

**ENVIRONMENTAL BOARD MEETING MINUTES WEDNESDAY
SEPTEMBER 1, 2010**



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The Environmental Board convened in a public hearing meeting on Wednesday, September 1, 2010, City Council Chambers, at 301 W. Second Street, Austin, Texas 78701

Board Members in Attendance:

Jon Beall, Mary Gay Maxwell, Phil Moncada, Mary Ann Neely and James Schissler

Staff in Attendance:

Matt Hollon, Erin Wood, Pat Murphy Marilla Shepherd, Ingrid McDonald, Michael Clay, Jay Baker, Don Burkner and Chris Yanez.

CALL TO ORDER

The Environmental Board meeting was called to order at 6:10 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 to address your concerns regarding items not posted on the agenda.

- **Alan Roddy signed up to speak about the Resolution for Lake Austin Task Force. The Environmental Board requested a staff briefing on the Lake Austin Ordinance. See attachment.**
- **Carol Lee signed up to speak about sites in the Barton Springs Zone and Septic Systems. The Environmental Board requested a staff briefing on Austin Water Utilities proposed rule changes and the Septic situation along Lake Austin.**

2. Approve the minutes of the Environmental Board meeting for 8/18/10.

The minutes for the Environmental Board regular meeting on August 18, 2010 approved on Board member Jon Beall's motion, and Board Member Phil Moncada's second. [Vote 5-0] Board member Bob Anderson, and Board member Robin Gary was absent.

3. PUBLIC HEARINGS

a. Name: 2700 Edgewater Drive SP-2010-0082D

Applicant: Nathan and Farrah Chelstrom

Contact: Bruce Aupperle, P. E.

Location: 2700 Edgewater Drive

Staff Person: Michael Clay, Planning Development Review Department

Request: Land Development Code:

1) 25-8-452 to allow construction of a bulkhead and associated fill in the critical water quality zone.

Watershed: Lake Austin Watershed (Water Supply Rural) Drink Water Protection Zone

Recommendation: Recommended for disapproval.

The Environmental Board recommends conditional approval to Land Development Code 25-8-452 to allow construction of a bulkhead and associated fill in the critical quality zone.

1. RECOMMENDATION FAILED:

Board member Jon Beall motioned disapproval of item 3a. With no second to the motion it failed.

2. RECOMMENDATION APPROVED: [VOTE 4-1]

Motioned by Board member Phil Moncada and seconded by Board member Mary Ann Neely. Board member Jon Beall voted against with Board members Bob Anderson and Robin Gary were absent. See attachment.

The Environmental Board recommends conditional approval to Land Development Code 25-8-452 to allow construction of a bulkhead and associated fill in the critical quality zone. See attached motion.

4. 10 MINUTES OF CONTINUING EDUCATION

Water detention ponds and water quality structural controls- Matt Hollon

This item was conducted as posted.

5. STAFF BRIEFINGS AND POSSIBLE ACTION

a. Briefing on the New Zacchary Scott Theater - Nick Naccarato Economic Growth and Redevelopment Department

Request received from staff to postpone until September 15, 2010.

6. OLD BUSINESS

- 1) Update on the Joint Environmental/Parks Board Subcommittee –Mary Gay Maxwell, Jon Beall & Mary Ann Neely
No report this week.
- 2) Urban Growth Policy subcommittee – Phil Moncada, Chair, Mary Gay Maxwell, & James Schissler, P. E.
Board member Moncada will send a summary report to the Environmental Board Urban Growth Policy subcommittee to include the Formula One race track pipelines that are located in East Austin.
- 3) Water Treatment Plant #4 subcommittee – Mary Gay Maxwell, Chair, Jon Beall & Mary Ann Neely
Meeting scheduled for September 2, 2010.
- 4) Development Subcommittee – Bob Anderson, Chair, Mary Gay Maxwell & James Schissler.
Meeting scheduled for September 13, 2010.
- 5) Water Quality Regulations subcommittee – Mary Ann Neely, Chair, Robin Gary and Phil Moncada

7. NEW BUSINESS - Future agenda items:

Add reports to the agenda to allow Board members that are on other committees to report back to the Board.

8. ADJOURNMENT

Meeting adjourned at 9:45 p.m.

Attachment:

E. B. Handout 9/1/10 Citizens Comm. Alan Roddy

Resolution for
Lake Austin Task Force
Approved 4/12/10

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WHEREAS the City of Austin currently draws its drinking water from Lake Austin,
And

WHEREAS Lake Austin provide drinking water to riparian landowners and
Municipal Utility Districts authorized by the City of Austin to serve subdivisions in
the proximity of Lake Austin, and

WHEREAS the Lake Austin Ordinance was the city's first watershed ordinance,
adopted permanently in January 1980, and designed to protect the water quality in
Lake Austin and thus the water quality of Austin's drinking water, and

WHEREAS the shores of Lake Austin are within the jurisdiction of the City of
Austin,
And

WHEREAS Lake Austin provides recreation and boating opportunities for citizens of
Austin and visitors to the area, and

WHEREAS the city's Lake Patrol, Parks and Recreation Department, Austin Water
Utility, Watershed Protection, and Planning and Development Review Departments
deal with many issues involving activities in and along the shores of Lake Austin, and

WHEREAS development pressures along the shores of the lake are still evident, as
they were when the original Lake Austin ordinance was formulated and adopted, and

WHEREAS residents of areas along and adjacent to Lake Austin have brought
forward concerns about health and safety issues related to Lake Austin, such as
continued erosion along the shores of the lake, and adequacy of wastewater treatment
and rainfall runoff into the lake, as well as adequacy of current ordinances and their
enforcement, and

WHEREAS 1999 revisions to the city's Land Development Code may have
inadvertently weakened protections for Lake Austin, as was the case with protections
of the Waterfront Overlay areas of Lady Bird Lake, and

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WHEREAS such citizen interests and concerns have been presented to the newly reconstituted

Waterfront Planning Advisory Board whose responsibilities lie only with areas within the Waterfront Overlay, which does not extend to Lake Austin, and

WHEREAS the Waterfront Planning Advisory Board appreciates the citizen concerns related to Lake Austin, since Lake Austin and Lady Bird Lake are both formed from areas of the Colorado River,

NOW THEREFORE BE IT RESOLVED that the Waterfront Planning Advisory Board wishes to bring this matter to the attention of the Austin City Council and to suggest that the City Council consider appointing a Lake Austin Task Force, similar to the Waterfront Overlay Task Force whose recommendations resulted in the re-creation of the Waterfront Planning Advisory Board.

FURTHER, the Waterfront Planning Advisory Board suggests that the charge to such a Lake Austin Task Force be broad enough to encompass all the many concerns about the lake that citizens have brought forward, and that the make up of the Lake Austin Task Force include the following:

- 1) Seven members from the neighborhoods surrounding Lake Austin appointed by the Austin City Council.
- 2) As ex-officio members, one representative from each of the following:
Parks and Recreation Board
Environmental Board
Water and Wastewater Commission
- 3) Staff from the following city departments, assigned to meet regularly with the Task Force and to provide their expert knowledge related to Lake Austin issues:
Lake Patrol
Parks and Recreation Department
Watershed Protection
Austin Water Utility
Planning and Development Review Department
Law Department
- 4) Representatives invited from the LCRA, Texas Parks and Wildlife Department, the Corps of Engineers, and members from the neighborhood surrounding Lake Austin as well as other representatives having expertise in environmental design.

APPROVED AND PASSED this 12th day of April, 2010, on Board Member Almy's motion, Board Member Arnold's second on a vote of 5-0.



DRAFT ENVIRONMENTAL BOARD MOTION 090110 3a

Date: September 1, 2010

Subject: Recommendations on 2700 Edgewater

Motioned By: Phil Moncada

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommends with conditional approval to Land Development Code 25-8-452 for construction of bulkhead and fill in the critical water quality zone.

Environmental Board Conditions:

1. Follow the City of Austin Parks and Recreation Board detail for bulkheads utilizing rock at 45-degree angle and capstone to reduce wave action.
2. Remove piers as they present a navigation hazard.

Rationale:

The Board does not support prohibition of boat dock on this lot. The bulkhead and improvements are in place. The area is stabilized and mitigation will remove a portion of the fill. In addition, the owner has secured a letter from the structural engineer as to the integrity of the bulkhead. See attached motion from the Parks and Recreation Board.

Vote 4-1-0-0

For: Maxwell, Moncada, Neely and Schissler

Against: Beall

Abstain:

Absent: Anderson and Gary

Approved By:

Mary Gay Maxwell, Environmental Board Chair



Parks and Recreation Board
Special Called Meeting
July 15, 2010

Board Chair Guerrero called the special called board meeting to order at 6:08 p.m.

Board members in Attendance:

Board Chair Guerrero, Board Vice-Chair Sara Marler, Hill Abell, Carol Lee, Jerry Perales, Jeff Francell and Jane Rivera.

Staff in Attendance: Sara Hensley, Chris Yanez, Kelly Snook and Tino Garcia.

Note: Board Chair Guerrero reported that the Edgewater Neighborhood Association had formally requested a postponement of the special called meeting. Ms. Ann Finch, Vice-President announced that since they did receive the documents they requested, they were formally cancelling the postponement request.

1. Citizen Communication

Alan Roddy urged the Board to reject the bulkhead. He reiterated his request to have the Board support the Lake Austin Task Force Resolution.

Ann Finch, Vice President Edgewater Neighborhood Association, announced opposition to variances to the property and urged the Board to remove the bulkhead including any improvements and to restore the bulkhead to the original position.

David Rodewald urged the Board to reject the application for shoreline modifications and any other developmental advantages gained.

Mary LaViolette announced her opposition to the application, especially the 16 feet reclaimed from the lake. She is concerned that if the application is approved, it will set a precedent.

Nathan Chelstrom, applicant for the variance request, urged the Board to support the site plan for 2700 Edgewater Drive.

Richard Pedro urged Board approval for the variance request at 2700 Edgewater Drive.

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Farah Chelstrom requested Board approval for the modification to the existing bulkhead to 2700 Edgewater Drive.

Andre Dukes spoke in support of the variance request to 2700 Edgewater Drive. He respectfully requested that the Board acknowledge the City's previous acceptance of the existing bulkhead without limitation to development of the boat dock and allow the owners to reconvene construction.

2. New Business and Action Items

a. Make a recommendation to the Director regarding 2700 Edgewater .

A motion to approve the variance request to place fill in Lake Austin with the following staff conditions was made by Board Member Francell, seconded Board Member Hill.

The conditions are as follows:

1. Boat dock construction is prohibited.
2. An Environmental Resource Management (ERM) approved wave abatement strategy is constructed.
3. A larger wetland bench that is at or near the waters edge is constructed.
4. Tree mitigation takes place on the lot and not in the wetland bench.
5. The wetland bench is designated a no-build area and will be continually maintained by owner.
6. No irrigation is used below a specific contour line.

Note: the motion also has the following recommendations for future permitting requirements by the Planning and Development Review Department:

1. Certified surveys before and after development.
2. Demolition, building permits and EV inspection required for all bulkhead work.
3. Exemptions not allowed for bulkhead work greater than 20 liner feet.

Board Member Lee moved a substitute motion which was to accept the staff recommendation and to deny the variance request, seconded by Board Member Rivera.

Board Chair Guerrero called for a vote on the substitute motion first. The motion did not carry by a vote of 3-4.

Vote count: Members voting aye: Lee, Rivera and Board Chair Guerrero.

Members voting nay: Francell, Marler, Hill and Perales.

Board Chair Guerrero then entertained the original motion made by Board Member Francell. Motion carried 5-2.

Vote count: Members voting aye: Francell, Marler, Rivera, Hill and Perales.

Members voting nay: Guerrero and Lee.

With no further business, the meeting was adjourned at 6:47 p.m.