



**ENVIRONMENTAL BOARD MOTION EB111908-3a**

Date: November 19, 2008

Subject: Adoption of the 2009 Environmental Board Bylaws

Motioned By: Phil Moncada

Seconded by: Mary Ann Neely

The Environmental Board adopted the 2009 Boards and Commission Standard Bylaws.  
See attached.

**Rationale:** The Environmental Board cannot amend or modify the 2009 Standard Bylaws, unless accompanied by a business justification and submitted through the process.

**Vote:** 6-0-0-1-0

For: Ahart, Anderson, Beall, Dupnik, Moncada and Neely.

Against:

Abstain:

Absent: Maxwell

Recused:

Approved By:

Dave Anderson, P. E., CFM  
Environmental Chair

## **STANDARD CITY BOARD BYLAWS**

### **BYLAWS OF THE ENVIRONMENTAL BOARD**

#### **ARTICLE 1. NAME.**

The name of the board is Environmental Board

#### **ARTICLE 2. PURPOSE AND DUTIES.**

The purpose of the board is act in an advisory capacity on all projects and programs which affect the quality of life for the citizens of Austin and to make recommendations for standards and recommend and initiate specific studies.

(A) review and analyze the policies relating to the environmental quality of the city, to act as an advisory board to the city council, the city manager, and the department in their efforts to oversee the protection and integrity of the natural environment, promote growth management and land use planning, minimize degradation of water resources, protect down stream areas, and promote recreation opportunities and environmental awareness.

(B) assist the city council, the city manager, and the department in studying, promoting and enforcing environmental protection policies to assure the health, safety, welfare and quality of life of all citizens within the City's incorporated boundaries as well as those within its extraterritorial jurisdiction where the boundaries apply.

(C) advise the city council, the city manager, and the department concerning policies, projects, and programs that affect the quality of life or have the potential to affect the environment, including those that relate to or affect:

- (1) water quality:
  - (a) watershed protection;
  - (b) urban runoff;
  - (c) innovative wastewater treatment;
  - (d) regional wastewater treatment;
  - (e) improvement and protection of the Colorado River and the Edwards Aquifer; and
  - (f) wastewater irrigation;
- (2) growth management and land use planning:
  - (a) municipal utility district review;
  - (b) capital improvement project review; and
  - (c) the comprehensive plan;
- (3) construction controls for erosion and sedimentation;
- (4) City environmental policies regarding monitoring and enforcement;
- (5) solid waste disposal plan alternatives;

- (6) watershed protection:
  - (a) flood control;
  - (b) erosion control;
  - (c) water quality; and
  - (d) utility management;

(7) roadway planning;

(8) beautification;

(9) recreation resources;

(10) public education on environmental matters;

(11) hazardous waste materials management;

(12) revegetation and landscaping;

(13) air quality; and

(14) noise abatement;

(D) The board shall:

- (1) review all variances to requirements for water quality related to environmentally sensitive areas;
- (2) review the monitoring of storm water runoff in developed and undeveloped areas;
- (3) review the efficiency of existing and proposed structural and nonstructural controls;
- (4) periodically review the effectiveness of Chapter 25-4 (Subdivision);
- (5) review waste treatment permits within the city's extraterritorial jurisdiction;
- (6) review programs and policies for flood control, erosion control, and water quality;
- (7) review capital improvement projects;
- (8) review municipal utility district proposals and amendments;
- (9) review roadway plan amendments; and
- (10) recommend urban runoff standards;

(E) Recommend and initiate, with the advice and consent of the city council, specific project studies concerning any of the matters described in Subsections (H) and (I) Ordinance No. 20071129-001, or any other related environmental issue.

(F) Make reports and recommendations for standards and criteria concerning any of the matters described in Subsections (H) and (I) Ordinance No. 20071129-001, or any other related environmental issue.

(G) Promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting natural resource and environmental activities, so that all similar activities within the city may be coordinated to secure the greatest public welfare.

### **ARTICLE 3. MEMBERSHIP.**

(A) The board is composed of seven members appointed by the city council.

(B) A member serves at the pleasure of the city council.

(C) Board members serve for a term of three years beginning August 1<sup>st</sup> on the year of appointment

(D) An individual board member may not act in an official capacity except through the action of the board.

(E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a twelve month time period automatically vacates the member's position. This does not apply to an absence due to illness or injury if the member notifies the staff liaison of the reason for the absence no later than the next meeting of the board.

(F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest.

(G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

### **ARTICLE 4. OFFICERS.**

(A) The officers of the board shall consist of a chair, vice-chair and secretary.

(B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after August 1<sup>st</sup>. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.

(C) The term of office shall be one year, beginning September 1 and ending August 31. An officer may continue to serve until a successor is elected. An officer may be reelected for not more than one additional one-year term.



- (D) A member may not hold more than one office at a time.

#### **ARTICLE 5. DUTIES OF OFFICERS.**

- (A) The chair shall preside at board meetings, appoint all committees, and represent the board at ceremonial functions.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair, in the absence of the chair and the vice –chair, the secretary shall perform all duties of the chair..

#### **ARTICLE 6. AGENDAS.**

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting.
- (B) The staff liaison shall prepare and distribute the agenda to the board members not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

#### **ARTICLE 7. MEETINGS.**

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The regular meeting of the board shall be held on the first and third Wednesday of each month at 6:00 p.m., at 301 West Second Street (City Hall) unless otherwise determined by the board. If the regular meeting day is a holiday, the meeting will be held on the following Wednesday of the month.
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A notice of a special meeting must be in writing and sent to all members at least three days before the meeting.
- (F) Four members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by affirmative vote of not less than the four members.
- (I) The chair has the same voting privilege as any other member.

- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The Watershed Protection and Development Review Department shall retain all official board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

#### **ARTICLE 8. COMMITTEES.**

- (A) Each standing or special committee must be established by an affirmative vote of the board. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Watershed Protection and Development Review Department.
- (B) The board chair shall appoint a committee member as the committee chair, with the member's consent.
- (C) A majority of the total number of appointed committee members constitutes a quorum.
- (D) Each standing committee shall meet on a regularly scheduled basis at least quarterly.
- (E) Each standing committee shall make an annual report to the board at the January board meeting.
- (F) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).

#### **ARTICLE 9. PARLIAMENTARY AUTHORITY.**

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the board or city council may adopt.

#### **ARTICLE 10. AMENDMENT OF BYLAWS.**

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.



## ENVIRONMENTAL BOARD MOTION 111908-3d

November 19, 2008

**Subject:** Erosion & Sedimentation Controls Subcommittee

**Motioned by:** Mary Ann Neely

**Seconded by:** Phil Moncada

The Environmental Board motioned to recommend the execution of the Memorandum from the Erosion and Sedimentation Controls Subcommittee. See attachment.

**For:** Ahart, Anderson, Beall, Dupnik, Moncada and Neely

**Against:**

**Abstain:**

**Absent:** Maxwell

**Recused:**

Approved By:

Dave Anderson P.E., CFM  
Environmental Board Chair

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**MEMORANDUM**

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**TO:** ENVIRONMENTAL BOARD MEMBERS  
**FROM:** EROSION & SEDIMENTATION CONTROLS SUBCOMMITTEE  
**SUBJECT:** REVIEW OF PROPOSED CHANGES TO WATER QUALITY CONTROLS  
**DATE:** 11/4/08

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On October 18, 2007, the City Council requested that the city manager "evaluate and update the City's practices, capabilities, and available resources for review and inspection of construction-phase erosion and sedimentation controls, inspection of water quality ponds, and enforcement of maintenance requirements." The Watershed Protection and Development Review Department has completed that review and is preparing to implement changes to address identified deficiencies by 1) instituting internal process changes, 2) proposing revisions to the Land Development Code and the Environmental Criteria and Drainage Criteria Manuals, and 3) proposing staff increases in select areas.

Over the past few months, Mr. Dupnik, Mr. Moncada, and Mr. Anderson met as the Erosion and Sedimentation Controls Subcommittee (Subcommittee) with City Staff to discuss proposed changes to the above-referenced manuals.

This memorandum is a summary of our review, and is offered to the Environmental Board for recommendation.

1. The Subcommittee feels strongly that the Staff has done an excellent job in addressing City Council's concerns. Especially with respect to the re-writing of applicable sections of the Environmental Criteria and Drainage Criteria Manuals, City Staff has made those sections much more environmentally protective and more in line with State discharge permitting requirements.
2. The Subcommittee recommends that the Staff address how the proposed changes impact the need for additional FTEs, the total change in cost to the development community of proposed changes, and the expected impacts to WPDR metrics, as described in the Department's annual report.
3. The Subcommittee recommends that a table of contents be added for the Manuals to clearly describe where sections have been changed and make the revised design criteria clearly identifiable to users of each Manual.
4. The Subcommittee recommends that WPDR determine the cost of not implementing the changes described in the manual, to make the point that these new controls will not only protect the environment, but also decrease City expenditures overall (i.e., stream restoration activities, buy-outs, etc.).
5. The Subcommittee recommends that WPDR Staff evaluate the impacts of Manual changes to vertical redevelopment projects.



6. There is no figure included associated with the reference to Figure 1.4-1 in Section 1.4.2 B (page 3).
7. The Subcommittee recommends that the design criteria in each Manual be presented earlier in the document, as these criteria are what most users will be most interested in.
8. The Subcommittee recommends a change to the first bullet under Section 1.4.2 E. The idea of "Technical Merit" is subjective and vague (page 4). This should be a defined procedure.
9. The Subcommittee recommends that the 2<sup>nd</sup> paragraph under Section 1.4.4 A be removed, as it is confusing (page 6).
10. The Subcommittee recommends that Staff evaluate the use of the terms "Temporary Controls" and "Construction Phase Controls" and be consistent.
11. There is a missing reference in Section 1.4.4 B under the 2<sup>nd</sup> paragraph under the Sediment Control section (page 8).
12. Under Design Guidelines under Section 1.4.4 B (page 9), reference is made to "several new or underutilized methods". Where are the tried and true methods presented?
13. Under the Detention/Sedimentation bullet (page 9), the 2<sup>nd</sup> paragraph should be removed as it is not needed and confusing.
14. Under the Submittal Requirements section on page 10, clearly articulate that plan sheets need to be sealed by a Texas Professional Engineer, and the SWPPP only by a Certified Professional in Erosion and Sedimentation Control.
15. The last bullet under Section 1 on page 11 should address Heritage Trees.
16. The second bullet under Section 2, beginning with "Phasing and construction sequence" is not clear. The reader does not know if phasing is even required.
17. Formatting for the entire document should be consistent.
18. Much of the information on Pages 14-17 is critical for the development community to understand. It should not be buried under Section 5 entitled "Additional Considerations..."
19. The term "Base Flow" on page 16 should be added to the Definition section.
20. On page 16, what storm should the dewatering system be designed to?
21. On page 16, what duration is associated with the 25-yr storm reference?
22. On page 17, how does the user determine the "volume of sediment that may be mobilized during the 10-yr storm"?
23. There is no Table 1-1.5 on page 19.

24. On page 20, there are numerous extraneous numbers in Section B.

25. There is a reference on Page 20 to "General criteria for review of plans are provided below". This information seems to be missing.

26. On page 21, it is imperative that fiscal surety posted by the applicant for the cost of erosion and sedimentation controls be accessible immediately upon failure of those controls to adequately protect the environment. Please ensure that this is the case.

27. On page 22, the eighth bullet references the 2-yr storm with a duration specified.

28. On page 24, who is responsible for inspecting controls just prior to expected significant rainfall, and how recently after the rainfall event must post-event inspection take place and by whom?

29. Under Revisions to Controls on page 25, how are "significant modifications" defined?

30. Under the 2<sup>nd</sup> full paragraph on page 26, shouldn't the City be notified of the failure? Where is this specified?

31. City of Austin staff evaluate the appropriateness of the use of Bermuda grass for temporary restoration and stabilization.

Recused:

Approved By:

A handwritten signature in black ink, appearing to read "D Anderson", followed by the initials "P.E." in a smaller, less stylized font.

Dave Anderson P.E., CFM  
Environmental Board Chair



**ENVIRONMENTAL BOARD MOTION 111908-4a**

November 19, 2008

Subject: 2301 East Riverside Drive SP-2008-0188C

Motioned By: Phil Moncada

Seconded by: Dave Anderson, P. E.

**Recommendation**

The Environmental Board recommended approval to a variance quest to Land Development Code: **25-8-261**

1. To allow construction in a Critical Water Quality Zone for construction of a wet pond within an existing channel draining to Lady Bird Lake.

**STAFF CONDITIONS:**

The applicant will enter into a Community Facility Contract to ensure the wet pond is built to treat runoff from offsite in excess of the amount required for development of the site.

**RATIONALE:**

Findings of fact have been met. A Regional Pond will treat over 100 acres of upstream runoff which has not been treated before. This runoff enters Lady Bird Lake our Lake in Central Austin.

**Vote** 6-0-0-0-1-0

For: Ahart, Anderson, Beall, Dupnik, Moncada and Neely

Against:

Abstain:

Absent: Maxwell

Recused:

Approved By:

Dave Anderson P.E., CFM  
Environmental Board Chair





**ENVIRONMENTAL BOARD MOTION AND RESOLUTION 1119083c-001**

Date: November 19, 2008

Subject: A Resolution Supporting a Regional Transit System as One Mechanism to Improve Central Texas Air Quality

Motioned By: Mary Ann Neely

Seconded By: Phil Moncada

The Environmental Board offers the attached resolution to address recent changes to the Environmental Protection Agency's Ozone Standards and the impact that a Regional Transit system can have on the health of Central Texans.

**Vote:**

For: Ahart, Anderson, Beall, Dupnik, Moncada and Neely

Against:

Abstain:

Absent: Maxwell

Recused:

Approved By:

Dave Anderson P.E., CFM, Chair

**Environmental Board Resolution 1119083c-001**

**A Resolution Supporting a Regional Transit System as One Mechanism  
To Improve Central Texas Air Quality**

WHEREAS, automobiles emit a number of dangerous pollutants into the air in Central Texas, including NO<sub>x</sub>, VOCs, and particulate matter; AND

WHEREAS, these pollutants are known to cause harmful health effects, especially to children and seniors, including respiratory illnesses such as asthma and other lung problems; AND

WHEREAS, the U.S. Environmental Protection Agency recently moved to replace the 85-parts-per-billion (ppb) Ozone Standard with a far stricter 75-ppb Standard to address these known health concerns; AND

WHEREAS, Central Texans increasingly are demanding alternatives to clogged streets and highways to address mobility and quality of life issues; AND

WHEREAS, public transportation produces 95% less carbon monoxide and nearly half as much carbon dioxide and NO<sub>x</sub> than traditional transportation options, removing literally tens of thousands of tons of pollutants from the air each year; AND

WHEREAS, it is recognized that although Austin is the economic hub of Central Texas, all regional communities are connected and can impact the region's air quality; AND

WHEREAS, Capital Metro's MetroRail system is a great first step in addressing regional public transit needs, more must be done to keep our air clean and our quality of life high; AND

WHEREAS, Leander Mayor Cowman recently call for a Regional Transit Referendum to address Central Texas' 25-year transportation needs;

NOW, THEREFORE, BE IT RESOLVED, that the City of Austin Environmental Board urges City Council to work with regional entities to develop a long-term regional transit plan that includes:

1. A regional bond program to create and maintain a downtown Austin transit system
2. The use of existing rail lines to add commuter rail from Elgin/Manor to Austin
3. The use of the MoKan Right-of-Way to build a commuter link between Georgetown/Round Rock and Austin
4. Planning for the Buda/Kyle corridor as well as Oak Hill and beyond, connecting ultimately with San Marcos, New Braunfels, and San Antonio.

**ADOPTED:** November 19, 2008

**ATTEST:**

A handwritten signature in black ink, appearing to read "D. Anderson", followed by the letters "P.E." in a smaller, handwritten font.

David J. Anderson, PE, CFM  
Environmental Board Chair