5) Garden Home (SF5) with a Conditional Overlay.



The zoning district Single-Family Attached Residential District (SF-5) Garden Home is intended to promote stable, quality, residential development on individual lots at slightly increased densities. Individual ownership of each lot is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a “buffer” or transition district between lower density residential areas and multiple-family or nonresidential areas or major thoroughfares.

Permitted Uses: Those uses listed for the SF-5 District or any less intense residential district in Appendix C [Appendix E] (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively.

Both tracts are within the Hays Street Historic District. When a lot is within the historic district, they shall comply with the Historic District Overlay as well as the Zoning District Use Chart. Certain uses could be prohibited in the Historic District but allowed in General Retail.

The applicant is also requesting a Conditional Overlay that would help complement the development of the lot to have a similar aesthetic to the properties south on Hays Street.

Staff worked with the applicant to find restrictions that complemented the neighborhood aesthetic the following conditions within the Conditional Overlay are below:

1. One (1) Dwelling Unit per lot
2. Minimum Lot Size = 5, 000 square feet
3. Minimum Lot Width = 50 feet

<b>Development Standards and Regulations for Residential District and Historic District</b>			
	<b>SF-4</b>	<b>SF-5</b>	<b>Hays Historic District</b>
<b>Size of Lots</b>			
Minimum Lot area	10,000 square feet	2,500 square feet	
Minimum Lot Width	Seventy feet (70')	Thirty feet (30')	
Minimum Lot Depth	One hundred feet (100')	Zero (0)	
<b>Setback Requirements</b>			
Minimum Front Yard	Minimum twenty feet (20').	Fifteen feet (15')	Ten feet (10')
Minimum Side Yard	Minimum ten feet (10'); fifteen feet (15') from a street right-of-way for a corner lot.	<p>a. Single-family attached dwellings are not required to have a side yard, with the exception of a minimum fifteen-foot (15') side yard adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least fifteen feet (15') apart.</p> <p>b. A complex of attached single-family dwellings shall have a minimum length of three (3) dwelling units and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.</p>	Five feet (5')
Minimum Rear Yard	Minimum twenty feet (20') for the main building.	Twenty feet (20') for the main building	Ten feet (10')
<b>Maximum Lot Coverage</b>	50%	80%	
<b>Height Regulations</b>			
Main Building	Maximum two and one-half (2-1/2) stories, or forty feet (40'), whichever is less, for the main building or house	Maximum two and one-half (2-1/2) stories, or forty feet (40') for the main building or house, whichever is less.	Maximum two (2) stories
Accessory Building	Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.	Maximum twenty-five feet (25') for accessory buildings, including a detached garage or accessory dwelling units.	

**Site Information**

**Location:**

The Subject property is located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District.

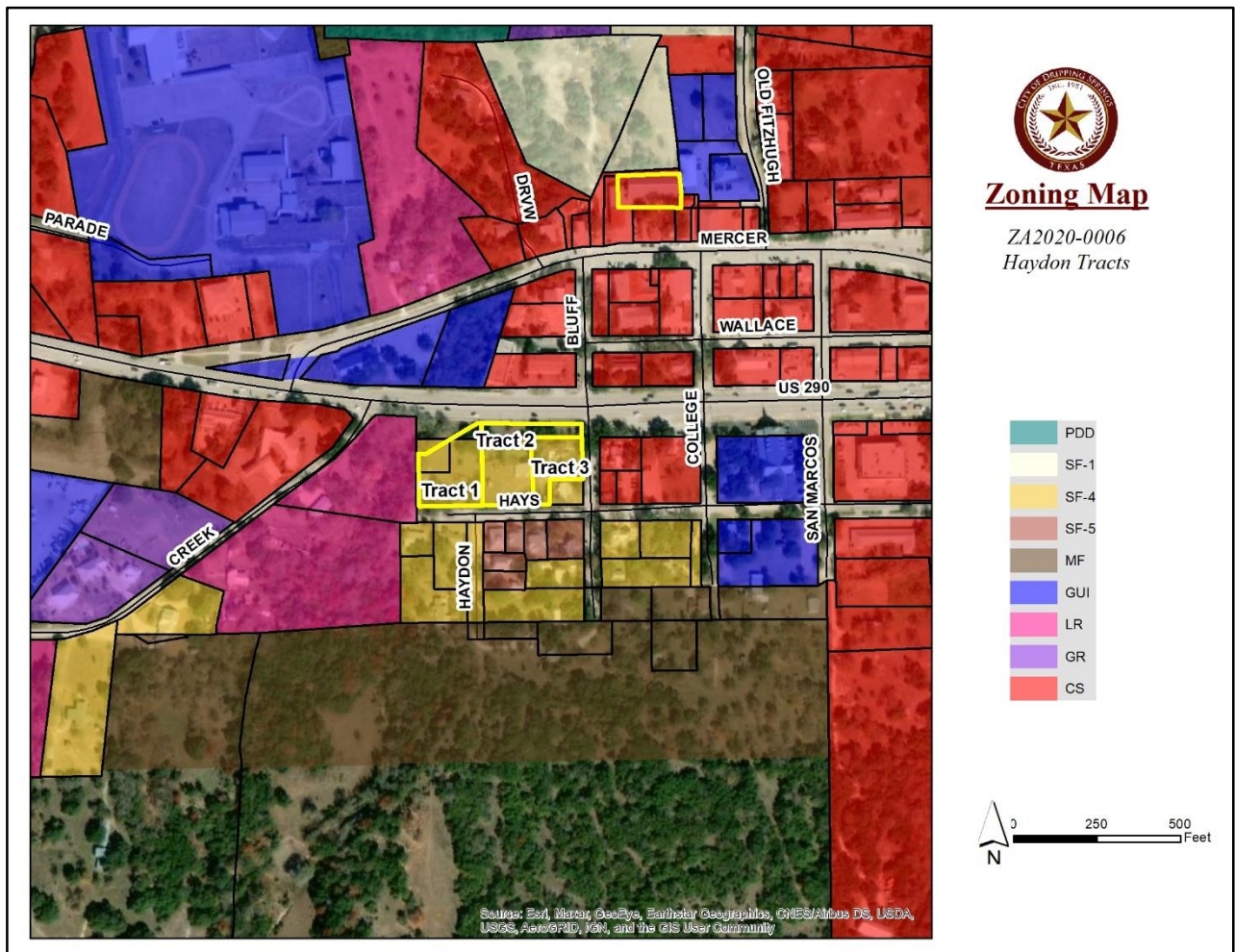
**Physical and Natural Features:**

The tracts are currently undeveloped with a barn/shop and shed. The tracts contain clusters of heritage trees that will be addressed at the COA and Site Plan.

**Future Land Use and Zoning Designation:**

The City’s Future Land Use Map does not show this property on the Map. The property is within the Hays Street Historic District and shall comply with the Historic District Overlay use chart.

**Surrounding Properties**



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Future Land Use
North	Government, Utility, Institutional (GUI), Commercial Services (CS)	City Hall, Office & Retail (Spring Bluff Center)	Not Shown on the Future Land Use Map

<b>East</b>	General Retail, Commercial Services (CS)	Potential Bed and Breakfast, Restaurant (Rolling in Thyme and Dough)(Creek Road Café)	
<b>South</b>	Single-Family Attached Residential District (SF-5) Garden Home	Garden Homes	
<b>West</b>	Local Retail (LR)	Commercial Development/ Vacant Building	

**Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)**

2.28.1 The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. No change shall be made in these regulations or in the boundaries of the zoning districts except:

- a. To correct any error in the regulations or map;
- b. To recognize changed conditions or circumstances in a particular locality;
- c. To recognize changes in technology, the style of living, or manner of conducting business;
- d. To make changes in order to implement policies reflected within the Comprehensive Plan.

2.28.2 In making a determination regarding a requested zoning change, the P&Z and the City Council shall consider the following factors:

<b>Factors</b>	<b>Staff Comments</b>
1. whether the proposed change will be appropriate in the immediate area concerned;	The proposed change from SF-4 to SF-5 with a Conditional Overlay is an appropriate change. The Conditional Overlay provides development standards that allows for the Tracts to fit in well with the adjoining lots.
2. their relationship to the general area and the City as a whole;	Staff worked with the applicant to provide a conditional overlay that complemented the area and the City as a whole.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The tracts are not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This rezoning will not impact any undeveloped land in the vicinity with the same zoning district.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Moderately/High Dense residential developments are at an influx within the City of Dripping Springs.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for similar development will be affected by this proposed amendment.
7. whether the proposed change treats the subject	The proposed change does not treat the subject's



parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	tracts of land in a manner which is significantly different from decisions made involving other, similarly situated parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not affect the public health, safety, morals, or general welfare.

**Summary, Recommendation, and Required Action**

Based on the uses permitted and the development standards in the Single-Family Attached Residential District (SF-5), Conditional Overlay promoting compatibility with adjoining lots, Historic Overlay District, the adjacent land uses, the increase in potential residential lots, **Staff recommends approval of the requested Zoning Change for Tracts 1 and 2 from SF-4 to SF-5 with a Conditional Overlay.**

**Public Notification**

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the zoning map amendment. To date, no letters for or against the request have been received.

**Attachments**

- Exhibit 1 – Zoning Map Amendment Application
- Exhibit 2 – Proposed Ordinance & Survey
- Exhibit 3 - Implementation Standards Historic Districts

Recommended Action:	Approve the requested zoning map amendment for Tract 1 & 2
Alternatives/Options:	Deny the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A
Comprehensive Plan Goal:	Livability /Quality of Life Support Housing Options in Dripping Springs



### CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

## ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

### CONTACT INFORMATION

PROPERTY OWNER NAME Charles Haydon

STREET ADDRESS 102 South Bluff Street

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE (512) 924-7728 EMAIL 601charliesherry@gmail.com

APPLICANT NAME Jon Thompson

COMPANY J Thompson Professional Consulting, LLC

STREET ADDRESS PO Box 172

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE (512) 568-2184 EMAIL jthompsonconsultingds@gmail.com

### REASONS FOR AMENDMENT

TO CORRECT ANY ERROR IN THE REGULATION OR MAP

TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS

TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY

TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN

<b>PROPERTY &amp; ZONING INFORMATION</b>	
PROPERTY OWNER NAME	Charles W. Haydon
PROPERTY ADDRESS	
CURRENT LEGAL DESCRIPTION	W.T. Chapman # 5, Block 1, Lots 1, 2, 3, 4, 7, 8 & 0.68 acre of Spring Street
TAX ID#	R23586
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	SF4 (for Tract 1 & 2)
REQUESTED ZONING/AMENDMENT TO PDD	SF5 (for Tracts 1 & 2)
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	To recognize the commercial value and potential of the two tracts in a changing economy and development standards for the property. The Tracts 1 & 2 are also identified in the accompanying survey.
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	Tract 1 & 2 -the owner has no plans but would like to limit it to being reflective of what has already been built on the south side of Hays Street south of this tract. That area has SF5 zoning. The owners also would like to further restrict with an conditional overlay to restrict the development on this lot to detached single family garden style homes.

**COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \***  
*(See attached agreement).*

YES (REQUIRED)\*  YES (VOLUNTARY)\*  NO\*

\* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

**APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Jon Thompson is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. ~~XXXXXXXXXX~~, Pg. ~~XXXXXXXXXX~~ Cause # 18-0113-P)

Charles Hayden  
Name

Owner  
Title

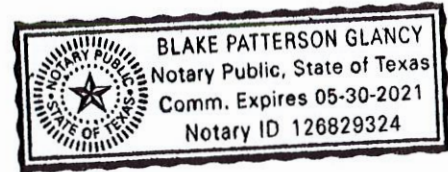
STATE OF TEXAS            §  
  §  
COUNTY OF HAYS         §

This instrument was acknowledged before me on the 13 day of July,  
2020 by Charles Hayden.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: 5/30/21

Jon Thompson  
Charles Hayden  
Name of Applicant



**ZONING AMENDMENT SUBMITTAL**

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal.

Jon Thompson  
Applicant Signature

August 25, 2020  
Date

**CHECKLIST**

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment ( <i>refer to Fee Schedule</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PDF/Digital Copies of all submitted Documents</u>  <b>When submitting digital files, a cover sheet must be included outlining what digital contents are included.</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings ( <i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input type="checkbox"/>	Plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maps N/A - The box was inadvertently checked
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Elevation N/A - The box was inadvertently checked
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request ( <i>attach extra sheets if necessary</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses ( <i>attach extra sheets if necessary</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign ( <i>refer to Fee Schedule</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Planned Development District ( <i>if applicable</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copy of the Proposed Zoning or Planned Development District Amendment

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING TWO TRACTS OF LAND, TOTALING APPROXIMATELY 1.855 ACRES FROM TWO-FAMILY RESIDENTIAL - DUPLEX (SF-4) TO SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT (SF-5); ADOPTING A CONDITIONAL USE OVERLAY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) seeks to promote orderly land use and development within the City; and

**WHEREAS**, the City Council finds to be reasonable and necessary the rezoning of the tracts, described more fully in *Attachment “A”* and totaling approximately 1.855 acres, from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential District (SF-5); and

**WHEREAS**, the City Council finds to be reasonable and necessary the adoption of a conditional use overlay to the tracts in addition to the rezoning, described more fully in *Attachment “B”* and totaling approximately 1.855 acres, from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential District (SF-5); and

**WHEREAS**, the City Council recognizes changed conditions and circumstances in the particular location; and

**WHEREAS**, the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

**WHEREAS**, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on September 22, 2020 to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS**, after public hearing held by the City Council on October 13, 2020, the City Council voted to approve the recommendation of the Planning and Zoning Commission; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has

general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. ENACTMENT**

Two tracts of land totaling approximately 1.855 acres and described more fully in *Attachment "A"*, is hereby rezoned from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential District (SF-5).

Further, the property will also have a conditional overlay that limits certain development standards on the property. The conditional use overlay is described in *attachment "B"*.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CHANGE ON ZONING MAP**

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and Purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED** this, the \_\_\_ day of \_\_\_\_\_ 2020, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_

Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary



*Attachment "A" Survey and Metes and Bounds*

DRAFT

# City of Dripping Springs

# CODE OF ORDINANCES

## CHAPTER 30: ZONING

### EXHIBIT A

#### 1.1. Applicability

This Ordinance shall apply solely to the following tracts, which shall herein be referred to as the subject properties;

Tract 1:

Being a 0.876 of one acre of land, being a portion of a called 2,996 square foot tract as described in a deed to Alva and Willie Mae Haydon recorded in document no. 70025404, volume 3237, page 802 of the official public records of Hays County, Texas and a portion of block No. 1 of the fifth addition of the town of dripping springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County Deed records;

Tract 2:

Being a 0.979 of one acre of land, 42,639 sq. ft., being all of a called 12,750 square foot tract as described in a deed to Alva Haydon recorded in executed December 9, 1966 and a portion of block No. 10 of the fifth addition of the town of Dripping Springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County deed records;

#### 1.2. Base Zoning District

Except as provided in section 1.3 (below), the subject property shall be governed by the rules applying in Single-Family Attached (SF-5) zoning district.

#### 1.3. Overlay

**1.3.1.** The Conditional Overlay is hereby amended and effectuated upon the subject property. The boundary of the Overlay District shall be coterminous with the perimeter of the subject properties.

**1.3.2.** Through application of the Conditional Overlay, the following rules, requirements and restrictions apply to the subject property:

**(a) Density:** One (1) dwelling unit per Lot

**(b) Minimum Lot Sizes:** no less than five thousand square feet (5,000 sq. ft.)

**(c) Minimum Lot Width:** no less than fifty feet (50')

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.**

## Special Warranty Deed

**Date:** The 25<sup>th</sup> day of April, 2019

**Grantors:** CHARLES WILLIAM HAYDON,  
INDEPENDENT CO-EXECUTOR OF THE ESTATE OF WILLIE MAE HAYDON  
601 Gatlin Creek Drive  
Dripping Springs, Hays County, Texas 78620

ROBERT LYNN HAYDON  
INDEPENDENT CO-EXECUTOR OF THE ESTATE OF WILLIE MAE HAYDON  
740 W. Briarwood  
Brenham, Washington County, Texas 77833

**Grantees:** Charles William Haydon and Sherry E. Haydon, husband and wife  
601 Gatlin Creek Drive  
Dripping Springs, Hays County, Texas 78620

Robert L. Haydon and Martha Haydon, husband and wife  
740 W. Briarwood  
Brenham, Washington County, Texas 77833

**Consideration:** Transferred pursuant to provisions in the Last Will and Testament of Willie Mae Haydon, Deceased, Cause No. 18-0113-P, Hays County Court at Law, Hays County, Texas

**Property (including any improvements):**

**First Tract:** Being a 0.876 of one acre of land, being a portion of a called 2,996 square foot tract as described in a deed to Alva and Willie Mae Haydon recorded in document no. 70025404, volume 3237, page 802 of the official public records of Hays County, Texas and a portion of block No. 1 of the fifth addition of the town of dripping springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County Deed records; said 0.876 of one acre begin more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein for all purposes.

And

Second Tract: Being a 0.979 of one acre of land, 42,639 sq. ft., being all of a called 12,750 square foot tract as described in a deed to Alva Haydon recorded in executed December 9, 1966 and a portion of block No. 10 of the fifth addition of the town of Dripping Springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County deed records; said 0.979 acres of land more particularly described by metes and bounds as set out in Exhibit "B", attached hereto and incorporated herein for all intents and purposes.


Reservations from Conveyance and Warranty:

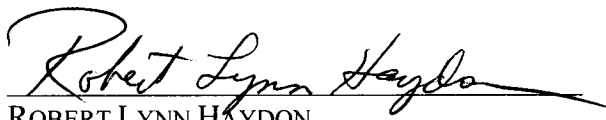
This conveyance is made, delivered and accepted subject to the payment of ad valorem taxes assessed against the property conveyed for the current year, the payment of which Grantee assumes; all restrictions, covenants, easements, rights-of-way and prescriptive rights, whether of record or not; any outstanding royalty and mineral reservations, conditions and recorded instruments, other than liens and conveyances, affecting said property; and any and all zoning laws, regulations and ordinances of municipal and/or other governmental authorities affecting said property.

Exceptions to Conveyance and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, *when the claim is by, through, or under Grantor, but not otherwise, except* as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

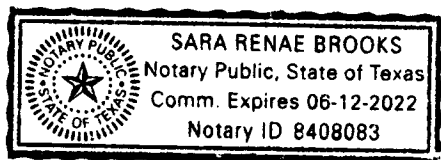
  
CHARLES WILLIAM HAYDON,  
INDEPENDENT CO-EXECUTOR OF  
THE ESTATE OF WILLIE MAE HAYDON

  
ROBERT LYNN HAYDON,  
INDEPENDENT CO-EXECUTOR OF  
THE ESTATE OF WILLIE MAE HAYDON

State of Texas  
County of Hays

On this day personally appeared CHARLES WILLIAM HAYDON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25<sup>th</sup> day of April, 2019.



*Sara Renae Brooks*  
Notary Public of and for the State of Texas

State of Texas  
County of Hays

On this day personally appeared ROBERT LYNN HAYDON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25<sup>th</sup> day of April, 2019.



*Sara Renae Brooks*  
Notary Public of and for the State of Texas

After filing return to:  
Marilyn G. Miller, Attorney at Law  
P.O. Box 917  
Dripping Springs, Texas 78620

No title examination concerning the herein described real property was made by the attorney, Marilyn G. Miller, by whom this instrument was prepared. The property description attached, or set forth herein, was furnished by parties hereto, and all responsibility for the accuracy thereof is expressly assumed by the grantor and grantees herein named. Therefore, no representations as to warranties of title are made by the attorney, Marilyn G. Miller.

HAYDON  
TRACT 1



**PROPERTY DESCRIPTION**

**BEING A 0.876 OF ONE ACRE OF LAND, BEING A PORTION OF A CALLED 2,996 SQUARE FOOT TRACT AS DESCRIBED IN A DEED TO ALVA AND WILLIE MAE HAYDON RECORDED IN DOCUMENT NO. 70025404, VOLUME 3237, PAGE 802 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND A PORTION OF BLOCK NO. 1 OF THE FIFTH ADDITION OF THE TOWN OF DRIPPING SPRINGS AS CONVEYED IN A DEED TO ALVA HAYDON IN VOLUME 198, PAGE 452 OF THE HAYS COUNTY DEED RECORDS; SAID 0.876 OF ONE ACRE BEGIN MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 4203.**

**BEGINNING** at a TxDOT Type 1 monument found (TxDOT Sta. 492+00, 150.00' Rt) located on the southerly right of way line of U.S. Hwy 290 in Dripping Springs, Texas;

**THENCE**, with said southerly right of way line, N59°19'41"E, 182.45 feet to a ½-inch iron rod set with cap stamped "AST" for the beginning of a non-tangent curve to the left;

**THENCE**, with the arc of said non-tangent curve to the left 11.38 feet, having a radius of 5730.18 feet, a central angle of 00°06'50" and a chord bearing and distance of S88°14'04"E, 11.38 feet to a ½-inch iron rod set with cap stamped "AST" marking the northeast corner of said 2996 square foot tract, same being the northwest corner of a called 12750 square foot tract described in a deed to Alva Haydon and executed December 9, 1966;

**THENCE**, leaving said southerly right of way line and with the easterly line of said 2996 square foot tract and the westerly line of said 12750 square foot tract, S00°57'47"E, passing at approximately 45.5 feet the northerly line of Blocks 1 and 10 of said Fifth Addition to the Town of Dripping Springs and continuing for a total distance of 246.80 feet to a ½-inch iron rod set with cap stamped "AST" for the southeast corner of the herein described tract and being the southeast corner of said Block 1 and the southwest corner of said Block 10, same being on the northerly right of way line of Hays Street;

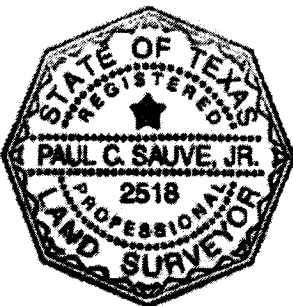
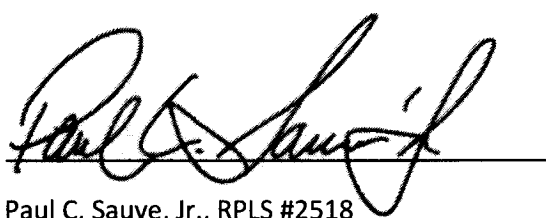
**THENCE**, with the northerly right of way line of said Hays Street, same being the southerly line of said Block 1, S89°02'13"W, 190.83 feet to a ½-inch iron rod set with cap stamped "AST" on the easterly line of a 1.741 acre tract of land as described in a deed to TAMBJM, LLC as recorded in Document No. 18014079 of said Official Public Records, same being the southwest corner of said Block 1;

**THENCE**, leaving said northerly right of way line and with the easterly line of said Block 1, same being the westerly line of said 4.741 acre tract, N01°00'16"W, 158.68 feet to a ½-inch iron rod set with cap stamped "AST" on the southerly right of way line of said U.S. Hwy 290;

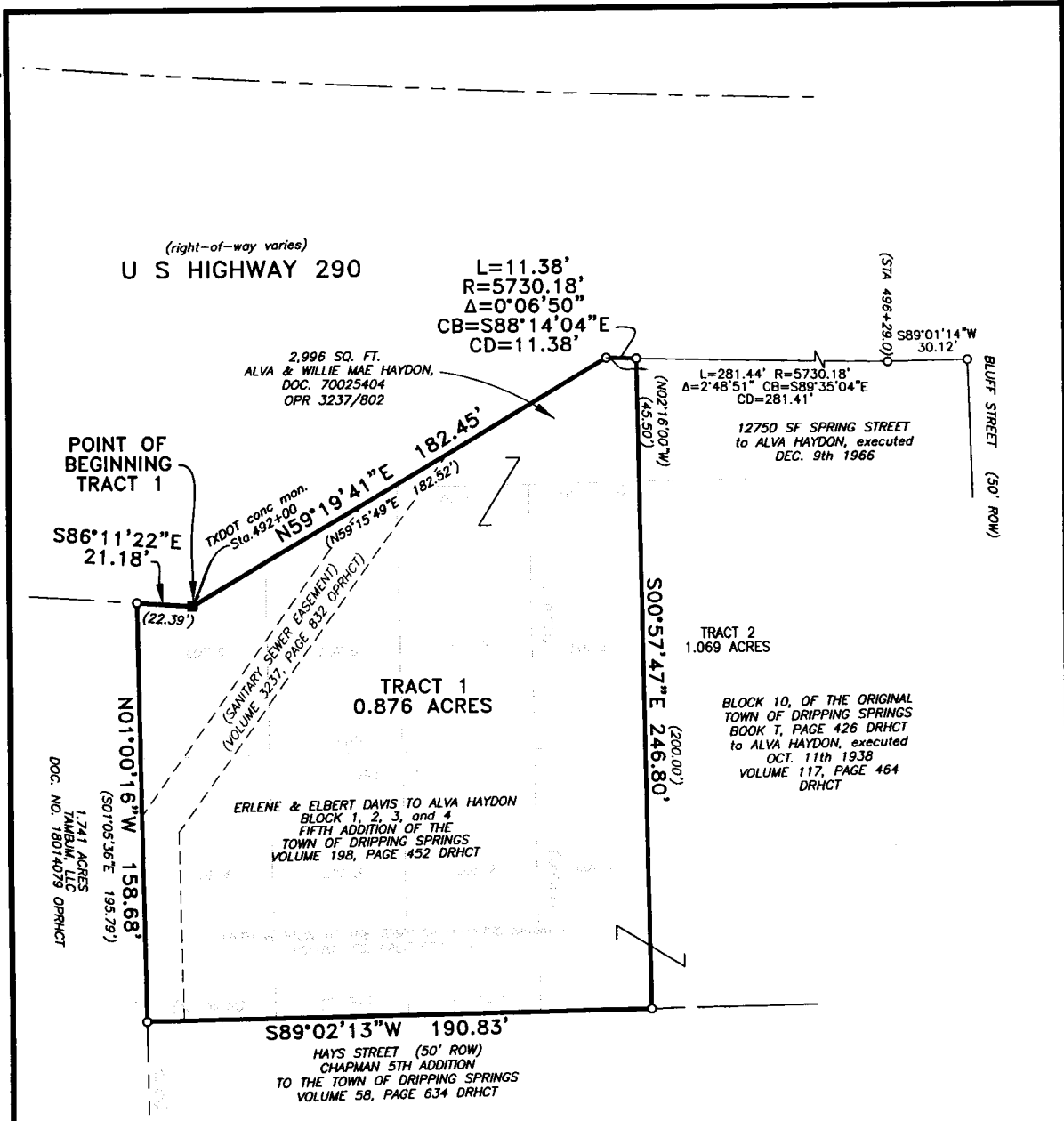
**THENCE**, with said southerly right of way line, S86°11'22"E, 21.18 feet to the **POINT OF BEGINNING** and containing 0.876 of one acre of land, more or less.

**SURVEYOR'S STATEMENT**

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.



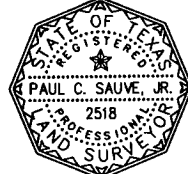
Paul C. Sauve, Jr., RPLS #2518  
Austin Spatial Technologies, LLC  
January 18, 2019



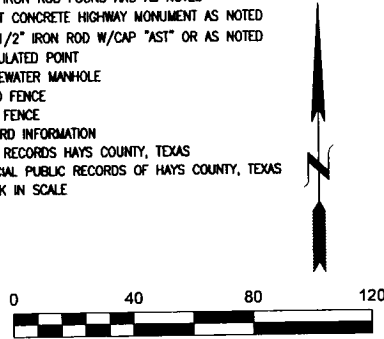
**SURVEYORS STATEMENT:**

I HEREBY STATE THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION IN AUGUST 2018 THRU JANUARY 2019. GRID BEARINGS INDICATED HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203). THIS SURVEY WAS PERFORMED WITHOUT A CURRENT TITLE COMMITMENT. AUSTIN SPATIAL TECHNOLOGIES PERFORMED LIMITED RESEARCH FOR THIS SURVEY.

*Paul C. Sauve, Jr.*  
 PAUL C. SAUVE, JR., RPLS NO. 2518  
 JANUARY, 2019  
 DATE



- LEGEND**
- 1/2" IRON ROD FOUND AND AS NOTED
  - TXDOT CONCRETE HIGHWAY MONUMENT AS NOTED
  - SET 1/2" IRON ROD W/CAP "AST" OR AS NOTED
  - △ CALCULATED POINT
  - ⊕ WASTEWATER MANHOLE
  - WOOD FENCE
  - x- WIRE FENCE
  - ( ) RECORD INFORMATION
  - P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
  - O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
  - ↔ BREAK IN SCALE



SCALE : 1"=40'  
 GRAPHIC SCALE

SHEET

	<b>AUSTIN SPATIAL TECHNOLOGIES, LLC</b> LAND SURVEYORS - GEOMATIC SPECIALISTS 3815 South Capital of Texas Hwy., Austin, Texas 78704 ph. 512-573-6730 FIRM REGISTRATION NO. 10173100	DATE : JAN. 2019 SCALE : 1"=40'	<b>BOUNDARY SURVEY</b> REMAINING PORTIONS OF BLOCK 1, FIFTH ADDITION OF THE TOWN OF DRIPPING SPRINGS AND SPRING STREET CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS
		CHECKED BY: PCS DRAFTED BY: SAR	



HAYDON  
TRACT 2



**PROPERTY DESCRIPTION**

**BEING A 0.979 OF ONE ACRE OF LAND, 42,639 SQ. FT., BEING A ALL OF A CALLED 12,750 SQUARE FOOT TRACT AS DESCRIBED IN A DEED TO ALVA HAYDON RECORDED IN EXECUTED DECEMBER 9, 1966 AND A PORTION OF BLOCK NO. 10 OF THE FIFTH ADDITION OF THE TOWN OF DRIPPING SPRINGS AS CONVEYED IN A DEED TO ALVA HAYDON IN VOLUME 198, PAGE 452 OF THE HAYS COUNTY DEED RECORDS; SAID 0.979 ACRES OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 4203.**

**COMMENCING** at a TxDOT Type 1 monument found (TxDOT Sta. 492+00, 150.00' Rt) located on the southerly right of way line of U.S. Hwy 290 in Dripping Springs, Texas;

**THENCE**, with said southerly right of way line the following courses and distance:

1. N59°19'41"E, 182.45 feet to a ½-inch iron rod set with cap stamped "AST" for the beginning of a non-tangent curve to the left;
2. with the arc of said non-tangent curve to the left 11.38 feet, having a radius of 5730.18 feet, a central angle of 00°06'50" and a chord bearing and distance of S88°14'04"E, 11.38 feet to a ½-inch iron rod set with cap stamped "AST" marking the northeast corner of said 2996 square foot tract, same being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, continuing with said southerly right of way line the following courses and distances:

1. continuing along the arc of a said curve to the left, 270.06 feet, having a radius of 5730.18 feet, a central angle of 02°42'01" and a chord bearing and distance of S89°38'29"E, 270.03 feet to a ½-inch iron rod set with cap stamped "AST" (TxDOT Sta. 496+29.0, 50' Rt.)
2. N89°01'14"E, 30.12 feet to a ½-inch iron rod set with cap stamped "AST" on the westerly right of way line of Bluff Street (50 feet wide ROW);

**THENCE**, leaving said southerly right of way and with the westerly right of way line of Bluff Street, S00°58'46"E, 40.58 feet to a ½-inch iron rod set with cap stamped "AST" on the northerly line of said Block 10;

**THENCE**, leaving said westerly right of way line and with the northerly line of said Block 10, S89°03'37"W, 152.60 feet to a ½-inch iron rod set with cap stamped "AST";

**THENCE**, leaving said northerly line and crossing said Block 10, the following courses and distances:

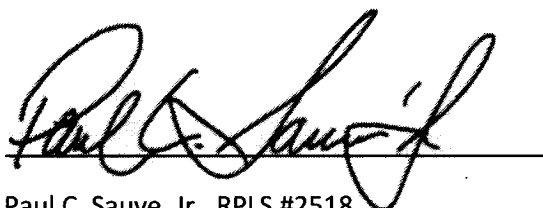
1. S01°22'29"E, 77.69 feet to a ½-inch iron rod set with cap stamped "AST";
2. N88°01'03"E, 1.98 feet to a ½-inch iron rod set with cap stamped "AST";
3. S01°58'57"E, 47.42 feet to a ½-inch iron rod set with cap stamped "AST";
4. S00°57'47"E, 75.00 feet to a ½-inch iron rod set with cap stamped "AST" on the northerly right of way line of Hays Street;

**THENCE**, with said northerly right of way line, same being the southerly line of said Block 10, S89°02'13"W, 150.87 feet to a ½-inch iron rod set with cap stamped "AST", same being the southeast corner of Block 1 of said Fifth Addition to the Town of Dripping Springs;

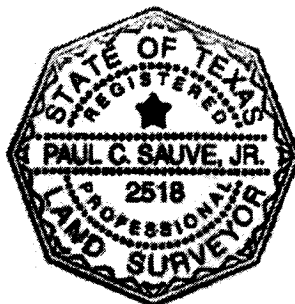
**THENCE**, leaving said northerly right of way line and with the common line of Blocks 1 and 10, N00°57'47"W, 246.80 feet to the **POINT OF BEGINNING** and containing 0.979 acres of land, more or less.

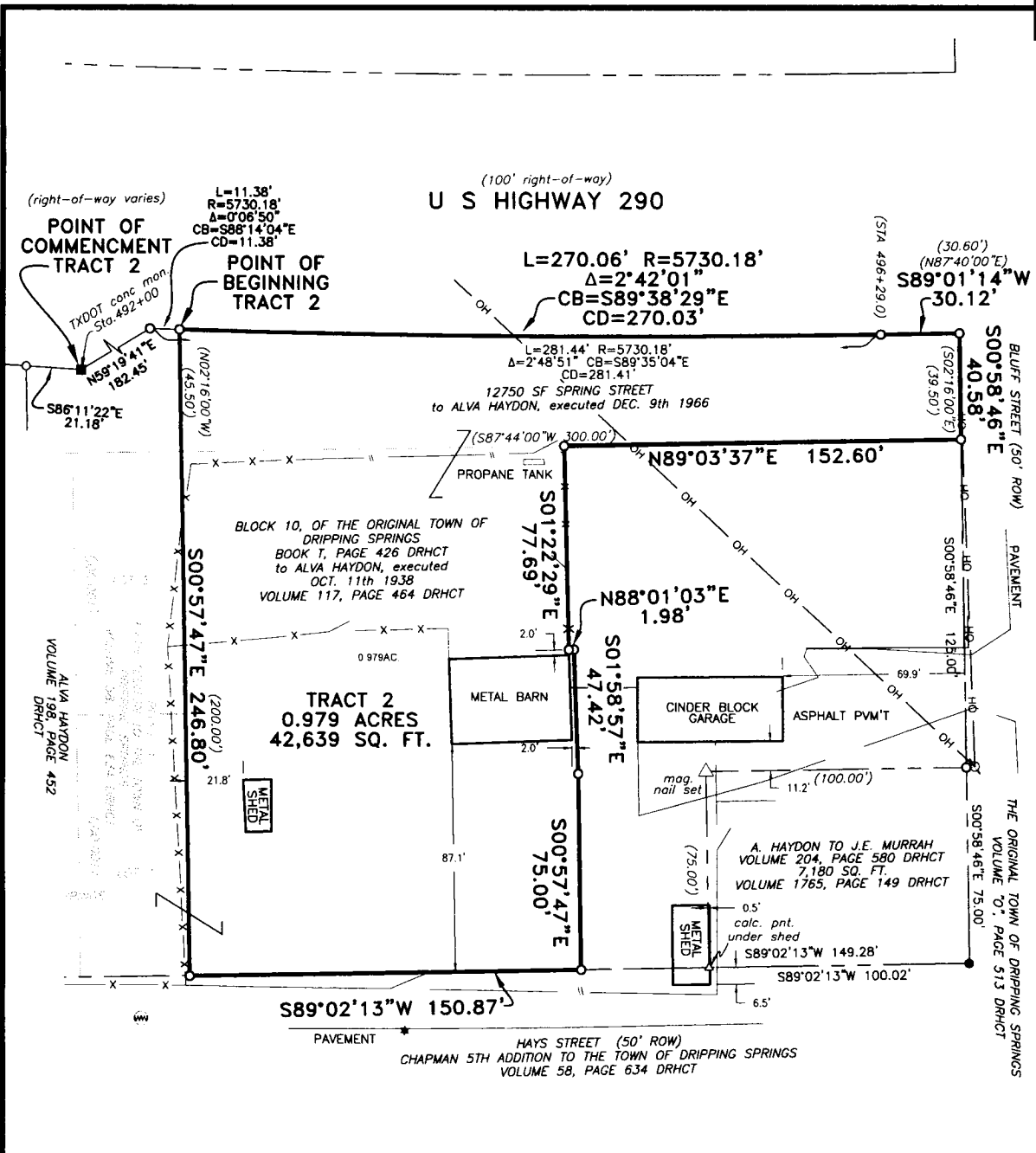
**SURVEYOR'S STATEMENT**

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.



Paul C. Sauve, Jr., RPLS #2518  
Austin Spatial Technologies, LLC  
January 29, 2019





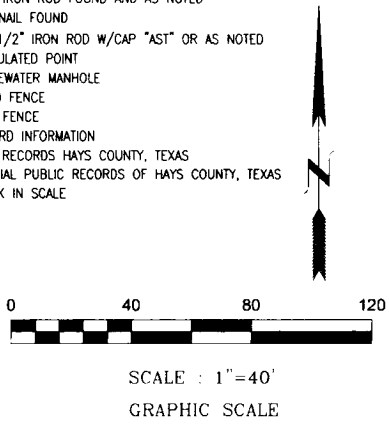
**LEGEND**

- 1/2" IRON ROD FOUND AND AS NOTED
- ▲ 60D NAIL FOUND
- SET 1/2" IRON ROD W/CAP "AST" OR AS NOTED
- △ CALCULATED POINT
- ww WASTEWATER MANHOLE
- - - WOOD FENCE
- - - WIRE FENCE
- ( ) RECORD INFORMATION
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- ↔ BREAK IN SCALE

**SURVEYORS STATEMENT:**

I HEREBY STATE THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION IN AUGUST 2018 THRU JANUARY 2019. GRID BEARINGS INDICATED HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203). THIS SURVEY WAS PERFORMED WITHOUT A CURRENT TITLE COMMITMENT. AUSTIN SPATIAL TECHNOLOGIES PERFORMED LIMITED RESEARCH FOR THIS SURVEY.

*Paul C. Sauve, Jr.*  
 PAUL C. SAUVE, JR., RPLS NO. 2518  
 JANUARY, 2019  
 DATE



**AUSTIN SPATIAL TECHNOLOGIES, LLC**  
 LAND SURVEYORS - GEOMATIC SPECIALISTS  
 3815 South Capital of Texas Hwy., Austin, Texas 78704  
 ph. 512-573-6730  
 FIRM REGISTRATION NO. 10173100

DATE: JAN 2019  
 SCALE: 1"=40'  
 CHECKED BY: PCS  
 DRAFTED BY: SAR

**BOUNDARY WITH IMPROVEMENTS**  
 REMAINING PORTIONS OF BLOCK 10, OF THE ORIGINAL TOWN OF DRIPPING SPRINGS, AND SPRING STREET CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS

SHEET



CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2015-10

**VISION STATEMENTS AND IMPLEMENTATION STANDARDS  
AND GUIDELINES FOR HISTORIC DISTRICTS**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS AMENDING THE HISTORIC PRESERVATION PROGRAM IMPLEMENTATION MANUAL TO INCLUDE VISION STATEMENTS AND DESIGN AND DEVELOPMENT STANDARDS FOR HISTORIC DISTRICTS

**WHEREAS,** the City of Dripping Springs City Council adopted the “City of Dripping Springs Historic Preservation Program Implementation Manual” on September 11, 2007;

**WHEREAS,** the “Historic Preservation Program Implementation Manual” includes design and development standards for Historic Districts;

**WHEREAS,** the Implementation Manual should be reviewed from time to time and may be modified and new design and development guidelines may be adopted in accordance with the City of Dripping Springs Code of Ordinances, Section 24.07.012 (a);

**WHEREAS,** City staff developed vision statements (incorporated herein as *Attachment “A”*) to encourage the preservation of existing structures and compatible growth in the historic districts; and

**WHEREAS,** City Staff has reviewed the current design and development standards and recommend that they be amended in light of the vision statements; and

**WHEREAS,** the City Council finds it to be reasonable, necessary, and in the public interest to review and amend the Implementation Manual.

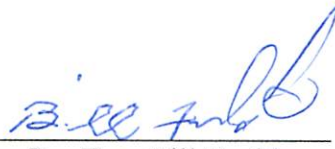
**NOW, THEREFORE, BE IT RESOLVED by the City of Dripping Springs City Council:**

1. The Council hereby amends the Implementation Manual to include Historic Districts Vision Statements in accordance with *Attachment “A”*, incorporated herein.
2. The Council hereby amends the Implementation Manual to include Design Development Standards in accordance with *Attachment “B”*, incorporated herein.
3. The City Secretary is directed to post the amended Implementation Manual on the City’s website and make it available to the public at City Hall.

- 4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED** this, the 17<sup>th</sup> day of February 2015, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS**

by:   
Mayor Pro Tem Bill Foulds

**ATTEST:**

  
Kerri Craig, City Secretary

*Attachment "A"*  
*Addendum to the Historic Preservation Program Implementation Manual*  
*Adopted September 11, 2007*

**CITY OF DRIPPING SPRINGS**  
**DRIPPING SPRINGS HISTORIC DISTRICTS VISION STATEMENTS**  
*February 17, 2015*

# DRIPPING SPRINGS - HISTORIC DISTRICTS

\* \* \*

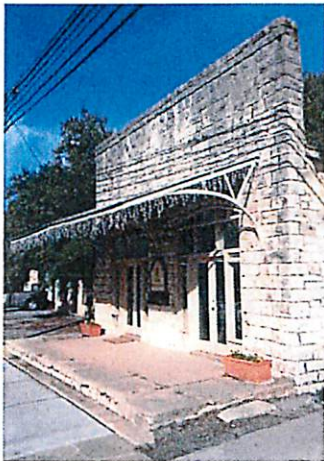
## Overall Vision Statement City of Dripping Springs 2/17/15

### Vision Statement:

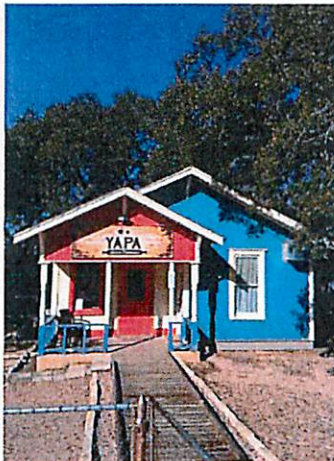
The overall vision for the **Historic Districts of Dripping Springs** is to preserve and enhance the heritage, historic character and resources of these districts, while encouraging revitalization through complementary new uses.

Visions and policies for each individual Historic District will complement, reflect and implement this overall vision through a recognition and understanding of its' own unique qualities, character, historic resources, role within the larger community and future prospects:

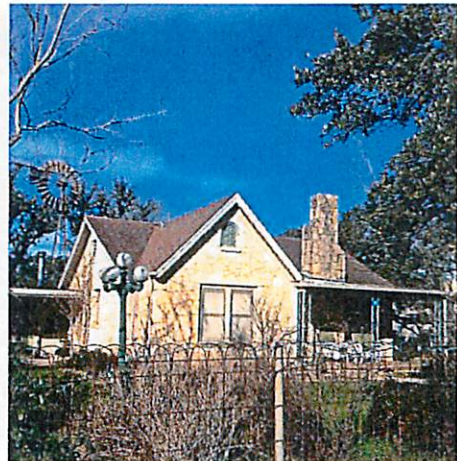
- **Mercer Historic District:** The town's original "Main Street" and first Historic District;
- **Old Fitzhugh Road Historic District:** An emerging, eclectic mixed-use Historic District.; and
- **Hays Street Historic District:** A surviving neighborhood dating from the origins of the town.



Mercer Street District



Old Fitzhugh Rd District



Hays Street District

\* \* \*

City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620  
512-858-4725

## MERCER - HISTORIC DISTRICT

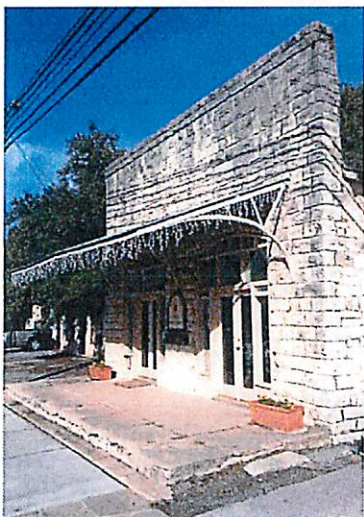
\* \* \*

### Vision Statement / Historic Characteristics/Planning Concepts /Policy Recommendations City of Dripping Springs 2/17/15

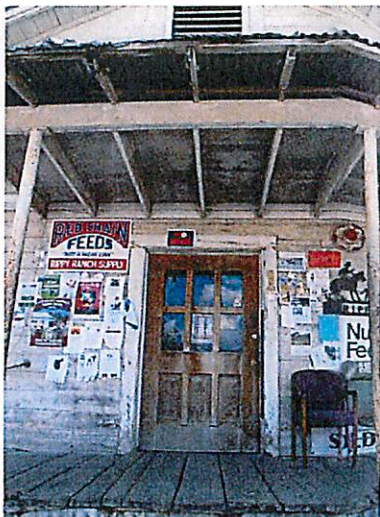
#### Vision Statement:

The vision for the **Mercer Historic District** is to preserve, enhance, and build upon the heritage, character, vitality, walkable scale and informal charm of the original historic “Main Street” and commercial town center of Dripping Springs.

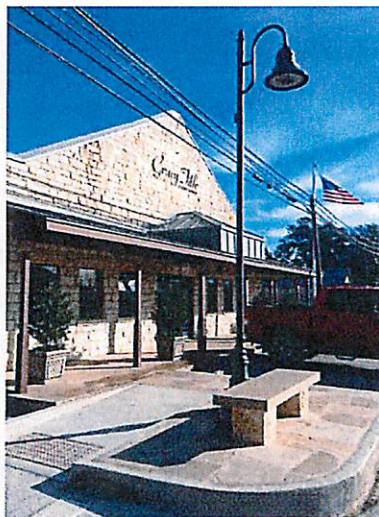
- **Community Focal Point:** Foster it’s emergence as a vibrant, symbolic gathering place for the entire community and promote it as a memorable center for civic activities and public events;
- **Preserve Historic Resources:** Continue to preserve the heritage buildings, storefronts, landscapes and public spaces of Mercer Street, through careful stewardship, appropriate rehabilitation and sensitive adaptive re-use; and
- **Promote Revitalization:** Encourage compatible, attractive new infill development and harmonious businesses that cater to serving residents and visitors with family-friendly, pedestrian-oriented mixed-uses.



Walkable Scale



Rustic Character



Pedestrian Orientation

#### Distinguishing Historical Characteristics

City of Dripping Springs  
 P.O. Box 384  
 Dripping Springs, Texas 78620  
 512-858-4725



**Mercer Historic District** was established as the City's first Historic District, recognizing a "distinctive and locally significant collection of commercial, institutional and residential buildings that represent the city's development in the mid-nineteenth to mid-twentieth century around the landmark springs for which the town is named." (City of Dripping Springs, Historic Preservation Program Manual- 2007, p. 47). The Historic District was "Listed" in the National Register of Historic Places in 2013.

As the town's original east-west thoroughfare and historic commercial center, Mercer Street forms the core of the Historic District, and east and west "gateways" are formed at convergences with US Hwy 290.

Some of the City's prime historic and cultural resources are found in this District, arrayed along Mercer St. and the adjacent blocks north of Hwy 290. Recent streetscape improvements, including street lighting, sidewalks, crosswalks and plazas, curb & gutter and pedestrian amenities have increased the safety, functionality and comfort of Mercer St. while complementing its historic character and boosting aesthetic appeal. This district serves to preserve the City's historical and cultural identity while providing an identifiable framework for vibrant "Town Center" redevelopment, reinvestment and economic activity.

### Defining Qualities & Design Elements

- **Historic Town Center:** concentration of historic commercial, institutional, residential structures
- **Walkable Scale:** pedestrian-friendly streetscapes with convenient parking and traffic calming
- **Public Events & Festivals:** Focal point for regular public events & festivals (Founders Day, etc)
- **Mixed-Use:** a full range of urban uses, especially commercial, retail, public and institutional

### Planning Concepts & Future Vision

- **Historic Character:** maintain historic character while promoting complementary new businesses
- **Pedestrian Orientation:** promote attractive street frontages, inviting storefronts & entries, comfortable sidewalks, gathering places, public amenities, porches, awnings and shading devices
- **Adaptive Re-Use:** preserve history and infuse vitality with appropriate mixed-use rehabilitation
- **Sensitive Infill:** maintain predominant influence of historical resources, encourage context-sensitive, compatible new development/redevelopment on available properties

### Policy Recommendations & Tools

- **HPC Implementation Manual:** maintain, administer & enforce "Certificate of Appropriateness" criteria to achieve desired vision
- **HP Standards & Design Guidelines:** tighten focus on preserving Historic Character while allowing more variety, freedom & creativity
- **Alternative Design Standards:** promote flexibility/creativity for unique, quality projects that complement Historic character and bring invigorating new uses
- **Historical Zoning Overlay:** encourage compatible mixed-uses while protecting historic qualities

---

**City of Dripping Springs**  
P.O. Box 384  
Dripping Springs, Texas 78620  
512-858-4725

## OLD FITZHUGH ROAD - HISTORIC DISTRICT

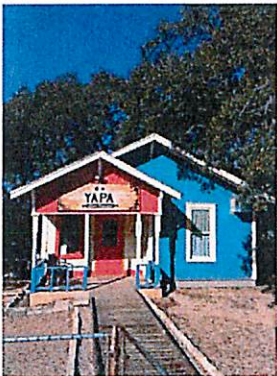
\* \* \*

### Vision Statement/Historic Characteristics/Planning Concepts/Policy Recommendations City of Dripping Springs 2/17/2015

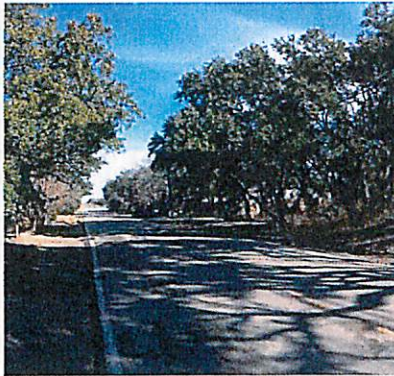
#### Vision Statement:

The vision for the **Old Fitzhugh Road Historic District** is to preserve the unique character and rustic qualities of this linear collection of small historic farmsteads and residences, while guiding its harmonious evolution into a new and vibrant, eclectic mixed-use commercial and residential district that is well-connected to the Mercer Historic District.

- **Historic Renovation & Landscape Preservation:** Encourage the renovation, upkeep and continued care for historic dwellings; preserve mature tree canopies, informal roadway, rural landscape features, outbuildings and supporting structures defining the character of this district;
- **Adaptive Re-Use:** Continue the flexible, adaptive transformation of existing historic properties to a variety of appropriate commercial, residential and mixed use rehabilitation projects; and
- **Eclectic Revitalization:** Encourage a wide range of new uses and compatible businesses, in a harmonious mixture of new and old buildings, through appropriate rehabilitation and well-scaled, context-sensitive new infill development.



**Eclectic Revitalization**



**Tree Preservation**



**Context-Sensitive Infill**

\* \* \*

**City of Dripping Springs**  
P.O. Box 384  
Dripping Springs, Texas 78620  
512-858-4725

### Distinguishing Historical Characteristics

**Old Fitzhugh Road Historic District (OFRHD)** encompasses a loose collection of historic single-family residences and small family farmsteads (interspersed with more recent mobile home & other uses) extending approx. ½ mi. north from the heart of Mercer St to its termination at Ranch Road 12.

These historic resources developed organically, in a linear fashion, along an informal, rustic street enveloped with a nearly continuous canopy of mature Live Oak trees. Taken as a whole, this District maintains a unique character and sense of place, whose preservation plays a role in connecting the City to its rural heritage. In its current state, OFRHD “retains buildings and landscapes that reflect the area’s evolution from a nineteenth century agricultural landscape to a circa 1965 residential neighborhood.” (Roark-Foster-Consulting: “Historic Resources Survey Report, Old Fitzhugh Road- August 5, 2014).

### Defining Qualities & Design Elements

- **Rural Roadway:** rustic road with meandering alignment, irregular frontage setbacks
- **Landscape / Trees:** nearly continuous streetscape & unifying canopy of mature oak trees
- **Farmsteads w/Dependencies:** dwellings w/ domestic and agricultural outbuildings beside/behind
- **Architectural Variety:** collection of period residential styles, materials, building techniques

### Planning Concepts & Future Vision

- **Adaptive Re-Use:** preserve history and infuse vitality with appropriate commercial rehabilitation
- **Sensitive Infill:** encourage compatible new development/redevelopment on available parcels
- **Eclectic Character:** promote harmonious mix of new and old, with appropriate scale & character
- **Landscape / Streetscape / Tree Preservation:** maintain District-wide continuity & character, while connecting, screening & accommodating a wide variety of architectural responses

### Policy Recommendations & Tools

- **HPC Implementation Manual:** tailor “Certificate of Appropriateness” criteria to achieve vision
- **HP Standards & Design Guidelines:** adapt to promote Eclectic Character & allow variety
- **Alternative Design Standards:** promote flexibility/creativity for unique, quality projects that fit
- **Historical Zoning Overlay:** encourage compatible uses while protecting historic characteristics

## HAYS STREET - HISTORIC DISTRICT

\* \* \*

### Vision Statement/Historic Characteristics/Planning Concepts/Policy Recommendations City of Dripping Springs 2/17/2015

---

#### Vision Statement:

The vision for the **Hays Street Historic District** is to protect the primarily historic residential character of this surviving neighborhood dating from the origins of Dripping Springs.

- **Neighborhood Preservation:** Protect neighborhood scale and character; preserve existing historic resources and harmonious structures;
- **Adaptive Re-Use / Sensitive Infill:** Allow small-scale, context-sensitive rehabilitation and sensitive new infill development of residential properties and appropriate mixed-use commercial development along Hwy 290 corridor; and
- **Landscape / Streetscape /Tree Preservation:** Maintain mature trees, unique site features and character-giving elements of the rural landscape.



**Historic Neighborhood Character**

\* \* \*

---

**City of Dripping Springs**  
P.O. Box 384  
Dripping Springs, Texas 78620  
512-858-4725

## Distinguishing Historical Characteristics

**Hays Street Historic District** (as proposed) is formed by “a surviving grid of city blocks and streets that flank Hays Street, south of and parallel to U.S. Hwy 290....Hays Street serves as an axis that unifies adjoining blocks into a discreet neighborhood that has remained almost entirely residential and pedestrian-friendly. The character of the neighborhood is defined....especially west of San Marcos Street, by twentieth century, single-story, single-family dwellings with informal yards, quaint landscaping features and mature trees.” (Roark-Foster-Consulting: “Historic District Assessment”- October 31, 2014)

This neighborhood, a part of the original town plan, has retained significant integrity and character despite being severed from the Mercer St. blocks to the north by the construction of Hwy 290 between 1958 and 1962. The District’s notable historic resources include the landmark Jones House, dating from the late nineteenth century, which survives in good condition with a high degree of architectural integrity. Other resources of importance to the community include the site and group of church-related structures associated with the First Baptist Church (sanctuary rebuilt after destruction by fire in 2007), six (6) surviving historic age homes from the Pre-WWII (1945) era, and eight (8) additional Post-War dwellings from circa 1945 to circa 1965. The District’s Hwy 290 and RR 12 margins (with some exceptions) reflect commercial development in response to highway visibility and real estate pressures, negatively-impacting the historical qualities of most of the highway frontage properties.

## Defining Qualities & Design Elements

- **Residential Scale:** recognizable residential neighborhood from the town’s early development
- **Landscape / Trees:** scattered canopy of mature trees, within private yards and along streets
- **Historic-Age Dwellings:** 19<sup>th</sup>/20<sup>th</sup> C. surviving homes w/ informal yards, landscape features
- **Architectural Vernacular:** distinctive residential styles; local responses to national trends

## Planning Concepts & Future Vision

- **Neighborhood Preservation:** protect residential character, preserve historic resources
- **Adaptive Re-Use:** allow small-scale, context-sensitive rehabilitation of residential properties
- **Sensitive Infill:** encourage appropriate new development/redevelopment on available parcels
- **Landscape / Streetscape / Tree Preservation:** maintain mature trees & landscape character

## Policy Recommendations & Tools

- **HPC Implementation Manual:** administer “Certificate of Appropriateness” criteria per vision
- **HP Standards & Design Guidelines:** adapt to protect Neighborhood Character & allow infill
- **Alternative Design Standards:** promote flexibility/creativity for fit projects of suitable quality
- **Historical Zoning Overlay:** encourage compatible Land Uses while protecting historic characteristics

---





**City of Dripping Springs**  
P.O. Box 384  
Dripping Springs, Texas 78620  
512-858-4725

*Attachment "B"*  
*Addendum to the Historic Preservation Program Implementation Manual*  
*Adopted September 11, 2007*

**CITY OF DRIPPING SPRINGS**  
**IMPLEMENTATION STANDARDS AND GUIDELINES FOR HISTORIC DISTRICTS**  
*February 17, 2015*

City of Dripping Springs  
Historic Districts  
Design & Development Standards

City Council Approval- 2/17/15

Character	All Districts 	Mercer Street 	Old Fitzhugh Road 	Hays Street 
Vision	<ul style="list-style-type: none"> <li>Preserve &amp; Enhance Historic Character &amp; Resources / Town Heritage</li> <li>Encourage Revitalization</li> <li>Foster &amp; Ensure Complementary New Uses</li> </ul>	<ul style="list-style-type: none"> <li>Historic Main Street</li> <li>Foster a Community Focal Point</li> <li>Preserve Historic Resources- Rehab &amp; Adaptive Re-Use</li> <li>Promote Revitalization</li> </ul>	<ul style="list-style-type: none"> <li>Historic Small Farmsteads</li> <li>Eclectic Revitalization- new/old</li> <li>Adaptive Re-Use / Appropriate Rehab Mixed Use</li> <li>Historic Renovation &amp; Landscape Preservation</li> </ul>	<ul style="list-style-type: none"> <li>Historic Remnant Neighborhood</li> <li>Neighborhood Preservation</li> <li>Adaptive Re-Use / Sensitive Infill</li> <li>Landscape / Streetscape / Tree Preservation</li> </ul>
Design Principles / Guidelines & Regulations	<ul style="list-style-type: none"> <li>Per Implementation Manual / COA (existing criteria &amp; requirements)</li> <li>Provide Alternative Design (a new provision, route &amp; process)</li> <li>Create Consistency w/ Exterior Design Ordinance (new provisions)</li> </ul>	<ul style="list-style-type: none"> <li>Protect Historic Pedestrian Scale &amp; Main Street Character</li> <li>Promote Walkable Scale &amp; Sidewalk Activity Zones</li> <li>Provide Pedestrian Shading Devices @ Sidewalk Frontage</li> <li>New Construction shall be compatible with surroundings</li> </ul>	<ul style="list-style-type: none"> <li>Protect Historic Farmstead Scale &amp; Character</li> <li>Promote Rustic Look/Feel of OFR, with Gathering Spaces / Patios / Decks / Courtyards / Gardens @ Rear of Properties</li> <li>New Construction shall be compatible with surroundings</li> </ul>	<ul style="list-style-type: none"> <li>Protect Historic Neighborhood Scale &amp; Character</li> <li>Allow Small-scale Rehabilitation @ Existing Historic Dwellings</li> <li>Allow Context-Sensitive Infill @ Vacant Properties &amp; Hwy 290</li> <li>New Construction shall be compatible with surroundings</li> </ul>
Preferred Uses	<ul style="list-style-type: none"> <li>Zoning Review- Verify Consistency w/HO or Identify / Use Change (new requirement)</li> </ul>	<ul style="list-style-type: none"> <li>Pedestrian-Oriented</li> <li>Family-Friendly uses / activities</li> <li>Full Mix of Uses allowed</li> </ul>	<ul style="list-style-type: none"> <li>Mixed-Use Rehab- OFR</li> <li>Retail / Commercial – RR 12</li> <li>Residential Rehab or Infill</li> </ul>	<ul style="list-style-type: none"> <li>Residential Rehab/Infill Hays St.</li> <li>Retail / Commercial Mixed-Use- Hwy 290</li> </ul>
Site Planning & Building Placement	<ul style="list-style-type: none"> <li>Site Plan Concept Review (new requirement)</li> </ul>	<ul style="list-style-type: none"> <li>"Build-To" Mercer St. Frontage 0' setback</li> <li>Sides: 0' setback</li> <li>Rear: 10' setback</li> </ul>	<ul style="list-style-type: none"> <li>Site Buildings within Existing Trees &amp; Landscape Features</li> <li>Front / Rear: 10' setback</li> <li>Sides: 5' setback</li> </ul>	<ul style="list-style-type: none"> <li>Site Buildings Facing Local Streets &amp; Hwy 290</li> <li>Front / Rear: 10' setback</li> <li>Sides: 5' setback</li> </ul>
Parking Arrangement	<ul style="list-style-type: none"> <li>Site Plan Concept Review- (new requirement)</li> </ul>	<ul style="list-style-type: none"> <li>Street Parking</li> <li>Onsite Lots in Rear</li> <li>Offsite Remote Lots</li> </ul>	<ul style="list-style-type: none"> <li>Onsite Lots @ Rear of Property</li> <li>Off Street Spaces @ Fronts (limited &amp; must protect trees)</li> </ul>	<ul style="list-style-type: none"> <li>Residential Garages</li> <li>Onsite Lots @ Rear of Property</li> <li>Small Lots @ Side Yards</li> </ul>
Building Footprint Massing / Scale	<ul style="list-style-type: none"> <li>Site Plan Concept Review</li> <li>COA / Architectural Review (new requirement)</li> <li>Provide Alternative Design (new provision &amp; process)</li> </ul>	<ul style="list-style-type: none"> <li>10,000 sf max contiguous footprint</li> <li>2,500 sf max massing increments</li> <li>2 Sty to 2-1/2 Sty Height Limit</li> </ul>	<ul style="list-style-type: none"> <li>5,000 sf max contiguous footprint</li> <li>2,500 sf max massing increments</li> <li>2 Sty to 2-1/2 Sty Height Limit</li> </ul>	<ul style="list-style-type: none"> <li>5,000 sf max contiguous footprint</li> <li>3,500 sf max massing increments</li> <li>1-1/2 Sty to 2 Sty Height Limit</li> </ul>
Street Frontage	<ul style="list-style-type: none"> <li>COA / Architectural Review (new requirement)</li> </ul>	<ul style="list-style-type: none"> <li>40' max storefront width or</li> <li>40' max. articulation increments</li> </ul>	<ul style="list-style-type: none"> <li>45' max; 60' max @ RR 12</li> <li>45' max. articulation increments</li> </ul>	<ul style="list-style-type: none"> <li>40' max; 60' max @ Hwy 290</li> <li>40' max. articulation increments</li> </ul>
Porches	<ul style="list-style-type: none"> <li>COA / Architectural Review (new requirement)</li> </ul>	<ul style="list-style-type: none"> <li>Porches / Awnings @ Street across min. 50% of frontage</li> </ul>	<ul style="list-style-type: none"> <li>Front Porches / Awnings @ Entries- min. 50% of frontage</li> </ul>	<ul style="list-style-type: none"> <li>Front Porches / Awnings @ Entries- min. 50% of frontage</li> </ul>
Roofs	<ul style="list-style-type: none"> <li>COA / Architectural Review (revised requirements)</li> </ul>	<ul style="list-style-type: none"> <li>Flat Parapets or Sloped Metal Roofs (Standing Seam or other approved type &amp; finish)</li> </ul>	<ul style="list-style-type: none"> <li>Sloped Metal Roofs, or 30-yr. Composition Shingles (Must be of an approved type &amp; finish)</li> </ul>	<ul style="list-style-type: none"> <li>Sloped Metal Roofs, or 30-yr. Composition Shingles (Must be of an approved type &amp; finish)</li> </ul>
Materials	<ul style="list-style-type: none"> <li>COA / Architectural Review (revised requirements)</li> </ul>	<ul style="list-style-type: none"> <li>Maintain Historic Native Stone or Wood all walls- 75% net sf.</li> <li>Wood Porch Structures &amp; Trim</li> </ul>	<ul style="list-style-type: none"> <li>Maintain Historic Native Stone or Wood all walls- 75% net sf.</li> <li>Wood Porch Structures &amp; Trim</li> </ul>	<ul style="list-style-type: none"> <li>Maintain Historic Native Stone or Wood all walls- 75% net area sf.</li> <li>Wood Porch Structures &amp; Trim</li> </ul>
Color Palette	<ul style="list-style-type: none"> <li>COA Review (revised requirements)</li> </ul>	<ul style="list-style-type: none"> <li>Muted, rustic Earth Tone Hues</li> <li>Entry Doors- full range of hues</li> </ul>	<ul style="list-style-type: none"> <li>Full Range of Hues allowed- Color Palettes to be approved</li> </ul>	<ul style="list-style-type: none"> <li>Muted, rustic Earth Tone Hues</li> <li>Entry Doors- full range of hues</li> </ul>
Tree Preservation	<ul style="list-style-type: none"> <li>Tree Replacement Ord.</li> <li>Site Plan Review (new req'mt)</li> </ul>	<ul style="list-style-type: none"> <li>Replace Trees over 8"</li> <li>Preserve Heritage Trees 24" +</li> </ul>	<ul style="list-style-type: none"> <li>Replace Trees over 8"</li> <li>Preserve Heritage Trees 24" +</li> </ul>	<ul style="list-style-type: none"> <li>Replace Trees over 8"</li> <li>Preserve Heritage Trees 24" +</li> </ul>
Landscape Features	<ul style="list-style-type: none"> <li>Site Plan Concept Review</li> <li>COA / Design Review (new)</li> </ul>	<ul style="list-style-type: none"> <li>Preserve Historic Walls, Gates, Fences, Outbuildings, Cisterns, and notable landscape features</li> </ul>	<ul style="list-style-type: none"> <li>Preserve Historic Walls, Gates, Fences, Outbuildings, Cisterns, and notable landscape features</li> </ul>	<ul style="list-style-type: none"> <li>Preserve Historic Walls, Gates, Fences, Outbuildings, Cisterns, and notable landscape features</li> </ul>



# City Council Planning Department Staff Report

Item # 19.

**City Council Meeting:** October 13, 2020

**Project Planner:** Amanda Padilla, Senior Planner

## Item Details

**Project:** Amendment to the Dripping Springs City-Wide Trails Plan Map

**Request:** Staff is requesting to update the City-Wide Trail Plan to add a trail approved in the Town Increment Reinvestment Zone Project Plan on Old Fitzhugh Road, a trail connection to the Heritage development north on Mercer, and changes to reflect installation of Trails.

## Overview

It is customary as a City grows to make needed updates to the Official City-Wide Trails Plan Map. With the submittal of new development applications, the City became aware of the need for Trail Connections along Old Fitzhugh Road and Mercer St. As well as the need to update the map to show City trails that have been constructed within the last couple of years.

City Staff has made the following changes (Individual explanations will be below):

1. Changed the overall layout of the Official City-Wide Trails Plan
2. Added two (2) Old Fitzhugh Road Trail connections
3. Added one (1) trail connection to the Heritage Subdivision on Mercer St near City Hall
4. Updated the trail in Dripping Springs Sports and Recreation Park
5. Changed the symbol for previously proposed trails that have been constructed from “proposed trails” to “existing trails”

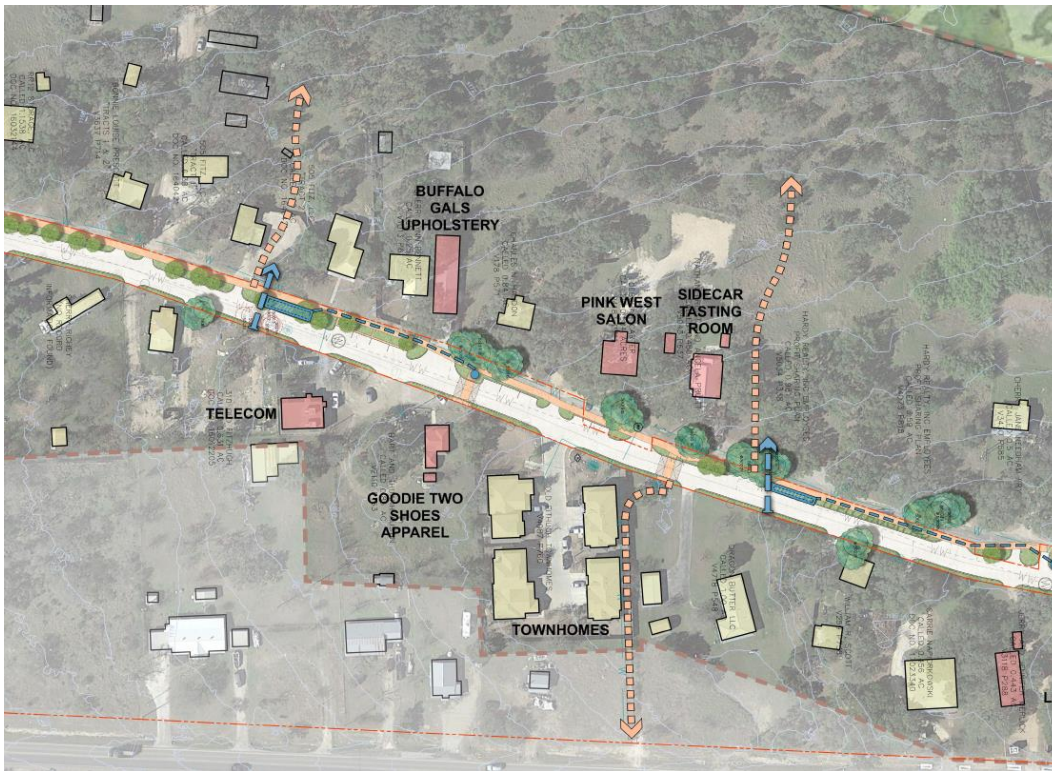
### **Change #1. Changed the overall layout of the Official City-Wide Trails Plan**

The Layout for the Plan has been changed slightly to allow for a larger map extent.

### **Change #2. Added two (2) Old Fitzhugh Road Trail connections**

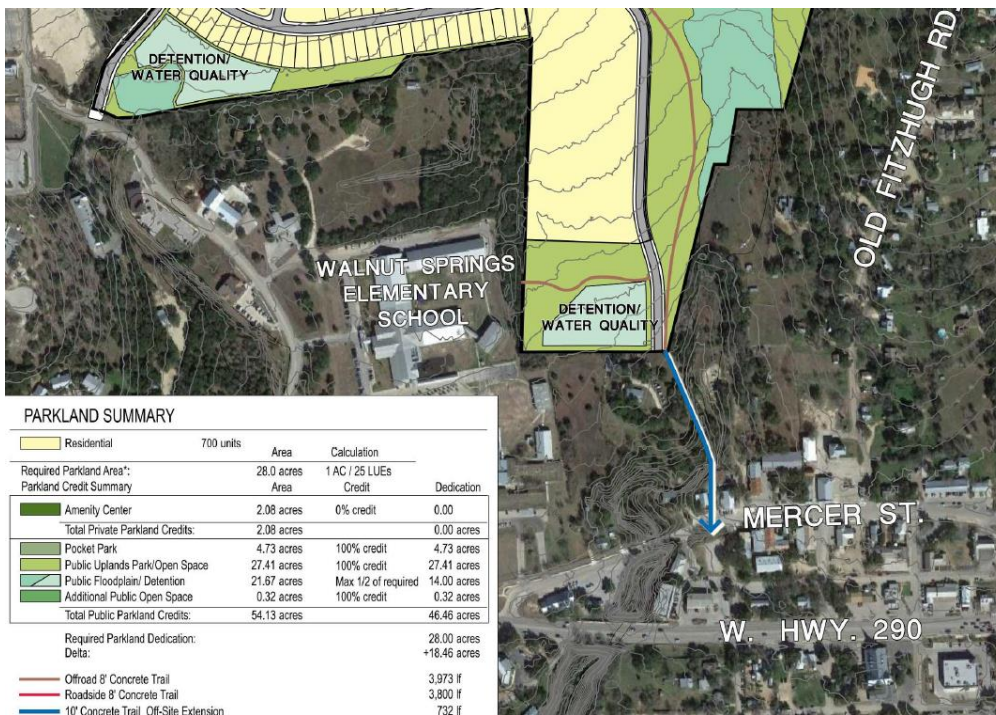
In April 2017, The TIRZ board approved four priority projects: Old Fitzhugh Road, Town Center, Triangle Development and Downtown Parking. The Dripping Springs City Council approved the Old Fitzhugh Road Concept Plan on August 21, 2018. This plan seeks to preserve the rural character of the current street while improving traffic flow, pedestrian access and safety, and drainage issues. The Old Fitzhugh Road TIRZ Project shows two (2) trail Connections that would lead to the Heritage Subdivision Development, that is intended to have internal sidewalk/trails. As well as a connection from the Old Fitzhugh Historic District to Founders Park Road. Staff wanted to reflect this on the City-Wide Trail Plan.





**Change 3. Added one (1) trail connection to the Heritage Subdivision on Mercer St near City Hall**

In 2017 the City approved the Planned Development District No 5: Heritage Subdivision. The Subdivision is located North of Mercer Street and West of Old Fitzhugh Road. The Development Proposed 595 Single Family lots. The Planned Development District shows future connections to Mercer Street. City Council recently approved the Heritage Development Parkland dedication based on the Parks and Recreation Commission’s recommendation, which showed a future trail connection to Mercer Street. Staff wanted to reflect this on the City-Wide Trail Plan.



**Change 4. Updated the trail in Dripping Springs Sports and Recreation Park**

Staff wanted to reflect on the City-Wide Trail what trails currently existed at Dripping Springs Sports and Recreation Park.

**Change 5. Changed the symbol for trails that were marked “proposed trails” to “existing trails”**

As the City has been growing the City has been able to gather grants to construct “proposed trails” or encourage developers to construct “proposed trails”. Staff wanted to reflect this on the City-Wide Trail to give Citizens and City Council an accurate depiction of the Trail System within the City.

**Summary and Staff Recommendation**

The above changes were made to accurately depict the City’s inventory of trail and future connectivity of trails. The changes also align with the City’s Comprehensive Goal of Livability and Quality of Life. **Staff is recommending approval of the Amended City-Wide Trails Pan.**

**Planning and Zoning Commission Recommendation**

A motion was made by Vice Chair Martin to recommend approval of an Amendment to the Dripping Springs City-Wide Trails Plan Map. Commissioner Williamson seconded the motion which carried unanimously, 7 to 0.

**Parks and Recreation Commission Recommendation**

A motion was made by Commissioner Fougerat to recommend approval of an Amendment to the Dripping Springs City-Wide Trails Plan Map. Commissioner Henline seconded the motion which carried unanimously 5 to 0.

**Public Notification**

Notice for the public hearing was placed in the Dripping Springs Century-News for the Planning and Zoning Commission and City Council Meetings, notice was placed on the City Website.

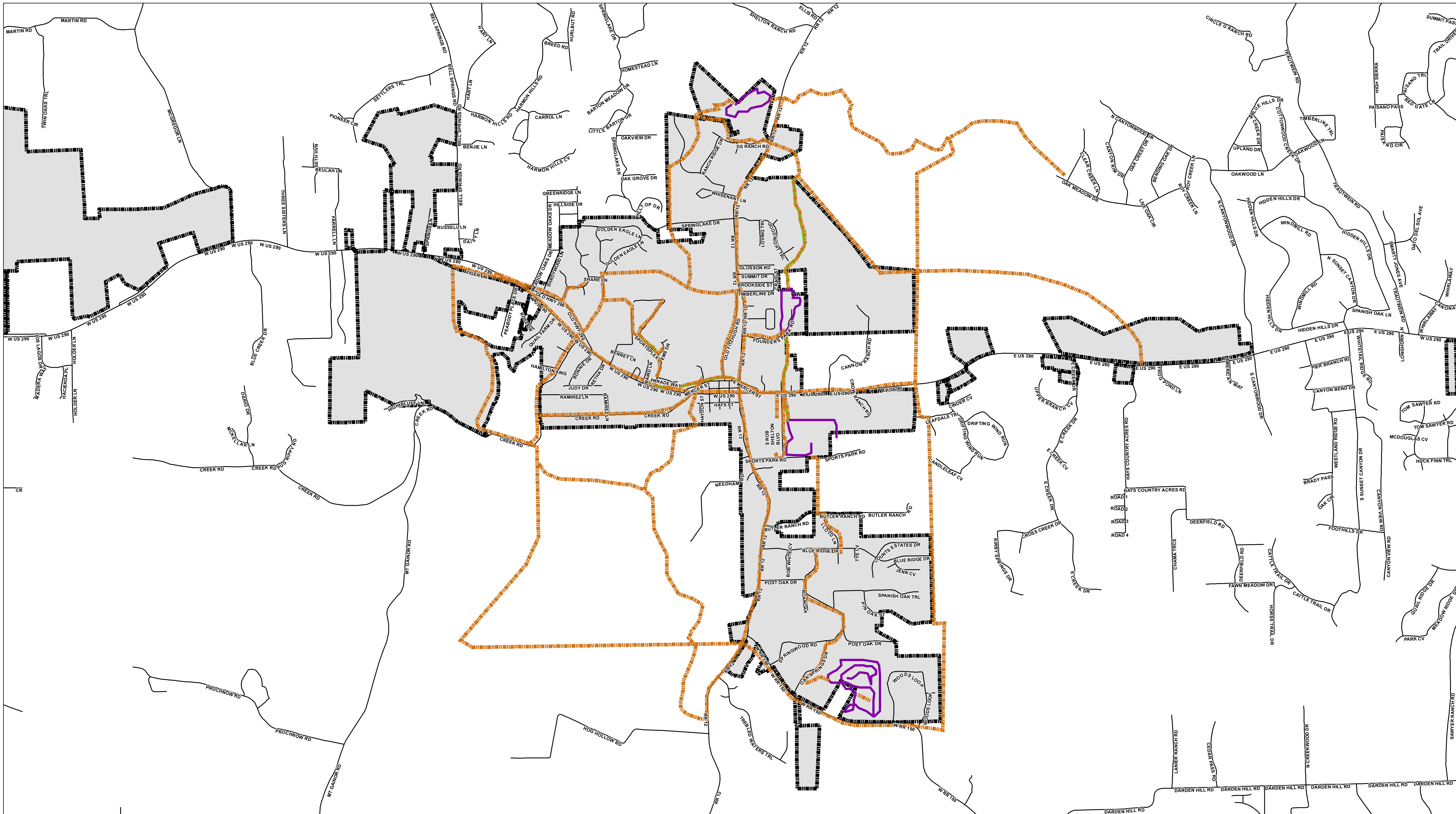
**Meetings Schedule**

- September 1, 2020 – Parks and Recreation Commission - approved
- September 22, 2020 – Planning and Zoning Commission - approved
- October 13, 2020 - City Council Meeting

**Attachments**

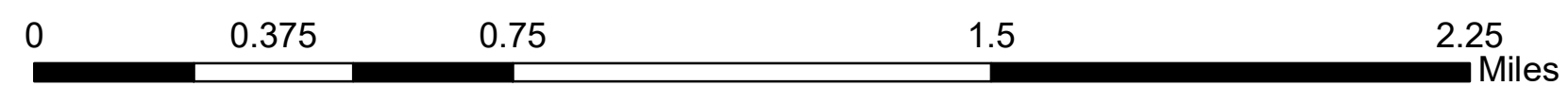
- Exhibit 1 – Amended City Wide Trail Plan – July 9, 2019
- Exhibit 2 – Updated City Wide-Trail Plan – August 26, 2020
- Exhibit 3 – Old Fitzhugh Road TIRZ project
- Exhibit 4 – Heritage Subdivision Parkland Dedication

Recommended Action:	Approve the City-Wide Trails Plan Map
Alternatives/Options:	Deny the City-Wide Trails Plan Map
Public Comments:	None received at this time
Comprehensive Plan Element:	Comprehensive Plan Goals: Livability/ Quality of Life (Implement City-Wide Trails) The City should continue its work to expand these facilities as funding is available.



**Legend**

- Completed Trails
- Proposed Trails
- Park Trails
- City Limits



1 inch = 1,500 feet

# City of Dripping Springs, Texas

## Official City-Wide Trails Plan Map

July 9, 2019



This is to certify that this is the City-Wide Trails Plan Map of the City of Dripping Springs, Texas, accepted by Resolution No. \_\_\_\_\_ by the City Council of the City of Dripping Springs on July 9, 2018.

Signed: \_\_\_\_\_

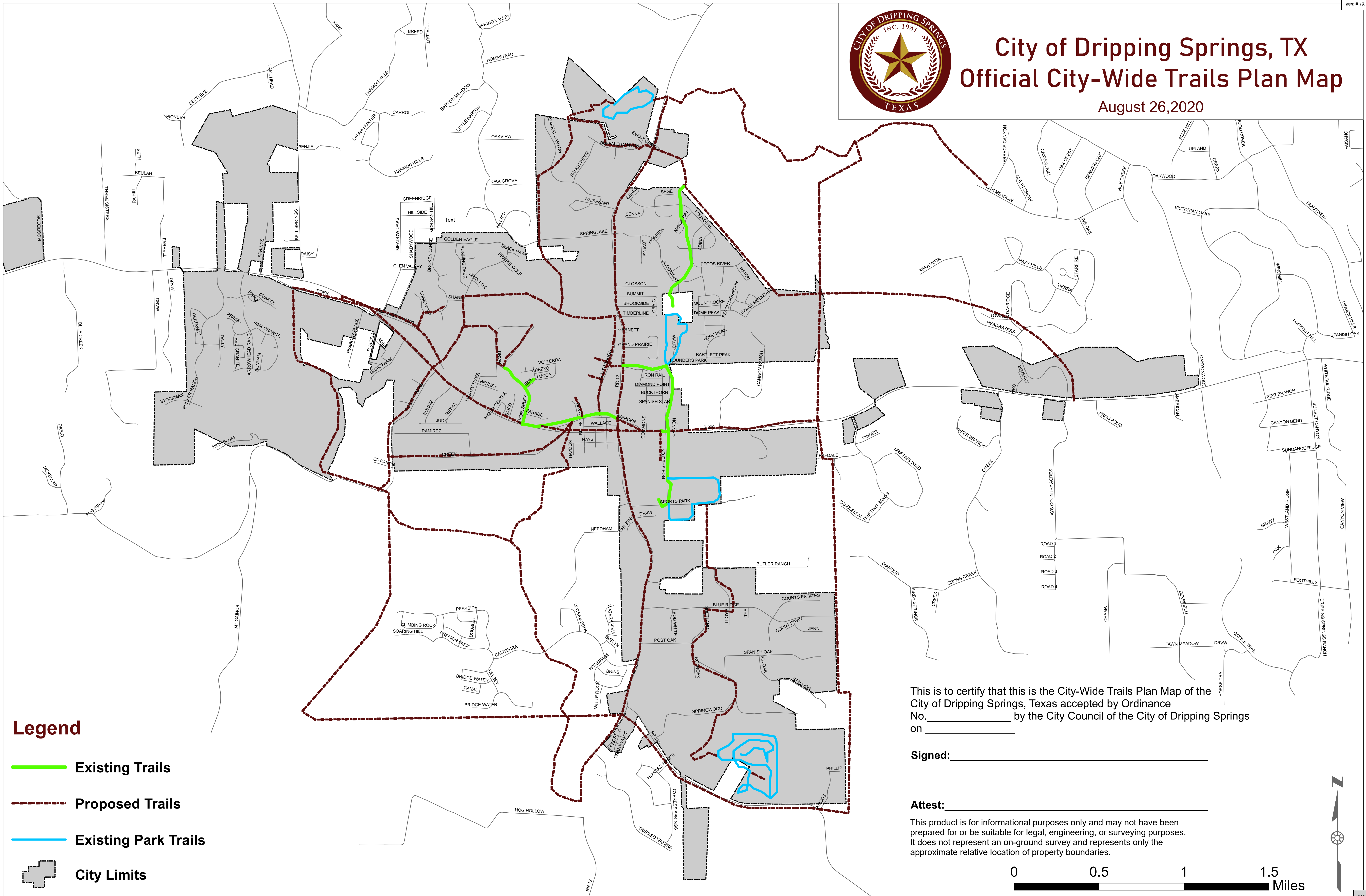
Attest: \_\_\_\_\_

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-ground survey and represents only the approximate relative location of property boundaries.







# City of Dripping Springs, TX Official City-Wide Trails Plan Map

August 26, 2020



### Legend

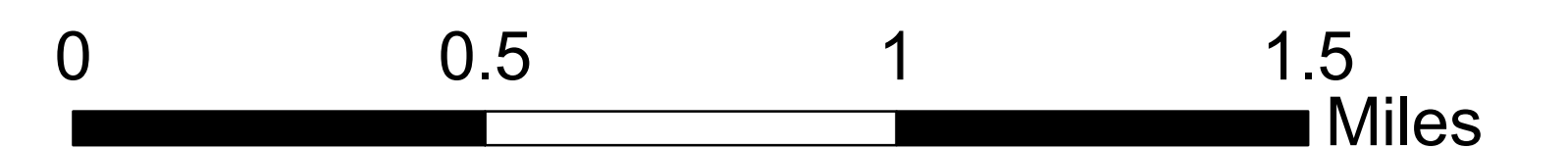
-  Existing Trails
-  Proposed Trails
-  Existing Park Trails
-  City Limits

This is to certify that this is the City-Wide Trails Plan Map of the City of Dripping Springs, Texas accepted by Ordinance No. \_\_\_\_\_ by the City Council of the City of Dripping Springs on \_\_\_\_\_

Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-ground survey and represents only the approximate relative location of property boundaries.



# TIRZ PRIORITY PROJECTS

## OLD FITZHUGH ROAD

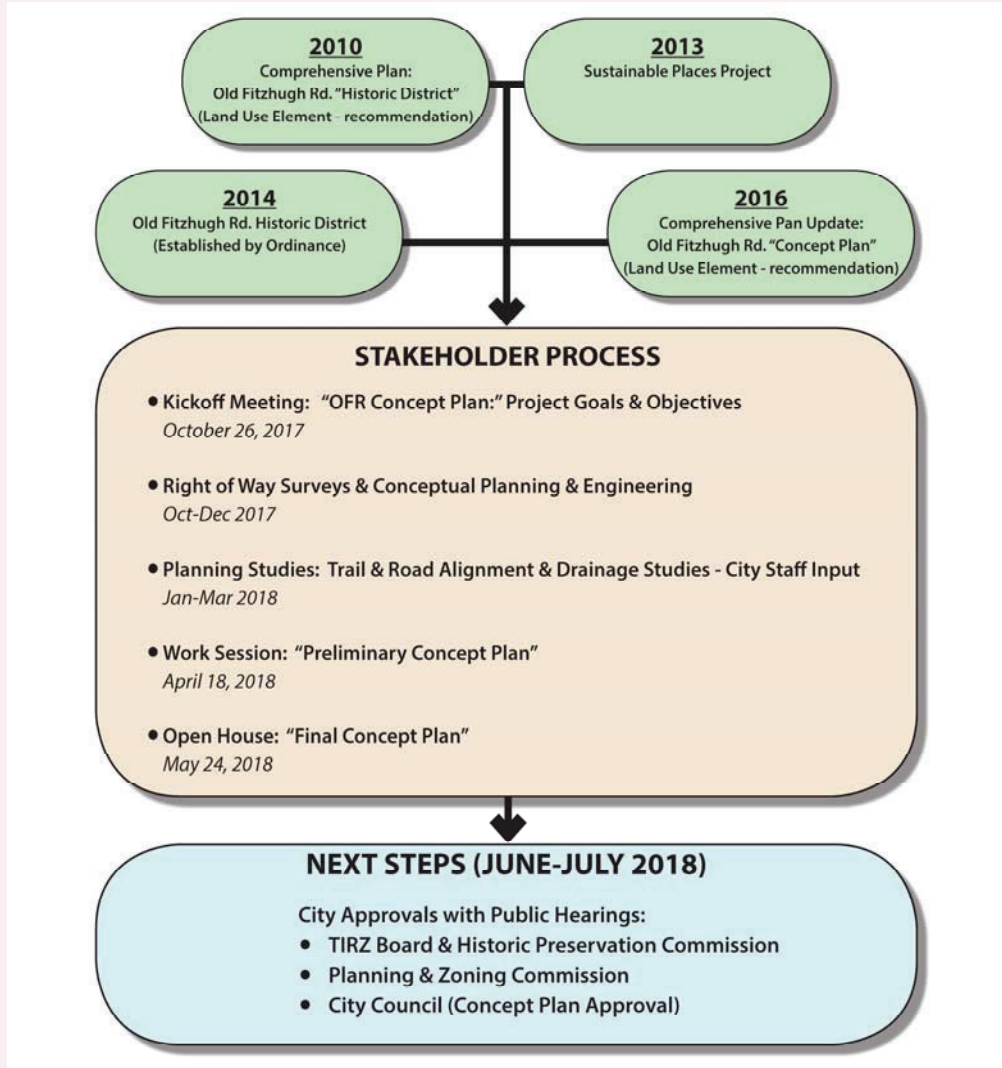
### FINAL CONCEPT PLAN



*Presentation to  
TIRZ Board  
DRAFT May 31, 2018*

# Old Fitzhugh Road

## Policy Background & Planning Process



# Old Fitzhugh Road

## Project Kick-Off Goals

- Shared-Use Trail
- Pedestrian Amenities
- Street Improvements
- Stormwater / Drainage

**Old Fitzhugh Road Project**

**Project Goals:**

- Shared-Use Trail
- Pedestrian Amenities
- Street Improvements
- Stormwater / Drainage

**Stakeholder Workshop:**  
Thursday, October 26, 2017  
5:00 - 7:00 / City Hall / 511 Mercer St.  
512- 858-4725

Joint Sponsors: City of Dripping Springs- TIRZ Board / Historic Preservation Commission

# Old Fitzhugh Road

## Stakeholder Input (October 2017)

**QUALITIES TO PRESERVE**

- TREES
- ECLECTIC LOCAL SHOPS
- SMALL TOWN/COUNTRY FEEL
- OLD HOMES/HISTORIC BUILDINGS

**CHALLENGES**

- NARROW IRREGULAR ROW
- DRAINAGE
- UTILITIES
- ROUGH ROAD SURFACE
- LACK OF COMMERCIAL IDENTITY
- SPEEDING TRAFFIC
- POOR LIGHTING
- ON-STREET PARKING
- OVER-COMMERCIALIZATION

### TOP 3 IMPROVEMENTS DESIRED

	Number of Responses			
	1st Choice	2nd Choice	3rd Choice	TOTAL
SIDEWALKS	4	3	2	9
TRAFFIC CALMING	3	1	2	6
CURBSIDE PARKING	2	0	2	4
LIGHTING	0	1	1	2
MIX OF RESIDENTIAL & COMMERCIAL	0	1	1	2
TRAIL	1	0	1	2
TREES	0	1	0	1
RAIN GARDENS	1	0	0	1



# Old Fitzhugh Road

## Stakeholder Input (April 2018)

**Curbs**

- CURB & GUTTER
- STANDING CURB
- GRANITE CURB
- RIBBON CURB
- STONE CURB

**Drainage & Water Quality**

- STRUCTURED RAIN GARDEN
- SHALLOW BIOSWALE
- CURB INLET

**Traffic Calming & Crossings**

- PRESERVE EXISTING TREES
- SPEED TABLE CROSSWALKS
- LIVE OAK TRAFFIC ISLAND
- SPEED CUSHIONS
- CENTER ISLAND

**Shared Use Path**

- EXPOSED AGGREGATE
- PERVIOUS PAVERS
- DECOMPOSED GRANITE
- ASPHALT

**Lighting**

- POOLS OF TRAIL LIGHTING
- TREE UPLIGHTING
- MERCER STREET LIGHTING
- DECORATIVE LIGHTING
- PATHWAY LIGHTING

OLD FITZHUGH ROAD PROJECT  
Dripping Springs TIRZ Priority Projects

# Old Fitzhugh Road

## Constraints

- Right-of-way ranges between 45 and 55 feet in width.
- Some property lines come to the center of the street.
- Existing trees within ROW will limit some options.
- Run-off sheet flows from east to west across roadway and adjacent properties.
- Some overhead electric poles will need to be moved.

# Old Fitzhugh Road



# Old Fitzhugh Road



# Old Fitzhugh Road



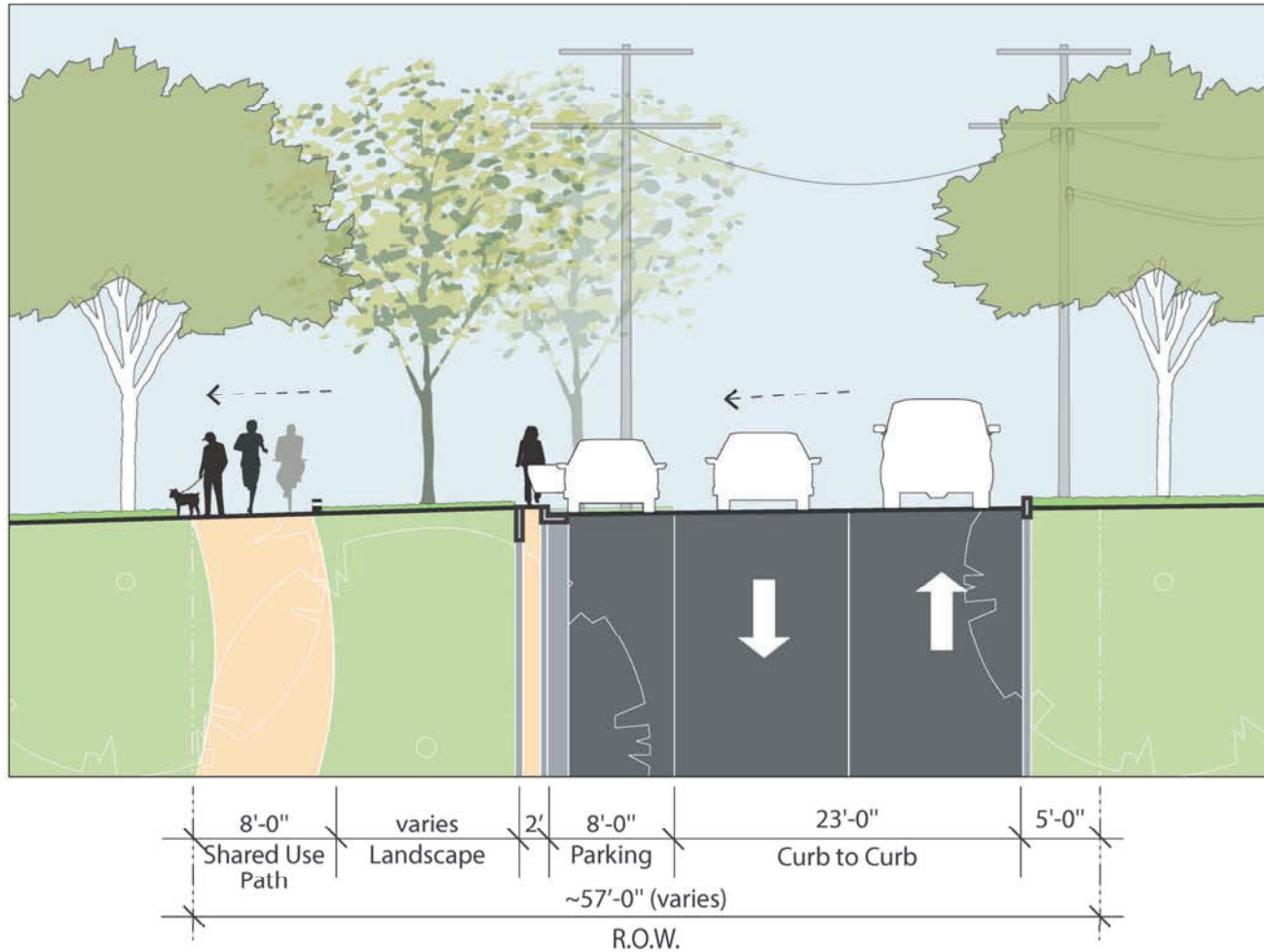
# Old Fitzhugh Road

## Conceptual Solutions & Strategies

- Enhance rustic 2 lane road with needed improvements.
- Shift Roadway alignment to accommodate Shared Use Path on the West side of the roadway.
- Create community connections along OFR and to the east and west with future trail extensions.
- Improve drainage, water quality, and roadway elements.
- Develop pedestrian, lighting, parking, and landscape solutions.

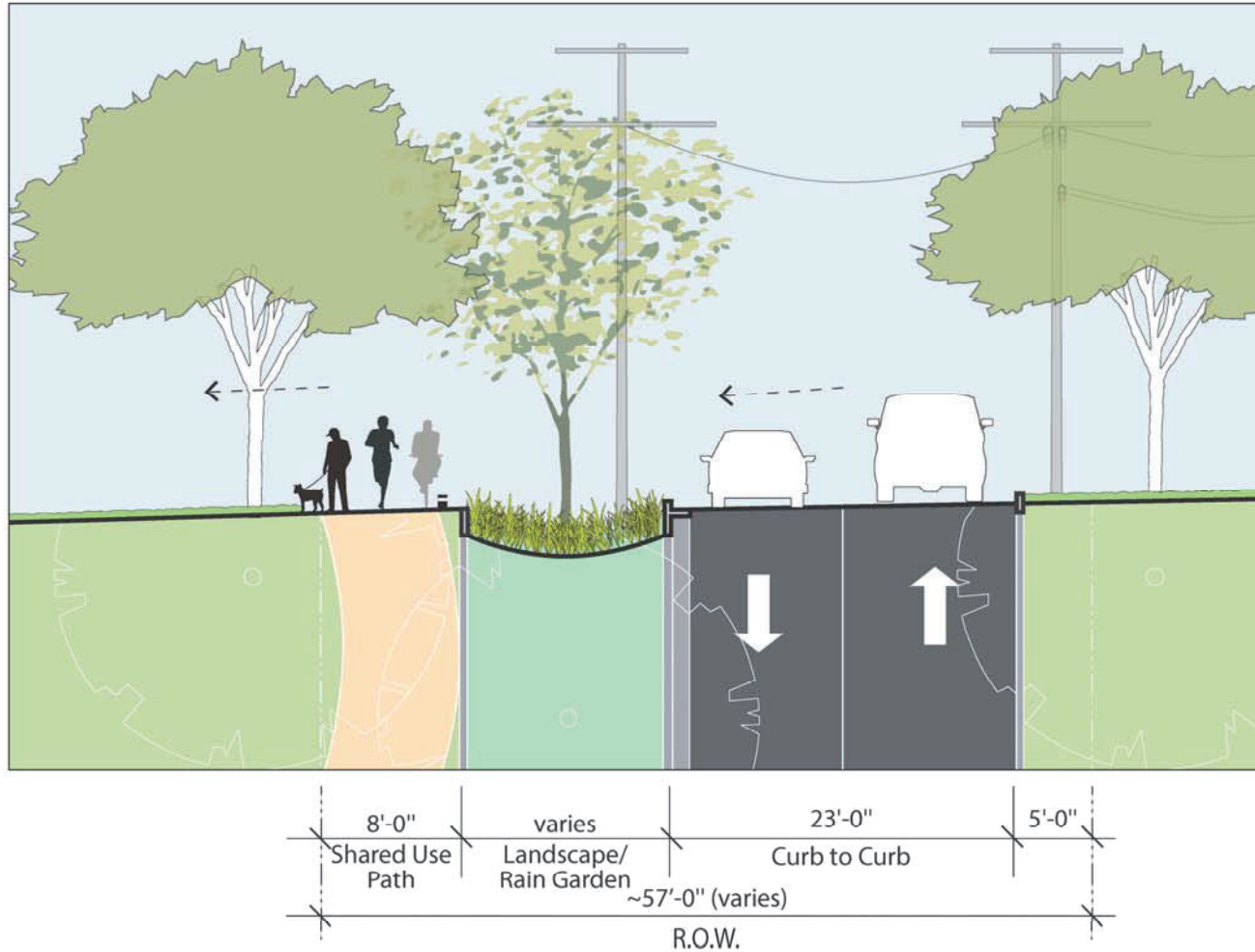
# Old Fitzhugh Road

## Section A Condition 1: Typical with Parking (Looking North)



# Old Fitzhugh Road

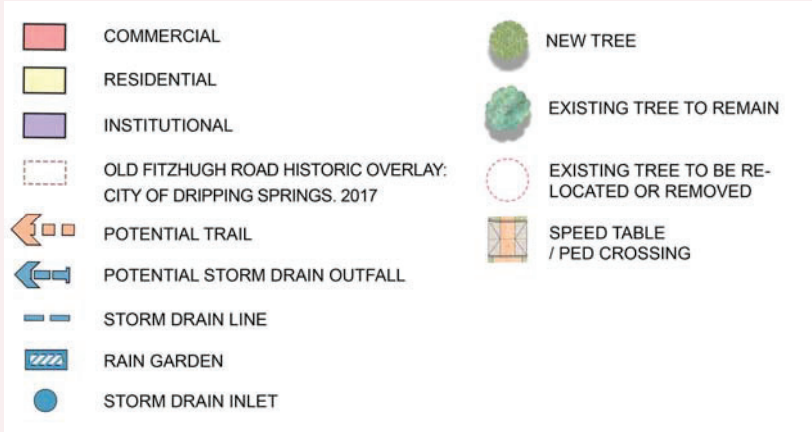
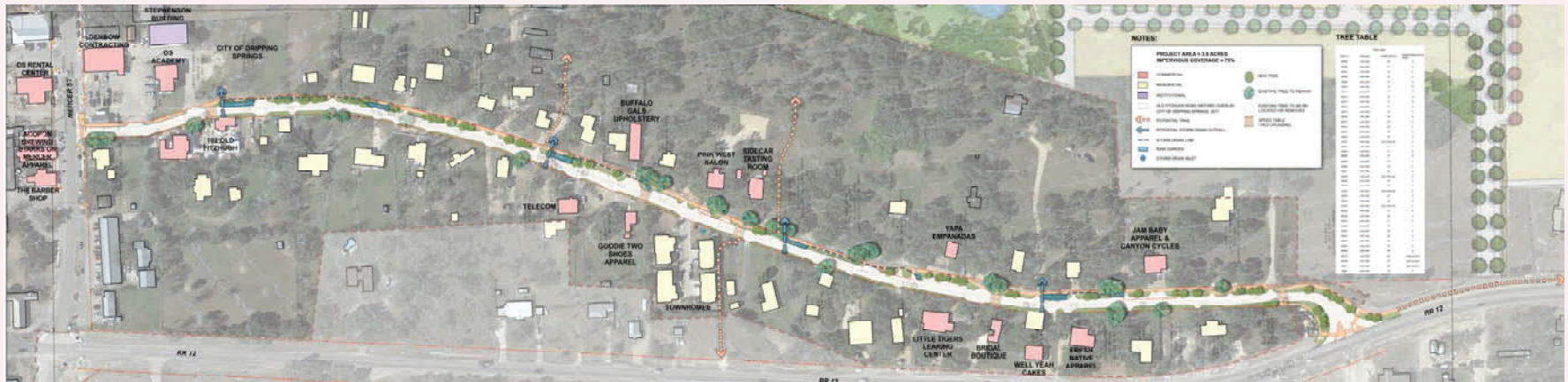
## Section A Condition 2: Typical without Parking (Looking North)





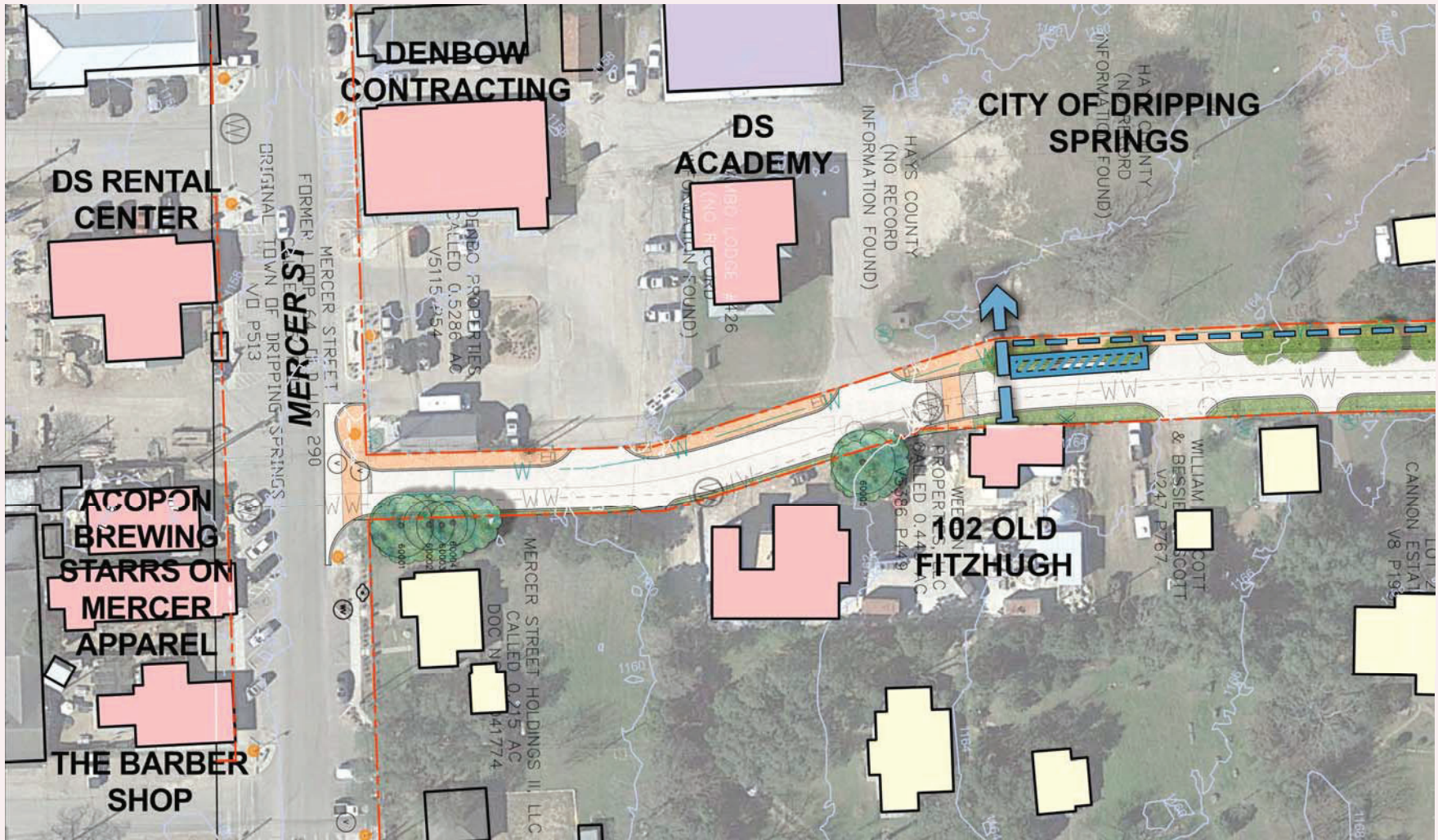
# Old Fitzhugh Road

## Overall Concept Plan



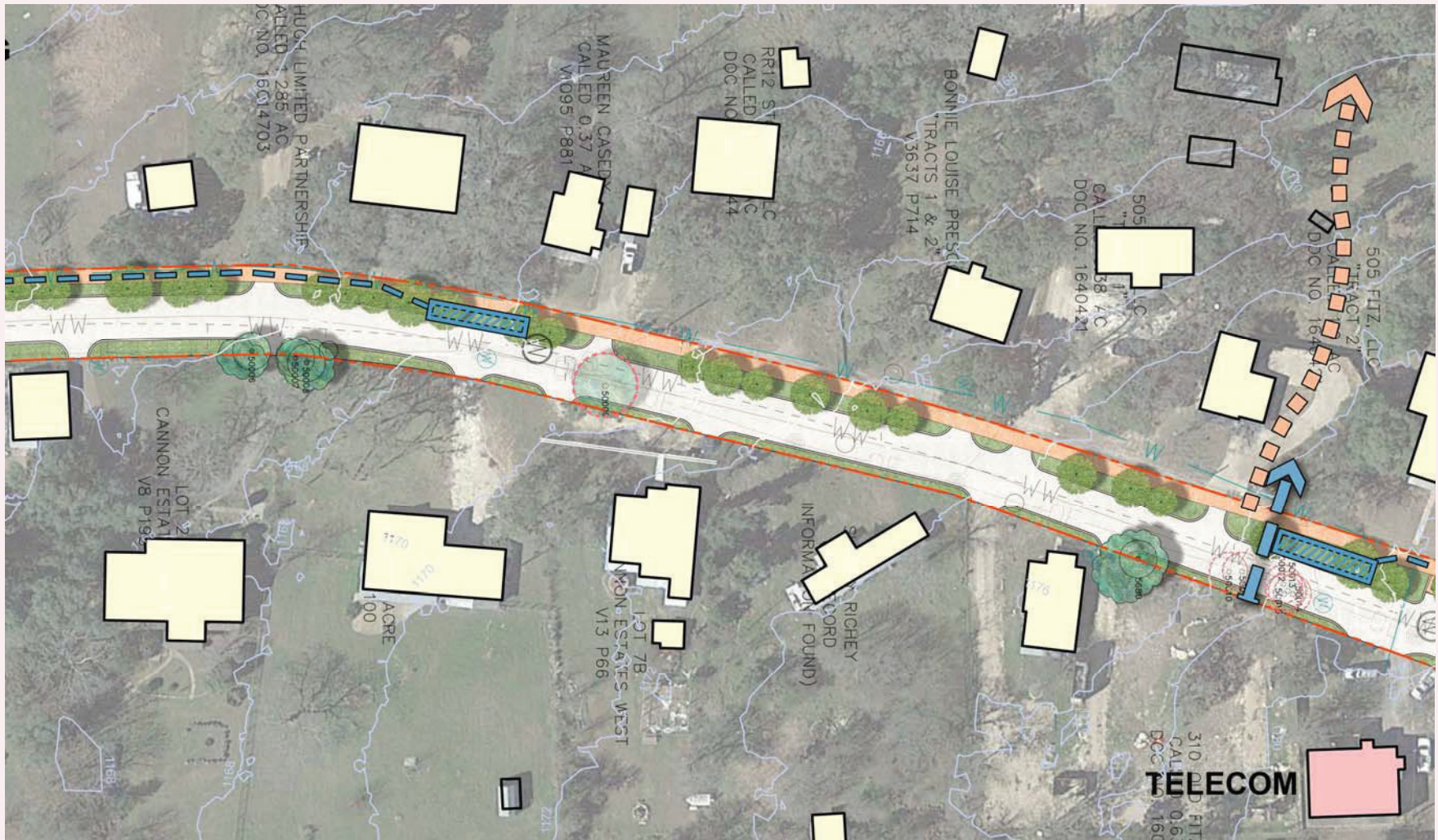
# Old Fitzhugh Road

## Plan Detail at Mercer Street



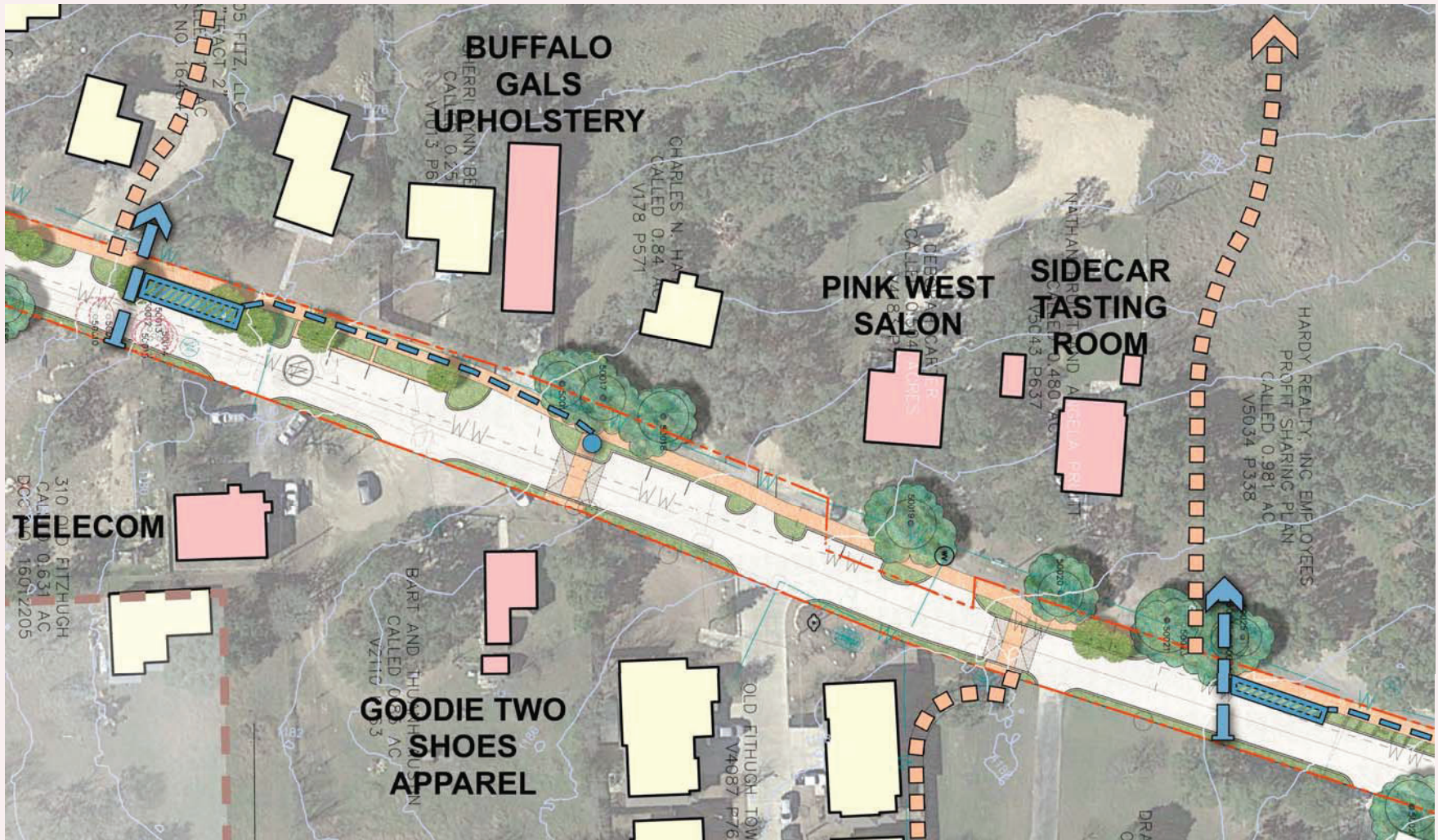
# Old Fitzhugh Road

## Plan Detail



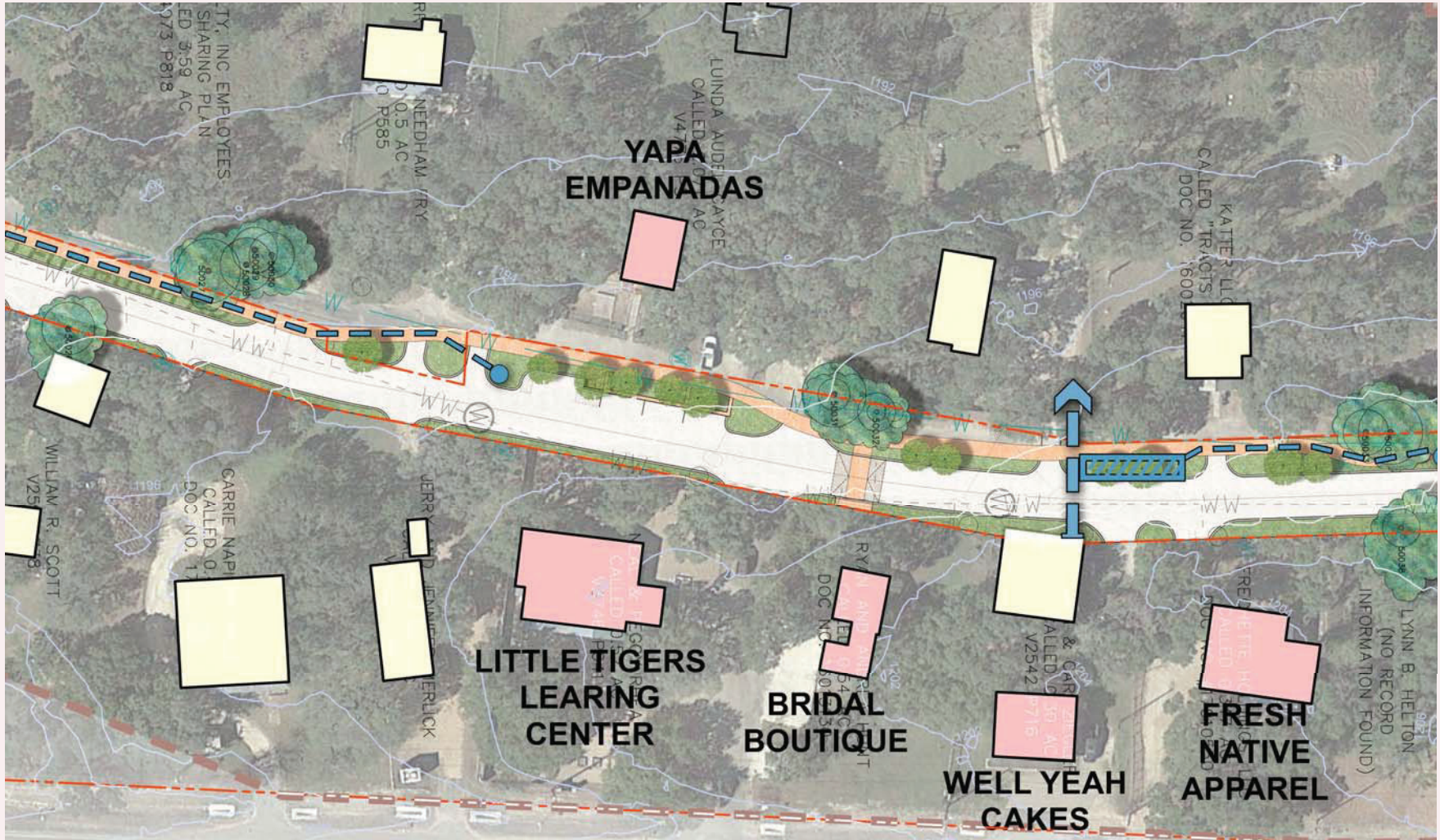
# Old Fitzhugh Road

## Plan Detail



# Old Fitzhugh Road

## Plan Detail



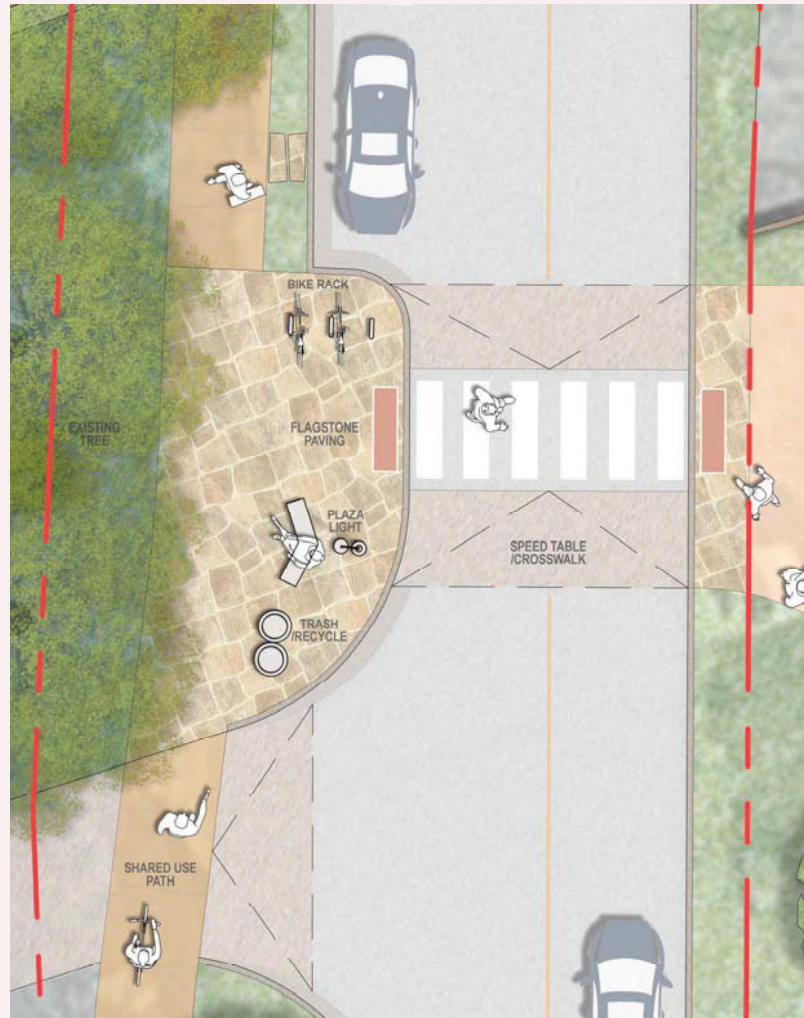
# Old Fitzhugh Road

## Plan Detail at RM 12



# Old Fitzhugh Road

## Activity Plaza & Traffic Calming



# Old Fitzhugh Road

## Recommended Materials, Treatments, & Elements

### Shared Use Path

EXPOSED AGGREGATE



EXPOSED AGGREGATE WITH FLAGSTONE



### Lighting & Pedestrian Amenities

MERCER STREET LIGHTING

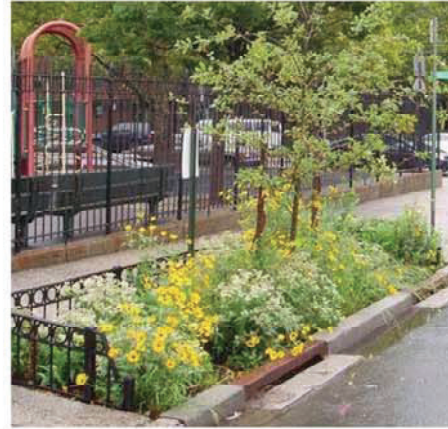


PATHWAY LIGHTING



### Drainage & Water Quality

ARMORED CURB INLET



STRUCTURED RAIN GARDEN



### Curbs

STANDING STONE CURB



STONE CURB WITH GUTTER



### Traffic Calming & Crossings

SPEED TABLE CROSSWALKS





# Shared Use Path



EXPOSED AGGREGATE CONCRETE



EXPOSED AGGREGATE WITH FLAGSTONE

# Lighting & Pedestrian Amenities



MERCER STREET LIGHTING



PATHWAY LIGHTING

# Drainage and Water Quality



STRUCTURED RAIN GARDEN



ARMORED CURB INLET

# Curbs



STANDING STONE CURB



STONE CURB WITH GUTTER

# Traffic Calming & Crossings



SPEED TABLE CROSSWALKS

# Old Fitzhugh Road

## Stakeholder Input (May 2018)

- Parking: Maximize on-street parking opportunities.
- Signage: Provide stronger business district identity along RM 12.
- Rain Gardens: Ensure that rain gardens can be maintained.
- Drainage: Address drainage issues at the RM12 intersection.
- Materials: Support for the proposed range of materials.
- Website: Post the plan online.
- Implementation: Identify funding and project schedule.

# Old Fitzhugh Road

## NEXT STEPS

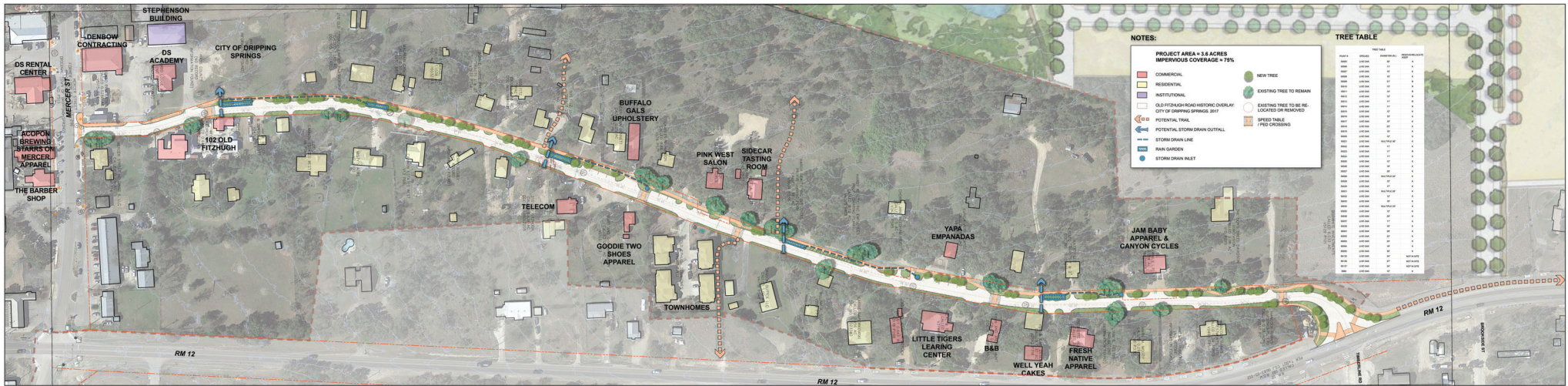
1. Finalize Plans & Conceptual Budget
2. TIRZ Board, Historic Preservation, Parks, Transportation, & Planning & Zoning Commissions
3. City Council (Concept Plan Approval)



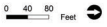
### **NEXT STEPS (JUNE-JULY 2018)**

#### City Approvals with Public Hearings:

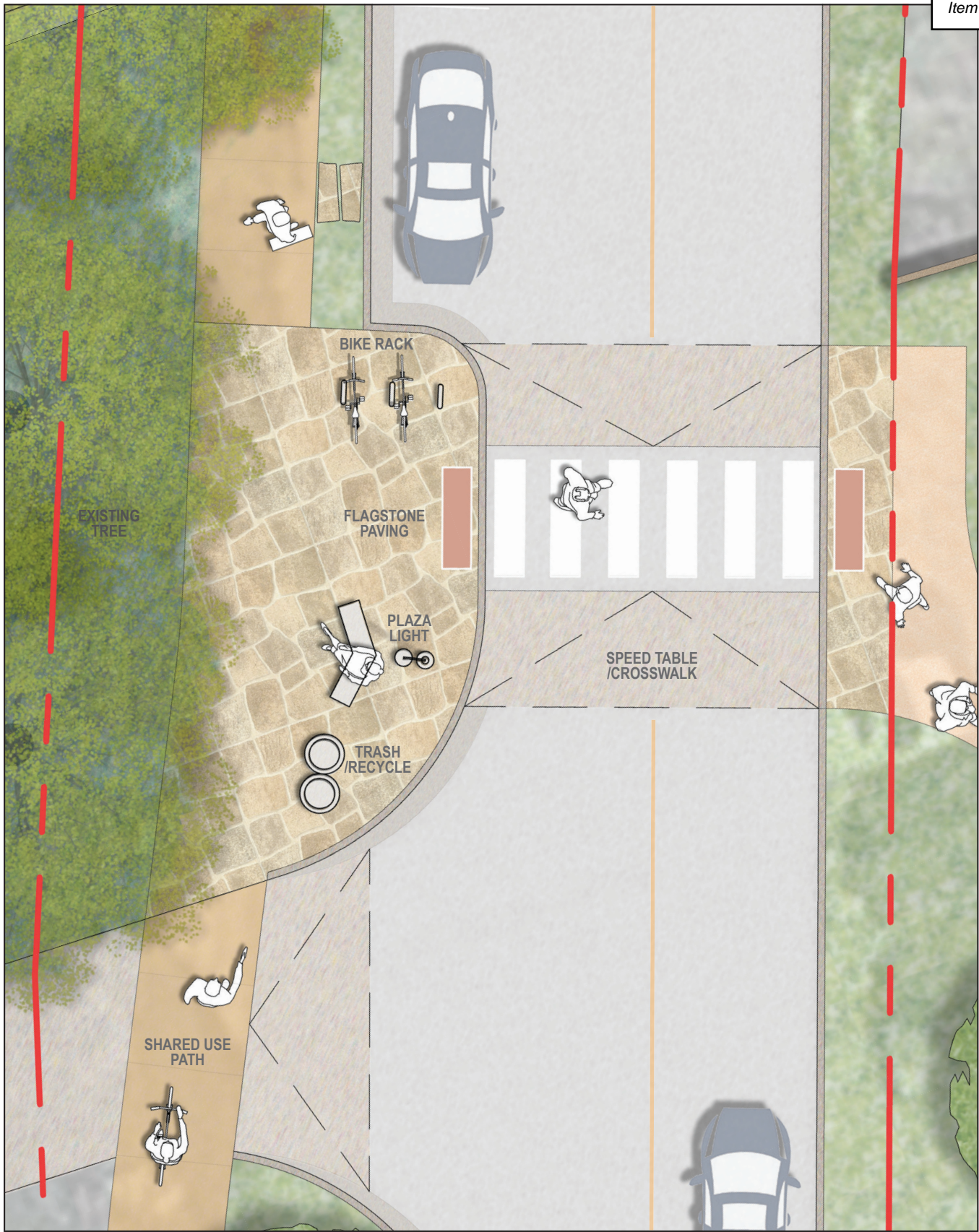
- TIRZ Board & Historic Preservation Commission
- Planning & Zoning Commission
- City Council (Concept Plan Approval)



DRAFT  
 Old Fitzhugh Road Concept Plan  
 Dripping Springs  
 McCann Adams Studio May 29, 2018

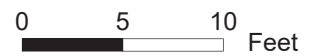






ILLUSTRATIVE VIEW  
COMMERCIAL NODE CROSSING  
**Dripping Springs - Old Fitzhugh Road**

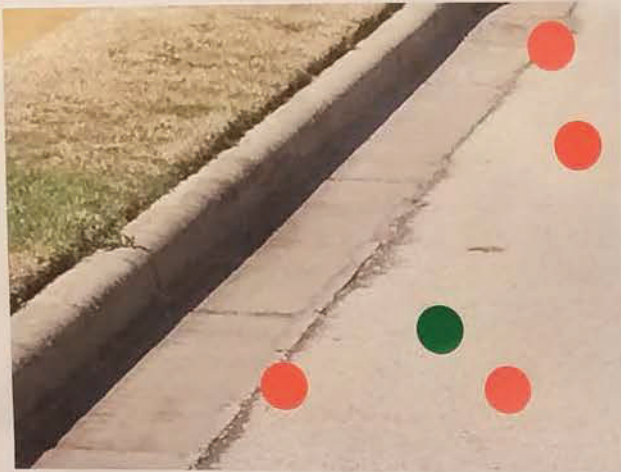
Draft: McCann Adams Studio May 24, 2018



# Curbs

Item # 19.

## CURB & GUTTER



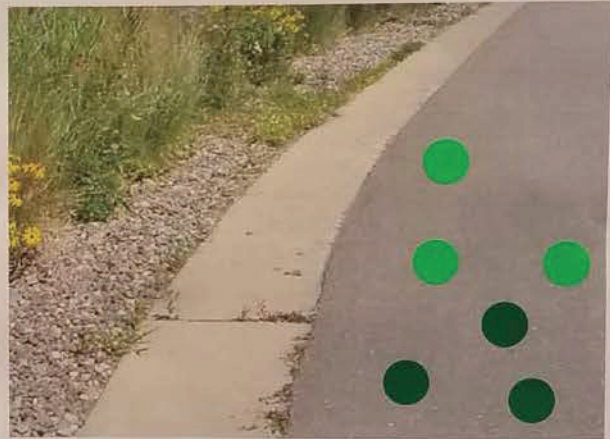
## STANDING CURB



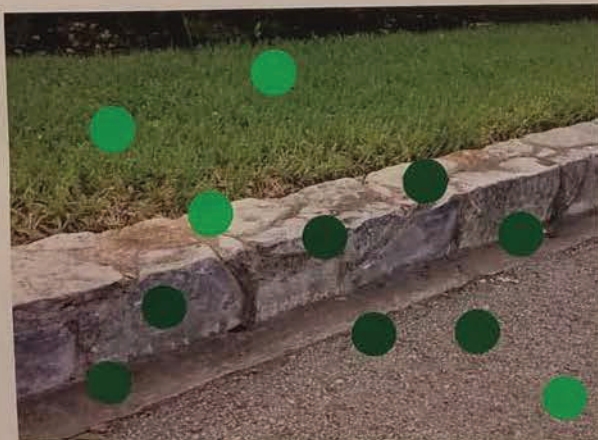
## GRANITE CURB



## RIBBON CURB



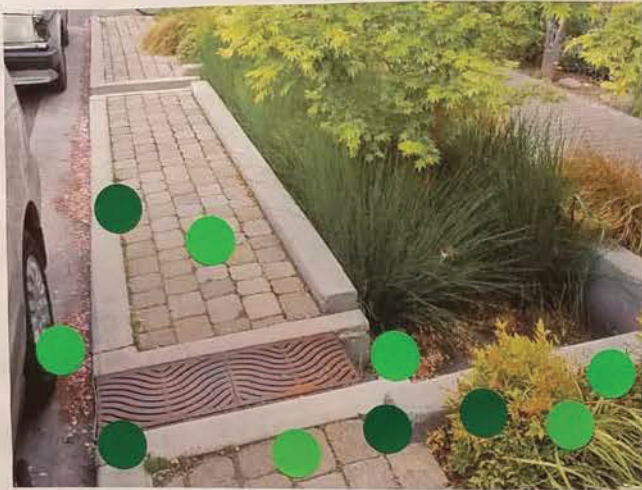
## STONE CURB



# Drainage & Water Quality

Item # 19.

## STRUCTURED RAIN GARDEN



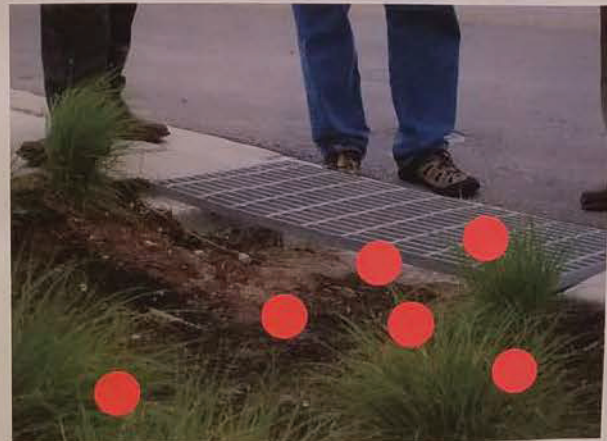
## SHALLOW BIOSWALE



## ARMORED CURB INLET



## CURB INLET WITH GRATE



**OLD FITZHUGH ROAD PROJECT**  
**Dripping Springs TIRZ Priority Projects**

April 18, 2018

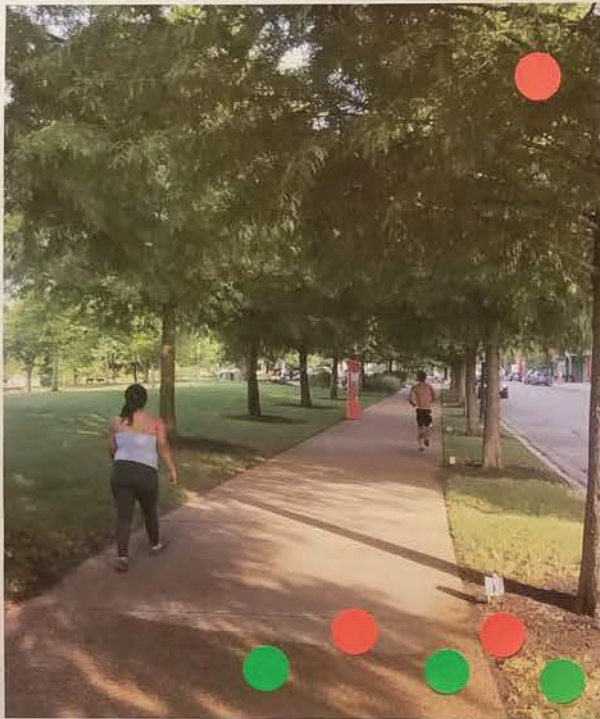


427

# Shared Use Path

Item # 19.

## EXPOSED AGGREGATE



## PERVIOUS PAVERS



## DECOMPOSED GRANITE



## ASPHALT



**OLD FITZHUGH ROAD PROJECT**  
**Dripping Springs TIRZ Priority Projects**

April 11, 2018



# Traffic Calming & Crossings

### PRESERVE EXISTING TREES



### SPEED TABLE CROSSWALKS



### LIVE OAK TRAFFIC ISLAND



### SPEED CUSHIONS



### CENTER ISLAND



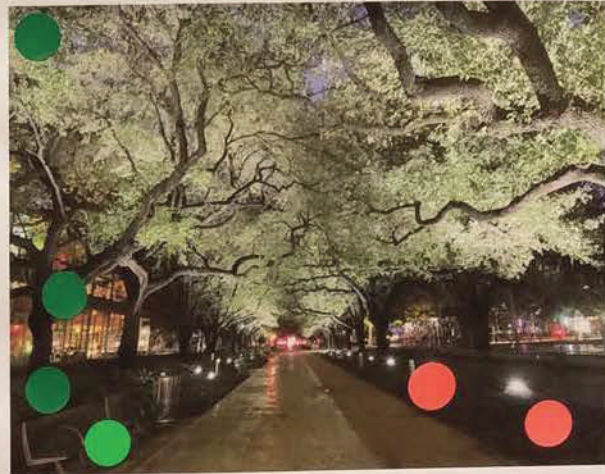
# Lighting

Item # 19.

### POOLS OF TRAIL LIGHTING



### TREE UPLIGHTING



### MERCER STREET LIGHTING



### DECORATIVE LIGHTING



### PATHWAY LIGHTING



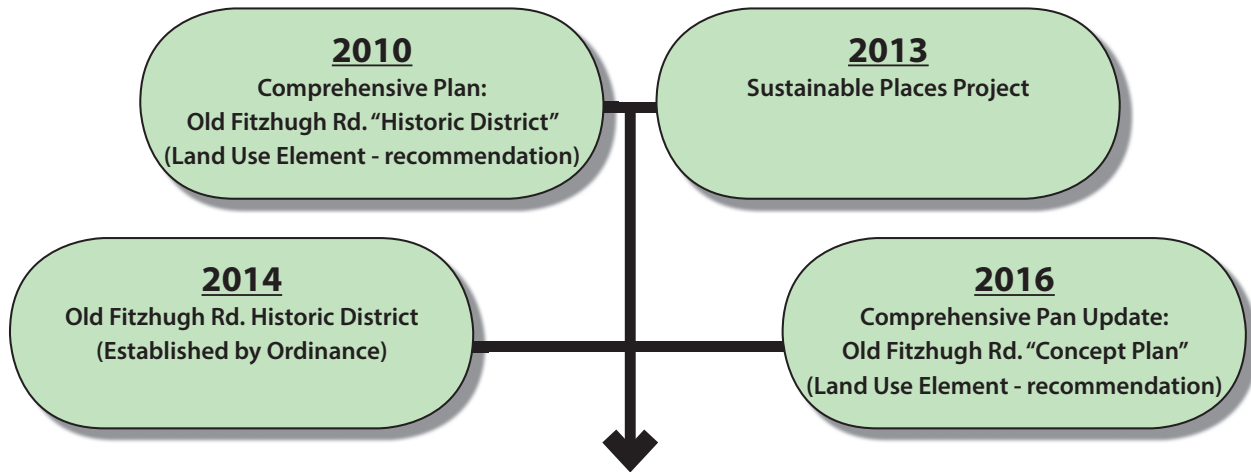
**OLD FITZHUGH ROAD PROJECT**  
**Dripping Springs TIRZ Priority Projects**

April 18, 2018



# Old Fitzhugh Road Planning Process

## POLICY FRAMEWORK



## STAKEHOLDER PROCESS

- **Kickoff Meeting: "OFR Concept Plan:" Project Goals & Objectives**  
*October 26, 2017*
- **Right of Way Surveys & Conceptual Planning & Engineering**  
*Oct-Dec 2017*
- **Planning Studies: Trail & Road Alignment & Drainage Studies - City Staff Input**  
*Jan-Mar 2018*
- **Work Session: "Preliminary Concept Plan"**  
*April 18, 2018*
- **Open House: "Final Concept Plan"**  
*May 24, 2018*

## NEXT STEPS (JUNE-JULY 2018)

- City Approvals with Public Hearings:
- TIRZ Board & Historic Preservation Commission
  - Planning & Zoning Commission
  - City Council (Concept Plan Approval)

# Recommended Materials, Treatments, & Elements

### Shared Use Path

EXPOSED AGGREGATE



EXPOSED AGGREGATE WITH FLAGSTONE



### Lighting & Pedestrian Amenities

MERCER STREET LIGHTING



PATHWAY LIGHTING



### Drainage & Water Quality

ARMORED CURB INLET



STRUCTURED RAIN GARDEN



### Curbs

STANDING STONE CURB



STONE CURB WITH GUTTER

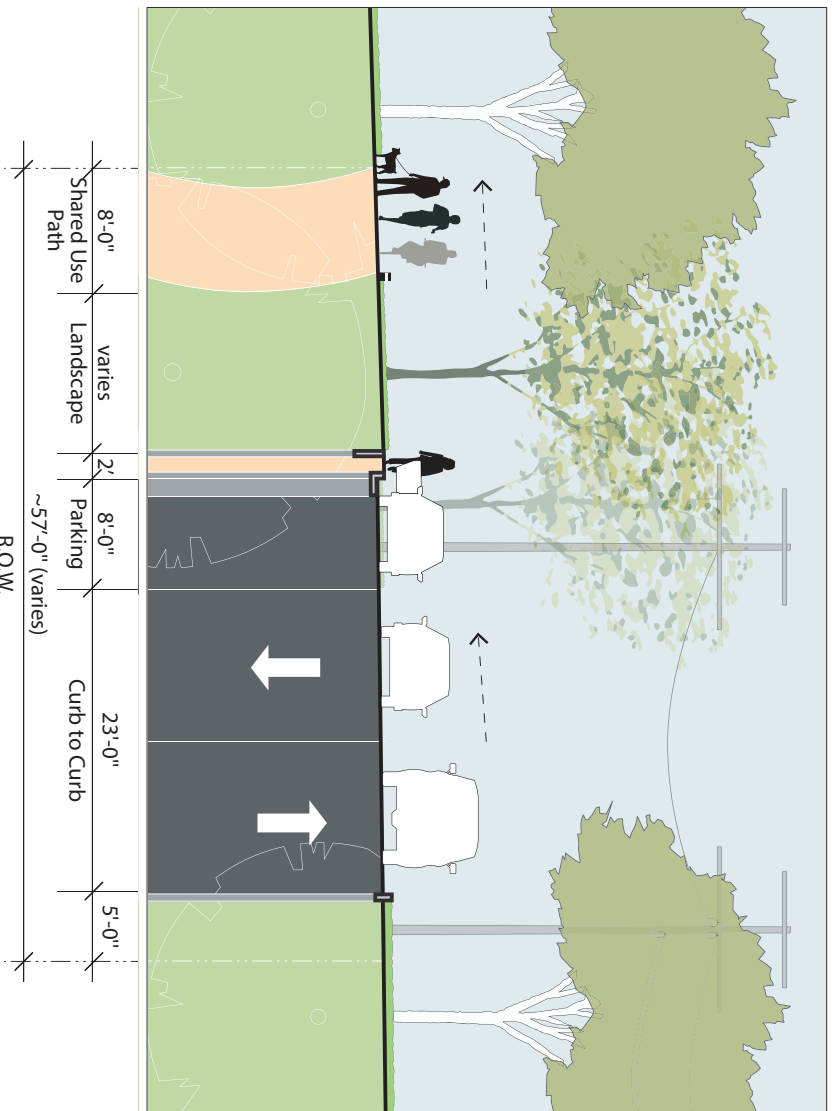


### Traffic Calming & Crossings

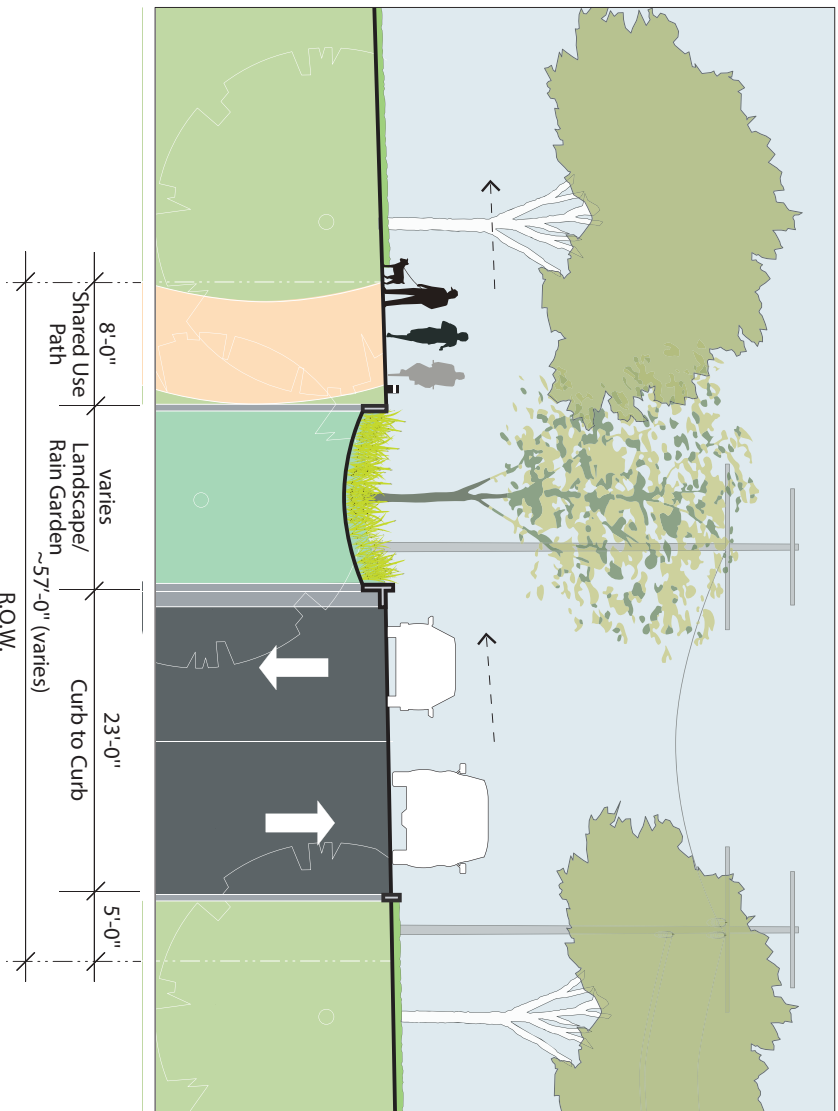
SPEED TABLE CROSSWALKS



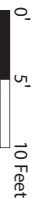




SECTION A CONDITION 1: TYPICAL WITH PARKING (LOOKING NORTH)



SECTION A CONDITION 2: TYPICAL WITHOUT PARKING (LOOKING NORTH)



**OLD FITZHUGH ROAD PROJECT**  
**Dripping Springs TIRZ Priority Projects**



# Old Fitzhugh Road Stakeholder Input

## TOP 3 IMPROVEMENTS DESIRED

### Number of Responses

	1st Choice	2nd Choice	3rd Choice	TOTAL
SIDEWALKS	4	3	2	9
TRAFFIC CALMING	3	1	2	6
CURBSIDE PARKING	2	0	2	4
LIGHTING	0	1	1	2
MIX OF RESIDENTIAL & COMMERCIAL	0	1	1	2
TRAIL	1	0	1	2
TREES	0	1	0	1
RAIN GARDENS	1	0	0	1

## QUALITIES TO PRESERVE

TREES  
 ECLECTIC LOCAL SHOPS  
 SMALL TOWN/COUNTRY FEEL  
 OLD HOMES/HISTORIC BUILDINGS

## CHALLENGES

NARROW IRREGULAR ROW  
 DRAINAGE  
 UTILITIES  
 ROUGH ROAD SURFACE  
 LACK OF COMMERCIAL IDENTITY  
 SPEEDING TRAFFIC  
 POOR LIGHTING  
 ON-STREET PARKING  
 OVER-COMMERCIALIZATION

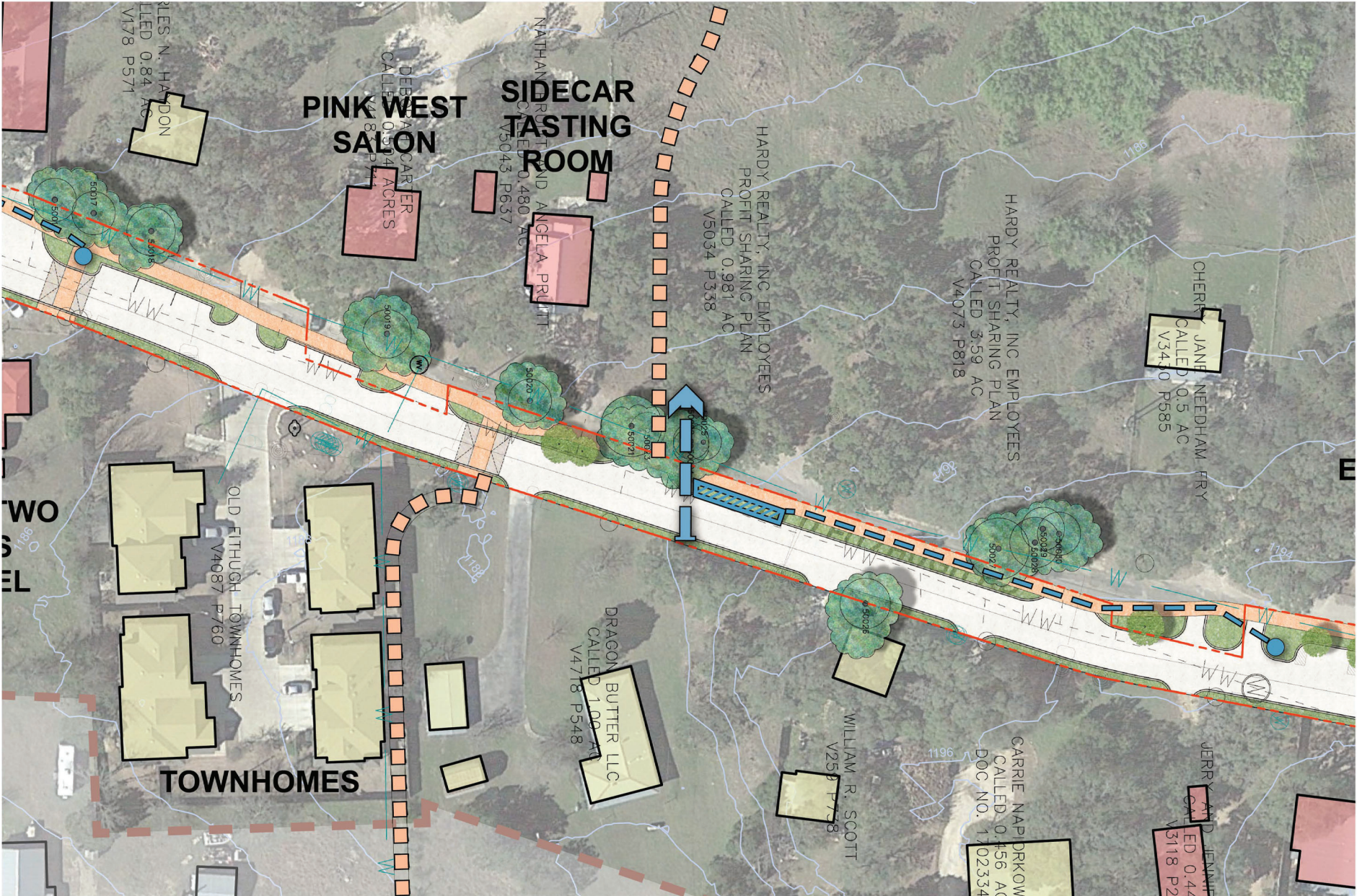




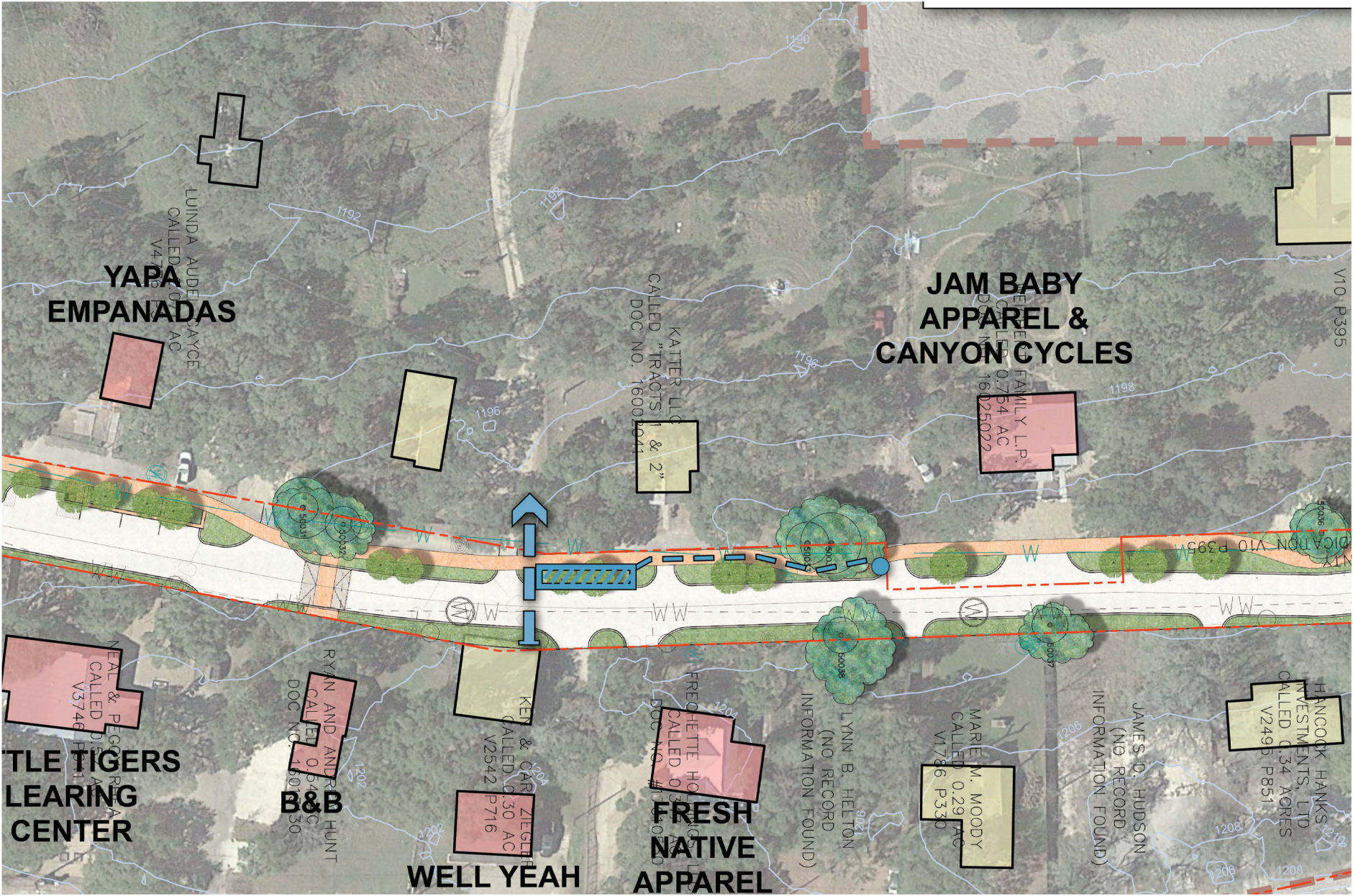


Old Fitzhugh Road Concept Plan - Sheet 2  
Dripping Springs  
DRAFT May 29, 2018

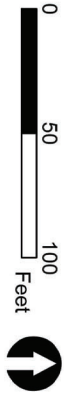




Old Fitzhugh Road Concept Plan - Sheet 3  
 Dripping Springs  
 DRAFT May 29, 2018



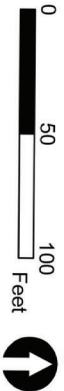
Old Fitzhugh Road Concept Plan - Sheet 4  
Dripping Springs  
DRAFT May 29, 2018



50029	LIVE OAK	19"	K
50030	LIVE OAK	17"	K
50031	LIVE OAK	MULTIPLE 28"	K
50032	LIVE OAK	12"	K
50033	LIVE OAK	19"	K
50034	LIVE OAK	MULTIPLE 33"	K
50035	LIVE OAK	12"	K
50036	LIVE OAK	25"	K
50037	LIVE OAK	11"	K
50038	LIVE OAK	10"	K
60001	LIVE OAK	28"	K
60002	LIVE OAK	22"	K
60003	LIVE OAK	24"	K
60004	LIVE OAK	19"	K
60005	LIVE OAK	30"	K
60125	LIVE OAK	24"	NOT IN SITE
60126	LIVE OAK	27"	NOT IN SITE
60127	LIVE OAK	24"	NOT IN SITE
5680	LIVE OAK	12"	K



Old Fitzhugh Road Concept Plan - Sheet 5  
 Dripping Springs  
 DRAFT May 29, 2018





DRAFT  
Old Fitzhugh Road Concept Plan  
Dripping Springs  
HDR Engineering May 24, 2018



LEGEND

---	PROPOSED PROPERTY LINE
---	EXISTING PROPERTY LINE
---	PROPOSED UTILITY LINE
---	EXISTING UTILITY LINE
---	PROPOSED ROAD LINE
---	EXISTING ROAD LINE
---	PROPOSED DRIVE LINE
---	EXISTING DRIVE LINE
---	PROPOSED SIDEWALK
---	EXISTING SIDEWALK
---	PROPOSED BIKEWAY
---	EXISTING BIKEWAY
---	PROPOSED TRAIL
---	EXISTING TRAIL
---	PROPOSED FENCE
---	EXISTING FENCE
---	PROPOSED SIGN
---	EXISTING SIGN





## CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620  
512.858.4725 • [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com)

July 21, 2020

Alex Granados

Kimley-Horn & Associates

[Alex.granados@kimley-horn.com](mailto:Alex.granados@kimley-horn.com)

RE: City Council Approval Issued July 14, 2020  
Application for Parkland Dedication  
Location: Sportsplex Drive

The City of Dripping Springs City Council met on July 14<sup>th</sup> and approved your proposed Parkland Dedication for the Heritage Development for approximately 190.317 acres to be situated in the Philip Smith Survey Abstract N. 415, Hays County Texas. This vote passed 5-0 in July 14<sup>th</sup> on the consent agenda. Attached is the Parkland that was approved.

Best Regards,

Amanda Padilla, City of Dripping Springs Senior Planner



Total Residential Units: 700 units  
 Parkland Requirement: 28 acres (1 AC / 25 LUEs)

<b>Parkland Credit Summary</b>	<b>Total Area</b>	<b>Credit</b>	<b>Dedication</b>
Private Amenity Center	2.08 acres	0% Credit	0 acres
Private Parkland Credit	2.08 acres		0 acres
Pocket Park	4.73 acres	100% Credit	4.73 acres
Public Uplands Parkland / Open Space	27.41 acres	100% Credit	27.41 acres
Public Floodplain / Detention	21.67 acres	Max 1/2 of Required	14.00 acres
Additional Public Open Space	0.32 acres	100% Credit	0.32 acres
<b>Public Parkland Credit</b>	<b>54.13 acres</b>		<b>46.46 acres</b>
Total Parkland Required			28.00 acres
Delta:			18.46 acres

\*Note 1: Per City Code, Private Water Quality and Detention, Stream Setback for Drainage and floodplain may account for only for 50% of the total required parkland area.



**Heritage West** – Dripping Springs, Texas  
April 22, 2020

**PARKLAND AND OPEN SPACE CALCULATIONS**

**Property Overview**

Heritage West is a residential community located along Ranch Road 12 within the City of Dripping Springs. The property is approximately 189 acres zoned for 700 residential units.

The property is characterized as typical Hill Country with moderate hills and topography. The property is covered with a mix of cedar (Ashe Juniper) and live oak and cedar elm hardwoods. Natural drainage corridors bisect the property, draining north to southeast in two locations, creating two upland areas.

The Founder’s Ridge Parkland and Open Space Plan consists of a combination of private and public parkland and open space. The centerpiece of the private parkland component will be a 2 Acre Private Amenity Center. This site will be located within a future phase of the project and set along a natural drainageway.

The Amenity Site is directly linked to the public parkland along the upland open spaces and floodplain greenways. The public parkland will provide an 8’ concrete trail with access to additional public parkland and trails connecting off-site to Mercer Street, per the project’s offsite road and trail agreement. The remainder of the open space will be native areas, with some additional footpaths, for the enjoyment of residents.

Additional public parkland dedication is located within neighborhood pocket parks. These parks will provide additional improvements such as irrigated landscaping and turf, seating areas, passive recreation and concrete sidewalks.

**Parkland Calculations**

The following is a summary of parkland requirements and the parkland provided within Heritage West. The calculations are intended to support the Parkland and Open Space Exhibit.

**I. Parkland Required by City of Dripping Springs’ Code of Ordinances**

1. Required

One (1) acre of parkland per 25 living unit equivalents (LUE’s), satisfied by cash or land.

2. Criteria

- At least one parcel to be dedicated must be of acceptable shape and contain a minimum of 20% of the total parkland acreage to be designated.
- No more than 50% of the total acres to be dedicated shall be within floodplain or critical water quality zones.



**II. Parkland Required by Planned Development District Ordinance N.1220.124**

1. Neighborhood Pocket Parks are included in the parkland dedication
2. Amenity Center areas intended for exclusive use of the HOA are not included as part of the parkland dedication.
3. Per Exhibit C of the PDD, water quality ponds, utility easements and off-street trails are permitted in parkland.
4. Shared use path/multi-use path/off-street trails must be concrete, except that multi-use path may be asphalt.
5. A maximum of 14 Acres of the 28 Acres of required parkland may be comprised of water quality and detention and stream setbacks for drainage.
6. Open Space dedicated for parkland shall be publicly accessible. Parkland and improvements in the parkland, including trails, shall be conveyed to and permanently maintained by the homeowner association (HOA) or other responsible non-city entity.

**III. Proposed Parkland Compliance Program**

1. Public Parks

A total of 53.13 acres of physical land is being dedicated to the City as public parkland, which equals a total of 46.46 acres in parkland credit. The parkland is comprised of the upland open space, floodplain / detention, additional open spaces and pocket parks. Within the public park that is oriented northwest to the southeast through the middle of the property, a public 8' concrete trail will provide a connection to the City's master trails system. This will include a future off-site extension to Mercer Street with a 10' concrete trail. It is the Applicant's intent and vision to preserve and maintain the natural character of these areas, as this character is what draws many to the Hill Country.

As shown in The Parkland and Open Space Exhibit, the public parkland area will include:

- Meandering 8' Public Regional Trail (with revegetation in disturbed areas following construction)
- Trailheads (Including 1 trailhead sign, a pet waste station and enhanced landscaping and connections with public roadways)

2. Private Parks

The 2 acre Amenity Center site will be privately maintained by the H.O.A. This facility shall not count toward the public parkland credit, due to its being exclusively used by its residents.

**IV. Parkland Calculation Summary**

Parkland Dedication Requirements: Based on parkland calculations required by the City of Dripping Springs Code, Heritage West is required to provide 28 acres of total parkland.

Proposed Parkland Credit: As shown in the Parkland Exhibit, a total of 49.98 acres of physical land is being dedicated toward the City's parkland, with a total of 42.31 acres being credited toward the public parkland requirement. This totals a surplus of 14.31 acres of public parkland credit.



Total Residential Units: 700 units  
 Parkland Requirement: 28 acres (1 AC / 25 LUEs)

<b>Parkland Credit Summary</b>	<b>Total Area</b>	<b>Credit</b>	<b>Dedication</b>
Private Amenity Center	2.08 acres	0% Credit	0 acres
Private Parkland Credit	2.08 acres		0 acres
Pocket Park	4.73 acres	100% Credit	4.73 acres
Public Uplands Parkland / Open Space	27.41 acres	100% Credit	27.41 acres
Public Floodplain / Detention	21.67 acres	Max 1/2 of Required	14.00 acres
Additional Public Open Space	0.32 acres	100% Credit	0.32 acres
Public Parkland Credit	54.13 acres		46.46 acres
Total Parkland Required			28.00 acres
Delta:			18.46 acres

\*Note 1: Per City Code, Private Water Quality and Detention, Stream Setback for Drainage and floodplain may account for only for 50% of the total required parkland area.

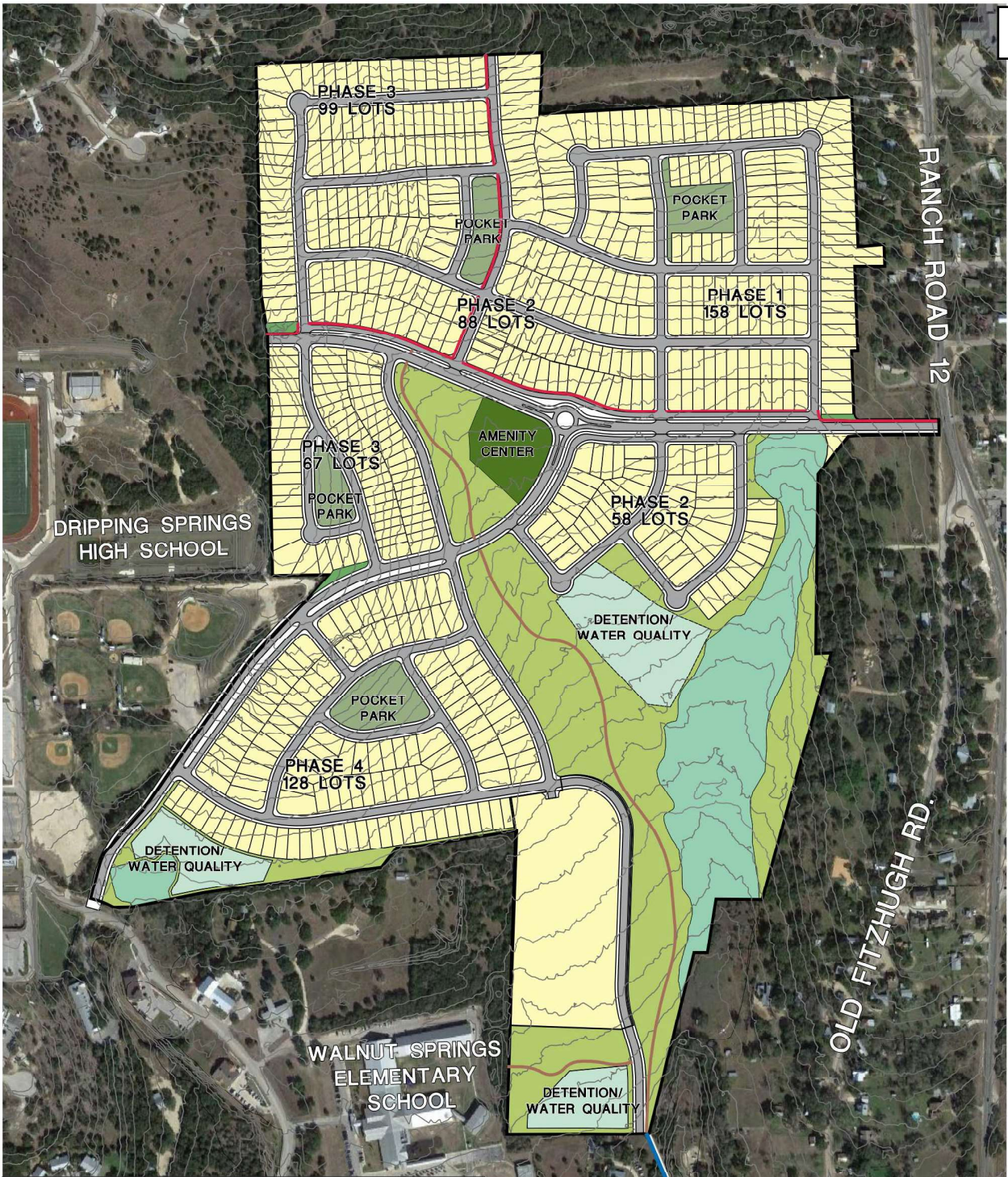
**I. Maintenance**

The Parkland and Open Space Plan for Heritage West includes a 2.0 AC private amenity center, public pocket parks, public upland/open space parks, 8' & 10' concrete public trails and native open spaces. All public and private parkland and open spaces will be maintained by the community's Homeowner Association (H.O.A.) The off-site regional trail connection will be maintained through a two (2) year maintenance bond by the HOA, per the Offsite Road and Trail Agreement. After the two (2) year period, the City will be responsible for ongoing maintenance. The H.O.A. will maintain the on-site public trails and parks to conform with the maintenance level of the community. The H.O.A. will be established prior to selling homes and will be funded through a community fee. This fee will be used to maintain parks, open space trails, entry feature monuments and public areas within H.O.A. access easements.

**Phasing**

Heritage West will be a phased residential community. The improved private neighborhood park will be built and enjoyed by residents within the Phase 2 development. Additionally, the public 8' concrete trail will commence with the construction of Phase 2 of the Community.

The remaining open space will be dedicated to the City simultaneously with the adjacent platted residential lots.



**PARKLAND SUMMARY**

	Residential	700 units	Area	Calculation
Required Parkland Area*			28.0 acres	1 AC / 25 LUEs
Parkland Credit Summary			Area	Credit
	Amenity Center		2.08 acres	0% credit
Total Private Parkland Credits:			2.08 acres	0.00 acres
	Pocket Park		4.73 acres	100% credit
	Public Uplands Park/Open Space		27.41 acres	100% credit
	Public Floodplain/ Detention		21.67 acres	Max 1/2 of required
	Additional Public Open Space		0.32 acres	100% credit
Total Public Parkland Credits:			54.13 acres	46.46 acres
Required Parkland Dedication:				28.00 acres
Delta:				+18.46 acres
	Offroad 8' Concrete Trail			3,973 lf
	Roadside 8' Concrete Trail			3,800 lf
	10' Concrete Trail Off-Site Extension			732 lf

\*One (1) acre per 25 Residential Living Unit Equivalents

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2020-\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CITY WIDE TRAILS, AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs ("City Council") finds that Dripping Springs is a thriving locale with a steadily surging economy that serves as a commercial hub for the region in terms of goods and services offered to (and provided by) citizens of the area; and

**WHEREAS**, the City Council finds that the City of Dripping Springs ("City") is a scenic, historic, and cultural community that increasingly draws new residents, businesses, and tourists who seek to enjoy the Hill Country ambiance and high quality of life and who enjoy walkability between businesses, neighborhoods, and parks; and

**WHEREAS**, Chapter 213 of Local Government Code, Comprehensive Plans, states that a Comprehensive Plan shall be adopted by Ordinance; and

**WHEREAS**, the City Wide Trails Plan, as part of the Comprehensive Plan, guides trail improvements, construction of new facilities, outlines and implements the City's connectivity goals; and

**WHEREAS**, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing and recommended approval of the City Wide Trails Plan amendment on September 15, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS THAT:**

**SECTION 1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ENACTMENT**

The City Council hereby amends the City Wide Trails Plan, as attached in Exhibit “A”.

**SECTION 3. REPEALER**

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

**SECTION 4. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**SECTION 6. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED this, the 13th day of October 2020, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary





**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

**Submitted By:** Laura Mueller, City Attorney; Aaron Reed, Public Works Coordinator

**Council Meeting Date:** October 13, 2020

**Agenda Item Wording:** Discuss and consider approval of a Resolution approving an updated Municipal Maintenance Agreement with the State of Texas for the maintenance of state highways in the city limits by the Texas Department of Transportation and the City of Dripping Springs.

**Agenda Item Requestor:** State of Texas

**Summary/Background:** The City has had an agreement for maintenance of state highways in the City Limits for many years. This is an updated contract. It provides that TxDOT will:

1. Maintain the roads;
2. Assist in Mowing and Litter Pickup;
3. Assist in cleaning of the roads;
4. Maintain drainage facilities associated with the roads;
5. Handles traffic signals.

City will:

1. Adopt certain regulations to keep the state highways safe;
2. Install and maintain cross street signs, parking signs, and crosswalks;
3. Perform cleaning and mowing.

The previous agreement was executed in 1984 and is limited in its scope. It does not include FM 150 and other sections of the State highway system which were not part of the City limits at that time. State law requires a municipality to maintain any state highways within its City limits unless otherwise stated within a Municipal Maintenance Agreement. The City also wishes to negotiate a wayfinding sign agreement with TxDOT and negotiation of an updated maintenance agreement was required prior to the wayfinding sign program. This is an agreement that we adopt by Resolution.

**Commission  
Recommendations:**

N/A

**Recommended  
Council Actions:**

Approve the Municipal Maintenance Agreement.

**Attachments:**

Agreement, Resolution

**Next Steps/Schedule:**

If approved, coordinate execution of the agreement and maintenance of roads with the Texas Department of Transportation.

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2020\_\_\_\_\_

**A RESOLUTION APPROVING THE MUNICIPAL MAINTENANCE AGREEMENT WITH THE STATE OF TEXAS AND THE CITY OF DRIPPING SPRINGS, FOR THE MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF THE STATE HIGHWAYS IN THE CITY OF DRIPPING SPRINGS AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT.**

WHEREAS, the City Council of the City of Dripping Springs ("City Council") finds that Dripping Springs is a thriving locale with a steadily surging economy that serves as a commercial hub for the region in terms of goods and services offered to (and provided by) citizens of the area; and

WHEREAS, the City Council finds that entering into this Agreement is in the best interest of the City and its residents; and

WHEREAS, the City Council finds it to be in the public interest, and necessary for the public health, safety and welfare to provide for the maintenance, control, and regulation of state highways in the City of Dripping Springs.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:**

SECTION 1. That the certain agreement dated October 13, 2020, between the State of Texas and the City of Dripping Springs for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of Dripping Springs, be and the same is, hereby approved; and that Bill Foulds, Jr., Mayor is hereby authorized to execute said agreement on behalf of the City of Dripping Springs and to transmit the same to the State of Texas for appropriate action.

**PASSED & APPROVED this, the 13<sup>th</sup> Day of October, 2020, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

**Attachment "A"**  
**Municipal Maintenance Agreement**

*Item # 20.*





# MUNICIPAL MAINTENANCE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, and the City of Dripping Springs (population \_\_\_\_\_, 2010, latest Federal Census) acting by and through its duly authorized officers, hereinafter called the "City," party of the second part.

### WITNESSETH

**WHEREAS**, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

**WHEREAS**, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

**WHEREAS**, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within such City, conditioned that the City will enter into agreements with the State for the purpose of determining the responsibilities of the parties thereto; and

**WHEREAS**, the City has requested the State to assist in the maintenance and operation of State highways within such City:

### AGREEMENT

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

For this agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

## COVERAGE

1. This agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
  - A. Non-Controlled Access highways or portions thereof which are described and/or graphically shown as "State Maintained and Operated" highways in Exhibit "A," which is attached hereto and made a part hereof.
  - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission or maintained and operated as Controlled Access Highways and which are described and/or graphically shown in Exhibit "B," which is attached hereto and made a part hereof.
2. In the event that the present system of State highways within the City is changed by cancellation, modified routing, or new routes, the State will terminate maintenance and operation and this agreement will become null and void on those portions of the highways which are no longer on the State Highway System; and the full effect and all conditions of this agreement will apply to the changed highways or new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 1 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
3. Exhibits that are a part of this agreement may be changed with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence.

## GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.
4. Traffic regulations, including speed limits, will be established only after traffic and engineering studies have been completed by the State and/or City and approved by the State.
5. The State will erect and maintain all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way except as mentioned in this paragraph and elsewhere in this agreement. At the intersections of off-system approaches to State highways, the City shall install and maintain all stop signs, yield signs, and one-way signs and any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. The City shall install and maintain all street name signs except for those mounted on State maintained traffic signal poles or arms or special advance street name signs on State right-of-way. All new signs installed by the City on State right-of-way shall meet or exceed the latest State breakaway standards and be in accordance with the *Texas Manual on Uniform Traffic Control Devices*, latest edition and revision. All existing signs shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation except in those installations specifically covered by separate agreements between the City and State.

7. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
8. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State.
9. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation and necessity, will be determined by traffic and engineering studies. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, will be indicated by the proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement will be covered under a separate agreement.
10. New construction of sidewalks, ramps or other accessibility related items shall comply with current ADA standards. The city is responsible for the maintenance of these items.
11. If the City has a driveway permit process that has been submitted to and approved by the State, the City will issue permits for access driveways on State highway routes and will assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State will issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures will be determined by a separate agreement

## **NON-CONTROLLED ACCESS HIGHWAYS**

The following specific conditions and responsibilities shall be applicable to non-controlled access State highways in addition to the "General Conditions" contained herein above. Non-controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "A."

### **State's Responsibilities (Non-Controlled Access)**

1. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of same under vehicular loads encountered and maintain the shoulders.
2. Assist in mowing and litter pickup to supplement City resources when requested by the City and if State resources are available.
3. Assist in sweeping and otherwise cleaning the pavement to supplement City resources when requested by the City and if State resources are available.



4. Assist in snow and ice control to supplement City resources when requested by the City and if State resources are available.
5. Maintain drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits.
6. Install, maintain, and operate, when required, normal regulatory, warning and guide signs and normal markings (except as provided under "General Conditions" in paragraph 5). In cities with less than 50,000 population, this also includes school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks. Any other traffic striping desired by the City may be placed and maintained by the City subject to written State approval.
7. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
8. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds if the City agrees to enter into an agreement setting forth the responsibilities of each party.

#### **City's Responsibilities (Non-Controlled Access)**

1. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
2. Install and maintain all parking restriction signs, pedestrian crosswalks [except as provided in paragraph 6 under "State's Responsibilities (Non-Controlled Access)"], parking stripes and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population will also install, operate, and maintain all school safety devices and school crosswalks.
3. Signing and marking of intersecting city streets with State highways will be the full responsibility of the City (except as provided under "General Conditions" in paragraph 5).
4. Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.
5. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. The assistance by the State in maintenance of drainage facilities does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.
6. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations will be handled by a separate agreement.
7. Perform mowing and litter pickup.
8. Sweep and otherwise clean the pavement.
9. Perform snow and ice control.

#### **CONTROLLED ACCESS HIGHWAYS**

The following specific conditions and responsibilities shall be applicable to controlled access highways in addition to the "General Conditions" contained herein above. Controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "B."

**State's Responsibilities (Controlled Access)**

1. Maintain the traveled surface of the through lanes, ramps, and frontage roads and foundations beneath such traveled surface necessary for the proper support of same under vehicular loads encountered.
2. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist and assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads in undeveloped areas.
3. Sweep and otherwise clean the through lanes, ramps, separation structures or roadways and frontage roads.
4. Remove snow and control ice on the through lanes and ramps and assist in these operations as the availability of equipment and labor will allow on the frontage roads and grade separation structures or roadways.
5. Except as provided under "General Conditions" in paragraph 5, the State will install and maintain all normal markings and signs, including sign operation if applicable, on the main lanes and frontage roads. This includes school safety devices, school crosswalks and crosswalks installed on frontage roads in conjunction with pedestrian signal heads. It does not include other pedestrian crosswalks.
6. Install, operate and maintain traffic signals at ramps and frontage road intersections unless covered by a separate agreement.
7. Maintain all drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the highway facility within its corporate limits.

**City's Responsibilities (Controlled Access)**

1. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances/resolutions and taking other appropriate action in addition to full compliance with current laws on parking.
2. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance/resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
3. Secure or cause to be secured the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
4. Pass necessary ordinances/resolutions and retain its responsibility for enforcing the control of access to the expressway/freeway facility.
5. Install and maintain all parking restriction signs, pedestrian crosswalks (except as mentioned above in paragraph 5 under "State's Responsibilities") and parking stripes when agreed to by the State in writing. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as discussed under "General Conditions" in paragraph 5).

**TERMINATION**

All obligations of the State created herein to maintain and operate the State highways covered by this agreement shall terminate if and when such highways cease to be officially on the State highway system; and further, should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon 30 days written notice. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, in accordance with Chapter 311 of the Texas Transportation Code. The State shall retain all maintenance responsibilities on controlled access State highways in accordance with the provisions of Chapter 203 of the Texas Transportation Code and 23 United States Code Section 116.

Said State assumption of maintenance and operations shall be effective the date of execution of this agreement by the Texas Department of Transportation.

**IN WITNESS WHEREOF**, the parties have hereunto affixed their signatures, the City of Dripping Springs

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the Texas Department of Transportation, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_

CITY OF \_\_\_\_\_

BY \_\_\_\_\_

(Title of Signing Official)

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission

BY Tucker Ferguson  
(District Engineer)

Austin District - AUS - 14 District

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under Sections 552.021 and 552.023 of the Government Code, you also are entitled to receive and review this information. Under Section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect. For more information, call 512/416-3048.

**NOTE:** To be executed in duplicate and supported by Municipal Maintenance Ordinance/Resolution and City Secretary Certificate.

**ORDINANCE NO.** \_\_\_\_\_

AN ORDINANCE APPROVING THE AGREEMENT DATED \_\_\_\_\_  
BETWEEN THE STATE OF TEXAS AND THE CITY OF \_\_\_\_\_ FOR THE  
MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR  
PORTIONS OF STATE HIGHWAYS IN THE CITY OF \_\_\_\_\_ AND  
PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF : \_\_\_\_\_

**SECTION 1.**

That the certain agreement dated \_\_\_\_\_, between the State of Texas and the City  
of \_\_\_\_\_ for the maintenance, control, supervision and regulation  
of certain State Highways and/or portions of State Highways in the City of \_\_\_\_\_  
and the same is, hereby approved; and that \_\_\_\_\_ is hereby  
authorized to execute said agreement on behalf of the City of \_\_\_\_\_  
and to transmit the same to the State of Texas for appropriate action.

**SECTION 2.**

The fact that the work contemplated under the above mentioned agreement is needed, creates an emergency which  
for the immediate preservation of the public peace, health, safety and general welfare requires that this Ordinance  
take effect immediately from and after its passage and it is accordingly so ordained.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
Secretary

City of \_\_\_\_\_  
Clerk

APPROVED AS TO FORM:  
\_\_\_\_\_  
City Attorney

**RESOLUTION NO.** \_\_\_\_\_

A RESOLUTION APPROVING THE AGREEMENT DATED \_\_\_\_\_, BETWEEN THE STATE OF TEXAS AND THE CITY OF \_\_\_\_\_, FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF \_\_\_\_\_; AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_ :

SECTION 1. That the certain agreement dated \_\_\_\_\_, between the State of Texas and the City of \_\_\_\_\_ for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of \_\_\_\_\_ be and the same is, hereby approved; and that \_\_\_\_\_ is hereby authorized to execute said agreement on behalf of the City of \_\_\_\_\_ and to transmit the same to the State of Texas for appropriate action.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Secretary

City of \_\_\_\_\_  
Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# MUNICIPAL MAINTENANCE ORDINANCE

AN ORDINANCE PROVIDING FOR THE MAINTENANCE OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF \_\_\_\_\_ , COUNTY OF \_\_\_\_\_ , TEXAS, HEREBY REFERRED TO AS MUNICIPAL MAINTENANCE PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OR OTHER AUTHORIZED CITY OFFICIAL, TO EXECUTE AND AFFIX THE CORPORATE SEAL AND ATTEST SAME. A CERTAIN AGREEMENT BETWEEN THE CITY AND THE STATE OF TEXAS, PROVIDING FOR THE MAINTENANCE AND USE OF THE SAID MAINTENANCE PROJECT; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHOULD BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

WHEREAS, the Public convenience, safety and necessity of the City and the people of the City require that State Highway routes within the City be adequately maintained; and

WHEREAS, the City has requested that the State of Texas enter upon and contribute financially to the maintenance of said project; and

WHEREAS, the State of Texas has made it known to the City that it will, with its own forces and equipment and at its sole cost and expense enter upon and maintain said project, conditioned upon the provisions concerning liabilities and responsibilities for maintenance, control, supervision and regulation which are set out in the form attached hereto, made a part thereof and marked MUNICIPAL MAINTENANCE AGREEMENT; and

WHEREAS, said project consists of those State Highways and/or portions thereof which are described and included in the form attached hereto and marked MUNICIPAL MAINTENANCE AGREEMENT.

NOW, THEREFORE, BE IT ORDAINED by the \_\_\_\_\_

\_\_\_\_\_

SECTION 1. That the public convenience, safety and necessity of the City and the people of the City require said project be adequately maintained.

SECTION 2. That the State of Texas be and is hereby authorized to enter upon and maintain said maintenance projects.

SECTION 3. That the Mayor, or proper City official, of the City, be and is hereby authorized to execute for and on behalf of the City an Agreement with the State of Texas, in accordance with and for the purpose of carrying out the terms and provisions of this order, in the form attached hereto, made a part hereto, and marked MUNICIPAL MAINTENANCE AGREEMENT. The City Secretary is hereby directed to attest the agreement and to affix the proper seal of the City thereto.

SECTION 4. The Mayor of the City, having requested in writing that this ordinance take effect forthwith and there being in fact an emergency and imperative necessity that the work herein provided for be begun and carried out promptly and with expedition and that the agreement aforesaid shall be immediately made, executed and delivered to the end that such work herein provided for may be begun and carried out promptly and with expedition. The reading of the ordinance on three several days is hereby dispensed with and the same shall be in full force and effect from and after its passage.

STATE OF TEXAS §

COUNTY OF TRAVIS §

I, \_\_\_\_\_, the duly appointed, qualified and acting city secretary of the City of \_\_\_\_\_, Texas, hereby certify that the foregoing pages constitute a true and correct copy of an ordinance duly passed by the City Council at a meeting held on \_\_\_\_\_, A.D., 20\_\_\_\_, at \_\_\_\_\_ o'clock  a.m.  p.m. .

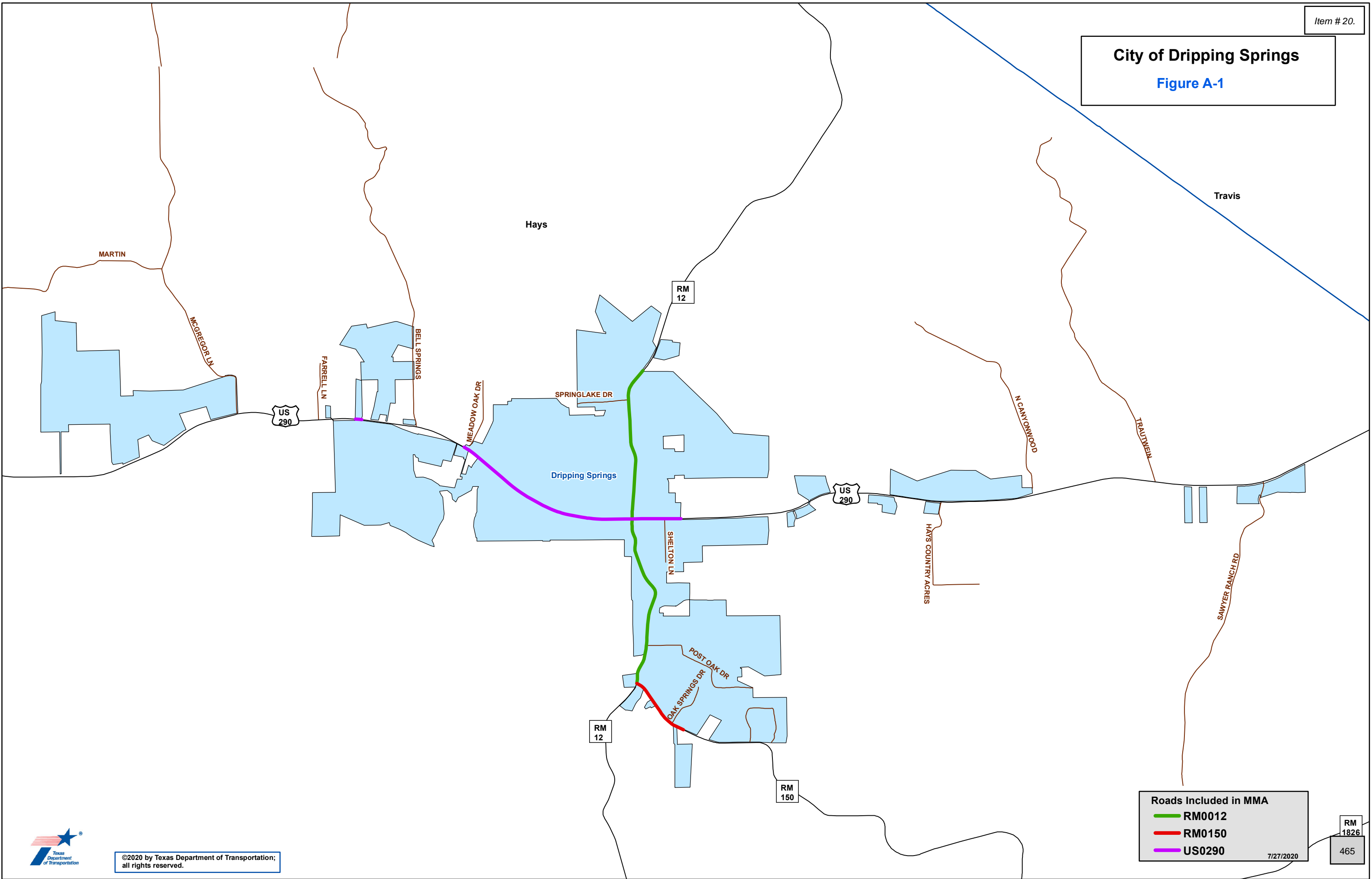
To certify which, witness my hand and seal of the City of \_\_\_\_\_, Texas, this due \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Texas.

\_\_\_\_\_  
City Secretary of the City of \_\_\_\_\_, Texas

<b>EXHIBIT A</b>			
<b>TABLE 1</b>			
<b>NON - CONTROLLED ACCESS HIGHWAYS</b>			
<b>(See Figure A-1)</b>			
ROADWAY	BTRM	ETRM	Description of Limits
US 290			From W. City Limits to E. City Limits
RM 150	444+1.303	448+.506	
RM 12			From W. City Limits to E. City Limits
<b>Maintenance Activity/Facility-Type</b>			<b>Responsibility</b>
			<b>State</b>
			<b>City</b>
Traffic control signs and pavement striping/markings, highway routing signs.			<b>X</b>
All pavement base and surface maintenance, repair, reconstruction, and resurfacing.			<b>X</b>
All bridge maintenance, repair, reconstruction, and resurfacing.			<b>X</b>
Assist with snow and ice control to supplement City resources when requested by the City and if State resources are available.			<b>X</b>
Assist with vegetation management, including tree trimming, herbicide, wildflower establishment.			<b>X</b>
Assist with mowing, sweeping, cleaning, debris removal, and litter control to supplement City resources when requested by the City and if State resources are available.			<b>X</b>
All pedestrian and bicycle assets including pedestrian bridges, pedestrian rail, sidewalks, curb ramps, shared use path, bike lanes, bikeways or trails.			<b>X</b>
All maintenance and clean-up associated with local enforcement of ordinances, such as but not limited homeless encampments, graffiti, roadside vendors, or no parking areas			<b>X</b>
Traffic signals including all maintenance, repair, and improvement of all assets required to operate signalized intersections per signal agreement			<b>X</b>
All illuminations maintenance and repair for all assets, including electric service, per illumination agreement			<b>X</b>
Drainage facilities outside of normal highway right-of-way.			<b>X</b>
All duties not specifically delineated as being State's responsibility.			<b>X</b>



# City of Dripping Springs Figure A-1



**Roads Included in MMA**

- RM0012
- RM0150
- US0290

7/27/2020

RM  
1826  
465



# City of Dripping Springs Emergency Management Plans



**Roman Baligad**  
**Emergency Management Coordinator**

# Emergency Management in Dripping springs

## PREVENTION/MITIGATION

The first phase in emergency management is Prevention/Mitigation. Prevention is the action taken to avoid the likelihood that an event or crisis will occur. Mitigation is the action taken to eliminate or reduce the loss of life and property damage related to an event or crisis, particularly those that cannot be prevented.

## PREPAREDNESS

Activities such as planning, training, public education, and outreach to create awareness of potential dangers and increased readiness in our community.

## RESPONSE

Use of available resources to meet the needs of the community when disaster strikes. Depending on the severity of the disaster, this can include local, county, State, and Federal resources, to include fire and EMS services, public works, and law enforcement.

## RECOVERY

The long range support of restoring the community to pre-disaster conditions. This phase includes damage assessments to public and private property, as well as social services to assist citizens. The length of the recovery phase depends on the magnitude of the disaster.



# Emergency Management Officials

- ▶ **Emergency Management Director-Mayor Bill Foulds, Jr.**
- ▶ **Emergency Management Liaison-April Harris Allison**
- ▶ **Emergency Management Coordinator-Roman Baligad**
- ▶ **Emergency Management Commission**



Commission Members		Term Expiration
CODS Emergency Management Coordinator	Roman Baligad	NA
Emergency Response	Scott Collard	01/01/2021
Emergency Response	Dan O'Brien	01/01/2021
Business Community/Chamber of Commerce	Bonnie Humphrey, Chair	01/01/2022
Dripping Springs ISD	Curt Marek	01/01/2022
Nonprofit Organization	Amy Roedl	01/01/2022
Volunteer Services Organization	Gordon DeWitte	01/01/2022
Hays County Representative	Mike Jones	01/01/2022
Precinct No. 4 Constable	Ron Hood	01/01/2021
Resident At-Large	Kay Allen	01/01/2021
Resident At-Large	Bill Little, Vice Chair	01/01/2022
Resident At-Large	Dillon Polk	01/01/2021

# Emergency Management Partners

- ▶ Hays County
  - ▶ Hays County Constable
  - ▶ County Sheriff
  - ▶ Emergency Management
- ▶ North Hays County Fire/Rescue (ESD)
- ▶ North Hays County EMS (ESD)
- ▶ Dripping Springs Independent School District
- ▶ Texas Division of Emergency Management
- ▶ FEMA
- ▶ Vendors (work in progress)
- ▶ Volunteer Groups (as needed)



# Emergency Management Authority

- ▶ Mayor can declare disasters and issue orders related to disasters.
- ▶ Mayor's orders can include
  - 1) Suspending procedural laws and rules to facilitate a timely response.
  - 2) Using all available resources of government and commandeering private property, subject to compensation, to cope with the disaster.
  - 3) Restricting the movement of people and occupancy of premises.
  - 4) Prohibiting the sale or transportation of certain substances.
  - 5) Implementing price controls.
- ▶ City Council can extend disaster declarations.

Texas Government Code Chapter 418 has the primary information.

# Emergency Management Plan

- ▶ Currently operating under the Hays County Emergency Management Plan.
- ▶ The City's Plan would be our first Emergency Management Plan.
- ▶ State law allows us to adopt our own plan or operate under the County's plan.
- ▶ All Emergency Management Plans have to be approved by the Texas Division of Emergency Management and be compliant with the National Incident Management System (NIMS).
- ▶ Covers any size incident and planned events.
- ▶ Includes Annexes for specific services and hazards.

# Emergency Management Basic Plan

- ▶ Definitions and Common Terminology
- ▶ Incident Command System
- ▶ Organization and Responsibilities
- ▶ Lines of Succession
- ▶ Agreements and Resources
- ▶ Training
- ▶ Plan Development and Review
- ▶ Recordkeeping





# Basic Plan-Responsibilities

- ▶ Mayor-establish objectives and priorities, declare disasters and issue orders, request assistance, keep public informed, and activate the Emergency Operations Center (EOC).
- ▶ City Administration-implement the policies of the governing body, supervise the Emergency Management Coordinator (EMC), ensure staff participate in emergency management activities and training, and oversee the operational response.
- ▶ EMC-staff advisor to Mayor, coordinate planning and preparation, manage the EOC, and liaison with other entities.
- ▶ Emergency Management Commission-assist the EMC and advise City Council.
- ▶ The Mayor, the EMC, or the City Administrator can activate the Emergency Operations Center.

# Basic Plan-Support Services

- ▶ Public Information (Annex I)-Communications Director
- ▶ Recovery (Annex J)-City Treasurer
- ▶ Public Works & Engineering (Annex K)-City Maintenance Department
- ▶ Utilities (Annex L)-Public Works Coordinator
- ▶ Legal (Annex U)-City Attorney



**P – INDICATES PRIMARY RESPONSIBILITY**  
**S – INDICATES SUPPORT RESPONSIBILITY**  
**C – INDICATES COORDINATION RESPONSIBILITY**

	WARNING	COMMUNICATIONS	SHELTER & MASS CARE	RADIOLOGICAL PROTECTION	EVACUATION	FIREFIGHTING	LAW ENFORCEMENT	HEALTH & MEDICAL	PUBLIC INFORMATION	RECOVERY	PUBLIC WORKS & UTILITIES	ENGINEERING	RESOURCE MANAGEMENT	DIRECTION & CONTROL	HUMAN SERVICES	HAZARD MITIGATION	HAZMAT & OIL SPILL RESPONSE	SEARCH & RESCUE	TRANSPORTATION	DONATIONS MANAGEMENT	LEGAL	TERRORIST INCIDENT RESPONSE	
MAYOR	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	S	S	S
CITY MANAGER/ASST TO JUDGE																							
CITY ADMINISTRATOR									P	S			S								S		
EMC	S	C	C	C	S	C	C	C	C	C	C	C	S	C	C	S	C	C	C	C	S	C	C
LAW ENFORCEMENT	P	P	S	S	P	S	P						S	S	S		S	S			S		P
FIRE SERVICE	S	S	S	P	S	P							S	S		S	P	S			S		S
PUBLIC WORKS		S	S	S	S		S			S	P	S	S	S		P	S	S					S
UTILITIES		S								S		P	S	S		S	S				S		S
HEALTH & MEDICAL SERVICES			S	S	S			P					S	S	S		S	S	S		S		S
HUMAN SERVICES			S		S								S		P	S					S		S
COMMUNITY SERVICES			P	S	S								S	S	S						P		S
HUMAN RESOURCES													P								S		
FINANCE DIR.										P			S			S					S		
DSISD			S		S								S		S		S		P				S
CITY ATTORNEY'S OFFICE					S								S			S					S	P	
L																							

# Annexes

ANNEX	ASSIGNED TO:
ANNEX A: WARNING	EMC/COUNTY SHERIFF
ANNEX B: COMMUNICATIONS	EMC/COUNTY SHERIFF
ANNEX C: SHELTER & MASS CARE	EMERGENCY MANAGEMENT COMMISSION
ANNEX D: RADIOLOGICAL PROTECTION	NHCFR FIRE CHIEF/FIRE MARSHAL
ANNEX E: EVACUATION	EMC/HAYS COUNTY CONSTABLE PRECINCT 4
ANNEX F: FIREFIGHTING	NHCFR FIRE CHIEF/FIRE MARSHAL
ANNEX G: LAW ENFORCEMENT	COUNTY SHERIFF/HAYS COUNTY CONSTABLE PRECINCT 4
ANNEX H: HEALTH AND MEDICAL SERVICES	ESD1
ANNEX I: PUBLIC INFORMATION	CITY COMMUNICATIONS COORDINATOR
ANNEX J: RECOVERY	CITY TREASURER
ANNEX K: PUBLIC WORKS & ENGINEERING	PUBLIC WORKS DIRECTOR/CITY MAINTENANCE
ANNEX L: UTILITIES	PUBLIC WORKS DIRECTOR
ANNEX M: RESOURCE MANAGEMENT	EMC
ANNEX N: DIRECTION & CONTROL	EMC
ANNEX O: HUMAN SERVICES	EMC
ANNEX P: HAZARD MITIGATION	EMC
ANNEX Q: HAZARDOUS MATERIALS & OIL SPILL RESPONSE	NHCFR FIRE CHIEF/FIRE MARSHAL
ANNEX R: SEARCH & RESCUE	NHCFR FIRE CHIEF
ANNEX S: TRANSPORTATION	DSISD TRANSPORTATION DIRECTOR
ANNEX T: DONATIONS MANAGEMENT	EMC
ANNEX U: LEGAL	CITY ATTORNEY
ANNEX V: TERRORIST INCIDENT RESPONSE	EMC/COUNTY SHERIFF

# Next Steps

- ▶ Implement Plan and Training
- ▶ Continue work on Continuity of Operations Plan
- ▶ Continue work on Pandemic Annex

Please contact

[rbaligad@cityofdrippingsprings.com](mailto:rbaligad@cityofdrippingsprings.com)

with questions or for training materials.



**CITY OF DRIPPING SPRINGS**

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, ADOPTING AN EMERGENCY MANAGEMENT PLAN AND RELATED ANNEXES WHICH PERTAINS TO THE ESTABLISHMENT OF A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM, PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY MANAGEMENT DIRECTOR AND COORDINATOR AND OTHER STAFF, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, occasional disasters occur that threaten the public health, safety, and lives of the citizens of the City of Dripping Springs; and

**WHEREAS**, it is necessary and desirable to ensure that all federal, state, and local emergency agencies and personnel coordinate their efforts to efficiently provide emergency relief and disaster recovery aid; and

**WHEREAS**, facilitate efficient and effective assistance to those impacted, it is important that all state and local emergency response agencies and personnel utilize common terminology, integrated communications, consolidated action plans, unified command, modular organization, facilities during emergencies or disasters; and

**WHEREAS**, the Incident Command System, as developed by the National Incident Management System, sets forth standardized procedures for managing personnel, communications, facilities, and resources; and

**WHEREAS**, the proposed City of Dripping Springs Local Emergency Management Plan and Annexes incorporates the National Incident Management System, and is based on plans produced by the Texas Division of Emergency Management and has been approved by the Texas Division of Emergency Management; and

**WHEREAS**, the City Council of the City of Dripping Springs, Texas, deems it in the best interest of the residents of the City of Dripping Springs to adopt a City Emergency Management Plan and Annexes; and

**WHEREAS**, the Texas Government Code § 418.173 provides a City’s Emergency Management Plan may prescribe a punishment of up to \$1,000.00 for

failure to comply with the plan or with a rule, order, or ordinance adopted under the plan; and

**WHEREAS**, the City Council of the City of Dripping Springs deems it in the best interest of the City of Dripping Springs to adopt the ability to prescribe the maximum fine allowed by law.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs, Texas:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ADOPTION AND AMENDMENT**

The Local Emergency Management Basic Plan and Annexes attached as Attachment “A” are adopted by the City of Dripping Springs. Section 2.04 of the City of Dripping Springs Code of Ordinances as it relates to the emergency management coordinator and the emergency management plans as shown in Attachment “B”. Underlined language is added and struck through language to be removed. Adopt the violation language of Section 418.173 of the Texas Government Code.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby directed to record the attached rules, regulations, and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Dripping Springs, Texas:**

**PASSED & APPROVED this, the 13<sup>th</sup> day of October 2020, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) to (abstentions)**

**CITY OF DRIPPING SPRINGS**

\_\_\_\_\_  
Bill Fouds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary



ATTACHMENT "A"  
(Attach Local Emergency Management Basic Plan and Annexes)

## ATTACHMENT "B"

## Sec. 2.04.194 Responsibilities

(a) Meetings. The commissioners shall conduct meetings once a month. Meetings shall be conducted at city hall, unless otherwise deemed appropriate by the chairperson. The commission may hold public hearings as deemed necessary and appropriate. Other meeting times and locations can be selected by the chairperson, as deemed necessary and appropriate. All meetings are subject to the Open Meetings Act, chapter 551 of the Texas Government Code.

(b) Policies and implementation. The commission shall advise the city council on recommended policies and application of policies for the development and implementation of an emergency management plan for the city and ETJ.

(c) Regulations. The commission shall review and evaluate all current municipal ordinances of the city, identify provisions that relate to or apply to emergency management, and make recommendations to the city council for needed changes and/or additions.

(d) Information. The commission shall serve as a conduit for soliciting, compiling and submitting public input to the city council. The commission shall be subject to the Texas Public Information Act, chapter 552 of the Texas Government Code.

(e) Activities. The commission shall:

- (1) Develop ~~an~~ city emergency management plan consistent with federal, state, and county standards and practices that addresses the unique and special needs of the city and ETJ. The plan will be submitted to the ~~city~~county emergency management coordinator for approval prior to submission to the city council, ~~and county commissioners court~~. Upon approval, the plan will be provided to the county and all listed contacts in the plan to become an addendum or appendix to the county emergency management plan.
- (2) Review the local emergency management plan annually and update as needed.
- (3) Manage, staff, and operate an area emergency operations center when disaster, major incident, or event dictates that level of support to first responders.
- (4) Provide to the public information and training regarding personal and family disaster planning and response.
- (5) Identify and engage in protection, prevention, mitigation, response, and recovery planning and activities related to local conditions and needs.

---

**CITY OF DRIPPING SPRINGS  
TRANSPORTATION COMMITTEE  
AGENDA**

**MONDAY, AUGUST 25, 2020  
3: 30- 5 : 00 PM— VIA ZOOM CONFERENCE**

---

**COMMITTEE MEMBERS:**

Interim Chairman – P&amp;Z Comm. Jim Martin

John Pettit

City Council Rep.—Travis Crow

Ben Sorrell – Non-Voting Member

Barrett Criswell

Chad Gilpin, P.E., City Engineer

Sharon Hamilton

**INVITED GUESTS:**

Hays Co. - Precinct 4 Comm. Walt Smith, County Engineer Jerry Borcharding, P.E., Adam

Leach, EIT DSISD – Pam Swanks, Mike Garcia

TxDOT, Austin District, So. Area Office – Epigmenio Gonzales, P.E., Michelle Romage-Chambers, P.E., Reed Smith, P.E.

CAMPO – Doise Miers

HDR (City Traffic Engineering Consultant) – Rashed Islam, P.E., Leslie Pollack, P.E., Isabella Albino

---

**AGENDA**

## 1. TXDOT

- Project Updates
  - Regarding the signal at 12 and 150, Epi says there is only a protected left due to limited sight distance but adding an additional phase could extend the length of the protected left. Leslie confirms that adding a right turn overlap would extend the length of the protected left.
  - Michelle Romage-Chambers informs the committee that the RM 12 project has let and they expect to begin construction mid to late September.
  - Epi explains that the signal at 290 and Trautwein was worked on together with Hays County. They agreed to let the county to go forward with that project if they put up additional signage saying a sign was coming. That is a temporary signal until the roadway improvements happen on Trautwein. Jim asks if it will be sequenced with the other signals east and west of it. Epi states there is no reason why it would not be.
  - Travis asks for confirmation that sight distance and speed are the factors that are preventing a flashing yellow on the light at 150 and RR 12. Epi confirms and suggests they could lower the speed at that section, which could put them in compliance with the sight distance.
  - Epi says that the hot mix at founders and RR 12 did not meet certain density. They've

reached out to the lab to find an answer. Reed confirms that the densities did not meet their standards and are finding out this week how to move forward.

a. Highway 290 Study Update

- Michelle Romage-Chambers presented the attached item

- Hwy 290 Oak Hill Planning and Feasibility update. The study is from 290 to 1826. They are in the planning and feasibility portion of this project. They are going to wrap it up at the end of this year. Then, they will move into the environmental and schematic portion. They anticipate having environmental clearance by 2023, then they can buy right of way, utilities etc., then move into construction. Each advancement is contingent on funding that is available. They have another feasibility study going west to 281 that is starting soon. Oak Hill should wrap up by 2025, the projects will be overlapping.

- New/Other Project(s) Update

-

2. HDR (Traffic Engineering Consultant)

- Master Transportation Plan Update

-Meeting with Hays County to have them review our plan and see how it aligns has been held. There is a follow meeting scheduled. Currently they are planning for a virtual open house.

- Traffic Symposium Update

-No update. Draft agenda has been started.

- Status of Task Orders

-Still moving forward with current Task Orders

### 3. CITY OF DRIPPING SPRINGS

- Big Sky—Founders Park Rd and RR 12 Improvement Project Update (Aaron Reed, Public Works Coordinator)
  - Founders Park Road and RR 12 have a punch list. There are issues with their drainage and Striping. The road is open.
  
- Update on Street Inventory and Condition Assessment Project (Aaron Reed, Public Works Coordinator)
  - Allocated funds to do a major rework of streets. A 5-year plan is being created; they have begun assessing streets to see what needs work.
  
- Update on TxDOT Grant Projects (Aaron Reed, Public Works Coordinator:
  - a. Sportsplex Project
    - Zoom crashed
  
  - b. Rob Shelton Project
    - Zoom Crashed
  
- New Developments (Amanda Padilla, Senior Planner)
  - Heritage Development: Set for approval for September. 595 single family unites. TIA is still under review. They preferred options with fewest parking spots.
  - Cannon PDD: TIA is still being worked on. A timeline is being created at the moment.
  - Double L and Cynosure: TIA for Double L is still under review. Will be a year or 2

### 4. New Business

### 5. Adjourn



Item # 23.

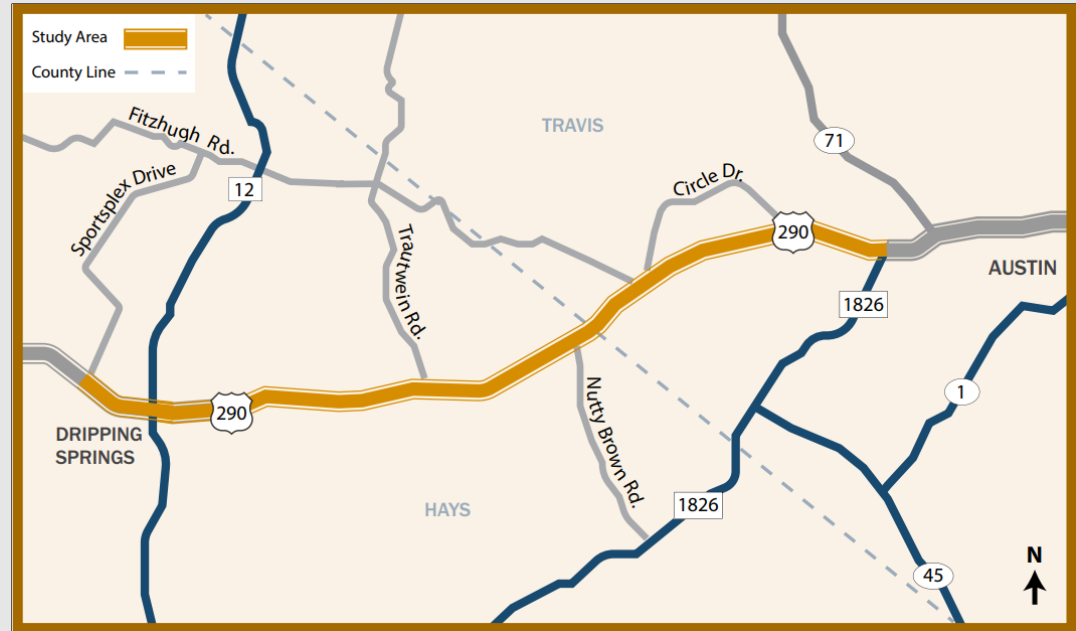
# US 290 from Oak Hill to Dripping Springs Planning and Feasibility Study

# UPDATE

August 24, 2020

## STUDY CORRIDOR

- US 290 from RM 1826 in southwest Austin through the City of Dripping Springs to Sportsplex Drive.
- The corridor spans Travis and Hays counties



## STUDY PURPOSE

- Identify long-term safety and mobility solutions
- Develop right-of-way needs

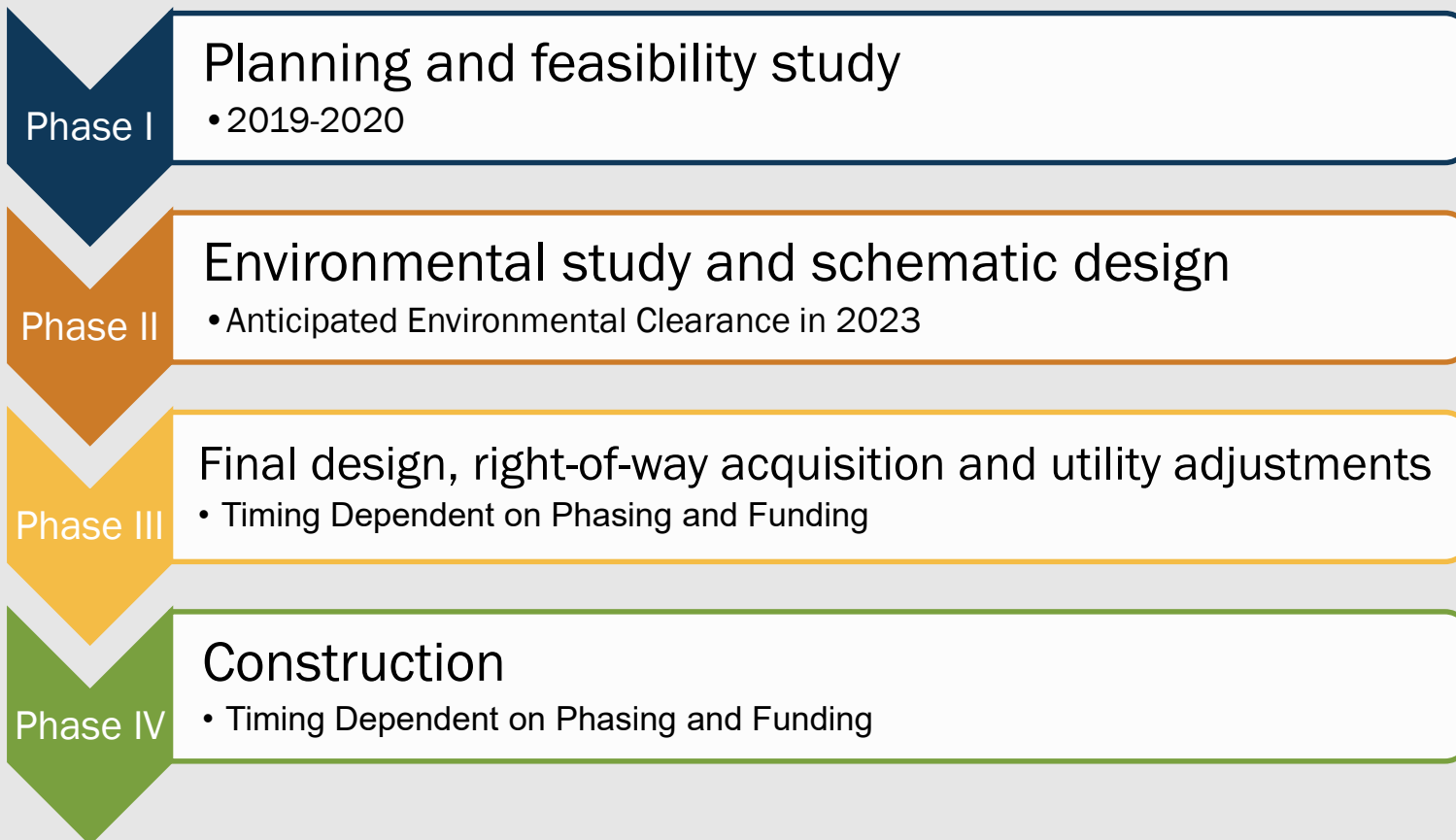
## STUDY TIMELINE: 2019-2020

- Improve **safety** in the corridor
- Improve **mobility** in the corridor
- Enhance **accessibility** for residents and businesses
- Improve **emergency response times**
- Support **economic development**
- **Minimize impacts** to the community and natural environment





WE ARE HERE



**PUBLIC INVOLVEMENT**

*Advancement from phase to phase is contingent upon the outcome of the previous phase and the availability of funding.*

## Our Study

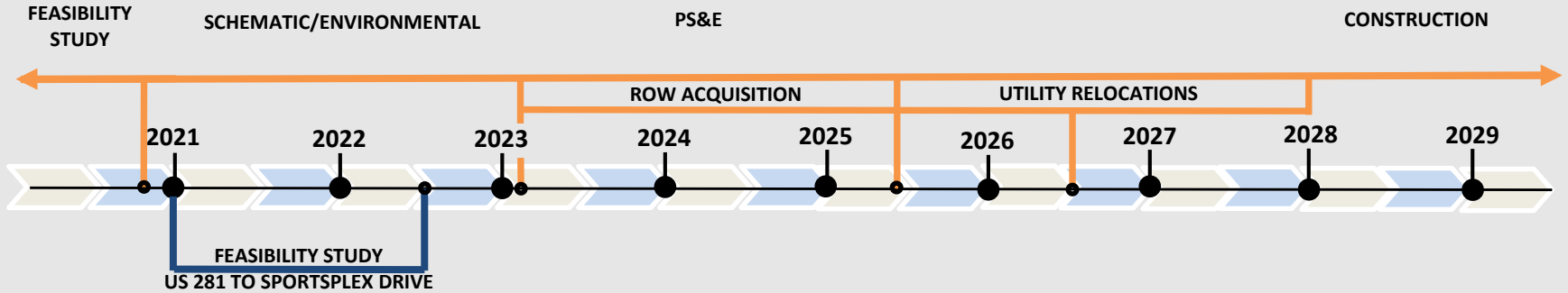


Upcoming TxDOT study for improvements to US 290 between Sportsplex Drive to US 281

The approved Oak Hill Parkway Project, anticipated to open to traffic as early as 2025

+ Ongoing **TxDOT traffic study** for interim safety projects

# US 290 West Improvements Timeline

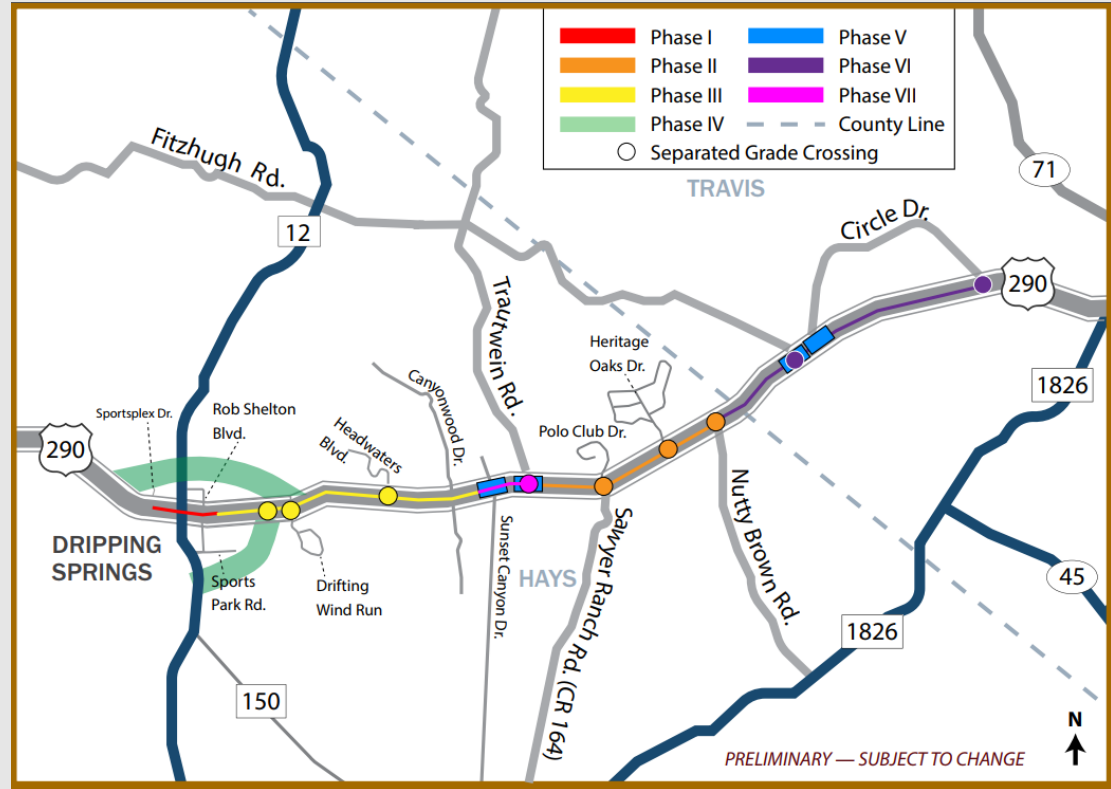


- Notes:**
1. Construction start contingent on funding, ROW, and utility relocations
  2. Project could be phased due to funding constraints
- PS&E – Plans, Specifications, and Estimates (Final Design)  
 ROW – Right of Way

**+ Ongoing TxDOT traffic study for interim safety projects**

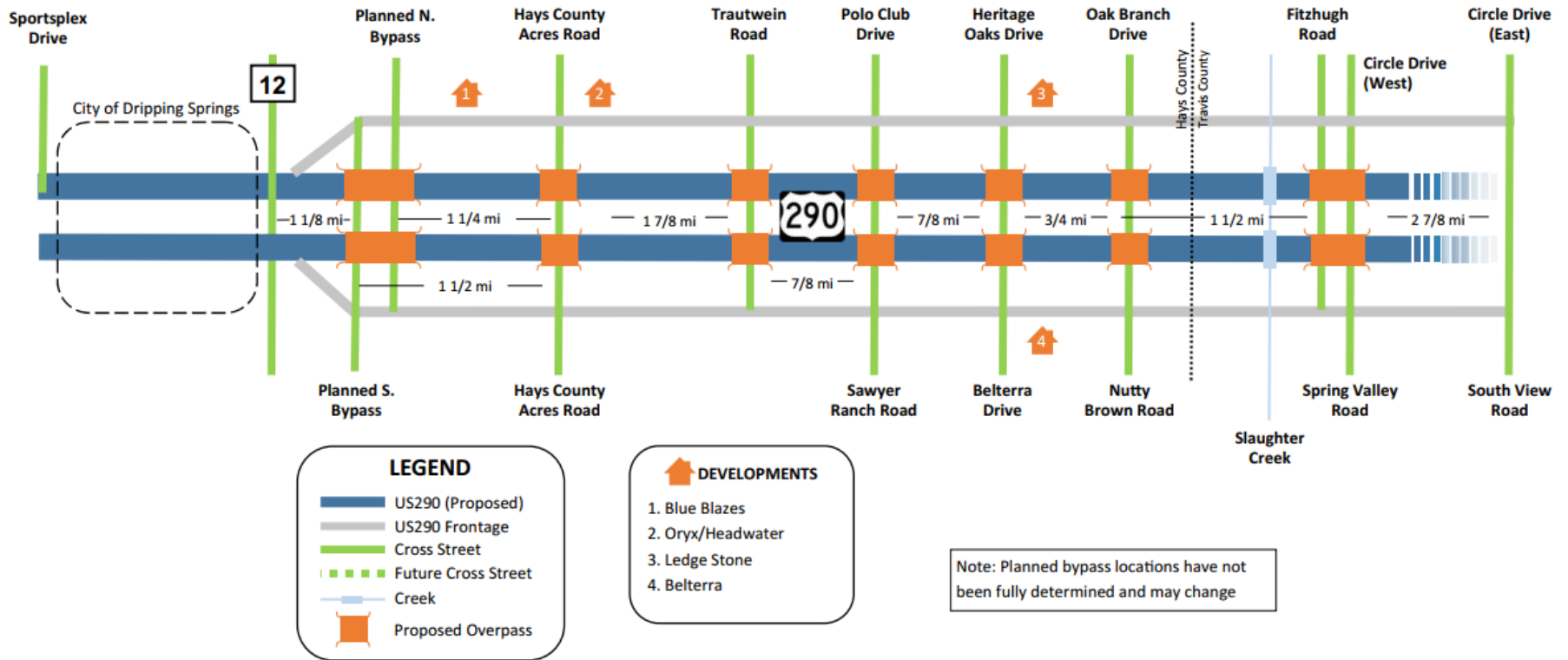
## PROJECT FUNDING

- Funding for constructing the entire corridor to be pursued.
- If not all funding is attained at one time, the alternative is to phase the corridor construction.
  - Less impact to motorists
  - Faster improvements
  - Can target problem areas first





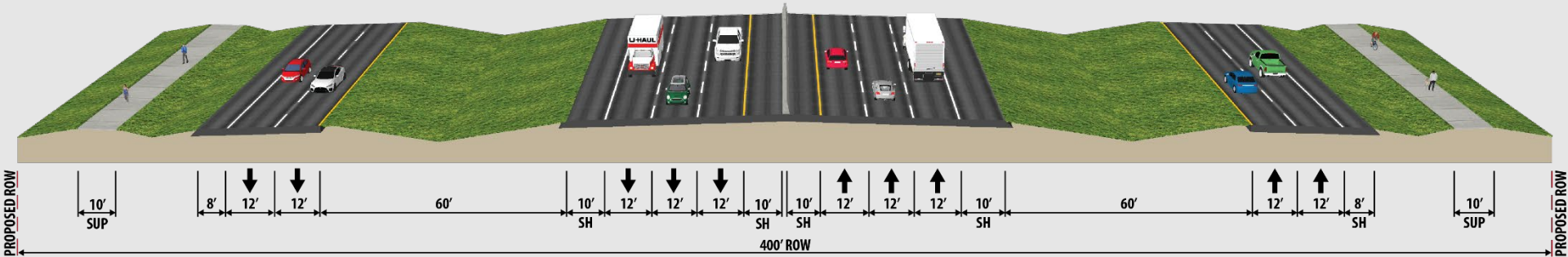
## US 290 West Planning and Feasibility Study



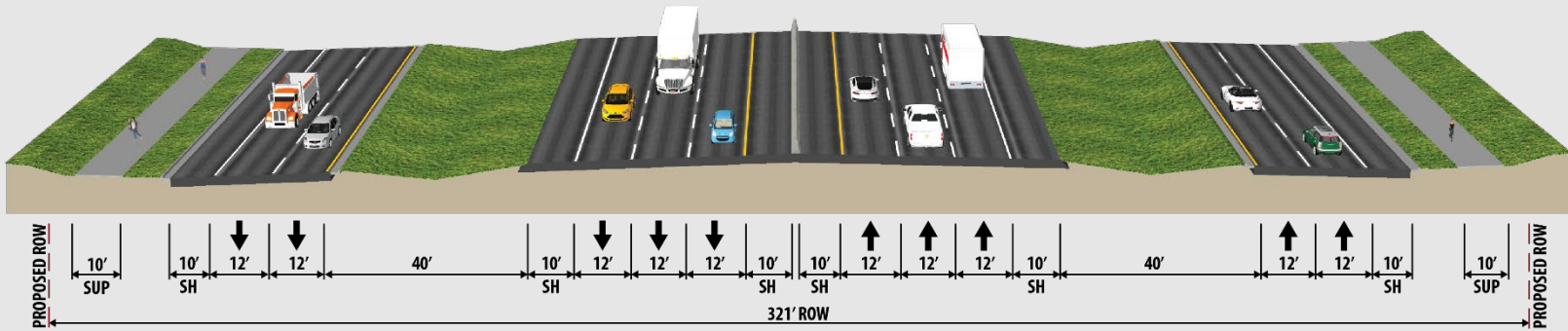
# Proposed Typical Sections – Standard vs. Reduced

Item # 23.

## Standard (400 ft)



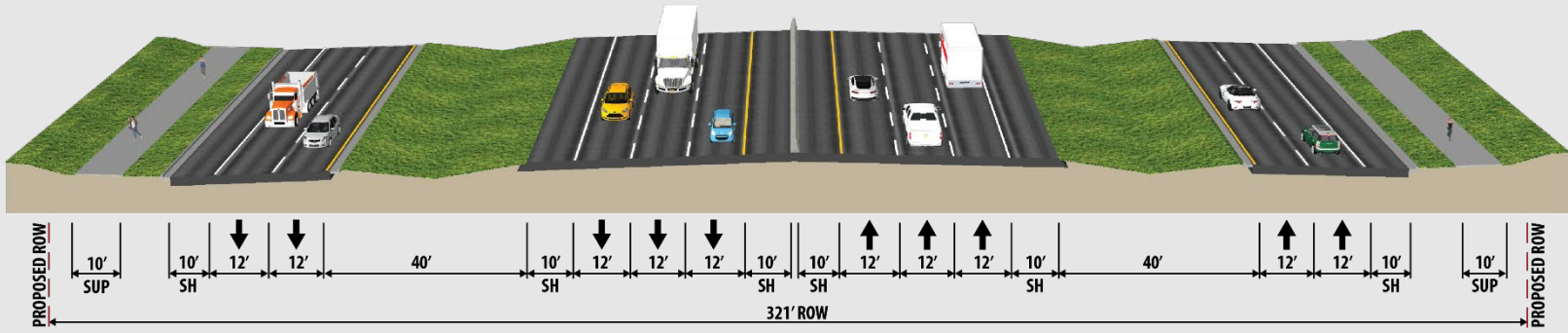
## Reduced (321 ft)



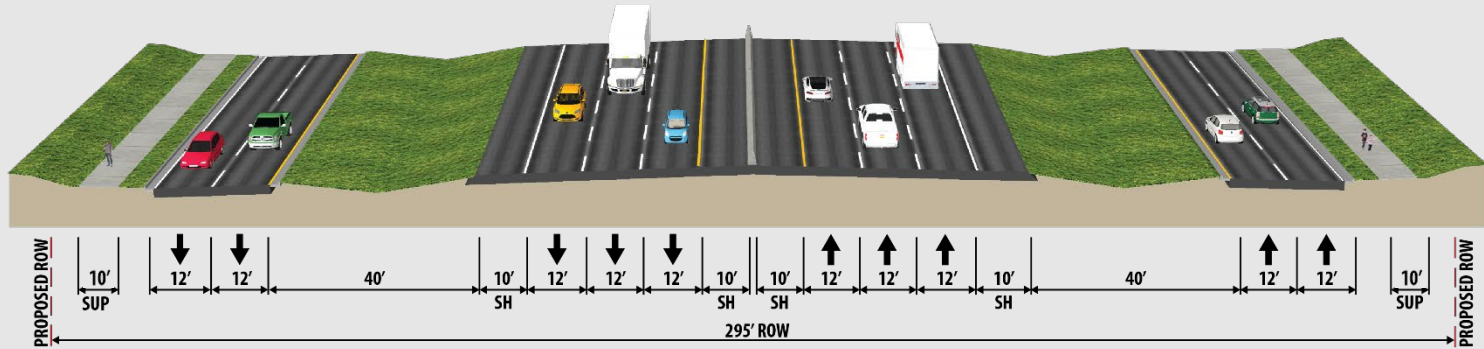
# Proposed Typical Sections – Reduced vs. Minimized

Item # 23.

## Reduced (321 ft)



## Minimized (295 ft)



Reduction	Trade Offs
<p><b>Reduce border between frontage road and main lanes</b></p>	<ul style="list-style-type: none"> <li>▪ Ditch capacity needs may require adjustment from 6:1 desirable to 4:1 and, although 4:1 is acceptable, 6:1 or flatter is preferred for both errant vehicle performance and slope maintainability</li> <li>▪ Closed drainage system may be required in ditch area depending on calculated discharge.</li> <li>▪ Can constrain ramp design and feasibility both horizontally and vertically.</li> </ul>
<p><b>Removal of frontage road 10' shoulder</b></p>	<ul style="list-style-type: none"> <li>▪ 10' Shoulder with 8' buffer between curb and Shared Use Path (SUP) provides clear zone for separation of bicycle/pedestrians on SUP and traffic</li> <li>▪ Removal of shoulders prevents utilization of the shoulder for turning movements</li> </ul>
<p><b>Reduction to SUP buffer width</b></p>	<ul style="list-style-type: none"> <li>▪ Reducing the buffer between the SUP and back of curb to 3' to maintain a full width SUP would require a design waiver approval</li> </ul>
<p><b>Reduced utility corridor</b></p>	<ul style="list-style-type: none"> <li>▪ Less space for placing proposed utilities and retaining walls that may be required</li> </ul>



# US 290 Ongoing Development Area Locations



Source: Google Earth, 2018

## SITE PLAN



Source: <http://blueblazesdevelopment.com/>, June 2020

## GOOGLE EARTH



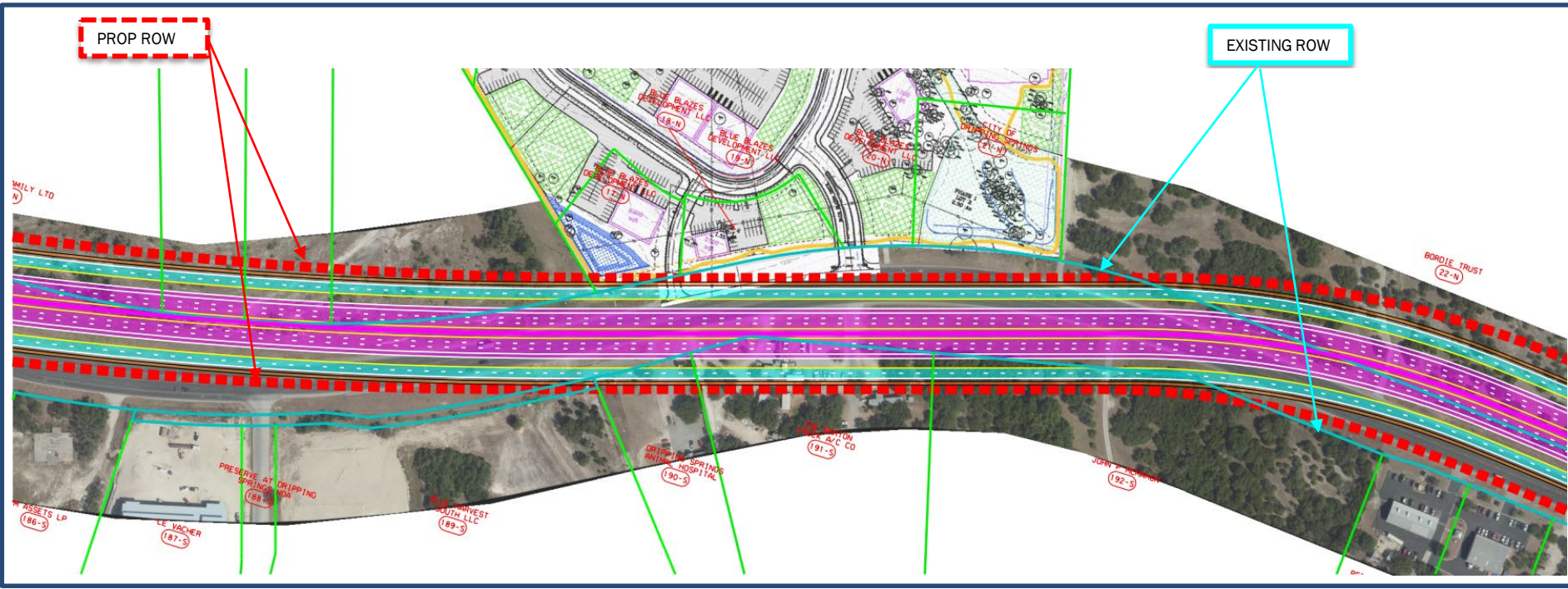
Source: Google Earth, 08/23/2018

# Blue Blazes Development Proposed ROW

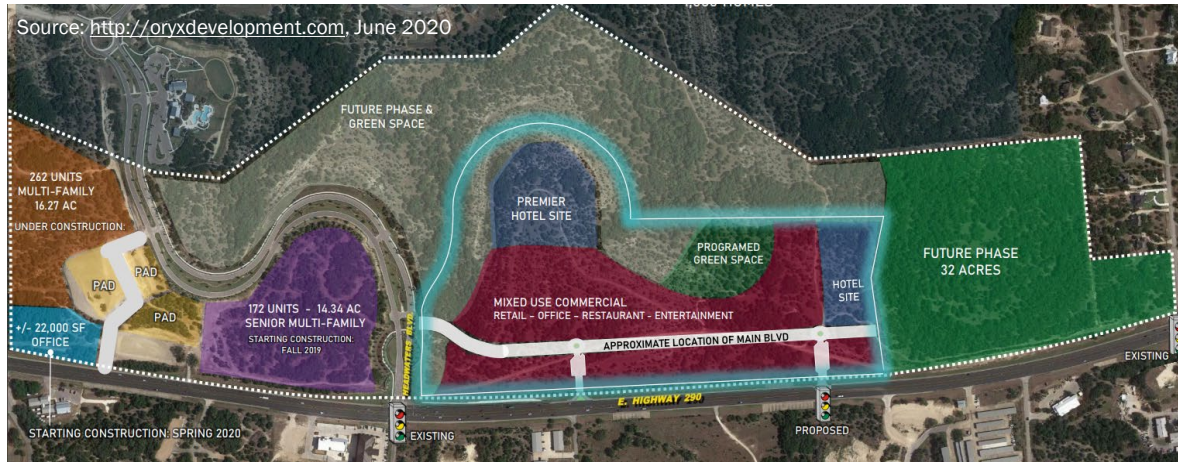


PROP ROW

EXISTING ROW



# Location #2 Headwaters Development



SITE PLAN

Proposed signal shown is part of and is subject to



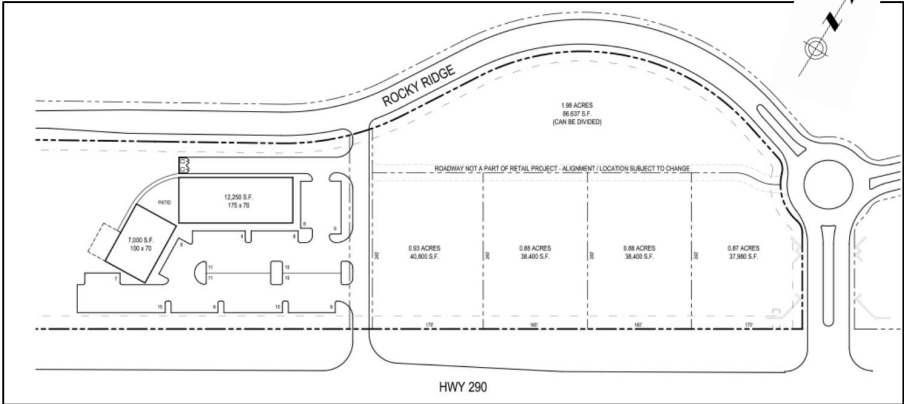
GOOGLE



# Location #3 Ledge Stone Development



## SITE PLANS



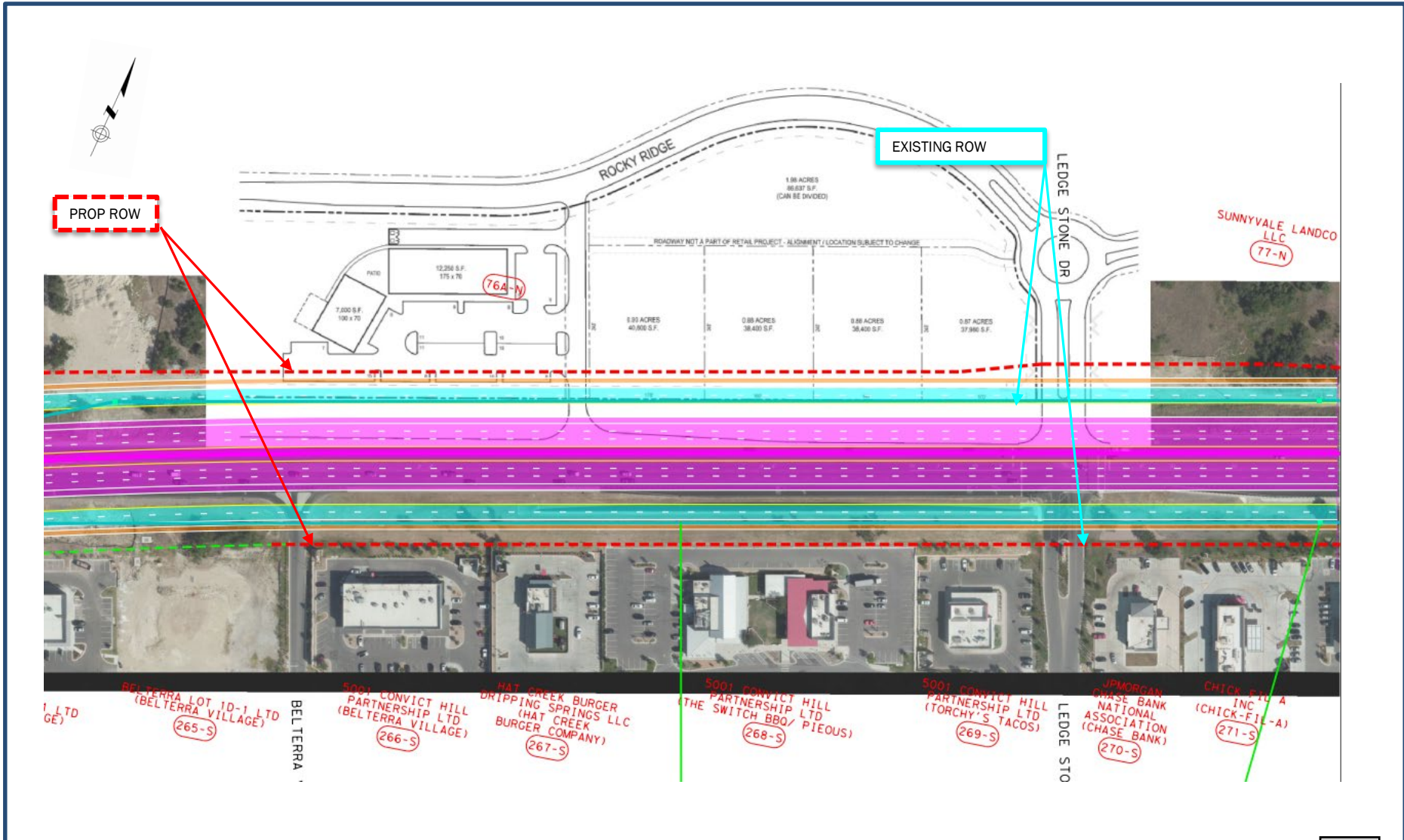
Source: <https://theretailconnection.net/properties/ledge-stone-dripping-springs-tx/>



## GOOGLE EARTH

# Ledge Stone Development Proposed Reduced ROW

Item # 23.



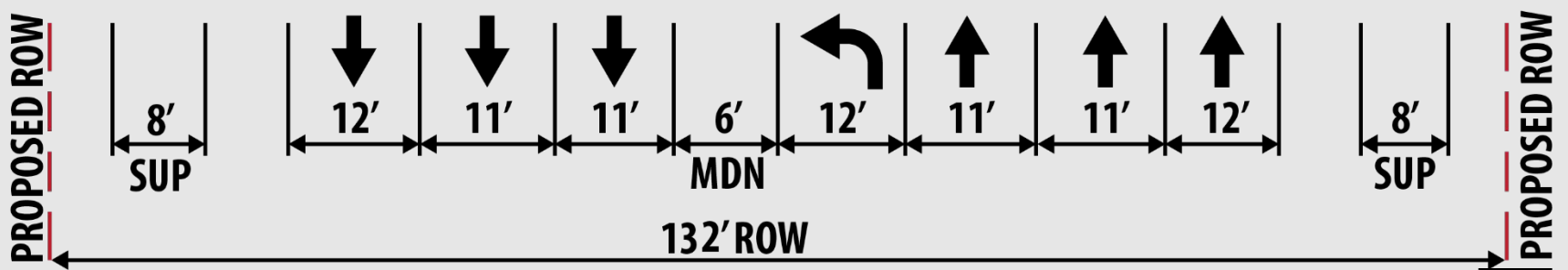
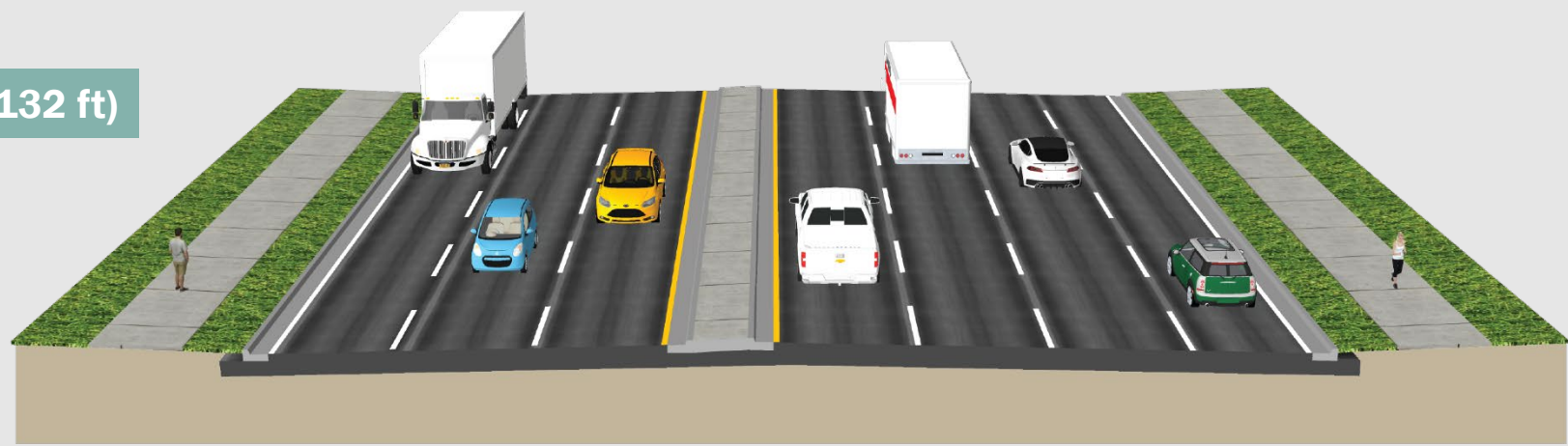
# City of Dripping Springs





## The current plan includes an urban section within the city limits of Dripping Springs.

Urban (132 ft)



505

# US 290 Proposed Roadway KMZ Overview



# Questions?

TO: CITY OF DRIPPING SPRINGS  
 FROM: Kim Fernea  
 RE: ECONOMIC DEVELOPMENT COMMITTEE MONTHLY REPORT  
 DATE: October 1, 2020

---

Please accept this memo as the City of Dripping Springs Economic Development Committee's (the "Committee") monthly update to Council regarding projects and progress during the month of September, 2020.

The Committee convened via Zoom September 23rd.

Agenda:

- Jessica Inacio, Senior Director of Business Attraction, Greater San Marcos Partnership
- City Update – Mayor Pro Tem Taline Manassian
- Burt Dement – Share information about Office Building project
- Discuss and consider approval of EDC 2021 Annual Meeting Calendar (Staff Report attached)
- GSMP Vision 2025 – Patrick Rose
- Community Updates provided from the Committee

**Jessica-Sr Director of Business Attraction, GSMP**

- Originally from CT- previously worked with Jason Giulietti (Pres of GSMP at their statewide ED organization)
- She moved to Texas, worked in Ft Worth recruiting -aerospace, defense, international firms, Headquarters
- Role: want to see jobs—our success is much more than landing HQ2 of Amazon
  - Foundation is BRE-Business Retention and Expansion
- How do they learn about opportunities:
  - Respond to RFI-coming through Austin Chamber, Governor's Office, directly from site selector consultants (more reactive approach)
  - Increasingly it has been directly from companies as they have heard about our area & want to know more
  - Lots of proactive-reaching out to consultants and companies
    - Tesla is here & what does that mean?
    - Supply chain opportunities
      - Shorten these and use this to develop our area
  - Know our area-and know our assets
    - Currently learning what she is selling
    - Knowing inventory-not just sites
    - Community -collective desire as to what you want to be
      - Inform not just who you attract but what steps you take to attract those desired firms
      - Infrastructure-goals to accommodate and facilitate
  - Right fit - win/win. Retention is the goal.
  - Incentives- asking about broadly
    - Once short-listed-GSMP facilitates each step of process
      - Work alongside City, developers, county judge, etc to set project up for success
    - Impact data source-economic impact analysis
      - Location with tax rates, co NIX code, informs growth #s, and wage growth, capital investment & average wage
        - Shows benefit to community
      - Is incentive appropriate-is it high wage jobs, high # of jobs, will it draw other ancillary companies to come
- GSMP has a Regional mindset- We are the Same region-go in with same incentive-don't outbid each other

- Work through executive sessions with public entity
- How do you share analysis-license they purchase-and they share-they do the back end then summary is shared with the appropriate parties (public entities)
- GSMP has an Agency relationship with Hays County-contracted with SM and Hays and Caldwell county-facilitate as projects come into counties-working incentives on behalf of the county
  - With DS-will also work with City
- Vision 2025-Biz attraction, retention, workforce development
  - Arriving to their team to help on this front: Project manager and research analyst
- Marketing Trips-hubs of site selectors-informing company based on needs-areas of interest—Chicago, Atlanta, NY, Dallas, CA
  - Mass exodus from coastal cities-telling them about our Region
- Tx Innovation Corridor-raising tides floats all ships
  - STARR park, innovation that is happening in our Region
  - 9 times more patents than state & 11xs nation
- Mayor Pro Tem Taline Manassian - Update:
  - Set text rate @ 19cents again and budget-posted on web site
  - Business coming into Cowgirls & Lace-clothing, home goods with food truck serving alcohol
  - Annexed 11 acres-zoned GR
  - Community Activities-events during COVID-City is taking forward steps to have Run by the Creek-smaller and masks-start to allow social distancing
  - Modified Christmas on Mercer
- Burt Dement:
  - Harrison Hills Business Park- N of 290 in city limits
    - 7 acres 3 CRE tracts-across from Founder's Ridge, Platted into 4 lots-zoned GR
    - With city water & wastewater
      - Working on site plan- infrastructure & detention pond
    - Lot 1 site plan ready-
      - 17000 office/medical
        - No users or tenants yet
      - Condo out building-
      - Front Bld is 5k w/ 3 smaller 3k buildings -Built as shells
      - Modern farm house
        - 2.25 acres-lot 1
        - Start in 60 days-site work
        - Q1 vertical and delivering next summer

#### **Patrick Rose - Vision 2025**

Started in Jan/paused because of COVID  
 Steering Committee and Technical Advisory Committee  
 Market Street Services-Atlanta based  
 Work with GSMP and Opportunity Austin  
 History with our region

#### **Assessment:**

- Population growth compared to other competitive regions in country
- Hays – 5th fastest growing county in the country
- Quality of Life and Place
  - Data-across Hays & Region
- Talent/educational patterns
  - Grad degree & bachelor degree as % of education
    - Skews higher as you move to DS
- Job growth-across Region & Industry Segments
  - Destination Attraction-organic upswell of wedding venues, wineries, distilleries, breweries

- Recognizes it and leverage it
- Local Talent pipeline and school district
  - 4 yr graduation-DS 98%, go on to college @ 55% DSHS graduates
    - 16.1% HCISD, 19% SM, 17.5% Wimberley
- Strengths that we have in DS & Region

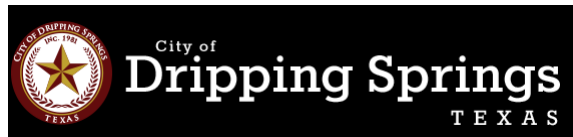
Strategy: focuses on four primary strategies

- Supporting employment growth-BRE, recruitment
  - Supporting BRE doesn't grab biggest headlines but is most important focus of eco dev
  - Effort to support existing BRE-coordinated with local Chambers & EDC
    - Barbara's role shows importance and focus
    - Small biz development & entrepreneurship
    - University discussion
      - Lockhart has Life Sciences that spun out of STARR park
      - Harness what is happening on Hill in SM in DS as well
    - Opportunities for office space that we've never had
      - CRE of HW-reserved in land plan-a corporate HQ site-furthest east-shovel ready
      - Roger Hanks Pkwy
    - Relocation and expansion in DS
      - Emerging employment center
    - Because of COVID still focusing on same 5 industries:
      - Biz services, material science, info & tech, life sciences, destination tourism
  - In 24 months we'll reevaluate these industry verticals
  - Continue to focus on these for now
- Optimize local talent base
  - Annual Ed Summit-better align employers with high schools, universities, etc
- Quality of Life
  - Large relocation company next to industrial site in SM, where do those executives raise their families? Drawn to DS
- Accommodate quality growth
- Enhancing community appeal
  - Deeper involvement and focus
  - What can we do to leverage-venue, corporate retreat, etc?

Next steps-edit strategy—Oct 13 completed & final document will be Implementation Guide by October 29th -

# **Hindsight in 2020: Sign Regulation Five Years after *Reed v. Town of Gilbert***

**Laura Mueller, City Attorney**



**TCAA FALL CONFERENCE**

**OCTOBER 2020**

### Author Biographies

**Laura Mueller, Associate** - Laura previously worked at the Texas Municipal League as Assistant General Counsel. While at TML, she participated in over 100 speaking engagements on various legal topics and continues to be a featured speaker at legal conferences. She has authored amicus curiae briefs for the courts on numerous subjects including billboard regulation, reserved powers doctrine, civil service, elections, unions, takings, open meetings, public official liability, land use, and annexation. Laura received her undergraduate degree from the University of Oklahoma and earned her Doctor of Jurisprudence from the University of Texas at Austin. After spending three years as an associate at the Bojorquez Law Firm, Laura became the City Attorney of the City of Dripping Springs. Laura has been working on this paper since 2003.



### **Introduction: Hindsight in 2020**

Five years ago, U.S. Supreme Court case *Reed v. Town of Gilbert* initiated a constitutional review of almost every sign code in Texas. These changes focused primarily on fixing definitions, focusing on zoning districts, and analyzing the purposes for sign regulation to ensure that cities had adequate bases for changing ordinances. After *Reed*, the Third Court of Appeals in Austin weighed in, and the federal Fifth Circuit issued a case interpreting *Reed*, again triggering some adjustments to sign ordinances. This paper will review sign regulation statutes and case law from *Gilleo* until September 2020 while providing guidance for reviewing your Sign Ordinance in 2020.

### **A Message from the Texas Legislature: Preemption of City Regulation of Signs**

Ensuring enforceable sign regulation from First Amendment challenges has become increasingly challenging following *Reed v. Town of Gilbert* and its progeny including *Reagan v. City of Austin*. *Reagan Nat'l Advertising v. City of Austin*, No. 19-50354 (5th Cir. August 25, 2020); *Reed v. Town of Gilbert*, 576 U.S. 155, 171 (2015)<sup>1</sup>. Understanding the basics of municipal sign regulation is key to understanding the far-reaching implications of *Reed* in municipal law. While a city may regulate any sign, these regulations most often include the restriction or prohibition of large outdoor signs that are hired out for commercial advertising, commonly known as billboards. Cities usually only prospectively ban or regulate signs because the removal, relocation, or reconstruction of an existing sign often costs the city money and may result in litigation. The regulation of these types of signs are the ones most affected by state law and cases.

Cities have authority to regulate signs in the city or the city's extraterritorial jurisdiction (ETJ). TEX. LOC. GOV'T CODE §§ 216.003; 216.902. A city's purpose for such regulation usually involves protecting the appearance, aesthetics, and environment of the city, which helps with property values, and improving traffic safety. *See, e.g., Luce v. Town of Campbell*, 872 F.3d 512, 517 (7<sup>th</sup> Cir. Sep. 22, 2017) ("It does not take a double-blind empirical study, or a linear regression analysis, to know that the presence of overhead signs and banners is bound to cause some drivers to slow down in order to read the sign before passing it."). Texas law has affirmed that both general law and home rule cities have some authority to regulate signs and billboards in the ETJ. TEX. LOC. GOV'T CODE § 216.902(a). However, in lieu of regulating signs in the ETJ, a city may request that the Texas Transportation Commission regulate the signs within the city's ETJ. *Id.* A city that chooses to regulate in its ETJ should ensure that its ordinance clearly extends to that area by including a precise applicability or jurisdiction section to its sign ordinance.

Under Chapter 216 of the Local Government Code, a city may require a sign's removal, relocation, or reconstruction. TEX. LOC. GOV'T CODE ch. 216. In order to require removal of a nonconforming sign, a sign that was legal when the ordinance was adopted, the city must first determine compensation for the sign owner through appointment of a municipal sign board. The sign board's membership is provided by state law, and the board determines the amount of compensation. TEX. LOC. GOV'T CODE § 216.005. Before the board decides on the amount of

---

<sup>11</sup> When I checked the number of sources that have cited the *Reed v. Town of Gilbert* Supreme Court Decision in September 2020, the number was almost 4,000 including over 700 cases throughout the United States.

compensation, the city must give the sign owner an opportunity for a hearing. Once a regulatory action is taken and compensation for the sign is determined by the municipal sign board, “any person aggrieved by a decision” may appeal to district court. TEX. LOC. GOV’T CODE § 216.014. Compensation may be examined by a court for its reasonableness. If the compensation payments are provided over a period longer than one year, the duration’s reasonableness will also be examined. Additionally, a city has the authority to regulate and prohibit signs in public rights-of-way. A sign owner must request a city’s permission before a sign may be legally placed in a city’s right-of-way. TEX TRANSP. CODE § 393.0025.

Besides state authorization and limitation of sign regulation, the city must also consider the First Amendment protections afforded to signs when drafting and enforcing sign ordinances. The courts have held invalid city regulations that would prohibit or regulate signs with a noncommercial or political message that are located on residential property. *See Reed v. Town of Gilbert*, 576 U.S. 155 (2015); *City of Ladue v. Gilleo*, 512 U.S. 43, 58 (1994).

### **Constitutional Conventions**

*Congress shall make no law . . . abridging the freedom of speech. . .* U.S. Const., Amdmt. 1.

Before reviewing sign regulation cases, a review of the difference between rational basis, intermediate scrutiny, and strict scrutiny is useful. For rational basis review, which is the standard for regulations that do not involve free speech or similar constitutional issues, is that a regulation be rationally related to a government purpose. *Duarte v. City of Lewisville*, 858 F.3d 348, 354 (5<sup>th</sup> Cir. 2017). The next level of review is intermediate scrutiny which is for regulations that affect constitutional rights but are either content neutral or, perhaps, regulate only commercial speech. Intermediate scrutiny requires that a regulation must be narrowly tailored to serve a significant government interest. *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n of New York*, 447 U.S. 557, 561 (1980). Finally, strict scrutiny is for regulations that affect constitutional rights especially when speech or content is regulated. Strict scrutiny requires that a regulation be narrowly tailored to serve a compelling government purpose and the least restrictive means necessary to achieve the purpose. *Reed*, 576 U.S. at 171.

Two main issues have arisen when looking at the constitutionality of sign regulations, overinclusiveness and underinclusiveness. As the main example of overinclusiveness, the case in the *City of Ladue v. Gilleo*, the city banned all signs in residential areas, which was not a viewpoint-based regulation and also did not have many exceptions. *City of Ladue*, 512 U.S. at 51. In *City of Ladue*, the U.S. Supreme Court held that there is special protection for non-commercial and political signs, especially for those on residential properties. *Id.* Banning all residential non-commercial signs was constitutionally overinclusive because too much speech was being prohibited, even if the purposes for the ordinance were being met.

Other city regulations were designed to protect the significant government interests of aesthetics and safety, but have failed because they have not been the least restrictive means or did not meet the purpose because they were underinclusive. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507-08 (1981) (traffic safety and aesthetics are significant government interests). If the challenged ordinance regulates speech protected by the First Amendment but is content-neutral, the law is subject to intermediate scrutiny, and it “need not be the least restrictive means of advancing the State’s interests.” *Thompson*, 442 S.W.3d at 345. The restriction must, however, be “narrowly tailored to serve a significant governmental interest.”

*McCullen v. Coakley*, 134 S.Ct. 2518, 2534 (2014) (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 796 (1989)). To be narrowly tailored, the “regulation [must] promote a substantial governmental interest that would be achieved less effectively absent the regulation.” *Thompson*, 442 S.W.3d at 345. Additionally, the regulation must not be “broader than is necessary to achieve the government's interest.” *Id.* Then the Supreme Court of the United States clarified (to some extent) how signs may be regulated in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

### **Reed v. Town of Gilbert: Underinclusiveness**

In *Reed v. Town of Gilbert*, the Town of Gilbert, Arizona, enacted a sign ordinance that defined various types of signs and restricted the different types of signs in various ways. 576 U.S. 155 (2015). For example, the town’s ordinance included definitions and differing regulations for temporary directional signs, ideological signs, and political signs. Based on the type of sign, the ordinance limited how long the sign could be posted. (Temporary directional signs could be posted no sooner than 12 hours before an event and for one hour after the event, but ideological or political signs could be posted for much longer.). The Court held that this ordinance was unconstitutional because it was underinclusive to meet its stated purposes and was content-based.

A local church regularly changed the location of its meetings. Each week, the church used temporary directional signs to guide parishioners to the appropriate location. *Reed*, 576 U.S. at 160-161. The signs at issue were in place longer than allowed by the town’s ordinance for event signs, and the town cited the church for the violations. The church sued the town, arguing that the shortened time frame for temporary directional signs versus the longer time frame for ideological and other signs was a “content-based” restriction on speech that is prohibited by the First Amendment to the U.S. Constitution. The town countered that the shorter time frame for temporary directional signs was not content-based because anyone’s temporary directional sign had to follow the same restrictions, not just churches, in essence arguing that the sign regulation was not content-based because it did not discriminate based on viewpoint. *Id.* at 167.

The Court held that the ordinance’s varying durations for posting based on the type of sign was based on the content of the sign because a city employee had to read the sign to know it referenced an event rather than an ideology to enforce the ordinance. *Id.* at 171. “A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea” *Id.* When a restriction on speech is content-based (as opposed to a content-neutral time, place, or manner restriction,) it will be upheld only if a city can show that the restriction is “narrowly-tailored to meet a compelling governmental interest.” A law or ordinance that is subject to strict scrutiny rarely survives a First Amendment analysis. *But see id.* at 173.

The Court invalidated the town’s ordinance because the town did not prove that the content-based distinction was narrowly tailored to achieve the town’s interests of aesthetics and traffic safety. As support for its position, the Court noted that the ordinance was underinclusive and allowed a great number of signs to be placed for long periods of time. That fact, in and of itself, refuted the town’s stated interests of aesthetics and traffic safety (and likely meant they might have failed even under intermediate scrutiny). Moreover, the court concluded that the various exceptions in the ordinance for certain signs made the restriction of other signs insupportable.

*Reed* has had an enormous impact on sign regulation—“a law that is content-based on its face will be subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech.” *Reed*, 576 U.S. at 163. The Supreme Court in *Reed* declared “government regulation of speech is content based if a law applies to a particular speech because of the topic discussed or the idea or message expressed.” *Id.* at 163-64. Courts have interpreted this to mean that a law that distinguishes between permitted and prohibited speech based on the subject matter, function, or purpose of the speech is content based on its face. Additionally, even a facially neutral law will be deemed to be content based if it either cannot be justified without reference to the content of the speech or if enforcement of the ordinance causes discrimination based on the speaker’s point of view.

Practically, the holding in *Reed* means that any ordinance provision that requires a city employee to read the content of a sign before taking action will be subjected to strict scrutiny by a court. However, a city sign code can still prohibit all signs on city property and limit the size, building materials, and other aesthetic aspects of a sign. That being said, a sign ordinance could—in theory—have content-based restrictions, but the standard to uphold these restrictions is very strict. Ultimately, most content-based regulations will likely be struck down, unless the restrictions can meet the strict scrutiny test set out by the courts. *Id.* at 159. Regardless of the inherent validity of an exception or distinction, exceptions that defeat the stated purposes of an ordinance by being overinclusive or underinclusive (for example, aesthetics or traffic safety) can result in an entire ordinance being struck down. *See id.* Issues related to how commercial content can be regulated remains open.

### **REEDing Alito’s Concurrence**

Justice Alito filed a concurrence to the *Reed* opinion where he laid out his interpretation to the holding and what regulations would still be allowed:

“Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.  
 Rules regulating the locations in which signs may be placed. These rules may distinguish between freestanding signs and those attached to buildings.  
 Rules distinguishing between lighted and unlighted signs.  
 Rules distinguishing between signs with fixed messages and electronic signs with messages that change.  
 Rules that distinguish between the placement of signs on private and public property.  
 Rules distinguishing between the placement of signs on commercial and residential property.  
 Rules distinguishing between on-premises and off-premises signs.  
 Rules restricting the total number of signs allowed per mile of roadway.  
 Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.”

*Reed*, 576 U.S. at 174 (Alito, J. concurring). While these rules are good guidelines, the text of the majority opinion, and the cases that followed, should be the primary basis of any amendments to the sign or other potentially content-based ordinances. For example, Alito would

allow rules that impose a time limitation for one-time events, but this analysis appears to contradict the majority holding of *Reed*. Rules imposing restrictions on temporary signs generally may be more enforceable.

### **Reed 2020-What Came Next**

How a city may regulate some signs, but not others, depends on many factors. For example, a city generally may regulate signs based on size, but not regulate signs solely based on content, without showing that the restriction is narrowly tailored to meet a compelling interest. However, some cases have upheld the ability of cities to distinguish based on the type of sign being regulated. In terms of commercial speech, because *Reed* involved non-commercial speech, the *Central Hudson* and *Metromedia* rule, which applies to commercial speech, may still be binding. This analysis is supported by a long-standing history of requiring intermediate scrutiny for regulation of commercial speech. Additionally, and as mentioned above, Justice Alito asserted in his concurrence that distinctions between “on-premises” and “off-premises” signs remain valid post-*Reed*. The United States Courts of Appeals and state law have split on how to apply this scrutiny to regulation of commercial signs. *See, e.g., TEX. TRANSP. CODE* ch. 391; *Internat’l Outdoor, Inc. v. City of Troy*, --- F.3d ---; No. 19-1151/1399 (6<sup>th</sup> Cir. Sept. 4, 2020) (strict scrutiny for all signs); *Aptive Env., LLC v. Town of Castle Rock, CO*, 959 F.3d, 961 (10<sup>th</sup> Cir. May 15, 2020) (intermediate scrutiny for regulation of commercial content); *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n*, 447 U.S. 557 (1980) (“...must concern lawful activity and not be misleading...we ask whether the asserted governmental interest is substantial...if both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more than extensive than necessary to serve that interest”); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 514 (1981). The most pertinent federal case in Texas is *Reagan Nat’l Advertising v. City of Austin*, No. 19-50354 (5<sup>th</sup> Cir. August 25, 2020).

In *Reagan*, the Fifth Circuit held that the City of Austin’s stricter regulation of off-premises signs than on-premises signs was a regulation of all speech, not just commercial speech, and was content-based. *Reagan Nat’l Advertising v. City of Austin*, No. 19-50354 (5<sup>th</sup> Cir. August 25, 2020). This determination means that the regulation had to be reviewed under strict scrutiny. The Court held that the regulation was content-based because the sign’s content, whether the communication on the sign referred to activities on the same premises in question or not, determines whether it falls under a stricter regulation of off-premises signs. The Court held that the regulation was content-based (you have to read the sign to know whether or not it references on-site activities) did not meet the requirements of strict scrutiny and therefore was invalid. The Court declined to decide whether the lesser level of scrutiny still applied to a content-based regulation that only applies to commercial speech.

The Texas Court of Criminal Appeals has also held that a content-based law is presumptively invalid and the government bears the burden to rebut this presumption, overturning both a statute regulating sexually explicit communications with a minor and a photography law regarding taking photos of individuals without their consent. *See Ex Parte Lo*, 424 S.W.3d 10, 15 (Tex. Crim. App. 2013) (sexually explicit communication); *Ex Parte Thompson*, 442 S.W.3d 325, 345 (Tex. Crim. App. 2014) (photography). The Court also applied the “most exacting scrutiny to regulations that suppress, disadvantage, or impose different burdens on speech because of its content.” *Lo*, 424 S.W.3d at 15. “To satisfy strict scrutiny, a

statute regulating speech must be necessary to serve a compelling state interest and be narrowly drawn.” *Id.* “A law is narrowly drawn if it employs the least restrictive means to achieve its goal and if there is a close nexus between the government's compelling interest and the restriction.” *Id.* The law does not satisfy strict scrutiny if there is a less restrictive means of achieving the state's compelling interest that would be at least as effective as the statute under review. *Id.* at 15–16. However, a statute may not be held overbroad merely because “...one can perceive of some impermissible application.” *United States v. Williams*, 553 U.S. 285, 303 (2008).

And it is not only city ordinances that will be reviewed under scrutiny based on the *Reed* case. Section 259.003 of the Texas Election Code, which provides that “a municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner: (1) prohibit the sign from being placed...[etc.]” could be considered unconstitutional under *Reed. Id.* As this regulation prima facie looked at the content of signs it would require strict scrutiny review under *Reed* and could not easily meet the compelling government interest requirement because it only protects political speech. The Texas Highway Beautification Act was also affected by the *Reed* case.

### **REEDing Texas Highway Beautification Act**

The Third Court of Appeals in Austin applied *Reed* to the state’s Highway Beautification Act, which regulates advertising, among other things, on state roads. *Auspro Enterprises, LP v. Texas Dep’t of Transp.*, 506 S.W.3d 688 (Tex. App.—Austin- 2016, judgment vacated as moot). In *Auspro*, the Texas Department of Transportation filed an enforcement action against Auspro because it maintained a political sign on the owner’s commercial property past the time that such signs are allowed. The court stated that “...under *Reed’s* framework, the Texas Act’s outdoor-advertising regulations and associated Department rules are, on their face, content-based regulations of speech.” *Id.* However, the court of appeals also held that “the provisions in Subchapter I are not affected by our decision here because they authorize the State to regulate commercial speech along certain specified highways, specifically off-premise signs displaying messages regarding ‘goods, services, or merchandise.’” *Id.* The Third Court of Appeals held that portions of the Highway Beautification Act are unconstitutional but also preserved the state’s right to regulate commercial advertising. The Supreme Court of Texas granted review but vacated the decisions of the lower courts after amendments to the Highway Beautification Act made the issue moot.

### **Texas Legislature Interprets *Reed* and *Auspro***

Senate Bill 2006 passed in 2017, makes clear that the state, through the Texas Department of Transportation (TxDOT), intends to regulate “commercial” signs that: (1) advertise goods and services; and (2) whose primary purpose of the sign is advertising. TEX. TRANSP. CODE Ch. 391; S.B. 2006, 85<sup>th</sup> R.S. (Tex. 2017). The bill narrowed the applicability of its outdoor advertising rules to “commercial signs” that will be leased or used to display “any good, service, brand, slogan, message, product, or company.” Under the bill, “commercial signs” do not include a sign leased to a business that is located on the same property as the business or on property that is owned or leased for the primary purpose of displaying the sign. Whether the Fifth Circuit would uphold these regulations after the *Reagan* case is unclear.

### **Reed Review is Non-Stop**

First, each city should review its ordinances for content neutrality as written. If a regulation has definitions or exceptions that are based on the content of speech, for example an exception to regulation for political signs, questions would be: Does code enforcement need to read a noncommercial sign to regulate it? Does the code enforcement officer need to talk to a person handing out pamphlets, or read the pamphlets themselves, to determine whether a person can pursue their activity at their chosen location? If so, the ordinance and its enforcement need to be changed or at least heavily evaluation for whether it is the least restrictive means of meeting the city's purposes in adopting the regulations.

If your city has already taken the most conservative approach of no content-based sign regulations, including for commercial, and limited your regulations to size, location, and type, there is no change to make. Content neutral regulations will be reviewed under intermediate scrutiny, regardless of the outcome of the commercial versus non-commercial debate. If your sign ordinance continues to regulate commercial signs more strictly than non-commercial, ensure that any such regulations only apply to commercial content and that the purpose for the regulation is clearly supported. Be ready to change the regulations should the cases allowing commercial content to be regulated more strictly be overturned. Regardless of the type of regulations, make sure you have clear reasons for regulating the signs like traffic safety and aesthetics and that your regulations meet those needs. The biggest issue in sign ordinances is underinclusiveness when there are so many exceptions to a rule that the reasons for having the regulation get watered down to the point of defeating the reasons.

Another example: a city ordinance restricting the use of "holiday lights" on certain dates or hours of the day could implicate *Reed*. Here, an argument could be made to the underlying First Amendment reasons in restricting the content of "holidays." This regulation could avoid *Reed* by simply focusing instead on categories of lights (i.e. size, luminosity, string lights, etc.) rather than their content-based function.

1. The first analysis will be if the regulation is content based or not. Non-content based regulations include:
  - a. Size
  - b. Lighting
  - c. Location (right-of-way, trees, poles)
  - d. Types of signs (pole, balloons, monuments, digital)
  - e. Time of placement (so long as it's not based on the content)
  - f. Number of signs per lot
  - g. Regulations that regulate the types of signs by zoning district
  - h. Condition of signs (dilapidation, destroyed signs)
2. If any of your regulations are content-based, off-premises v. on-premises, limitation on commercial signs being a certain size or digital, exceptions for certain types of signs, or

other language, ensure the definitions and regulations cannot be applied to non-commercial content.

3. Sign regulations that more strictly regulate commercial content are still defensible in Texas but be ready to change these should the courts that cover Texas overturn the cases that allow intermediate scrutiny for commercial regulation.
4. Ensure your regulations serve a clear governmental interest and that there are few to no exceptions that defeat your governmental interest.
5. Ensure that every lot in the City has the right to have some type of signage. *See City of Ladue v. Gilleo*, 512 U.S. 43, 58 (1994).

### **Conclusion**

At the start of each city's review of its sign ordinance, state clearly what your purposes for the regulations are. Then draft or revise regulations that directly address these purposes. The most conservative approach to regulating signs is to only focus on non-content-based regulations and regulate by different types of lots without regard to whether the sign is a real estate sign, construction sign, or political sign. Because there is a split in the circuits on the level of scrutiny for the regulation of commercial content, it is likely that the Supreme Court will take this issue up soon. The Fifth Circuit may also have a case where it needs to directly address the issue. Keep an eye out for these cases, and plan accordingly.



### **Example Sign Language Modifications**

*(These are only examples; each city should consult with legal counsel before making modifications to the enforcement or text of ordinances)*

**Purpose:** limiting visual blight from too many signs or dilapidated signs and preventing traffic safety issues by not allowing signs in the right of way.

### **Political Signs**

Standard Language:

**Political sign.** Any sign which is designed to influence the action of the voters for the passage or defeat of a measure or for the election or defeat of a candidate for nomination or election to any public office, but the sign shall not include the name of the sponsor, the name of the business promoting the activity, or advertising for the business.

### ***Political signs***

Political signs shall be regulated as follows:

- (a) Size. The size of the on-premises sign shall be limited to a maximum of six square feet.
- (b) Number per lot. One sign per candidate or cause per lot or tract of land.
- (c) Location. No political sign shall be posted or otherwise affixed to or upon any sidewalk, crosswalk, streetlamp post, hydrant, tree, electric light or tower, telephone pole, wire appurtenance, or upon any lighting system. No political sign may be placed within the right-of-way of public streets or highways within the city.
- (d) Lighting. Indirect.
- (e) Timing. The sign shall be taken down 72 hours after the election for which it was erected has terminated.
- (f) Permit, fee. No permit and no fee shall be required

New Language:

**Temporary.** A banner, poster, or advertising display constructed of paper, cloth, plastic sheet, cardboard, plywood, or other like materials that appears to be intended to be displayed for a limited period. *(Although this could lead to issues based on who determines temporary intent and how they do so)*

### **Signs in Residential Districts**

- (a) No sign shall be allowed in residential districts except for the following categories of signs that comply with the provisions of this chapter and have received approval when necessary:
  - (1) One temporary sign on any property zoned residential not to exceed nine (9) square feet;
  - (2) One sign no larger than 8.5 inches by 11 inches in one window on the property at each time;

- (3) One additional temporary sign not to exceed nine (9) square feet in size per lot may be located on the owner’s property for a period of ninety (90) days per twelve-month period; and
  - (4) Any sign required by state law or local ordinance.
- (b) Signs in this section do not need a permit if they meet the requirements of this section and all other applicable provisions of the sign code.

	Area	Height	Number of signs	Permit	Cite	Cost
<b>Residential Districts</b>						
Residential developments-monument identification sign (small)	18 sq ft	6 ft	1	yes	26.02.001	\$200 plus pre-application
Residential developments-monument identification sign (large)	24 sq ft	6 ft	1	yes	26.02.001	\$225 plus pre-application
Flags - noncommercial	5' X 8' ft	Flagpole can be up to 25 ft	2	No	26.02.001	N/A
Home occupation	4 sq ft	4 ft	1	No	26.02.001	N/A
Residential - noncommercial signs	4 sq ft	4 ft	None	No	26.02.001	N/A
Residential-address (required)	Letters and numbers 6" to 8"		One (required)	No	26.02.001	N/A
Residential-temporary sign	9 sq ft	9 ft	One	no	26.02.001	N/A
Construction/development sign	48 sq ft	8 ft	One	yes-project completion or 24 months	26.02.001	\$50
Traffic-control signs (not MUTCD)	2 sq ft	6 ft from grade	As required	no	26.02.001	N/A

**Off-Premises Signs**

City example:

- (4) Off-premises signs (including billboards) containing commercial advertising of goods, real property, or services.

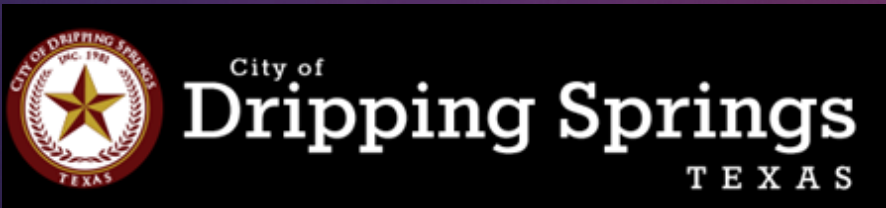
State Law definition:

(1-a) “Commercial sign” means a sign that is:

(A) intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located; or

(B) located on property owned or leased for the primary purpose of displaying a sign.  
 Tex. Transp. Code Section 391.001.

# *Hindsight in 2020: Sign Regulation Five Years after Reed v. Town of Gilbert*



**LAURA MUELLER**  
**CITY ATTORNEY**  
**CITY OF DRIPPING SPRINGS**

# The Story of Sign Regulation

- ▶ Texas Law Requirements
- ▶ Case Law and Constitutional Considerations
- ▶ What Comes Next: Examples and Guidance



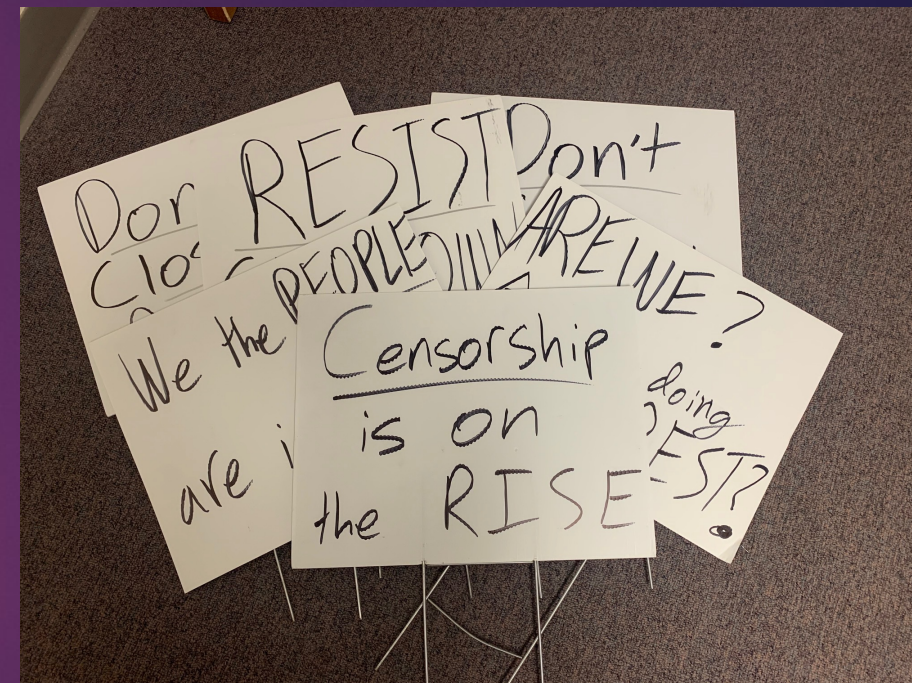
# Remember... you belong to the State of Texas



- Chapter 216 of the Local Government Code: Regulate, Remove, Relocate
- Chapter 393 of the Transportation Code: Regulate in the Right of Way
- Chapter 259 of the Texas Election Code: affects how Cities regulate political signs (??)

# Constitutional Conventions

- ▶ Free Speech rights under the First Amendment of the U.S. Constitution are not absolute; they are balanced against personal rights or interests of society—such as public safety and aesthetics
- ▶ Speech may be regulated, but restrictions must pass muster
  - ▶ **Intermediate scrutiny: must be narrowly tailored to serve a significant government interest**
  - ▶ **Strict scrutiny: must be narrowly tailored to serve a compelling government purpose and be the least restrictive means necessary to achieve the purpose**



# Look at where we started-*City of Ladue v. Gilleo*

- ▶ Overinclusive
  - ▶ “Displaying a sign from one’s own residence often carries a message quite distinct from placing the same sign someplace else, or conveying the same text or picture by other means.” *City of Ladue v. Gilleo*, 512 U.S. 43, 56 (1994).
  - ▶ Visual Clutter elimination is a good reason for regulations, but the regulation foreclosed the important ability to put a sign in your own yard.
  - ▶ Noncommercial signs deserve special protection.

## OVERINCLUSIVE



# Reed the Sign Ordinance

- *Reed v. Town of Gilbert*, No. 13-502 (**June 18, 2015**).
- If you must read a sign to regulate, the ordinance is **content based**.

- **UNDERINCLUSIVE**





# How to *Reed*: Facts

- ▶ Town of Gilbert ordinance distinguished between *political* (electoral), *ideological* (non-commercial), and *directional* signs with different rules for time, location, and size
- ▶ “Temporary Directional Signs”: signs intended to direct passersby to a “qualifying event” of a non-profit organization
- ▶ Must be < 6 sqft; no more than 4 signs on any property; and displayed < 12 hours before event and up to 1 hour after
- ▶ Church challenged ordinance



# How to *Reed*: the Law

U.S. Supreme Court: a regulation can be *content based* in two ways:

- by distinguishing speech by the *topic discussed*
- if the regulation's purpose or justification depends on the underlying *idea or message expressed*—i.e., regulation is facially content neutral, but motives were content based.

***“A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech”***

# Stay Alive: Alito's Concurrence

Alito, Sotomayor, and Kennedy joined the opinion of the Court but added “a few words of further explanation” about rules that would not be “content based.” Cities may:

- ▶ Regulate the *locations* in which signs may be placed
- ▶ Distinguish between *free-standing signs* and those *attached to buildings*
- ▶ Distinguish between *lighted vs. unlighted signs*
- ▶ Distinguish between *fixed messages* and *electronic or variable*
- ▶ Distinguish between placement on *private or public property*
- ▶ Impose time restrictions on signs advertising a one-time event?



# Where we are: Reed Recap

## AFTER REED:

- Rules based on message: if you need to read a sign to know how to regulate it, *content-based*
- *Non-commercial* signs: content-based regulations pass muster only by surviving **strict scrutiny**
- Underinclusive, too many exceptions, can undercut the purposes of the ordinance
- *Commercial* signs: content-based regulation may still be allowed under Reed with **intermediate scrutiny???**



# Austin Court Reeds State Sign Law



# Austin Court of Appeals

*Auspro court: “under Reed's framework, the Texas Act's outdoor-advertising regulations and associated Department rules are, on their face, content-based regulations of speech”*

- ▶ Such regulations must meet strict scrutiny test
- ▶ This is close to a regulatory death sentence because meeting strict scrutiny is extremely difficult

# A Message from the Texas Legislature: Good Billboard Bill that “fixes” *Auspro*

S.B. 2006 makes clear that TxDOT can still regulate signs that:

1. Advertise goods and services.
2. Where primary purpose of the sign is advertising.

*See Texas Transportation Code Chapter 391.*



# Wait for It: 5<sup>th</sup> Circuit Punts on Commercial Question but 6<sup>th</sup> Circuit includes Commercial Content in Strict Scrutiny

- ▶ *Reagan Outdoor Adver. v. City of Austin, 5<sup>th</sup> Circuit*
  - ▶ *When regulation of off-premises signs includes non-commercial content, the regulation is content-based, reviewed under strict scrutiny, and won't be upheld*
- ▶ *International Outdoor, Inc. v. City of Troy, Mich., 6<sup>th</sup> Circuit*
  - ▶ *Strict scrutiny when content-based regulation affects commercial content. Intermediate scrutiny is only for content neutral regulations.*





# History has its eyes on the Lower Appellate Courts

**9th:** The Ninth Circuit upheld a city's right to prohibit billboards based on an onsite vs. offsite distinction. See *Contest Promotions, LLC v. City & Cty. of S.F.*, No. 17-15909, 2017 U.S. App. LEXIS 15375 ,at \*14 (9th Cir. Aug. 16, 2017). See also *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 557, 606 (1980).

**10th:** The Tenth Circuit used the *Central Hudson* test to review a curfew for commercial peddlers. The Court held that the regulation didn't achieve the purposes set by the City. *Aptive Environ., LLC v. Town of Castle Rock*, 959 F.3d 961 (2020).

**3rd:** The 3<sup>rd</sup> Circuit used the *Central Hudson* test to review a wage history question related to personnel hiring. The Court held that the questions were valid because they served the City's stated purposes. *Greater Philadelphia Chamber of Commerce v. City of Philadelphia*, 949 F.3d 116 (2020).

**2nd:** The 2<sup>nd</sup> Circuit used the *Central Hudson* to review advertising in taxicabs. The limitation on advertising in taxicabs, except for certain taxis, was allowed because it met the City's purpose. *Vugo, Inc. v. City of New York*, 931 F.3d 42 (July 16, 2019).

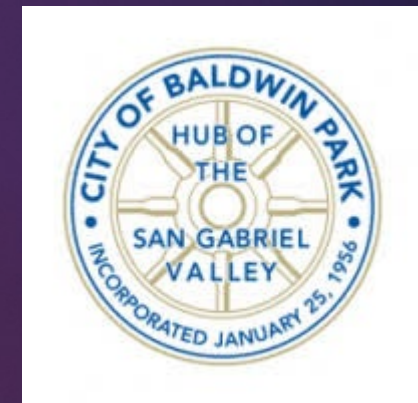
**Even if your regulation is analyzed under Intermediate Scrutiny it can still fail due to underinclusiveness, overinclusiveness, or just not meeting your purposes.**



# Potential Political Sign Problems

District Court held that language allowing additional signs (regardless of content) during election season was unconstitutional . . .

*WWW.RICARDOPACHECO.COM et al. v. CITY OF BALDWIN PARK*, No. 2:16-cv-09167-CAS(GJSx), 2017 WL 2962772 (C.D. Calif July 10, 2017).



# State Control of Signs: Election Code 259.003

In the same vein, Election Code 259.003, which provides that “a municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner: (1) prohibit the sign from being placed ...[etc.],” is likely unconstitutional under *Reed*. **Content-based**

**However, is the purpose of protecting political speech compelling? Is this a narrowly tailored law? Could this survive strict scrutiny?**

# Political Signs: Vote for Content-Neutral Temporary Signs

Choices:

- 1. All signs (including noncommercial can be a smaller size); or**
- 2. Increase allowed size of all signs to 25' requirements.**

*Still keep all signs out of right-of-way.*

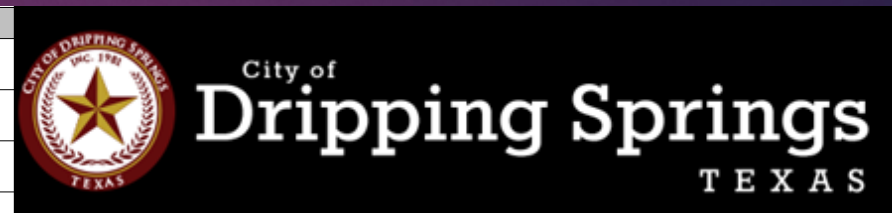
# Other Potential Problems: Real Estate Signs



- Commercial or Non-Commercial?
- Temporary signs with dates (read the sticker not the sign)
- Prohibit?
- Allow only on Sundays?

# Why do you write like you're writing out of time?

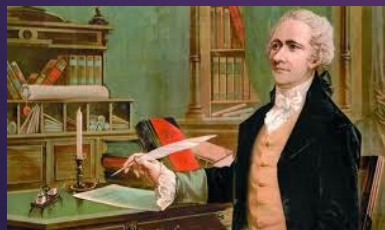
Residential Districts						
Residential developments-monument identification sign (small)	18 sq ft	6 ft	1	yes	26.02.001	\$200 plus pre-application
Residential developments-monument identification sign (large)	24 sq ft	6 ft	1	yes	26.02.001	\$225 plus pre-application
Flags - noncommercial	5' X 8' ft	Flagpole can be up to 25 ft	2	No	26.02.001	N/A
Home occupation	4 sq ft	4 ft	1	No	26.02.001	N/A
Residential - noncommercial signs	4 sq ft	4 ft	None	No	26.02.001	N/A
Residential-address (required)	Letters and numbers 6" to 8"		One (required)	No	26.02.001	N/A
Residential-temporary sign	9 sq ft	9 ft	One	no	26.02.001	N/A
Construction/development sign	48 sq ft	8 ft	One	yes-project completion or 24 months	26.02.001	\$50
Traffic-control signs (not MUTCD)	2 sq ft	6 ft from grade	As required	no	26.02.001	N/A



Follow-up after sign ordinance changes, upheld.

Residential Signs allowed:

- (a) Up to 3 flags or pennants of up to 10 square feet on a staff or pole of no longer than 8 feet;
- (b) Up to 3 permanent signs with a combined area of no more than 10 square feet and a height of no more than 4 feet;
- (c) Up to 6 temporary window signs with a combined area of no more than 9 square feet, except that no more than 50% of the area of any given window may be covered by window signs;
- (d) Up to 4 other temporary signs with a combined area of no more than 10 square feet and a height of no more than 3 feet.



# Ten Sign Commandments

10. Take the words “political” and “holiday” out of your sign ordinance.
9. Ensure that you address dilapidated signs.
8. Decide whether Real Estate Signs are commercial.
7. Have your code enforcement officer and prosecutor read your drafts for enforceability.
6. List of Prohibited Signs (content neutral or could include commercial messaging).



# Ten Sign Commandments

5. List of always approved signs (without permits): government signs, traffic signs, extra signs that everyone can have-noncommercial signs.
4. Flags.
3. Content-neutral or content-neutral for non-commercial and some commercial regulation. By Zoning District, size of lot, sign type, lighting.
2. Clearly state what your purposes for your regulations generally including traffic safety and aesthetics, character of the City.





# The Final Commandment

1. Ensure that your sign code matches your significant/compelling governmental interests and that no exceptions or definitions cause underinclusiveness or overinclusiveness.

***I AM THE ONE THING IN LIFE I CAN CONTROL.***

***--AARON BURR (HAMILTON)***

# Questions?



## Project Status Report

Permits Created From 9/1/2020 to 9/30/2020

Generated 10/6/2020 1:37:35 PM

Item # 26.

Project #	Status	Address	Description	WO #	Work Type	Specific Use	Inspection Type	WO Status	Inspector	Inspection Date
<a href="#">2020-87</a>	Open	, Dripping Springs, TX 78620	Street and ROW Maint. (Sept. WO's)	13453669	N/A	Street/Roads	Work Planned	Completed	Jim Bass	09/16/2020
				13458339	N/A	Street/Roads	Work Planned	Completed	Tim Tyree	09/24/2020
				13458343	N/A	Street/Roads	Work Planned	Completed	Craig Rice	
				13458416	N/A	Street/Roads	Work Planned	New	Jim Bass	
				13458430	N/A	Street/Roads	Work Planned	Cancelled	Craig Rice	
				13478369	N/A	Street/Roads	Work Planned	Completed	Craig Rice	
				13464383	N/A	Street/Roads	Work Planned	Completed	Jim Bass	09/25/2020
				13478359	N/A	Street/Roads	Work Planned	Completed	Tim Tyree	10/06/2020
<a href="#">2020-88</a>	Closed	511 Mercer St., Dripping Springs, TX 78620	City Hall (Sept. WO's)	13410002	N/A	N/A	Work Planned	Completed	Jim Bass	09/04/2020
				13445539	N/A	N/A	Work Planned	Completed	Jim Bass	09/17/2020
				13458257	N/A	N/A	Work Planned	Completed	Jim Bass	09/18/2020
				13458266	N/A	N/A	Work Planned	Completed	Sonny Garza	09/24/2020
				13478408	N/A	N/A	Work Planned	Completed	Jim Bass	09/28/2020
<a href="#">2020-89</a>	Closed	480 Founders Park Rd., Founders Memorial Park, TX 78620	Founders Park (Sept. WO's)	No Work Orders on Project	N/A	Parks				

<a href="#">2020-90</a>	Closed	27148 Ranch Rd 12, Sports and Rec Park, TX 78620	Sports and Rec Park (Sept. WO's)	No Work Orders on Project	N/A	Parks					Item # 26.
<a href="#">2020-91</a>	Closed	151 E Mercer St, VMP/Triangle, TX 78620	VMP/Triangle (Sept. WO's)	No Work Orders on Project	N/A	Parks					
<a href="#">2020-92</a>	Closed	1042 Event Center Drive, Ranch House, TX 78620	Ranch House (Sept. WO's)	13407837	N/A	N/A	Work Planned	Completed	Jim Bass	09/02/2020	
<a href="#">2020-93</a>	Closed	1042 Event Center Drive, Dripping Springs Ranch Park, TX 78620	DSRP (Sept. WO's)	13427046	N/A	N/A	Work Planned	Cancelled	Leonard Jones		
				13408063	N/A	N/A	Initial Inspection	Completed	Leonard Jones	09/08/2020	
				13427391	N/A	N/A	Work Planned	Completed	Leonard Jones	09/11/2020	
				13428440	N/A	N/A	Initial Inspection	Completed	Sonny Garza	09/24/2020	
				13457252	N/A	N/A	Work Planned	Completed	Jim Bass	09/28/2020	
				13456574	N/A	N/A	Work Planned	Completed	Jim Bass	09/29/2020	
<a href="#">2020-94</a>	Closed	101 Old Fitzhugh, Stephenson Bldg., TX 78620	Stephenson Building (Sept. WO's)	No Work Orders on Project	N/A	N/A					
<a href="#">2020-95</a>	Closed	, Dripping Springs, TX 78620	Fleet and Equipment (Sept. WO's)	13409990	N/A	N/A	Work Planned	Completed	Leonard Jones	09/08/2020	
				13464374	N/A	N/A	Work Planned	Completed	Leonard Jones	09/22/2020	
				13445598	N/A	N/A	Work Planned	Completed	Tim Tyree	09/24/2020	
<a href="#">2020-96</a>	Closed	22690 Ranch to Market Rd 150, Charro Park, TX 78620	Charro Park (Sept. WO's)	No Work Orders on Project	N/A	Parks					

<a href="#">2020-97</a>	Closed	23127 W. 150, SRWRF, TX 78620	South Regional Water Reclamation Facility (Sept. WO's)	13407994	N/A	N/A	Work Planned	Completed	Bill Stevens	<i>Item # 26.</i>
				13458393	N/A	N/A	Work Planned	Completed	Jim Bass	09/22/2020
				13458389	N/A	N/A	Work Planned	Completed	Jim Bass	09/29/2020

# City of Dripping Springs

## Monthly Maintenance Report

*September 2020*

### **Routine Maintenance**

- M-F Weekly Maintenance Check list is completed in the morning
- Wednesday's setup and put away Farmers Market
- WWTP fields and lift stations landscaping
- Ranch House water heater flushed weekly
- Maintenance Meeting Wednesdays (1:00pm) safe distancing in council chambers
- Friday's Vehicles cleaned out, washed, and maintenance check completed
- Banners put up and taken down as needed

### **Additional Maintenance Completed**

#### **Parks**

- VMP mowed and trimmed – 8/31
- VMP ant treatment – 9/3
- VMP ant treatment – 9/8
- SRP baseball bleachers repair – 9/1-9/4, 9/10-9/11, 9/14-9/18, 9/22-9/25, 9/28-9/29
- SRP facilities locked up due to sewage backup – 9/19
- SRP water meter reading – 9/21
- SRP sewer lines jetted – 9/22
- VMP mowed and trimmed – 9/25
- SRP potholes repaired: 6 bags – 9/30
- VMP mowed and trimmed – 9/28

#### **Streets**

- Post Oak ROW trees and brush trimmed back – 8/31
- Mercer St. DG Bed weeds pulled, and herbicide applied – 9/2-9/3
- Old Fitzhugh dead deer picked up – 9/8
- Mercer St. sidewalk drainage cleaned out – 9/10
- Mercer St. and Old Fitzhugh trees trimmed – 9/10
- Mercer St. and City Hall parking lot handicap spaces repainted – 9/13
- Judy St. dead deer picked up – 9/16
- Mercer St. bridge streetlight replaced – 9/17
- Wallace St. and College intersection brush trimmed – 9/18
- Mercer St. crosswalks and stop bars repainted – 9/19
- Founders Park Rd. fallen tree cut back off roadway – 9/19
- Mercer St. double yellow lines repainted – 9/20
- Triangle mowed and trimmed – 9/25
- Old Hwy 290 pothole repair – 9/25

- Golden Eagle bridge: cold mix applied for transition from road to bridge – 9/25
- Creek Rd. pothole repair – 9/25
- Martinez Rd. potholes repaired – 9/25
- Grand Prairie ROW mowed and trimmed – 9/30

### **Facilities**

- DSRP well pump repaired – 9/1
- Ranch House ant treatment – 9/2
- City Hall council chamber lights replaced – 9/4
- DSRP office blinds hung up -9/10
- DSRP door handle replaced – 9/12
- City Hall mowed and trimmed – 9/14
- S. Roger Hanks ROW mowed – 9/14
- City Hall receptionist desk drawer repaired – 9/16
- DSRP Hand sanitizer installed – 9/17
- Wallace St. ROW trees trimmed – 9/23
- DSRP Concession stand A/C froze – 9/23
- DSRP concession stand A/C leaking in lobby area: on-call staff called in – 9/23
- Founders pool pump #2 motor burnt out troubleshooting in progress – 9/23
- DSRP office blank wall plates installed – 9/23
- DSRP A/C service check by Daikin: Concession A/C working – 9/24
- Ranch House water heater flushed – 9/24
- City Hall light bulbs replaced in foyer – 9/28
- DSRP mailbox installed – 9/29
- Stephenson Bldg mowed and trimmed – 9/30
- Creek Rd potholes repaired: 10 bags – 9/30
- Oak Springs potholes repaired: 12 bags – 9/30
- Wallace St. ROW trimming – 9/30
- City Hall mowed and trimmed – 9/30

### **Equipment/Vehicles**

- Ferris Mower PM service – 9/9
- Little Wonder PM service – 9/10
- Water Wagon PM service – 9/10
- X-mark mower blades sharpened – 9/11
- DSRP Kioti hydraulic leak repaired – 9/14
- DSRP Kioti sent to shop for brake repair – 9/16
- Flatbed trailer flat – 9/16
- DSRP floor sweeper repaired – 9/22
- Dump Trailer tires replaced – 9/30

### **Other**

- Skid Steer training all maintenance staff – 9/2
- Quarterly staff meeting – 9/3

- Creek Rd. closed and re-opened – 9/4
- Brush pile burned – 9/8
- Barricades dropped off at SRP – 9/13
- Tractor safety training completed all maintenance staff – 9/21
- Safe tumbler repaired – 9/22

**WWTP**

- Lock out Tag out board installed – 9/3
- MSDS Hazmat board hung up – 9/3
- Trees trimmed – 9/5
- Kawasaki Mule sent to DSRP for temp. use – 9/16
- Office A/C re-framed and drain plug pulled – 9/22
- Shop fan belt replaced – 9/23
- Irrigation boxes trimmed – 9/28



## PARKS

### **Charro Ranch Park**

The monthly volunteer work day at Charro Ranch Park was held on Saturday, September 5, 2020. The group assisted with mitigating some of the scarring that occurred from the Oak Wilt mitigation trenching.

### **Dripping Springs Ranch Park -Submitted by: Tina Adams – Event Center Manager**



September was an exciting month for DSRP with several successful weddings, large horse shows and preparing for the Upcoming Rodeo in October.

In preparation for the fall show season, the local Hays County 4-H club has started meeting again on Monday nights at DSRP.

The Dripping Springs Fair & Rodeo was postponed until October 16-17<sup>th</sup>. With the current Covid-19 safety precautions, this event has downsized considerably and will operate at 50% capacity. The DSRP board and CODS city council approved the amended fee schedule for the 2020-2021 DSRP budget. Also 2 major repairs to the Event Center have been completed (NE Corner of new addition door and Warm Up Arena roll up door). The management team is currently revamping the DSRP riding series for this next season/series. The management team is gaining a new member for October. Lily has an extensive background in livestock and equine fields, event planning and customer service. With the event center starting to ramp back up, she will be a welcome addition.

### **Founders Memorial Park & Pool –**

New trail segment has been completed as previously reported. Discussions and plans are being formulated for moving forward on the additional proposed parking area adjacent to future skateboard park.

### **Rathgeber Natural Resource Park (Pending)**

Use agreement still being drafted with Capitol Area BSA for Rathgeber. Awaiting the results of the November election. Staff has begun developing a preliminary operations budget for the park with a plan for bringing it on-line in 2022.

### **Sports & Recreation Park**

2020 DSYSA Fall youth sports program has resumed. Engineering portion and phased implementation plan of the Sports Lighting replacement while implementing dark sky compliance certification is wrapping up.

### **Veterans Memorial Park & Triangle**

Community rental capabilities of the portion of the Triangle west of the low water crossing are no longer permitted.

## COMMUNITY SERVICES

### **Community Initiatives**

- **Bird City Texas:**

Applications for the 2021 Texas Bird City designation process opened June 15, 2020 with a deadline of December 4, 2020. An application committee was formed and consists of the following partners:

Hope Boatright – Destination Dripping Springs, Visitors Bureau  
Maggie Martin – CODS Programs & Events Specialist  
Paul Fushille – CODS Parks & Recreation Commissioner  
Kelly Schmidt – CODS Parks & Community Services Director  
Lisa Sullivan – CODS Communications Director  
Amanda Pena Bustillos – Wild Birds Unlimited

Connie Boltz – Hays County Master Naturalists  
Anne Forish – Hays County Master Gardeners

The committee divided up the extensive application requirements and will be meeting on several occasions during the next several months to support each other through the process of completing the application with the best information. The objective is to ensure that our 2021 application accurately assesses and shares the past, current and future work that reflects Dripping Springs' dedication to the preservation and conservation of birds.

- **International Dark Sky Association:** Lights Out! Campaign being driven by Maggie Martin, Communications Coordinator Lisa Sullivan & City Administrator Michelle Fischer. Proclamation to be presented at the next City Council meeting detailing the importance of a night sky and how artificial lighting negatively impacts migratory bird patterns. This acknowledgement aids in achieving Bird City requirements as well as celebrate our designation as an International Dark Sky city.
- **It's Time Texas:** On Going- prepping for next year.
- **Keep Dripping Springs Beautiful:** On Going - Nothing to report>
- **Scenic City:** On Going - Nothing to report.

### **Community Outreach Volunteer Services**

Nothing to report for August. Covid still continues to impact normal operations. Beginning our planning for the 2021 volunteer season and creating organizational structure for on-going opportunities for recruitment of community volunteers.

### **Banner Requests & Co-Sponsorships**

- Run by the Creek
- Empty Bowls

### **Community Events & Programs – Submitted by: Maggie Martin, Programs and Events Specialist**



Bird City:  
We are continuing our efforts for earning the Bird City Designation. Planning meetings with the Bird City Texas Committee have continued and the team is working hard on their designated items to meet our December deadline.



The 'Lights Out' Proclamation passed on September 8<sup>th</sup>, 2020. Throughout September and October, you can show your support for protecting Dripping Springs bird species by signing the pledge on the Dripping Springs Bird City webpage. The program has been well received by the public with approximately 100 pledges so far.

In September, the Night Sky Month Proclamation passed, recognizing the month of October Night Sky Month. We are discussing possible events or programs to support IDA and Night Sky Month.

The Charro Ranch Park Bird Interpretive signage has been completed! The Bird guide is currently being printed and will be available for use in October! Head over to the Charro Ranch Birding station to check it out! Thank you to Tom Hausler, a DS Birding Club member and bird photographer, for donating photos to be used in the guide. The project would not have been a success without his generosity.



In other news, Charro is getting love and attention from our fellow Girl Scouts! We have one Silver Award Candidate applying to work with the City on restoring the Charro Ranch Park kiosk! She will spend approximately 50 hours working to make the kiosk more inclusive and relevant. She will be leading the project, and working closely with staff to tackle the project.

**Christmas on Mercer:**



Continued planning of Christmas on Mercer 2020- sponsorship is open and supporters have already begun submitting their sponsorships. Vendor applications are open as well and are at 60% capacity. We are continuing our efforts of gaining more sponsors and vendors! The PCS department has teamed up with other city entities to update the Traffic control plans, our health and safety protocol, and event site plan to work towards creating a safer event for our community. This year the tree lighting will be held virtually. Movie in the Park:

Continued planning of the Halloween special movie in the park! We have received sponsorship from Austin Realty who have donated to the expense of the event. Sponsors will get a special shout out at the event with their logo (or chosen piece of marketing) will be shown on the screen before the show begins as well as any banners and posts from the City! It will be held at Ranch Park and will adhere to COVID regulations by limiting the number of guests, spacing out parking spots, and using an online, touchless reservation system. Signups will begin at the end of September. We will be showing the new Addams Family (2019)!

**Farmers Market – Submitted by: Laurel Robertson, Market Manager**



In September, the Farmers Market was able to accomplish a long-term goal of moving weekly booth reservations and payments online. It took several weeks, and plenty of backup support from PCS Team Kelly Schmidt and Maggie Martin, but the new system is operational and vendors are successfully using it. Ongoing tweaks and improvements are expected during the coming months.



Manager Robertson continues to be in conversation with Mayor Foulds about re-opening the market to live music, craft vendors, and public seating as COVID restrictions are lifted. The Mayor okayed increasing craft vendors at this time, with the promise of revisiting the entertainment and seating options soon.

At their September meeting, the Farmers Market Association Board approved offering reduced joining fees for Holiday Vendors (November and December markets) and moving the market indoors at DSRP Event Center during January, February, and the first part of March. Market Manager Robertson will coordinate with the DSRP Event Center Staff on logistics for the temporary move.

**Marketing, Website, Social Media, Branding & Communications**

The PCS department continues to expand their website pages to encompass the resource as a tool to provide the full scope of services within the department's span of responsibility. Currently, the "Community Services" aspect of the department is lacking in web presence and ease of service access. Staff is in the process of creating an easier application process and information dissemination platform.

- Road closure requests
- Itinerant Vendor Permits
- Event Permit for events held on city property and events held within City Limits
- Co-Sponsorship Requests and banners at the triangle requests



**CITY OF DRIPPING SPRINGS, TEXAS**  
**REPORT TO THE INTERNATIONAL DARK SKY ASSOCIATION**  
**October 1, 2019 to September 30, 2020**

The City of Dripping Springs is proud to be part of the night sky preservation movement sweeping Texas. The city continues to experience rapid growth and welcomes its new businesses and residents in the city limits and surrounding area to be a part of the efforts to protect and preserve the night sky.

### **Territory**

The current population of the City of Dripping Springs city limits is estimated to be 3,277. From October 1, 2019 to September 30, 2020, the city annexed 0.09 km<sup>2</sup> and the total size of the city limits is now 22.45 km<sup>2</sup>.

The city continues to be successful in obtaining voluntary compliance in its Extraterritorial Jurisdiction, where state law does not allow the Lighting Ordinance to be applied unilaterally. Many developers want their projects to be good neighbors and part of a dark sky community.

### **Lighting Projects**

The Dripping Springs Sports & Recreation Park Lighting Plan was drafted by EMA Engineering. They consulted with Musco Lighting on the plan. The Lighting Plan will be sent to the International Dark Sky Association to be reviewed for compliance with the Community-Friendly Outdoor Sports Lighting Certification Program Criteria.

The city's Extraterritorial Jurisdiction is much larger than the city limits, so compliance with the Lighting Ordinance in this area is very impactful. The City's Planning Department is creating a database of the properties outside the city limits that are required to comply with the Lighting Ordinance and those that voluntarily comply with the ordinance. The Planning Department plans to create a map that shows the compliant properties.

**Lighting Ordinance**

The City Council approved a minor amendment to the Lighting Ordinance on April 21, 2019, in response to City Staff, builder, and lighting provider comments regarding clarity and efficiency. The changes included:

- 1. Simplified exemption of festoon lighting and rope lights including removal of reference to Holiday Lighting and instead treating all temporary lighting the same. It also clarified that these types of low-output lighting do not need shielding.
- 2. Clarified the ordinance’s application in the Extraterritorial Jurisdiction (ETJ): the only way this applies in the ETJ for buildings is through: (1) variances; and (2) voluntary compliance.
- 3. Removed dimming options from the ordinance because users were reading the options as requirements. Instead, the dimming options will be available on the city website and the Lighting Plan Application so that users still have access to the tools the city has to assist with dimming. The language now says that dimming can be any method that complies.
- 4. Added an illustration of how the Kelvin spectrum works.

**Sky Quality Meter Readings**

Sky Quality readings in various locations throughout the City of Dripping Springs were taken by city staff on August 17, 2020, with clear skies and no moon using a Unihedron SQM-L Sky Quality Meter. The following chart shows the locations, times, and readings.

<b>LOCATION</b>	<b>TIME</b>	<b>READING</b>
<b>Dripping Springs Ranch Park</b> -Outdoor Arena	9:41 pm	20.33
<b>Hidden Springs Ranch HOA Park</b> -Parking Lot	9:49 pm	20.20
<b>Lake Lucy</b> -West End of Loop	9:54 pm	20.05
<b>City Hall</b> -Parking Lot	9:58 pm	19.63
<b>Charro Ranch Park</b> -Parking Lot	10:05 pm	20.4
<b>Sports &amp; Recreation Park</b> -Parking Lot by Adult Softball Fields	10:12 pm	20.07
<b>Founders Memorial Park</b> -Parking Lot by Trail Head Sign	10:17 pm	20.01

Generally, the sky quality has not significantly changed. The sky quality readings at City Hall and Founders Memorial Park slightly improved from previous readings. This may be because some noncompliant light fixtures at both locations were replaced with compliant ones.

The City 's Fiscal Year 2020-2021 budget includes funds for the installation of a permanent sky monitor to be installed on City property. The City is working with the Hill Country Alliance on the specifications for the sky monitor.

**Working with the City's Electricity Provider**

The city continues to work with its electricity provider, the Pedernales Electric Cooperative, to bring noncompliant street and area lighting into compliance with the city's Lighting Ordinance. The Pedernales Electric Cooperative has reported to the city that it has installed sixty-two (62) street and area lights that comply with the city's Lighting Ordinance in the past year. Of these, five (5) street lights replaced nonconforming street lights on city streets, at the city's request.

**Programs, Education, and other Outreach**

Building Official Sarah Cole attended the Texas Planning Association Annual Conference and participated as a panelist on the Night Planning Panel on November 8, 2019, in Waco, Texas.

City Staff talked with people representing other cities developing lighting ordinances or applying for International Dark Sky Community Designation, such as Jennifer Scola, City Planner, City of Bee Cave.

The city participated in International Dark Sky Week April 19-26.

The city participated in Hays County Friends of the Night Sky activities and programs.

The city provided items for the Dripping Springs Chamber of Commerce Welcome Bags for new residents in July:

200 "I Love the Texas Night Sky" stickers with [www.idatexas.org](http://www.idatexas.org); and

200 International Dark Sky-Association and City of Dripping Springs International Dark Sky Community logo stickers with [www.darksky.org](http://www.darksky.org).



The city’s Communications Director, Lisa Sullivan, redesigned the “Passport to the Stars” for the Hays County Friends of the Night Sky, to be used by families at the Hill Country Living Festival + Rainwater Revival on April 4. Due to COVID, the event was moved to a virtual event to be held on October 24, 2020.



City Administrator Michelle Fischer met virtually with Scout Caroline Newby to discuss light pollution and ways she can be an advocate in her community, the City of Austin.

The City Council approved of a Proclamation declaring August - October 2020 and March - May 2021, as "Lights Out Migratory Months" in the City of Dripping Springs, Texas. Almost one hundred people have taken the online pledge to date.

  
**PROCLAMATION**  
**OF THE CITY OF DRIPPING SPRINGS**  
**PROCLAIMING AUGUST – OCTOBER 2020 AND**  
**MARCH – MAY 2021 AS**  
**“Lights Out Migratory Months”**

**WHEREAS**, the Audubon National Lights Out Program was established in 1999 in Chicago, Illinois was organized to protect birds from light pollution; and

**WHEREAS**, the Lights Out Program encourages businesses and community members to turn off exterior lights within a designated timeframe during migratory months to reduce light pollution providing safe, natural migration routes for birds; and

**WHEREAS**, Audubon is a nonprofit organization partnering with cities nationwide to protect their native bird species fostering a healthier environment and shared quality of life for all; and

**WHEREAS**, 1 of every 3 birds migrating through the U.S. in spring passes through Texas, meaning approximately one billion birds travel through the state annually; and

**WHEREAS**, studies show birds support local economies in places such as the Rio Grande Valley where Nature Tourism, which is dominated by birding, contributes \$300 million to the local economy and supports 4,607 full-time and part-time jobs annually; and

**WHEREAS**, the Lights Out program will support other city initiatives such as the International Dark Sky Community designation, the Birding Club and Bird City designation that will help us qualify for grants to support Nature Tourism in Dripping Springs benefiting our local economy; and

**WHEREAS**, the Dripping Springs Lights Out program will offer a pledge to be signed by community members, business owners, and government officials to participate by turning off their lights during the migration periods bi-annually; and

**WHEREAS**, the Lights Out Program, once proclaimed, will be listed as an official partner program on the Audubon website alongside other cities offering the program.

**NOW THEREFORE, BE IT PROCLAIMED** by the City Council of Dripping Springs, Texas:

- August through October and March through May shall hereafter be known as “Lights Out Migratory Months” in Dripping Springs, Hays County, Texas.
- Community members, business owners, and government officials are encouraged to sign the pledge stating you will extinguish exterior lights during the specified time frame during Lights Out migratory months.



*Bill Foulds, Jr.*  
Bill Foulds, Jr., Mayor



Dripping Springs is a well-known corridor for migrating birds during the fall and winter. Migratory birds typically fly at night leaving them vulnerable to light pollution, which causes them to become confused and collide with structures. Lights Out Dripping Springs is the initiative to participate in the national Lights Off Program! Turn off your lights between 11pm-6am September through October and March through May to help reduce light pollution and save our birds from collision! Participate in the pledge below to receive special recognition for joining our efforts!

First and Last Name: \_\_\_\_\_

Do you pledge to participate in the Lights Out Dripping Springs program by turning off all indoor and outdoor lights during migration periods between 11pm and 6am to reduce light pollution?

Yes  No

Are you a business or organization?

Yes  No

Business/ Organization Name: \_\_\_\_\_

If you would like to receive information regarding City of Dripping Springs Birding and Night Sky Programs and Events please provide your email: \_\_\_\_\_



The first annual Hill Country Night Sky Month, October 2020, is a celebration of the region’s night skies and of the hard work that Hill Country communities do to preserve it. The City Council approved a Proclamation declaring the Month of October 2020 as "Hill Country Night Sky Month" in the City of Dripping Springs. The city will promote night sky education and events in October in Dripping Springs and the Hill Country. This event has caused cities, parks, and advocacy groups in the region to collaborate on night sky activities and outreach and to think about how they can help each other by promoting the night skies regionally.



PROCLAMATION OF THE CITY OF DRIPPING SPRINGS PROCLAIMING OCTOBER 2020 AS

"Hill Country Night Sky Month"

- WHEREAS, the aesthetic beauty and wonder of star-filled skies are the heritage of all humankind and locally to the inhabitants of Dripping Springs and are therefore worthy of celebration; and
- WHEREAS, the experience of standing beneath a star-filled night sky inspires feelings of wonder and awe, and may encourage interest in science and nature especially among young people; and
- WHEREAS, the opportunity to view star-filled skies attracts tourists to our region and therefore economic benefit to Dripping Springs; and
- WHEREAS, preserving the rich historic heritage and starry night skies of Dripping Springs is important to its citizens; and
- WHEREAS, "light pollution," which is wasted light that performs no function or task and artificial light that goes where it is not supposed to go, is created by glare, light trespass, sky glow, and overlighting; and
- WHEREAS, light pollution wastes natural resources amounting to at least \$2 billion per year and contributes to diminished American energy independence; and
- WHEREAS, the historical view of the night skies has been eroding in many nearby areas and generations are growing up with limited, if any, view of the wonders of the universe; and
- WHEREAS, the influx of people into the Texas Hill Country region and the accompanying light pollution from area lighting fixtures has been steadily on the rise; and
- WHEREAS, solving the problem of light pollution involves making better use of outdoor lighting to direct light down to where it is needed instead of upward into the sky, putting outdoor lights on timers and using outdoor lighting only where necessary; and
- WHEREAS, Hill Country communities are increasingly dedicated to the preservation of the region’s night skies, as evidenced by the frequent educational activities conducted in our region and by the increasing number of places in our region recognized as International Dark-Sky Places by the International Dark-Sky Association, including: Enchanted Rock State Natural Area, South Llano State Park, the City of Dripping Springs, the Wimberley Valley, the City of Fredericksburg, the City of Horseshoe Bay, U Bar U Camp & Retreat Center, River Hills Neighborhood of Travis County, and Lost Creek Neighborhood of Travis County; and
- WHEREAS, this regional effort and the preservation and celebration of our night skies is worthy of a month-long celebration.

NOW THEREFORE, BE IT PROCLAIMED by the City Council of Dripping Springs, Texas:

1. October 2020 shall hereafter be known as "Hill Country Night Sky Month" in Dripping Springs, Hays County, Texas.
2. That the City Council encourages citizens to enjoy the night sky and to participate in the Dripping Springs and the Hill Country region’s events and programs celebrating the night sky and promoting the ways in which communities are working to preserve it.
3. That the City Council encourages citizens to learn about light pollution and why it matters, night sky friendly lighting, and lighting regulations, and to implement practices and lighting improvements that will reduce light pollution, thereby preserving our night skies.



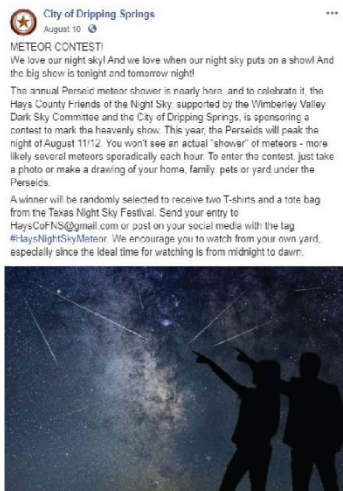
*Bill Foulds, Jr.*  
Bill Foulds, Jr., Mayor

City Administrator Michelle Fischer participated in the Hill Country Alliance Leadership Summit September 23-25 and served on a panel that discussed the night skies and tourism.

The city is a sponsor of the Hill Country Living Festival + Rainwater Revival, which was rescheduled from April 4<sup>th</sup> to October 24<sup>h</sup> and changed to virtual event. City representatives will give a lighting presentation during the event.



Perseid Contest August  
 Lights Out Dripping Springs September



**Actual Data:**

Globe at Night	March 11	Reached 1,882 people, with 26 comments, reactions and shares
International Dark Sky Week	April 19-26	Reached 2,844 people, with 92 comments, reactions and shares

Census	July 21	Reached 404 people, with 3 comments, reactions and shares
Perseid Showers Contest	August 5-9	Reached 1,511 people, with 31 comments, reactions and shares
Lights Out Dripping Springs	September 9	Kicked off September 9, will run through Sept and Oct. Already reached 10,750 people, with 1,007 comments, reactions and shares through September 30, 2020.

**New Construction**

In the past year, the city’s Building Department issued 765 New Residential Permits for a total of 3,077,998 square feet, and issued the following commercial building permits for projects complying with the Lighting Ordinance:

- twelve New Commercial Building Permits for a total of 355,176 square feet;
- sixteen Commercial Tenant Finish Out Permits for a total of 45,334 square feet;
- seven Commercial Remodel Permits for a total of 25,769 square feet; and
- two Commercial Addition Permits total of 2,768square feet.

All permitted commercial and residential buildings were required to obtain approved lighting plans and were/will be inspected after construction for compliance before a certificate of appropriateness was/is issued.

In the city’s Extraterritorial Jurisdiction, there were several variances approved for projects that required compliance with the Lighting Ordinance, including Reds Detail and Reconditioning, StorServ, and Jiffy Lube. Several large developments were under construction that were required to comply with the Lighting Ordinance through Development Agreements, including, retail buildings in Belterra Village, the Belterra Village Apartments, and the Driftwood Land and Golf Club.

The Dripping Springs Independent School District continues to bring nonconforming lighting on district properties into compliance with the Lighting Ordinance and two new schools being built will comply, Walnut Springs Elementary (in city limits) and Elementary School #5 (in Extraterritorial Jurisdiction).



Texas Regional Bank



Flying Fish Swim Academy



Arrowhead Ranch Amenity Center



Western Springs Apartments



Caliterra



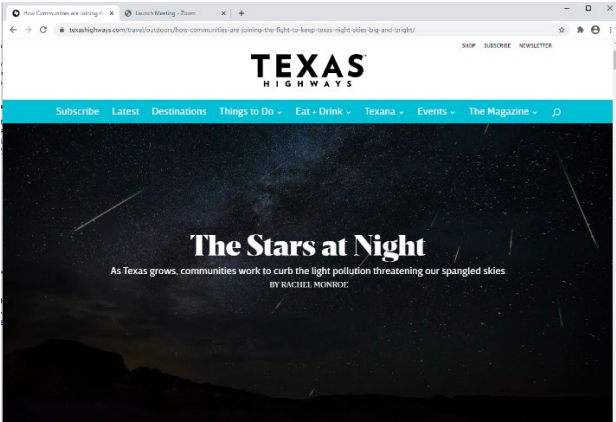
The Retreat at Dripping Springs

### Enforcement

The city’s Code Enforcement Inspector continues to enforce the Lighting Ordinance and issues violation warnings as needed. No citations have been issued this past year due to compliance in response to the violation warnings.

### Community and Media Relations

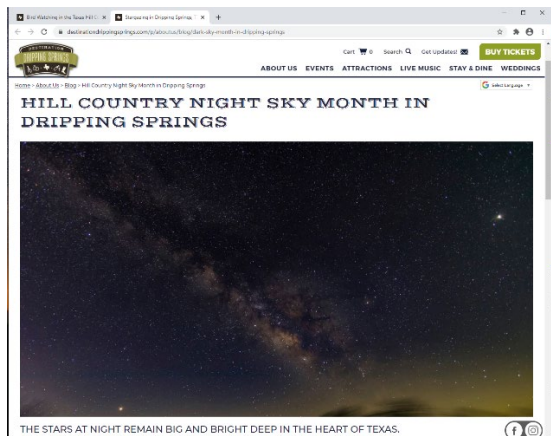
Monroe, Rachel. “The Stars at Night: As Texas Grows, communities work to curb the light pollution threatening our spangled skies,” Texas Highways, November 27, 2019, <https://texashighways.com/travel/outdoors/how-communities-are-joining-the-fight-to-keep-texas-night-skies-big-and-bright/>.



Alsadair Baverstock. “Low Light Policy Secured the Clearest Night Skies on the U.S.,” CGTN America, June 7, 2020. <https://america.cgtn.com/2020/06/07/low-light-policy-secures-the-clearest-night-skies-in-the-u-s> . Video: [https://www.youtube.com/watch?time\\_continue=13&v=8bi2whWXeIY&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=13&v=8bi2whWXeIY&feature=emb_logo)



Boatright, Hope. "Hill Country Night Sky Month in Dripping Springs," Dripping Springs Visitors Bureau, <https://www.destinationdrippingsprings.com/p/aboutus/blog/dark-sky-month-in-dripping-springs>.



Stargazing Road Trip, Travel Texas, July 15, 2020, <https://www.facebook.com/TravelTexas/photos/a.126201474089015/4112951222080667/?type=3&theater>.



"3 of the Best Stargazing Spots in the Texas Hill Country," San Antonio Things to Do, August 11, 2020, <https://www.sanantoniethingstodo.com/3-of-the-best-stargazing-spots-in-the-texas-hill-country/>.

Caliterralliving.com. "Stargazing in Dripping Springs," September 3, 2020, [https://caliterralliving.com/stargazing-in-dripping-springs/?fbclid=IwAR04iEnJa70PtUUSRiA9hvd\\_SkSdKzK5K\\_w3vUqjrSQvi8jxlaVLjeN7wk4](https://caliterralliving.com/stargazing-in-dripping-springs/?fbclid=IwAR04iEnJa70PtUUSRiA9hvd_SkSdKzK5K_w3vUqjrSQvi8jxlaVLjeN7wk4).



Headwaters Insert in Community Impact Newspaper, Southwest Austin Dripping Springs Edition, Volume 13, Issue 11, September 24-Oct. 22, 2020.

JUST AWARDED  
2020  
**COMMUNITY OF THE YEAR**

**HEADWATERS**  
THE BEST VIEW IS AHEAD. CHECK OFF YOUR WISH LIST AT HEADWATERS - AUSTIN'S COMMUNITY OF THE YEAR

- FUTURE DESIRED SCHOOL SITE
- SPECIAL AMENITIES & OVER 9 MILES OF TRAILS
- STARGAZING AMPHITHEATER TO EMBRACE DARK SKY COMMUNITY
- EXPANSIVE VIEWS & GREENBELT BACKYARDS

TOUR YOUR WAY [HWVIEWS.COM](http://HWVIEWS.COM)

NEW PREMIER COLLECTION OF HOMES NOW SELLING FROM THE HIGH \$300s - \$700s+

708 HEADWATERS BLVD | DRIPPING SPRINGS, TX 78620 | 512-883-3485 | [HWVIEWS.COM](http://HWVIEWS.COM)





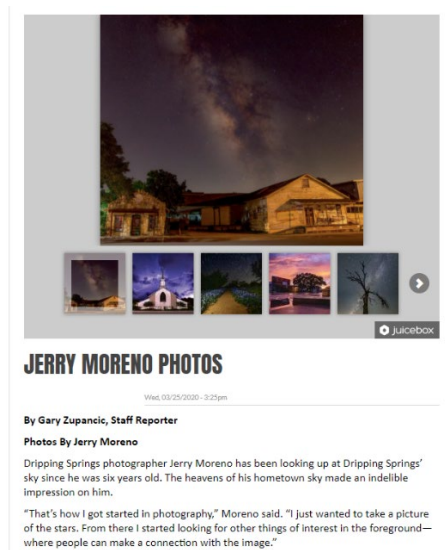
Miller, Anita. "Virtual celebration of Dark Sky Week April 19-26," Hays Free Press/News-Dispatch, April 16, 2020, <https://haysfreepress.com/2020/04/16/virtual-celebration-of-dark-sky-week-april-19-26/>.



"Stargazer's Paradise," Hill Country Premier Lodging, <https://hillcountrypremier.com/a-stargazers-paradise/>, April 18, 2020.

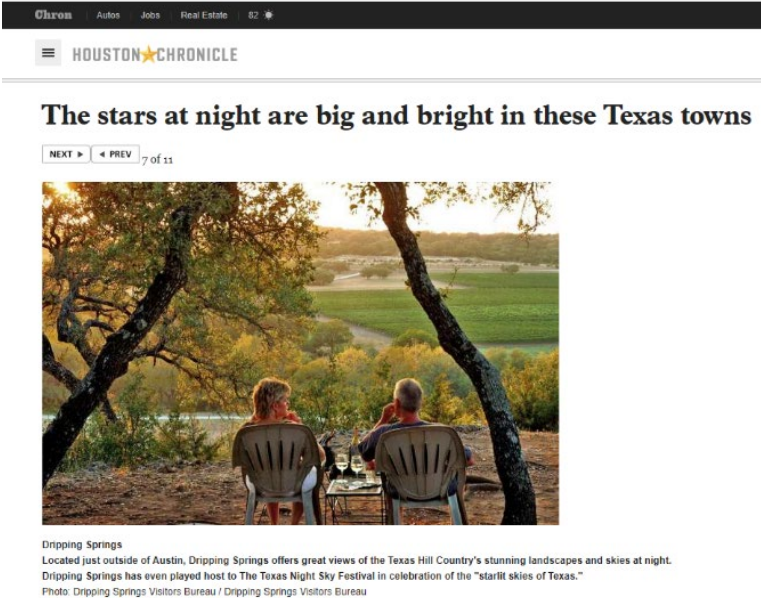
"Lone Star State Stargazing," Independence Title, April 1, 2020, <https://independencetitle.com/wp-content/uploads/Stargaze.pdf>.

Zupancic, Gary. "Jerry Moreno Photos," Dripping Springs Century News, March 25, 2020, <https://www.drippingspringsnews.com/jerry-moreno-photos>.



Beabout, Leandra. "Astrotourists love these Dark Sky Communities for urban stargazing," Lonely Planet, January 7, 2020, <https://www.lonelyplanet.com/articles/best-dark-sky-communities>.

"The stars at night are big and bright in these Texas towns," Houston Chronicle, May 22, 2020, <https://www.houstonchronicle.com/life/slideshow/The-stars-at-night-are-big-and-bright-in-these-202629.php#photo-16400243>



**Engagement with IDA**

The city collaborates with the Texas IDA Chapter on a regular basis and city representatives attend chapter meetings.

**COVID-19 Pandemic Impact**

Due to COVID, the city couldn't have in-person events. Some night sky events had to be canceled or changed to virtual events. The city put its efforts into promoting what it could virtually. This brought about an increase in public engagement through the city's social media platforms.

The city has seen an increase in park use during the pandemic. Outdoor activities, such as stargazing has increased. The city expects an increase in astrotourism and nighttime park use in the future. City staff is planning to promote overnight camping and stargazing in Dripping

Springs Ranch Park. The city will have to continue to promote night sky education and programs virtually.

**Site IDA Contact**

Michelle Fischer, City Administrator  
City of Dripping Springs, Texas  
P.O. Box 384  
Dripping Springs, TX 78620  
Email Address: [mfischer@cityofdrippingsprings.com](mailto:mfischer@cityofdrippingsprings.com)  
Website: [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com)