



DRIPPING SPRINGS
Texas

UTILITY COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Wednesday, January 11, 2023 at 4:00 PM

Agenda

CALL TO ORDER

Commission Members

Charlie Busbey, Chair

Laura Dudek

Roger Kew

Mark Miller

Matthew Ordway

Staff, Consultants & Appointed/Elected Officials

Public Works Director Aaron Reed

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission 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 Commission'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 Commission. It is the request of the Commission 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.

MINUTES

- 1. Discuss and consider approval of the November 9, 2022, Utility Commission regular meeting minutes.**

BUSINESS

- 2. Update and discussion regarding Water and Wastewater facility activities.**
- 3. Update and discussion regarding the status of the City's Wastewater Permit WQ0014488003.**

EXECUTIVE SESSION

The Utility Commission for the City of Dripping Springs has the right to meet in 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 City 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 Utility Commission 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.

UPCOMING MEETINGS

Utility Commission Meetings

February 8, 2023, at 4:00 p.m.

March 8, 2023, at 4:00 p.m.

April 12, 2023, at 4:00 p.m.

City Council Meetings

January 21, 2023, at 6:00 p.m.

February 7, 2023, at 6:00 p.m.

February 21, 2023, at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the Commission may consider a vote to excuse the absence of any Commissioner for absence from this meeting.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **January 6, 2023, at 1:00 p.m.***

City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



**UTILITY COMMISSION REGULAR
MEETING**
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Wednesday, November 09, 2022 at 4:00 PM

MINUTES

CALL TO ORDER

With a quorum of the Commission present, Chair Busbey called the meeting to order at 4:00 p.m.

Commission Members present were:

Charlie Busbey, Chair
Lara Dudek
Roger Kew
Mark Miller
Matthew Ordway

Staff, Consultants & Appointed/Elected Officials present were:

Public Works Director Aaron Reed

PRESENTATION OF CITIZENS

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Hays Trinity Groundwater Conservation District Manager Charlie Flatten spoke during Presentation of Citizens, thanking Commission Members for their service.

MINUTES

- 1. Discuss and consider approval of the September 14, 2022, Utility Commission regular meeting minutes.**

A motion was made by Commissioner Kew to approve the September 14, 2022, Utility Commission regular meeting minutes. Commissioner Ordway seconded the motion which carried unanimously 5 to 0.

BUSINESS

2. Update and discussion regarding Water and Wastewater facility activities.

Aaron Reed presented the staff report which is on file.

No action was taken regarding this item.

3. Discuss and consider approval of the 2023 Utility Commission meeting calendar.

Aaron Reed presented the staff report which is on file. Staff recommends approval of the calendar.

A motion was made by Commissioner Ordway to approve the 2023 Utility Commission meeting calendar. Commissioner Miller seconded the motion which carried unanimously 5 to 0.

EXECUTIVE SESSION

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The Commission did not meet in Executive Session.

UPCOMING MEETINGS

Utility Commission Meetings

December 14, 2022, at 4:00 p.m.

City Council Meetings

November 15, 2022, at 6:00 p.m.

December 6, 2022, at 6:00 p.m.

December 20, 2022, at 6:00 p.m.

ADJOURN

A motion was made by Commissioner Kew to adjourn the meeting. Commissioner Dudek seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 4:45 p.m.



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

Submitted By: Aaron Reed, Public Works Director

UC Meeting Date: 01/11/2023

Agenda Item Wording: **Update and Discussion Regarding the Status of the City's Wastewater Permit WQ0014488003**

Agenda Item Requestor: Charlie Busbey

Summary/Background: In May of 2019, the City's TPDES Permit WQ0014488003 was granted by the TCEQ. The Save Our Springs Organization sued the TCEQ for issuing the permit and it has been tied up in litigation since. In February of 2022, the 8th court of appeals in El Paso heard oral arguments from SOS, TCEQ, and the City of Dripping Springs. On December 13th the Court issued their opinion stating "Yet following the Texas Supreme Court's recent directive that a court's duty is to stick to the text chosen by the rule-makers, without adding to it or subtracting from it, we consider only whether substantial evidence supports the TCEQ's conclusions under the statutes and rules—as they are written. Under that rubric, we reverse the district court's ruling, and uphold the TCEQ's issuance of the permit."

Developments that have occurred since the court issued their opinion on 12/13/22:

1. 12/16/22: SOS filed a Motion for Extension of Time to file a Motion for Rehearing.
 - a. Any Motion for Rehearing would be due December 28, 2022.
 - b. SOS sought an extension until January 9, 2023
2. 12/20/22 – The Court denied SOS's Motion for Extension of Time
3. 12/28/22 – SOS filed a Motion for Rehearing. On the same day the Court issued a letter stating that "The motion will be submitted to the Court, without appearance of counsel, on Wednesday, January 11, 2023.
 - a. A Motion for Rehearing cannot be granted by the Court unless it specifically asks for briefing.
 - b. A Motion for Rehearing can be denied by the Court if it does not ask for briefing.
 - c. The Court has not asked for briefing.

Substance of Decision/Judgment

1. The City (and State) were completely victorious.
2. The Court ruled:
 - a. Tier 1 was satisfied.
 - b. Tier 2 was satisfied.
 - c. Notice requirements were satisfied.
3. The Court did not rule on whether the District Court could issue an injunction, but instead dissolved the injunction.
4. The Court affirmed the order of the Executive Director of the Texas Commission on Environmental Quality approving the City of Dripping Springs' application for a permit to discharge treated wastewater.
 - a. The permit has been issued and is active.