



**DRIPPING SPRINGS**  
Texas

# UTILITY COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Wednesday, August 10, 2022 at 4:00 PM

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## Agenda

### CALL TO ORDER

#### Commission Members

Charlie Busbey, Interim Chair

Lara Dudek

Jeff Foreman

Roger Kew

Matthew Ordway

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

Public Works Director Aaron Reed

Building Official Sarah Cole

### 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 June 8, 2022, Utility Commission regular meeting minutes.**

### BUSINESS

- 2. Update and discussion regarding Water and Wastewater facility activities.**
- 3. Discussion regarding area water provider Drought Contingency Plans and Issuance of Pool Permits.**

## **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**

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

October 12, 2022, at 4:00 p.m.

November 9, 2022, at 4:00 p.m.

### **City Council Meetings**

August 16, 2022, at 6:00 p.m.

August 23, 2022, at 5:30 p.m.

August 30, 2022, at 5:30 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](http://www.cityofdrippingsprings.com), on **August 5, 2022, at 12:00 p.m.***

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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, June 08, 2022 at 4:00 PM**

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**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**

Charlie Busbey, Interim Chair  
Lara Dudek (arrived at 4:03 p.m.)  
Jeff Foreman  
Matthew Ordway

**Commissioner Member absent was:**

Roger Kew

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

Public Works Director Aaron Reed  
Utilities Superintendent Jesse Kennis  
City Secretary Andrea Cunningham

**PRESENTATION OF CITIZENS**

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Chalie Flatten spoke during Presentation of Citizens, thanking the Commission and City for the work they are doing related water and wastewater.

## MINUTES

**1. Discuss and consider approval of the April 13, 2022, Utility Commission regular meeting minutes.**

A motion was made by Commissioner Foreman to approve the April 13, 2022, Utility Commission regular meeting minutes. Commissioner Ordway seconded the motion which carried unanimously 3 to 0.

**2. Discuss and consider approval of the May 11, 2022, Utility Commission regular meeting minutes.**

A motion was made by Commissioner Ordway to approve the May 11, 2022, Utility Commission regular meeting minutes. Commissioner Foreman seconded the motion which carried 2 to 0 to 1, with Chair Busbey abstaining.

## BUSINESS

**3. Update and discussion regarding Water and Wastewater facility activities and website update.**

Jesse Kennis presented the report, which is on file, and announced that he will be taking a leave of absence with no specific end date.

Andrea Cunningham presented website changes which are on file.

## 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.*

The Commission did not meet in Executive Session.

## UPCOMING MEETINGS

### Utility Commission Meetings

July 13, 2022, at 4:00 p.m.

August 10, 2022, at 4:00 p.m.

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

### City Council Meetings

June 14, 2022, at 5:00 p.m. (Moratorium Waivers)

June 21, 2022, at 6:00 p.m.

June 28, 2022, at 5:00 p.m. (Moratorium Waivers)

**ADJOURN**

A motion was made by Commissioner Dudek to adjourn the meeting. Commissioner Foreman seconded the motion which carried unanimously 4 to 0.

This regular meeting adjourned at 4:22 p.m.

## CITY OF DRIPPING SPRINGS

### ORDINANCE No. 2022-21

AN ORDINANCE AMENDING ARTICLE 20.06 AND ARTICLE 24.02 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REQUIRMENTS CONCERNING DROUGHT CONTINGENCY PLANS AND WATER CONSERVATION PLANS

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, a municipality has general authority to adopt an ordinance or police regulation 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; and

**WHEREAS**, the City of Dripping Springs has adopted a Drought Contingency Plan (Resolution No. 2022-R09) and a Water Conservation Plan (Resolution No. 2022-R13); and

**WHEREAS**, the City of Dripping Springs has entered into the Wholesale Water Services Agreement Between Lower Colorado River Authority and City of Dripping Springs (“Service Agreement”) dated March 11, 2003, as assigned to the West Travis County Public Utility Agency (“WTCPUA Wholesale Agreement”); and

**WHEREAS**, the WTCPUA Wholesale Agreement requires the City “to adopt and enforce a water conservation and drought contingency plan in compliance with TCEQ Rules, 30 TAC ch. 288, for water use within the areas receiving Wholesale Water Supply . . . [and that] plan shall be at least as stringent as those adopted by [WTCPUA] for its retail customers in the [WTCPUA] Service Area; and

**WHEREAS**, the City has applied for wholesale water with the West Travis County Public Utility Agency (“WTCPUA”) and the WTCPUA has required in Service availability letters that the City follow[] and compl[y] with all applicable WTCPUA rules and regulations pertaining to water service, as amended from time to time by the WTCPUA Board of Directors; and

**WHEREAS**, On June 15, 2022, the Lower Colorado River Authority (“LCRA”) has authorized the general manager of the LCRA or his designee to negotiate and execute a firm raw water contract with City of Dripping Springs for municipal use of LCRA’s firm water supply of up to 2,438 acre-feet per year for a term of 40 years, which firm water contract will likely require that the City’s Drought Contingency Plan and Water Conservation Plan be at least as stringent as the Drought Contingency Plan and Water Conservation Plan of the LCRA; and

**WHEREAS**, the City of Dripping Springs (“City”) owns and operates a water system in accordance with the rules adopted by the Texas Commission on Environmental Quality; and

**WHEREAS,** the Dripping Springs City Council (“City Council”) consistently strives to achieve a balance between the pressure upon the City to responsibly respond to the influx of new development and new citizens with the City’s longstanding commitment to preserving the region’s vibrant and delicate ecosystem; and

**WHEREAS,** the City Council seeks to encourage and mandate those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water so that a water supply is made available for future or alternative uses; and

**WHEREAS,** the City Council finds that it is necessary and proper to adopt an ordinance providing rules for water use.

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

### **1. FINDINGS OF FACT**

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

### **2. ENACTMENT**

Article 20.06 (Retail Water Service) of Chapter 20 (Utilities) of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment "A" which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment A.

### **3. REPEALER**

To the extent reasonably possible, ordinances are to be read together in harmony. However, 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.

### **4. 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.

**5. 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.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication of caption.

**7. 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 28<sup>th</sup> day of June 2022, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

Bill Foulds, Jr., Mayor

**ATTEST:**

Andrea Cunningham, City Secretary





*Attachment "A"*

**Chapter 20 – UTILITIES**

**ARTICLE 20.06. - RETAIL WATER SERVICE**

**DIVISION 1. – GENERALLY**

\* \* \*

**Sec. 20.06.005. – Water Conservation.**

- (a) The City’s retail water customers are subject to and must comply with the most stringent requirements from the following: (1) The City’s Drought Contingency Plan (as amended from time to time), (2) the City’s Water Conservation Plan (as amended from time to time); (3) the WTCPUA’s Water Conservation and Drought Contingency Plan; (4) the LCRA’s Drought Contingency Plan; or (5) the LCRA’s Water Conservation Plan.
- (b) It shall be a violation of this chapter for any retail water customer to violate water use restrictions required through the implementation of any of the following: (1) The City’s Drought Contingency Plan (as amended from time to time), (2) the City’s Water Conservation Plan (as amended from time to time); (3) the WTCPUA’s Water Conservation and Drought Contingency Plan; (4) the LCRA’s Drought Contingency Plan; or (5) the LCRA’s Water Conservation Plan.

**Chapter 24 - BUILDING REGULATIONS**

**ARTICLE 24.02. - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS**

**DIVISION 10. - POOL AND SPA CODE**

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**Sec. 24.02.502. - Permit required.**

It is an offense for any person to install any pool or spa within the city without first applying for and receiving a permit. It is also an offense for any person to perform any swimming pool or spa work within the city contrary to a permit that has been issued, or that is in violation of or contrary to any water use restriction required through the implementation of any of the following: (1) The City’s Drought Contingency Plan (as amended from time to time), (2) the City’s Water Conservation Plan (as amended from time to time); (3) the West Travis County Public Utility Agency’s Water Conservation and Drought Contingency Plan; (4) the Lower Colorado River Authority’s Drought Contingency Plan; or (5) the Lower Colorado River Authority’s Water Conservation Plan.