



CITY COUNCIL REGULAR MEETING

## City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, October 19, 2021 at 6:00 PM

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# MINUTES

## CALL TO ORDER AND ROLL CALL

With a quorum present, Mayor Foulds, Jr. called the meeting to order at 6:04 p.m.

### City Council Members present were:

Mayor Bill Foulds, Jr.  
Mayor Pro Tem Taline Manassian  
Council Member Place 4 April Harris Allison  
Council Member Place 5 Sherrie Parks

### Council Members absent were:

Council Member Place 2 Wade King  
Council Member Place 3 Geoffrey Tahuahua

### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Attorney Laura Mueller  
City Treasurer Shawn Cox  
Planning Director Howard Koontz  
Senior Planner Tory Carpenter  
Building Official Sarah Cole  
Parks & Community Services Director Kelly Schmidt  
Public Works Director Aaron Reed  
Communications & Marketing Director Lisa Sullivan  
IT Coordinator Misty Dean  
Planning & Coning Commission Chair Mim James  
TIRZ Project Manager Keenan Smith

## PLEDGE OF ALLEGIANCE

Council Member Harris-Allison 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.

## **PROCLAMATIONS & PRESENTATIONS**

- 1. Approval of a Proclamation proclaiming the month of October 2021 as "National Domestic Violence Awareness Month" in the City of Dripping Springs, Texas.** *Sponsors: Council Member Tahuahua and Council Member Parks*

Council Member Parks read the proclamation and presented to a Holly Cunningham-Kizer with Hays-Caldwell Women's Center.

A motion was made by Council Member Parks to approve the proclamation proclaiming the month of October 2021 as "National Domestic Violence Awareness Month" in the City of Dripping Springs, Texas. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

## **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.*

A motion was made by Mayor Pro Tem Manassian to pull Consent Agenda Item 4 for individual consideration and to take Items 2, 3, 5 and 6 all in one motion. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

2. **Approval of the September 2021 City Treasurer's Report.**
3. **Consider approval of a Resolution approving and accepting a construction bond for Caliterra Phase 4 Section 11 wastewater fiscal improvements.**

**Filed as Resolution No. 2021-R32**

4. **Approval of the Appointment of Pam Owens and Mike Carroll to the Dripping Springs Ranch Park Board for terms ending September 30, 2021.**
5. **Approval of the Assignment and Assumption of Wastewater and Fee Agreement between the City of Dripping Springs, CRTX Development, LLC, and DS Joint Venture, LP related to 8.564 acres located at 27110 Ranch Road 12, Dripping Springs, TX 78620.**
6. **Approval of the Assignment and Assumption of Road Agreement between the City of Dripping Springs, CRTX Development, LLC, and DS Joint Venture, LP related to 8.564 acres located at 27110 Ranch Road 12, Dripping Springs, TX 78620 conditioned on city staff approval of financial submission review.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 2, 3, 5 and 6. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

Mayor Pro Tem Manassian asked for clarification of the date referenced in Item 4. Laura Mueller confirmed that the date should be September 30, 2023, which is reflected in the staff report on file.

A motion was made by Mayor Pro Tem Manassian to approve the appointment of Pam Owens and Mike Carroll to the Dripping Springs Ranch Park Board for terms ending September 30, 2023. Council Member Parks seconded the motion which carried unanimously 3 to 0.

## **BUSINESS AGENDA**

7. **Discuss and consider selection of engineering firm for design of the Old Fitzhugh Road project and authorize staff to negotiate an agreement with the selected firm. Sponsor: Mayor Pro Tem Taline Manassian**

Keenan Smith presented the staff report which is on file. Staff recommends selectin of HDR Engineering, Inc.

A motion was made by Mayor Pro Tem Manassian to select HDR Engineering, Inc. as the engineering firm for design of the Old Fitzhugh Road project and to authorize staff to negotiate an agreement. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

A motion was made by Council Member Parks to consider Business Agenda Item 12 next. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

**12. Discuss and consider approval of a Sign Variance Request from Jiffy Lube to Allow Additional Signage, located at 13046 Four Star Blvd., Suite 300, Austin, Texas 78737. Fawn Leal, SSC Signs & Lighting, Applicant.**

**a. Presentation** – Applicant Fawn Leal presented the item.

**b. Staff Report** – Sarah Cole presented the staff report which is on file. Staff recommends approval with conditions that the Sign Specs package and overall variance request be reduced to only allow 4 directional signs on the North Elevation as this is the side of the garage bays that cars would enter. Directional signage would not be necessary above the garage bays as cars are exiting as they would not be seen for the purpose of directing. Thus, South Elevation Directional signage is not necessary, and would create excessive signage facing 290. Additionally, the recommendation is to deny the West Elevation Wall Sign and have this removed from the overall variance request and Sign Spec Package. With this removal of these signs totaling 69 sq. ft. the business would still be under the total allowable sq. ft. by 4 sq. ft.

**c. Public Hearing-** No one spoke during the Public Hearing.

**d. Variance Request** – A motion was made by Mayor Pro Tem Manassian to approve a Sign Variance Request from Jiffy Lube to Allow Additional Signage, located at 13046 Four Star Blvd., Suite 300, Austin, Texas 78737 with conditions as presented by staff, allowing the 4 directional signs on the North Elevation at Rocky Ridge Trail, and to deny the West Elevation Wall Sign. Council Member Harris-Allison seconded the motion which carried unanimously to 0.

**8. Discuss and consider action regarding an Ordinance Amending Article 22.04 – Transportation Plan, Section 22.04.001, and related to Adoption of the 2021 Transportation Master Plan.**

**a. Presentation and Staff Report** – Leslie Pollack presented the staff report which is on file. Planning & Zoning Commission Chair presented the commission recommendation to approve the amendments unanimously 7 to 0.

**b. Public Hearing** – The following individuals spoke during the Public Hearing expressing concerns related to conflicts between city and county plans, arterial roadways, adequate stakeholder input, impacts on existing communities, water quality protection related to drainage and runoff, topography, proximity to Onion Creek, light pollution, and easement encroachment:

William McKinney  
Dave Belagio  
Craig Vincent

Joe Kanetzky  
Bill Brock  
Diana McClafferty

Chris Hill  
Dan Currah  
Terry Tull

Bettina Matthis  
Patty Arnold

Jeff Shaw  
Jeffrey Fry

Betina Matthis

**c. Transportation Master Plan** – A motion was made by Mayor Pro Tem Manassian to approve an Ordinance Amending Article 22.04 – Transportation Plan, Section 22.04.001, and related to Adoption of the 2021 Transportation Master Plan. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

**Filed as Ordinance No. 2021-40**

Mayor Foulds, Jr. recessed the meeting from 8:01 p.m. – 8:12 p.m.

Via unanimous consent, the City Council considered Business Agenda Items 9 and 10 concurrently.

**9. Public Hearing and consideration of approval of an Ordinance and Annexation Agreements regarding three tracts covering approximately 112 acres of the Cunningham, Mokhtarian, and 740 Sports Park Tracts south of 290 and east of RR 12 adjacent to Sports Park Road and the Sports and Recreation Park. Applicant: Matthew Scrivener, P.E., Austin Land Innovations, LLC**

**a. Presentation** – Applicant representatives Rex Baker, John Doucet and Peter Verdicchio gave a presentation which is on file.

**b. Staff Report** – Laura Mueller presented the staff report which is on file. Staff recommends approval of the annexation ordinance and agreement.

**c. Public Hearing** – No one spoke during the Public Hearing.

**d. Ordinance and Municipal Services Agreement**

**10. Discuss and consider approval of a Resolution consenting to creation and operation of a Municipal Utility District Number 1 regarding three tracts covering approximately 112 acres of the Cunningham, Mokhtarian, and 740 Sports Park Tracts south of 290 and east of RR 12 adjacent to Sports Park Road and the Sports and Recreation Park. Applicant: Matthew Scrivener, P.E., Austin Land Innovations, LLC**

**a. Presentation** – Presented with Item 9

**b. Staff Report** – Presented with Item 9

**c. Resolution Approving Agreement**

Prior to taking action on Business Agenda Items 9 and 10, the City Council met in Executive Session.

A motion was made by Mayor Pro Term Manassian to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and

regarding Business Agenda Items 9 and 10. Council Member Harris-Allison seconded the motion which carried unanimously

The City Council met in Executive Session from 9:13 p.m. - 9:28 p.m.

No action or vote was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 9:28 p.m. and proceeded with the agenda as posted.

A motion was made by Mayor Pro Tem Manassian to approve an Ordinance and Annexation Agreements regarding three tracts covering approximately 112 acres of the Cunningham, Mokhtarian, and 740 Sports Park Tracts south of 290 and east of RR 12 adjacent to Sports Park Road and the Sports and Recreation Park, and a Resolution consenting to creation and operation of a Municipal Utility District Number 1 regarding three tracts covering approximately 112 acres of the Cunningham, Mokhtarian, and 740 Sports Park Tracts south of 290 and east of RR 12 adjacent to Sports Park Road and the Sports and Recreation Park. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

**Filed as Ordinance No. 2021-41**

**Filed as Resolution No. 2021-R33**

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

Rex Baker and Kyle Lovelady presented the item.

Laura Mueller presented the staff report which is on file.

Mayor Foulds, Jr. opened a Public Hearing on the item to which Kim Fernea spoke in favor of the item.

A motion was made by Council Member Parks to approve a Memorandum of Understanding between the City of Dripping Springs and New Growth related to wastewater, transportation, and density for a property north of Highway 290 on Roger Hanks Parkway, to include a maximum of 240 units and total commercial acreage of 5.8 acres. Council Member Harris Allison seconded the motion.

Council Member Parks and Council Member Harris-Allison withdrew their motion and second respectively.

Prior to taking action on Business Item 11, the City Council met in Executive Session.

A motion was made by Mayor Pro Tern Manassian to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and regarding Business Agenda Item 11. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

The City Council met in Executive Session from 10:45 p.m. - 10:59 p.m.

No action or vote was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 10:59 p.m.

A motion was made by Council Member Parks to approve a Memorandum of Understanding between the City of Dripping Springs and New Growth related to wastewater, transportation, and density for a property north of Highway 290 on Roger Hanks Parkway, to include a maximum of 240 units and total commercial acreage of 5.8 acres. Council Member Harris Allison seconded the motion which carried unanimously 3 to 0.

- 12. Discuss and consider approval of a Sign Variance Request from Jiffy Lube to Allow Additional Signage, located at 13046 Four Star Blvd., Suite 300, Austin, Texas 78737. Fawn Leal, SSC Signs & Lighting, Applicant.**

*This item was considered earlier in the agenda.*

- a. Presentation
- b. Staff Report
- c. Public Hearing
- d. Variance Request

- 13. Discuss and Consider the Appointment of a Member to the City of Dripping Springs Utility Commission.**

A motion was made by Council Member Parks to approve the appointment of Laura Dudek to the Utility Commission for a term ending June 30, 2023. Council Member Harris-Allison seconded the motion which carried unanimously 3 to 0.

## **REPORTS**

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

- 14. 2021 City of Dripping Springs International Dark Sky Community Annual 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.*

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

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

## UPCOMING MEETINGS

### City Council Meetings

November 2, 2021, at 6:00 p.m.  
November 16, 2021, at 6:00 p.m.  
December 7, 2021, at 6:00 p.m.  
December 21, 2021, at 6:00 p.m.

### Board, Commission & Committee Meetings

October 21, 2021 Farmers Market Committee at 10:00 a.m.  
October 21, 2021 Emergency Management Commission at 12:00 p.m.  
October 25, 2021 Transportation Committee at 3:30 p.m.  
October 25, 2021 Founders Day Commission at 6:30 pm.  
October 26, 2021 Planning & Zoning Commission at 6:30 p.m.  
October 27, 2021 Economic Development Committee at 4:00 p.m.



November 1, 2021 Parks & Recreation Commission at 6:00 p.m.  
November 3, 2021 Dripping Springs Ranch Park Board at 12:00 p.m.  
November 4, 2021 Historic Preservation Commission Meeting at 4:00 p.m.

**ADJOURN**

A motion was made by Council Member Harris-Allison to adjourn the meeting. Council Member Parks seconded the motion which carried unanimously 3 to 0.

This regular meeting adjourned at 11:07 p.m.

**APPROVED ON:** November 2, 2021



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Bill Foulds, Jr., Mayor

**ATTEST:**

  
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Andrea Cunningham, City Secretary