

City Council
November 16, 2015

A work session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Conference Room at City Hall, 401 S. Rogers on Monday, November 16, 2015, at 5:00 p.m.

Council Members Present: Kevin Strength, Mayor
Mark Singleton, Mayor Pro Tem
Chuck Beatty, Councilmember
David Hill, Councilmember
Mary Lou Shipley, Councilmember

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary

Mayor Kevin Strength called the meeting to order.

Mr. Jeff Chambers, Director of Public Works, discussed ordinances related to storm water management program. He introduced Mr. Niraj Acharya, Project Manager and Ms. Rikki Weaver, Engineer, from the storm water group of Teague, Nall, and Perkins.

Mr. Chambers reported the City currently has a five year Storm Water Management Program mandated by state (TCEQ) and federal (EPA) levels. He explained the City has been in the program two years and TCEQ and the EPA require adoption of ordinances pertaining to Illicit Discharge Detection; Post-construction Runoff Control; and Erosion Control by December 13, 2015.

Mr. Niraj Acharya, Project Manager, reviewed the following Ordinances noting the required adoption of the Ordinances is Phase 2 of the five year plan.

Illicit Discharge Detection Ordinance – the purpose is strictly to prevent unregulated unlawful discharges into springs and water body (i.e., illegal dumping).

Erosion Control Ordinance - the city is already enforcing as a requirement by EPA which is the measures that contractors have to follow while constructing to keep sediment and such from running off their jobsite.

Post-construction Runoff Control Ordinance - pertains to long-term measures that will be put into place once the site is built and active to prevent pollutant runoff into the streams.

Mayor Strength asked how much cost to the contractors for implementing the Ordinances. Mr. Chambers stated contractors are required to follow these ordinances already in place by the State; therefore the City already requires all these measures. He explained Contractors have to have an erosion control plan submitted to the State prior to new construction.

Mayor Pro Tem Singleton asked if the State defers their enforcement actions ultimately to the City. Mr. Chambers stated his understanding is they do.

Mr. Acharya reported the EPA and TCEQ take it very seriously with compliance to their regulations. He stated two years ago there were cities that opted not to adopt the three Ordinances and they were fined \$15,000 just for turning it in late. He explained it is not optional, and required by the EPA and TCEQ. Mr. Acharya stated the EPA hands down the jurisdiction to the State and therefore the City's annual report will be submitted to TCEQ.

Mayor Pro Tem Singleton asked what the cost is to run the department that will be enforcing the proposed ordinances. He stated because monies haven't been adequately budgeted, he would rather table this for further review and do that indefinitely until it can be figured out how to pay for it. He stated there might be some things we can do at 60% less of what is required and still get a "C" because that is what the city can afford.

Councilmember Mary Lou Shipley noted intentionally and knowingly not doing what the Storm Water Management Program requires us to do pretty quickly become egregious. City Attorney Steve Chapman concurred.

Councilmember David Hill stated, as a builder, he agrees we don't want to add any more layers, however TCEQ, EPA, and OSHA already governs what he does as a builder. The Homebuilders Association sends out notifications of requirements to homebuilders. He noted he doesn't understand the unfunded mandate that we have because we already watch over this and asked is it necessary to actually hire an additional person to monitor what we are already do. He concurred with Councilmember Shipley and City Attorney Steve Chapman noting we are under penalty if we don't adopt the ordinances presented.

City Manager Paul Stevens stated the city is supposed to adopt the proposed Ordinances by December 13, 2015 and recapped the questions for staff is to find out the penalty for not adopting the ordinances and cost to run the program.

No action taken.

Fire Chief Ricky Boyd presented an overview of the proposed updated Ambulance Ordinance and AMR contract. He reviewed the terms of the contract. He reported Ellis County, Red Oak, and Ennis have adopted their agreements and all are stand-alone contracts. They will take effect on January 3, 2016. The City of Waxahachie is also a stand-alone contract separate from the County and cities mentioned. Chief Boyd stated he is very confident with the updated Ambulance Ordinance and AMR Contract and is a good fit where the citizens can be served well. The contract will take effect on January 3, 2016.

No action taken.

The meeting adjourned at 6:35 p.m.

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Respectfully submitted,

Lori Saunders
City Secretary