

**COMMITTEE ON OPEN SPACE, ENVIRONMENT AND SUSTAINABILITY  
MEETING MINUTES**

December 3, 2015

THE AUSTIN CITY COUNCIL COMMITTEE ON OPEN SPACE, ENVIRONMENT AND SUSTAINABILITY CONVENED IN A REGULAR MEETING ON THURSDAY, DECEMBER 3, 2015 AT 2PM IN THE BOARDS & COMMISSIONS ROOM, FIRST FLOOR, ROOM 1101, CITY HALL 301 W. 2<sup>ND</sup> STREET.

**Council Member Delia Garza called the meeting to order at 2:14 PM. In attendance were Mayor Pro Tem Kathie Tovo, Council Member Don Zimmerman, Environmental Commission Chair Mary Gay Maxwell, Parks & Recreation Board Chair Jane Rivera and Member of the Water and Wastewater Commission, Annie Kellough. Council Member Leslie Pool was absent.**

**Agenda Item #1:** Approval of minutes.

**The minutes of the October 28, 2015 meeting were approved on CM Zimmerman's motion and on MPT Tovo's second. Vote 3-0-0-1. CM Pool was off the dais.**

**Agenda Item #2:** General Citizen Communications

**There were no speakers.**

**Agenda Item #3:** Approval of Open Space, Environment and Sustainability Committee meeting dates for calendar year 2016.

**The Open Space, Environment and Sustainability Committee meeting dates for calendar year 2016 were approved on CM Zimmerman's motion and on MPT Tovo's second. Vote 3-0-0-1. CM Pool was absent.**

**Agenda Item #4:** Recommendation regarding authorization of the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple 25 properties at risk of flooding in the 25-year floodplain located within the Williamson Creek Watershed as per City Ordinance 20150604-021.

**Motion to go forward to Council with the purchase of the 63 while staying within the current budget on a first come first serve basis, and staff will come back when funding runs out. Motion by CM Garza and second by MPT Tovo. 2-1-0-1. CM Zimmerman voted against. CM Pool was absent.**

**Agenda Item #5:** Discussion and recommendation related to joint use agreements for five playgrounds located on Austin Independent School District property that have been identified by the Parks and Recreation Department as being in a park

deficient area.

**Recommendation to direct staff to negotiate, send recommendation to full Council and then return to the Committee with the actual agreement was approved on MPT Tovo's motion and on CM Zimmerman's second. Vote 3-0-0-1. CM Pool was absent.**

**Agenda Item #6:** Briefing on Parks & Recreation Department's Fiscal Year 2016 block grant funding for parks.

**Recommendation for PARD staff to develop various options for the Committee to examine in order to determine how the funds could be divided between priorities identified by the City and priorities identified by GAVA made on CM Garza's motion and on MPT Tovo's second. Vote 2-0-1-1. CM Zimmerman abstained and CM Pool was absent.**

**There were 11 speakers:**

- Evita Cruz
- Patches Brasher was neutral.
- Lorena Solis was neutral.
- Eduardo Craig was neutral.
- Kate Mason-Murphy was neutral.
- Tom Donovan was in favor.
- Isaac Zapata was neutral.
- Cynthia Rodriguez was neutral.
- Nevena Pilipovic-Wengler was neutral.
- Alba Sereno was neutral.
- Carmen Llanes Pulido was neutral.

**Agenda Item #7:** Consider and develop recommendations on the appointment of three members to the Joint Sustainability Committee.

**This item was postponed.**

**Agenda Item #8:** Discussion of future agenda items.

**Council Member Delia Garza adjourned the meeting at 4:34 PM.**

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## **COUNCIL COMMITTEE REPORT**

### **OPEN SPACE, ENVIRONMENT AND SUSTAINABILITY COMMITTEE**

**Date:** December 3, 2015

**Agenda Item #:** 4

**Agenda Item:** Recommendation regarding authorization of the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple 25 properties at risk of flooding in the 25-year floodplain located within the Williamson Creek Watershed as per City Ordinance 20150604-021.

**Vote** Recommendation to proceed to Council with the purchase of the 63 properties while staying within the current budget and on a first come first serve basis. Staff will need to return to the Committee once funding runs out approved on CM Garza's motion and on MPT Tovo's second. Vote 2-1-0-1. CM Zimmerman voted against and CM Pool was absent.

**Sponsors/Department:** Watershed Protection Department

#### **Summary of Discussion**

Mapi Vigil, Managing Engineer with the Watershed Protection Department (WPD), provided an update on the Middle Williamson Creek Flood Hazard Mitigation Project. Ms. Vigil discussed council actions since September of 2014, in which funding was approved for the acquisition of 66 properties at risk of flooding. In November of 2014, Council authorized to make offers to three of the properties, leaving 63 properties left to acquire. In June of 2015 Council directed staff to proceed with the acquisition of 38 properties out of the remaining 63 properties that met a certain criteria. Ms. Vigil further explained that Council authorization is necessary to proceed with negotiations and acquire the remaining 25 properties.

Ms. Pam Kearfott, Supervising Engineer with WPD, provided additional detail on the project explaining that it is the second most important priority for Creek Flood Hazard. She also shared that in total there are 500 properties at risk in this area. In 1999, the City partnered with the U.S. Army Corps of Engineers which resulted in a flood hazard mitigation study that evaluated structural and non-structural solutions in several areas of Williamson Creek; the areas studied included Bayton Loop, Broken Bow, Radam/Emerald Forest, and Heartwood. The 25 remaining properties needing authorization to make offers to are located in the Radam/Emerald Forest and Heartwood areas.

Furthermore, Ms. Kearfott provided a summary of the existing WPD Buyout Program explaining that projects are prioritized based on problem severity and whether or not a buyout is determined to be the most cost-effective solution to mitigate flood risks. In addition, Ms. Kearfott discussed the various funding sources used and explained that since 2007 buyouts have followed the federal guidelines for acquisition and relocation. Alex Gail, Assistant Director with the Office of Real Estate Services further added that applying the federal guidelines, specifically, the Uniform Relocation Assistance of Real Estate Acquisition Policies of 1970 to all different types of acquisition, regardless of the funding source, ensures that the acquisition and relocation processes are consistent and fair.

- *Clarification about request for additional funding for this project and Onion Creek*

Ms. Vigil confirmed that an additional \$6M-\$8M is needed to purchase 18 properties of the initial 66 properties. Ms. Kimberly Springer, Deputy Budget Officer for Financial Services Department, explained that both the Onion Creek and the Williamson Creek buyouts were funded with Certificates of Obligation. She further explained that during the budget adoption in September 2014, Council approved \$7.8 million to fund those buyouts, allocating approximately \$60 million for Onion Creek and \$18 million for Williamson Creek. Ms. Springer shared that if Council chose the option that would require additional funding the recommendation would be to continue the same funding mechanism of Certificates of Obligation.

- *Clarification on the funding status*

Ms. Vigil explained that the current balance of \$16.85 million will allow staff to proceed with the buyout of 45 homes. Council has authorized execution of the acquisition of 38 of the 45 homes and once the 38 properties are acquired, the balance will be \$2.9 million, which will allow staff to proceed with another seven properties out of 25 properties that requires authorization from Council. This leaves 18 remaining properties that will need funding, which are estimated to cost between \$6-\$8 million. Finally, Ms. Vigil also shared that \$2 million is allocated every year from the drainage utility fund, which could be used for this project.

- *Appreciating in value since 2014*

Mr. Gail confirmed that properties are appreciating in value while further adding that the current appraisals are significantly higher than what was anticipated in 2014. MPT Tovo asked if Ms. Vigil had those figures of the homes appreciating in value. Ms. Vigil, offered to provide the data to MPT Tovo and CM Zimmerman at a later time as she did not have that data with her. Public Safety Concern

- *Remaining 63 properties.*

Ms. Vigil further added that CM Garza is correct in that not all home owners will want to sell and that staff is assuming that all 63 property owners will want to be bought out. CM Garza emphasized that WPD identified the 63 properties and provided their expert opinion in that 38 of those properties were in danger, but it is not to say that the other 25 will not flood if there is another storm event.

## **Public Comments**

None

## **Direction**

## **Recommendation**

Motion to go forward to Council with the purchase of the 63 while staying within the current budget on a first come first serve basis, and staff will come back when funding runs out.



## **COUNCIL COMMITTEE REPORT**

### **OPEN SPACE, ENVIRONMENT AND SUSTAINABILITY COMMITTEE**

**Date:** December 3, 2015

**Agenda Item #:** 5

**Agenda Item:** Discussion and recommendation related to joint use agreements for five playgrounds located on Austin Independent School District property that have been identified by the Parks and Recreation Department as being in a park deficient area.

**Vote** Recommendation to direct staff to negotiate, send recommendation to full Council and then return to the Committee with the actual was agreement approved on MPT Tovo's motion and on CM Zimmerman's second. Vote 3-0-0-1. CM Pool was absent.

**Sponsors/Department:** Parks and Recreation Department

#### **Summary of Discussion**

Randy Scott with the Parks and Recreation Department (PARC) explained that in 2009 Council drafted a resolution to be a child friendly area and have parks within a quarter mile or half mile of every City of Austin resident. In 2012, PARC drafted an implementation plan on how to make that happen. One of the tools in that implementation plan is utilize school AISD properties to develop park amenities. Mr. Scott shared that 38 possible school sites have been identified and prioritized that could be used to develop child friendly parks on school properties. Further adding that further discussion will be needed with AISD as priorities may have changed since the implementation plan was drafted. Mr. Scott shared that Law will help PARC draft the agreements.

#### **Public Comments**

None

#### **Direction**

Motion to direct staff to negotiate, send recommendation to full Council. Come back to OSES with actual agreement.

#### **Recommendation**



## **COUNCIL COMMITTEE REPORT**

### **OPEN SPACE, ENVIRONMENT AND SUSTAINABILITY COMMITTEE**

**Date:** December 3, 2015

**Agenda Item #:** 6

**Agenda Item:** Briefing on Parks & Recreation Department's Fiscal Year 2016 block grant funding for parks.

**Vote Recommendation** for PARD staff to develop various options for the Committee to examine in order to determine how the funds could be divided between priorities identified by the City and priorities identified by GAVA made on CM Garza's motion and on MPT Tovo's second. Vote 2-0-1-1. CM Zimmerman abstained and CM Pool was absent.

**Sponsors/Department:** Parks and Recreation Department

#### **Summary of Discussion**

Marty Stump, Assistant Director in the Parks & Recreation Department (PARC), presented an outline of PARC's proposal in regards to the block funding received during the current fiscal. As a point of reference, PARC has an annual capital spending plan of about \$30 million over the past few years so this is a substantial opportunity to increase the ongoing work. PARC set criteria to help determine what would be the appropriate projects to recommend under the block funding, which does not include trying to divide the money equally across ten council districts. Stump further explained that PARC believes that the funds should be equally dispersed based on need in terms of safety and health.

Kimberly McNeely, Assistant Director in PARC, explained that the proposal focuses on playgrounds, playscapes, and nature-based playgrounds as a fundamental project that has recently been implemented in the city based upon national trends. As a project statement, Stump stated that that PARC proposes block funding to design and construct innovative, nature-inspired play environments at multiple sites as a playscape replacement program.

In 2015, PARC completed a system-wide playground assessment to identify the needs and classify the current playgrounds based on current conditions. The city currently has playscapes in 98 of the parks, which consist of hundreds of individual pieces, all of which have a typical life cycle of 12 to 14 years before replacement is necessary. As PARC moves forward in replacing equipment, staff tries its best to adhere to national best practices in terms of the types of play for public safety, overall health, and childhood obesity. McNeely went onto explain that typical playground replacement can cost approximately \$200,000 and up, however with the nature-based play there is an opportunity to be more cost-effective when using natural and less expensive materials.

- *Go! Austin/Vamos! Austin (GAVA)*

Various speakers from the community advocacy group known as Go! Austin/Vamos! Austin (GAVA) urged the committee to devote more resources and funding to the areas of greatest need,

as GAVA perceives them. These neighborhoods include two zip codes, 78744 and 78745, which are in Districts 2, 3 and 5. Since 2006, these zip codes have only received 6.25% of the Parks & Recreation Department's capital improvement projects. Furthermore, PARD's list of parks to receive funding only includes two parks within these two zip codes. GAVA staff explained the high rates of child obesity and other health issues in the area, which could be addressed through projects such as better playgrounds. CM Zimmerman suggested that the funds be divided among the Council districts to allow each Council Member to determine how to apply the funds. MPT Tovo explained how it would be best for the city as a whole if the funds were not divided since the needs can be greater in one area than another.

- *Area and equity*

CM Zimmerman voiced concern about the subjectivity in determining the needs of particular areas compared to parks in other zip codes throughout the city. Staff explained that the city has 98 parks with playgrounds and it's fairly evenly distributed across the city in terms of the age of the playgrounds and the condition. Staff is proposing playground replacement rather than new park development, which is an approach that is consistent with national best practices and is not necessarily targeted to any geographic area in the city but instead implements what has already been established qualified by needs system-wide. CM Gallo was in attendance and noted that each Council district was reserved to receive at least one park improvement in order to stay in line with the 10-1 way of government.

- *Playground assessment and playground safety*

MPT Tovo asked staff if there is any relation between the safety assessment conducted by the Audit Department and the list of projects selected by PARD staff. Staff replied that the playground assessment prepared by PARD was in response to the audit to put a program in place and the playgrounds to receive the replacements were chosen based on age and safety issues. Staff further explained that Council included a new full time position in the FY15-16 budget for a supervisor to lead the playground safety team.

### **Public Comments**

- Evita Cruz
- Patches Brasher was neutral.
- Lorena Solis was neutral.
- Eduardo Craig was neutral.
- Kate Mason-Murphy was neutral.
- Tom Donovan was in favor.
- Isaac Zapata was neutral.
- Cynthia Rodriguez was neutral.
- Nevena Pilipovic-Wengler was neutral.
- Alba Sereno was neutral.
- Carmen Llanes Pulido was neutral.

### **Direction**

The Committee would like PARD to make a follow-up presentation at a future Committee meeting.

### **Recommendation**

CM Garza recommended PARD staff to develop various options for the Committee to examine in order to determine how the funds could be divided between priorities identified by the City and priorities identified by GAVA.