

City of Killeen
Special City Council Meeting
Killeen City Hall
August 7, 2012
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Michael Lower, Councilmembers Elizabeth Blackstone, Terry Clark, Jared Foster, Wayne Gilmore, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, and City Secretary Paula Miller

Approval of Agenda

Mayor Pro-Tem Lower moved to approve the agenda as written, seconded by Councilmember Gilmore. The motion was unanimously approved.

Special Agenda Items

SP-1 Consider an amendment to the Municipal Drainage Utility System Ordinance, Chapter 32 City Code, Adopting Post Construction Storm Water Control Ordinance.

Director of Environmental Services Kristina Ramirez noted a meeting was held with stakeholders to discuss revisions and solicit additional input regarding the proposed ordinance. There will be no fiscal impact until 2016-2017 at which time an additional crew will be needed. The purpose of the post-construction storm water control ordinance is to prevent an impact on water quality and to address long-term operation and maintenance of post-construction BMPs. This ordinance must be approved by August 12, 2012, according to the City's MS4 permit.

There are three bodies of water in Killeen that have been identified as impaired by TCEQ: Trimmier Creek, Nolan Creek/South Nolan Creek, and Little Nolan Creek. Post-development is one of the reasons for the impairment.

Burt Weathersbee of Jacobs Engineering advised that sampling studies indicated the presence of heavy metal, coli form pollutants, ammonia, and phosphorus, all of which degrade the ecosystem. As development occurs, water quality deteriorates.

In developing the ordinance, examples were reviewed: the EPA model; Maryland Department of Environment; Grand Traverse County, Michigan; City of Seattle; St. Johns River Water Management District, Florida; and City of Santa Monica, California. The ordinances of Arlington, Temple, Harker Heights, and Copperas Cove were also reviewed.

Changes to the proposed ordinance include amendments to the definition of creek buffer zone to reference U.S. Geological Survey or FEMA maps, provide that the City shall accept maintenance of facilities that are constructed in compliance with the ordinance, reduces the number of additional BMP credits required for both residential and non-residential construction, increases

the maximum disturbed area of residential from greater than twenty acres to greater than fifty acres, and adds a section to provide for variances.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM, BY ADOPTING AN ARTICLE ENTITLED POST CONSTRUCTION STORM WATER CONTROL ORDINANCE; AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-150 “FEES” TO RECOVER ADDITIONAL ADMINISTRATIVE COSTS; AMENDING CHAPTERS 26 AND 32 OF THE CODE OF ORDINANCES FOR CONSISTENCY AND AS A HOUSEKEEPING MEASURE; ADOPTING ADDITIONS TO THE CITY’S DRAINAGE DESIGN MANUAL; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Director Ramirez reported that the stakeholders that were present to review these revisions unanimously approved the changes, although not all stakeholders were present.

Councilmember Clark disagreed with the required BMPs being cut in half as well as changes to the urban forestry BMP. He thought the amended definition of watercourse weakened the ordinance, and he expressed his concern with increasing the residential maximum to more than fifty acres, rather than twenty.

Mayor Corbin called a ten-minute break at this time.

Upon the Council’s return, Mayor Corbin noted a number of people had asked to speak.

Jennifer Walker, PO Box 10194, Houston, Texas, is a consultant hired by the stakeholders and has worked with municipalities throughout the country as well as Fort Hood. The goal of her firm is to improve water quality. BMPs must be appropriate for each individual community. Design of BMPs is an ongoing process and will be reviewed and revised over time. Monitoring is required, and grants are available to accomplish the requirements. The ordinance under consideration by the City does meet EPA requirements.

Scott Brooks, 3000 Illinois, emphasized that the change from twenty acres to fifty acres was for economy of scale. More could be done in construction that would spread the cost across many lots, reducing the increase for each purchaser. He noted this ordinance is stronger than those adopted in either Harker Heights or Copperas Cove.

David Olson, 2901 E. Stan Schlueter Loop, noted that all BMP credits do have a measurable benefit to water quality.

John Evans, 612 Turtle Bend, thought it appeared that the standards were being diluted, but said he could accept the revised ordinance if staff agreed.

Director Ramirez advised that the items highlighted in green are areas where staff agrees with the stakeholders; those items in blue are polity decisions to be decided by Council.

Councilmember Okray moved to approve the ordinance as submitted on July 24 with the addition of the following to Section 32-49(b)(6): “if the facility or facilities are constructed in compliance with the terms of this agreement and this article, it will be accepted by the city.” The motion died for lack of a second.

Councilmember Clark moved to approve the ordinance as presented except on page ten in Section 32-51, the number of additional BMP credits would be as originally proposed. Councilmember Okray seconded the motion.

Councilmember Okray moved to amend the motion to reduce the residential acreage in the same section from fifty acres back to twenty acres, and Councilmember Clark seconded the motion.

A vote was taken on the amended motion, and it was disapproved 2-5 (Mayor Pro-Tem Lower and Councilmembers Blackstone, Foster, Gilmore, and Segarra in opposition).

A vote was then taken on the original motion, and it was disapproved 2-5 (Mayor Pro-Tem Lower and Councilmembers Blackstone, Foster, Gilmore, and Segarra in opposition).

Mayor Pro-Tem Lower moved to approve the ordinance [12-046] as presented, seconded by Councilmember Blackstone. Councilmember Segarra asked how long it would be until the City could revise the ordinance if necessary. Director Ramirez advised it would be necessary to wait until some of the BMPs had been constructed in order to evaluate their effectiveness, approximately two years. The motion was approved 5-2 (Councilmembers Clark and Okray in opposition).

Mayor Pro-Tem Lower moved to cancel the Council meeting for August 9, seconded by Councilmember Clark. The motion was unanimously approved.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 7:36 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary