



AGENDA

CITY COUNCIL SPECIAL MEETING

OCTOBER 26, 2021 @ 6:00 PM

Notice is hereby given the City Council for the City of Parker will meet on Tuesday, October 26, 2021, at 6:00 PM at the **Parker Fire Department Training Room**, 5700 E. Parker Road, Parker, Texas 75002. The Council meeting will be open to the public. The City of Parker will provide disposable face masks and hand sanitizer.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

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

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND ACTION ON RESOLUTION NO. 2021-680, OPPOSING THE PROPOSED DOMESTIC WASTEWATER TREATMENT FACILITY PERMIT APPLIED FOR BY RESTORE THE GRASSLANDS LLC AND HARRINGTON/TURNER ENTERPRISES, LP IN COLLIN COUNTY, TEXAS AND PROVIDING AN EFFECTIVE DATE.

ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before October 22, 2021, by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

Date Notice Removed

Patti Scott Grey
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared:	October 25, 2021
Exhibits:	<ul style="list-style-type: none"> • <u>Proposed Resolution</u> 	

AGENDA SUBJECT

CONSIDERATION AND ACTION ON RESOLUTION NO. 2021-680, OPPOSING THE PROPOSED DOMESTIC WASTEWATER TREATMENT FACILITY PERMIT APPLIED FOR BY RESTORE THE GRASSLANDS LLC AND HARRINGTON/TURNER ENTERPRISES, LP IN COLLIN COUNTY, TEXAS AND PROVIDING AN EFFECTIVE DATE.

SUMMARY

Please review the information provided. The item will be discussed more extensively at the meeting.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	10/22/2021
Interim City Attorney:	<i>David W. Banowsky/Art Rodriguez</i>	Date:	10/23/2021 via email
City Administrator:	<i>Luke B. Olson</i>	Date:	10/22/2021

RESOLUTION NO. 2021-680
(*Proposed Domestic Wastewater Treatment Facility*)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,
COLLIN COUNTY, TEXAS, IN OPPOSITION TO THE PROPOSED
DOMESTIC WASTEWATER TREATMENT FACILITY PERMIT
APPLIED FOR BY RESTORE THE GRASSLANDS LLC AND
HARRINGTON/TURNER ENTERPRISES, LP IN COLLIN COUNTY,
TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Parker, Texas being located within Collin County and adjacent to the extraterritorial jurisdiction of Murphy, Texas; and

WHEREAS, the City of Parker has become aware of an application by Restore the Grasslands LLC and Harrington/Turner Enterprises, LP to the Texas Commission on Environmental Quality (“TCEQ”) for a proposed Texas Pollutant Discharge Elimination System Permit No. WQ0016003001 (EPA I.D. No. TX 0141381) to discharge treated wastewater at a volume not to exceed a daily average flow of 200,000 gallons per day; and

WHEREAS, this domestic wastewater treatment facility is proposed to be located 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive, in Collin County, which is located in the extraterritorial jurisdiction of Parker, Texas and adjacent to residential subdivisions within the City of Murphy; and

WHEREAS, according to the [August 25], 2021, Notice of Receipt of Application, which is attached as Exhibit 1 and incorporated herein, “the discharge route will be from the plant site to Maxwell Creek, hence to”; said Maxwell Creek flows through the City of Parker and the City of Murphy and any inadequately treated wastewater within such creek will adversely affect the public health, safety and quiet enjoyment of the citizens and visitors of Murphy; and

WHEREAS, the City of Parker is highly concerned regarding quality of water to be discharged from the proposed wastewater plant and adverse impacts on recreational activities of the residents of Parker, and therefore Parker stands opposed to this new wastewater treatment facility.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF PARKER, TEXAS, THAT THE CITY:**

SECTION 1. That the foregoing recitals are hereby found to be true and correct legislative findings of the City of Parker, Texas, and are fully incorporated into the body of this resolution.

SECTION 2. That the City Council of the City of Parker is opposed to the discharge by this potential wastewater treatment facility into Maxwell Creek.

SECTION 3. That the City Council of the City of Parker stands in support of its sister cities, including Murphy, and adjacent homeowners and business owners who stand in opposition to this new wastewater treatment facility.

SECTION 4. That the City Council of the City of Parker requests the TCEQ to add the City to its mailing list regarding this matter and to accept this resolution as public comment on the proposed permit.

SECTION 5. This Resolution shall become and be effective on and after its adoption and publication as provided by law.

SECTION 6. It is hereby found and determined that the meeting at which this Resolution was passed was open to the public as required by law, and that a public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.041 Texas Government Code.

DULY RESOLVED by the City Council of the City of Parker, Collin County, Texas on this the 26th day of October, 2021, effective this date.

APPROVED:
CITY OF PARKER

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

Scott D. Levine, Interim City Attorney

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016003001

APPLICATION. Restore the Grasslands LLC and Harrington/Turner Enterprises, LP, 4801 West Lovers Lane, Dallas, Texas 75209, have applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001 (EPA I.D. No. TX0141381) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 200,000 gallons per day. The domestic wastewater treatment facility will be located approximately 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive, in Collin County, Texas 75002. The discharge route will be from the plant site to Maxwell Creek; thence to Muddy Creek; thence to Lake Ray Hubbard. TCEQ received this application on May 26, 2021. The permit application is available for viewing and copying at Rita & Truett Smith Public Library, 300 Country Club Road, #300, Wylie, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.616388%2C33.041666&level=12>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list**

for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit

their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Restore the Grasslands LLC and Harrington/Turner Enterprises, LP, at the address stated above or by calling Ms. Ashley Broughton, P.E., Project Manager, LJA Engineering, Inc., at 713-380-4431.

Issuance Date: August 25, 2021