



CITY COUNCIL COMMUNICATION

August 26, 2008

SUBJECT: Resolution supporting an application to establish a Municipal Setting Designation for a tract of land located in the City of Bedford at 2821 Central Drive (Bedford Central Plaza Shopping Center)

SUBMITTED BY: Ron Young, Director of Public Works

REFERENCE NO: Resolution No. 08-1287

ACTION REQUESTED:

Consider approval of Resolution No. 08-1287, supporting an application to establish a Municipal Setting Designation for a tract of land, located in the City of Bedford at 2821 Central Drive (Bedford Central Plaza Shopping Center).

ALTERNATIVES:

- Approve – *Simple Majority*
- Deny – *Simple Majority*
- Table – *Simple Majority*

SUMMARY OF SUBJECT:

In 2003, the 78th Texas Legislature passed House Bill 3157 enacting a Municipal Setting Designation (MSD) law. An MSD is an official State designation given to property within a municipality or its extra territorial jurisdiction that certifies that designated groundwater at the property is not used as potable water and is prohibited from future uses as potable water since that water is contaminated.

The purpose of the MSD law is to provide a less expensive and faster alternative to the existing state environmental regulations governing the investigation and cleanup of contaminated groundwater. By providing this alternative way to address contaminated groundwater that will not be used as potable water, property owners may be more inclined to develop or redevelop properties in municipal areas that have contaminated groundwater.

The City of Euless has groundwater sources used for potable water supply that are located within a five (5) mile radius from the proposed MSD site. These groundwater sources are located at 1400 North Main Street, 116 West Fuller Drive and 2700 North Main Street in the City of Euless. The proposed MSD site and the wells are situated in

different watersheds with the water gradient at the MSD site falling toward Hurricane Creek.

Representatives of the proposed MSD site have approached the City of Euless seeking municipal support for their application to TCEQ for a Municipal Setting Designation. For an MSD to be certified by TCEQ, municipal support is essential. The City of Euless is not obligated to support this or any other MSD application, however, without City of Euless support in the form of the proposed resolution, TCEQ is statutorily required to deny the MSD application since it is incomplete.

The City of Bedford, at their March 11, 2008, meeting adopted an ordinance prohibiting the use of groundwater at the proposed MSD site for potable water uses. The City of Bedford, by the same ordinance, expressed support for an application to TCEQ for a Municipal Setting Designation at the proposed MSD site.

Staff has determined that a Municipal Setting Designation for the property located at 2821 Central Drive (Bedford Central Plaza Shopping Center) in the City of Bedford, Texas, will have no effect upon the quality of water produced from the wells located at 1400 North Main, 116 West Fuller Drive and 2700 North Main in the City of Euless. Your approval of this resolution is requested.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Total Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

- Resolution No. 08-1287

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **SC** _____

City Secretary's Office