

MINUTES
CITY COUNCIL MEETING
DECEMBER 17, 2019

6:00 P.M. STORMWATER ORDINANCE WORKSHOP
--

Mayor Lee Pettle called the Stormwater Ordinance Workshop to order at 6:03 p.m. Councilmembers Diana M. Abraham, Cindy Meyer, Edwin Smith, Ed Standridge and Patrick Taylor (arrived at 7:13 p.m.) were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, City Attorney Brandon Shelby (arrived at 6:57 p.m.), Public Works Director Gary Machado, and Police Chief Richard Brooks (arrived at 6:57 p.m.)

President of Stormcon LLC Tom Schneider and Vice President of Stormcon LLC (MS4 Program Auditing) Diana McDonald reviewed the ordinance. (See Exhibit 1 – Tom Schneider and Diana McDonald's Small MS4 General Permit handout, dated December 17, 2019.). A discussion, question and answer period followed.

Mayor Lee Pettle ended the Stormwater Ordinance Workshop at 6:59 p.m. and said the regular meeting would start soon.

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Lee Pettle called the meeting to order at 7:05 p.m. Councilmembers Diana M. Abraham, Cindy Meyer, Edwin Smith, Ed Standridge and Patrick Taylor were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, City Attorney Brandon Shelby, Public Works Director Gary Machado, Fire Chief Mike Sheff (arrived at 7:13 p.m.), and Police Chief Richard Brooks

PLEDGE OF ALLEGIANCE

Mayor Pettle asked Cub Scout Pack Den Leader Don Balch to come forward with the Webelos Troop #704. Scouts, Devon Balch, Max Day, Ethan Curtis, Isabella Curtis, Andrew Elandary, Jack McDonnell, Dude McDonnell, Collin Rauch, and Robert Rauch performed colors and led both the American and Texas Pledges.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

Stephanie Casson, 5401 Westfield Drive, had several concerns. Ms. Casson was concerned about Lewis Lane's daily deterioration by Kings Crossing II's heavy construction equipment and asked if there the City had a plan in place for when the construction/subdivision in completed. She had several concerns about the Comprehensive Plan, indicating the plan should be handled by Council; the City

Administrator should not have a vote on the committee, because he is not a resident of Parker; the City Administrator should serve as a resource only; she requested to be a committee member; questioned how members would be appointed and said she thought it was unfair for Homeowners' Associations (HOAs) to have a voice and other subdivision, not in HOAs are excluded; and she said the City has not been following the current Comprehensive Plan, regarding "green space" and "smart growth planners" are not necessary for the Comprehensive Plan Subcommittee. Finally, Ms. Casson said she was opposed to the Stormwater Ordinance on tonight's meeting agenda. She asked Council to table the item for additional research in the matter, noting she believes the Federal authorities have overstepped.

Ed Lynch, 5809 Middleton Drive, asked the City to request one (1) of the two (2) MS4 Stormwater permit waivers prior to passing the Stormwater Ordinance. Mr. Lynch said Council should not adopt this "crazy" ordinance and cited several things in the ordinance he felt were entirely too vague. Mr. Lynch is vehemently opposed to the Stormwater Ordinance.

Terry Lynch, 5809 Middleton Drive, was opposed to the Stormwater Ordinance, stating it was unnecessary and suggested the City have a pollution/stormwater program. Ms. Lynch suggested City Council review the stormwater program more extensively and understand it thoroughly before further consideration.

Mayor Pettle read Andy Redmond's email into the record. Mr. Redmond, 7275 Moss Ridge Road, expressed his concerns, regarding of Item # 9, Ordinance No. 785, establishing a Stormwater Ordinance. Mr. Redmond urged Council to seek a waiver for this item. (See Exhibit 2 – Andy Redmond's email, dated December 17, 2019.)

Mayor Pettle asked City Administrator Olson to read Michael Booth's email into the record. Mr. Booth, 4010 Anns Lane, expressed concerns, regarding of Item # 6, Ordinance No. 788, creating a Comprehensive Plan Sub-Committee. Mr. Booth voiced concerns regarding several issues. (See Exhibit 3 – Michael Booth's email, dated December 17, 2019.)

ITEMS OF COMMUNITY INTEREST

- NEW FACILITY INFORMATION – (TENTATIVELY) WEDNESDAY, JANUARY 8, 2020, 5-8 PM
- HOME RULE CHARTER COMMISSION (HRCC) –TUESDAY, JANUARY 14, 2020, 7:00 PM
- PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JANUARY 15, 2020, 6 PM

CONSENT AGENDA Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

1. APPROVAL OF MEETING MINUTES FOR NOVEMBER 19, 2019. [SCOTT GREY]
2. DEPARTMENT REPORTS-ANIMAL CONTROL (OCT), BUILDING (OCT), COURT (NOV), POLICE (NOV) AND WEBSITE (NOV)
3. REPUBLIC WASTE QUARTERLY REPORT. [BERNAS]

Mayor Pettle asked if there were any items Council needed removed from the consent agenda for further discussion and/or change. There were no objections from Council. The Mayor moved forward.

MOTION: Councilmember Taylor moved to approve consent agenda items 1 through 5 as presented. Councilmember Abraham seconded. At this time, Councilmember

Meyer stated she was not present at the last meeting and did not want to vote on the Item #1, the November 19, 2019 City Council minutes. Councilmembers Abraham, Smith, Standridge, and Taylor voted 4-0 to approve the minutes. Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voted 5-0 to accept the Departmental Reports and Republic Waste 3rd Quarter Report. Motion carried.

INDIVIDUAL CONSIDERATION ITEMS

4. DISCUSSION/CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2019-624, ALLOWING PARKER'S PARKS AND RECREATION (P&R) COMMISSION TO PARTICIPATE IN THE KEEP TEXAS BEAUTIFUL PROGRAM; APPROVING THE PARTICIPATION COST OF \$150; AND SUPPORTING PROGRAM FUNDING. [PETTLE/OLSON/BARRON]

P&R Commission Chair Billy Barron said the commission currently has many new and exciting projects, including but not limited to:

- A Holiday light Display for City Hall (2019's display was a small trial);
- Wildflowers for The Preserve with Fall 2020 targeted as the first bloom;
- Events for the spring and fall;
- A volunteer program for cleanliness in The Preserve;
- Working with city staff on a maintenance schedule and future projects; and
- A free Little Lending Library

The commission's long-term goals are to plan for future parks, trails, events and courses in The City of Parker.

Mr. Barron said the Commission welcomes all feedback, donations and volunteers. Donations made to a specific project may be earmarked as desired by the giver. The Commission is looking for volunteers to help with all events and projects. Please feel free to attend any of the meetings, held on the 2nd Wednesday of every month. Meetings are located at City Hall at 6 pm. If there are any questions, please feel free to contact anyone on the Commission.

Councilmember Taylor asked if there would be any additional cost. P&R Commission Chair Billy Barron said no.

MOTION: Councilmember Standridge moved to approve Resolution No. 2019-624, allowing Parker's Parks and Recreation (P&R) Commission to participate in The Keep Texas Beautiful Program; approving the participation cost of \$150; and supporting program funding. Councilmember Smith seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2019-625, APPROVING A DESIRE TO JOIN A COALITION OF NON-MEMBER CUSTOMER ENTITIES OF THE NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD); AND PROVIDING AN EFFECTIVE DATE. [OLSON/SHELBY]

City Administrator Olson noted the letter from City of Rowlett Mayor Tammy Dana-Bashian, PowerPoint, and draft resolution were provided at a November 18, 2020 North Texas Municipal Water District (NTMWD) Customer Cities Luncheon at the Rowlett Community Center. He noted the City was unable to send a representative but provided the information in tonight's Council packet for review and consideration.

MOTION: Councilmember Abraham moved to approve Resolution No. 2019-625, approving a desire to join a coalition of non-member customer entities of the North Texas Municipal Water District (NTMWD); and providing an effective date. Councilmember Meyer seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Mayor Pettle asked City Administrator Olson to share any future updates.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 788, ENABLING AND CREATING A COMPREHENSIVE PLAN SUB-COMMITTEE TO THE PLANNING AND ZONING COMMISSION; PRESCRIBING THE DUTIES, RESPONSIBILITIES, AND POLICIES OF THE SUB-COMMITTEE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE. [OLSON/SMITH]

Public Works Director Machado reviewed the item.

Terry Lynch, 5809 Middleton Drive, spoke in opposition to Ordinance No. 788. (See Exhibit 4 – Terry Lynch’s handout, dated December 17, 2019.)

Billy Barron, 6707 Overbrook Drive, said P&R members have a meeting with the City of Allen, Texas, to review the Parks Master Plan, which overlaps the Comprehensive Plan.

Councilmember Meyer said she wanted to make sure the City of Parker stayed “uniquely country”.

MOTION: Councilmember Taylor moved to table Ordinance No. 788, enabling and creating a Comprehensive Plan Sub-Committee to the Planning and Zoning Commission; prescribing the duties, responsibilities, and policies of the sub-committee; providing a cumulative repealer clause; providing for severability; providing for engrossment and enrollment; and providing an effective date. Councilmember Meyer seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING PARKER VOLUNTEER FIRE DEPARTMENT (PVFD) CHILI COOK-OFF – SATURDAY, NOVEMBER 16, 2019, 2:00 PM – 4:00 PM DONATIONS IN THE AMOUNT OF \$1,681.00 FOR THE PARKER VOLUNTEER DEPARTMENT. [SHEFF/SAVAGE]

MOTION: Councilmember Taylor moved to accept the Chili Cook-off donations in the amount of \$1,681 for the Parker Volunteer Fire Department (PVFD). Councilmember Abraham seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Fire Chief Sheff thanked Mayor Pettle and Councilmember Meyer for initiating the event and thanked everyone who participated. He also thanked everyone for their generous donations.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ACCEPTING THE DONATION OF A \$700 ESPRESSO MACHINE FROM THORA PETROPOULOS-HUANG. [PETTLE/OLSON/SAVAGE]

City Administrator Olson said Thora Petropoulos-Huang's donated a \$700 espresso machine to Parker Police and Public Works Department and the machine would be housed at City Hall for use. Mr. Olson thanked Ms. Petropoulos-Huang.

MOTION: Councilmember Smith moved to accept the \$700 espresso machine. Councilmember Abraham seconded with Councilmembers Abraham, Meyer, Smith, Standridge, and Taylor voting for the motion. Motion carried 5-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 785, ESTABLISHING A STORMWATER ORDINANCE. [MACHADO/SHELBY] [TABLED – 11192019]

Stephanie Casson, 5401 Westfield Drive, spoke again in opposition to Ordinance No.785.

Terry Lynch, 5809 Middleton Drive, spoke again in opposition to Ordinance No. 785.

Councilmember Taylor inquired about the Stormwater Permit waiver. Public Works Director Machado said the City has investigated the waiver and the City of Parker does not qualify, but he will do as Council requests. There was some discussion as to how long ago the ordinance should have be in place. The permit was processed in 2012 and City Staff has been working diligently to prepare/revise the ordinance for approval. He reviewed the highlighted areas of the Small MS4 General Permit handout. (See Exhibit 5 – Public Works Director Machado's Small MS4 General Permit highlighted handout, dated December 17, 2019.)

City Attorney Shelby spoke about having an ordinance in place to protect the City; the risk of audit; and singling out certain groups such as the developers.

MOTION: Councilmember Meyer moved to table Ordinance No. 785, establishing a Stormwater Ordinance while City Staff pursues a waiver and once that is determined Council/City Staff will start revising the ordinance to better fit the City of Parker. Councilmember Standridge seconded with Councilmembers Abraham, Meyer and Standridge voting for the motion; Councilmember Taylor voting against the motion; and Councilmember Smith abstaining. Motion carried 3-1-1.

Councilmember Smith said he abstained because the City should pursue the waiver and work on possible revisions to the ordinance simultaneously, not one then the other.

ROUTINE ITEMS

10. FUTURE AGENDA ITEMS

UPDATE(S):

- HOME RULE CHARTER COMMISSION (HRCC) [SHELBY]

Mayor Pettle said HRCC is still discussing forms of government, comparing Parker's form of government with other cities through an Excel spreadsheet HRCC Vice Chair Kercho developed. Mayor Pettle noted the next HRCC meeting will be held January 14, 2020 at 7:00 p.m. at City Hall and those meetings are open to the public.

- Noise Committee [Olson]

City Administrator Olson said the Noise Committee has had several lively meetings. Mr. Olson said he brought in an audiologist and professional sounds experts to meet with the committee and work is in process.

- Electronic Agenda [OLSON/STANDRIDGE/SCOTT GREY]

City Administrator Olson commented the City will be transitioning to an electronic format with the help of Municode Meeting & Agenda Management software, after setup and training at a reduced cost of \$3,400 per year which is included in this year's 2019-2020 Budget.

Mayor Pettie asked if there were any items to be added to the future agenda. Hearing none, she encouraged everyone to email her any requests. She noted the next regularly scheduled meeting would be Tuesday, January 7, 2020 and a New Facility Information meeting is tentatively set for Wednesday, January 8, 2020, 5-8 PM. The Mayor asked everyone to watch the city's website for definite dates/times.

EXECUTIVE SESSION - Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

11. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

- Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
- Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.
- Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly conflicts with this chapter (Open Meetings Act).

Mayor Lee Pettie recessed the regular meeting to Executive Session at 8:39 p.m.

12. RECONVENE REGULAR MEETING.

Mayor Lee Pettie reconvened the meeting at 9:41 p.m.

13. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.


No action was taken.

14. ADJOURN


Mayor Lee Pettie adjourned the meeting at 9:42 p.m.



ATTESTED:


Patti Scott Grey, City Secretary

APPROVED:


Mayor Lee Pettie

Approved on the 21st day
of January, 2020.

2. Content of the SWMP

At a minimum, the permittee shall include the following information in its SWMP:

- (a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.
- (b) A measurable goal that includes the development of ordinances or other regulatory mechanisms allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;
- (c) The measurable goals selected by the permittee must be clear, specific, and measurable.
- (d) A summary of written procedures describing how the permittee will implement the provisions in Parts III and IV of this general permit.
- (e) A description of a program or a plan of compliance with the requirements in Part II.D.4. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements)
- (f) Identification of any impaired waters that have been added in accordance with Part II.D.4.

3. Legal Authority

- (a) Traditional small MS4s, such as cities
 - (1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.
 - (2) To be considered adequate, this legal authority must, at a minimum, address the following:
 - a. Authority to prohibit illicit discharges and illicit connections;
 - b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;
 - c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
 - d. Authority to require installation, implementation, and maintenance of control measures;
 - e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
 - f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;

- g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);
 - h. Authority to assess penalties, including monetary, civil, or criminal penalties; and
 - i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.
- (b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons, and universities
 - (1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.
 - (2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:
 - a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,
 - b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this permit.

5. Effluent Limitations

The controls and BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B, which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

Permittees with enforcement authority (i.e. traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, or the source of the illicit discharge is outside the MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

Patti Grey

From: [REDACTED]
Sent: Tuesday, December 17, 2019 2:46 PM
To: Patti Grey
Subject: 12 17 19 meeting: please read comments

Hello Ms. Patti:

Please submit my public comment: as below..

Dear Mayor Pettle, Council and City Staff:

I am Andy Redmond of 7275 Moss Ridge Rd. Thank you in advance for the following being read/submitted in my absence tonight.

- ***It seems a discussion will ensue regarding a proposed ordinance # 785, Storm Water. Such an ordinance should not be approved, nor further considered.***
- Instead the city should request a waiver, which would be approved. Collin County has adequate controls with the TCEQ to promote and enforce (if ever required) environmental quality in our City.


Perhaps this section applies:

>>>>

<https://www.tceq.texas.gov/assistance/water/stormwater/sw-ms4.html>

Then find this near the bottom of the page..

Forms

Waiver for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000) [\(TCEQ Form 20369\)](#) 

Pasted in part..(Notice two waivers.. I have pasted portions only for brevity)

Section 4. Waiver Eligibility

Indicate the waiver option you are seeking, and complete the questions for the selected waiver option to determine if eligible for the waiver option. If not eligible for a waiver, you must submit a Notice of Intent (TCEQ Form 20368).

Waiver Option 1 - A small MS4 may qualify for a waiver if it serves a total population of less than 1,000 within a UA based on the 2010 U.S. Census, and:.

Waiver Option 2 - A small MS4 may qualify for a waiver if it serves a total population of less than 10,000 within a UA based on the 2010 U.S. Census and meets all of the following criteria:

>>>>>

Seems pretty simple.. Let's keep Parker, "Parker" with less government and bureaucracy, it will be a long time, if ever that Parker has a population of 10,000.

Thanks for considering my input!

Andy

From: [Michael Booth](#)
To: [Patti Grey](#)
Cc: lpettle@aol.com
Subject: Comprehensive Plan Committee
Date: Tuesday, December 17, 2019 2:24:00 PM

Please read into the record at the city council tonight:

I am concerned with what I see on the agenda for tonight.

1. The comprehensive plan is the "constitution" for Parker. As such it may be the most important document we have. The structuring of the committee as a subcommittee of the P&Z committee is not appropriate. The document will set the parameters within which the council will work in future. A document of this importance should be under the direct control of the city council and a member of the council should be leading it.
2. The members from the HOA's will pick the members from non-HOA's. That also is not appropriate. They are not necessarily competent to make those selections and it increases their power too much.
3. There is no scheduling deadline for an initial report of the committee. Since there are other committees working whose efforts are dependent on the comprehensive plan, i.e. code rewriting and home rule, there is some urgency to completion of the comprehensive plan.
4. There is no mechanism noted for a budget for the committee, which will need to create and process a questionnaire to the citizens.
5. There is no mention of the need for a professional planner advising the committee, which will also require expenditures. Parker has repeatedly suffered from the lack of professional planning during the nearly 25 years we have lived here. The current administration is the first one to include professional city administrator and financial officer which is an encouraging move, and should be continued.
6. The agenda includes a superceded comprehensive plan from 1987 - 2002. It does not indicate why it is included. We agree that it is a good starting point, but that should be clearly directed by the council.
7. The designation of representatives from specific resident groups reflects the diversity of the city. The last time structuring the council by districts, it was voted down.
8. The designation of a committee of 13 people will make for an unwieldy group, making consensus difficult if not impossible to achieve. A smaller group would be a good idea.

Thank you for your attention.

Michael Booth, MBA, MA, LPC (Ret.)
4010 Anns Lane
Parker, Texas 75002

Terry Lynch, 5809 Middleton Dr.

Proposed
Comprehensive Plan Sub-Committee of P&Z Commission –

Before this committee gets started, the city needs a financial projection for the next 5 – 10 years under current expectations. People need to see what estimated growth will be under current planning along with the associated revenues and expenses.

In the Proposed Ordinance, under

- Duties and Powers

- Why would we want a group that meets annually, and among other things perform annual resident surveys and annual town hall meetings? (Sec 150.036 (a) (2), (5) & (10). After all, we have not truly reevaluated this Comprehensive Plan since 1987 (32 years ago).

I suggest council consider establishing a temporary sub-committee to update the comprehensive plan, then re-establish the committee to perform future reviews on a defined timeframe such as every five (5) years..

- The same section (6) refers to pursuing public information regarding “smart growth” and apply such information to the city ... According to Smart Growth America,

“Smart growth is an approach to development that encourages a mix of building types and uses, diverse housing and transportation options, development within existing neighborhoods, and community engagement.”

I want to be smart about our growth but what is stated above is outside what the city was established to be. This line should be deleted from the proposed ordinance.

- Membership and Appointment (Sec. 150.022)

- Section (a)(3) Identifies the City Administrator will be a member of the committee. It implies that they shall have voting rights. The City Administrator should not be a voting member.
- Item (2) & (5) relates to resident participation, however, it is unclear if the categories and numbers in each provide a relatively equal chance of representation by all residents of the city? I would like clarification of the areas involved along with numbers of residents in each category. Also, to confirm as proposed there would be 5 committee members from POA communities, not still under develop control and 3 for all other.

a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining a waiver, the population served refers to the residential population for traditional small MS4s and for certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts). For other non-traditional small MS4s, the population served refers to the number of people using the small MS4 on an average operational day.

Effective December 21, 2020, applicants must submit a waiver using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization.

1. Waiver Option 1:

The small MS4 serves a population of less than 1,000 within a UA and meets the following criteria:

- (a) The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES stormwater program (40 CFR § 122.32(d)); and
- (b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern.

2. Waiver Option 2:

The small MS4 serves a population under 10,000 within a UA and meets the following criteria:

- (a) The TCEQ has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
- (b) For all such waters, the TCEQ has determined that stormwater controls are not needed based on wasteload allocations that are part of an approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and
- (c) The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas surface water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.
- (d) For the purpose of this paragraph (2.), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.