



**CITY COUNCIL REGULAR MEETING**  
**City of Dripping Springs**  
Council Chambers, 511 Mercer St, Dripping Springs, TX  
Tuesday, December 08, 2020 at 6:00 PM

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**MINUTES**

**MEETING SPECIFIC VIDEOCONFERENCE INFORMATION**

***Join Zoom Meeting***

<https://us02web.zoom.us/j/89837485344?pwd=Ull4bEhxYTZFL3NIOWEVENZFMy9PZz09>

***Meeting ID:*** 898 3748 5344

***Passcode:*** 607455

***Dial Toll Free:***

877 853 5257 US Toll-free

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**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 & 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

City Engineer Chad Gilpin

Parks & Community Services Director Kelly Schmidt

DSRP Event Center Manager Tina Adams

Communications Director Lisa Sullivan

Planning & Zoning Commission Chair Mim James

With a quorum of the City Council present, Mayor Foulds called the meeting to order at 6:01 p.m.

## **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.*

No one spoke during Presentation of Citizens.

## **CONSENT AGENDA**

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.*

- 1. Approval of the November 3, 2020 City Council special meeting minutes; and the November 10, 2020 and November 17, 2020 City Council regular meeting minutes.**
- 2. Approval of the November 2020 City Treasurer Report.**
- 3. Approval of a Resolution of the City of Dripping Springs, Texas Consenting to Bond for Reunion Ranch Water Control and Improvement District of Hays County.**

### **Filed as Resolution No. 2020-R56**

- 4. Approval of an Eagle Scout Project and Donation Agreement for the Design, Funding, Construction/Installation of a Chimney Swift Tower at Dripping Springs Ranch Park.**
- 5. Approval of an Agreement extending Curative lease of Triangle for COVID-19 testing purposes.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 1 – 5. Council Member Crow seconded the motion which carried unanimously 5 to 0.

## BUSINESS AGENDA

6. **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 of approximately 0.748 acres in the extraterritorial jurisdiction, situated in the Benjamin F Hanna Survey, Abstract No. 222, located at 102 Rose Drive, Dripping Springs, Texas 78620. Applicant: Dave Merkel and Fred Van Cura**

Council Member Purcell recused from this item.

*a) Presentation*

Applicants Dave Merkel and Fred Van Cura were available for questions.

*b) Staff Report*

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

*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 of approximately 0.748 acres in the extraterritorial jurisdiction, situated in the Benjamin F Hanna Survey, Abstract No. 222, located at 102 Rose Drive, Dripping Springs, Texas 78620. Council Member Crow seconded the motion which carried 4 to 0 to 1, with Council Member Purcell recused.

**Filed as Ordinance No. 2020-59**

7. **Public hearing and consideration of approval of an Ordinance regarding ZA2020-0008: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture District (AG) to Two Family Residential - Duplex District (SF-4) for an approximately .748 acre tract of land situated in BENJAMIN F. HANNA Survey. This property is located at 102 Rose Drive, Dripping Springs, TX (R15132). Applicant: Dave Merkel and Fred Van Cura**

Council Member Purcell recused from this item.

*a) Presentation*

Applicants Dave Merkel and Fred Van Cura were available for questions.

*b) Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends approval of the zoning amendment.

*c) Planning and Zoning Report*

Chair James: Commission recommended approval 4 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 ZA2020-0008: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture District (AG) to Two Family Residential - Duplex District (SF-4) for an approximately .748 acre tract of land situated in BENJAMIN F. HANNA Survey. This property is located at 102 Rose Drive, Dripping Springs, TX (R15132). Council Member King seconded the motion which carried unanimously 4 to 0 to 1, with Council Member Purcell recused.

**Filed as Ordinance No. 2020-60**

- 8. Public hearing and consideration of approval of an Ordinance regarding ZA2020-0010: an application for a Zoning Amendment to consider a proposed zoning map amendment from Two Family Residential - Duplex District (SF-4) to General Retail District (GR) for an approximately 1 acre tract of land situated Phillip A. Smith Survey (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.00). This property is generally located on Ranch Road 12 across from Summit Drive in Dripping Springs, TX. (R17873). Applicant: Jon Thompson**

*a) Presentation*

Applicant Jon Thompson presented the item.

*b) Staff Report*

Robyn Miga presented the staff report which is on file. The applicant is requesting to down-zone from GR to LR. Staff recommends approval of the zoning amendment with the zoning designation of LR, Local Retail.

*c) Planning and Zoning Report*

Chair James: Commission recommended approval 4 to 0.

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

*e) Zoning Amendment*

A motion was made by Council Member King to approve an Ordinance regarding ZA2020-0010: an application for a Zoning Amendment to consider a proposed zoning map amendment from Two Family Residential - Duplex District (SF-4) to Local Retail (LR) for an approximately 1 acre tract of land situated Phillip A. Smith Survey (Legal Description: A0415 PHILIP A SMITH SURVEY, ACRES 1.00). This property is generally located on Ranch Road 12 across from Summit Drive in Dripping Springs, TX. (R17873). Mayor Pro Tem Manassian seconded the motion which carried 4 to 0 to 1, with Council Member Purcell abstaining.

**Filed as Ordinance No. 2020-61**

9. **Public hearing and consideration of approval of an Ordinance regarding CUP2020-0009: an application to consider a conditional use permit to allow for an accessory dwelling unit at the property located at 101 Woods Loop, Driftwood, Texas 78620.** *Applicant: Jon Thompson*

Mayor Foulds recused from this item and Mayor Pro Tem Manassian presided over the meeting for this item.

*a) Presentation*

Applicant Jon Thompson presented the item.

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the CUP with the following conditions:

- (1) No more than two driveway cuts permitted on the lot.
- (2) The ADU shall be connected to an approved on-site septic system prior to occupancy.

*c) Planning and Zoning Report*

Chair James: Commission recommended approval with conditions 3 to 1 to 1, with Chair James opposed and Commissioner Bourguignon recused.

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

*e) Conditional Use Permit*

A motion was made by Council Member Crow to approve an Ordinance regarding CUP2020-0009: an application to consider a conditional use permit to allow for an accessory dwelling unit at the property located at 101 Woods Loop, Driftwood, Texas 78620 with the following conditions: 1) no more than two driveway cuts permitted on the lot, and 2) the ADU shall be connected to an approved on-site septic system prior to occupancy. Council Member Purcell seconded the motion which carried 4 to 1, with Mayor Pro Tem Manassian opposed.

**Filed as Ordinance No. 2020-62**

Mayor Foulds returned to the meeting and presided over the remaining items on the agenda.

- 10. Public hearing and consideration of approval of an Ordinance regarding CUP2020-0010: an application to consider a conditional use permit to allow for an accessory dwelling unit at the property located at 693 Blue Ridge Drive, Dripping Springs, TX 78620. Applicant: Josh Haro, Haro Homes LLC.**

*a) Presentation – No presentation given.*

*b) Staff Report*

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

- (1) No driveway permitted off Lloyd Drive.
- (2) The ADU shall be connected to a City approved on-site septic system prior to occupancy.

*c) Planning and Zoning Report*

Chair James: Commission recommended approval with conditions 5 to 0.

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

*e) Conditional Use Permit*

A motion was made by Commissioner King to approve an Ordinance regarding CUP2020-0010: an application to consider a conditional use permit to allow for an accessory dwelling unit at the property located at 693 Blue Ridge Drive, Dripping Springs, TX 78620 with the following conditions: 1) no driveway permitted off Lloyd Drive, and 2) the ADU shall be connected to a City approved on-site septic system prior to occupancy. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-63**

- 11. Public hearing and consideration of approval of an Ordinance regarding ZA2020-0009: an application for a Zoning Amendment to consider a proposed zoning map amendment from Single-Family Residential District - Low Density (SF-1) to Local Retail District (LR) for an approximately .84 acre tract of land situated Phillip A. Smith Survey. This property is located at 519 Old Fitzhugh Road, Dripping Springs, TX. (R17916). Applicant: Jon Thompson**

*a) Presentation*

Applicant Jon Thompson presented the item.

*b) Staff Report*

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

*c) Planning and Zoning Report*

Chair James: Commission recommended approval 5 to 0.

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

*e) Zoning Amendment*

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance regarding ZA2020-0009: an application for a Zoning Amendment to consider a proposed zoning map amendment from Single-Family Residential District - Low Density (SF-1) to Local Retail District (LR) for an approximately .84 acre tract of land situated Phillip A. Smith Survey. This property is located at 519 Old Fitzhugh Road, Dripping Springs, TX. (R17916). Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-64**

**12. Discuss and consider approval of an Ordinance amending Chapter 26, Appendix “C” of the Dripping Springs Code of Ordinances and amending regulations for the Belterra Master Sign Plan for the Belterra Commercial Subdivision related to Building S, also referred to as Building 13.**

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 Chapter 26, Appendix “C” of the Dripping Springs Code of Ordinances and amending regulations for the Belterra Master Sign Plan for the Belterra Commercial Subdivision related to Building S, also referred to as Building 13. Council Member King seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-65**

**13. Discuss and consider approval of a Resolution authorizing the Mayor to accept a Donation Deed for Rathgeber Natural Resource Park adjacent to Headwaters Subdivision.**

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

A motion was made by Mayor Pro Tem Manassian to approve a Resolution authorizing the Mayor to accept a Donation Deed for Rathgeber Natural Resource Park adjacent to Headwaters Subdivision. Council Member Crow seconded the motion which carried unanimously 5 to 0.

**Filed as Resolution No. 2020-R57**

- 14. Discuss and consider approval of a Use Agreement between the City of Dripping Springs and the Boy Scouts Capital Area Council for use of Rathgeber Natural Resource Park.**

Laura Mueller presented the staff report which is on file. The Boy Scouts have provided staff with edits and the agreement needs further review prior to approval.

A motion was made by Mayor Pro Tem Manassian to authorize staff to finalize negotiations related to a Use Agreement between the City of Dripping Springs and the Boy Scouts Capital Area Council for use of Rathgeber Natural Resource Park. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

- 15. Discuss and consider approval of an Ordinance amending the Dripping Springs Fee Schedule regarding fees for Dripping Springs Ranch Park and related to Fee Schedule Section 17.16 Business Opportunities (non-peak).**

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance amending the Dripping Springs Fee Schedule regarding fees for Dripping Springs Ranch Park and related to Fee Schedule Section 17.16 Business Opportunities (non-peak). Council Member Purcell seconded the motion which carried unanimously 5 to 0.

**Filed as Ordinance No. 2020-66**

- 16. Discuss and consider possible action on city facility closure based on Public Health Emergency.**

No discussion and no action taken on this item.

- 17. Discuss and Consider Approval of Longevity Pay and Performance Pay Incentive for City Employees for Fiscal Year 2020-2021.**

A motion was made by Council Member Purcell to approve Longevity Pay and Performance Pay Incentive for City Employees for Fiscal Year 2020-2021. Council Member Crow seconded the motion which carried unanimously 5 to 0.

**REPORTS**

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

Reports are on file and available for review by request.

- 18. Maintenance & Facilities Monthly Report**

*Craig Rice, Maintenance Director*

- 19. Parks & Community Services Monthly Report**

*Kelly Schmidt, PCS Director*



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 related to Executive Session Agenda Items 20 – 24. Council Member Purcell 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.*

- 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 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*
- 22. 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*
- 23. Consultation with Attorney regarding legal issues related to litigation on the trial court's judgment in *SOS v. TCEQ* in the 459th Judicial District Court of Travis County and related development, financial, and utility issues.** *Consultation with City Attorney, 551.071*
- 24. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the finance director.** *Personnel Matters, 551.074*

The City Council met in Executive Session from 7:19 – 8:03 p.m.

No vote or action was taken during Executive Session. Mayor Foulds returned the meeting to Open Session at 8:04 p.m.

### **OPEN SESSION**

A motion was made by Mayor Pro Tem Manassian bring Executive Session Agenda Item 21 into Open Session for action. Council Member King seconded the motion which carried unanimously 5 to 0.

- 21. 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*

A motion was made by Mayor Pro Tem Manassian to authorize the Mayor and Deputy City Administrator to make offers regarding property acquisition up to the amounts presented by the right-of-way experts. Council Member Harris-Allison seconded the motion which carried unanimously 5 to 0.

A motion was made by Council Member Harris-Allison to bring Executive Session Agenda Item 24 into Open Session for action. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

**24. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the finance director. *Personnel Matters, 551.074***

A motion was made by Council Member Harris-Allison to authorize the Mayor and City Administrator to make an offer to Shawn Cox for the Finance Director position. Mayor Pro Tem Manassian seconded the motion which carried unanimously 5 to 0.

**UPCOMING MEETINGS**

**City Council Meetings**

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

January 12, 2021 at 6:00 p.m.

January 19, 2021 at 6:00 p.m.

**Board, Commission & Committee Meetings**

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

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

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

Economic Development Committee, December 16, 2020 at 4:00 p.m.

Planning & Zoning Commission, December 16, 2020 at 6:30 p.m.

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

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

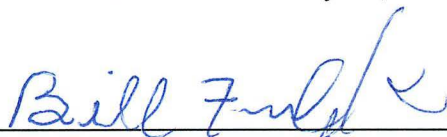
Transportation Committee, December 28, 2020 at 3:30 p.m.

**ADJOURN**

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

This regular meeting adjourned at 8:08 p.m.

**APPROVED ON:** January 12, 2021



Bill Foulds, Jr., Mayor

**ATTEST:**

*Andrea Cunningham*  
Andrea Cunningham, City Secretary

