



Welcome to the October 22, 2024, Prosper Town Council Work Session



Call to Order/Roll Call



Agenda Item 1.

Discussion regarding the Town's Stormwater Enforcement Plan. (HW)

Texas Commission on Environmental Quality (TCEQ) Small MS4 General Permit Post Construction Requirements

Section 5, Subsection (2)

- All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects.
- The permittees shall 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 that protects water quality.

Common Post Construction Feature Violations

- **Trash**



Common Post Construction Feature Violations

- **Trash**
- **Erosion/Excess Sediment**

Eroded soil reduces capacity of drainage feature to convey or detain water, which can cause flooding.

Excess sediment into the drainage ways can hurt aquatic life, and also can cause mosquito breeding grounds.



Construction Feature Violation Examples



Eroded channel slopes are blocking the flow of water, which creates a flood hazard for residents and negatively impacts stream health.

Construction Feature Violation Examples

Excess sediment has filled in a designed Detention Pond, reducing the capacity for water, which creates a flood hazard for residents.



Construction Feature Violation Examples



Excess sediment has blocked culverts, blocking the flow of water, which creates a flood hazard for residents and negatively impacts stream health.

Common Post Construction Feature Violations

- **Trash**
- **Erosion/Excess Sediment**

Eroded soil reduces capacity of drainage feature to convey or detain water, which can cause flooding.

Excess sediment into the drainage ways can hurt aquatic life, and also can cause mosquito breeding grounds.

- **Excess Vegetation**

Non-planned vegetation reduces space intended for water storage and can block the flow of water into and out of a pond or drainage channel.



Construction Feature Violation Examples

Excess and unplanned
vegetation reduce
Retention Pond
capacity.



Construction Feature Violation Examples



Excess sediment and vegetation that block designed drainage flumes, reduce the capacity for water, which creates a flood hazard for residents. Areas like this, also provide spots for water to pond, creating a mosquito hazard.

Common Post Construction Feature Violations

- **Trash**
- **Erosion/Excess Sediment**

Eroded soil reduces capacity of drainage feature to convey or detain water, which can cause flooding.

Excess sediment into the drainage ways can hurt aquatic life, and also can cause mosquito breeding grounds.

- **Excess Vegetation**

Non-planned vegetation reduces space intended for water storage and can block the flow of water into and out of a pond or drainage channel.

- **Non-operational fountain or aerator**

Fountains and aerators help circulate the water which helps reduce algae, balances the oxygen level and helps prevent mosquito breeding.



Construction Feature Violation Examples



Excessive algae in a post construction feature throws off the dissolved oxygen levels of the water.



Construction Feature Compliant Examples



Post construction features that are regularly maintained, are less expensive to maintain in the long run, create aesthetically pleasing views for our residents and protect Prosper's water quality.

Post Construction Enforcement History

- In 2019, the Stormwater Utility Administrator (SUA) started compiling a list of all Post Construction drainage features.
- List of all Post Construction features mapped.
- SUA started an education and outreach campaign with goal to educate the feature owners, so they would start maintaining their features in preparation for future requirements from the TCEQ.



What's Been Done Since Last Update

The Stormwater Program has the standards in place and ability to implement enforcement measures and access monetary penalties to gain compliance.

- Town has ordinance(s) in place to address post-construction runoff from new development and redevelopment projects.
- Town has ordinance in place to enforce owners maintain BMPs to protect water quality.
 - Provide notices. (10 days to comply)
 - Issue citations.
 - Fine for non-compliance. (No more than \$500/day)
- Stormwater staff are able to work through Code Compliance.

Current Post Construction Enforcement

- Property owner receives a warning, listing the feature violations with photos of what to fix. 30 days to comply.
- After 30 days, first re-inspection. If the feature is still out of compliance, the property owner is issued a Notice of Violation. Additional 30 days to comply.
- After the additional 30 days, second re-inspection. If the feature is still out of compliance, the case is turned over to Code Compliance and initiates the process to start daily fines.

** Green boxes on the handout highlight those developments going through this process now.



Next Steps

- Request support to continue implementing **Enforcement**.
- Revise Stormwater Ordinance
 - Consolidate standards
 - Update Enforcement timelines
- Add re-inspection fees in FY2026 for all Stormwater related re-inspections (development, home builders, post construction, illicit discharges, erosion control, residents, contractors, etc.).
 - \$50.00 for first reinspection
 - \$75.00 for second re-inspection
 - \$100.00 for the third re-inspection
- Stormwater staff able to issue citations.

Agenda Item 2.

Discussion regarding the annual solid waste CPI adjustment and proposed service enhancements. (RBS)



Annual Solid Waste Price Adjustment and Service Enhancement Proposal

Solid Waste Contract Price Change

- In June 2023, Republic Services was awarded an exclusive franchise for all solid waste related services following a competitive RFP process
- Effective date was February 1, 2024 with provision for annual rate adjustments on each contract anniversary date.
- The adjustment is based on the 12 month change in CPI-All Urban Consumers for the “Garbage and Trash Collection” sub-category
 - The September 2023 to September 2024 change in this index is 3.8%
 - This percentage will be applied to all residential and commercial service categories

Solid Waste Contract Price Change

- For base residential services this will increase the 2024 monthly rate from \$18.55 to \$19.15 for 2025.
 - Both 2024 and 2025 rates include a \$2.00 cart repayment fee and a \$0.80 Town administrative fee.

Proposed Service Enhancement for 2025

- While the transition to the new provider has gone well and the Town has seen a substantial reduction in Solid Waste related complaints for both residential and commercial customer categories, there continues to be confusion and complaints regarding which week monthly bulk is picked up.
- To address this area, the Town requested a quote from Republic for weekly bulk pick-up on the same day as all other services and received the following:
 - Weekly bulk pick-up with no Saturday drop-off service offered or one-time box pick up for new move-ins- \$1.98 over currently quoted prices or a total of \$21.13 base charge.
 - Weekly bulk pick-up while continuing Saturday drop-off service and box pick up-\$3.20 over currently quoted prices or a total of \$22.35 base charge.



TOWN OF PROSPER

Benchmark City Comparison

Where We go From Here

- Annual CPI adjustment is a contractual obligation and will be made effective February 1, 2025 pending approval November 12, 2024.
- If Council chooses either service level enhancement, staff will also bring back November 12th a contract amendment effective February 1, 2025.
- Certain “housekeeping” clean up item naming September CPI as the month used for pricing adjustments and raising replacement carts from current \$25 to \$60 (Town’s cost is \$55) will also be added.

Executive Session

- Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.
- Section 551.072 – To discuss and consider the purchase, exchange, lease, or value of real property for municipal purposes and all matters incident and related thereto.
- Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.
- Section 551.071 – To consult with the Town Attorney regarding legal issues associated with code enforcement and substandard structures, and all matters incident and related thereto.
- Section 551.071 – Consultation with the Town Attorney to discuss legal issues associated with any agenda item.



The Town Council will reconvene after Executive Session.



Reconvene into Work Session



Adjourn