



CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, March 09, 2021 at 6:00 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/84222447193?pwd=RDZVQWRHd0s0RHdzWDJRdHNrN0F3dz09>

Meeting ID: 842 2244 7193

Passcode: 639422

Dial Toll Free:

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Find your local number: <https://us02web.zoom.us/u/kco1ANQ0sC>

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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 4 April Harris Allison

Council Member Place 5 Travis Crow

City Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Treasurer Gina Gillis

Finance Director Shawn Cox

City Secretary Andrea Cunningham

Communications Director Lisa Sullivan

Parks & Community Services Director Kelly Schmidt

Senior Planner Amanda Padilla

IT Coordinator Misty Dean

City Engineer Chad Gilpin

Planning Consultant Robyn Miga
Architectural Consultant/TIRZ Project Manager Keenan Smith
Economic Development Committee Chair Kim Fernea
Historic Preservation Commission Chair Bruce Lewis
Farmers Market Association Board Chair Gouri Johannsen
Planning & Zoning Commission Members: Chair Mim James, Vice Chair James Martin, Christian Bourguignon, and John McIntosh

With a quorum of the Council present, Mayor Foulds, Jr. called the meeting to order at 6:00 p.m.

WORKSHOP

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

1. Discussion of Proposed Concept Plan for the Anarene Amended Development Agreement located East of RR 12 and North of 290. Sponsor: Mayor Foulds, Jr.

Seth Mearig, PE, BGE Managing Director, Land Development gave a presentation which is on file.

2. Discussion of Proposed Concept Plan for the Hardy Tract, west of the Bunker Ranch Subdivision. Sponsor: Mayor Foulds, Jr.

Philip Southwick, Architect representing L.M. Holder III, FAIA and Brian Estes, representing Civil & Environmental Consultants, Inc. gave a presentation which is on file.

3. Discussion of Proposed Concept Plan for a tract located south of the intersection of Roger Hanks Parkway and US Highway 290. Sponsor: Mayor Foulds, Jr.

Rex Baker and Kim Fernea introduced the item.

Kyle Lovelady representing NewGrowth Living gave a presentation which is on file.

CITY COUNCIL & BOARD OF ADJUSTMENT REGULAR MEETING

PLEDGE OF ALLEGIANCE

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

PRESENTATION OF CITIZENS

A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments

until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

Vicky Lewis spoke in opposition to the approved Certificate of Appropriateness issued to Acopon Brewing for a Mobile Food Trailer.

PROCLAMATIONS & PRESENTATIONS

4. **Approval of a Proclamation proclaiming March 21, 2021 as "Down Syndrome Association of Central Texas Day" in the City of Dripping Springs.** *Sponsor: Council Member King*

Council Member King read and presented the proclamation to Jennifer Edwards, Executive Director of Down Syndrome Association of Central Texas.

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 February 9, 2021 City Council & Board of Adjustment regular meeting minutes and the February 16, 2021 City Council regular meeting minutes.**
6. **Approval of the February 2021 City Treasurer's Report.**
7. **Approval of an Amendment to the Hotel Occupancy Tax Grant Program Funding Agreement between the City of Dripping Springs and the Dr. Pound Historical Farmstead.** *Sponsor: Mayor Pro Tem Manassian*
8. **Approval of a Resolution supporting legislation related to the Driftwood Conservation District.** *Sponsor: Mayor Foulds, Jr.*

Filed as Resolution No. 2021-R07

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 5 – 8, with minutes as amended. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

BOARD OF ADJUSTMENT

CALL TO ORDER AND ROLL CALL

Board Members present were:

Bill Foulds, Jr., Chair
Taline Manassian
Wade King
April Harris Allison
Travis Crow
Charlie Busbey

BOARD OF ADJUSTMENT AGENDA

9. **Public hearing and consideration of possible action regarding VAR2021-0001: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.6 (24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft. The property is located at 391 Sportsplex Drive, Suite A and B, Dripping Springs, TX (R113761). Applicant: Kevin Garrett, Swift Sessions**

a) Presentation

Applicant Kevin Garrett presented the item.

b) Staff Report

Robyn Miga presented the staff report which is on file. Staff recommends approval of the special exception.

c) Planning and Zoning Commission Report

Chair James: Commission recommended approval 6 to 0.

d) Public Hearing

Bob Wilson spoke in support of the special exception.

e) Special Exception

A motion was made by Mayor Pro Tem Manassian to approve VAR2021-0001: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.6 (24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft., and located at 391 Sportsplex Drive, Suite A and B, Dripping Springs, TX (R113761). Council Member Crow seconded the motion which carried unanimously 6 to 0.

CITY COUNCIL

BUSINESS AGENDA

10. **Public hearing and consideration of possible action of an Annexation Ordinance and Service Agreement (ANNEX2021-0001), and an Ordinance for zoning amendment from AG, Agricultural to Single-Family Residential District – Moderate Density (SF-2) for an**

approximately 18.250 acre tract of land situated in the Benjamin F. Hanna Survey, No. 28, Abstract No. 222. This property is located at 2004 Creek Road, Dripping Springs, Texas. (R143390). Applicant: Brian Estes, PE/ Cristina Cordoba, Civil and Environmental Consultants Inc.

a) *Presentation* – No presentation was given.

b) *Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends approval of the annexation ordinance, service agreement and zoning amendment ordinance.

c) *Planning and Zoning Commission Report*

Chair James: Commission considered zoning amendment only and recommended approval 6 to 0.

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

e) *Annexation Ordinance, Annexation Service Agreement, and Zoning Amendment*

A motion was made by Mayor Pro Tem Manassian to approve an Annexation Ordinance and Service Agreement (ANNEX2021-0001), and an Ordinance for zoning amendment from AG, Agricultural to Single-Family Residential District – Moderate Density (SF-2) for an approximately 18.250 acre tract of land situated in the Benjamin F. Hanna Survey, No. 28, Abstract No. 222, and located at 2004 Creek Road, Dripping Springs, Texas. (R143390). Council Member King seconded the motion which carried unanimously 4 to 0.

Annexation Ordinance Filed as Ordinance No. 2021-10

Zoning Amendment Ordinance Filed as Ordinance No. 2021-11

11. **Public hearing and consideration of possible action regarding an Ordinance for CUP2020-0011: an application to consider a conditional use permit to allow for a Mobile Food Vendor at the property located at 211 Mercer Street, Dripping Springs, Texas 78620 within the Mercer Street Historic District. Applicant: John McIntosh**

a) *Presentation*

Applicant John McIntosh presented the item.

b) *Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the conditional use permit.

c) *Planning and Zoning Commission Report*

Chair James: Commission recommended approval 4 to 1 to 1, with Commissioner Newman opposed and Commissioner McIntosh recused.

d) Public Hearing

Pam Owens and Jerome Bollom spoke in support of the conditional use permit.

Vicky Lewis, Victoria Chips and Bruce Lewis spoke in opposition of the conditional use permit.

e) Conditional Use Permit Ordinance

A motion was made by Council Member King to approve an Ordinance for CUP2020-0011: an application to consider a conditional use permit to allow for a Mobile Food Vendor at the property located at 211 Mercer Street, Dripping Springs, Texas 78620 within the Mercer Street Historic District. Mayor Pro Tem Manassian seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2021-12

- 12. Discuss and consider approval of an Eagle Scout Project to donate the Design, Funding, Construction/Installation of Veterans Memorial Park arches replacement.** *Sponsor: Council Member King*

JJ Guerrero gave a presentation which is on file.

A motion was made by Council Member Harris-Allison for approval to proceed for an Eagle Scout Project to donate the Design, Funding, Construction/Installation of Veterans Memorial Park arches replacement. Council Member Crow seconded the motion which carried unanimously 4 to 0.

- 13. Discuss and consider approval of the Creation of a Part-time Farmers Market Assistant/Specialist Position.** *Sponsor: Mayor Pro Tem Manassian*

Gouri Johannsen introduced the item and Kelly Schmidt presented the staff report which is on file.

A motion was made by Council Member Harris-Allison to approve the creation of a Part-time Farmers Market Assistant/Specialist Position for ten (10) hours per week. Council Member King seconded the motion which carried unanimously 4 to 0.

- 14. Discuss and consider approval of an Ordinance Amending the Farmers Market Budget related to the part-time Farmers Market Specialist position and Camp Expenses related to Coyote Kids Camp.** *Sponsor: Mayor Pro Tem Manassian*

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance Amending the Farmers Market Budget related to the part-time Farmers Market Specialist position and Camp

Expenses related to Coyote Kids Camp. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

Filed as Ordinance No. 2021-13

15. **Discuss and consider support of legislation that would assist cities with using state funding for nature-based infrastructure.** *Sponsor: Mayor Foulds, Jr.*

a) Presentation

Anna Farrell-Sherman, Clean Water Associate with Environment Texas gave a presentation which is on file.

b) Support of Legislation

A motion was made by Mayor Pro Tem Manassian to approve support of legislation that would assist cities with using state funding for nature-based infrastructure. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

REPORTS

Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports are on file and available for review upon request. The City Council may provide staff direction; however, no action may be taken.

Reports are on file and available for review upon request.

16. **City Attorney Report**
Laura Mueller, City Attorney
17. **Maintenance Director's Monthly Report**
Craig Rice, Maintenance Director
18. **Transportation Committee Monthly Report**
Jim Martin, Interim Vice Chair

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, 551.072, Deliberation of Real Property and 551.074, Personnel Matters and regarding Executive Session Agenda Items 19 – 23. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

EXECUTIVE SESSION AGENDA

The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping

Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

19. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses, real property in the Triangle and Veterans Memorial Park, and real property related to Roger Hanks Parkway.** *Consultation with City Attorney, 551.071; Deliberation of Real Property, 551.072*
20. **Consultation with City Attorney regarding legal issues related to Emergency Management, Disaster Declaration, and Emergency Orders.** *Consultation with City Attorney, 551.071*
21. **Consultation with City Attorney on legal matters related to employment and deliberation regarding Personnel Matters related to the appointment, employment, evaluation, reassignment, duties, and discipline related to the building permit technician and code enforcement inspector.** *551.071 Consultation with Attorney; 551.074 Deliberation regarding Personnel Matters*
22. **Consultation with City Attorney related to legislative program and matters regarding water, wastewater, and other utility issues.** *Consultation with City Attorney, 551.071*
23. **Consultation with City Attorney regarding legal issues related to the Development Agreements, Municipal Utility Districts, Concept Plans, and Density of Development on current or proposed projects.** *Consultation with Attorney, 551.071*

The City Council met in Executive Session from 9:17 p.m. – 10:53 p.m. No vote or action was taken during Executive Session.

Mayor Foulds, Jr. returned the meeting to Open Session at 10:53 p.m.

OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to pull Executive Session Agenda Items 19 and 21 into Open Session for consideration and possible action. Council Member Harris-Allison seconded the motion which carried unanimously 4 to 0.

19. **Consultation with City Attorney and Deliberation of Real Property regarding legal issues related to Real Property for the Tax Increment Reinvestment Zone including the Town Center Project and uses, real property in the Triangle and Veterans Memorial Park, and real property related to Roger Hanks Parkway.**

A motion was made by Mayor Pro Tem Manassian to authorize the City Attorney to send notice of termination of the May 2020 Interlocal Agreement and as discussed in Executive Session. Council Member Crow seconded the motion which carried unanimously 4 to 0.

21. **Consultation with City Attorney on legal matters related to employment and deliberation regarding Personnel Matters related to the appointment, employment, evaluation,**

reassignment, duties, and discipline related to the building permit technician and code enforcement inspector.

A motion was made by Mayor Pro Tem Manassian to authorize the creation of Code Enforcement/Public Works full-time position and the second Building Permit Technician position. Council Member Crow seconded the motion which carried unanimously 4 to 0.

UPCOMING MEETINGS

City Council Meetings

March 16, 2021 at 6:00 p.m.

April 13, 2021 at 6:00 p.m.

April 20, 2021 at 6:00 p.m.

Board, Commission & Committee Meetings

March 10, 2021 Utility Commission at 4:00 p.m.

March 18, 2021 Emergency Management Commission at 12:00 p.m.

March 22, 2021 Transportation Committee at 3:30 p.m.

March 23, 2021 Planning & Zoning Commission at 6:30 p.m.

March 24, 2021 Economic Development Committee at 4:00 p.m.

March 25, 2021 Farmers Market Association Board at 10:00 a.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 4 to 0.

This regular meeting adjourned at 11:02 p.m.

APPROVED ON: April 13, 2021

Bill Foulds Jr

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham
Andrea Cunningham, City Secretary

