

Notice of Meeting of the Governing Body of the City of Georgetown, Texas DECEMBER 20, 2013

The Georgetown City Council will meet on DECEMBER 20, 2013 at 5:00 P.M. at the Council Chambers, 101 E. 7th St., Georgetown, Texas

The City of Georgetown is committed to compliance with the Americans with Disabilities Act (ADA). If you require assistance in participating at a public meeting due to a disability, as defined under the ADA, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the City Secretary's Office, least four (4) days prior to the scheduled meeting date, at (512) 930-3652 or City Hall at 113 East 8th Street for additional information; TTY users route through Relay Texas at 711.

Regular Session

(This Regular Session may, at any time, be recessed to convene an Executive Session for any purpose authorized by the Open Meetings Act, Texas Government Code 551.)

- A **Call to Order – A Special Meeting of the City Council**
- B Consideration and possible action to approve the **Second Amended Memorandum of Understanding for The Summit at Rivery Park Project to extend the termination date** from December 31, 2013 to **January 31, 2014** -- Bridget Chapman, City Attorney
- C Consideration and possible action to approve a Resolution **adopting a Water Quality Management Plan** -- Paul E. Brandenburg, City Manager
- D **Second Reading** of an Ordinance **establishing regulations intended to protect the spring formations and stream habitats of the Georgetown Salamander** and specifically regulating certain activities in the recharge zone of the **Edwards Aquifer** within the City and extraterritorial jurisdiction including an **Adaptive Management Working Group** to consider variances to this ordinance -- Paul E. Brandenburg, City Manager (**action required**)
- E **Second Reading** of an Ordinance **establishing the classifications and number of positions (Strength of Force)** for all the City of Georgetown **Fire Fighters and Police Officers** pursuant to Chapter 143 of the Texas Local Government Code pertaining to Civil Service -- John Sullivan, Fire Chief (**action required**)
- F Consideration and possible action to approve a **Memorandum of Understanding with Georgetown Independent School District** for a one **(1) year Fire-Fighter Pilot Program** in collaboration with the Georgetown Fire Department -- John Sullivan, Fire Chief

Adjournment

Certificate of Posting

I, Jessica Brettle, City Secretary for the City of Georgetown, Texas, do hereby certify that this Notice of Meeting was posted at City Hall, 113 E. 8th Street, a place readily accessible to the general public at all times, on the ____ day of _____, 2013, at _____, and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jessica Brettle, City Secretary

City of Georgetown, Texas
December 20, 2013

SUBJECT:

Call to Order – A Special Meeting of the City Council

ITEM SUMMARY:

FINANCIAL IMPACT:

SUBMITTED BY:

City of Georgetown, Texas
December 20, 2013

SUBJECT:

Consideration and possible action to approve the **Second Amended Memorandum of Understanding for The Summit at Rivery Park Project** to **extend the termination date** from December 31, 2013 to **January 31, 2014** -- Bridget Chapman, City Attorney

ITEM SUMMARY:

On May 5, 2013, the City entered into a Memorandum of Understanding (MOU) with Novak Brothers LLC and Hines Interests Limited Partnership outlining the general parameters for negotiation of definitive agreements for the development of The Summit at Rivery Park Project. The MOU provides for termination 1) upon the execution of all definitive agreements by all necessary parties; or 2) upon ten (10) days prior written notice by either party to the other party; or 3) on August 31, 2013, unless extended by mutual written agreement of the Parties, whichever shall occur first.

The MOU was amended in August 2013 to provide for termination on December 31, 2013. The MOU will terminate on December 31, 2013 unless the termination date is extended.

Many of the definitive agreements contemplated by the MOU have been negotiated and approved. The Parties continue to negotiate the remaining definitive agreements in good faith, and anticipate consideration of those agreements by the City Council at the January 14, 2014 regular meeting. Staff recommends extension of the MOU termination date to January 31, 2014.

FINANCIAL IMPACT:

None.

SUBMITTED BY:

Bridget Chapman, City Attorney

ATTACHMENTS:

[Second Amended MOU](#)

SECOND AMENDED MEMORANDUM OF UNDERSTANDING

THIS SECOND AMENDED MEMORANDUM OF UNDERSTANDING (this "Memorandum") is entered into by and between the **City of Georgetown**, a home-rule municipality located in Williamson County, Texas (the "City") and Novak Brothers LLC and Hines Interests Limited Partnership (collectively, "Developer"). It is intended that, prior to construction of the Hotel, Conference Center and related Parking Garage (collectively, the "Hotel Project"), an affiliate of Novak Brothers LLC and an affiliate of Hines Interests Limited Partnership will form a limited liability company that will own, develop and construct the Hotel Project.

The City and Developer have engaged in preliminary discussions concerning a Hotel, Conference Center, related Parking Garage, and Park Improvements (each herein defined) (collectively, the Hotel, Conference Center, Parking Garage, and Park Improvements are referred to herein as the "Project") in Georgetown, Williamson County, Texas. In general, in exchange for funding from various public funding sources, the Developer would be required to construct the Hotel, Conference Center, Parking Garage, and Park Improvements and related water, wastewater, electric and transportation improvements on land located in The Summit at Rivery Park and in the City's Rivery Park.

This Memorandum outlines certain general parameters under which Developer and the City to aid the parties in the negotiation of several detailed definitive agreements pertaining to the Project. This Memorandum is not, nor is it intended to be, an exhaustive or complete discussion of either the terms and conditions set forth herein or of any prospective definitive agreements pertaining to the Project but is intended to provide a framework for drafting the necessary definitive agreements. Subject to the foregoing and the other provisions hereof regarding the non-binding nature of this Memorandum, the following are certain general parameters pursuant to which Developer and the City would commence negotiations concerning the Project:

I. Site; Zoning; Platting; Compliance with City Codes

The Hotel, Conference Center, and Parking Garage would be developed on an area consisting of Lot 1, Block F, Lot 1, Block E, and a portion of Lot 1, Block G, of The Summit at Rivery Park Subdivision, Phases 5 and 6, also referred to as Zone B of "The Summit at Rivery Park" Planned Unit Development District, located west of IH-35 and north of Rivery Blvd. within the corporate limits of the

City of Georgetown, Texas, and further described in Ordinance No. 2012-64 , which is also referred to as “Zone “B” of the Planned Unit Development known as “The Summit at Rivery Park,” located west of IH-35 and north of Rivery Blvd. within the corporate limits of the City of Georgetown, Texas (the “Development Site”) and further described in Ordinance No. 2010-31 (the “PUD Ordinance”). The PUD Ordinance needs to be amended to accommodate the portions of the Project that are to be constructed on the Development Site and to remove elements that are no longer part of the Project. The City staff will prepare, or cause to be prepared, an application to amend the PUD Ordinance (the “Amended PUD Ordinance”) to allow the development of the Project on the land that is subject to the PUD Ordinance. Subject to Developer's review and approval of same and so long as the PUD Ordinance does not include material deviations from the requirements of the City’s Unified Development Code and other applicable ordinances or regulations that are not approved by Developer, Developer will agree to support the Amended PUD Ordinance and to encourage all landowners within the boundaries of the PUD to support the Amended PUD Ordinance.

In connection with its development of the Project, Developer agrees to prepare and submit all applications to the City’s Development Services department that comply with the City’s Unified Development Code, and the Amended PUD Ordinance. The Parties’ obligations under any definitive agreements would be subject to and conditioned upon approval by the City Council of the Site Plan and amendments to the PUD Ordinance and approval by the City’s Development Engineer of the construction plans in order to allow for the operation of the Project at the Development Site.

II. Hotel

Developer has committed to be obligated to construct, fixture and operate at its sole cost an “elite-level” hotel containing approximately 223 rooms, together with all ancillary facilities necessary or appropriate for the proper operation (collectively, the “Hotel”). It is the intent of the Developer for the Hotel to be located on the Development Site in a location contiguous to but separate from the Conference Center, with the specific location of the Hotel to be set forth in the Site Plan and/or Amended PUD Ordinance (the “Hotel Site”). The Hotel would be a "four-star" hotel according to the rating system devised by the Forbes Travel Guide or similar national hotel rating system (“Brand Standard”) and be designed with an architectural style appropriate to the Central Texas Hill Country setting of the Development Site and consistent with the Amended PUD Ordinance. In

addition, the Hotel would be required to be constructed and furnished on a schedule to be specified and in accordance with design and construction details and specifications set forth in the definitive agreements which would be consistent with design and construction standards typical with the Brand Standard and which would be sufficient to meet the requirements set forth in the PUD and the Revised TIRZ Plan. Prior to commencing construction of the Hotel, Developer shall provide the City with substantially final plans and specifications and seek input from the City with regard to the final design plans to confirm that the Hotel is consistent with the above-referenced standards. The deadline for final completion of construction of the Hotel is September 30, 2015.

III. Conference Center

Developer would be obligated to construct a conference center and related improvements, including all furniture, fixtures and equipment necessary for the operation thereof (collectively, the "Conference Center") contiguous to the Hotel with the specific location of the Conference Center to be set forth in the Site Plan and/or Amended PUD Ordinance (the "Conference Center Site"). The Conference Center ballroom will be at least 16,000 square feet and the design and plans for the Conference Center will be consistent with the same standards as the Hotel and as set forth in this Memorandum. Prior to commencing construction of the Conference Center, Developer shall provide the City with substantially final plans and specifications and seek input from the City with regard to the final design plans to confirm that the Conference Center is consistent with the standards set forth herein. Developer would initially pay all costs associated with the design, construction, fixturing and furnishing of the Conference Center. The deadline for final completion of construction of the Conference Center is September 30, 2015. As of the date of this Memorandum, Developer has represented to the City that the cost to design, construct, and fixture the Conference Center on the Conference Center Site will be at least \$12,500,000.

The Conference Center Site would have to have legal access to a public road sufficient to accommodate the vehicular traffic expected to be generated by the Conference Center. Developer would be obligated to comply with the Amended PUD Ordinance and the City's Unified Development Code, Code of Ordinances, and construction standards with respect to the development of the Conference Center Site including, without limitation, platting the Conference Center Site and the Hotel site as separate legal lots or otherwise creating a horizontal condominium regime so that the Conference Center Site and the Hotel site will be legally separate sites and taxed separately.

The Conference Center would be an upscale facility and would be designed with an architectural style appropriate to the Central Texas Hill Country setting of the Development Site. The Conference Center would be constructed and furnished in accordance with design and construction details and specifications set forth in the definitive agreements (subject to flexibility if required for the operator of the Conference Center to maintain and operate the Conference Center in a manner consistent with the standards set forth in this Memorandum) which would be consistent with design and construction standards typical for upscale conference facilities. .

The City would retain approval rights over the naming rights for the Conference Center. The right to derive any associated revenue from the naming rights would be retained by City, subject, however, to any requirements of the national operator of the Hotel Project. The City would also retain approval over all signage and logos placed on the Conference Center and the Conference Center Site to confirm such signage and logos are in compliance with applicable laws and ordinances; provided, however, that so long as such signage and logos are in compliance with applicable laws and ordinances, the City shall not withhold its approval.

IV. Parking Garage

Developer would be obligated to construct a Parking Garage. The Parking Garage would be located on the Development Site with the specific location of the Parking Garage to be set forth in the Site Plan and/or Amended PUD Ordinance (the "Parking Garage Site"). Developer would be obligated to comply with the Amended PUD Ordinance and the City's Unified Development Code, Code of Ordinances, and construction standards with respect to the development of the Parking Garage Site. The Parking Garage will be designed with an architectural style appropriate to the Central Texas Hill Country setting of the Development Site and consistent with the Amended PUD Ordinance. In addition, the Parking Garage would be required to be constructed and furnished on a schedule to be specified and in accordance with design and construction details and specifications set forth in the definitive agreements which would be consistent with design and construction standards typical for parking facility to serve the Hotel and Conference Center. Prior to commencing construction of the Parking Garage, Developer shall provide the City with substantially final plans and specifications and seek input from the City with regard to the final design plans to confirm that the Parking Garage is consistent with the standards set forth herein.

The deadline for final completion of construction of the Parking Garage is September 30, 2015.

V. Park Improvements

Developer (or an affiliate of Novak Brothers) shall construct at its sole cost and expense certain park improvements in consideration of the City's agreement to allow the Developer's to construct a water quality pond in Rivery Park, as more specifically provided in the definitive agreements.

VI. Public Infrastructure Improvements; Financing

In order to facilitate construction of the Hotel and Conference Center, the City would request the Georgetown Enhancement Corporation (GEDCO) (a "Type A Corporation" under Chapter 504 of the Texas Local Government Code) and the Georgetown Transportation Enhancement Corporation (GTEC) (a "Type B Corporation" under Chapter 505 of the Texas Local Government Code) to enter into performance agreements whereby the Developer would construct the Hotel, Conference Center and Parking Garage, and the economic development corporations would provide funds in amounts not to exceed the funds approved by GEDCO, GTEC and the City Council to enable the construction of eligible on-site and off-site infrastructure improvements. The definitive agreements would specify the timetable for the design and construction of the GEDCO/GTEC-financed infrastructure improvements.

All other costs for Project-related on and off-site public infrastructure improvements for water, wastewater, streets, drainage and other utilities necessary for the development and operation of the Project at the Project Site not funded by GEDCO/GTEC would be paid for by the Developer or the City, as specifically provided in the definitive agreements. Any and all such infrastructure and improvements would be required to be planned, designed, constructed, operated and maintained in accordance with the City's ordinances and standards, as well as with all other applicable statutes, rules and regulations.

VII. Tax Increment Reinvestment Zone; Use of Tax Increment for Financing

The Project Site is part of larger area that has been designated as a tax increment reinvestment zone (the "Zone") pursuant to Chapter 311 of the Texas Tax Code by Ordinance No. 2007-91, as amended by Ordinance No. 2008-63 (collectively, the "TIRZ Ordinance"). The City staff will prepare an amended Project Plan and Reinvestment Zone Financing Plan (the "Revised TIRZ Plan") to

describe the Project, restore the 8.33 acres previously removed from the Zone into the Zone, and extend the term of the Zone until 2041, and Developer agrees to assist the City staff by providing information requested to prepare the Revised TIRZ Plan. The Revised TIRZ Plan will be presented to the Board of Directors of the Zone and to City Council for approval in accordance with the requirements of Chapter 311 of the Texas Tax Code. City staff will also draft an amended TIRZ Ordinance. The Parties' obligations under any definitive agreements would be subject to and conditioned upon approval by the Board of Directors of the Zone and the City Council of the Revised TIRZ Plan and the approval by the City Council of amendments to the TIRZ Ordinance.

The City and Williamson County are also parties to that certain "Tax Increment Financing Agreement" dated September 16, 2008, and amended on May 22, 2010 (collectively, the "TIF Agreement"). The City and Williamson County are currently in the process of amending the TIF Agreement. The parties obligations under any definitive agreements would be subject to and conditioned upon such designation being granted and a "TIF" being approved by the City and Williamson County for the Project whereby the property tax increments generated by the City and Williamson County from the Project Site would be applied to the payment of the indebtedness incurred by the City until such time as said indebtedness is paid in full. The City would have the right to receive 100% of the City's 100% portion of the tax increment revenue from the Zone and 100% of the County's 80% portion of the tax increment revenue from the Zone until the certificates of obligation issued by the City are paid in full. Thereafter, tax increment revenue from the Zone would be eligible for use on other Project Costs in the Revised TIRZ Plan, as may be approved from time to time by the Zone Board.

The City staff will draft agreements between the Board of Directors of the Zone and the City authorizing the use of the tax increment revenue generated in the Zone to reimburse the City for issuance of the certificates of obligations. The Parties' obligations would be conditioned upon approval by the Zone Board of Directors and the City Council.

VIII. Joint Use and Access Agreement

The City has determined that it is economically and practically advantageous for the City to have use, access and easement rights in the Conference Center and Parking Garage that will run with the land for the duration of the Zone without incurring capital repairs, insurance, ongoing

maintenance, operating and administration costs associated with the Conference Center and Parking Garage. Subject to the receipt of Attorney General approval and City Council approval, the City intends to issue taxable certificates of obligation to fund the purchase of its ownership interest in the Conference Center and Parking Garage. The Developer shall be initially responsible for documenting the proposed value of the City's ownership interest(s), subject to review and approval of the City's financial advisors. The value of the City's ownership interest will be as determined by the City but must be in an amount at least equivalent to the amount of certificates of obligation the City issues for the Conference Center and Parking Garage. It is contemplated that the City and Developer will enter into a joint use, access and easement agreement evidencing the City's ownership interest by granting certain use, access and land (easement) interests to the City in the Conference Center and Parking Garage and will detail the Parties' respective rights and obligations with respect to use of the Conference Center and Parking Garage (the "Joint Use and Access Agreement"). The Developer shall submit the Joint Use and Access Agreement to the City for approval and the Developer and the City shall use good faith efforts to negotiate the Joint Use and Access Agreement to be consistent with meeting the needs of the City and the needs of the Developer and the operator of the Hotel Project. Upon approval, the City will submit the necessary information to the Attorney General for a determination as to whether or not the City may issue taxable certificates of obligation to fund the purchase of its ownership interest in the Conference Center and Parking Garage. If the Attorney General determines that the City may not issue taxable certificates of obligation based on the financing structure set forth in this, Memorandum, Developer and the City shall use good faith efforts to devise another structure that would permit issuance of such taxable certificates of obligation. If the Attorney General determines that the City may issue taxable certificates of obligation, subject to approval of the City Council and the approving opinion of the Attorney General, the City intends to issue certificates of obligation, and to pay that amount to the Developer upon final completion of construction, and issuance of certificates of occupancy for, the Hotel, Conference Center and Parking Garage, and after the valuation of the Hotel Project has been recognized and certified by the Williamson Central Appraisal District. As of the date of this Memorandum, it is the parties' understanding that the City's contribution pursuant to this paragraph would not exceed \$10,000,000. The Attorney General's determination shall be final and dispositive as to the issue of whether the City may issue taxable certificates of obligation as outlined in the Joint Use and Access Agreement and approved by the City Council.

The City's rights under the Joint Use and Access Agreement shall run with the land for the term of the Zone and shall be prior to any Operating Agreement such that future owners and operators of the Hotel Site shall be bound by the terms of the Joint Use and Access Agreement and the City's rights thereunder. The Joint Use and Access Agreement must provide that the City's rights cannot be impaired if there is a default in the financing related to the Project.

IX. Operating Agreement

Developer intends to enter into an Operating Agreement that will cover the operation of the Hotel, Conference Center and Parking Garage in a unified fashion. It is Developer's intention that the Operator will be a nationally known hotel franchisor such as Starwood Hotels and Resorts such that the Hotel, Conference Center and Parking Garage will be operated as a Sheraton or similar hotel conforming to the Brand Standard. Developer shall cause the Operating Agreement to be consistent with the provisions contained in the Joint Use and Access Agreement such that the City's rights thereunder shall not be materially or adversely impaired. Developer must provide the City with a copy of the Operating Agreement and any amendments thereto.

X. Payment of Legal Costs; Application Fees/Costs; Other Consultant Fees

This provision confirms Developer's agreement to reimburse the City for all reasonable professional fees and costs (outside counsel, financial consultants, etc.) related to the Project. Invoices for such professional fees and costs that have been paid by the City, and have not yet been reimbursed by Developer, will be paid by the Developer on or before the date of this Memorandum. Invoices for professional fees and costs received by the City after the date of this Memorandum will be forwarded to the Developer for reimbursement monthly, and payment from the Developer to the City is due within 20 days of Developer's receipt of the invoice from the City. If the Developer fails to reimburse the professional fees and costs as required, City staff may stop work on the Project and consideration of any application or other authorization process may be stopped, until Developer has reimbursed all professional fees and costs to the City.

XI. Due Diligence and Disclosure

The Developer agrees to timely disclose and provide documents and information reasonably requested by the City to allow the City to satisfy its obligations of due diligence and as may be necessary or appropriate to effect the

provisions of this Memorandum. Because the parties to the definitive agreements are unknown as of the date of this Memorandum, Developer further agrees to timely disclose information regarding the non-City-related entity or entities that will be parties to the definitive agreements. The City agrees to timely disclose and provide documents and information reasonably requested by the Developer to allow the Developer to satisfy its obligations of due diligence and as may be necessary or appropriate to effect the provisions of this Memorandum.

XII. Definitive Agreements

The definitive agreements anticipated to be necessary to give effect to each element of the Project are:

- Amended PUD Ordinance
- GTEC Performance Agreement
- Agreement for Use of GTEC Sales Tax
- GEDCO Performance Agreement
- Agreement for Use of GEDCO Sales Tax
- Temporary Easement for Construction of Pond
- Joint Use and Access Agreement
- Amended TIRZ Plan/Ordinance
- Agreement to Pledge Tax Increment for CO Repayment
- Amended County/City TIF Agreement

This list of definitive agreements is subject to change as discussions evolve and reveal other matters that need to be memorialized. The definitive agreements would contain a prohibition on transfer of any property in the Zone to a tax exempt entity. The City and Developer shall use good faith efforts to negotiate a definition of "Permitted Assignee" such that so long as the Joint Use and Access Agreement will be held in the name and ownership of a Permitted Assignee, the City shall not have any approval rights to such transfer, which definition will be included in the Joint Use and Access Agreement. Transfers to parties other than Permitted Assignees will be subject to the prior review and approval of the City to ensure that the City's rights under the Joint Use and Access Agreement are protected for the term of the Zone.

XIII. Non-Binding

This Memorandum is entered into solely for the purpose of providing a framework for negotiation. The Parties will negotiate in good faith to arrive at

mutually acceptable Definitive Agreements for approval, execution, and delivery on the earliest reasonably practicable date, however the execution and delivery hereof by Developer or by the City, or any negotiations concerning this Memorandum or any possible agreements, shall not, and does not, create any contractual rights or obligations in favor of either party vis-à-vis the other, nor shall the submission or acceptance of this Memorandum constitute any offer by either party to enter into any transaction with the other or bind either party to pursue a transaction with the other concerning the Project. Neither party hereto shall have any obligations one unto the other concerning the Project or any other matter until such time as all definitive agreements are fully negotiated, drafted, executed and delivered by and between them. Furthermore, either party may, at any time prior to the execution and delivery of the definitive agreements, abandon discussions concerning the Project without liability, it being acknowledged that neither party has any obligation to the other to engage in or continue any negotiations regarding the Project. The terms of this paragraph are binding on City and Developer.

XIV. Applicable Law, Jurisdiction and Venue

This Memorandum, and any definitive agreements, shall be construed and governed in accordance with the laws of the state of Texas. The Parties submit exclusively to the jurisdiction of the state and federal courts of Williamson County, Texas, and venue for any cause of action arising hereunder shall lie exclusively in the state and federal courts of Williamson County, Texas.

XV. Term and Termination

This Memorandum will terminate 1) upon the execution of all definitive agreements by all necessary parties; or 2) upon ten (10) days prior written notice by either party to the other party; or 3) on January 31, 2014, unless extended by mutual written agreement of the Parties, whichever shall first occur.

IN WITNESS WHEREOF, each Party represents and confirms that the signatory for the Party has been duly authorized to fully bind the Party to this Memorandum and cause this Memorandum to be executed by their duly authorized officers.

[SIGNATURE PAGES FOLLOW]

CITY OF GEORGETOWN, TEXAS,
a Texas home rule municipality

By: _____
George G. Garver

Date: _____

ATTEST:

By: _____
Jessica Brettle, City Secretary

APPROVED AS TO FORM:

By: _____
Bridget Chapman, City Attorney

NOVAK BROTHERS, LLC

By: _____
Jeff Novak, Managing Member

Date: _____

HINES INTERESTS LIMITED PARTNERSHIP

Hines Holdings, Inc., its general partner

By: _____
Name: _____
Title: _____
Date: _____

Agreed to by Brae Group, Ltd., a Texas limited partnership, the owner of the real property that will comprise the Hotel Project as of the date of this Agreement, it being understood that the real property will be transferred by Special Warranty Deed to the limited liability company intended to be formed by Novak Brothers LLC and Hines Interests Limited Partnership prior to the commencement of construction of the Hotel Project.

BRAE GROUP, LTD., a Texas limited partnership

By: Novak Brokers, LLC, a Texas limited liability company, its general partner

By: _____
Jeff Novak, Managing Member

Date: _____

City of Georgetown, Texas

December 20, 2013

SUBJECT:

Consideration and possible action to approve a Resolution **adopting a Water Quality Management Plan** --
Paul E. Brandenburg, City Manager

ITEM SUMMARY:

Pursuant to the City Council workshop on November 12, 2013, Williamson County and their consulting experts have drafted a series of proposed regulations intended to protect the spring formations and stream habitats of the Georgetown Salamander. The City Council approved first reading of the Ordinance adopting those regulations on December 10, 2013.

Part of the negotiated settlement with the U.S. Fish and Wildlife Service (Service) is that the ordinance will require the adoption of a Water Quality Management Plan within six months of final approval of the Ordinance. The scope of the Water Quality Management Plan (WQM Plan) is very similar to the requirements of the Texas Pollutant Discharge Elimination System (TPDES) Municipal Separate Storm Sewer System (MS4) general permit, TXR040000, which the City of Georgetown will be subject to based on Texas Commission on Environmental Quality action on December 11, 2013.

The MS4 permit requirements include the same six month provision to complete a management plan, in this case a water quality discharge permit (MS4 Permit). However, the largest difference in the requirements is all the provisions of the Georgetown Salamander WQM Plan would be implemented in year one of implementation, not gradually ramped up over a five year reporting period of the MS 4 Permit.

The acceleration of time and reporting requirements will have a definitive impact on staff time and efforts over the next 18 months. Staff has completed the attached "Work Measures" file to estimate the impact of implementing the WQM Plan development and Baseline Best Management Practices outlined in the recommendation. The Full Time Staff Equivalency (FTE) represents up to 5.0 new staff members workload to finalize the plan and develop the Baseline Best Management Practices outlined in the Scope. Program implementation and reporting called for in the recommended WQM Plan would require up to 7.7 FTE positions and additional cost of education materials, citizen survey, garbage and household hazardous waste collection and disposal, and possibly new equipment such as a street sweeper and vacuum truck for street and storm drain cleaning.

FINANCIAL IMPACT:

The FTE staff time will range from a Light Equipment Operator in the Stormwater Department to the City Attorney, with a midpoint in salary ranging from \$37,000 to \$137,000 annually, just using an average of \$55,000 annually the FTE's, with benefits and operations (computer, phone travel and training, etc.), would represent \$445,000 in year one Program Development and \$680,000 annually in implementation.

The additional education materials should not cost more than \$25,000 annually. Additional solid water and household hazardous water collection and disposal should not exceed \$50,000 annually.

When the Street Sweeper and Vacuum Truck are required there would be one time cost of \$385,000 and \$265,000 respectively, totaling \$650,000, with an additional annual fuel, maintenance and insurance cost of \$20,000.

SUBMITTED BY:

Ed Polasek

ATTACHMENTS:

[Resolution adopting Water Quality Management Plan](#)

[Exhibit A: Water Quality Management Plan](#)

[Workload Measures](#)

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, ADOPTING A WATER QUALITY MANAGEMENT PLAN.**

WHEREAS, the City of Georgetown 2030 Comprehensive Plan, adopted February 26, 2008, includes a broad vision statement that includes “we have promoted sustainable development patterns that are compatible with our natural resources and historic character.”; and

WHEREAS, the City and Williamson County have met with numerous stakeholder groups to develop strategies that exceed current local, state and federal standards to safeguard the spring formations of the Edwards Aquifer and the unique habitat area established by this environment; and

WHEREAS, pursuant to the City Council workshop on November 12, 2013, Williamson County and their consulting experts have drafted a series of proposed regulations intended to protect the spring formations and stream habitats of the Georgetown Salamander; and

WHEREAS, part of the negotiated settlement with U.S. Fish and Wildlife Service includes the adoption of a Water Quality Management Plan; and

WHEREAS, that the vision of the Georgetown 2030 Comprehensive Plan is substantially advanced by adopting the Water Quality Management Plan as attached to this Resolution.

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

SECTION 1. The City Council of the City of Georgetown hereby adopts the Water Quality Management Plan attached as Exhibit A.

RESOLVED this _____ day of December 20, 2013.

ATTEST:

THE CITY OF GEORGETOWN:

Jessica Brettle
City Secretary

By: George Garver
Mayor

APPROVED AS TO FORM:

Bridget Chapman, City Attorney

Resolution Number: _____
Description: Water Quality Management Plan
Date Approved: _____ 2013

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Item # C

Georgetown Water Quality Management Plan

The City Water Quality Management Plan (WQMP) details the steps that Georgetown will take to reduce or eliminate pollutants in stormwater discharges. Georgetown will develop any necessary ordinances, regulations, or other regulatory controls to meet the general permit requirements to the extent that authority to make such ordinances, regulations, or other regulatory controls are not prohibited by state or federal statutes or regulations.

Plan Elements

The WQMP includes measurable objectives and best management practices (BMPs) to implement five Minimum Control Measures (MCMs). Each BMP shall have objectives listed that identify measurable progress to be achieved on an annual or semi-annual basis.

The five MCMs include:

1. Public Education, Outreach and Involvement to educate about the best household management practices, pest management and individual aquifer protection measures.
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Site Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping for Municipal Operations

Plan Development

The WQMP shall address at a minimum the Baseline Best Management Practices below.

The plan shall be developed in detail including all measurable objectives within six months of the adoption of Edwards Aquifer Recharge Zone Water Quality Ordinance.

The completed plan and details shall be available for review by the public and Adaptive Management Working Group (AMWG), as defined in the Edwards Aquifer Recharge Zone Water Quality Ordinance

Adaptive Management

Annually City staff will review, update and/or modify the WQMP to ensure the ultimate objective of reducing and eliminating pollutants reaching area streams in the Edwards Aquifer. Progress on the plan may be measured both by individual progress and watershed wide indicators.

If an objective is removed, a more effective objective shall be added in its place.

An annual report shall be produced that indicates progress on each objective and BMP and any changes made to the plan. Any changes or delays in implementation should be fully explained within the annual report. The annual report shall also be submitted to the AMWG

Georgetown Water Quality Management Plan

Baseline Best Management Practices

1. Public Education, Outreach and Involvement

The City shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

Objectives of the program will be based on high priority community-wide issues (including reduction of nitrate discharges, improving the quality of discharges to the Edwards Aquifer reducing constituents that are identified as potential threats to the Georgetown salamander.

- 1.1. Community Education - High Priority Issues. Enhance community awareness of the City's High Priority Issues to preserve and enhance water quality by reducing the amount of the Big 3 (e.g. bacteria, floatables and fertilizer) found in the waterways.
 - 1.1.1. Identify the three most impactful community issues (with special consideration to aquifer and salamander concerns). Also, identify associated audiences of each issue. Develop a public education and outreach campaign focused on the reduction of the Big 3. Determine best methods for outreach. Develop written procedures for implementation. Review existing material and revise if necessary and distribute. The comprehensive campaign shall utilize multiple media options (Webpage, Social Media, Utility Bill Inserts, Brochures) tailoring the media type to the audience and occasion.
- 1.2. Garden and Lawn Care Education. Support the creation and distribution of garden and lawn care education material throughout the area to minimize release of related pollutants.
 - 1.2.1. Acquire, create or support the creation of public education and outreach materials focused on garden and lawn care education.
- 1.3. Home Hazardous Waste Education. Evaluate current communication campaign regarding proper disposal of home hazardous waste including education about less toxic alternatives.
 - 1.3.1. Continue to collect Household Hazardous Waste from residents at designated facilities. Refine communication efforts to maximize citizen participation in proper disposal.
 - 1.3.2. Acquire, create or support the creation of public education and outreach materials focused use of less toxic alternatives.

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- 1.4. Volunteer Inlet Marker Program. Volunteers will install "Drains to Creek" inlet markers in the community to promote awareness of the dangers associated with illicit discharge or dumping.
 - 1.4.1. Staff shall develop a program to recruit and manage volunteer efforts to install inlet markers throughout the city. Volunteers will be educated about water quality impacts.
 - 1.4.2. Acquire, create or support the creation of public education and outreach materials to be distributed in target neighborhoods to explain the purpose of the recent inlet marker installation and concepts associated with "drains to creek".
- 1.5. Creek Clean-Up Efforts. Volunteers will remove trash from public spaces to reduce the amount of floatables in area waterways.
 - 1.5.1. Establish procedures for recruiting volunteers, identifying public spaces, facilitating clean-up and documenting activities. Volunteers will be educated about water quality impacts.
- 1.6. Tree Planting Program. Tree planting program will provide an opportunity various resident and business groups to volunteer and learn how to enhance and protect environmental resources.
 - 1.6.1. Continue to produce multiple tree planting events educating the public about the value of trees. Staff shall develop/acquire and provide supplemental materials to make the connection between tree planting and creek water quality.
- 1.7. Attitude Survey. Survey of how the public perceives storm management can foster better planning and management of programs. The results of these attitude surveys can enlighten both managers and the public on pollution sources, storm water effects, and control options. Public attitude surveys can also reveal issues important to stakeholders and provide data to program managers about appropriate steps to take and misconceptions to dispel.
 - 1.7.1. Create survey to be utilized for this permit term. Conduct initial survey and analyze responses. If warranted, revise outreach articles and materials in response to initial survey.
 - 1.7.2. Conduct follow up survey and determine success of past outreach efforts.
- 1.8. FOG campaign. Sewage backups and overflows are typically the result of **Fats, Oil or Grease (FOG)** being introduced into the collection system from private residences.

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- 1.8.1. Continue to FOG campaign. Refine communication efforts to maximize citizen awareness. Acquire, create or support the creation of public education and outreach materials focused use of less toxic alternatives.

2. Illicit Discharge Detection and Elimination (IDDE)

The City will develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges. The program will include a plan to detect and address non-stormwater discharges, including illegal dumping.

- 2.1. Illicit Discharge Ordinance. City shall review and revise, if needed, its relevant ordinance(s) to provide authority to: prohibit illicit discharges and illicit connections, respond to and contain other releases, and prohibit dumping or disposal of materials other than stormwater.

The authority shall also include the ability to:

- a) require installation, implementation, and maintenance of BMPs;
- b) 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;
- c) enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges;
- d) respond to violations of the BMPs; and
- e) assess penalties, including monetary, civil, or criminal penalties.

- 2.2. Citizen Complaint Hotline. City will develop a citizen complaint hotline for illicit discharges. City will to investigate complaints, record findings and follow-up actions.

- 2.2.1. Develop written procedures for responding to illicit discharge complaints. Create and maintain a complaint hotline database. Begin investigations of complaints as they are received.

- 2.3. Storm Drain and Outlet Mapping. City will continue to update the City's storm system map as new features are added or discovered. Proper detailed mapping of the storm drain system allows for more efficient and effective spill containment, illicit discharge investigation and elimination.

- 2.3.1. Continue to update the City's storm sewer map as needed with identification of new, altered, and newly discovered storm sewer features.

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- 2.4. The Collection Station. The Collection Station is a City-owned site open to the general public and operated by Texas Disposal Systems. It accepts municipal solid waste and recyclables, and public disposal of trash and recyclables helping to reduce impacts of illegal dumping and improper disposal of solid waste, tires, refrigerated appliances, sedimentary rock, shingles/roofing material, vehicle batteries, used motor oil, used cooking oil, oil filters, residential recycling materials, brush/green waste.
- 2.4.1. Continue operation and advertising of The Collection Station. Refine communication efforts to maximize citizen participation in proper disposal.
- 2.4.2. Consider appropriateness and need of adding remote drop off locations (e.g. oil igloos) for used motor oil collection to encourage greater compliance.
- 2.5. Staff IDDE Education. Ensure O&M staff is trained regularly on illicit discharge reporting to minimize release of pollutants.
- 2.5.1. Having more staff educated on elimination and detection can drastically increase the number of illicit discharge and dumping issues identified and subsequently resolved.

3. Construction Site Stormwater Runoff Control

The City will develop, implement and enforce a program requiring operators of construction activities, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges. The program will include the development and implementation of ordinances, as well as penalties to ensure compliance to the extent allowable under state and local law, to require erosion and sediment control.

The City will require that construction site operators implement appropriate erosion and sediment control BMPs. Their construction program will ensure the following minimum requirements are effectively implemented for all construction activities:

- a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.
- b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.

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c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

- (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
- (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
- (iii) Minimize the discharge of pollutants from spills and leaks.

3.1. Staff Training. Ensure construction inspection, project review and project management staff are trained regularly on the CGP, City ordinances and associated procedures required for construction sites inspections to minimize release of pollutants.

3.1.1. Develop and implement staff training for procedures, regulations and policies.

3.2. Construction Plan Review and Permitting. Review new development, redevelopment and CIP projects to ensure designs are compliant with TPDES CGP (TXR150000 Construction General Permit), TCEQ EARZ regulations and City ordinances ensuring proper planning and design to protect water quality.

3.2.1. Document procedures for plan review. Review and refine plan review and permitting for all projects to add in compliance with the TPDES CGP.

3.3. Construction Site Inspection and Enforcement. Inspect construction site BMPs for compliance with CGP and City ordinances, report findings to site operator and verify recommendations are implemented to minimize release of pollutants.

3.3.1. Document procedures for site inspection and enforcement. Review and update procedures for all projects to add in compliance with the TPDES CGP and updated ordinances including salamander conservation measures.

4. **Post-Construction Stormwater Management in New Development and Redevelopment**

The City will develop, implement and enforce a program, to the extent allowable under state and local law, to control stormwater discharges from new development and redeveloped sites that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program will be established for private and public development sites.

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The City will modify and/or adopt an ordinance to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law and local development standards. The City will establish, implement, and enforce a requirement, that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and to protect water quality.

- 4.1. Review of permanent BMPs. City Staff will review new construction and redevelopment projects to ensure designs address permanent water quality measures in the most sensitive areas of the City (i.e. Edwards Aquifer Recharge Zone).
 - 4.1.1. Document procedures and standards for plan review. Ensure plan review for all development.
- 4.2. Detention and Pollutant Attenuation. Assess current detention and pollutant attenuation regulations and program administration to ensure best practices in reducing post-construction run-off to pre-construction levels for new construction and redevelopment.
 - 4.2.1. Refine and update procedures and regulations regarding detention and pollutant attenuation, as appropriate. Develop an adaptive management review process to ensure regular reevaluation and updating of these regulations based on new water quality information.
- 4.3. Long-Term Maintenance of Post-Construction Stormwater Control Measures. Ensure the long-term operation and maintenance of structural stormwater control measures.
 - 4.3.1. Set up processes and procedures to ensure maintenance by initial owner and subsequent property owners by requiring developers to create a maintenance plan and require that plan be recorded in the Williamson County property records.
 - 4.3.2. The City will require that operation and maintenance is performed, documented and retained on site.

5. Pollution Prevention and Good Housekeeping for Municipal Operations

The City will develop and implement an operation and maintenance program, including an employee training component that has the ultimate objective of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

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- 5.1. Permittee-owned Facilities and Control Inventory. The City will develop and maintain an inventory of facilities and stormwater controls that it owns and operates. The inventory will include all applicable permit numbers, registration numbers, and authorizations for each facility.
 - 5.1.1. City will update the City's maps include City owned facilities and controls.
- 5.2. Staff Training. Ensure O&M staff is trained regularly on the pollution prevention and good housekeeping reporting to minimize release of pollutants with particular focus on risks to aquifer and aquatic species.
 - 5.2.1. Develop and implement staff training for procedures, regulations and policies.
- 5.3. Contractor Oversight. Ensure all city contractors perform maintenance activities using appropriate control measures and standard operating procedures (SOPs) to minimize release of pollutants.
 - 5.3.1. Develop standard contract language and ensure all appropriate future contracts and updates contain language requiring contractor compliance.
- 5.4. Street Sweeping. Perform scheduled street sweeping of public streets and high priority facilities to minimize the release of pollutants from roadways and parking lots. Ensure proper disposal of trash, debris and other stormwater pollutants collected during the street sweeping process.
 - 5.4.1. Continue sweeping public streets and high priority facilities. Document disposal procedure.
- 5.5. Inlet Drain and Structure Cleaning. The City will develop and implement an O&M program to reduce or reduce the collection of pollutants in catch basins and other surface drainage structures.
 - 5.5.1. The City will continue system cleaning and develop a list of potential problem areas and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).
- 5.6. Facility Assessments. Develop facility specific SOPs and perform annual inspections for high risk facilities to minimize release of pollutants.
 - 5.6.1. Assess City owned facilities to determine which ones have a high potential to release pollutants. Prepare SOPs for identified high priority facilities.

Element	Status	Department Impact: Program Development								Total
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning	
Plan Development: Within six months of the adoption	New	120	120	20	160	280	40	40	40	820
Adaptive Management: Annual Report on Plan Implementation										
Baseline Best Management Practices: Baseline measures outlined in the Georgetown Water Quality Management Plan submitted to FWS										
1. Public Education, Outreach and Involvement										
1.1. Community Education										
1.1.1. Develop a public education and outreach campaign focused on the reduction of the bacteria's, floatables and fertilizer.	New	20	320	20	40	40	10			450
1.2. Garden and Lawn Care Education.										
1.2.1. Acquire, create or support the creation of public education and outreach materials focused on garden and lawn care education.	new	20	160		40	40		40		300
1.3. Home Hazardous Waste Education.										
1.3.1. Continue to collect Household Hazardous Waste from residents at designated facilities. Refine communication efforts to maximize citizen participation in proper disposal.	increased activity		120		20	20	24			184
1.3.2. Acquire, create or support the creation of public education and outreach materials focused use of less toxic alternatives.	new		120		20	20	24			184
1.4. Volunteer Inlet Marker Program.										
1.4.1. Staff shall develop a program to recruit and manage volunteer efforts to install inlet markers throughout the city. Volunteers will be educated about water quality impacts.	new	40	240		40	120	20			460
1.4.2. Acquire, create or support the creation of public education and outreach materials to be distributed in target neighborhoods to explain the purpose of the recent inlet marker installation and concepts associated with "drains to creek".	new		240		40	40	20			340

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Element	Status	Department Impact: Program Development								Total
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning	
1.5. Creek Clean-Up Efforts.										
1.5.1. Establish procedures for recruiting volunteers, identifying public spaces, facilitating clean-up and documenting activities. Volunteers will be educated about water quality impacts.	new	40	240		40	80	40	200		640
1.6. Tree Planting Program.										
1.6.1. Continue to multiple tree planting events . Staff shall develop/acquire and provide supplemental materials to make the connection between tree planting and creek water quality.	increased activity		40		10	10		120		180
1.7. Attitude Survey.										
1.7.1. Create survey to be utilized for this permit term. Conduct initial survey and analyze responses. If warranted, revise outreach articles and materials in response to initial survey.	increased activity		40		20	20				80
1.7.2. Conduct follow up survey and determine success of past outreach efforts.										
1.8. FOG campaign: Fats, Oil or Grease (FOG)										
1.8.1. Continue FOG campaign. Refine communication efforts to maximize citizen awareness. Acquire, create or support the creation of public education and outreach materials focused use of less toxic alternatives.	increased activity		40	40	20	20				120
2. Illicit Discharge Detection and Elimination (IDDE)										
2.1. Illicit Discharge Ordinance. City shall review and revise, if needed, its relevant ordinance(s) to provide authority to: prohibit illicit discharges and illicit connections, respond to and contain other releases, and prohibit dumping or disposal of materials other than stormwater.	Review and revise ordinances	640	40		80	80	240		80	1160

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Element	Status	Department Impact: Program Development								Total
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning	
2.2. Citizen Complaint Hotline.										
2.2.1. Develop written procedures for responding to illicit discharge complaints. Create and maintain a complaint hotline database. Begin investigations of complaints as they are received.	increased activity	40	40	80	40	40	20			260
2.3. Storm Drain and Outlet Mapping.										
2.3.1. Continue to update the City's storm sewer map as needed with identification of new, altered, and newly discovered storm sewer features.	increased activity				40	40				80
2.4. The Collection Station.										
2.4.1. Continue operation and advertising of The Collection Station. Refine communication efforts to maximize citizen participation in proper disposal.	increased activity		40		10	10				60
2.4.2. Consider appropriateness and need of adding remote drop off locations (e.g. oil igloos) for used motor oil collection to encourage greater compliance.	increased activity	20	40		10	10				80
2.5. Staff IDDE Education.										
2.5.1. Education on elimination and detection for illicit discharge and dumping issues.	increased activity	10	80	80	80	80	40	40	40	450
3. Construction Site Stormwater Runoff Control										
3.1. Staff Training.										
3.1.1. Develop and implement staff training for procedures, regulations and policies.	increased activity	40	40	40	320	40	40			520
3.2. Construction Plan Review and Permitting.										
3.2.1. Document procedures for plan review. Review and refine plan review and permitting for all projects to add in compliance with the TPDES CGP.	increased activity	40		80	120	80			120	440
3.3. Construction Site Inspection and Enforcement.										

Element	Status	Department Impact: Program Development								Total
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning	
3.3.1. Document procedures for site inspection and enforcement. Review and update procedures for all projects to add in compliance with the TPDES CGP and updated ordinances including salamander conservation measures.	increased activity	40		80	120	80	40		20	380
4. Post-Construction Stormwater Management in New Development and Redevelopment										
4.1. Review of permanent BMPs.										
4.1.1. Document procedures and standards for plan review. Ensure plan review for all new construction and redevelopment projects to ensure designs address permanent water quality measures in the most sensitive areas of the City (i.e. Edwards Aquifer Recharge Zone).	increased activity	40			120	40			20	220
4.2. Detention and Pollutant Attenuation.										
4.2.1. Refine and update procedures and regulations regarding detention and pollutant attenuation, as appropriate. Develop an adaptive management review process to ensure regular reevaluation and updating of these regulations based on new water quality information.	increased activity	40			120	40			40	240
4.3. Long-Term Maintenance of Post-Construction Stormwater Control Measures.										
4.3.1. Set up processes and procedures to ensure maintenance by initial owner and subsequent property owners by requiring developers to create a maintenance plan and require that plan be recorded in the Williamson County property records.	increased activity	60			80	40			80	260
4.3.2. The City will require that operation and maintenance is performed, documented and retained on site.	increased activity	20		80	80	20				200
5. Pollution Prevention and Good Housekeeping for Municipal Operations										
5.1. Permittee-owned Facilities and Control Inventory.										

Element	Status	Department Impact: Program Development								Total
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning	
5.1.1. City will update the City's maps include City owned facilities and controls.	increased activity				240	80				320
5.2. Staff Training, pollution prevention and good housekeeping reporting										
5.2.1. Develop and implement staff training for procedures, regulations and policies.	new	10	80	80	80	80	40	40	40	450
5.3. Contractor Oversight.										
5.3.1. Develop standard contract language and ensure all appropriate future contracts and updates contain language requiring contractor compliance.	new	80			80	80				240
5.4. Street Sweeping.										
5.4.1. Continue sweeping public streets and high priority facilities. Document disposal procedure.	increased activity		20		20	40				80
5.5. Inlet Drain and Structure Cleaning.										
5.5.1. The City will continue system cleaning and develop a list of potential problem areas and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).	increased activity		40	40	20	80	20			200
5.6. Facility Assessments and SOPs.										
5.6.1. Assess City owned facilities to determine which ones have a high potential to release pollutants. Prepare SOPs for identified high priority facilities.	new		20	80	80	80				260
TOTAL		1,320	2,120	720	1,950	1,650	618	480	480	9,338
FTE Calculation		0.7	1.1	0.4	1.0	0.9	0.3	0.3	0.3	5.0
FTE = 40*52*.9 = 1872										

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Element	Status	Department Impact: Program Implementation								Total	Additional Cost
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning		
Plan Development: Within six months of the adoption											
Adaptive Management: Annual Report on Plan Implementation	New	120	120	20	120	240	20	20	20	680	
Baseline Best Management Practices: Baseline measures outlined in the Georgetown Water Quality Management Plan submitted to FWS											
1. Public Education, Outreach and Involvement											
1.1. Community Education											
1.1.1. Develop a public education and outreach campaign focused on the reduction of the bacteria's, floatables and fertilizer.	New		400	20	20	20	10			470	printing/ education materials
1.2. Garden and Lawn Care Education.											
1.2.1. Acquire, create or support the creation of public education and outreach materials focused on garden and lawn care education.	new		40		8 c	8		16		72	printing/ education materials
1.3. Home Hazardous Waste Education.											
1.3.1. Continue to collect Household Hazardous Waste from residents at designated facilities. Refine communication efforts to maximize citizen participation in proper disposal.	increased activity		120				24			144	HHW Disposal
1.3.2. Acquire, create or support the creation of public education and outreach materials focused use of less toxic alternatives.	increased activity		120				24			144	printing/ education materials
1.4. Volunteer Inlet Marker Program.											
1.4.1. Staff shall develop a program to recruit and manage volunteer efforts to install inlet markers throughout the city. Volunteers will be educated about water quality impacts.	new	20	240		80	120	10			470	Stencils, paint, more permanent inlet markers, data collection
1.4.2. Acquire, create or support the creation of public education and outreach materials to be distributed in target neighborhoods to explain the purpose of the recent inlet marker installation and concepts associated with "drains to creek".	new		80		40	40	20			180	printing/ education materials

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Element	Status	Department Impact: Program Implementation								Total	Additional Cost
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning		
1.5. Creek Clean-Up Efforts.											
1.5.1. Establish procedures for recruiting volunteers, identifying public spaces, facilitating clean-up and documenting activities. Volunteers will be educated about water quality impacts.	new	40	240		40	80	40	200		640	Safety equipment for volunteers, disposal collection and fees.
1.6. Tree Planting Program.											
1.6.1. Continue to multiple tree planting events . Staff shall develop/acquire and provide supplemental materials to make the connection between tree planting and creek water quality.	increased activity		40		10	10		120		180	printing/ education materials
1.7. Attitude Survey.											
1.7.1. Create survey to be utilized for this permit term. Conduct initial survey and analyze responses. If warranted, revise outreach articles and materials in response to initial survey.											
1.7.2. Conduct follow up survey and determine success of past outreach efforts.	increased activity		40		20	20				80	increase printing of semi-annual citizen survey, conducted by Finance.
1.8. FOG campaign: Fats, Oil or Grease (FOG)											
1.8.1. Continue FOG campaign. Refine communication efforts to maximize citizen awareness. Acquire, create or support the creation of public education and outreach materials focused use of less toxic alternatives.	increased activity		40	40	10	10				100	printing/ education materials
2. Illicit Discharge Detection and Elimination (IDDE)											
2.1. Illicit Discharge Ordinance. City shall review and revise, if needed, its relevant ordinance(s) to provide authority to: prohibit illicit discharges and illicit connections, respond to and contain other releases, and prohibit dumping or disposal of materials other than stormwater.	increase activity	120	40		20	20	240		40	480	

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Element	Status	Department Impact: Program Implementation								Total	Additional Cost
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning		
2.2. Citizen Complaint Hotline.											
2.2.1. Develop written procedures for responding to illicit discharge complaints. Create and maintain a complaint hotline database. Begin investigations of complaints as they are received.	increased activity	20	20	80	20	20	20			180	printing/ education materials
2.3. Storm Drain and Outlet Mapping.											
2.3.1. Continue to update the City's storm sewer map as needed with identification of new, altered, and newly discovered storm sewer features.	increased activity				640	320				960	Increased GIS mapping/field study.
2.4. The Collection Station.											
2.4.1. Continue operation and advertising of The Collection Station. Refine communication efforts to maximize citizen participation in proper disposal.	increased activity		80		10	10				100	printing/ education materials
2.4.2. Consider appropriateness and need of adding remote drop off locations (e.g. oil igloos) for used motor oil collection to encourage greater compliance.	increased activity	20	80		10	10				120	disposal collection and fees.
2.5. Staff IDDE Education.											
2.5.1. Education on elimination and detection for illicit discharge and dumping issues.	increased activity	10	120	80	80	80	40	40	40	490	printing/ education materials
3. Construction Site Stormwater Runoff Control											
3.1. Staff Training.											
3.1.1. Develop and implement staff training for procedures, regulations and policies.	increased activity	40	40	120	320	320	40			880	
3.2. Construction Plan Review and Permitting.											
3.2.1. Document procedures for plan review. Review and refine plan review and permitting for all projects to add in compliance with the TPDES CGP.	increased activity			80	120	80			80	360	
3.3. Construction Site Inspection and Enforcement.											

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Element	Status	Department Impact: Program Implementation								Total	Additional Cost
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning		
3.3.1. Document procedures for site inspection and enforcement. Review and update procedures for all projects to add in compliance with the TPDES CGP and updated ordinances including salamander conservation measures.	increased activity	40		80	320	80	80			600	
4. Post-Construction Stormwater Management in New Development and Redevelopment											
4.1. Review of permanent BMPs.											
4.1.1. Document procedures and standards for plan review. Ensure plan review for all new construction and redevelopment projects to ensure designs address permanent water quality measures in the most sensitive areas of the City (i.e. Edwards Aquifer Recharge Zone).	increased activity	20			160	120				300	
4.2. Detention and Pollutant Attenuation.											
4.2.1. Refine and update procedures and regulations regarding detention and pollutant attenuation, as appropriate. Develop an adaptive management review process to ensure regular reevaluation and updating of these regulations based on new water quality information.	increased activity	20			160	120			20	320	
4.3. Long-Term Maintenance of Post-Construction Stormwater Control Measures.											
4.3.1. Set up processes and procedures to ensure maintenance by initial owner and subsequent property owners by requiring developers to create a maintenance plan and require that plan be recorded in the Williamson County property records.	increased activity	40			80	20			120	260	
4.3.2. The City will require that operation and maintenance is performed, documented and retained on site.	increased activity	20		120	80	20				240	
5. Pollution Prevention and Good Housekeeping for Municipal Operations											
5.1. Permittee-owned Facilities and Control Inventory.											

Element	Status	Department Impact: Program Implementation								Total	Additional Cost
		Legal	GUS - Env.	GUS - UTIL	GUS-Sys. Eng.	Transportation	Police-Code	Parks	Planning		
5.1.1. City will update the City's maps include City owned facilities and controls.	increased activity				80	40				120	
5.2. Staff Training, pollution prevention and good housekeeping reporting											
5.2.1. Develop and implement staff training for procedures, regulations and policies.	increased activity	10	120	80	80	80	40	40	40	490	printing/ education materials
5.3. Contractor Oversight.											
5.3.1. Develop standard contract language and ensure all appropriate future contracts and updates contain language requiring contractor compliance.	new	20			80	40				140	
5.4. Street Sweeping.											
5.4.1. Continue sweeping public streets and high priority facilities. Document disposal procedure.	increased activity				40	3,600				3,640	Additional street sweeper to maintain routine schedule in priority areas. (2 man
5.5. Inlet Drain and Structure Cleaning.											
5.5.1. The City will continue system cleaning and develop a list of potential problem areas and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).	increased activity		80	320	20	1,020	40			1,480	May require additional vacuum truck in future, increased disposal collection and disposal fees. (two man crew)
5.6. Facility Assessments and SOPs.											
5.6.1. Assess City owned facilities to determine which ones have a high potential to release pollutants. Prepare SOPs for identified high priority facilities.	new		40	40	80	40				200	
TOTAL		560	2,100	1,080	2,668	6,548	648	436	360	14,400	
FTE Calculation		0.3	1.1	0.6	1.4	3.5	0.3	0.2	0.2	7.7	
FTE = 40*52*.9 = 1872											

Item # C

City of Georgetown, Texas

December 20, 2013

SUBJECT:

Second Reading of an Ordinance **establishing regulations intended to protect the spring formations and stream habitats of the Georgetown Salamander** and specifically regulating certain activities in the recharge zone of the **Edwards Aquifer** within the City and extraterritorial jurisdiction including an **Adaptive Management Working Group** to consider variances to this ordinance -- Paul E. Brandenburg, City Manager (**action required**)

ITEM SUMMARY:

Pursuant to the November 12, 2013 City Council workshop, Williamson County and their consulting experts have drafted a series of proposed regulations intended to protect the spring formations and stream habitats of the Georgetown Salamander located within the Edwards Recharge Zone.

The attached ordinance maintains the existing quality of the City's ground and surface water, consistent with the protection of public health, the protection of terrestrial and aquatic life, the protection of the environment, and the maintenance of the long-term economic health of Williamson County within the recharge zone of the Edwards Aquifer. If this Ordinance is adopted, the U.S. Fish and Wildlife Service may elect not to list the Georgetown salamander as an endangered species pursuant to the Endangered Species Act.

This Ordinance would apply to property located over the recharge zone of the Edwards Aquifer within the limits of the City and its extraterritorial jurisdiction (ETJ) - up to 3 1/2 miles beyond the City Limits. A geologic assessment (GA) is an existing requirement for development in the Recharge Zone, however this Ordinance would require analysis for spring formations as an additional component of a GA. A GA may also demonstrate that a particular site does not lend itself as habitat for the salamander and therefore some of the requirements of this ordinance may not apply to such locations.

Only very limited activities would be allowed in certain areas. Specifically, these regulations establish four zones:

1. No-disturbance Zone ("red zone") within 80 meters of a spring outlet of an occupied site where very limited construction may be permitted such as maintenance of existing developments and fences.
2. Minimal disturbance Zone ("orange zone") which expands beyond the Red Zone up to 300 meters in the subsurface area that drains to the spring, that allows some additional construction activities such as wastewater lines, parkland development and residential use subject to spacing requirements.
3. Spring Buffer, which is a 50 meter buffer area around a spring formation. Within the spring buffer very limited construction can be permitted as well as parkland development and wastewater lines.
4. Stream Buffer, which varies in width in a linear fashion along the stream based on the drainage area of the watershed. The City's floodplain protection ordinance in Chapter 15.44 of the code of ordinances already limits some development in these locations under existing provisions.

This ordinance does not establish additional impervious cover limit restrictions in the Recharge Zone however, existing Unified Development Code (UDC) Chapter 11 impervious cover limitations apply. In lieu of additional impervious cover limitations, this ordinance increases the requirements of water quality controls to remove 85% of total suspended solids (TSS) for a project site, which is increased from current requirements to remove 80% of the TSS for all regulated activities.

The ordinance also contemplates institution of Management Practices such as public education, illicit discharge elimination, additional construction site run-off controls and pollution prevention of municipal operations. These programs were already under consideration by the Transportation Department for future implementation in conjunction with a multi-year phase-in schedule for compliance with the EPA's MS4 permit requirement for cities with over 50,000 population. This ordinance will greatly accelerate the phase-in schedule.

Finally the ordinance acknowledges that the Williamson County Conservation Foundation shall establish an Adaptive Management Working Group to make a recommendations to City Council on requests for

Cover Memo

Item # D

variances from this ordinance. The City Manager will appoint two members to this Group. The City Council will take final action on variances upon receipt of the Group's recommendation.

FINANCIAL IMPACT:

Unbudgeted impacts to the phasing of the City's MS4 permit program as well as Development Engineer staffing and workload impacts. A separate City Council agenda item will outline some of the management practice requirements.

SUBMITTED BY:

Andrew Spurgin, Planning Director and Skye Masson, Assistant City Attorney

ATTACHMENTS:

[exhibit - red and orange zones](#)

[exhibit - stream and spring buffers](#)

[exhibit - 2030 plan with occupied sites](#)

[Ordinance without Exhibit A](#)

[Exhibit A \(Red Line\)](#)

[Exhibit A \(Clean\)](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ESTABLISHING REGULATIONS FOR CERTAIN ACTIVITIES IN THE RECHARGE ZONE OF THE EDWARDS AQUIFER WITHIN THE CITY CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION; ESTABLISHING AN ADAPTIVE MANAGEMENT WORKING GROUP TO HEAR AND MAKE RECOMMENDATIONS REGARDING ANY REQUEST FOR A VARIANCE RELATING TO THESE REGULATIONS; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Georgetown 2030 Comprehensive Plan, adopted February 26, 2008, includes a broad vision statement that includes “we have promoted sustainable development patterns that are compatible with our natural resources and historic character.”; and

WHEREAS, the City and Williamson County have met with numerous stakeholder groups to develop strategies that exceed current local, state and federal standards to safeguard the spring formations of the Edwards Aquifer and the unique habitat area established by this environment; and

WHEREAS, it is the goal of the City Council to provide adequate water quality controls to ensure that future growth and development is unbridled by potential federal oversight nor federal permitting requirements that would delay development projects detrimentally to the sustained viability of the City’s economy; and

WHEREAS, that the vision of the Georgetown 2030 Comprehensive Plan is substantially advanced by adopting water quality protections for spring and stream features in the Edwards Aquifer recharge zone as set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. The Edwards Aquifer Recharge Zone Water Quality Ordinance attached as Exhibit A is adopted by the City of Georgetown.

Section 4. City staff is directed to develop and budget for a Water Quality Management Plan with outreach to a broad spectrum of citizens in the community.

Section 5. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 6. All ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 7. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the ____ day of _____, 2013.

PASSED AND APPROVED on Second Reading on the ____ day of _____, 2013

ATTEST:

THE CITY OF GEORGETOWN

Jessica Brettle, City Secretary

By: _____
George Garver, Mayor

APPROVED AS TO FORM:

Bridget Chapman, City Attorney

EXHIBIT A

Edwards Aquifer Recharge Zone Water Quality Ordinance

General

Section 1--Applicability

This Edwards Aquifer Recharge Zone Water Quality Ordinance (the “Ordinance”) applies to all property within the corporate limits of the City and its extraterritorial jurisdiction (ETJ), to the extent allowable under State law, that is also within the recharge zone of the Edwards Aquifer, as that term is defined in Title 30, Texas Administrative Code § 213.3 and § 213.22. Whether property is within the recharge zone is determined by the most current official map of the relevant zone located in the Texas Commission on Environmental Quality office for Region 11.

Section 2--Definitions

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

“Bank” of a stream means the ordinary high-water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

“Best Management Practices (BMPs)”, for this Ordinance only, has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

“Development Engineer” means a professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

“Geologic Assessment” means a report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by this Ordinance.

“Geologist” means a licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features.

“Georgetown salamander” means a member of the species *Eurycea naufragia*.

“Licensed ~~professional geoscientist~~Professional Geoscientist” means a geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

“Occupied Site” means Garey Ranch Springs, Hog Hollow II Spring and any ~~Springs~~spring identified in one of the proposed critical habitat units proposed by the United States Fish and Wildlife Service on August 22, 2012 for the Georgetown Salamander. The locations of the Occupied Sites, including the Garey Ranch Spring site and the Hog Hollow II Spring site, are as shown on Exhibit A, attached hereto and incorporated herein.

“Recharge Zone” means that portion of the City and its ETJ that overlays the Edwards Aquifer ~~recharge zone~~Recharge Zone as defined in Title 30, Texas Administrative Code § 213.3, as may be amended.

“Regulated Activity” shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended. _____

“Spring” means any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

“Stream” means a flow of surface ~~waters~~water sufficient to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water ~~and includes, but is not limited to, bedrock, channels, gravel beds, sand or silt beds and defined channel swales. The channel or bed need not contain water year round.~~

Section 3--Geologic Assessment

_____(1) No person may commence any ~~regulated activity~~Regulated Activity within the area described in Section 1 until the Geologic Assessment has been accepted by the Development Engineer or his designee.

_____(2) The Geologic Assessment must contain all of that information required by Title 30, Texas Administrative Code § 213.5. Additionally, the Geologic Assessment must:

(a) ~~—~~ Identify all Springs and/or Streams on a site or certify that no Springs or Streams exist on the site;

_____(b) ~~—~~ Describe any ~~Springs~~Spring and/or Stream on a site, including determining the location of any Spring outlet or Stream;

____ (c) ____ For Occupied Sites identified in Section 2, delineate the No-Disturbance Zone and the Minimal-Disturbance Zone as described below.

(3) ____ (d) ____ All Red Zones, Orange Zones, and Spring Buffers, as described herein, shall be shown on ~~a Plats~~all plats, Site Plan and infrastructure construction plans.

Occupied Site Protection

____ The purpose of Sections 4 and 5 are to establish minimum requirements for development in the ~~Georgetown~~corporate City ~~Limits~~limits or its ~~extraterritorial jurisdiction~~ETJ that is located within the following defined zones: no-disturbance zone; (Red Zone) and minimal-disturbance zone; (Orange Zone).

Section 4—No-Disturbance Zone (Red Zone)

____ (1) A no-disturbance zone is established, hereinafter referred to as the “Red Zone” in the ~~stream~~Stream or waterway that the Spring drains directly into and shall extend 80 meters upstream and downstream from the approximate center of the Spring outlet of an Occupied Site. The Red Zone shall be bounded by the top of the Bank and shall not extend beyond any existing physical obstructions that prevent the surface movement of Georgetown salamanders, such as roadways, buildings, retaining walls, dams, and culverts.

____ (2) No ~~regulated activities~~Regulated Activities may be conducted within the Red Zone other than:

- (a) Properly permitted maintenance of existing improvements;
- (b) Scientific monitoring of water quality, population counts and related activities;
____ and

____ (c) Fences above the normal high-water elevation mark of a ~~stream~~Stream if such fences comply with applicable floodplain regulations

Section 5—~~Minimal-Disturbance~~ Minimal-Disturbance Zone (Orange Zone)

____ (1) A minimal-disturbance zone, hereinafter referred to as the “Orange Zone,” is established for the subsurface area that drains to the Spring or Springs at an Occupied Site. Except as provided below, the Orange Zone shall consist of that area within 300 meters of the approximate center of the Spring outlet of an Occupied Site, except those areas within the Red Zone. The Orange Zone shall not include pre-existing development or areas without the potential

for containing Georgetown salamander habitat as determined by the Geologic Assessment based on site specific, hydro-geologic conditions, for instance, where the Edwards Aquifer is absent.

 (2) No ~~regulated activities~~Regulated Activities may be conducted within the Orange Zone other than:

(a) Activities permitted in the Red Zone;

 (b) Wastewater infrastructure installed roughly parallel to a ~~stream~~Stream provided that such infrastructure is installed on the side of the ~~stream~~Stream opposite the ~~occupied site~~Occupied Site and is installed no closer than 25 feet from the Bank of the ~~stream~~Stream;

 (c) Subject to Stream Buffer limitations, below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high- water mark of a Stream and shall be limited to trails for walking, jogging and non-motorized biking; and

~~(d) —~~ (d) In addition to (a), (b), and (c) above, within the City limits, only Single-family, Detached (Residential Estate and Residential Low Density District) residential use, as defined in the City of Georgetown’s Unified Development Code, will be allowed. No construction of said dwelling units shall be conducted within 80 meters of an Occupied Site. Within the ETJ, Title 30, Texas Administrative Code § 285 (c) (1) requires a minimum lot size of one acre per single family dwelling for properties within the Edwards Aquifer recharge Zone if served by on-site sewage facilities. In addition to (a), (b) and (c) above, within the City limits, only Residential Use (we will further define Residential Use to comply with City ordinances), as defined in the City of Georgetown’s Unified Development Code; will be allowed provided that no construction shall be conducted within 80 meters of an Occupied Site. Recharge Zone if served by on-site sewage facilities. Developers are encouraged to avoid development within the Orange Zone whenever possible.

Spring Buffer and Stream Buffer Protection

The purpose of Sections 6 and 7 are to establish minimum requirements for development in the corporate City limits or its ETJ of non-Occupied Sites located within the Spring Buffers and Stream Buffers as provided herein.

Section 6—Spring Buffer

(1) A Spring Buffer is established within 50 meters of the approximate center of a Spring outlet of a non-Occupied Site in the Recharge Zone that is identified in a Geologic Assessment accepted by the Development Engineer; ~~provided that the Spring Buffer shall not extend beyond the opposite Bank of the Stream or waterway that the Spring drains directly into or beyond any existing physical obstructions such as roadways, buildings, retaining walls, dams, and culverts. (Spring Buffer still under review).~~ The Spring Buffer shall not include pre-existing development or areas without the potential for containing Georgetown salamander habitat as determined by the Geologic Assessment based on site specific, hydro-geologic conditions.

 (2) No ~~regulated activities~~ Regulated Activities may be conducted within the Spring Buffer except for the following and subject to the stated restrictions:

 (a) Activities permitted in the Red Zone;

 (b) Subject to Stream Buffer limitations, below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high- water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking; and

 (c) Wastewater infrastructure installed roughly parallel to a stream provided that such infrastructure is installed on the side of the stream opposite the ~~Occupied Site~~ Spring and is installed no closer than 25 feet from the Bank of the ~~stream~~ Stream; provided that wastewater infrastructure shall not cross a ~~stream~~ Stream associated with a Spring within the Spring Buffer.

Section 7—Stream Buffer

 (1) A Stream Buffer is established for all Streams in the Recharge Zone; ~~in non-Occupied Sites.~~ The boundaries of the Stream Buffer are as follows:

(a) ~~(a)~~ (a)—For ~~streams~~ Streams draining more than 64 acres and less than 320 acres, the boundaries of the Stream Buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the Stream Buffer under this subsection (a) shall be a minimum of 200 feet wide with at least 75 feet from the centerline of the ~~stream. However, if a property owner only controls one side of a Stream, then the minimum buffer shall be 100 feet.~~ Stream.

~~(b)~~ (b)—If a property owner only controls one side of a Stream, then the minimum buffer shall be 100 feet from the centerline of a Stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

- (b) For ~~streams~~Streams draining more than 320 acres but less than 640 acres, the boundaries of the Stream Buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the Stream Buffer under this subsection (b) shall be a minimum of 300 feet wide with at least 100 feet from the centerline of the stream. ~~However, if a property owner only controls one side of a Stream, then the minimum buffer shall be 150 feet.~~

~~(e) — If a property owner only controls one side of a Stream, then the minimum buffer shall be 150 feet from the centerline of a Stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.~~

- (c) For ~~streams~~Streams draining 640 acres or more, the boundaries of the Stream Buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the Stream Buffer under this subsection (c) shall be a minimum of 500 feet wide with at least 200 feet from the centerline of the stream. ~~However, if a property owner only controls one side of a Stream, then the minimum buffer shall be 250 feet.~~

~~If a property owner only controls one side of a Stream, then the minimum buffer shall be 250 feet from the centerline of a Stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.~~

 (2) No ~~regulated activities~~Regulated Activities may be conducted within the Stream Buffer other than those activities permitted in the Red Zone and the construction of the following improvements, subject to the stated restrictions (Regulated Activities for Stream Buffers within Occupied Sites are found in Section 4(2), above):

- (a) Wastewater facilities, provided that wastewater utilities shall not be located below the normal high- water elevation within the channel of a stream except at crossings of a stream;
- (b) ~~Utilities~~Underground utilities other than wastewater facilities provided that such underground utilities may only be installed at ~~stream~~Stream crossings, or at intervals no closer than 400 feet apart;
- (c) ~~Park~~Parks and open space; ~~provided that~~ development limited to trails, benches, trash cans; and pet waste facilities ~~and dog parks are prohibited; provided that~~

~~trails shall not be located~~ within ~~the ordinary high water mark of~~ a Stream ~~Buffer~~. ~~Trails may only be constructed if the trail crosses the stream using a bridge and~~ shall be limited to trails for walking, jogging and non-motorized ~~biking will be allowed within Stream Buffers~~.

~~(d)~~ ~~Water quality or flood control systems, provided that measures are taken in the construction of such water quality or flood control systems to minimize the impact to the Stream Buffer;~~

~~(e)~~ ~~Public projects that enhance or recharge the Edwards Aquifer, provide flood prevention, and similar capital improvements;~~

~~(f)~~ ~~Remediation of altered floodplain to its natural limits;~~

~~(g)~~ ~~Arterial, collector and local residential streets crossing a ~~stream~~Stream provided that:~~

(i) A floodplain with a drainage area greater than 640 acres may only be crossed by arterial streets;

(ii) A floodplain with a drainage area between 320 acres and 640 acres may only be crossed by arterial and collector streets;

(iii) A floodplain with a drainage area up to 320 acres may be crossed by arterial, collector, or local residential streets; and

(iv) A street required for a secondary access or as required by the currently adopted fire code regulations is exempt from this subsection.

Water Quality Protection

Section 8—Water Quality Best Management Practices

For all ~~regulated activities~~Regulated Activities within the ~~recharge zone~~Recharge Zone, the following regulations apply:

(a) Permanent structural water quality controls for a project shall remove eighty-five per cent (85%) of total suspended solids for the entire project and shall be certified by a licensed professional engineer.

(b) No ~~regulated activity~~Regulated Activity shall cause any increase in the developed flow rate for the 2-year, 3-hour storm;

Item # D

- (c) All development projects, including, but not limited to, individual home sites, shall implement temporary BMPs to minimize sediment runoff.
- (d) ~~___~~ New roadways or expansions to existing roadways that provide a capacity of 25,000 vehicles per day that are located on the Recharge Zone shall provide for spill containment as described in the Optional Enhanced Measures of the Edwards Aquifer Protection Program.
- (e) ~~___~~ All permanent BMPs with an overt physical presence shall have signage that clearly identifies the purpose of the permanent BMP and the party responsible for maintenance.
- (f) ~~___~~ Maintenance plans for permanent BMPs shall be recorded in the Official Records of Williamson County.

Section 9—City Water Quality Management Plan

~~___~~ The City shall adopt a Water Quality Management Plan for all areas within the Recharge Zone. Such management practices will include, but not be limited to, public education and outreach, hazardous waste education, ~~volunteer inlet marker program, creek clean-up efforts,~~ integrated pest management, illicit discharge detection and elimination, construction-site storm-water runoff control, post-construction storm-water management, and pollution prevention for municipal operations including City and County maintenance activities in the ETJ.

Section 10—Adaptive Management Working Group

~~___~~ (1) An Adaptive Management Working Group (AMWG) has been established by the Williamson County Conservation Foundation (the “WCCF”) to review data on a regular basis and make recommendations for specific changes in management directions. The City Manager will appoint two City employees with appropriate technical expertise in the fields of planning and development and system engineering as members to the AMWG~~;~~. The efforts of the AMWG will be led by WCCF staff.

~~___~~ (2) The AMWG duties include, but are not limited to, development of an annual report regarding the preservation of the Georgetown Salamander, continuous monitoring of the Georgetown Salamander, assessment of research priorities, adaptive management of preservation of the Georgetown Salamander and the effectiveness of achieving the above objectives.

~~___~~ (3) In addition to the above duties, the AMWG is authorized to hear and make recommendations to the City Council regarding requests for variances from the terms of this Ordinance pertaining to Occupied Sites.

- (a) The AMWG shall recommend variances from the terms of this Ordinance pertaining to Occupied Sites, if the variance is not contrary to the objectives of this Ordinance and, due to special conditions, a literal enforcement of this Ordinance would result in unnecessary non-economic hardship to a property owner, so long as the spirit of this Ordinance is observed.
- (b) Additionally, the AMWG and the City shall make the following findings regarding all variance requests:
 - (i) The granting of the variance will not be detrimental to the preservation of the Georgetown Salamander.
 - (ii) The variance request is not granted as a result of the applicant's own actions.
 - (iii) The variance request is not granted because of economic or financial hardships incurred by the applicant.

EXHIBIT A

Edwards Aquifer Recharge Zone Water Quality Ordinance

General

Section 1--Applicability

This Edwards Aquifer Recharge Zone Water Quality Ordinance (the “Ordinance”) applies to all property within the corporate limits of the City and its extraterritorial jurisdiction (ETJ), to the extent allowable under State law, that is also within the recharge zone of the Edwards Aquifer, as that term is defined in Title 30, Texas Administrative Code § 213.3 and § 213.22. Whether property is within the recharge zone is determined by the most current official map of the relevant zone located in the Texas Commission on Environmental Quality office for Region 11.

Section 2--Definitions

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

“Bank” of a stream means the ordinary high water mark of a stream, not the floodplain boundaries, as determined by the appropriate authority.

“Best Management Practices (BMPs)”, for this Ordinance only, has that meaning ascribed to it in Title 30, Texas Administrative Code § 213.3(5), as may be amended and as further defined herein.

“Development Engineer” means a professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in the City Code of Ordinances and Unified Development Code.

“Geologic Assessment” means a report prepared by a geologist pursuant to Title 30, Texas Administrative Code § 213.5 and containing the additional information required by this Ordinance.

“Geologist” means a licensed professional geoscientist who has training and experience in ground water hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features.

“Georgetown salamander” means a member of the species *Eurycea naufragia*.

“Licensed Professional Geoscientist” means a geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

“Occupied Site” means Garey Ranch Springs, Hog Hollow II Spring and any spring identified in one of the proposed critical habitat units proposed by the United States Fish and Wildlife Service on August 22, 2012 for the Georgetown Salamander. The locations of the Occupied Sites, including the Garey Ranch Spring site and the Hog Hollow II Spring site, are as shown on Exhibit A, attached hereto and incorporated herein.

“Recharge Zone” means that portion of the City and its ETJ that overlays the Edwards Aquifer Recharge Zone as defined in Title 30, Texas Administrative Code § 213.3, as may be amended.

“Regulated Activity” shall have that meaning ascribed to it by Title 30, Texas Administrative Code § 213.3(28), as may be amended.

“Spring” means any natural setting or location where ground water flows to the surface of the earth from underground frequently enough to support spring associated vegetation such as ferns, watercress and Texas sedge.

“Stream” means a flow of surface water sufficient to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water.

Section 3--Geologic Assessment

(1) No person may commence any Regulated Activity within the area described in Section 1 until the Geologic Assessment has been accepted by the Development Engineer or his designee.

(2) The Geologic Assessment must contain all of that information required by Title 30, Texas Administrative Code § 213.5. Additionally, the Geologic Assessment must:

- (a) Identify all Springs and/or Streams on a site or certify that no Springs or Streams exist on the site;
- (b) Describe any Spring and/or Stream on a site, including determining the location of any Spring outlet or Stream;

- (c) For Occupied Sites identified in Section 2, delineate the No-Disturbance Zone and the Minimal-Disturbance Zone as described below.
- (d) All Red Zones, Orange Zones, and Spring Buffers, as described herein, shall be shown on all plats, Site Plan and infrastructure construction plans.

Occupied Site Protection

The purpose of Sections 4 and 5 are to establish minimum requirements for development in the corporate City limits or its ETJ that is located within the following defined zones: no-disturbance zone (Red Zone) and minimal-disturbance zone (Orange Zone).

Section 4—No-Disturbance Zone (Red Zone)

(1) A no-disturbance zone is established, hereinafter referred to as the “Red Zone” in the Stream or waterway that the Spring drains directly into and shall extend 80 meters upstream and downstream from the approximate center of the Spring outlet of an Occupied Site. The Red Zone shall be bounded by the top of the Bank and shall not extend beyond any existing physical obstructions that prevent the surface movement of Georgetown salamanders, such as roadways, buildings, retaining walls, dams, and culverts.

- (2) No Regulated Activities may be conducted within the Red Zone other than:
 - (a) Properly permitted maintenance of existing improvements;
 - (b) Scientific monitoring of water quality, population counts and related activities; and
 - (c) Fences above the normal high water mark of a Stream if such fences comply with applicable floodplain regulations

Section 5--Minimal-Disturbance Zone (Orange Zone)

(1) A minimal-disturbance zone, hereinafter referred to as the “Orange Zone,” is established for the subsurface area that drains to the Spring or Springs at an Occupied Site. Except as provided below, the Orange Zone shall consist of that area within 300 meters of the approximate center of the Spring outlet of an Occupied Site, except those areas within the Red Zone. The Orange Zone shall not include pre-existing development or areas without the potential for containing Georgetown salamander habitat as determined by the Geologic Assessment based on site specific, hydro-geologic conditions, for instance, where the Edwards Aquifer is absent.

- (2) No Regulated Activities may be conducted within the Orange Zone other than:
- (a) Activities permitted in the Red Zone;
 - (b) Wastewater infrastructure installed roughly parallel to a Stream provided that such infrastructure is installed on the side of the Stream opposite the Occupied Site and is installed no closer than 25 feet from the Bank of the Stream;
 - (c) Subject to Stream Buffer limitations, below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a Stream and shall be limited to trails for walking, jogging and non-motorized biking; and
 - (d) In addition to (a), (b), and (c) above, within the City limits, only Single-family, Detached (Residential Estate and Residential Low Density District) residential use, as defined in the City of Georgetown's Unified Development Code, will be allowed. No construction of said dwelling units shall be conducted within 80 meters of an Occupied Site. Within the ETJ, Title 30, Texas Administrative Code § 285 (c) (1) requires a minimum lot size of one acre per single family dwelling for properties within the Edwards Aquifer Recharge Zone if served by on-site sewage facilities. Developers are encouraged to avoid development within the Orange Zone whenever possible.

Spring Buffer and Stream Buffer Protection

The purpose of Sections 6 and 7 are to establish minimum requirements for development in the corporate City limits or its ETJ of non-Occupied Sites located within the Spring Buffers and Stream Buffers as provided herein.

Section 6—Spring Buffer

(1) A Spring Buffer is established within 50 meters of the approximate center of a Spring outlet of a non-Occupied Site in the Recharge Zone that is identified in a Geologic Assessment accepted by the Development Engineer. The Spring Buffer shall not include pre-existing development or areas without the potential for containing Georgetown salamander habitat as determined by the Geologic Assessment based on site specific, hydro-geologic conditions.

(2) No Regulated Activities may be conducted within the Spring Buffer except for the following and subject to the stated restrictions:

- (a) Activities permitted in the Red Zone;

- (b) Subject to Stream Buffer limitations, below, parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a stream and shall be limited to trails for walking, jogging and non-motorized biking; and
- (c) Wastewater infrastructure installed roughly parallel to a stream provided that such infrastructure is installed on the side of the stream opposite the Spring and is installed no closer than 25 feet from the Bank of the Stream; provided that wastewater infrastructure shall not cross a Stream associated with a Spring within the Spring Buffer.

Section 7—Stream Buffer

(1) A Stream Buffer is established for all Streams in the Recharge Zone in non-Occupied Sites. The boundaries of the Stream Buffer are as follows:

- (a) For Streams draining more than 64 acres and less than 320 acres, the boundaries of the Stream Buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the Stream Buffer under this subsection (a) shall be a minimum of 200 feet wide with at least 75 feet from the centerline of the Stream.

If a property owner only controls one side of a Stream, then the minimum buffer shall be 100 feet from the centerline of a Stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

- (b) For Streams draining more than 320 acres but less than 640 acres, the boundaries of the Stream Buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a calculated floodplain, the Stream Buffer under this subsection (b) shall be a minimum of 300 feet wide with at least 100 feet from the centerline of the stream.

If a property owner only controls one side of a Stream, then the minimum buffer shall be 150 feet from the centerline of a Stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

- (c) For Streams draining 640 acres or more, the boundaries of the Stream Buffer coincide with the boundaries of the FEMA 1% floodplain or a calculated 1% floodplain, whichever is smaller. In the absence of a FEMA floodplain and a

calculated floodplain, the Stream Buffer under this subsection (c) shall be a minimum of 500 feet wide with at least 200 feet from the centerline of the stream.

If a property owner only controls one side of a Stream, then the minimum buffer shall be 250 feet from the centerline of a Stream, or along the FEMA 1% floodplain or a calculated 1% floodplain, if available.

(2) No Regulated Activities may be conducted within the Stream Buffer other than those activities permitted in the Red Zone and the construction of the following improvements, subject to the stated restrictions (Regulated Activities for Stream Buffers within Occupied Sites are found in Section 4(2), above) :

- (a) Wastewater facilities, provided that wastewater utilities shall not be located below the normal high water elevation within the channel of a stream except at crossings of a stream;
- (b) Underground utilities other than wastewater facilities provided that such underground utilities may only be installed at Stream crossings, or at intervals no closer than 400 feet apart;
- (c) Parks and open space development limited to trails, benches, trash cans and pet waste facilities; provided that trails shall not be located within the ordinary high water mark of a Stream and shall be limited to trails for walking, jogging and non-motorized will be allowed within Stream Buffers.
- (d) Water quality or flood control systems, provided that measures are taken in the construction of such water quality or flood control systems to minimize the impact to the Stream Buffer;
- (e) Public projects that enhance or recharge the Edwards Aquifer, provide flood prevention, and similar capital improvements;
- (f) Remediation of altered floodplain to its natural limits;
- (g) Arterial, collector and local residential streets crossing a Stream provided that:
 - (i) A floodplain with a drainage area greater than 640 acres may only be crossed by arterial streets;
 - (ii) A floodplain with a drainage area between 320 acres and 640 acres may only be crossed by arterial and collector streets;

(iii) A floodplain with a drainage area up to 320 acres may be crossed by arterial, collector, or local residential streets; and

(iv) A street required for a secondary access or as required by the currently adopted fire code regulations is exempt from this subsection.

Water Quality Protection

Section 8—Water Quality Best Management Practices

For all Regulated Activities within the Recharge Zone, the following regulations apply:

- (a) Permanent structural water quality controls for a project shall remove eighty-five per cent (85%) of total suspended solids for the entire project and shall be certified by a licensed professional engineer.
- (b) No Regulated Activity shall cause any increase in the developed flow rate for the 2-year, 3-hour storm;
- (c) All development projects, including, but not limited to, individual home sites, shall implement temporary BMPs to minimize sediment runoff.
- (d) New roadways or expansions to existing roadways that provide a capacity of 25,000 vehicles per day that are located on the Recharge Zone shall provide for spill containment as described in the Optional Enhanced Measures of the Edwards Aquifer Protection Program.
- (e) All permanent BMPs with an overt physical presence shall have signage that clearly identifies the purpose of the permanent BMP and the party responsible for maintenance.
- (f) Maintenance plans for permanent BMPs shall be recorded in the Official Records of Williamson County.

Section 9—City Water Quality Management Plan

The City shall adopt a Water Quality Management Plan for all areas within the Recharge Zone. Such management practices will include, but not be limited to, public education and outreach, hazardous waste education, integrated pest management, illicit discharge detection and elimination, construction-site storm-water runoff control, post-construction storm-water management, and pollution prevention for municipal operations including City and County maintenance activities in the ETJ.

Item # D

Section 10—Adaptive Management Working Group

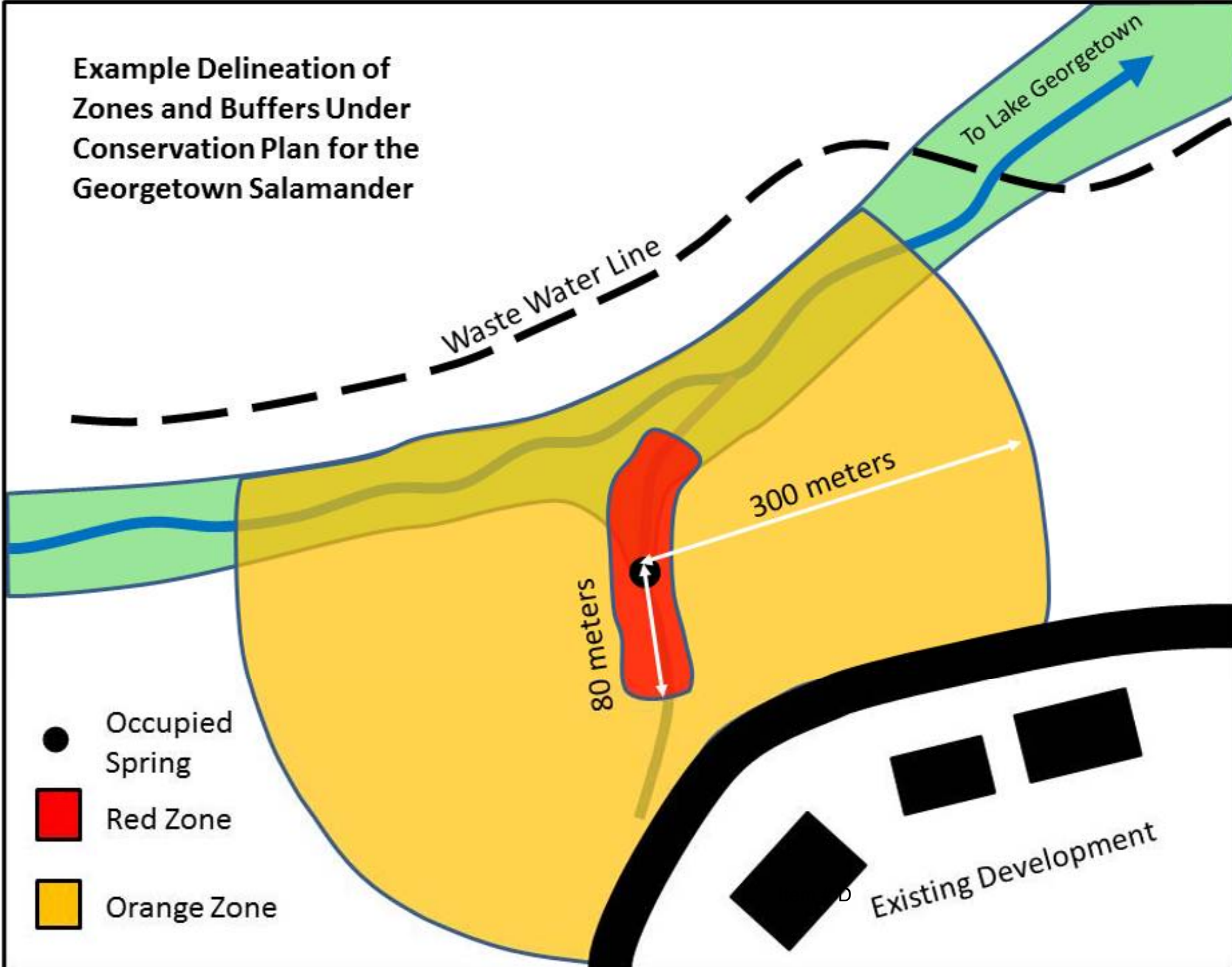
(1) An Adaptive Management Working Group (AMWG) has been established by the Williamson County Conservation Foundation (the “WCCF”) to review data on a regular basis and make recommendations for specific changes in management directions. The City Manager will appoint two City employees with appropriate technical expertise in the fields of planning and development and system engineering as members to the AMWG. The efforts of the AMWG will be led by WCCF staff.

(2) The AMWG duties include, but are not limited to, development of an annual report regarding the preservation of the Georgetown Salamander, continuous monitoring of the Georgetown Salamander, assessment of research priorities, adaptive management of preservation of the Georgetown Salamander and the effectiveness of achieving the above objectives.

(3) In addition to the above duties, the AMWG is authorized to hear and make recommendations to the City Council regarding requests for variances from the terms of this Ordinance pertaining to Occupied Sites.

- (a) The AMWG shall recommend variances from the terms of this Ordinance pertaining to Occupied Sites, if the variance is not contrary to the objectives of this Ordinance and, due to special conditions, a literal enforcement of this Ordinance would result in unnecessary non-economic hardship to a property owner, so long as the spirit of this Ordinance is observed.
- (b) Additionally, the AMWG and the City shall make the following findings regarding all variance requests:
 - (i) The granting of the variance will not be detrimental to the preservation of the Georgetown Salamander.
 - (ii) The variance request is not granted as a result of the applicant’s own actions.
 - (iii) The variance request is not granted because of economic or financial hardships incurred by the applicant.

Example Delineation of Zones and Buffers Under Conservation Plan for the Georgetown Salamander



- Occupied Spring
- Red Zone
- Orange Zone

Waste Water Line

To Lake Georgetown

80 meters

300 meters

Existing Development

Example Delineation of Red and Orange Buffer Zones Under Conservation Plan for the Georgetown Salamander

Occupied Site

To Lake Georgetown

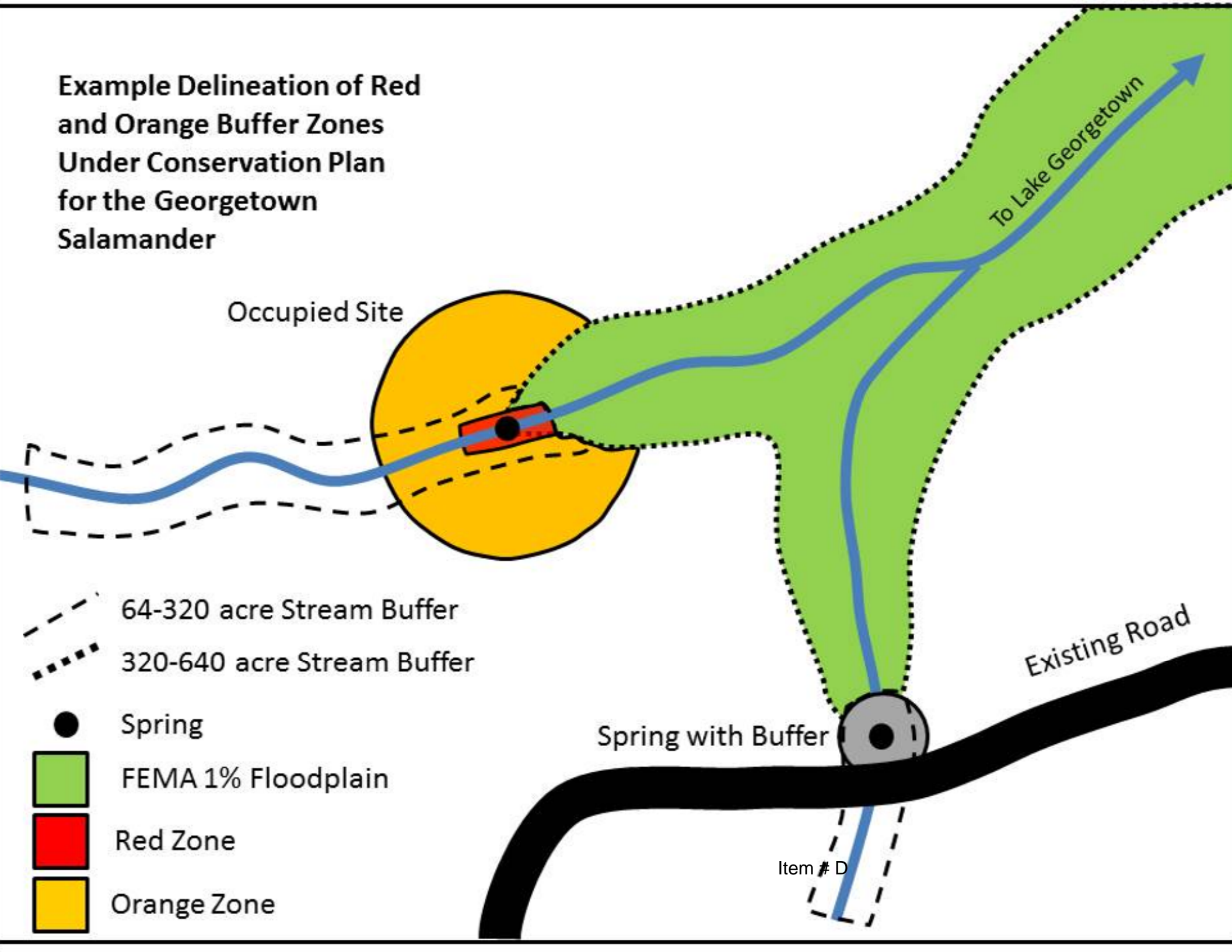
Existing Road

Spring with Buffer

Item # D

- - - 64-320 acre Stream Buffer
- · · 320-640 acre Stream Buffer

- Spring
- FEMA 1% Floodplain
- Red Zone
- Orange Zone





City of Georgetown Future Land Use

Legend

- Proposed Critical Habitat for the Georgetown Salamander
- Proposed Critical Habitat for the Georgetown Salamander
- Railroad
- Existing Collector
- Existing Freeway
- Existing Major Arterial
- Existing Minor Arterial
- Existing Ramp Frontage
- Proposed Collector
- Proposed Freeway
- Proposed Major Arterial
- Proposed Minor Arterial
- Proposed Rail

- Incorporated City
- Extra-Territorial Jurisdiction

Future Land Use

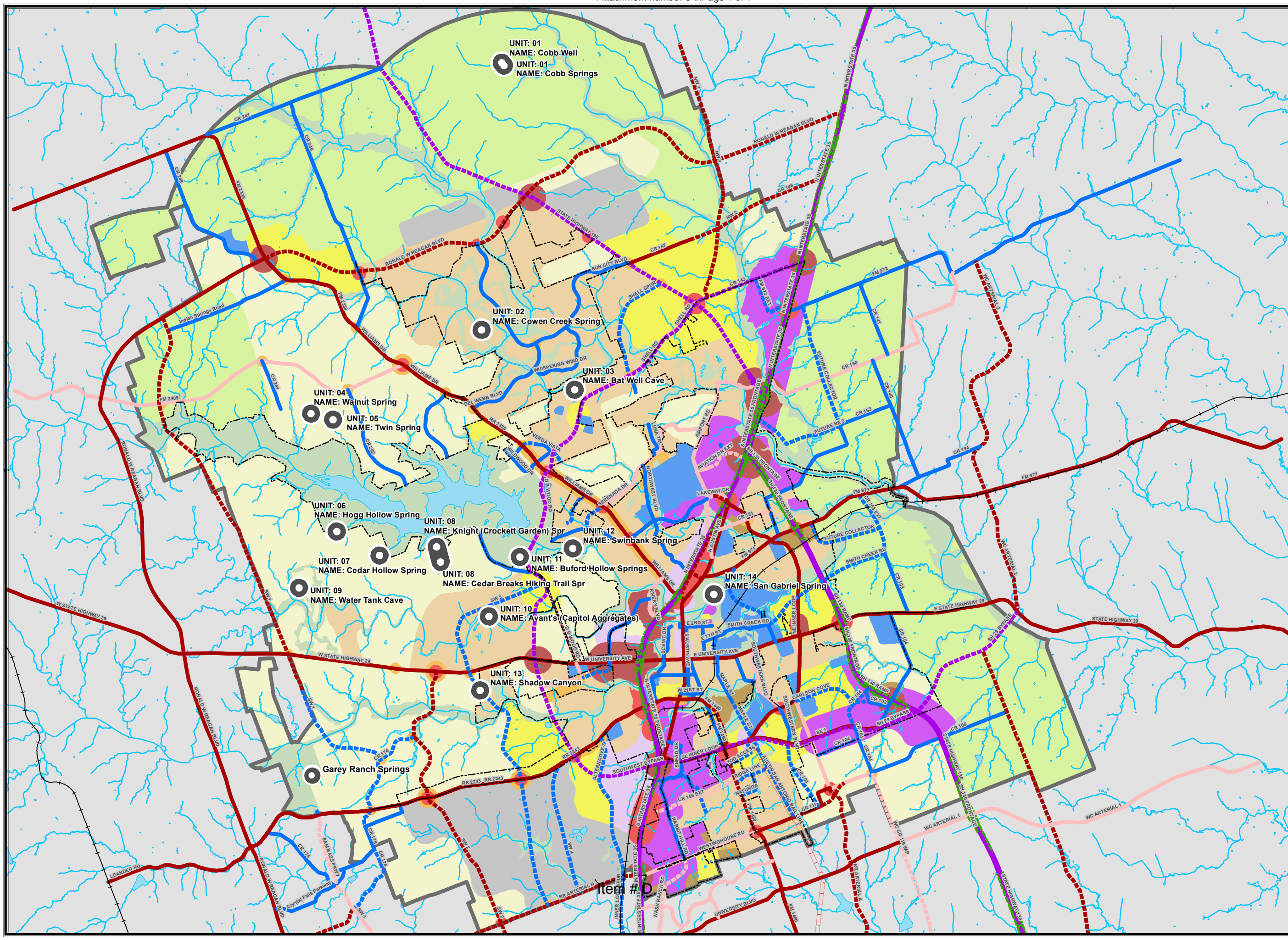
- Institutional
- Regional Commercial
- Community Commercial
- Ag / Rural Residential
- Employment Center
- High Density Residential
- Low Density Residential
- Mining
- Mixed Use Community
- Mixed Use Neighborhood Center
- Moderate Density Residential
- Open Space
- Specially Mixed Use Area

Map Disclaimer:

This data is for general planning purposes only. The basemap conforms to National Map Accuracy Standards in unobstructed areas. Williamson County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the database information or spatial locations depicted. Furthermore, all warranties on merchantability and fitness for a particular purpose are hereby disclaimed. In no event shall Williamson County be liable to the recipient or any other party for damages of any type, including but not limited to incidental, consequential or exemplary damages arising out of the use or inability to use these materials.



Coordinate System: Texas State Plane-Central Zone NAD 83 Feet
 Data Source: Future Land Use - City of Georgetown TX
 Official Thoroughfare Plan - City of Georgetown
 City Limits - City of Georgetown
 ETJ - City of Georgetown
 Proposed Critical Habitat for the Georgetown Salamander - USFWS
 (Except Garey Ranch Springs)



Item # 6

City of Georgetown, Texas
December 20, 2013

SUBJECT:

Second Reading of an Ordinance **establishing the classifications and number of positions (Strength of Force)** for all the City of Georgetown **Fire Fighters and Police Officers** pursuant to Chapter 143 of the Texas Local Government Code pertaining to Civil Service -- John Sullivan, Fire Chief (**action required**)

ITEM SUMMARY:

Chapter 143 of the Texas Local Government Code, Section 143.021, requires that the governing body of a municipality shall establish classifications and numbers of positions by ordinance.

The change from last year to this year is attributed to the re-organization of the fire department pursuant to the recommendations of the Fire Department Master Study and the organizational strategic plan. The change will allow the organization to improve accountability and create the essential framework for the provision of municipal emergency services. A specific focus will be on the Emergency Medical Services, Emergency Management and Fire & Life Safety Services (Inspections, Pre-plan, Public Education, etc.).

FINANCIAL IMPACT:

Positions have been budgeted within the current fiscal year. Future costs will correspond to approved compensation schedule

SUBMITTED BY:

John Sullivan, Fire Chief

ATTACHMENTS:

[Strength of Force Ordinance](#)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS RELATING TO THE CLASSIFICATIONS AND NUMBER OF POSITIONS FOR ALL CITY OF GEORGETOWN FIRE FIGHTERS AND POLICE OFFICERS PURSUANT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE PERTAINING TO CIVIL SERVICE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the citizens of the City of Georgetown, Texas have adopted the civil service system for its fire and police departments; and

WHEREAS, civil service is governed under Chapter 143 of the Texas Local Government Code; and

WHEREAS, Local Government Code, Section 143.021, requires that the governing body of a municipality shall establish classifications and numbers of positions by ordinance.

WHEREAS, the caption of this ordinance was printed in *the Williamson County Sun* in compliance with the City Charter of the City of Georgetown.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

SECTION 1. The classification plans for classified positions in the Fire and Police Departments shall be as follows:

PART ONE – FIRE DEPARTMENT

The following classifications of firefighters in the Fire Department shall exist effective on and after the dates set forth herein under the provisions of Chapter 143 of the Texas Local Government Code. These classifications and no others shall exist effective on and after the dates set forth herein with the number shown indicating the number of positions in each classification.

<u>Classification</u>	<u>Number in Classification</u>
Assistant Chief	2
Fire Battalion Chief/Fire Marshal/EMC and EMS	5
Fire Captain/Deputy Fire Marshal/Training/Logistics	9
Fire Lieutenant/Fire Inspector	17
Fire Driver	21
Firefighter	36
Total	90

One (1) Assistant Fire Chief is appointed by the head of the department, and serves at the pleasure of the Department Head, in accordance with Local Government Code, Section 143.014.

Ordinance Number: _____

Page 1 of 2

Description: Strength of Force Ordinance

Date Approved: _____

Item # E

PART TWO – POLICE DEPARTMENT

The following classifications of officers in the Police Department shall exist effective on and after the dates set forth herein under the provisions of Chapter 143 of the Texas Local Government Code. These classifications and no others shall exist effective on and after the dates set forth herein with the number shown indicating the number of positions in each classification.

<u>Classification</u>	<u>Number in Classification</u>
Assistant Chief of Police	1
Police Captain	2
Police Lieutenant	9
Police Sergeant	13
Police Officer / Detective	50
Total	75

The one (1) Assistant Police Chief is appointed by the head of the department, and serves at the pleasure of the Department Head, in accordance with Local Government Code, Section 143.014.

SECTION 2. All positions, other than the position immediately below the Department Head, shall be filled pursuant to the provisions of Local Government Code, Chapter 143, and eligibility lists applicable to the position.

SECTION 3. That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551, Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective immediately after its second and final reading.

PASSED AND APPROVED on First Reading on the ____ day of _____, 2013 at a regular meeting of the City Council of the City of Georgetown, Texas.

PASSED AND APPROVED on Second Reading on the ____ day of _____, 201__ at a regular meeting of the City Council of the City of Georgetown, Texas.

ATTEST:

CITY OF GEORGETOWN

Jessica Brettle, City Secretary

By: _____
George Garver, Mayor

APPROVED AS TO FORM:

Bridget Chapman
City Attorney

Ordinance Number: _____

Page 2 of 2

Description: Strength of Force Ordinance

Date Approved: _____

Item # E

City of Georgetown, Texas
December 20, 2013

SUBJECT:

Consideration and possible action to approve a **Memorandum of Understanding with Georgetown Independent School District** for a one (1) year **Fire-Fighter Pilot Program** in collaboration with the Georgetown Fire Department -- John Sullivan, Fire Chief

ITEM SUMMARY:

Provisions of this Memorandum of Understanding (MOU) apply to the Georgetown Independent School District (GISD) and the Georgetown Fire Department (GFD). The primary intent of this agreement is to document the collaborative relationship associated with a pilot instructional program. Moreover, the scope is to engage GFD as an instructional partner that develops the skills of GISD students interested in the emergency services profession.

FINANCIAL IMPACT:

SUBMITTED BY:

Jessica Brettle, City Secretary

ATTACHMENTS:

[MOU with GISD- Pilot Program](#)

MEMORANDUM OF UNDERSTANDING

BETWEEN

GEORGETOWN INDEPENDENT SCHOOL DISTRICT

AND

GEORGETOWN FIRE DEPARTMENT

WHEREAS, Georgetown High School and East View High School, being a part of Georgetown Independent School System, herein after referred to as “GISD”, and Georgetown Fire Department, herein after referred to as “GFD”, have come together to collaborate and to form a partnership;

WHEREAS, the partners listed below have agreed to enter into a collaborative agreement in which GISD and GFD will be partners;

WHEREAS, the certificate parameters prepared and approved by the collaborative through its partners is to be submitted to GISD Central Office for approval.

I) Description of Partner Agencies

GISD is an independent school district chartered and regulated under the Texas Education Agency, and teaches students from Pre-Kindergarten to Twelfth grade, and offers services to students up to 21 years old.

GFD employs Certified Fire Fighters and Emergency Medical Technicians and is in the business of extinguishing fires in Georgetown proper, and are first responders in the case of a medical emergency when a citizen calls 911.

II) History of Relationship

GISD faculty members* have volunteered to partner with GFD to offer an after school Pilot Program to 12 of our students starting in January on Tuesday evenings and on Saturdays. The health science instructors and the Interim CTE Director met with the Battalion Chief for Georgetown and ACC Fire Academy instructor along with Fire Chief Simpson and several firefighters. They have outlined an in-depth curriculum with TEKS. They are really committed to working with our students and have the desire to make this a full fledge certification program in the future.

III) Roles and Responsibilities

NOW, THEREFORE, it is hereby agreed by and between partners as follows:

The Pilot Program would begin January 7th, 2014 and go to December 20, 2014, meeting every Tuesday after school and Saturdays. As mentioned above, this would consist of 12 students.

This is a ONE YEAR Fire-fighter pilot program to introduce high school students to the emergency service field as a Firefighter. Georgetown Fire Department instructors will provide instruction of the Firefighter 1 curriculum. Once the student has successfully completed the Firefighter 1 curriculum, The student will be eligible to receive their Firefighter 1 certification through the State Firemen's and Fire Marshals' Association of Texas.

The primary goal of this program is to develop skills and interest in students who may want to enter the field of fire protection. Both classroom and hands on learning will accomplish the goals of this program. Most classes will be conducted at Georgetown Fire Department training facilities, located at 3600 DB Wood Rd. Some classes will be conducted at the Austin Fire Department or Leander Fire Department training sites.

The contents of the one year Fire-fighter pilot program can be found under the State Firemen's and Fire Marshals' Association certification program for Firefighter 1.

Students will be responsible for a registration fee of \$200.00.

This cost will cover:

1. Structural firefighting boots
2. Structural firefighting gloves
3. Course text book

Student will be responsible for paying a 30.00 fee to obtain their Fire - Fighter 1 certification upon completion of the course

Uniform items supplied by the student:

1. Black BDU or medic pants (No Jeans)
2. Black shoes or boots
3. Black Belt (No elaborate belt buckles)

Items supplied by the Georgetown Fire Department:

1. Uniform tee shirt or polo style shirt
2. Structural firefighting coat (returned upon completion of course)
3. Structural firefighting pant (returned upon completion of course)
4. Structural firefighting helmet (returned upon completion of course)
5. Structural firefighting protective hood

A meeting between Battalion Chief Ray Cummings, Fire instructors, the student, the guardians of the cadet, and GISD personnel will occur on December 12, 2013 at 6 pm. The meeting will be hosted in the training room located behind the Fire Station #5 at 3600 DB Wood Road. All rules and regulations for this program will be discussed in further details during the meeting.

School Affiliation Agreement Signature Page

GEORGETOWN FIRE DEPARTMENT:

By: _____

Title: _____

Date: _____

GEORGETOWN INDEPENDENT SCHOOL DISTRICT

By: _____

Title: _____

Date: _____

Addendum: Faculty Member Volunteers:

_____	_____
_____	_____
_____	_____