

## ENVIRONMENTAL BOARD MEETING MINUTES WEDNESDAY APRIL 4, 2012



**The Environmental Board convened in a public hearing meeting on Wednesday, April 4, 2012 at City Hall Council Chambers. 301 W. Second Street, Austin, Texas 78701**

### **Board Members in Attendance:**

Robin Gary, Mary Gay Maxwell, Maris Perales, and James Schissler

### **Staff in Attendance:**

Jason Bybel, Jeb Brown, Clark Patterson, Jose Guerrero, Scott Hiers, Sylvia Pope, Sheree Sirwatis, This Perkins, Keith Mars, Erin Wood, Marilla Shepherd, Brad Jackson, Chuck Lesniak, Joseph Medici, Kane Carpenter, and Shane Harbinson

### **Others in attendance:**

Sean Tenney, P.E. - CDM-Smith  
Alan Rhames, P.E. – Axiom Engineering  
Steve Stecher, P.E. – Crespo Consulting

## **CALL TO ORDER**

Chair Mary Gay Maxwell called the meeting to order at 6:15 p.m.

### **1. CITIZEN COMMUNICATIONS: GENERAL**

Speaker should sign up to speak prior to the meeting called to order; you will receive a three-minute allotment for concerns that re not posted.

- There were no citizens signed up to speak under citizen's communication.
- Danae R. Flavo signed up to donate time to Michele Lynch for item 3b.
- Bill Bunch signed up to speak in opposition to item 3d.
- Leigh Ziegler signed up to speak in opposition to item 3d.
- Cynthia Wilcox signed up to speak in opposition to item 3d.
- Laura Dunn signed up to donate time to Tom Hammond for item 3d.
- Pat Epstein signed up to donate time to Debbie for item 3d.
- Charlie Wilcox signed up to donate time to Cynthia W for item 3d.
- Michael Fossun signed up to speak in opposition to item 3d.
- Misha Spiridonor signed up to speak in favor of Item 3d.
- Theresa Rusty signed up to donate time to Laura Leigh for item 3d.
- Gail Karwoski signed up to speak on item 3d.
- Rodney Bennett signed up to speak in favor of item 3d.

- Frank Bryan signed up in opposition to item 3d.
- Tom Hammond signed up to donate time to Pat Frank for item 3d.
- Donna Parks signed up to donate time to Laura Leigh for item 3d.
- Debbie Schiller signed up to donate time to Pat Epstein for item 3d.
- Paul Turner signed up to speak in favor of item 3d.

## 2. APPROVAL OF MINUTES AND ACTION ITEMS

- a. Approve the minutes of the Environment Board regular meeting on March 7, 2012.

**The minutes of the March 7, 2012 were postponed to the next regular Environmental Board meeting on May 2, 2012.**

## 3. PUBLIC HEARINGS

- a. **Name:** Top Golf SP-2011-0216C

**Applicant:** Jonathan Neslund, Bury & Partners, Inc.

**Location:** 11301 Burnet Rd

**Staff Reviewer:** Jim Dymkowski, Planning and Development Review Department

**Watershed:** Walnut Creek – Suburban Desired Development Zone

**Ordinance:** Comprehensive Watershed Ordinance (current Code)

**Request:** Variance request is as follows:

1. To allow fill greater than 4 feet, not to exceed 18 feet [LDC Section 25-8-342].
2. To allow cut greater than 4 feet, not to exceed 8 feet [LDC Section 25-8-341]. (Administrative Variance)

**Staff Recommendation:** Recommend **consent** approval with conditions.

**Staff requested that this item was postponed to the May 2, 2012 Environmental Board meeting.**

- b. **Name:** Regents West Construction Plans C8J-2010-0056.0B

**Applicant:** Regents School of Austin

**Location:** Foster Ranch Road

**Staff Reviewer:** Jeb Brown, Planning and Development Review Department

**Watershed:** Barton Springs Zone (Recharge) & (Contributing) Drinking Water Protection Zone

**Ordinance:** Land Development Code (current Code)

**Request:** Variance request is as follows:

1. To allow the floodplain modification berm to be constructed in the CWQZ. (LDC 25-8-482)
2. To allow the floodplain modification berm to be constructed in the WQTZ. (LDC 25-8-483)(A) (Over Recharge)
3. To Allow the Floodplain Modification berm to be constructed in the WQTZ. (LDC 25-8-483)(B) (Contributing)
4. To allow Cut up to a maximum of 14.5 feet (LDC 25-8-341)

5. To allow Fill up to a maximum of 7.2 feet (LDC 25-8-342)  
**Staff Recommendation:** Recommend approval with conditions.

**Recommendation Approved with Board Conditions: [VOTE 4-0]**  
**Motioned by Board member Robyn Gary, and seconded by Board member James Schissler. Board members Bob Anderson, Mary Ann Neely and Jennifer Walker were absent. See attached.**

c. **Name:** Lakeline Boulevard Multi Family C14R-85-178(RCA)

**Applicant:** Steve Bertke, Bury & Partners, Inc.

**Location:** 2801 S. Lakeline Blvd.

**Staff Reviewer:** Sylvia Pope, Watershed Protection Department

**Watershed:** Buttercup Creek, Williamson County – Suburban Watershed

**Ordinance:** Comprehensive Watershed Ordinance (current Code)

**Request:** Provide recommendation to approve an amendment to existing Restrictive Covenant C14 R-85-178) Vol. 1852, page 822:

1. To allow an alternative method of compliance with the original restrictive covenant requirement to construct and maintain a recharge or detention area (“Recharge Pond”) with a surface area a minimum of 1.5 acres.
2. To allow administrative approval of subsequent amendments by the Law Department and the department director.
3. To allow inclusion of a description of “Undisturbed Direct Infiltration Areas and Vegetated Filter Strip with Downstream Infiltration Areas.”
4. To allow inclusion of a “Landscape Maintenance Plan.”

**Staff Recommendation:** Recommendation of approval to the Zoning and Platting Commission, and to City Council.

**Recommendation Approved by Consent**

**Motioned by Board member Mary Gay Maxwell and seconded by Board member James Schissler. Board members Bob Anderson, Mary Ann Neely and Jennifer Walker were absent.**

d. **Name:** Estates at Travis Country C14-2012-0016

**Applicant:** Austin Independent School District (Paul Turner)

**Location:** 4806-1/2 Trail West Drive

**Watershed:** Barton Creek Watershed-Barton Springs Zone, East Oak Hill NPA

**Staff Reviewer:** Clark Patterson, Planning and Development Review Department

**Request:** Planning Commission asking for the Environmental Board’s review of (Zoning) P-NP to SF 2-NP.

**Staff Recommendation: Recommended Approval**

**Recommendation was not approved. The Environmental Board needs more information, and would requested staff to do research for the next Environmental Board meeting.**

e. **Name:** Austin Bergstrom International Airport Master Development Plan

**Applicant:** City of Austin, Aviation Department

**Location:** 3600 Presidential Blvd. Austin Texas 78719

**Watershed:** Onion Creek, Carson Creek, and Colorado River Watersheds

**Staff Reviewer:** Joseph Medici, Austin Bergstrom International Airport

**Request:** The Airport is seeking approval for an ordinance approving a master development plan for the Austin-Bergstrom International Airport; granting variances to specific code provisions; establishing a review and amendment process; and repealing ordinance 94-1117-L.

**Variations sought include:**

1. To allow the Master Development Plan to have no expiration date (Section 25-5-81 and Chapter 25-1, Article 12), provided it receives periodic review and approval as specified in Part 4 of the Ordinance
2. To allow construction of the following facilities at the Airport without preserving the natural and traditional character of the land and waterways per Section 25-7-61: new terminal facilities south of the mid-field crossing taxiways, additional runway and taxiway infrastructure, south campus facilities, including but not limited to terminal, parking, and general aviation facilities; west side cargo terminal and aprons; and east side general aviation and related aeronautical development.
3. To limit capture volume to the first half-inch of runoff for the Constrained Development Area (Subsection B (2) of Section 25-8-213 Water Quality Control Standards)
4. To allow in the critical water quality zone: water quality controls, construction of facilities and construction of improvements necessary to serve the facilities such as roads, sidewalks, and utilities; provided the total impervious cover in the critical water quality zone may not exceed 40 acres and the facilities are limited to the following: west side air cargo terminal and aprons; on-site drainage channel improvements.
5. To allow impervious cover of up to 30% based on gross site area in the Water Quality Transition Zone (Section 25-8-393)
6. To allow cuts to exceed 4 feet but not to exceed 25 feet of depth for all airfield development under the Master Development Plan (Section 25-8-341) including but not limited to: runways, taxiways, aprons, terminals, cargo areas, general aviation, airplane storage and

maintenance, air national guard, air operations, navigational aids, Federal Aviation Administration required facilities, drainage infrastructure, airport roadways, parking lots and fire lanes, and any other airside facility with fixed site elevation that is dependent on the final grade elevation of the air field runways or taxiways.

7. To allow fills to exceed four feet but not to exceed 15 feet of depth for all airfield development under the Master Development Plan (Section 25-8-342) including but not limited to: runways, taxiways, aprons, terminals, cargo areas, general aviation, airplane storage and maintenance, air national guard, air operations, navigational aids, Federal Aviation Administration required facilities, drainage infrastructure, airport roadways, parking lots and fire lanes, and any other airside facility with fixed site elevation that is dependent on the final grade elevation of the air field runways or taxiways.

**Staff Recommendation:** Recommended approval

**Recommendation Approved by Consent**

**Motioned by Board member Mary Gay Maxwell and seconded by Board member James Schissler. Board members Bob Anderson, Mary Ann Neely and Jennifer Walker were absent.**

#### **4. STAFF BRIEFINGS AND POSSIBLE ACTION**

- a. Jollyville Transmission Main Monthly Report – Thais Perkins, and David Johns P. E., Watershed Protection Department  
**This item was conducted as posted.**
- b. Briefing on the City of Austin’s Water Quality Lands Acquisition program and future possible bond elections - David Johns, P. E. and Erin Wood, Watershed Protection Department

**Recommendation to support Bonds for open space land.**

**Motioned by Board member Robin Gary and seconded by Board member James Schissler [Vote 4-0] Board member Bob Anderson, Mary Ann Neely and Jennifer Wilson were absent.**

#### **5. OLD BUSINESS AND REPORTS**

- 1) Update on the Joint Environmental/Parks Board Subcommittee – Mary Gay Maxwell, Mary Ann Neely, and Jennifer Walker.  
**No report this week.**
- 2) Urban Growth Policy Committee – Mary Gay Maxwell, James Schissler, P. E., and Marisa Perales  
**No report this week.**

- 3) Water Treatment Plant #4 Committee – Mary Gay Maxwell, Chair, Bob Anderson, & Mary Ann Neely.  
**No report this week.**
  - 4) Development Committee – Bob Anderson, Chair, Mary Gay Maxwell, Marisa Perales, & James Schissler.  
**No report this week.**
  - 5) Water Quality Regulations Committee – Mary Ann Neely, Chair, & Robin Gary.  
**No report this week.**
  - 6) Watershed Protection Budget Committee – Mary Gay Maxwell, & Bob Anderson  
**The Environmental Board will convene the WP Budget Committee in early May 2012.**
  - 7) Reports from Board representative to other committees.  
**No report this week.**
6. **NEW BUSINESS** - Future agenda items
1. Review & discuss *April 18, 2012* Retreat Agenda.  
**Board member James Schissler requested to add Environmental Criteria Manual to change the rules on Re-vegetation.**
  2. Request to convene the Watershed Protection Budget Committee  
Proposed meeting dates are:  
*May 4, 2012, May 10, 2012 and May 11, 2012.*  
**Board member Mary Gay Maxwell proposed to add a third committee member to the WP Budget Committee.**
7. **ADJOURNMENT** – **The Environmental Board motioned to extend the meeting until 10:20 p.m. Chair Maxwell adjourned meeting at 10:18 p.m.**



## ENVIRONMENTAL BOARD MOTION 040412 3b

Date: April 4, 2012

Subject: Regents West Construction Plans C8J-2010-0056.0B

Motioned By: Robin Gary  
Gary

Seconded by: James Schissler

### **Recommendation**

The Environmental Board recommended **approval with conditions** for Regents West Construction Plans.

### **Staff Conditions:**

- 1) Remove corral, greenhouse and portion of road in Critical Water Quality Zone and Water Quality Transition Zone.
- 2) Natural seeding/landscaping for all disturbed areas with 609S in Critical Water Quality Zone areas (note road).
- 3) Restore/revegetate in the area where the road is removed within the Critical Water Quality Zone and the Water Quality Transition Zone.
- 4) Provide for silt fencing for erosion controls with curlex matting;
- 5) Provide 4:1 slope (3:1 is required) on creek side of berm to reduce erosion and velocity
- 6) 6:1 slope on backside of creek;
- 7) Tree mitigation at 100%
- 8) Provide an educational component to students as to how the school has handled the environmental concerns of this site.

### **Board Conditions:**

Documentation provided to staff and Environmental Board from qualified biologist and Cave Management Contractor that this berm will not adversely affect the species of concern and increase bio monitoring regime.

Tree plantings will increase diversity.

Relocate greenhouse to help with educational component of the staff conditions.

### **Rationale:**

The Regents School is located within the Contributing and Recharge Zones of the Edwards Aquifer. Because there is a significant cave that provides critical habitat for documented Species of Concern on the Regents School property, the Environmental Board has asked for additional conditions to help ensure the protection of the cave and cave-dwelling species and help maintain the quality of the habitat and environmental services provided by this area.

**Vote** 4-0-0-3

**For:** Gary, Maxwell, Perales, and Schissler

**Against:**

**Abstain:**

**Absent:** Anderson, Neely and Walker

**Approved By:**

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is written in a cursive, flowing style.

Mary Gay Maxwell,  
Environmental Board Chair





## ENVIRONMENTAL BOARD MOTION 040412-3c

Date: April 04, 2012

Subject: Consent Agenda

Motioned By: Mary Gay Maxwell

Seconded by: James Schissler

### Recommendation

**The Environmental Board recommended the following cases be approved by consent, with staff conditions and no board conditions listed for:**

**Name:** Lakeline Boulevard Multi Family C14R-85-178(RCA)

**Applicant:** Steve Bertke, Bury & Partners, Inc.

**Location:** 2801 S. Lakeline Blvd.

**Staff Reviewer:** Sylvia Pope, Watershed Protection Department

**Watershed:** Buttercup Creek, Williamson County – Suburban Watershed

**Ordinance:** Comprehensive Watershed Ordinance (current Code)

**Request:** Provide recommendation to approve an amendment to existing Restrictive Covenant C14 R-85-178) Vol. 1852, page 822:

1. To allow an alternative method of compliance with the original restrictive covenant requirement to construct and maintain a recharge or detention area (“Recharge Pond”) with a surface area a minimum of 1.5 acres.
- ~~2. To allow administrative approval of subsequent amendments by the Law Department and the department director.~~  
**This request is deleted.**
3. To allow inclusion of a description of “Undisturbed Direct Infiltration Areas and Vegetated Filter Strip with Downstream Infiltration Areas.”
4. To allow inclusion of a “Landscape Maintenance Plan.”
5. **Staff Recommendation:** Recommendation of approval to the Zoning and Platting Commission, and to City Council.

### RECOMMENDATION CONSENT:

The Environmental Board approved by a consensus to pass Lakeline Boulevard Multi Family C14R-85-178(RCA).

Absent: Bob Anderson, Mary Ann Neely and Jennifer Walker

Approved By:

Mary Gay Maxwell  
Environmental Board Chair





**ENVIRONMENTAL BOARD MOTION 040412 3d**

Date: April 4, 2012

Subject: Estates at Travis Country C14-2012-0016

Motioned By: James Schissler

Seconded by: Robin Gary

**Recommendation**

The Environmental Board recommended tabling any action to allow staff to provide information on Environmental Features

**Vote** 4-0-0-3

For: Gary, Maxwell, Perales, and Schissler

Against:

Abstain:

Absent: Anderson, Neely and Walker

Approved By:

Mary Gay Maxwell,  
Environmental Board Chair





## ENVIRONMENTAL BOARD MOTION 040412-3e

Date: April 04, 2012

Subject: Consent Agenda

Motioned By: Mary Gay Maxwell

Seconded by: James Schissler

### Recommendation

**The Environmental Board recommended the following cases be approved by consent, with staff conditions and no board conditions listed for:**

**Name:** Austin Bergstrom International Airport Master Development Plan

**Applicant:** City of Austin, Aviation Department

**Location:** 3600 Presidential Blvd. Austin Texas 78719

**Watershed:** Onion Creek, Carson Creek, and Colorado River Watersheds

**Staff Reviewer:** Joseph Medici, Austin Bergstrom International Airport

**Request:** The Airport is seeking approval for an ordinance approving a master development plan for the Austin-Bergstrom International Airport; granting variances to specific code provisions; establishing a review and amendment process; and repealing ordinance 94-1117-L.

### Variances sought include:

1. To allow the Master Development Plan to have no expiration date (Section 25-5-81 and Chapter 25-1, Article 12), provided it receives periodic review and approval as specified in Part 4 of the Ordinance
2. To allow construction of the following facilities at the Airport without preserving the natural and traditional character of the land and waterways per Section 25-7-61: new terminal facilities south of the mid-field crossing taxiways, additional runway and taxiway infrastructure, south campus facilities, including but not limited to terminal, parking, and general aviation facilities; west side cargo terminal and aprons; and east side general aviation and related aeronautical development.
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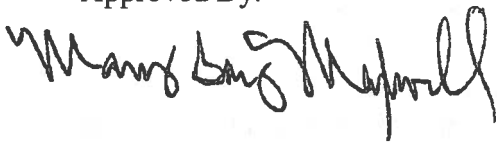
**Staff Recommendation:** Recommended approval

**RECOMMENDATION CONSENT:**

The Environmental Board approved by a consensus to pass Austin Bergstrom International Airport Master Development Plan

Absent: Bob Anderson, Mary Ann Neely and Jennifer Walker

Approved By:

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Mary Gay Maxwell  
Environmental Board Chair



**ENVIRONMENTAL BOARD MOTION 040412 4b**

Date: April 4, 2012

Subject: City of Austin's Water Quality Lands Acquisition program and future possible bond elections.

Motioned By: Mary Gay Maxwell

Seconded by: Robin Gary

**Recommendation**

The Environmental Board motioned to support the effort for the Water Quality Lands Acquisition program and securing bond funding.

**Vote** 4-0-0-3

For: Gary, Maxwell, Perales, and Schissler

Against:

Abstain:

Absent: Anderson, Neely and Walker

Approved By:

Mary Gay Maxwell,  
Environmental Board Chair

