

# Open Space, Environment, and Sustainability Committee Meeting Transcript – 9/28/2016

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 9/28/2016 6:00:00 AM

Original Air Date: 9/28/2016

Transcript Generated by SnapStream

=====

[2:14:20 PM]

Pool: And it looks like we have our quorum now. Thank you, mayor pro tem. So welcome everyone. I'm Leslie pool and I'm the chair of the open space and sustain built committee. We are here Wednesday, September 28, 2016, it's 2:14 P.M. We are at city hall, 301 west second street in Austin, Texas. And our first or the of business is appraisal of minutes from may 26, -- approval of the minutes from may 26, 2016. Are there any changes? Motion to approve by mayor pro tem tovo and seconded by councilmember Garza. All in favor raise your hand. That's approved unanimously. I want to welcome our three chairs -- three of our citizens commission. Jane Rivera who chairs the parks and rec board. Thanks for being here. Marisa Perales, environmental, and Bill Moriarti, chair of the wastewater commission. I appreciate all three of you helping us here today. Citizen communication. I don't think I have anybody on -- let's see. Is anybody here to speak in

[2:16:22 PM]

citizen communication? I have Nick Williams and Andrew gill. And you wanted to speak on an item that's not posted on the agenda. Is that correct? >> [Inaudible] >> Pool: Sure. Fire away. Which item is it? >> It's number 6. >> Pool: It's on. >> Thanks. It's number 6 and unfortunately I'm going to have to run to a prior commitment, but just wanted to real briefly make a few comments on this one. First in particular thank mayor pro tem tovo and director pantellan. When this issue first came to light for us, the language attached to it in the budget was somewhat alarming, prioritized a 1991 army corps of engineers study which had a number of recommendations in it. One of the recommendations was a flood bypass tunnel in Pease park. Attached were other recommendations so we raised the issue with a number of folks and very thankful that language has been expanded not to just prioritize the study but to look at a number of different solutions. And so mostly to thank you all for making that change and we look kind of forward to being a part of the solution. And for us, you know, obviously the number one priority is to be a part of the solution to mitigate flood damage in the lower shoal creek, but also prioritize a number of things including recreational parkland in central Austin. Protect some of our cultural and historical resources and just very thankful those were added to the budget request and look forward to being part of the process going forward. I mostly wanted to thank you all for that. >> Pool: Yes, and thanks to you and are you representing the Pease park conservative? >> I'm the executive director of the conservancy so they sent me down here to briefly make a few comments and we

[2:18:23 PM]

look forward to being part of the process going forward. >> Pool: And my understanding after talking with the detective about this and with -- is it Richard Craig? >> Correct. >> Pool: That the Pease park conservancy would absolutely have a seat at the table for these conversations and I appreciate you all coming forward and talking to us about -- was it 1991? >> It was a 19891 study and that was followed up by analysis of the study in 2014. Frankly, we're of the opinion that quite a bit has changed since 1991. The watershed has changed, technology has changed. We have a lot of capable staff at watershed that think it would be a little silly like an innovative city like Austin is prioritizing something done in 1991. We're kind of hoping for a fresh start that takes into account the entire watershed. >> Pool: Agreed. Any other -- thank you for being here today. And Andrew gill. >> I'm Andrew gill. >> Pool: Okay. So you are not Nick Williams. Is Nick Williams here? Okay. All right. Thanks, Andrew. All right. Did I miss anybody on citizens communication? Who didn't sign in? Okay. So next item is number 3, discussion and possible action regarding the outdoor concert series at the Joe and Theresa Lozano long center. Do we have staff for that? Hi, welcome. >> Thank you. Chairman pool, members of the committee, thank you so much for having me. I'm the CEO of the long center and I'm here to talk about the activities and answer any questions and get any feedback you might have. At the risk of being a little redundant I was going to talk about the long center history.

[2:20:24 PM]

The mission of the long center is a community gathering space where creativity happens and premier performing arts center that enriches lives by connecting audiences and artists. We were originally built to house the symphony, opera and balancelly and continue to be the proud home of all three. In November of '98 the voters did pass a referendum which allowed the lease between the city and the long center to happen. It was on previous parkland. We're now considered alienated parkland. So our overnight includes the actual physical structure and the lawn area directly around the building. The building was privately finded and we're in a 50-year lease with the city and since day one we've used our terrace and lawn activity for outdoor performing arts events. We have a lot of free community he scents. We little do some high profile events like the Texas monthly barbecue and we have done concerts here and there. If you fast farred to last fall, we actually went into a contract with a third party in order to do a more affordablalized outdoor concert series on our lawn. Leading up to the signing of the contract we probably didn't get the buy-in and had all the conversations we could have had in order to make sure we had the input we needed. Part of it was confidentiality issues in the negotiations, but again it was something that we really did want to go back and correct. So since early this year we've been working closely with the parks department and we go through ace for all of our permitting. We've increased communications with the neighborhoods and we've worked a lot with the park lands event task force. The result was in this last season, which it had started in may and will go to you our last concert is on October 3rd. We did have five concerts. The attendance for each was under 4,000 so between two and

[2:22:28 PM]

four thousand. We're conscious about the concerns of the neighborhood, parking and noise. On the parking front we were careful to message and make sure that we got the word out about alternative transportation and we also coordinated with the palmer auditorium sense we share a garage, since most of the concerts could be accommodated by that garage if there wasn't a conflicting event. On the sound side, we did work with the music office at the city of austinen had a sound survey done, avoid impact

survey done and the results we're very happy with. We didn't get any 311 complaints for all of our concerts. We checked back with the neighborhoods afterwards, there wasn't any parking concerns so we are really proud of that. But we do want to continue to work on strengthening that partnership and make sure we're being very conscious. As I've said many times in meetings there's a big difference between a promoter that will come in and do a concert and leave. We consider ourselves a community asset and we want to have that dialogue with the city and the surrounding area so we'll continue that conversation. Up until last night the parkland event task force at their final meeting adopted a resolution or -- to put forward to council and we're in agreement with all the points. It basically says that, you know, there has to be some process and guidelines and this is already in place, maybe in a less formal way how we get our permits, the sound permits and others. The idea of formalizing this process, we're all for open lines of communication, we're all for they talk about putting together a committee so we can better coordinate calendars. I was telling David that's a huge help for us because that's something we need to do anyway. If there is buy-in across the board that would be helpful. I think that gets you up to seed but I'm happy to -- speed but I'm happy to address any concerns or questions. >> Pool: Mayor pro tem. >> Tovo: I do have some. I know, I see a couple members

[2:24:31 PM]

of Bouldin creek and also Mr. Russell who co-chairs the task force. And so I may have some more questions if they are prepared to speak, I may have more questions for you. I know part of the -- let me say I think it was -- I appreciate you saying that the sort of -- I don't want to put words in your mouth, but I appreciate your comments. To me it was I think a real surprise for the neighborhoods. It wasn't that there wasn't adequate buy-in, they didn't really know about the contract that the long center had entered into and I have some specific questions about the contract itself. How many years is the contract that you entered into? >> It is a three-year contract with an option to extend. >> Tovo: And so you are just about one year into that? >> Yes, uh-huh. >> Tovo: What is the expectation in terms of numerous for year 2 and 3? I think the parks events task force has asked you to consider a limit and I need to understand whether that's something you have the ability to negotiate within your contract. >> There isn't any requirements within the contract so there is the ability to negotiate that and, again, we are trying to find the sweet spot ourselves for what makes the contract work for sponsors, but most importantly what is livable, what we can all live with on our space. You know, my guesstimate is we're in the eight to ten range. We're really trying to focus on the summer on the off season. Partly we're kind of self-regulated just by availability. We work really closely with palmer and the parks department and when you look at how many weekends are available where we're not up against other dates or big events, that limits us already. >> Tovo: And I look forward to hearing from some of the other members of our audience about that. You know, one of the -- one of the pieces of contacts that I know you are aware of that I'm not sure if everyone on our committee is aware of this,

[2:26:33 PM]

this was is source of events a auditorium shores with a source of ongoing negotiation and then a setting of limits. So the question that many people had for me is how does the long center's concerts fit within those limits because those were so carefully negotiated over years and a lot of -- you know, a lot of people rely on that limit and it's a fair limit really and it's, frankly, one that does have -- I mean the events that take place there do have an impact on other stakeholders in the neighborhoods and neighbors whose overrun with traffic. Sticking to that limit has been a really important provision and I think we may have suggestions from the task force about dialing that limit back. And so for the community to find out that your events are going to happen outside of that limit is really challenging.

And so the eight to ten is a lot and I hope that we'll hear some more about that, but I appreciate knowing that you have the ability within your contract to set -- to set that limit at a number that is manageable not just for the long center but also for the surrounding community. >> And again, the -- as you are talking about the limits for auditorium shores, the reason why we're not -- we haven't been included in those limits is we're alienated parkland so we're not considered auditorium shores so we have been doing events outside. Since our founding, the concerts area I think has drawn the attention because it's, again, understandably very different from some of the things we've done in the past and I would say we're closely resembles what's happening in auditorium shores. We never planned to be big three-day festivals but I understand the concern is coming up for the correlation. I can say that as we look at our events in total, they've actually -- we had less events this year than last. So we are trying to find the balance even though we're adding a certain type of event, you know, the balance of what we can withstand and what works in our calendar as

[2:28:33 PM]

well. But, you know, for us mission based organization first and foremost is the community events we are doing for free and protecting them and making sure that, you know, we're putting our support into those events. >> Tovo: When you say fewer than previous years -- >> Everything -- >> Tovo: Trailer Wednesdays because those are much less as you've acknowledged those are much less like concerts that happen on auditorium shores. It's a whole different animal. Concerts that look like the ones limited on auditorium shores and though it's alienated parkland technically if that's the description you offered it is -- it is all the same area really when you live in the neighborhood behind it. >> And we do want to -- when I'm talking about the other events, always take that into consideration because an event like bubble palooza attracts 8,000 people so there is a real parking concern. Sound, it's not a concert, there's different concerns. We always want to be aware of how we're impacting no matter what we're doing. >> Tovo: Thank you. >> I chair the parks board and last year when your series start, the parks department staff started getting complaints about all of the events that were happening and why on Earth were they allowing more events when they had agreed to cut them down. So I'm pleased to hear you have been working with staff this year to make sure that things are coordinated and the department knows about your events in advance. So thank you for that. >> Well, thank you for allowing us to do so. >> Pool: Any other questions? I think we have some folks in the -- from the task force that may want to speak. Is that right? Come on up. >> Thank you. >> Pool: Thanks, Corey. Mr. Russell and Mr. King.

[2:30:35 PM]

>> We go by Barnum and Bailey these days. >> I first just want to point out in regard to the long center and their concert series is that Corey and the new leadership there inherited this. They weren't responsible for it. It was inherited. You know, mark sariff who was in there before, he also inherited it. We're all kind of in the same boat on how to best move forward. I will say from my standpoint because I was one of the early folks that was pretty upset about it as an event person, we have a process. And a lot of us go out of our way to follow that process. It wasn't followed by the previous folks there and that's fine, we're over that now. Now we just have to figure out how to move forward in a way that the long center is successful and the neighborhoods are -- aren't impacted any more than they already are. So in the conversations that I've been party to with the long center and with Bouldin creek, it has been very open. It has been a great conversation. The relationship, I feel at least and Katie can speak to this, I feel that the relationship is at least getting on better footing. There's a dialogue now that -- that I think is very productive. From the task force standpoint, we did battle this back and forth quite a bit because, you know, we -- last night was our last meeting as the task force and you all will be seeing our

recommendations here very soon. And one of the things that we all agreed on -- well, not everybody, but at least us, and it is going to be a

[2:32:36 PM]

recommendation for you guys to consider is even further reduction of events at auditorium shores. So we have folks that have been on a list at auditorium shores for a while. That it's going to be tougher for them to get on that, get a date there. And a lot of the things that I heard outside of the task force was -- was the concern about the long center adding events over there as kind of jumping the line, so to speak. But I think we can agree -- at least I hope we can agree that the long center has an executed contract with a third party. I don't want the long center to be in a situation where they are ending up in some sort of battle, legal or otherwise, with somebody that they are in a contract with. And I think we can all agree that we really want the long center to be successful. Not just short term but long term as well. So I've said plenty. David. >> Well, thank you, and I'm glad that you are taking up this issue because it is really important. For that very popular area of the city. And, you know, I think it's important that the -- this committee be established, a permanent committee for coordinating the schedule of those parties that utilize that space. That's really important. And then one of the recommendations that we passed last night, it will be in the final version is a temporary committee to inform any changes that you might want to recommend to the long center or consider, you know, communicating to the long center about that contract. And I do agree with James about trying to avoid any conflicts or any legal repercussions from doing that, but I know that you've dealt with these kinds of situations

[2:34:37 PM]

before and you know how to provide your advice and inform that process going forward. So part of that process we recommend is that there be a temporary committee established to help inform you about the parameters and the factors that would be considered in the types of events, in the number of events if you were going to make some suggestions regarding any changes to that contract. So I think that would be very helpful for the neighborhoods and the stakeholders to be part of that process to provide that input to you. >> Pool: Real quick question, David. Is the contract -- the contract you are talking about with the long center or contracts generally? >> Both. So I was really be kind of specific to the paragon contract if it could be amended and I think that question came earlier in your discussion. So it could help inform any potential amendments to that contract, but it could also help inform the city's contract with any changes to the city's contract for the long center. >> Pool: Okay. Was that it? Did you have anything else? >> WI, I donkhat it's, you know, the partnership is important and I agree with James that Corey has been very responsive to the committee. And I have to give a shout out to Jay. He's sort of like an honorary member of our task force. >> Pool: Where is Jay? We can't even see him. >> He's been to almost every meeting and listened to him and when we had questions he's been able to help with them. Thank you, Jay. I feel like it's been a partnership and they've been listening and trying to work with us through these issues. >> Pool: And the last time we met we extended the deadline for the report I think to the 1st of November. Is that going to still work for you as far as writing the report? >> Oh, yeah. We should have it written by them. We have to let the parks staff

[2:36:38 PM]

get through acl. >> If you would want us to give you an update on that, whatever, we anticipate that we would be, you know, meeting or doing followup meetings with the boards and commissions and council committees on this. >> Pool: Yes, definitely. I think that's a good idea. Mayor pro tem. >> Tovo: I had a

couple questions. I want to be sure I'm understanding and I may need Ms. Baker to come back. So the recommendations that are coming forward from the task force are to consider reducing the limit that is currently on auditorium shores. >> Correct. >> Tovo: And it sounds like the recommendation coming forward from the committee as it regards the long center is to set up a committee -- and I was under the impression that those -- that the long center, palmer events center, that there were already kind of scheduling coordination meetings going on among our staff and the two parties. >> There are more informal. I think what the resolution allows is more formalized process and more inclusive. So it's between palmer, it's with I believe parks and ace and so everybody is coming to the table to make sure that not only we're not on top of each other, but that we're not going back to back and creating long stretches of time where the parks are not available to the public. >> Right, and I'll just comment on that from my experience. One of the -- usually the only time those parties get together is when there's a conflict, which is too late. So this would kind of pre-empt that to prevent it. Which I think is incredibly important for the ballet, for the symphony, for an event at auditorium shores, for settlement home, whatever it is, I think it's incredibly important. >> Tovo: Me too, and it's been something people have been talking about for a long

[2:38:39 PM]

time, five or six years. And it was my mistaken sum sun that that process had become more formalized. So it sounds like it's time to take that direction to a new level. >> Yes. >> Tovo: Okay. Thank you. That's helpful. So I understand the need for that piece. I'm less certain I understand what you were sucking about a committee to look at the long center's contract, which I understand is probably confidential. >> So I -- >> Tovo: So help me understand that portion of what you were talking about. >> So I don't -- and I went on this long tangent yesterday at the task force so I'll spare you of that, but I had an issue with -- with asking the city, whether it's council or the city manager, to look into a third-party contract. I just have an issue with that altogether. So the thing that was discussed was looking at the contract between the city and the long center and that lease. So that was -- that was what was -- >> Tovo: Thank you. I appreciate that. I guess Ms. Baker, so I heard concerns from the task force and I appreciate them that they don't want to do -- they didn't want to make recommendations that everyone wants the long center to be successful among the task force, I would say I certainly share that. We all as a community I think see the long center to be successful. I thought I heard you say in our discussion that the contract could be -- that there were not specific numbers of events specified in the contract that you had with the third-party promoter. >> Exactly. >> Tovo: Have you decided to do -- in the course of this agreement, if you decided to do four or five instead of eight to ten, it sounds like that's feasible under the limits of your contract. >> Yes, I would say it is feasible. And that's part of what we're working on is not just looking

[2:40:40 PM]

at the contract. The committee wouldn't just be looking at the contract between the long center and the city, but also making -- giving input on the proper process. Of course, we get sound permits for everything so making sure that everything is in place and we're getting the proper volume and the proper process in order to get events approved. Whereas as it sited right now there isn't that formalized process. >> Tovo: For your concerts. >> For any of our outdoor events. >> Tovo: And chair, I see kitty from Bouldin creek neighborhood association. I don't know if she wants to add to this discussion. Thank you all for working together. >> We're all good friends now. >> Tovo: And so cordially on this on what started out at a thorny issue. >> Ingrid is the head of our committee on and she isn't able to make it so I told her I would come and speak in her place. We wanted to thank Corey and the task force and James

specifically, but everybody has worked really hard to try to find some kind of good solution for this. It's been difficult, but I think what Ingrid and I were discussing before I came today is that the original intent of the lease with the long center was not to have outdoor concerts. And we share the concerns of the task force about jumping the line because it's been difficult enough to deal with events venues, producers when they want to take their place in line and they -- for instance, fun, fun, fun fest, you know, it was hard for us to deal with their claim to having a place in line and that they should be able to go on. Well, you know, now what are we going to do with this whole set of circumstances where this effectively brings in a whole new group of events

[2:42:41 PM]

producers who through the long center got to jump the line. It makes us worry. And so far I will say that the events that have gone on, they've had minimal impact. It's actually been quite good for us. I'm not sure if it made as much money as it could have for the long center, but anyway, so far little impact. But it's the future worry that really we are thinking about. We work well with Corey. We are having a good conversation. What if someone scoops Corey up, what is the next person going to do? What if they sign another contract like this one with paragon that she inherited? This is a big problem. So I'm curious that the language and the task force recommendation that got passed, there's supposed to be a committee if there's any future desire for outdoor events, and I'm wondering how strong that language is. We were talking about an amendment to the lease that says exactly what is going to happen for outdoor events, and I just -- I don't know if you guys wanted to speak to that or maybe you did that how strong is that long going to be. Do they have to talk -- since their lease says they can have as many -- it doesn't specify -- if someone comes to them with a fantastic contract, do they have to, per this task force they don't have to, do they have to confer with us and with the city before signing? Now, we have Corey right now who is saying she will, but this is for the future. >> Tovo: Just to clarify, that was a suggestion that the council considered an amendment to the long center lease. >> Yeah. >> Tovo: Putting some specifications on outdoor events. >> Yes. >> And that was what I was

[2:44:42 PM]

intend to go say with my comments. I don't want to confuse it with the third-party contract with paragon. >> I did just want to clarify too that currently for our skyline concert series, we do go through the process with ace to get a permit, to get the use permit. We sit down with fire and transportation and police and all -- I mean so unlike some of our other community events and in the past we are required to go through ace. There is some stop gap, there is a process in place for the concerts. >> Pool: But I think the point is well taken that it's working now, or at least the will to make it work now exists but we can't be sure that would continue with different people in place. So I think it would be important for us to have some kind of a section in the contract that makes this a requirement. >> I think that's where the neighborhood is pointed right now and we've spoken about this at -- with both Corey and with James. >> So was it about a week ago? Two weeks ago we all met, Ingrid and Katie and Corey and I, and we kind of devised an M.O.U. Between the neighborhood and the long center. We had, you know, fairly agreeable terms in the conversation and they were put on paper. And I had sent them out to folks. You know, Corey has a board that has to sign off on this stuff. You know, there's an executive committee I'm sure over Bouldin creek. >> We don't meet until next week. >> That's still pending. In everybody's perfect world, I think that there's probably some sort of a resolution that can be reached that's somewhat

[2:46:47 PM]

binding that wouldn't maybe necessitate such a huge, you know, action. That's kind of where -- >> And I do really appreciate concern and we have to be thinking about in the future and all good intentions and all of that. I can say I have not brought this formally to our board, which we obviously would have to do if there is agreement in place. I think the concern, nobody is against working with the neighborhood and finding middle ground, I think the concern is when the lease was negotiated years ago, there was a lot of give and take within the lease as any negotiations, and the idea of opening the lease to look at one specific place and renegotiate is going to be of a concern to the board. Again, not that they are against the end goal that we're trying to get to, but does that open us up in the future, does it set a precedent that we have this 50-year negotiated lease. So just putting that out there that that would be something we have to work through, but we all certainly want to see a resolution. >> If I might add, last night we did discuss this very issue and the point that Katie made about having some kind of a stronger recommendation, we did have a really good discussion about that, but the ink is still drying on what we caused last night so I would want to wait until the final language is -- you know, we see that again in front of us to make sure. But generally the point was to provide some input to long center through their contract amending the contract with the city that would help inform the issue that Katie is bringing up to have some certainty there in saying if you do -- and I understand you can't get into that third-party contract, but indirectly trying to find a way to address her concern. James, bless correct me if I'm misstating anything, but it's a tricky issue to get through that through some process the

[2:48:47 PM]

city is involved with the long center. >> Pool: I appreciate that too. Yes, mayor pro tem. >> Tovo: I think once we see those final recommendations it will be very helpful. I appreciate you all be here and starting the discussion, but for me I'm going to have to see the final recommendation. If the task force is suggesting that we dial back the number of events on auditorium shores, but we know the long center intends to move forward over the next two years with as many as ten additional music concerts out on that -- in that same space, then I think we're going to have to consider dialing back that number that's been set from what is it now 22? >> I think it's 22 or 23 now. What we agreed on was reducing it to 17 through attrition. So instead of saying you got to go or -- but we've also come up with a plan to offer incentives for events to relocate as well. >> Tovo: I look forward to seeing those recommendations. But I think too understanding of what the long center's plans are and whether there's any opportunity to -- >> Sure. >> Tovo: -- To impact that number I think will help know what number we need to dial back total number of events. That limit was set not just for capacity for the neighborhood but the park. What can the park withstand and still be a great amenity for the people of Austin whose tax support it. >> Absolutely. Absolutely. >> Pool: Any other comments? All right. Thank you all so much. >> Thank you. >> Pool: Nice to meet you all. Katie, thanks for coming down. Make sure we have your name correct for the record, okay? Thanks. Item 4 is briefing, discuss and possible action on the city of dripping springs' permit request for direct

[2:50:47 PM]

discharge into nubbing. That's watershed protection. Gentlemen. >> Yes. Good afternoon, councilmembers. Good to see you again. My name is Mike personnette, I'm assistant director in watershed protection. I oversee both our engineering and environmental divisions. With me is Chris Herrington, supervising engineer, he's over a team of both soldiers and scientists that are really-engineers and scientists that are critical to how we approach and deliver our water quality protection mission. Not here with us is Trish link, who is an attorney in the law department. She has extensive

experience with this type of issue, both legal regulatory perspective. Before I turn it over to Chris because Chris is the one who really knows what he's talking about, I've got a few introductory remarks to make. Just by way of a little background, we first learned about dripping springs' intent or plan to seek a permit to discharge treated effluent directly into onion creek over two years ago. And for at least the last two years we've been engaging we think very proactively and collaboratively with the city of dripping springs, elected officials, city staff, their engineer and their legal counsel. We've had a lot of good productive conversations. What I would like to point out is kind of at the very beginning when we really sat down to start discussing this, we said we have a scientific numerical basis for determining what's good water quality and not so good water quality. What's nondegraded versus degraded. And we do that through some very sophisticated modeling which Chris can address. But it basically set a parameter of from a staff perspective this is what we've got to get to to get to yes in

[2:52:49 PM]

terms of the city's -- city staff perspective on this. We're here today to give you some background on this issue and Chris will kind of give you here's where year at in this process and what the look ahead looks like. And I did need to mention though that some of the discussions that we've had with dripping springs and their representatives have been done so under a confidentiality agreement so there may be some limits on responses to questions you may have. Finally, I'd like to note that our engagement as a city department is essentially under the guidance, if you will, of council through past resolutions and precedent. And, of course, these were councils that pre-date the current council. And myself, Chris and Trish link essentially have been authorized by the city manager to represent the city on this issue. With that, Chris. >> Chris Herrington with watershed protection. Briefly in terms of background, wastewater disposal is regulated by the state. There are two, land application for direct discharge to water body. The city of dripping springs currently manages their 75,000 gallons per day approximately of wastewater effluent via land application. They have a land application permit that enables them to dispose of up to 348,500 gallons a day. They have applied in October 2015 to the tceq to convert their land conviction facility to a direct discharge facility. If permitted as requested they would be able to discharge up to 995,000 gallons per day of treated effluent into onion creek in the contributing zone in an area that does provide recharge to the Trinity aquifer and may potentially influence the dripping springs water supply corporation. Since we learned of dripping

[2:54:49 PM]

springs' plans as Mike mentioned, we've been coordinating with lots of regional partners including the lower Colorado river authority, the Barton springs Edwards aquifer conservation district, the hays Trinity ground water conservation district, area landowners and a new nonprofit organization that is -- multiple nonprofit organizations, but key one being the protect our waters group, and in discussion with dripping springs to try to find alternatives that would be protective of water quality. We've evaluated the draft permit which has now been released by tceq. Using advanced modeling techniques, and this is the crux of our disagreement with tceq. Executive session in our opinion does not use -- tceq does not use adequate procedures. Currently our highest quality of -- or the creek with the highest water quality of all of the 50 that we assess in the Austin area and the creek that provides the majority of recharge to Barton springs. Using an EPA approved or an EPA calibrated water quality model, our analysis of the draft permit. So if dripping springs were to operate the facility it would degrade water quality significantly in onion creek and degrade it to such an extent it would adversely impact our easements that we old along onion creek in the contributing zone. As Mike mentioned, we've been working collaboratively. We did successfully pursue a change in the rules for land acquisition permits. Specifically

for dripping springs situation. That is now in process so the tceq commissioners did approve our rule-making petition, tceq staff are in the rule-making process. We anticipate that the new rules might be in place next summer, but again dripping springs has elected to pursue a discharge permit on their own time line and not take advantage of that. Just quickly, the process moving forward, tceq has released a draft permit.

[2:56:49 PM]

They have scheduled a public meeting for November 10th. That would mark the end of the public comment period on the draft permit. Prior to issuance of the draft permit, the city of Austin through our law department did submit comments to tceq and based on the discharge permit application in attempt to positively influence the draft permit, that was not successful unfortunately. Now what we're doing again is a evaluating the draft permit. We likely will be submitting another round to tceq. Unfortunately there's not a lot of option. You can either submit comments and hope that tceq takes those into effect. You can attempt to negotiate directly with an applicant. We did that with bell terra. Bell terra was or is the first discharge permit issued and the only one issued in the contributing zone. It is a heavily modified permit with very specific conditions when they can discharge. Since they've had the permit over the last seven years they've never had a discharge. Those conditions were only established as a result of a very long and protected settlement process. The third option is if settlement negotiations fail and we've not been successful to date with dripping springs is contest the permit and try to get tceq to issue another permit. We're preparing our third round of comments to tceq on the draft permit in advance of that November 10 meeting. Happy to answer any questions you may have. >> Pool: Yes. Vice chair Garza. >> Garza: Did I hear you right we have attempted to negotiate similar to the bell terra but those have not gone well? >> We actually met with them over a year before they actually submitted their application to attempt to identify alternatives. That's one of the primary

[2:58:50 PM]

reasons we did pursue rule making was to identify a more cost effective way of doing land application that would meet their specific needs as well as other similar situated communities in the Barton springs zone and the highland Lakes. To directly answer, neither us nor any of the other parties in opposition to dripping springs discharge permit application have been successful at achieving a mutually agreeable settlement. >> Garza: So is the city -- you mentioned the city manager. Has there been an official position by the city with regards to if we can't come to negotiation we will protest it? >> Existing council policy via multiple previous resolutions, at least back to 2005 and I'm sure they are ones that go back further is oppose direct discharges of effluent in the contributing zone. We're operating under that existing council policy. There are a couple decision points coming up in the time line, the first being submitting comments to tceq prior to the November 10th deadline. We would have an opportunity once we see the response from tceq before the tceq commissioners take action, that would not be until probably January. Long story short, in answer to your question, we are operating under the authority given to us by the manager. We have not reached the decision point as to whether or not we would need to come to council. We would do that under the guidance of the manager and the law department likely in executive session. >> Garza: What does a >> Garza: What does it -- >> It does add to the timeline. The end of the public comment period, which would be at this point November 10th, if you do not request a contested case hearing, either then or during the 30 days after tceq publishes a response, that's your only avenue. If you don't request either of those two time periods, then the game is over for you. So you've expressed your opinion

[3:00:50 PM]

and tceq has either addressed it or not addressed it. The only way to continue to create a window of time for us to negotiate with dripping springs after the first decision point being November 10th would be to make that request for a contested case hearing. There is a new state law that was passed last legislative session that does attempt to limit the contested case hearing process to 180 days in total. If the applicant degrades that can go longer, that's a relatively compressed timeline for what can be a complicated administrative procedure. >> Garza: Okay. And can other -- so other plaintiffs could join a protest; is that right? >> Yes, ma'am. The barn springs -- that was a conservation district, the hays county and city of Buda have I should in in addition to dripping springs and staff to continue to provide information and negotiate directly. The lower Colorado river authority has been directly -- has been involved in evaluating the permit and attempting the final alternatives. There's a collection of landowners that would directly be affordable care acted that are also interested parties. So yes. >> The question may have the number, but during the initial comment period, there were several hundred comments submitted to the agency. >> The las I checked it was over 850, which is a huge number. >> Garza: And is the -- I guess because of the negotiations have been unsuccessful, and you mentioned confidentiality, so I guess I would ask if maybe we can ask from executive session to understand better, either at the committee level or during the work session. But my assumption would be it's maybe a cost issue, that it's going to cost more to mitigate, but so would a legal battle, would cost a lot, too, so I mean I -- >> Effectively, without going into some of the more confidential aspects, we're not trying to manage dripping springs growth. We can't. We just want to make sure that

[3:02:50 PM]

we provided the best available scientific information to them about the potential impacts. We've certainly done that. We've provided to them, to other regional partners, as well as the tceq. We want to understand how they intend to operate this so they've made certain representations. We're just looking for the engineering analysis to verify those -- those representations that they've made. That has not happened to date. So we're trying to find a way as part of our discussions that we can understand how they will operate the facility into the future. They're saying that a discharge would be rare or never occur based on the method that they're actually planning on operating the facility, based on the information provided to us up to this point, we disagree. We don't think that's possible. So we think the discharges would occur. We're trying to figure out how can we actually get the necessary engineering and scientific information so that everyone can make an informed decision. So we want to trust them, but at the same time we need enough documentation to validate what they're -- how they're claiming they will operate the facility in the future. >> And of course that will be judged in comparison again to that line that we've been able to establish scientifically in terms of non-degradation, degradation. So we've got a pretty objective way to look at this. >> Garza: Well, thank you, I appreciate your efforts and your expertise and I look forward to seeing where the process goes, and I hope we don't change any previous precedent that the city's policy of making sure that we are protecting our -- our creeks and waters. >> Thank you. >> Thank you. >> Pool: I have two people signed up to speak. >> Commissioner -- councilmember pool, I have a question, just one question of the staff before we move on to comments. >> Pool: Sure. That would be great. They're going to stay here, too, and we can talk to them after the people speak, but go right ahead. Go ahead. >> Okay. I was just following up on bell terra, I was wondering if you recall with whether the settlement agreement that was reach was done after the city entered into the protest of the permit. >> Yes, it was. >> Okay. And it seems like that is a good way to give the city some leverage to enter into

[3:04:51 PM]

negotiations, is to formally enter into the protests. >> There's not a lot necessarily of incentive for the applicant to have an agreement before that point in the process, generally. >> Right. Okay. Thank you. >> Pool: So I show two people have signed up, but Nick Williams was also on another one. Is Nick Williams here now? Okay. So just Sara fast. Hi, Sarah. Welcome. >> Thank you. Hi. My name is Sarah Foust. I'm here today as council for protect our water, which Chris referenced. It's a sort of newly incorporated non-profit in the dripping springs area. It's a group of community members, landowners. We also have members from Austin, and it's been organized around the specific issue, is the dripping springs proposal for a direct wastewater discharge. I wanted to come, hear the briefing and tell you that we're really appreciative of the work the watershed protection staff has done. They've put forth some excellent modeling and objective scientific analysis that was not available, and has given a lot of the people in the community a way to sort of evaluate what's going -- what's really going on, and what they need to do to protect their interests and natural resources in their property. And obviously, we just would, you know, hope that the city council will continue to support staff and the city manager in what they've been doing, and if it becomes necessary to request party status in a contested case hearing and continue to provide the support you have and the protection for the -- all of the -- to me, it's like this issue goes to all the millions of dollars we've spent on water quality protection land and all we've been through to protect barn springs as a city. This is one other thing we need to continue to back all of

[3:06:52 PM]

that up with. Thank you. If you have any questions about what we're doing, you can contact me, we have a website, protect our water now.org, where we're compiling everything that the city of Austin puts out, the Barton springs groundwater district, tceq, we're trying to make that all available to the public or anyone that is interested. >> Pool: Any questions? Yes, mayor pro tem. >> Tovo: Would you mind just saying the name of the website again in protect our water -- >> Protect our water now.org. >> Tovo: Thank you. >> We have a Facebook of protect our water. We're trying to be a good information source on this subject. >> Pool: So I have just a general question, and also for the community, public to understand, why -- so how are they dealing with effluent now and why do they want to discharge it now into the creek? What's behind that? And I don't know, sir, you can speak to that and maybe our water protection staff can speak to it as well. Y'all are welcome to weigh in. >> I can just tell you basically, what they're doing right now is they have a plant that treats wastewater, as Chris mentioned, it's a much smaller plant. It's currently operating at 75,000 gallons per day and it canning up to 350. What they do, they treat wastewater and irrigate with it, subsurface irrigation so it spaces the water underground. The nutrients that are harmful when they're in the creek are taken out by the soils and the grass. >> Pool: Right. >> So he there's different options for continuing to use irrigation and expanding irrigation in different forms, and I think that there's economic issues regarding seeking a direct discharge. They're looking to expand up to almost a million gallons per day with this permit, and then I think in the future we'll be looking to expand that even more, too. >> Pool: Are they looking for more -- >> Talking more about reuse, specifically, the numbers on that, I guess? >> Why don't you come on back

[3:08:52 PM]

up. Are they looking for more land to do the spring on, or the irrigation, subsurface irrigation? >> What they've communicated to us is that the cost of additional land to get a planned application permit under current tceq rules would be prohibitive to them. It's easier and more economical to them to seek the discharge permit with the understanding they plan to reuse they claim most of the effluent such that

the discharge never occurs. We do a great thing for water conservation and reuse our effluent reclaim water that we put into the pipe system. Dripping springs is planning to do just that. They're also looking at a direct potable reuse system, which is the wastewater treatment plant goes directly to a water treatment plant. There's a lot of regulatory and engineering hurdles that they have yet to address if they were going to pursue that angle, but we don't have the information necessary to support that they actually can. They do have the capability to reuse all of their effluent or even as much effluent as they claim, such that a discharge would never occur. And we're talking about these very small Edwards plateau streams, very low nutrient -- onion creek sometimes goes dry, it's different from the Colorado river which never ever goes dry, where the city of Austin discharges our treated effluent. >> Pool: That feeds into the question I have next, and what's the flow in the creek that we're talking about putting the effluent in? Is it sufficient to dilute whatever is going to be put in there? Sounds like the creek -- >> Under average, the median flow in okay 'Othey're proposing to discharge is two orders of magnitude lower than where we discharge our effluent in the Colorado river. There would be times where onion creek would be only effluent or would certainly be dominated by effluent. There are conditions when onion creek is flowing at such a level there would be sufficient dilution. Those are about -- well, let's not get into specifics. There's a portion of time of any given year where there would be enough flow in onion creek.

[3:10:53 PM]

So there are lots of different alternatives we've discussed with dripping springs that would meet our water quality protection needs but still unable them to manage their wastewater in stuff a way -- or the way they choose, we're just not quite there yet. >> Pool: Then is there any remediation for people who happen to be along the creek if indeed they would have the permit to discharge the effluent into the channel, how does that affect the downstream -- >> We would be talking about, in terms of the constituents that tceq regulates, like Sarah mentioned, it's order of magnitude higher than the background of nutrients in creeks like onion creek. Thee just evolved over millions and millions of years, did not have a lot of nutrients. When you add nutrients to them, like fertilizing our lawns, we grow lots and lots of algae. That has is it a fact impacts and drinking water impacts and they get drinking water from the vicinity, or even potentially in some cases they supplement from onion creek directly, you would have ecological impacts when that algae dies. And there is no avenue for it to be remediated. Once the neuritis get into the system, the algae grow and die, the neuritis get rereleased into the water colony and moves further and further and further downstream. >> I just wanted to address one point you made about the economics of it. What Chris was saying, they are proposing to use a lot of this effluent to reuse it for irrigation, the city of dripping springs is. The problem is, there's no -- nothing legally binding requiring them to do that, and so once they were to obtain this discharge permit, it becomes like a business decision or a policy decision for future dripping springs councils and, you know, we can't -- nobody can really bind what a city council would do in the future. Part of what I think our group is seeking is something before

[3:12:53 PM]

the permit is issued that, you know, is either a legal agreement that there would be no direct discharge or it would all be used for irrigation reuse or some other, you know, form of commitment. And the other point I wanted to make is on the economics of it, you know, the city of Austin stopped the rule petition that Chris referred to in his earlier comments. It was really designed to address that, to provide them a mechanism to do land application and irrigation in a more cost effective way. And I still would like to see that pushed as a viable alternative also. One more element to work on. >> Pool: Yes. Bill. >> [Off mic] I

recall last summer when we all went out to the city of bee caves to address this very issue, and the city came forward with this proposal, and have taken it all the way through the steps. And my recollection is, all of this was done for the city of dripping springs to give them that land application alternative. How much land do you think they would have to acquire to roughly make their discharge go away? >> Kind of the concept we promulgated under the rule which was an awesome example of a really positive regional collaboration where we were actually successful at convincing tceq to entertain a new idea. But the idea behind the rule petition is not that you actually go buy and acquire new land when you need to expand your facility. That's what dripping springs says they don't want to do. The idea is you take advantage of contracts for reusing that effluent, which has that awesome water conservation benefit along with it, so that your permit is linked to these -- how you're going to reuse your effluent. So they would not have to acquire, and it depends on how certain they are that they're going to reuse. So it's a difficult question to answer without some of that

[3:14:54 PM]

additional engineering analysis that we haven't seen from dripping springs. But the idea is, under our new rule, the new rule tceq is working on, they wouldn't have to acquire any additional land. >> Just pipe it to the right place and dispose of it that way. >> Right. >> Does this set off any kind of chain reaction of a lot more of these types of discharge permits? >> It's an incredibly concerning precedent. Again, as we went through with bell terra, which has been the precedent up to now, so tceq initially -- they're deviating from the bell terra molds so it's not even that, so we're concerned this would be -- very much set a new precedent for additional points of discharge in the very sensitive barn springs. >> Because everybody is building out there like crazy. >> Hays county he is the fifth fastest growing county in the nation so the growth will happen. >> Thank you. >> Pool: Are there any other questions? We are going to request an executive session for council for the issue. I think that was what the vice chair was hoping for, and so if our committee secretary could -- liaison could let staff know that we'd like to tee that up. Moriarty, is this an issue the staff is working to protect our water folks. >> We certainly heard this matter at our commission meetings, and frankly thought the pathway that we went on to get that enhanced land application proposal would solve it. And I'm sitting here stunned that all the leg work was done and the very positive solution was figured out, and this is kind of escaping us. So I'd say more work to do here.

[3:16:55 PM]

>> Pool: Well, you should feel free to bring it back to your agendas, too, if you think that would be helpful. We'll get an executive session and see what we can do as well. I think I was at a meeting back a year and a half ago talking about this topic, and I was under the same impression that you are, that it was moving toward the land application, and it sounded like it was nearly an agreement, so I'm a little bit surprised as well. And it's unfortunate. Thank you, gentlemen for coming and talking to us about that. Anything else on this item? Okay. We'll go to number 5. This one is the briefing from hill country alliance and discussion regarding opportunities for regional collaboration to protect hill country -- Texas hill country resources. Welcome. >> Thank you. >> Pool: Catherine, you're the new executive director; is that right? >> Yeah. Very newly appointed executive director. >> Pool: That was a very nice piece that you were part of as well with Austin monthly, I think; right? >> Yes. >> Pool: Yes. You and Ms. Brandy Britton over here and Marissa, three local champions in the room right now. That's great. Congratulations to all three of you. >> It was certainly an honor. Definitely, to be among such prestigious company. So ... Well, my name is Catherine Romans. I'm the executive director of the hill country alliance and I'm here today to talk about some of the ideas that came out in the report toward a

regional plan for the Texas hill country. This is a report that came out of the UT school of architecture and for which the hill country alliance served as a client. And it -- the students came up with some really innovative ideas for approaching growth and development in the hill country and actually two of those students that wrote the report are here in the audience today. I'm going to point to them.

[3:18:56 PM]

Just very briefly what I'm going to cover in this presentation, I'm going to go over an introduction to the hill country alliance. I'll touch on the incredible value that the Texas hill country provides to Austin and the I-35 corridor, and then I'll talk about the growth that we're seeing in the hill country and its potential impacts for the region. And I'll end with some of the ideas generated by the UT studio report and opportunities the hca has identified for partnership and collaboration with the city of Austin. So the hill country alliance is a regional non-profit with a mission to bring together an ever-expanding alliance of groups throughout a multicounty region of central Texas with a long-term objective of preserving open spaces, water supply, water quality, and the unique character of the Texas hill country. We were formed just over ten years ago in response to rapid growth and development that was happening in western Travis county, around the bee cave area. We work across 17 counties, as you can see, that cover more than 11 million acres from Austin down the I-35 corridor to San Antonio, all the way west to more rural counties of real, Edwards, and Kimble. We have 14 board members that represent most of this geographic area, including four from right here in Travis county. Our organization's mission and its core is about protecting the incredible resources that not only define the hill country, but also support the huge economic growth that we're seeing in Austin. That is the clean waters that flow from our hill country creeks, rivers, and springs. It's the clean air that keeps Austin in compliance with EPA standards. It's flood mitigation that we see from healthy, functioning watersheds. It's the recreational opportunity, the regional identity, the culture, the

[3:20:57 PM]

history, really all those things that contribute to the quality of life that has made Austin such an attractive place to live, to visit, and to do business in for hundreds of years. In the last ten years that hca has been around, the change to our region has been rapid and easily visible. Perhaps nowhere more so than the Austin sky line that's grown in leaps and bounds in the last ten years. That growth has reflected booming success. The gdp of the austin/round rock msa has grown by 45%, almost \$40 billion in ten years. A lot of that change has been driven by the changing face of business in our city. All of these companies have moved to our city in the last 10 or 15 years, in no small part driven by the clean waters, the quality of life, and the unique character that the hill country provides to Austin. With all these companies come the people to support them. And as you know, we've seen dramatic population growths in our region. As a whole, the hill country is looking to double our population in the next 35 years, likely adding three million more people by the year 2050. Austin is projected to hit the one million mark within the next four years. So with that growth comes real change for our hill country landscapes. Our iconic hill country hilltops are increasingly dotted with rooftops. Agricultural lands that capture and filter stormwater, provide wildlife habitat and scenic beauty are increasingly converted to suburban development. Travis county lost more than 40,000 acres of ag and wildlife land in the years between 2002 and 2012. All of that growth has meant tangible changes for our commute patterns as anyone who's ever sat on I-35 knows, increases in

[3:22:57 PM]

impervious cover can mean more dramatic flood events, and certainly construction in floodplains and flood ways put people and property at immediate risk. Aside from the visible changes to our hilltops, our roadways, and our flood events, this growth also threatens to change our water quality. The this map of the Barton springs watershed shows the huge numbers of on-site sewage treatment permits that have been issued, many within the last ten years. We can also see changes to water quantity on the horizon, as the number of private water wells increases in and around Austin, we'll see real impacts on aquifers and the waters that are supplied to springs like Barton springs and onion creek going. This study on the screen was done by the meadow center for water and the environment and documented a 2,000% increase in the number of wells in and around dripping springs over a ten-year period between 2002 and 2012. Region wide population growth spells change for impervious cover. If we continue to develop in the ways that we have been, hca predicts an incredible consumption of land by the year 2050. We've added 80 square miles of impervious cover between 2000 and 2010 in the hill country. That's the equivalent of 50,000 acres of new concrete. That concrete prevents aquifer recharge, it exacerbates flooding, it has serious consequences for water quality. And the resources that are used to build that impervious cover have to come from somewhere, and more often than not, they're coming from our hill country hilltops and flood ways. We're already seeing swimming holes in the hill country go from this to this. Our hilltops are already

[3:24:58 PM]

being impacted by new development and signs, and most of that development will take place outside of our incorporated cities and towns, where a lack of county authority means there's little that can be done to guide or regulate incompatible land uses, like this example. All it takes is one project, like this truck stop that was built in the flood way of the north llano river to permanently impact our water resources. This site drains directly into the north llano river, through that increase culvert that you can see the arrow pointing to. That water then flows down the llano river to lake Travis, where, during times of drought, the llano river provides 75% of the inflow to lake Travis and Austin's drinking water. So it was this challenge, this context of a region facing booming growth and limited sensitive natural resources that we gave to a group of students from UT in the fall of 2015. They took our charge and came up with some really innovative solutions. Some of them not so tenable in Texas, in the Texas context -- context, but some of them completely worth pursuing. So while the challenges seem huge, we're not the only region that's grappled with rapid change. The first thing the students did was look at examples from around the country of regions facing incredible growth and the incredible potential loss of natural resources. They looked at cases from lake tahoe, from napa valley, from Denver, and this one, the New York City watershed case. Here's an example of a great success story of a region coming together to solve an environmental crisis. In the early 1990s, New York City was looking at serious challenges to its water -- its drinking water supply, changes in the watershed that supplies that water was meaning the water was

[3:27:00 PM]

becoming more polluted, and the EPA was going to force the city to install a filtration plant that would have cost six to ten billion dollars to construct, and another \$200 million a year to operate. Instead, the city decided to invest in the protection of its watershed lands. They purchased development rights, they incentivized and promoted conservation easements, they paid farmers to install best management practices on their dairy farms to limit the runoff that was impacting water quality, and they invested in rural communities. The result was a win-win. New York City to this day has not had to install a water filtration plant, and the rural communities in the watershed that supplies their drinking water have seen

a huge increase in the economic viability of their dairy industry from the influx of resources from the city. So, obviously, though, we're in Texas, and we need a Texas solution to a uniquely Texas and hill country challenge. So the idea that the students came up with was for a hill country endowment. This idea seeks to both address Austin and the I-35 corridor's needs as it grows, but it would at the same time supply resources, including technical and financial support to the rural communities that steward those natural resources. The endowment would be a regional collaboration across the traditional rural/urban boundaries that would be supported by businesses, foundations, and governments to promote our mutual success. At its core, the endowment would allow for a closer working relationship between the urban corridor communities and the rural communities of the hill country, with the urban communities providing financial resources and planning support and the rural communities providing those critical natural

[3:29:01 PM]

resources. There are already some great examples of this sort of collaborative effort when it comes to resource protection in the region, and the hill country endowment would build on those success stories. Here in Austin, the balcones canyonland preserve and Austin's watershed quality protection lands are examples of a partnership between government entities, non-profits, and private landowners, working together to successfully protect more than 55,000 acres in and around Austin. We've seen similar successes in San Antonio with the Edwards aquifer protection program, where voters have approved more than \$300 million for the protection of Edwards aquifer recharge lands, not in the city of San Antonio, not in Bexar county, but in uvalde and in Medina counties. The hill country endowment would scaffold the work of these programs by providing an ongoing revenue stream. It would support more than just land conservation but also infrastructure upgrades, planning support, research, education, and outreach. This is a schematic that the students devised for the variety of projects that could be funded by the endowment. These projects would keep the hill country vibrant and rural, rather than an extension of the sprawl that we're seeing creeping out of the corridor today. Financing for the hill country endowment would come from a diversity of sources including private businesses and foundations as well as local governments leveraging state and federal dollars. This is another rough schematic that the students came up with to demonstrate the diversity of funding sources that would contribute to this effort. In closing, the hill country alliance believes that collaboration is critical to the success of cities like Austin and San Antonio, but it's also critical to the long-term health of the hill country. We're going to move forward

[3:31:04 PM]

fostering collaboration and building momentum around this conversation. We are working with our partners in the urban core to solicit support from cities like San Antonio and San Marcos, as well as comal, hays, and Travis Travis counties. We have plans to convene rural community leaders several times over the next year to identify challenges and opportunities that exist in these communities and to help identify planning and development needs. We're laying the groundwork in exploring the financial opportunities and also the hurdles we have to overcome to make this vision a reality. Our ask today is fairly simple. We will not succeed without the support of the city of Austin for this idea of regional collaboration. Collaboration that extends up and down the I-35 corridor, but also connects the urban core with the rural communities of the hinter lands of the hill country. We would very much appreciate the help of the city council in supporting this idea of regional collaboration. And we would love the opportunity to come back in the spring and give you an update on the work that we've been doing to lay the groundwork for a larger vision. Austin has already demonstrated its interest in wider -- a wider

regional effort. We appreciate the work that's being undertaken by the regional task force that mayor Adler is leading, along with pair Taylor and mayor Guerrero from San Marcos. The Austin integrated water task force is looking across a large landscape and a large time frame for water resources for Austin into the future, and councilwoman pool, we appreciate your leadership in allowing us to present here today and for your participation in the Kent butler summit back in April which focused on this very topic. That thank you all very much for your time and attention and for your leadership in all things when it comes to open spaces, the

[3:33:04 PM]

environment, and sustainability for your region. Thank you. >> Pool: Thank you so much, Catherine. Any questions? I'm wondering, would the environmental board like to have a presentation with the hill country alliance? Is this something that you think would fit into the agreement of your mission? >> Sure. I think that would be great. I think the board or members of the commission would very much appreciate hearing more about the Hillary Clinton alliance. >> Great. We'd love to do something like that. >> Pool: I think that would be really helpful if we can build toward a statement of support and kind of target for spring when you come to do another update, then we could maybe have a series of presentations like this, even water/weights water, perhaps. I mean, it's a really interesting connection with the item number 4, when we were talking about the water wastewater discharge, then we have a specific situation where you're looking globally and trying to keep these things from happening and what do we do in the face of them. Yes. >> I also think that for the parks department presentation to the parks board would also be a valuable thing because most of the parks have floodplains within them because our biggest parks were donated because they were floodplains. >> Pool: Exactly. >> So we do have that issue we have to deal with on a regular basis, so a way of trying to address that would be very hopefully. >> Pool: I think so. And I think having an opportunity to come in front of all three of these boards and maybe others, I don't know, but for sure these three would help get the word out, and then we can get some organizing around that, and that would support the vision that was being presented at that Kent butler -- >> Yeah, absolutely. We'd love the opportunity to present and hear feedback and solicit input and ideas for how we turn this into a reality. I agree wholeheartedly,

[3:35:05 PM]

having the dripping springs discharge issue come up right before this is a great segue because we're only going to see more and more cases, more and more dripping springs scenarios where it's invaluable to have staff expertise and resources like the folks at watershed looking at those permits and really trying to understand, get out in front of them, and protect the water resources for the long term. >> In fact, I think we're due for an update on the petition for rule-making. Perhaps we can have those two items come before the environmental commission together. I think that would also be a good way to build on the hill country alliance's mission and to see how some collaboration has worked for the petition to tceq. >> Absolutely. Sounds good. >> Pool: Great. All right. Anything else on this one? Thank you, Catherine, so much. >> Thank you very much for having me. >> Pool: So glad you're here and heading up the hill country alliance. That's terrific. >> Happy to. >> Pool: And, let's see, we have item 6 is briefing and discussion regarding the lower shoal creek flood mitigation study, which is our watershed protection department. >> Good afternoon. >> Pool: Good afternoon. How are you? >> Director of the watershed protection department. Thank you for having us. Joining me is Pam, who is the manager of our creek flood hazard mitigation program, and I think most of you are aware that the fy 17 budget that was just passed included funding for an updated study for lower shoal creek. Lower shoal creek is one of our most public and most severe flooding problems in the city, and there's been a lot of interest over

the last year or two, especially given the flooding that we saw in 2013 and 2015. As we went through the budget process, we started to generate some interest about the study, and while

[3:37:05 PM]

we haven't started the study yet, councilmember pool, you invited us here to kind of give you and our interested stakeholders some concept of what was going to happen as part of the study. So, again, we're happy to be here to give, again, you and our stakeholders some sense of not only kind of what we think the scope of this study will be, but also the relative schedule and how we will incorporate stakeholder input into the process. So with that I'm going to turn it over to Pam. >> Welcome. >> It's on. >> Oh, thanks. From here it looks like it's off. Thank you for inviting us here today. Before I go into talking too much about the study, I just wanted to kind of set the stage, remind everybody why we're even talking about lower shoal. Memorial weekend of 1981, Austin of course experienced a very large flood event. It occurred over the memorial day weekend, which is why we now call it the memorial day flood. There was widespread flooding throughout the city but it was focused primarily in shoal creek. It was what we considered to be about a 100-year flood. There were more than a dozen lives lost during this flood. There were thousands of cars that ended up stranded across the city because of flood waters, and there were hundreds of businesses and homes that were either destroyed from the flood waters or were severely damaged. Since 1981, the city has implemented more than \$65 million worth of flood mitigation projects throughout the watershed. We've built detention ponds in the upper part of the watershed. We've done channel modifications. We've done bridge upgrades. We've done some property buyouts. And we've done several storm drain improvement projects. Despite that, this was, oddly enough, memorial day weekend of 2015.

[3:39:07 PM]

The storm event that now makes us say which year of memorial day we're talking about when we say the memorial day flood. Unlike the 1981 flood, the 2015 flood was not even close to a 100-year flood. It was on the order of about a ten-year flood event. So the 100-year flood that has the one percent chance of occurring, a 10-year flood a 10% chance of occurring in any one given year. This is what the park looked like in that event. Because it was a smaller event and we ended up with, you know, water at the 12th street bridge about three feet lower than it was in 1981, we still had about 40 structures that were flooded, you know, a lot of bridges over topped, roadways were flooded, and we had at least one water rescue, the most well-known of which happened right here at the park, it was broadcast on live TV. >> Pool: I think you can even see the fellow standing there. >> Yeah. >> Pool: In the picture. >> Yeah. You can see his car there on the right. So I mentioned that since 1981 we've done -- the city has done a lot of work to try to mitigate the flooding in this watershed, and those projects have been very successful, but it hasn't gotten us all the way to where we want to be. We still have a lot of flood risk in this watershed, and actually this portion of lower shoal from about 15th street down to the river is among our highest priority flooding areas in the city. Currently, we have in this project area about 80 structures that we think that would be flooded, water inside the structures during a 100-year event, down in the ten-year event, and in 2015, it's about what we saw, it's about 50 structures. In addition to the structures, we also have several bridges over shoal creek that start over top in as Smalls a two-year event so a 50% chance every year that we're going to have water going over these bridges.

[3:41:07 PM]

In addition to the bridges, we also have Lamar boulevard, which, as you all know, is one of the major north/south routes into downtown. It crosses the creek once, but it primarily -- it parallels the creek in a lot of places. Back in the early 2000s, there was an average trip count of about 33,000 cars a day on this part of Lamar boulevard. In the last 10, 15 years, I can only imagine that it has grown as the population of the city has grown as well. So that gets us to why we're here today, to give you the overview of the feasible study that we are kicking off with this new capital funding that we have come next week. So we'll talk a little bit about the scope, and as Joe mentioned, the schedule and how we -- how we approach project communication, whether it's for this project or any regional project that we're doing. You know, we talk about the feasibility study, and really, the purpose of a feasibility study is very fully defining what the risk is, what the mitigation goals are, and the strategies for achieving those goals. Just like with any project area that we have, there are considerations and constraints that we have to take into consideration. And of course every project that we do, public input is very important to us. The larger the project area, the more stakeholders we have, and so there will be what we hope to be a very comprehensive stakeholder involvement throughout this project. So we talk about the mitigation goals, and our department has a master plan which lays out our overarching goal for flood mitigation, which is to provide protection up to that 100-year flood. It would be our goal, our hope, that no house would be flooded until the hundred-year event, and that all of our roadways are safe for passage in that hundred-year event as well.

[3:43:07 PM]

So the goals when we talk about them are, if we can remove that risk of structural flooding completely in the hundred-year rate, otherwise, we try to reduce it as much as we can. Same with the roadway flooding, we try to reduce the effects of property damage from flooding. To the extent that it's possible, we would try to reduce the footprint of the floodplain, and then of course following storm events, trying to reduce the need to go out and maintain infrastructure, repair infrastructure that's been damaged by floods. And the question that comes up, which is hidden behind the captioning, is, what level of protection do we as a community want for this project, for this area. As I said, the master plan lays out the goal of 100-year protection. That's always the goal we aim for with our projects. There are some places we may not be able to achieve for a one-year protection, we may have to protect up to the 25-year event. So that will be the same question that we have to address in this area, as a community, what level of protection do we want for this area. Talk a little bit about the strategies for how we mitigate flooding. I mentioned that in 1981, we did \$65 million worth of projects, and they covered almost the entire list of options. You know, we can build detention ponds in the upper portions of watersheds to help hold back peak flow and regulate the flow of water in the creek. We can do modifications to channels in some places to allow more capacity and allow more flow to go through the channel itself. Sometimes that includes upgrading bridges or culverts where they cross the creek. Sometimes we look at doing what we call a channel diversion, where you would leave -- you allow base flow and lower flows to remain in the creek, but you peel off those higher flood flows into a secondary system and get them out of the area that's at risk of flooding. In some areas of town, we

[3:45:09 PM]

have built flood walls to help protect properties and roadways, and then of course we would also look at non-structural options, which is acquiring the property that's actually at risk. So when we talk about some of the constraints and considerations for this particular project area, you know, we think of shoal creek and we tend to liken it to waller creek. Shoal creek is actually much bigger than waller creek. As a point of reference, the 100-year peak flow in shoal creek at 9th street is twice what it is in waller. And

you all know that the very large project that we're building on waller to mitigate flooding there, we have twice as much flow coming through shoal creek. Also, similar to waller creek, this is a very developed watershed. We have at this point very limited space, really, if any, in the upper portions of the watershed to build more detention. We have over the last 35 years, we have built a lot up there as far as detention. There's not a lot of room left for us to use. Because it is such an urbanized watershed, we call it flashy from an early warning perspective, as opposed to some of the larger watersheds that are maybe more suburban where we may have several hours of lead time to put out warnings, in the shoal creek watershed, we're talking maybe two, maybe three in a hundred-year storm, which is not a lot of lead time for us to activate and do evacuations. You talk about the 2015 event, which was on the order of a ten-year flood, we're lucky if we have an hour. It's a real challenge from an early warning perspective for us. Of course, this area, as we've talked about earlier

[3:47:09 PM]

and Mr. Gill, what he spoke, mentioned it as well, that this area does have significant historical and recreational, cultural, and ecological aspects to it that we have to take into consideration with any kind of project that we're looking at doing. And the last item that I wanted to mention, this is particularly pertinent coming up on the first weekend of acl, is, this is a portion of town that sees a lot of tourist activity. We see -- you know, yes, there are residents and there are businesses who live in this floodplain or in this floodplain every day but there are also a lot of tourists who come in and use Lamar. There's a lot of activities that happen on Lamar, and it just -- it makes us shudder to think of an event coming through during an event like -- during a social event like that. So talk a little bit about stakeholders. Of course, as I mentioned, there are a lot of residents in this portion of the watershed, many businesses. We know that there are neighborhood associations and other interest groups like the peace park conservancy that are interested in this and we hope will be partners with us. We've been working with the shoal creek conservancy, we've attended some of their talks to provide overviews of flooding in shoal creek and have been working with them recently on a sediment removal study for shoal creek as well. And of course we have our other city departments that we work in conjunction with. A few of them are mentioned here, parks & recreation, the transportation department because of the roadway that's impacted, all of our first responders and public safety department and public works department. So we talk a little bit about the schedule for the feasibility study. This is new funding in fy17 for us to start this feasibility study.

[3:49:10 PM]

We're going to need a little bit of time just to identify the consultant, get that paperwork done, give the consultant some time to wrap their brains around what they're walking into, and we anticipate that taking pretty much this first quarter of the fiscal year. We're hoping that early in 2017 we'll be able to do an external kickoff meeting with the stakeholders to really, you know, talk about the scope and refine the scope and really formally kick the project off as a very large project team. And that would move us into phase II, which is just the meat and potatoes of the study, identifying the alternatives, evaluating them, making some recommendations, putting some cost estimates in there, and then ultimately deciding as a city what it is that we want to do in this area. So we already have a project website that is up where -- where we will put pertinent information, pertinent milestones for this project. We, of course, will be communicating throughout the project with our stakeholders and first responders for that kickoff meeting that we hope to happen in early 2017, and then I would anticipate the scope including specific milestones for stake holder meetings during the study. And with that, we have some photos to show you from previous floods, and we will open it up and attempt to answer any questions

that you have. >> Pool: Me Ms. Garza. >> Garza: I was just curious about where are flood walls in the city? >> Crystal Brooke is one over on Loyola east of 183. >> Garza: Okay. >> And then down in Williamson creek, north of pleasant valley, west of -- north of William cannon, west of pleasant valley is what we call the creek bunge

[3:51:15 PM]

area there's a flood wall there as well. >> Pool: Yes, Mr. Moriarty. >> I am hesitant to put out a guess at this point. I think the question -- first question that needs to be answer add is what level of protection do we want to provide. If we want to provide 100-year protection, we are -- we are likely looking at, you know, on the order of \$150 million. >> [Off mic] >> Yeah. >> Pool: Be sure to turn your mic on. We're not picking you up. I had a couple of questions. One of the reasons why shoal creek has such high volleys it's collecting water off of mopac. Is that right? >> I would imagine that some -- some mopac water does come, but I'm not familiar with what txdot has in place in that area to capture any of that. >> Pool: Are you familiar with the great northern dam? >> I am. >> Pool: I went up there, I think we've had three major storm events in the last two years, I think. Didn't we have -- we had two Halloweens or two memorial days and a Halloween since '15. Right? >> Two Halloweens and a memorial day. >> Pool: Yeah. >> Not all of which hit shoal creek to the same extent. >> Pool: Right. Right. So we went up there after the rain stopped to check out the detention and the channelization that comes off the great northern dam, which is near northwest park. And that water was moving at a really, really fast clip, and it comes from way high up, which is where mopac is, and then all the way down, it's pretty steep. And I don't have any of those numbers and what that -- what that slope is and what the volume of the water is and how fast it's going, but that all dumps into shoal creek. So if there's -- if you can get me some information about that, I don't know if we meter it or how we even stim it, but clearly when we built that detention -- and I think it was done in the early 2000s maybe?

[3:53:16 PM]

Late '90s? I need to get some history on the great northern dam, but that's one place where we're gathering a whole lot of the water that falls in the watershed and funnels it down into lady bird lake. That's two that two to three hour lead time, one reason it's so short, because it's drawing from such a large area, including mopac. And I want to make sure that I've got the correct information on that because I don't think very many people are aware of how shoal creek, the creek itself is being used to channel water from the northern part of the watershed down to the lake. >> Sure. Yeah, the headwaters start north of the intersection of 183 and mopac, and certainly good portions of mopac are within the watershed. Now, txdot some time ago did also construct some ponds there at, you know, the mopac stack ponds and what have you. >> Pool: Right. >> One of the challenges, especially in the northwestern part of the watershed, you do have kind of the end of that hill country and those steep slopes that are delivering that water so quickly to shoal creek, and that really does create that kind of flashiness within the watershed. >> Pool: And then the bridges, I wanted to just ask a couple questions about the bridges, and I promised everybody we'd be done by 4:00, so I think I may be the only one with any more questions, but there's some concern over the stability of the bridges and they are all fairly old, I think around 1930s, is the generation for most of the bridges, certainly at 45th and at 38th street. In the last two flood events, 38th street was topped by the water coming down shoal creek, and that's significant because if you ride your bike down there, and when I ride my bike to work, I go that route, underneath the bridge there, that's significantly above my head so the water there had to have been, what, 30 feet deep at some point? >> Maybe 20. I used to live just half block north of there on Emily

lane, and, yeah, the channel there is probably at least 20 feet deep. >> Pool: And it's very wide. So that was a heck of a lot of water that was flowing,

[3:55:16 PM]

and it was rushing really fast and topped up over it. I have some videos we took of it because it was pretty stunning. So that's what we're dealing with, and the flashiness makes it difficult to make decisions on how do you want to manage it because flood walls -- maybe you want to do that if you constantly have the water, but if -- when we don't, then we've got a big old concrete barricade which is not conducive of the free travel of the wildlife in the area, and that has to be a consideration. It's a really complicated problem. >> Yeah. And just given the amount of water that's coming down the watershed, and, you know, given the strategies that we've laid out and, you know, we're hoping that the consultant can look at all the best practices across the nation to kind of bring to bear for this watershed, it really does become kind of some value decisions and judgments, and really what we want to do is look at not only, you know, what it takes to provide that protection for the hundred-year storm event, but as Pam said, to look at, well, what does it take to provide maybe 50-year or 20-year and tenure. Maybes you come down in terms of the level of protection, you start looking at maybe more palatable solutions for some of those scenarios, other factors that you're talking about, as far as whether it's environmental, wildlife corridors, on impacts to, you know, the greenbelt or parks or what other, you know, kind of resources there may be within the watershed. >> Pool: After the '81 flood the city removed the homes on Jefferson lane and people died there, and that's right at the 38th street bridge. And then there was a lot of cleanup of the channel. I think there was some famous sighting of a dead cow that was in the creek. I lived here at the time so I remember reading that. And I -- we get more -- I don't know if it's because it has -- it's been more

[3:57:17 PM]

pervasive in the southern part of the city, in Williamson creek and onion creek, and, you know, we hear about that and we've had buyouts there, and we have had fewer buyouts on shoal creek, but I know that there are more businesses that are affected when shoal creek jumps its banks and the shoal creek saloon is inundated regularly. Can you -- can you speak to that? Is it because the others are more residential and it hit at night, and people were not maybe -- you know, they'd gone home so they weren't down on Lamar boulevard when the flooding came? >> You know, I think every project area, every area that's at risk of flooding is unique and has its own considerations and its own challenges, and for every one, at least at the time that I've worked for the city, we -- we approach each one individually and we try to find the best solution for that area, and we'll look at everything, we'll look at the structural, we'll look at the non-structural in the areas in onion and Williamson where we are doing the buyouts, we've looked at all those other solutions, and none of them met the goals that, as a community, we wanted to achieve. It's my understanding that a lot of the projects that have happened so far in the shoal creek watershed, we were able to find those structural solutions, which at least met part of the goal. And so I think I -- I think the makeup of the area, whether it is, you know, businesses or residences, and where you have people, that does factor in. I mean, we do know that unfortunately a lot of floods happen at night. It does factor in, but it's not necessarily the driving factor for what solution we would pick. >> And certainly, you know, I'd bring up the flood wall scenario where for the crystal park neighborhood and creek bend neighborhood along Williamson creek, when we did that scenario, buyouts were not the most cost effective option. That flood wall -- you know,

[3:59:18 PM]

the flood wall option was most cost effective, and it was actually very cost effective for those neighborhoods, given the hydrology and the hydraulics of the creek at that location, whereas in a different part of Williamson creek, the solutions are a bit more -- are a lot more limited, given how close the homes are built to the creek or how much water is coming, and do you have -- >> How the creek bends. >> Exactly. >> Right. Yeah. >> Pool: so the other piece I'd like to see follow-up information on is the stability of the bridges. Because there's only so many times the water can completely inundate it and then the pilings and the foundations start to -- >> Sure. We can touch base with the public works department to get some information. They and the bridges and repair those. >> Pool: Good. This will also serve to elevate shoal creek as a locus of flooding because we have talked primarily in the last couple years about the creeks that flow north into the river and the ones flowing south into the river are also of great concern, and I would like to have more of -- public understanding of how that affects, and the flood mitigation task force did good work on talking about what would be the effects of increased impervious cover and new development and we really need to take that into consideration. I think the I went graded water resources task force also looked at the purple pipe and retaining watered on lawns, through berms and Swales, rain gardens, that sort of thing. Those are small efforts but taken together they can start to have the effect we need, which would be to keep the water from going into the storm sewers in the first place. >> All right. We'd be happy to bring that information back. >> Pool: I'm sure you guys are including all of that into this discussion as well. >> Certainly. I would put a plug in for something that we've developed over the last year called our master plan problem score viewer where you or anyone in

[4:01:19 PM]

the public can go online to look at their watershed and we've identified within this kind of graphic environment information as far as where are the flooding problems in your neighborhood, whether creek, localized and also give kind of a -- relative information as far as kind of the severity of the flooding as well. So we're happy that that's out there for the public. >> Pool: Is that the atx floods? >> Actually, it's not stx floods, but it's part of our gis suite of maps that are available online. On the city's website. >> Pool: Okay. Do you want to offer up what that website would be? >> I will do that next time I'm here or look it up real quick. >> Pool: But it's on the austintxdot.gov? >> I don't know. We'll get it to you later today. >> Pool: And for the public at large. That would be great. All right. Thank you. Are there any other questions? Okay. Thank you both so much. That was our last item. Does anyone have any future items they want to offer up now? You can always let me know. We will have a meeting. We have October -- hang on, I'll tell you what the dates are. There are two meetings left in 2016, and that's October 27 and then you'll remember that we moved the November meeting because it was the fourth Wednesday and that's Thanksgiving, we moved it two weeks later to December 14. So two more meetings, October 27 and December 14 and then we are done with the year 2016, which is hard to believe. It has gone so fast. Hi, Kevin. October 27. It should be the -- is it Thursday? Let me go ahead and adjourn the meeting. Thank you, everybody, for coming. Really good information that was provided here today. Very, very helpful to me and I

[4:03:20 PM]

think probably to the public. Thanks so much. [Adjourned]