



DRIPPING SPRINGS
Texas

CITY COUNCIL REGULAR MEETING
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Tuesday, September 13, 2022 at 5:00 PM

AGENDA

CALL TO ORDER AND 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
- City Attorney Laura Mueller
- City Secretary Andrea Cunningham
- IT Director Jason Weinstock
- Public Works Director Aaron Reed

PLEDGE OF ALLEGIANCE

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.

BUSINESS AGENDA

- 1. Public hearing and possible action regarding an Ordinance of the City of Dripping Springs, Texas ("City") extending the Temporary Moratorium on the Acceptance, Authorization, and Approvals necessary for the Subdivision, Site Planning,**

Development, or Construction in the City Limits and Extraterritorial Jurisdiction, providing for Findings of Fact, Definitions, Applicability, Purpose, Enactment, Duration, Extension, Exceptions, and Exemptions, Determination and Appeals, Repealer, Severability, Enforcement, Effective Date, and Proper Notice and Meeting. *Sponsor: Mayor Foulds, Jr.*

- a. Staff Report
- b. Public Hearing
- c. Moratorium Ordinance

EXECUTIVE SESSION AGENDA

The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

- 2. Consultation with City Attorney regarding legal issues related to pending or contemplated litigation related to the wastewater permits and the Hays Trinity Groundwater Conservation District.** *Consultation with City Attorney, 551.071*
- 3. Consultation with City Attorney related to the South Regional Water Reclamation Project and the litigation on the Wastewater Permits and related items.** *Consultation with City Attorney, 551.071*

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 City Council may consider a vote to excuse the absence of any City Council Member 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 **September 9, 2022, at 2:15 p.m.***

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.



DRIPPING SPRINGS Texas

Projects with Approved Exceptions/Waivers

All permits that are compliant with previous approvals can move forward normally.

Date Approved	Name of Project	Approved
11/23/2021	Headwaters	DA
11/23/2021	Caliterra	DA
11/23/2021	Cannon Ranch	PDD/WW Agreement
11/23/2021	Driftwood/Driftwood 522	DAs
11/23/2021	Ledgestone (MUD 4)	Consent to MUD
11/23/2021	Wild Ridge	Consent to MUD/WW Agreement
11/23/2021	Big Sky Ranch	PDD/WW Agreement
11/23/2021	Arrowhead Ranch	DA
11/23/2021	Carter Tract	DA and WW agreement (Caliterra)
11/23/2021	Cortaro	Final Plat and Septic
11/23/2021	Village Grove	Consent to MUD
11/23/2021	New Growth	MOU
11/23/2021	PDD 11	PDD and WW Agreement
11/23/2021	Parten Ranch	DA
12/01/2021	Heritage Subdivision	DA/PDD/WW Agreement
12/07/2021	Esperanza	Approved Plats and Exceptions
12/07/2021	Silver Creek (Waiver)	Septic and Concept Plan
12/20/2021	Bunker Ranch Phases 1-4; Hardy North	Moratorium Exception
12/20/2021	Cannon East	PDD Application - Ongoing
12/22/2021	Lohec Amending Plat	Moratorium Exception
12/30/2021	Dripping Springs Storage Expansion	Moratorium Exception
1/04/2022	Julep Commercial	Moratorium Waiver
1/04/2022	5307 Bell Springs Commercial	Moratorium Waiver
1/11/2022	Overlook at Bunker Ranch	Moratorium Waiver
1/11/2022	Hardy T Land South	Moratorium Waiver
1/11/2022	Hardy T Land North	Moratorium Waiver
1/21/2022	1079 Twain St House	Moratorium Exception

1/26/2022	Charro Vista Subdivision	Moratorium Exception
2/01/2022	4400 W Hwy 290	Moratorium Waiver
2/01/2022	Hays Street Subdivision	Moratorium Waiver
2/07/2022	210 Creek Road	Moratorium Exception
2/07/2022	Gray Fox Lot Lines	Moratorium Exception
2/07/2022	Black's Wedding Venue	Moratorium Exception
2/21/2022	449 Twin Oaks Replat	Moratorium Exception
2/22/2022	Patriot's Hall Phase 1B	Moratorium Exception
3/08/2022	Wenty's Wine Bar	Moratorium Waiver
3/08/2022	Ariza Multifamily	Moratorium Waiver
4/07/2022	DS Flex	Moratorium Exception
3/22/2022	340 Bluff Street	Moratorium Exception
3/28/2022	1200 Meadow Ridge	Moratorium Exception
4/11/2022	Ladera Subdivision	Moratorium Exception
4/11/2022	Vitolich Plaza	Moratorium Exception
4/20/2022	Skybridge Academy	Moratorium Exception
4/20/2022	Creek Road Subdivision	Moratorium Exception
5/02/2022	Hays MUD 4	Moratorium Exception

BURGESS & NIPLE

235 Ledge Stone Drive | Austin, TX 78737 | 512.432.1000

Firm Registration No. F-10834

May 12, 2022

Laura Mueller
City Attorney
City of Dripping Springs

Dripping Springs, TX 78620

Re: South Regional WWTP Capacity Summary
CMA Job Number 1431-001
B&N Job Number 39661

Dear Mrs. Mueller:

In October 2015, the City of Dripping Springs submitted an application to the TCEQ to convert its method of treated effluent disposal from land application to discharge into waters of the State, and to expand its wastewater treatment facilities to accommodate the aggressive growth in the Greater Dripping Springs area. The permit was contested and the case was heard at the State Office of Administrative Hearings (SOAH). The City prevailed and was issued the permit on May 5, 2019 (permit WQ0014488003). However, because of pending litigation, construction of the new wastewater treatment plant and storage facilities are being delayed. Oral Arguments were heard in the El Paso Circuit Court on February 10, 2022. The City is awaiting the ruling.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is currently at a monthly average capacity of approximately 189,000 GPD. This is based on meters measuring flows to the drip irrigation fields and to the Caliterra Effluent Holding Pond. Below is a summary of the constructed, to be constructed, and permitted capacities for the South Regional WWTP current TLAP permit WQ0014488001.

- 251,500 GPD Current Constructed Capacity (127,500 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra and the second 62,000 GPD Surface Irrigation at Caliterra that is nearing completion that should be in operation within 2 months. This will bring the Constructed Capacity to 251,500 GPD)
- 313,500 GPD Current Permitted Capacity (127,500 GPD Drip Irrigation at WWTP + 186,000 GPD Surface Irrigation at Caliterra)

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- 284,000 GPD Future Permitted Capacity with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 186,000 GPD Surface Irrigation at Caliterra)
- 222,000 GPD Currently Constructed with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra and the second 62,000 GPD Surface Irrigation at Caliterra that is nearing completion that should be in operation within 2 months. This will bring the Constructed Capacity to 222,000 GPD)
- 394,000 GPD Permit Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Also included in Permit Amendment 2, is that the existing Drip Irrigation disposal capacity will be reduced from 127,5000 GPD to 98,000 GPD during construction of the new discharge WWTP and 15,000,000 million gallon effluent holding pond.

Permit Amendment 2 may also be contested. A Virtual Public Meeting took place on April 28, 2022. It is anticipated that the TCEQ will refer the case to SOAH for a contested case hearing, but no official decision has been issued.

Attached is a summary of the developments the City has committed to provide service to in the near future, along with a summary of permitted capacity and capacity of different construction phases. There is enough tankage in the existing WWTP to accommodate treatment capacity, however the City is limited by storage and disposal area capacity. For the purpose of this evaluation, a wastewater production estimate of 175 GPD/LUE is used to estimate future wastewater flows. As one will see, the capacity of the existing permitted capacity will be exceeded if the total number of committed LUEs are connected before the current pending Amendment 2 to the permit is issued by the TCEQ and/or if future surface irrigation phases that are needed are not constructed. There are three surface irrigation phases (each 62,000 GPD) permitted at Caliterra. Only one has been constructed and in operation. The second 62,000 GPD Surface Irrigation at Caliterra is nearing completion and should be in operation within 2 months and for the purpose of this letter is considered constructed. This will bring the Constructed Capacity to 251,500 GPD. The following is a clause from the City's TLAP permit WQ0014488001:

Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not

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City Attorney
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expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

Based on the flow data collected, the City is at approximately 75% disposal capacity (this includes the second 62,000 GPD surface irrigation at Caliterra nearing completion and operation). The City/Caliterra, is in the process of obtaining authorization from the Commission to commence construction of the last 62,000 GPD surface irrigation phase at Caliterra. It is recommended that the last phase be immediately constructed upon TCEQ approval.

At this time the City does not have existing disposal capacity available to provide service to all of the new developments. Prior to issuance and construction of Amendment No. 2 improvements by the TCEQ (adding 50,000 GPD disposal area at Carter Ranch and at 60,000 GPD at Heritage PID), the City will not have disposal capacity to provide service to all of the new developments past the original committed developments.

However, the City required newer developments to produce “backup plans” in the case the City exceeds its permitted and/or constructed capacities and need to be removed from the system. These include pumping and hauling raw sewage to other wastewater treatment and disposal facilities, individual onsite sewage treatment facilities/septic systems, or small TCEQ permitted wastewater treatment and disposal facilities.

Please feel free to contact me at 512-432-1000 or at robby.callegari@burgessniple.com with any questions and/or comments.

Very truly yours,

Burgess & Niple



Robert P. Callegari, P.E.
Austin South Engineering Section Director