



## City Council & Board of Adjustment Regular Meeting

*Dripping Springs ISD Center for Learning and Leadership*

*Board Room, 300 Sportsplex Drive – Dripping Springs, Texas*

*Tuesday, December 03, 2024, at 6:00 PM*

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## AGENDA

### CALL TO ORDER & ROLL CALL

#### City Council Members

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Geoffrey Tahuahua

Council Member Place 4 Travis Crow

Council Member Place 5 Sherrie Parks

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

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

Deputy City Administrator Shawn Cox

City Attorney Laura Mueller

Deputy City Attorney Aniz Alani

City Secretary Diana Boone

Planning Director Tory Carpenter

Human Resources Director Chad Winburn

Emergency Management Coordinator Roman Baligad

People & Communications Director Lisa Sullivan

Parks & Community Services Director Andy Binz

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF CITIZENS

*A member of the public that wishes to address the City Council on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the City Council that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the City Council must present the documents to the City Secretary or City Attorney providing at least seven (7) copies; if seven (7) copies*

*are not provided, the City Council will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Mayor may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.*

## **PRESENTATION**

- 1. Presentation of award to Constable Ron Hood for his years of service to the Emergency Management Committee.**

## **CONSENT AGENDA**

*The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.*

- 2. Approval of the November 19, 2024 City Council meeting minutes.**
- 3. Approval of the appointment of Dave Graham and the reappointment of Bob Luddy, Scott Collard, and Dillon Polk to the Emergency Management Committee for a term ending January 1, 2027.**

## **BUSINESS AGENDA**

- 4. Discuss and consider termination of Sign Permit for Citgo pole sign located at Dripping Springs Grocery, 601 Hwy 290 W. Sponsor: Mayor Bill Foulds, Jr.**
- 5. Discuss and consider approval of the Building Inspector Apprentice Job Description. Sponsor: Mayor Bill Foulds, Jr.**
- 6. Discuss and consider approval of an Ordinance amending the Code of Ordinances to clarify and enhance the operations and governance of the Farmers Market. Sponsor: Council Member Sherrie Parks**
  - Staff Report
  - Public Hearing
  - Ordinance
- 7. Discuss and Consider Approval of a Resolution Supporting Hays County's RM 12 at RM 150 Roundabout Application for 2024 CAMPO Carbon Reduction Program Funding. Sponsor: Mayor Bill Foulds**

## **CLOSED SESSION**

*The City Council has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087*

(*Deliberation Regarding Economic Development Negotiations*), and 551.089 (*Deliberation Regarding Security Devices or Security Audits*). Any final action or vote on any Closed Session item will be taken in Open Session.

8. **Consultation with City Attorney related to opioid lawsuits.** *Consultation with Attorney, 551.071*
9. **Consultation with Attorney and Deliberation Regarding Real Property related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** *Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*
10. **Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service, Wastewater Fees, Wastewater Infrastructure Agreements, facility liability coverage, and related items.** *Consultation with Attorney, 551.071*

## UPCOMING MEETINGS

### City Council & Board of Adjustment Meetings

January 7, 2025, at 6:00 p.m.

January 21, 2025, at 6:00 p.m.

### Board, Commission, & Committee Meetings

December 9, 2024, TIRZ No.1 & No.2 Board, at 4:00 p.m.

December 9, 2024, Founders Day Commission, at 6:30 pm

December 10, 2024, Planning & Zoning Commission, at 6:00 p.m.

## ADJOURN

## TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

*I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com), on November 25, 2024 at 6:00 p.m.*

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*Diana Boone, 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.*



## City Council Regular Meeting

*Dripping Springs ISD Center for Learning and Leadership  
Board Room, 300 Sportsplex Drive – Dripping Springs, Texas*

*Tuesday, November 19, 2024, at 6:00 PM*

# MINUTES

## CALL TO ORDER & ROLL CALL

With a quorum of council members present, Mayor Foulds called the meeting to order at 6:03 p.m.

### City Council Members

Mayor Foulds  
Mayor Pro Tem Manassian  
Council Member King  
Council Member Tahuahua  
Council Member Crow  
Council Member Parks

### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
Deputy City Administrator Shawn Cox  
City Attorney Laura Mueller  
Deputy City Attorney Aniz Alani  
City Secretary Diana Boone  
Building Official Shane Pevehouse  
DSRP Manager Lily Sellers  
Planning Director Tory Carpenter  
Parks & Community Services Director Andy Binz  
Parks & Community Services Assistant Director Emily Nelson  
People & Communications Director Lisa Sullivan  
TIRZ Project Manager Keenan Smith

## PLEDGE OF ALLEGIANCE

Council Member Tahuahua led the Pledge of Allegiance.

## PRESENTATION OF CITIZENS

*A member of the public that wishes to address the City Council on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the City Council that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign*

*in; however, it is encouraged. Individuals that wish to share documents with the City Council must present the documents to the City Secretary or City Attorney providing at least seven (7) copies; if seven (7) copies are not provided, the City Council will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Mayor may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.*

No one spoke during the Presentation of Citizens.

## **CONSENT AGENDA**

*The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.*

- 1. Approval of the November 5, 2024 City Council & Board of Adjustment meeting minutes.**
- 2. Approval of the October 29, 2024 City Council, Planning & Zoning Commission, Parks & Recreation Commission, and Historic Preservation Commission Joint Special Meeting Minutes: Comprehensive Plan.**
- 3. Approval of a recommendation from the Founders Day Commission to appoint Jordan Searle to the Commission as an At-Large member for a term ending June 30, 2026.**
- 4. Approval of a 3 year contract renewal with Daikin Applied to service the HVAC at Dripping Springs Ranch Park. Sponsor: Council Member Sherrie Parks**
- 5. Approval of Assignment of Ice Rink Rental and Services Agreement related to Western Wonderland from IRE Crown Rinks LLC to IRA Rinks South, LLC. Sponsor: Mayor Bill Foulds, Jr.**
- 6. Approval of a Resolution Designating the Building Official as the Sign Administrator. Sponsor: Council Member Sherrie Parks**
- 7. Approval of the November 2024 Treasurer's Report.**

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to approve Consent Agenda items 1 through 7.

The motion to approve carried unanimously 5 to 0.

## **BUSINESS AGENDA**

- 8. Public hearing and consideration of ZA2024-005: An application for a zoning map amendment from Single Family Residential - Low Density (SF-1) & Commercial Services (CS) to General Retail (GR) for the 1.79 acres located at 215 Old Fitzhugh Road. Applicant: Carole Crumley**

a. Applicant Presentation

Applicant Carole Crumley was present to answer questions.

b. Staff Report

This item was presented by Planning Director Tory Carpenter. Staff recommends approval of zoning amendment. Report is on file.

c. Planning & Zoning Commission Report

Planning & Zoning Commission Chair Mim James presented the report. PZC recommends approval.

d. Public Hearing

No one spoke during the Public Hearing.

e. Ordinance

A motion was made by Council Member Parks and seconded by Council Member Tahuahua, to approve the application for a zoning map amendment.

The motion to approve carried unanimously 5 to 0

**9. Public hearing and consideration of CUP2024-006: A Conditional Use Permit to allow a mobile food vendor at 301 W US 290. Applicant: Tye Casas, Thai To-Go LLC**

a. Applicant Presentation

Applicant Tye Casas was present to answer questions.

b. Staff Report

This item was presented by Planning Director Tory Carpenter. Staff recommends approval with the following conditions:

1. The applicant shall receive approval of a Certificate of Appropriateness by the Historic Preservation Commission.
2. Hours of operation are limited to 8:00 a.m. and 10:00 p.m.
3. Trash receptacles shall be provided for customer use.
4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date.
5. The permit shall become effective with the issuance of the building permit.
6. There shall be no amplified music.
7. Trash must be removed from the food truck site at the end of each business day.
8. The applicant shall provide a formal agreement with Pig Pen, specifying that patrons of the mobile food vendor are permitted to access restroom facilities at Pig Pen.

c. Planning & Zoning Commission Report

The Planning and Zoning Commission report was presented by Chair James. PZC recommends approval of the Conditional Use Permit.

d. Public Hearing

No one spoke during the Public Hearing.

e. Ordinance

A motion was made by Council Member Tahuahua and seconded by Council Member King, to approve the Conditional Use Permit.

The motion to approve carried unanimously 4 to 0. Mayor Pro Tem Manassian recused herself, stepped away, did not participate in the discussion, and did not vote.

**10. Discuss and consider approval of an Ordinance amending the Sign Code to provide additional signage for new businesses. Sponsor: Council Member Sherrie Parks**

a. Staff Report

This item was presented by City Attorney Laura Mueller. Staff recommends approval.

b. Public Hearing

No one spoke during the Public Hearing.

c. Ordinance

A motion was made by Council Member Parks and seconded by Council Member Crow, to approve amending the sign code for new businesses.

The motion to approve carried unanimously 5 to 0.

**11. Discuss and consider possible direction to staff regarding Architexas's Task Order #3 Permitting, Bidding, and Construction Administration, and funding for the Stephenson Building Rehabilitation and Improvement Project. Sponsor: Mayor Pro Tem Taline Manassian.**

This item was presented by Project Manager Keenan Smith.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member King, to approve the entirety of Task Order #3 and request to issue a Notice to Proceed for permitting and bidding.

**12. Discuss and consider staff direction related to financing options for capital projects including TIRZ projects. Sponsor: Mayor Pro Tem Taline Manassian**

No action was taken. Staff was directed to proceed.

**13. Presentation by Halff Associates, Inc. on the Parks, Recreation, and Open Space Master Plan and stakeholder listening session with City Council.**

Nathalie and Whitney with Half Associates, Inc. presented. No action was taken.

**CLOSED SESSION**

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Tahuahua, to go into Closed Session for items 14 and 15, for Consultation with Attorney (551.071) and Deliberation Regarding Real Property (551.072)

The motion carried unanimously 5 to 0.

Closed Session began at 7:22 p.m. and ended at 7:44 p.m.

No action was taken during Closed Session.

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- 14. Consultation with Attorney and Deliberation Regarding Real Property related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** *Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*
- 15. Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service, Wastewater Fees, Wastewater Infrastructure Agreements, facility liability coverage, and related items.** *Consultation with Attorney, 551.071*

**ADJOURN**

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

The meeting was adjourned at 7:44 p.m.





**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

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**Submitted By:** Diana Boone, City Secretary

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**Council Meeting Date:** December 3, 2024

**Agenda Item Wording:** **Approval of the appointment of Dave Graham and the reappointment of Bob Luddy, Scott Collard, and Dillon Polk to the Emergency Management Committee for a term ending January 1, 2027.**

**Agenda Item Requestor:** Roman Baligad, Emergency Services Coordinator

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**Summary/Background:** The Emergency Management Committee is a nine (9) member advisory committee tasked with recommending policies and the application of policies for the development and implementation of an emergency management plan for the city and ETJ. The Committee is responsible for development, implementation, and review of the city’s emergency management planning for disasters. The Committee is also responsible for providing information and training on emergency management response.

Members of the Emergency Management Committee are appointed by the City Council, where the Mayor shall appoint a member of the City Council as the Chair. Members are selected at-large (1 seat), and the committee members being reappointed represent the following organizations:

- Bob Luddy:** Emergency Services District 1 Representative
- Scott Collard:** Emergency Services District 6 Representative
- Dillon Polk:** Hays County Fire Marshal Representative

Constable Ron Hood will be resigning his post, effective January 1, 2025.

**Dave Graham** has submitted an application to fill the Precint 4 Constable position that will be vacant as of January 1, 2025

**Commission Recommendations:** The Emergency Management Committee recommends approval of the reappointments of Bob Luddy, Scott Collard, and Dillon Polk; and the new appointment of Dave Graham.


**Recommended Council Actions:** Staff recommends approval.

**Attachments:**

1. Nomination Letters
2. Appointment Applications

**Next Steps/Schedule:**

1. Inform Committee members
2. Update website and roster

 **North Hays County**  
**Emergency Services District #1**  
P. O. Box 1604, Dripping Springs, Texas 78620

Nov 21, 2023

To Whom it may concern,

Please accept this as a letter of nomination for Bob Luddy to serve as the representative for North Hays County ESD #1 to the Dripping Springs Emergency Management Commission.

Thank you,



Staci Dement  
President



North Hays County EMS  
P.O. Box 1604  
111 EMS Drive  
Dripping Springs, Texas 78620  
(512) 829-4356 (Office)



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Mark Escobedo, Code Enforcement Officer  
 Aniz Alani, Deputy City Attorney

**Council Meeting Date:** December 3, 2024

**Agenda Item Wording:** **Discuss and consider termination of Sign Permit for Citgo pole sign located at Dripping Springs Grocery, 601 Hwy 290 W.** Sponsor: Mayor Bill Foulds, Jr.

**Background:** On October 1, 2024, the City Council reviewed compliance issues related to the Citgo Gas Station at 601-290W, focusing on noncompliant lighting and the maintenance of a nonconforming pole sign.

After presentations by staff and the property owner, the Council passed a resolution granting the property owner 60 days to:

1. Repair the main pole sign to meet maintenance requirements under the City's Sign Ordinance.
2. Ensure that all other signs and lighting on the property comply with the conditions of the 2012 variance and the City's current ordinances.

The resolution, passed 3-1 (with one recusal), established a compliance deadline of December 2, 2024.

On November 14, 2024, City staff delivered a letter to Citgo reiterating the compliance requirements and advising of enforcement actions if the violations were not remedied.

On November 22, 2024, Citgo submitted a formal extension request "through the month of December". To date, Citgo has not submitted documentation sufficient to establish that these issues constitute extraordinary circumstances or significant good-faith efforts under Sec. 26.04.004 of the City Code

**Code Requirements for Extensions** Under Sec. 26.04.004 of the Code of Ordinances:

- Nonconforming signs may not be repaired if the cost exceeds 60% of the cost of a new sign; such signs must be removed at the property owner's expense.

- Repairs below the 60% threshold must be completed within 60 days of notice. A one-time extension of 30 days may be granted if the property owner demonstrates good-faith efforts to comply or extraordinary circumstances.
- Failure to comply or document extenuating circumstances may result in sign removal by the City at the property owner's expense.

## December 3, 2024 Council Meeting

Citgo has been invited to attend the December 3, 2024 Council meeting to present evidence supporting their request for an extension. The following options will depend on whether Citgo satisfies the criteria for an extension.

### Analysis of Circumstances

#### 1. Good-Faith Efforts:

- Citgo has initiated discussions with contractors and suppliers but has not demonstrated measurable progress. Documentation of purchase orders, supplier communications, or interim corrective measures (e.g., glare reduction) has not been provided.

#### 2. Extraordinary Circumstances:

- Citgo has cited supply chain delays and contractor shortages but has not provided detailed evidence substantiating these claims, such as contractor correspondence or proof of material backlogs.

## Options for Council Consideration

If Citgo submits sufficient documentation at or before the December 3, 2024 meeting, Council may consider granting a **30-day extension** to January 2, 2025, with the following conditions:

1. **Submission of Documentation:** Citgo must provide repair cost estimates to confirm whether the pole sign's repair costs fall below the 60% threshold under Sec. 26.04.004.
2. **Interim Measures:** Citgo must implement immediate glare-reduction measures for exterior lighting by December 15, 2024.
3. **Completion Deadline:** All repairs and compliance must be completed by January 2, 2025.
4. **Noncompliance Penalties:** Noncompliance by January 2, 2025, will result in the City removing the noncompliant sign and other violations at the property owner's expense.

### If Citgo Fails to Demonstrate Good-Faith Efforts or Extraordinary Circumstances

If Citgo fails to establish extenuating circumstances or good-faith efforts, Council may proceed with enforcement measures, including:

1. **Revocation of the Pole Sign Variance:** Initiate removal of the nonconforming pole sign under Sec. 26.04.004.
2. **Immediate Removal of Noncompliant Elements:** Authorize staff to remove noncompliant signs and lighting starting December 4, 2024, at the property owner's expense.

**Commission  
Recommendations:**

N/A

**Recommended  
Council Actions:**

Staff recommends that Council:

1. Hear Citgo's explanation of circumstances at the December 3, 2024 meeting.
2. Grant a 30-day extension to January 2, 2025, only if sufficient evidence of extenuating circumstances or good-faith efforts is provided.
3. Authorize staff to remove noncompliant signs and lighting at Citgo's expense starting December 4, 2024, if no adequate justification is presented.

**Attachments:**

- (a) Notice of Violation dated August 5, 2024 re: Building Lighting
- (b) Notice of Violation dated August 5, 2024 re: Non-compliant sign
- (c) Notice of Violation dated August 5, 2024 re: Maintenance of Sign

Staff report from October 1, 2024 City Council meeting

Letter to Citgo delivered November 14, 2024

E-mail from Citgo requesting extension for compliance



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Mark Escobedo, Code Enforcement Officer  
 Aniz Alani, Deputy City Attorney

**Council Meeting Date:** October 1, 2024

**Agenda Item Wording:** **Discuss and consider termination of Sign Permit for Citgo pole sign located at Dripping Springs Grocery, 601 Hwy 290 W.** Sponsor: Mayor Bill Foulds, Jr.

**Background:** The sign located at 601 W. Highway 290, associated with a Citgo service station, was granted a nonconforming sign variance in June 2012. The variance allowed the continuation of a pole sign despite its noncompliance with current city ordinances. As per the variance, all other nonconforming signage on the property was required to be removed, and the outdoor lighting was required to meet current city standards. The property owner, Mr. Amer Massood, has failed to meet these conditions.

**Recent Compliance Issues:** On July 23, 2024, City staff identified that the pole sign had sustained damage from rainstorms in May and had not been repaired, violating the maintenance requirements of the variance. Subsequently, multiple violations were identified, and three separate Notices of Violation were issued to Mr. Massood on August 5, 2024. These notices included the following violations:

**Non-Compliant Signs:** Additional signage on the building was in violation of the Sign Ordinance, specifically Section 26.01.011, which prohibits nonconforming signs.

**Failure to Maintain the Pole Sign:** The pole sign was found to be in disrepair, in violation of Section 26.04.001 of the ordinance.

**Non-Compliant Exterior Lighting:** The property's exterior lighting did not comply with City standards under Section 24.06.006(c).

**Efforts to Achieve Compliance:** On August 12, 2024, Mr. Massood contacted City staff to request more information. Staff arranged an on-site meeting on August 16, 2024, which included the Building Official and Code Enforcement officers. During this meeting, staff provided a detailed explanation of the violations and instructed Mr. Massood to bring the property into compliance within 14 days. He was informed that while the sign repairs might be delayed due to manufacturing backlogs, an update was expected within 30 days. As of September 24, 2024, no corrective action has been taken by Mr. Massood.

**Notice of Council Hearing:**

On September 24, 2024, staff notified Mr. Massood by letter that the City Council would hold a hearing on October 1, 2024, to consider the potential revocation of the sign variance. This notification provided Mr. Massood with the opportunity to present his case and show cause as to why the variance should not be revoked.

**Grounds for Revocation:** The City may revoke a sign permit under Section 26.03.001(5) of the Sign Ordinance. The grounds for revocation include:

(A) Materially false or misleading information in the application.

(B) Failure of the installed sign to conform to the permit.

(C) Violations of the Sign Ordinance or other laws, including failure to maintain the sign.

The failure to maintain the pole sign and the existence of noncompliant signs and lighting clearly violate these provisions. The notices issued on August 5, 2024, outlined these specific breaches of the ordinance.

**Commission Recommendations:**

N/A

**Recommended Council Actions:**

Given the property owner's failure to comply with the conditions of the nonconforming sign variance and multiple notices of violation, staff recommends the revocation of the sign variance under Section 26.03.001(5). This action would require Mr. Massood to remove the nonconforming pole sign and bring the property into full compliance with current city ordinances.

Should Mr. Massood present new information at the scheduled hearing, staff will review any additional evidence before making a final recommendation to the Council.

**Attachments:**

Sign Permit Application and Variance approved June 30, 2012

Letter dated September 24, 2024 to Amer Massood providing notice of potential revocation of Sign Permit, enclosing:

- (a) Notice of Violation dated August 5, 2024 re: Building Lighting
- (b) Notice of Violation dated August 5, 2024 re: Non-compliant sign
- (c) Notice of Violation dated August 5, 2024 re: Maintenance of Sign

Citgo Sign Violation Images

Staff Narrative





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

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**Submitted By:** Shane Pevehouse, Building Official & Chase Winburn, Human Resources Director

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**Council Meeting Date:** December 3, 2024

**Agenda Item Wording:** **Discuss and consider approval of the Building Inspector Apprentice Job Description. Sponsor: Mayor Bill Foulds, Jr.**

**Agenda Item Sponsor:** Mayor Bill Foulds, Jr.

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**Summary/Background:** The Building Department has had an unfilled Building Inspector position for over a year without any applicants or interest. In an effort to fill the position, the proposed job description reduces the requirements to allow less qualified individuals to apply, but maintains the requirement for some experience in the construction field.

This position will replace the Building Inspector FTE budgeted for FY25. The pay salary will be \$20-\$24 depending on qualifications.

**Commission Recommendations:** N/A

**Recommended Council Actions:** Recommend Approval

**Attachments:** Draft Building Inspector Apprentice job description

**Next Steps/Schedule:** Post position



## **BUILDING INSPECTOR APPRENTICE**

### **FULL-TIME NON-EXEMPT**

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#### **A. GENERAL PURPOSE**

The Building Inspector Apprentice shall be responsible for learning the City of Dripping Springs' (the "City") building codes through close observation of field inspections, plan reviews, and the permit application process. The Building Inspector Apprentice ("this position") will operate under the direction and management of the Senior Building Inspector and/or City Building Official.

This position will interface with City management and other departmental employees. This position will observe interactions with builders, architects, developers, and sub-contractors who are doing business with the City. This position shall carry out all responsibilities in accordance with departmental policies and procedures, City codes, City ordinances, and state and federal regulations.

#### **B. ESSENTIAL DUTIES AND RESPONSIBILITIES**

The Building Inspector Apprentice shall have the following essential duties and responsibilities:

1. Learns to complete and assist with regular Residential Building Plan reviews.
2. Use the MyPermitNow web-based system.
3. Learns to evaluate, assist and complete construction plans and/or specifications for compliance with City code and International Building Codes.
4. Learns to identify and provide comments regarding residential construction plans that do not meet code compliance.
5. Communicates effectively orally and in writing.
6. Learns to process permit applications; determining completeness of applications, records, and reports; assess fees; issues and approves building, electrical, mechanical, plumbing, fire, and other related permits

7. Works collaboratively to provide technical assistance to other department staff regarding code interpretation, permitting functions, inspection requirements, and construction specifications.
8. Coordinates projects with City staff and other outside agencies where applicable. (i.e. Permit Technician, Code Enforcement Officer, Public Works Director, Contractors, utility agency's – DSWSC, Etc.)
9. Maintains current knowledge of issues, trends, and development in regulatory standards and building code requirements governing the construction industry.
10. Assists the Building Official with implementation of departmental procedures, training coordination, and amendments to construction codes.
11. Completes adequate documentation of any conducted inspections.
12. Complies with the current City building code on all residential projects. (i.e. new construction, additions, alterations, and standalone permit work done by subcontractors)
13. Ability to establish, maintain, and foster positive and effective working relationships with those contacted during work.
14. Ability to maintain confidentiality.
15. Performs other related duties as assigned.

### **C. EDUCATION, EXPERIENCE, AND CERTIFICATIONS**

Applicants must possess a High School Diploma or GED. One (1) year of building inspection, building construction, and/or building development experience is preferred, but applicable work experience may be substituted with the City Building Official's approval.

Applicants must possess a valid, Class C Texas Driver's License and a clean driving record. Applicants must exhibit a professional demeanor and positive communication skills with other construction professionals and City contractors. Standard First Aid and C.P.R. certifications desirable but not required.

#### Knowledge of:

- Principles and practices of building construction.
- General local government laws and practices.
- Inspection Anywhere program.
- Basic report writing and data compilation.
- Modern office methods, procedures, and equipment including computers and applicable software applications.
- Pertinent laws, codes, ordinances, and regulations related to building activities.

### **D. TOOLS AND EQUIPMENT USED**

Personal or work vehicle, phone, tablet or laptop, Microsoft Word, Excel, Outlook, PowerPoint, MyPermitNow, Inspection Anywhere software program, personal building inspection equipment and general maintenance equipment.

## E. SPECIAL REQUIREMENTS

The physical demands described herein are representative of those an employee should successfully perform to meet the essential functions of this job. Reasonable accommodations may be made to perform the essential functions if needed.

1. **INSPECTION WORK REQUIREMENTS:** Work is performed mostly in field settings, not an office setting. Considerable outdoor work is required for the proper inspection of residential construction projects. Applicants must be able to work outside in all weather conditions and lift a minimum of 40 pounds.
2. **RESIDENTIAL PLANS EXAMINER WORK REQUIREMENTS:** Work is performed on a computer via MyPermitNow web-based system.
  - i. While performing the duties of this position, the employee is regularly required to move around to various city sites; communicate effectively; and operate objects or tools, if necessary. The employee is often required to climb or balance; stoop, kneel, crouch, or crawl.
  - ii. Must be able to distinguish colors when working with equipment, electrical panels, or other construction equipment; must be able to operate assigned or personal vehicle.

## F. WORK ENVIRONMENT

The work environment characteristics described herein are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to perform the essential functions if needed.

1. While performing the duties of this job, the employee regularly works in indoor and outdoor environments. The employee could face exposure to extremes in weather conditions, exposure to vibrations and noise, work on slippery or uneven surfaces, work with electricity, work with and around heavy machinery, work in or near vehicle traffic, or face exposure to dust and fumes from motorized equipment, and possibly, exposure to toxic chemicals.
2. The noise level in the work environment is usually moderate to loud.

## G. WORK HOURS

This is a full-time position. Core work hours will be set by the City Building Official and will generally be between 8:00 am and 5:00 pm, including one hour for lunch, Monday through Friday.

Additional hours on nights, weekends, holidays, and during emergencies may be needed in this position under the direction of the City Building Official. This is a full-time non-exempt position and eligible for over time as described in the “**City of Dripping Springs Personnel Manual.**”

#### **H. SALARY**

Pay range is \$20.00 to \$24.00 hourly. Salary is commensurate with the position. Pay days are every other Friday or as otherwise determined by the "**City of Dripping Springs Personnel Manual.**"

#### **I. BENEFITS**

Benefits shall be in accordance with those outlined in the “**City of Dripping Springs Personnel Manual**” as may be modified by the specific employee’s offer letter and subsequent revisions to the Manual.

#### **J. EQUAL OPPORTUNITY EMPLOYER**

The City’s employment decisions are made without regard to race, color, religion, sex, age, sexual orientation, military status, veteran status, national origin, mental or physical disability, pregnancy, or marital status. Discrimination or harassment against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations, membership or non-membership in employee organizations, or because of race, color, national origin, age, disability, veteran status, sex, or marital status is prohibited. To discuss an accommodation, please contact the Human Resources Director, Chase Winburn, at (512) 858-4725.

***Please note:** This Job Description is not a contract and shall not be construed to alter an employee’s at-will relationship. The terms and conditions of any employee’s position with the City may be altered by the City Council at any time. To the extent reasonably possible, this Job Description, the Personnel Manual, and the employee’s Offer Letter shall be read together in harmony. If there are conflicts between this Job Description, the Personnel Manual, and the employee’s Offer Letter, the most specific term or condition of employment shall govern.*



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Charlie Reed, Farmers Market Manager  
 Aniz Alani, Deputy City Attorney

**Council Meeting Date:** December 3, 2024

**Agenda Item Wording:** **Discuss and consider approval of an Ordinance amending the Code of Ordinances to clarify and enhance the operations and governance of the Farmers Market.**

**Purpose and Summary:** The attached draft ordinance proposes updates to Article 6.05 of the City of Dripping Springs Code of Ordinances, governing the Farmers Market Committee. This revision aims to address operational inefficiencies, enhance the committee's autonomy, and establish clear criteria for vendor management. These changes are in alignment with Texas Local Government Code Section 51.001, granting cities authority to enact measures for good governance.

Key highlights of the proposed ordinance include:

- Expanded operational autonomy for the Farmers Market Committee.
- Streamlined rules for vendor application approvals, rejections, suspensions, and terminations.
- Defined authority for the Market Manager to issue directives and manage day-to-day operations.

**Summary of Key Changes**

**1. Repeal and Replacement of Article 6.05**

- **Previous Regulation:** The article provided general guidance for Farmers Market Committee operations but lacked specificity on decision-making processes and roles.
- **Proposed Update:** Grants the committee autonomy to oversee its operations effectively and implements robust governance mechanisms to ensure accountability.

**2. Vendor Management Rules**

- **Previous Regulation:** Vendor application and termination processes were unclear and subject to potential inconsistencies.
- **Proposed Update:** Introduces objective standards for:

- Vendor application approval and rejection.
- Suspension or termination of vendor agreements for non-compliance.
- An appeals process to ensure fairness and transparency.

### **3. Authority of the Market Manager**

- **Previous Regulation:** Limited delegation of authority to the Market Manager.
- **Proposed Update:** Authorizes the Market Manager to:
  - Enforce market rules.
  - Issue operational directives.
  - Coordinate with vendors for compliance and efficient market functioning.

### **5. Amendment to Section 16.02.065(C): Farmers Market Rules**

Aligns operational rules with the enhanced governance structure introduced by the proposed ordinance.

#### **Recommended Council Actions:**

Staff recommends adoption to improve market operations, support local vendors, and enhance the market's role in the community.

#### **Attachments:**

Draft Ordinance

## CITY OF DRIPPING SPRINGS

### ORDINANCE No. 2024-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING AND REPLACING ARTICLE 6.05 CONSTITUTING THE FARMERS MARKET COMMITTEE; PROVIDING FOR OPERATIONAL AUTONOMY; ESTABLISHING RULES FOR VENDOR APPLICATION APPROVAL, REJECTION, SUSPENSION, AND TERMINATION; EMPOWERING THE MARKET MANAGER TO ISSUE DIRECTIVES; ESTABLISHING PENALTY PROVISIONS; REPEALING AND REPLACING SECTION 16.02.065(C) COMPRISING THE FARMERS MARKET RULES; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

**WHEREAS,** the City of Dripping Springs recognizes the need for the Farmers Market Committee and Market manager to have greater operational autonomy to efficiently manage vendor applications and ensure the health and safety of the market; and

**WHEREAS,** the City Council of the City of Dripping Springs seeks to establish clear guidelines for the approval, rejection, suspension, and termination of vendor applications to maintain the quality and safety of the Farmers Market; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance 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;

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

#### FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

#### AMENDMENT

The Code of Ordinances, City of Dripping Springs, Texas, is hereby amended by repealing and replacing Article 6.05 and Section 16.02.065(c) and to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.



## 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.

## 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.

## 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.

## EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

## 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 \_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions/recusals) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

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

ATTEST:

\_\_\_\_\_  
Diana Boone, City Secretary

## ATTACHMENT "A"

## CHAPTER 6 – BUSINESS REGULATIONS

Article 6.05. - Farmers Market-~~Committee~~*Division 1. General Provisions***Sec. 6.05.001. Title.**

This article shall be commonly cited as the ~~farmers market committee ordinance~~ Farmers Market Ordinance.

**Sec. 6.05.003~~2~~. Mission-of the market.**

The mission of the Dripping Springs Farmers Market is to provide a community gathering place where local food producers, artisans, and related community organizations educate and sell directly to consumers.

**Sec. 6.05.004~~3~~. Definitions.**

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the code of ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the code of ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific.

~~Agricultural facilities: A farm, garden, ranch, or greenhouse where produce is grown.~~

Agricultural producer: Producer who raises and grows food products.

City administrator: The employee appointed by the city council to serve as the chief administrative officer of the city. The term also includes the deputy city administrator or the city administrator's designee.

City limits: The incorporated municipal boundary of the city.

Committee: The farmers market committee created herein.

Director: The city employee serving as director of parks and community services for the city.

ETJ: The extraterritorial jurisdiction of the city.

Market: Dripping Springs Farmers Market.

Market manager: The city employee designated by the city administrator to supervise the operations of the **M**arket and serves under the direction of the ~~parks and community services~~ director or designee.

Market rules: The rules applying to Participants to facilitate the efficient, safe, and timely operation of the Market.

Market pParticipants: Participants in the **M**arket include vendors, agents, and any other individual who has applied and received approval to participate in the **M**arket.

Permit: Permission for a Participant to participate in the market as documented in the records of the Market manager and communicated in writing to the Participant.

### *Division 2. Farmers Market Committee*

#### **Sec. 6.05.0024. Committee Purpose.**

~~The purpose of the Dripping Springs Farmers Market Committee (the "committee") is to:-~~

- ~~(1) — Fulfill the mission of the market;~~
- ~~(2) — Provide oversight of the market in order to make recommendations related to the market; and~~
- ~~(3) — Serve as an advisory body for the city council.~~

The purpose of the Farmers Market Committee is to advise the Market manager regarding the operation of the Dripping Springs Farmers Market, ensuring its smooth functioning, maintaining vendor compliance with Market rules, and safeguarding public health and safety.

#### **Sec. 6.05.005. Committee Membership, meetings.**

- (a) Number of members. The committee shall have up to eight members.
- (b) Terms of members. Committee members will serve two-year terms. Members may be reappointed with no limitation on the number of terms one member may serve.
- (c) Member selection.
  - (1) Every year, city staff will prepare a slate of nominees for city council consideration.
  - (2) Committee members shall be appointed by majority vote of the city council.

- (3) Committee members ~~may~~ must be residents or business owners in the city limits or ETJ or within 150 miles of the city limits. At least two committee members must be market vendors of which one shall be an agricultural producer.
- (4) Although not strictly required, preference for committee membership shall be given to persons who raise, grow or make food products, or artists who make crafts from agricultural products.
- (d) Officers. The chair shall be appointed by the city council from among the membership. A vice-chair shall be selected by the committee members. In the absence of the chair or vice-chair, the remaining committee members may select a person among themselves to preside over a meeting.
- (e) Member removal. The city council may remove committee members by majority vote, with or without cause.
- (f) Resignation; vacancies. A committee member may resign by providing the city secretary written intent to resign. A failure to attend three or more sequential, regular committee meetings will constitute automatic notification of intent to resign. The committee may provide recommendations to the city council related to the removal or appointment of committee members. The city council may fill vacancies by majority vote. Committee members appointed to fill a vacancy will complete the unexpired portion of the term.
- (g) Committee Meetings.
- (1) The committee will meet monthly in person or by electronic means as coordinated with and arranged by city staff. Agendas will be drafted by the ~~chair~~ Market manager with the support of city staff.
- (2) A ~~quorum~~ minimum of four ~~or more~~ committee members shall constitute a quorum. The chair shall count toward the establishment of a quorum. Abstentions shall not affect the establishment of a quorum. A quorum is required to take action as the Dripping Springs Farmers Market Committee.
- (3) The committee is not subject to the Texas Open Meetings Act.
- (4) The committee's work and work product will be subject to the Public Information Act, Texas Government Code chapter 552.

#### Sec. 6.05.006. Committee Authority.

~~The committee is advisory only. They have no authority to make decisions binding on the city. The authority of the committee will include:-~~

- ~~(1) — To make recommendations to the city council regarding market operations.—~~
- ~~(2) — To evaluate the market to identify means of making improvements.—~~

- ~~(3) To make recommendations related to the drafting and implementation of all rules and procedures for the market to the city council.~~
- ~~(4) To assist city staff with the operations of the market, in addition to preparations and post event recovery of the site.~~
- ~~(5) To make recommendations to city council regarding budget for the farmers market and expenditures related to appropriated funds.~~
- ~~(6) To perform other duties as established in the rules and regulations for market operations, as enacted by the city council.~~
- ~~(7) The committee's work and work product will be subject to the Public Information Act, Texas Government Code chapter 552.~~

The Committee shall, subject to the provisions outlined herein, have the authority to:

- (a) make recommendations to the Market manager regarding the approval, rejection, suspension, and termination of vendor applications.
- (b) advise the Market manager regarding means of making improvements.
- (c) assist city staff with the development and implementation of special events.
- (d) make recommendations to city council regarding the budget prepared and presented by the Market manager for the farmers market, and
- (e) perform other duties in relation to market operations as established by the city council.

**Sec. 6.05.007. – Committee Support.**

- (a) City staff shall provide logistical support to the committee and its subcommittees, as defined by access to city facilities for purposes of public meetings; drafting meeting agendas; access to city resources for purposes of copies and communications; and a designated ~~market~~ Market manager to serve as staff liaison to coordinate and direct such support.
- (b) One or more ~~market~~ Market managers shall be designated by the city administrator. A ~~market~~ Market manager shall be a city staff member (employee or contract professional services).
- (c) The city shall provide and support an online presence, including but not limited to information on the city website, assistance with an electronic newsletter, and social media for farmers market related information and activities and will provide a page via the market manager upon which the committee may request that the city post additional information related to committee meetings and farmers market information.

- (d) City staff shall inform the committee of changes to personnel, logistical support, and other matters related to the operation of the farmers market in a timely manner.

*Division 3. Market Operations*

**Sec. 6.05.008. Vendor Application Approval and Rejection.**

- (a) Producers, prepared-food producers, artists and craftspeople, service providers, entertainers, and community organizations that fulfill the mission of the market as listed in section 6.05.002 of this code, may be approved to participate in the market.
- (b) Community organizations that fulfill the mission of the Market and seek to fundraise or educate at the market can submit an application to the Market manager for approval to perform such activities.
- (c) All Market Participants must complete the appropriate application, pay the applicable fees, and be approved by the market manager prior to participation in the Market.
- (d) The Market manager may, in consultation with the committee, approve or reject vendor applications based on compliance with market rules, quality of products, and overall market needs.
- (e) Decisions regarding approval or rejection of applications shall be communicated to the applicant in writing by the Market manager, stating the reasons for rejection, if applicable.

**Sec. 6.05.008A. Vendor Requirements.**

- (a) Market booth fees will be determined annually by the Market manager and approved by the city council. Fees will be assessed to Participants weekly.
- (b) All vendors must agree to and assist in the inspection of their operation by representative of the market at any time to ensure compliance with Market rules and state health rules, as applicable.
- (c) Each vendor is responsible for the vendor's own sales tax collections and payments.
- (d) A scale certified by the Texas Department of Agriculture must be used at the market for all products sold by weight.
- (e) Food samples must be distributed in accordance with the rules set forth by the city's farmers market food sampling rules and Texas Department of State and Health Services.
- (f) Home-canned processed foods and baked goods can be sold but must comply with the Texas Cottage Food Laws as defined by the Texas Department of State Health Services and Texas Health and Safety Code.

- (g) All vendors must obtain any and all permits and licenses required by the state and the county as applicable to sell each product.

**Sec. 6.05.009. Suspension and Termination of Vendor Permits.**

- (a) The Market manager may temporarily suspend a vendor's permit, or, subject to the due process requirements of this section, terminate a vendor's permit indefinitely, for violations of market rules, ordinance provisions, or applicable laws.
- (b) In cases of non-compliance that pose an immediate threat to public health or safety, the Market manager is empowered to temporarily suspend a vendor's permit until the next committee meeting. At this meeting, the vendor must show cause to the committee why the vendor's permit should not be terminated indefinitely or further suspended temporarily by the Market manager.
- (c) Prior to any decision by the Market manager to terminate a vendor's permit, the vendor shall be provided with an opportunity to be heard before the committee.

**Sec. 6.05.010. Authority of Market Manager.**

- (a) The Market manager is authorized to issue directives to vendors to facilitate the efficient operation of the market, provided such directives are not inconsistent with market rules or applicable laws.

**Sec. 6.05.011. General Market Rules.**

- (a) No vendor, attendee, or participant in the market may impede pedestrian or vehicular traffic or interfere or disrupt normal market operations.
- (b) The farmers market and all vendors must comply with the Americans with Disabilities Act and with state accessibility requirements. All common areas and vendor booths must be accessible to individuals with disabilities whenever the booth is open to the public.
- (c) Public dissemination of information is regulated on market days during market hours. Those seeking to disseminate information must do so only in the area designated by the market manager. Disseminators may not impede pedestrian or vehicular traffic or interfere or disrupt normal market operations.
- (d) The Market manager is authorized to adopt or amend market rules, in consultation with the committee and approved by the city administrator and either the director or city attorney, not inconsistent with applicable laws, ordinances, and resolutions of the city council.
- (e) The Market manager shall notify the city council and vendors of all amendments to the Market rules in writing.
- (f) An amendment to the Market rules take effect on the later of:

- (1) the commencement of the Market that is held no earlier than seventy-two (72) hours before the Market manager notifies vendors of the amendment, and
- (2) such later date as may be determined by the Market manager and specified in the notification to vendors of the amendment.
- (g) The Market manager shall ensure that all Market rules are made available to vendors and are enforced equitably.

**Sec. 6.05.012. – Appeal to City Administrator.**

- (a) If any person believes that a determination made under this article is in error, the person shall have the right to appeal such determination to the city administrator.
- (b) To be actionable, an appeal must be filed with the city administrator in writing within 14 business days of the date of the determination. The written request for an appeal must:
  - (1) Include a statement that the appellant has requested reconsideration by the Market manager, and that the request for reconsideration was denied or not responded to within 30 calendar days of having been requested; and
  - (2) Include a statement of the reasons why the determination should be reversed or modified; and
  - (3) Include an explanation of the legal and factual grounds of the appeal; and
  - (4) Be accompanied by payment of the appeal fee established by the city council, as codified in the city's fee schedule.
- (c) The city administrator shall act upon an appeal within 30 days of receipt of a written request for appeal that conforms to this section.

**Sec. 6.05.013. – Non-compliance; penalties.**

- (a) All Market complaints should be sent to the Market manager for review.
- (b) It is a misdemeanor offense for a person to offer for sale any product at the Market except such items approved as part of their application in accordance with a valid permit approved by the Market manager, or in violation of market rules, this ordinance, or applicable laws..
- (c) Violation of Market rules or Park rules may result in verbal warning, written warning, suspension or expulsion from the market. The Market manager shall have discretion to enact any or all of the above options based on the severity of the violation.
- (d) In addition to the criminal and civil remedies set out in this section, and subject to



the appeal procedure set out in section 6.05.012, the Market manager will have authority to summarily issue administrative penalties to vendors who have violated market rules.

- (e) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. The Market manager has the authority to control the use of the Market premises for purposes of Texas Penal Code section 42.03 (obstruction of passageways), issue warnings, provide notice per Texas Penal Code section 30.05 (criminal trespass), and take appropriate action against any person who violates the rules and regulation for Market operations, any section of this division, and any other regulation or law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (f) Criminal penalty. Except under (f)(2), each violation of this article is a strict liability offense and shall be punishable by a fine not to exceed \$500.00 per offense.
- (1) Violations of this article or Market rules that govern public health or sanitation, other than the dumping of refuse, are subject to a fine not to exceed \$2,000, in accordance with Texas Local Government Code Section 54.001 if the offense is committed intentionally, knowingly, recklessly, or with criminal negligence.
- (2) Each day that a provision of this article is violated shall constitute a separate offense.
- (g) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:
- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and
- (2) A civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- (3) Other available relief.

## CHAPTER 16 - PUBLIC WAYS AND PLACES

### Article 16.02. - Parks and Recreation

#### *Division 2. - Park Rules*

#### **Sec. 16.02.065. Special rules for specific park facilities.**

- ~~(a) — Farmers market. The following This section applies to farmers market operations. The market manager has the authority to control the use of the park premises for purposes of Texas Penal Code section 42.03 (obstruction of passageways), issue warnings, provide notice per Texas Penal Code section 30.05 (criminal trespass), and take appropriate action against any person who violates the rules and regulation for market operations, any section of this division, and any other regulation or law. Additional regulation related to the farmers market is in article 6.05 of this code. Farmers market rules include:~~
- ~~(1) — All market participants must complete the appropriate application, pay the applicable fees, and be approved by the market manager or the farmers market committee prior to participation.~~
  - ~~(2) — Producers, prepared food producers, artists and craftspeople, service providers, entertainers, and community organizations that fulfill the mission of the market as listed in section 6.05.003 of this code, may be approved to participate in the market.~~
  - ~~(3) — The farmers market and all vendors must comply with the Americans with Disabilities Act and with state accessibility requirements. All common areas and vendor booths must be accessible to individuals with disabilities whenever the booth is open to the public.~~
  - ~~(4) — All vendors must agree to and assist in the inspection of their operation by representative of the market at any time to ensure compliance with these rules and state health rules, as applicable.~~
  - ~~(5) — Market booth fees will be determined annually by the farmers market manager and approved by the city council. Fees will be assessed to participants weekly.~~
  - ~~(6) — All selling and promotion must be contained within the ten feet wide by ten feet deep booth space.~~
  - ~~(7) — Any vendor cancellations must be communicated with the market manager by 2:00 p.m. on day prior to the market or late notice fees will be assessed.~~
  - ~~(8) — Smoking or other tobacco use, including vaping or electronic cigarettes, is not allowed in market area.~~

- ~~(9) — All market complaints should be sent to the market manager for review by the farmers market committee.~~
- ~~(10) — Violation of farmers market or park rules may result in verbal warning, written warning, suspension or expulsion from the market. The market manager shall have discretion to enact any or all of the above options based on the severity of the violation.~~
- ~~(11) — Community organizations that fulfill the mission of the market and seek to fundraise or educate at the market can submit an application to the farmers market manager for approval to perform such activities.~~
- ~~(12) — All vendors must wait for the sound of the opening bell to commence sales to the public.~~
- ~~(13) — Public dissemination of information is regulated on market days during market hours. Those seeking to disseminate information must do so only in the area designated by the market manager.~~
- ~~(14) — Each vendor is responsible for his or her own sales tax collections and payments.~~
- ~~(15) — A scale certified by the Texas Department of Agriculture must be used at the market for all products sold by weight.~~
- ~~(16) — Food samples must be distributed in accordance with the rules set forth by the city's farmers market food sampling rules and Texas Department of State and Health Services.~~
- ~~(17) — Home-canned processed foods and baked goods can be sold but must comply with the Texas Cottage Food Laws as defined by the Texas Department of State Health Services and Texas Health and Safety Code.~~
- ~~(18) — All vendors must obtain any and all permits and licenses required by the state and the county as applicable to sell each product.~~
- ~~(19) — All items sold at the market must be raised, prepared, processed, or crafted by the vendor within a 150-mile radius of the city and meet the mission of the market.~~
- ~~(20) — No live animals may be sold or given away at the market.~~
- ~~(21) — No vendor, attendee, or participant in the market may impede pedestrian or vehicular traffic or interfere or disrupt normal market operations.~~

## CITY OF DRIPPING SPRINGS

## RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF DRIPPING SPRINGS SUPPORTING HAYS COUNTY'S RM 12 AT RM 150 ROUNDABOUT APPLICATION FOR 2024 CAMPO CARBON REDUCTION PROGRAM FUNDING

**WHEREAS**, the City of Dripping Springs is aware of the need for improved intersection operations that would support increased safety and mobility and decreased emissions; and

**WHEREAS**, roundabout intersection design has been shown to efficiently move traffic during both peak hours and other times, reduce fuel consumption and vehicle emissions due to less stop and go and idling, and on average result in an 82% reduction in fatal and serious injuries and a 76% reduction in injury crashes; and

**WHEREAS**, the Texas Department of Transportation November 2023 Texas Carbon Reduction Strategy identifies the conversion of a conventional intersection into a roundabout as a Travel Demand Management Strategy to reduce transportation emissions; and

**WHEREAS**, the Intersection Alternative Comparison analysis prepared as part of project development indicates that the roundabout design alternative at the RM 12 at RM 150 intersection is anticipated to improve safety and provide improved operation with a higher level of service and lower delays as compared to a conventional intersection design alternative; and

**WHEREAS**, the roundabout alternative proposed for the RM 12 at FM 150 intersection would also provide improved lighting at the intersection; and

**WHEREAS**, the roundabout design would accommodate the planned extension of RM 150 to US 290 ("Dripping Springs Southwest Connection"); and

**WHEREAS**, the City Council believes funding under the 2024 CAMPO Carbon Reduction Program for the construction of the RM 12 at RM 150 would provide an improved intersection for the residents and visitors of the City of Dripping Springs.

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

1. The Dripping Springs City Council supports the improved intersection operations that would result from the implementation of the RM 12 at RM 150 Roundabout.

2. The Dripping Springs City Council supports the submission of the application for funding under the 2024 CAMPO Carbon Reduction Program funding to construct the RM 12 at RM 150 Roundabout.
3. 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 \_\_\_\_\_ day of \_\_\_\_\_ 2024, 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:**

\_\_\_\_\_  
Diana Boone, City Secretary



**To: Mayor Bill Foulds Jr. & City Council**  
**From: Tory Carpenter, AICP – Planning Director**  
**Date: December 3, 2024**  
**RE: Resolution of Support for RM 12 at RM 150 Roundabout Project**

## I. Overview

Hays County requests City Council approval for a resolution of support requested for the RM 12 at RM 150 Roundabout project. The resolution is required as part of the Capital Area Metropolitan Planning Organization (CAMPO) funding application under the Carbon Reduction Program, which would provide funding for the project's construction phase.

## II. Background

Hays County has fully funded the RM 12 at RM 150 Roundabout project through a bond approved earlier this year. While the project's funding is secured, the CAMPO Carbon Reduction Program funding could supplement the construction costs, easing the overall financial burden on the County.



Key details regarding the project:

**Right-of-Way (ROW):** Hays County has acquired all necessary ROW for the project. Once completed, the ROW will be transferred to TxDOT.

**Design Status and Construction Timeline:** The project is currently 90% designed, and Hays County anticipates construction to begin in the latter half of 2025.

**City Financial Impact:** There is no monetary obligation or contribution required from the City for this project.

**Transportation Committee Recommendation:** On November 18, the Transportation Committee reviewed this resolution and recommended City Council approval.

**Transportation Master Plan:** This project is consistent with the City's Transportation Master Plan.