



City Council & Board of Adjustment

Workshop & Regular Meeting Minutes April 14, 2020 at 6:00 p.m.

A Workshop and Regular Meeting of the City Council and Board of Adjustment of Dripping Springs, Texas was held Tuesday, April 14, 2020 beginning at 6:00 p.m. via Videoconference and in the City Hall Council Chambers located at 511 Mercer Street, Dripping Springs, Texas.

I. 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, no later than 3:00 p.m., Tuesday, April 14, 2020.

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.

Join Zoom Meeting

<https://zoom.us/j/655721041?pwd=SUF2YmpURXJZSWFjNjN1SDUrTTZPZz09>

Meeting ID: 655 721 041

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II. CALL TO ORDER AND ROLL CALL

Mayor/City Council/Board of Adjustment members present were:

Mayor Todd Purcell
Mayor Pro Tem Bill Foulds
Council Member Travis Crow
Council Member Wade King
Council Member John Kroll
Council Member Taline Manassian
Board of Adjustment Alternate Charles Busbey
Board of Adjustment Alternate Joe Volpe

City Staff/Appointed Officials/Consultants present were:

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Attorney Laura Mueller
City Secretary Andrea Cunningham
Senior City Planner Amanda Padilla
City Engineer Chad Gilpin
Public Works Coordinator Aaron Reed
Parks & Community Services Director Kelly Schmidt
DSRP Event Center Manager Lynne Dickinson
Communications Coordinator Lisa Sullivan
IT Coordinator Misty Dean
Emergency Management Coordinator Roman Baligad
Planning & Zoning Commission Chair Mim James
TIRZ No. 1 & No. 2 Board Chair Dave Edwards
Utility Commissioner Roger Kew
TIRZ Project Manager Keenan Smith

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

III. WORKSHOP

No action will be taken during the Workshop.

A. Discussion regarding a City Sign Policy and Amendments to Chapter 26: Signs, of the City of Dripping Springs Code of Ordinances.

Laura Mueller presented the item.

IV. RECESS

Mayor Purcell recessed the meeting at 6:07 p.m.

V. RECONVENE AT 6:30 P.M.

Mayor Purcell reconvened the meeting at 6:30 p.m.

VI. PLEDGE OF ALLEGIANCE

In recognition of those on the front lines fighting COVID-19 and for the families affected by COVID-19, Mayor Purcell took a moment of silence.

Mayor Purcell led the Pledge of Allegiance to the Flag.

VII. PROCLAMATIONS & PRESENTATIONS

No action to be taken on proclamations and presentations. The City Council may choose to discuss and take public comment on these items as necessary.

A. Presentation of Hays-Caldwell Women's Center Letter regarding Child Abuse & Sexual Awareness Month.

Sponsor: Council Member King

A motion was made by Council Member King to approve the letter on file. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

VIII. 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.

IX. 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. Approval of the March 2020 City Treasurer's Report.

B. Approval of a Revised Ingress and Egress Easement by and between the City of Dripping Springs and Glenn T. Goode and Anne E. Davison.

- C. Approval of a Resolution Denying Texas Gas Service Company's Requested Rate Increase; and Requiring the Company to Reimburse the City's Reasonable Ratemaking Expenses.

Filed as Resolution No. 2020-R11

- D. Approval of a Resolution of the City of Dripping Springs, Texas Accepting Improvements and Approving and Accepting a Maintenance Bond for Arrowhead Ranch Subdivision Phase 2A, 2B, 2C, and Offsite Drainage, and Wastewater Improvements and Releasing a Construction Bond and Rider to the Construction Bond, providing for effective date and proper meeting and notice.
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2020-R12

- E. Approval of a Resolution of the City of Dripping Springs, Texas, Releasing the Construction Bond for Arrowhead Section 1, providing for an effective date and proper notice and meeting.
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2020-R13

- F. Approval of Proposed Parkland Dedication for the Western Springs Apartment Complex located at 400 Creek Road, Dripping Springs, Texas 78620.

- G. Approval of an Ordinance Adopting the Official City Map of Incorporated Municipal Boundaries (City Limits) and Extraterritorial Jurisdiction of the City of Dripping Springs; Requesting that a copy of the map be filed in the Office of the City Secretary; providing for: findings of fact, an effective date, severability, repealer, and proper notice and meeting.

Filed as Ordinance No. 2020-11

- H. Approval of a Resolution naming a driveway "Lourdes Court."

Filed as Resolution No. 2020-R14

- I. Approval of an Arena Fee Waiver Request from District 10 4H to hold their Horse Shows in June 2020, 2021, and 2022 at Dripping Springs Ranch Park Event Center.
Sponsor: Council Member King

- J. Approval of a Resolution of the City of Dripping Springs, Texas, Accepting Improvements and Approving and Accepting a Maintenance Bond for Cortaro Subdivision Streets and Drainage Improvements.
Sponsor: Mayor Pro Tem Foulds

Filed as Resolution No. 2020-R15

- K. Approval of a Resolution of the City of Dripping Springs, Texas, Accepting Improvements and Approving and Accepting a Maintenance Bond for Bunker Ranch Subdivision Phase 2 Streets and Drainage Improvements.**
Sponsor Mayor Pro Tem Foulds

Filed as Resolution No. 2020-R16

A motion was made by Council Member Manassian to approve Consent Agenda Items A – K. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

X. BOARD OF ADJUSTMENT

The Board of Adjustment will consider items related to appeals of administrative land use determinations, requests for variances and special exceptions related to land use projects, and other items as provided for in the Dripping Springs Code of Ordinances.

Board of Adjustment Members Present: Chair Todd Purcell, Travis Crow, Bill Foulds, Wade King, John Kroll, Taline Manassian, and Alternate Members Charles Busbey and Joe Volpe.

With a quorum of the Board of Adjustment present, the Board considered the following items.

- A. Public hearing and consideration of approval regarding a Sign Variance Request for an additional wall sign for The Home Depot's Rental Center, located at 260 E. Highway 290, Dripping Springs, TX.**

Applicant: Rosalyn Holderfied, ID Associates, on behalf of The Home Depot

1. Presentation

Rosalyn Holderfied presented the item. Home Depot is adding a Tool Rental Center and is requested signage.

2. Sign Administrator's Report

Michelle Fischer's report is on file and staff recommends approval with conditions as outlined in the report which the applicant has agreed to.

3. Planning & Zoning Commission Report

Chair James: Commission recommended approval with staff conditions 6 to 0.

4. Public Hearing

No one spoke during the Public Hearing.

5. Variance Request to Allow an Additional Wall Sign

A motion was made by Board Member King to approve a Sign Variance Request for an additional wall sign for The Home Depot's Rental Center, located at 260 E. Highway 290, Dripping Springs, TX with the following conditions:

- 1) Noncompliant flag lights be brought into compliance;
- 2) Outdoor storage be brought into compliance; and
- 3) Should staff determine any other lighting is noncompliant, it must be brought into compliance.

Board Member Foulds seconded the motion which carried 5 to 1, with Board Member Kroll opposed.

XI. BUSINESS

- A. Public Hearing regarding ZA2020-0002: Application for Zoning Amendment from Agricultural (AG) to Commercial Services (CS) for an approximately 8.546 acre tract of land situated in the Benjamin F. Hanna Survey, Abstract No. 222, Section No. 28, Hays County, Texas. The property is generally located north of U.S. Hwy 290, and west of Bell Springs Road. Applicant has requested postponement based on Planning and Zoning Commission direction.**

Applicant: Rusty Staudt

1. Staff Report

Amanda Padilla presented the staff report which is on file. Staff is requesting postponement of the item until the Planning & Zoning Commission can provide a recommendation on the Conditional Overlay.

2. Public Hearing

No one spoke during the Public Hearing.

A motion was made by Council Member Kroll to postpone the item until a recommendation can be provided by the Planning & Zoning Commission regarding the Conditional Overlay. Council Member Crow seconded the motion which carried 4 to 1, with Mayor Pro Tem Foulds opposed.

- B. Public Hearing and consideration of approval regarding ZA2019-0011: an Ordinance to Amend the City of Dripping Springs Code of Ordinances Chapter 6: Business Regulations, Article 6.04: Alcoholic Beverages, and Chapter 30: Zoning, Exhibit A: Zoning Ordinance, Section 1.6: Definitions and Section 3.17: Conditional Use Permit (CUP). Staff requests postponement in order to receive input from the Dripping Springs Independent School District.**

1. Staff Report

Laura Mueller presented the staff report which is on file. Staff is requesting postponement of the item until a recommendation can be provided by the DSISD Board.

2. Planning & Zoning Commission Report

Chair James: Commissioner recommended Option B 3-1-1-1, with Commissioner Strong opposed, Commissioner Newman abstained, and Commissioner McIntosh recused.

3. Public Hearing

No one spoke at the Public Hearing.

4. Zoning Ordinance

A motion was made by Council Member Manassian to postpone the item to the May 12, 2020 City Council meeting. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

C. Discuss and consider approval of an Annexation Application and direction to staff to negotiate an Annexation Agreement with Owners to annex approximately 13.585 acres in the extraterritorial jurisdiction, situated in the I.V. Davis, Jr. preemption survey, abstract number 673, Hays County, Texas commonly known as a portion of Cynosure, into the city limits.

Applicant: Rex Baker, Baker and Robertson Attorneys, representing Cynosure Corporation

1. Presentation

No presentation was given.

2. Staff Report

Amanda Padilla's staff report is on file.

3. Public Hearing

No one spoke during the Public Hearing.

4. Annexation Application

A motion was made by Mayor Pro Tem Foulds to approve an Annexation Application with direction to staff to negotiate an Annexation Agreement with Owners to annex approximately 13.585 acres in the extraterritorial jurisdiction, situated in the I.V. Davis, Jr. preemption survey, abstract number 673, Hays County, Texas commonly known as a portion of Cynosure, into the city limits. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

D. Discuss and consider approval of a Construction Contract between the City of Dripping Springs and Clearwater Plumbing & Water Treatment regarding connection of the Founders Memorial Park Pool Facilities to the City's Wastewater System and approval of authorization to use Balance Forward funds from Fiscal Year 2019 that are designated for Capital Improvement Projects.

Sponsor: Mayor Pro Tem Foulds

Aaron Reed presented the staff report which is on file.

A motion was made by Mayor Pro Tem Foulds to approve a Construction Contract between the City of Dripping Springs and Clearwater Plumbing & Water Treatment regarding connection of the Founders Memorial Park Pool Facilities to the City's Wastewater System and approval of authorization to use Balance Forward funds from Fiscal Year 2019 that are designated for Capital Improvement Projects. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

E. Discuss and consider approval of an Ordinance Amending Chapter 26 Signs of the City of Dripping Springs Code of Ordinances.

Laura Mueller presented the staff report which is on file.

A motion was made by Mayor Pro Tem Foulds to approve an Ordinance Amending Chapter 26 Signs of the City of Dripping Springs Code of Ordinances. Council Member Crow seconded the motion which carried 4 to 1, with Council Member Manassian abstaining.

Filed as Ordinance No. 2020-12

F. Discuss and consider approval of a Sign Policy regarding Signs on City Property.

Laura Mueller presented the staff report which is on file.

A motion was made by Mayor Pro Tem Foulds to postpone the item to the May 12, 2020 City Council meeting with direction to staff to identify the areas where signage is permitted. Council Member Crow seconded the motion which carried unanimously 5 to 0.

G. Discuss and consider approval of an Agreement between the City of Dripping Springs and Dig Dug Construction, LLC regarding the Dripping Springs Ranch Park Dam Improvement Project.

Michelle Fischer presented the staff report. Dig Dug was selected for the project and staff is presenting the negotiated contract for approval.

A motion was made by Mayor Pro Tem Foulds to approve an Agreement between the City of Dripping Springs and Dig Dug Construction, LLC regarding the Dripping Springs Ranch Park Dam Improvement Project. Council Member King seconded the motion which carried unanimously 5 to 0.

H. Discuss and consider approval of an Interlocal Agreement, by and between the City of Dripping Springs, a general law city in Hays County, Texas; Dripping Springs Independent School District; Dripping Springs Community Library District; Hays County; and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas in connection with the development and construction of the Town Center Project.

Sponsor: Council Member Manassian

Laura Mueller presented the staff report which is on file. The TIRZ No. 1 & No. 2 Board recommended approval of the agreement with changes to the termination clause, section 3.5 removing “educational purposes” to be agreed upon by parties over the next 30 days.

A motion was made by Mayor Pro Tem Foulds to approve an Interlocal Agreement, by and between the City of Dripping Springs, a general law city in Hays County, Texas; Dripping Springs Independent School District; Dripping Springs Community Library District; Hays County; and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas in connection with the development and construction of the Town Center Project with the condition that the term change from six months to three months. Council Member Crow seconded the motion.

Upon deliberation of the item, Mayor Pro Tem Foulds and Council Member Crow withdrew their motion and second respectively.

Via unanimous consent, the City Council will consider this item after the Executive Session.

I. Discuss and consider extension of the Declaration of Disaster and related emergency management orders.

Sponsor: Mayor Purcell

Mayor Purcell presented the item. In order to stay in step with the State and County, the City is proposing to extend the previously issued Declaration of Disaster and related Emergency Orders regarding COVID-19.

A motion was made by Council Member Crow to approve extension of the Declaration of Disaster and related emergency management orders to May 8, 2020. Mayor Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

Filed as Declaration No. 2020-D02

J. Discuss and consider approval of Change Order No. 2 to the Professional Services Agreement between the City of Dripping Springs and SAM, LLC regarding Surveying and Mapping Services related to the South Regional Water Reclamation Expansion Project.

Sponsor: Mayor Pro Tem Foulds

Ginger Faught’s staff report is on file.

A motion was made by Mayor Pro Tem Foulds to approve Change Order No. 2 to the Professional Services Agreement between the City of Dripping Springs and SAM, LLC regarding Surveying and Mapping Services related to the South Regional Water Reclamation Expansion Project. Council Member Kroll seconded the motion which carried unanimously 5 to 0.

XII. REPORTS

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

- A. Emergency Management Report**
Emergency Management Coordinator Roman Baligad
- B. Parks & Community Services Monthly Report**
Parks & Community Services Director Kelly Schmidt
- C. Maintenance & Facilities Report**
Maintenance Director Craig Rice
- D. Transportation Committee Report**
Transportation Committee Chair Erik Burgeson

A motion was made by Council Member Manassian to adjourn into Executive Session under Texas Government Code Section 551.071, Consultation with City Attorney and regarding Executive Session Agenda Items A and B, and Business Agenda Item H. Mayor Pro Tem Foulds seconded the motion which carried unanimously 5 to 0.

Council Member Kroll recused from Executive Session Agenda Item A, and Mayor Purcell recused from Executive Session Agenda Item B.

XIII. EXECUTIVE SESSION

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. Consultation with City Attorney regarding legal issues related to public easements for right-of-way including road and trails under the Heritage Offsite Road and Trail Agreement and the Interlocal Agreement with the Dripping Springs Independent School District related to the Stephenson Building and Karhan Park.**
Consultation with City Attorney, 551.071

Council Member Kroll recused from this item and exited the Executive Session. An affidavit of Conflict of Interest is on file with the City Secretary.

- B. Consultation with City Attorney regarding legal issues related to Council Member Place 3 vacancy to be created on May 12, 2020.**
Consultation with City Attorney, 551.071

Mayor Purcell recused from this item and exited the Executive Session.

Business Agenda Item:

- H. Discuss and consider approval of an Interlocal Agreement, by and between the City of Dripping Springs, a general law city in Hays County, Texas; Dripping Springs Independent**

School District; Dripping Springs Community Library District; Hays County; and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas in connection with the development and construction of the Town Center Project.

The City Council met in Executive Session from 7:37 – 9:25 p.m. No vote or action was taken during Executive Session.

Mayor Purcell returned the meeting Open Session at 9:25 p.m.

OPEN SESSION

Business Agenda:

H. Discuss and consider approval of an Interlocal Agreement, by and between the City of Dripping Springs, a general law city in Hays County, Texas; Dripping Springs Independent School District; Dripping Springs Community Library District; Hays County; and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas in connection with the development and construction of the Town Center Project.

A motion was made by Council Member Kroll to approve an Interlocal Agreement, by and between the City of Dripping Springs, a general law city in Hays County, Texas; Dripping Springs Independent School District; Dripping Springs Community Library District; Hays County; and Tax Increment Reinvestment Zone #1 and Tax Increment Reinvestment Zone #2, Dripping Springs, Texas in connection with the development and construction of the Town Center Project with the following provisions:

- 1) Recommendations as provided by the TIRZ No. 1 & No. 2 Board: changes to the termination clause, section 3.5 removing “educational purposes” to be agreed upon by parties over the next 30 days; and
- 2) Six month purchase agreement remain in place.

Mayor Pro Tem Foulds seconded the motion which carried 4 to 1, with Council Member Crow opposed.

XIV. UPCOMING MEETINGS

A. City Council & Board of Adjustment Meetings

April 21, 2020 at 6:00 p.m.

May 12, 2020 at 6:00 p.m. (6:00 Workshop / 6:30 Regular Meeting)

May 19, 2020 at 6:00 p.m.

June 9, 2020 at 6:00 p.m. (6:00 Workshop / 6:30 Regular Meeting)

B. Board, Commission & Committee Meetings

Farmers Market Board April 16, 2020 at 10:00 a.m.

Historic Preservation Commission April 16, 2020 at 4:00 p.m.

Emergency Management Commission April 21, 2020 at 12:00 p.m.

Economic Development Committee April 22, 2020 at 4:00 p.m.

Transportation Committee April 27, 2020 at 3:30 p.m.

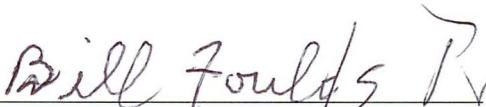
Founders Day Commission April 27, 2020 at 6:30 p.m.
Planning & Zoning Commission April 28, 2020 at 6:30 p.m.

XV. ADJOURN

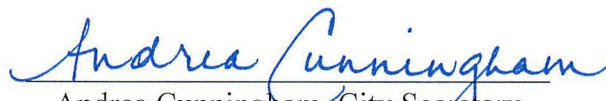
A motion was made by Council Member Kroll to adjourn the meeting. Council Member King seconded the motion which carried unanimously.

This regular meeting adjourned at 9:37 p.m.

DATE APPROVED: May 12, 2020


Bill Foulds, Jr., Mayor

ATTEST:


Andrea Cunningham, City Secretary

