



MEMORANDUM

TO: Mayor and Council Members

FROM: Greg Meszaros, Director, Austin Water Utility

DATE: December 15, 2011

SUBJECT: Council Agenda Item 2. Service Extension Request No. 3037

This memorandum serves to provide clarification on today's discussion on Council Agenda Item 2. Service Extension Request No. 3037 (SER) for Water Service to Sinno and Associates Ltd., owner of Foundation Retail Development located within the Drinking Water Protection Zone and the City's 2-mile extra-territorial jurisdiction.

Staff has confirmed this item was recommended by the Water and Wastewater Commission on December 14, 2011 with a 4-2-1 vote (motion sheet attached). The recommendation by the Water & Wastewater Commission was accurately included in Changes & Corrections as read into the record. Austin Water Utility staff misstated the action taken by the Water and Wastewater Commission at the dais. Additionally, this item was recommended by the Environmental Board on November 16, 2011 with a 5-0 vote with 2 members absent (motion sheet attached). The action should have been noted in the Request for Council Action (RCA), but was inadvertently omitted.

The key issues concerning this item focus on:

- The difference between current code requirements and what is entitled under Chapter 245 (specifically with regard to impervious cover); and
- Groundwater availability should the applicant pursue the drilling of a well.

Attached is a memorandum issued to the Environmental Board regarding Watershed Protection Department's review of the SER, which includes relevant information. Staff will work to compile the additional information requested in a follow-up memorandum prior to Council consideration on January 12, 2012.

Should you have any questions or comments, please do not hesitate to contact me.

Cc: Marc A. Ott, City Manager
Rudy Garza, Assistant City Manager
Sue Edwards, Assistant City Manager
Victoria Li, Director, Watershed Protection Department

**WATER AND WASTEWATER COMMISSION
REGULAR MEETING
RECOMMENDATION
DECEMBER 14, 2011**

Item No. 121411 - M

TITLE: SER 3037 - SINNO AND ASSOCIATES

	Motion	Motion	COMMISSIONER'S VOTE				
	Made By	Seconded By	Consenting	Dissenting	Abstaining	Recusal	Absent
Gwendolyn Webb Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dale Gray Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sarah Faust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mickey Fishbeck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Googins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chien Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Moriarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


SUBJECT:

The Water and Wastewater Commission recommends approval of **Service Extension Request No. 3037** for water service for **SINNO AND ASSOCIATES LTD**, the owner of Foundation Retail Development located within the Drinking Water Protection Zone and within the City's 2-mile extra-territorial jurisdiction at 11101 N FM 620, to serve a retail development (22,230 square feet of retail) with an estimated peak hour flow of 29 gallons per minute.

☒ **Recommended by the Water and Wastewater Commission**

☐ **Not Recommended by the Water and Wastewater Commission**

☐ **No Recommendation** ☐ Motion Failed - Did not receive 4 affirmative votes ☐ Motion Failed - Lack of a second


Gwendolyn Webb, Chair
Water & Wastewater Commission

12/14/2011
Date



ENVIRONMENTAL BOARD MOTION 111611 4a

Date: November 16, 2011

Subject: Service Extension Request Foundation Retail

Motioned By: Mary Ann Neely

Seconded By: Bob Anderson

Recommendation

The Environmental Board **recommends approval** of the Service Extension Request for Foundation Retail.

Rationale

The rationale is based on providing city water; the spring flow in Bull Creek is not depleted.

Vote 5-0-0-2

For: Anderson, Gary, Neely, Schissler and Walker

Against: None

Abstain: None

Absent: Perales and Maxwell

Approved By:

Robin Gary
Environmental Board Vice Chair



MEMORANDUM

TO: City of Austin Environmental Board Members

FROM: Lee C. Lawson
TPDES Program Coordinator
Watershed Protection Department

DATE: October 12, 2011

SUBJECT: Water Service Extension Request (#3037) Foundation Retail Development

WPD staff review water and wastewater service extension requests (SER) for service outside the City of Austin in the Drinking Water Protection Zone. Austin's Water and Wastewater Commission uses our review and your recommendation – should you choose to make one, to help decide whether to recommend an SER to Austin's City Council for final approval.

Enclosed please find a brief discussion of Foundation Retail Development's water SER, information about the service and a location map of the proposed alignment for the water line. The Environmental Board motioned to postpone this request until the October 19, 2011 meeting. I will brief you next Wednesday, and have the appropriate staff available for questions in regards to 1704, and 24 inch transmission line. In the meantime, please do not hesitate to call me at 974-3348 with your questions or comments.

Sincerely,

Lee C. Lawson

LL:ll

Foundation Retail Development Water Service Extension Request #3037

1) Will future development be required to comply with current code?

Foundation Retail Development is grandfathered and not subject to current development requirements for water quality in Bull Creek, a Water Supply Suburban Watershed. The applicant requested and received 1704 status, which entitles them to develop under older regulations. In 1976, when the subdivision plat was approved, the city did not have water quality requirements for development that would apply to the Foundation Retail Development.

Developments with older applications such as this one do not require buffers for streams or sensitive features known as CEFs; stormwater treatment; nor do they require limits to impervious cover or construction on steep slopes. Because this site is not close to a regulated stream, and relatively flat, current requirements for stream buffers or construction on steep slopes would not apply; however, current requirements would limit impervious cover, require stormwater treatment, and if any, buffers for CEFs.

Impervious cover, as proposed, is approximately 54 percent. Current requirements limit impervious cover to 40 percent, or with transfers, to 55 percent of the net site area. Without transfers, e.g. land set aside that cannot be developed, current requirements would require the applicant to reduce impervious cover.

As proposed, the applicant will not provide stormwater treatment for water quality. Current code would require the applicant to capture, isolate, and treat at least the first 0.8 inches of runoff draining to the control from the site.

The site is over what the City of Austin recognizes as the recharge zone for the Northern Edwards Aquifer; however, it is outside of what the TCEQ defines as the recharge zone and not subject to their development regulations, i.e. the Edwards Rules, which would require the applicant to treat stormwater.

2) Would the requested service result in a more intense development than would be possible absent the service?

Water service would not result in a more intense commercial development provided the applicant could drill a well and secure a sufficient amount of groundwater to meet their needs.

3) Is the site in an area in which we are encouraging development?

The Foundation Retail Development site is in the Drinking Water Protection Zone (DWPZ). In the Drinking water Protection Zone only oversized water infrastructure is

eligible for cost participation/reimbursement. City ordinance allows for cost participation or reimbursement for oversized water or wastewater infrastructure is eligible for cost participation/reimbursement.

4) Would centralized service solve known or potential environmental problems?

Centralized water service would not solve any known or potential environmental problems; however, poorly constructed, maintained, or aging groundwater wells can provide pathways for pollutants and degrade groundwater in the vicinity.

5) Is serving the area consistent with our long-term service area and annexation goals?

Applicants must request annexation as a condition of service; however, there are no near term plans to annex the Foundation Retail Development site. Austin Water Utility has plans to build a transmission line along FM 620, which will connect to existing lines north and south of the site and provide water service to this and other customers in the area.

Foundation Retail Development Water SER (#3037)

