



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District A

Item Creation Date: 12/10/2020

HPW - 20UPA406 MSD - Weingarten Realty Investors, LLC

Agenda Item#:

### **Background:**

In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State (ordinance amended 7/14/2010).

**Weingarten Realty Investors, LLC Application:** Weingarten Realty Investors, LLC is seeking a Municipal Setting Designation (MSD) for 37.78 acres of land located at 4529 FM 1960 West, Houston, TX 77069. The North Oaks Shopping Center was developed in 1976 and is currently owned by WC North Oaks LP. The contamination consists of tetrachloroethene and trichloroethene. The contamination in groundwater appear to have originated from a former dry cleaner facility that occupied the space from the mid 1970s until the 1980s. A licensed Professional Geologist has certified that the area of contamination has been thoroughly investigated, is fully delineated and is stable.

Weingarten Realty Investors, LLC is seeking an MSD for this property to restrict access to groundwater to protect the public against possible exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. A public meeting was held on October 19, 2020 via Microsoft Teams, and a public hearing was held on November 12, 2020 during the Regulatory and Neighborhood Affairs Council Committee. Both meetings are necessary steps prior to City Council's consideration of support.

**Recommendations:** It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Weingarten Realty Investors, LLC site located at 4529 FM 1960 West, Houston, TX 77069, and support issuance of an MSD by the Texas Commission on Environmental Quality.

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1/12/2021

Carol Ellinger Haddock, P.E.  
Director  
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### **Contact Information:**

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### **ATTACHMENTS:**

#### **Description**

RCA Attachments #2019-109-NOS

#### **Type**

Backup Material