

Open Space, Environment, and Sustainability Committee Meeting Transcript – 1/27/2016

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[2:06:39 PM]

>> Pool: It's 2:05 P.M., I'm Leslie pool, councilmember district 7 and chair of the open space, environment and sustainability committee. I'm calling this meeting of Wednesday, January 27, 2016 to order at 2:05 P.M. And we're here at city hall on west second street. And I have a quorum with vice-chair Delia Garza and councilmember don Zimmerman and I believe that mayor pro tem tovo will be joining us at some point. Welcome, everyone. I will entertain a motion to approve the minutes. Moved by vice-chair Garza. Thank you. And seconded by councilmember Zimmerman. All those in favor? That is unanimous on the dais with mayor pro tem tovo absent. We have citizens communication. First five speakers signed up will have three minutes for concerns. Would you be able to help us with the timing on the speakers? Okay, great, thank you. Looks like I have two speakers for citizens communication, and it's Scott Johnson first. Welcome, Scott. And Richard hallpin will be up next. Afternoon, Scott. How are you?

>> [Inaudible - no mic].

>> Pool: Glad to see you.

>> Test, one two. Good afternoon, councilmembers and members of the boards and commissions system. Starting in 2008-2009 there was an effort that was led by poder's Susana Almanza to focus some attention on a foundry that's right across from Zavala elementary.

[2:08:43 PM]

In 2011 there wasn't much momentum with that issue, so I got involved and shepherded some resources from the tceq and E.P.A. To discuss it. Since then I reached out for Susana as well as former councilmember Martinez and Eddie Rodriguez and we talked to the tceq or they talked to the tceq more directly to say while there's a monitor on the southside across from pure castings, there's not one on the northside and the wind changes during the season and we need to try to capture as much data as possible. To our surprise they agreed to install a new monitor which was in for awhile and deactivated late last year. Those readings did not reach the level that we would consider hazardous for the national standard for particulate matter, 2.5 microns or smaller. But there is still a foundry there. In my opinion it's still emitting toxic air pollute ants that at least in some way are impacting the people that live nearby. I'm not one of those people. When I was out there recently I noted that the monitor still on top - if you will look straight ahead that box is an air quality monitor that the tceq put in place in 2009. It's still working and reading daily inputs or out puts. There was another one on the northside of fifth street that was deactivated recently. Particulate matter, which I'm very glad you're talking about today, is a more urgent health issue than ozone. Ozone is and can be at levels that are as high as we had them or

particularly higher than they have in developing countries. And I wanted to bring this to your attention. I don't think this is an actual item for the short-term, but what I do know is that about a year ago the city of Lockhart gave a development incentive package for pure castings to move there, but they're still there and I'm trying to track down what happened?

[2:10:54 PM]

Did they say no or are they still in negotiations? Questions?

>> Pool: Thank you, Scott. Are there any questions? Mayor pro tem tovo?

>> Tovo: Just the same question you had. I was trying to quickly find it. I thought I heard rumors that were moving as well and there had been a sale. That's unsubstantiated, I guess. You don't have any further information about whether they're relocating?

>> Correct. Attempts by people that are in a better position than me to contact the general manager at pure castings, those calls were not returned when we were working on this second monitor project. So what I did is I contacted the Lockhart paper, newspaper, to try to find out the reporter that reported on that development incentive package, if they had more information, but my email has not been returned. So if that happens, then the community around pure castings I believe will benefit. And Eddie Rodriguez lives in that area and still lives in east Austin and was passionate about it and helps us greatly to get that moving forward.

>> Tovo: Thank you for all your work on that. Hope we see a good resolution there.

>> Pool: Thanks so much for coming today. Mr. Halpin. Richard Halpin. Good afternoon. Welcome. You have three minutes.

>> Hello councilmembers. My name is Richard Halpin, I am a successful Austin community activist and social entrepreneur. I'm committed like you are to a liveable, thrivable Austin environment. Councilmembers and committee members, I want to visit with you today because your mandate is so very big. Most if not all of the areas you have been asked to protect and defend are under assault by the dynamics of the fast-growing city that we live in. When I looked at your scope of work and I thought about the outstanding quality of people in our community I thought there was much opportunity here for innovation.

[2:13:04 PM]

Creative problem solving and breakthroughs for a liveable city, a thriving city. You have already pioneered this essential path. Your climate protection plan, zero waste initiatives and other directives have people and departments starting to work together in ways they never have done before. It's brilliant. More people need to know about this critical council committee and your vital work. So with a city that has more private sector patents than any other city in Texas, is there room in your solution-finding vision that you might invite more community members to collaborate on public-private solution generation? One option could be what if your committee teamed up with a posse of wealthy donors who put up challenge grants, rewards or whatever you want to call them for coming up with doable, scalable environmental problem-solving initiatives and innovations. Austin already has a unique 100,000-dollar reward for the most innovative Austin non-profit organization. What would be an example of the things your group might consider? Let's say that the dramatically increasing the number of combustion vehicles on our roads could be somebody who comes up with an idea on how Austin could become the electric capital vehicle of the U.S.A. And your public-private partnership posse wants to fund that? Other another case let's say you have research presented to you today, for example, by your special matter expert today that makes you want to put out the call for innovative solutions to tail pipe poisoning. Your financial posse provides the incentive to underwrite those solutions. I think you get

the idea. We will face ever increasing climate change challenges, environmental disasters and other profound challenges that will come under your purview. Would it be a helpful idea to reach out to folks who have earned their fortunes here in Austin and invite them to partner with you or a subset of your team to share their wealth and their skills so all of our Austin has a proactive chance for a better fortune in our city's future?

[2:15:16 PM]

Obviously this open spaces posse for innovative environmental solutions would take thinking through and evaluating from this little idea of seed a mighty oak of solution might come. Buzz. Perhaps you have never been more challenged and more rich with folks who want to be part of solutions for the challenges we will face. Thank you for your time and attention today and all you do for our city.

>> Pool: Thank you, Mr. Halpin. I appreciate your work as there. Were there any questions for Mr. Halpin? Councilmember Zimmerman.

>> Zimmerman: Thank you, Mr. Halpin. Not really a question, but more of a comment. I mean, I think we agree that I think city government is trying to do too much, the scope of what we're trying to do is just way too much, but what frustrates me more than that is mutually exclusive choices. So we have an affordability problem in the city. Everybody acknowledges that, but then we have on our agenda that's coming up later, we're going to be talking about new parkland dedication, fees, policy, what have you. Everybody likes parkland. Nobody is against parkland. But it's expensive. So you get to pick one top priority, either your top priority is affordability or your top priority it is more open space and parks. Pick one. And if we pretend we can do, it's pretentious. We can't. It's either going to be affordability or it's going to be fill in the blank.

>> Well, we think you have to have a lot of priorities, councilmember. You can't do it that way. I sat in this room many a time in downtown commission and said to people who wanted to build down here, build these big hi-rises, what kind of contribution will you be making to parkland or parks? I think there's more than one way to skin this cat.

>> Pool: I thank you so much, Mr. Halpin, for your comments today. And I want to welcome chair Rivera, representing the parks board and chair Maxwell, who is here, but stepped away, representing the environmental commission.

[2:17:25 PM]

The next item on our agenda, discussion and recommendation on policies regarding the renaming of city facilities. And I have two -- I have one speaker, Nina Sealy. Nina, would you like to speak first or would you like to hear the staff presentation?

>> [Inaudible - no mic].

>> Pool: Why don't we go ahead and hear from the staff. Does that sound good? Thank you.

>> Afternoon, councilmembers, mayor pro tem. Board member Rivera. I'm [indiscernible] With the parks and recreation department. Today I'll be presenting code amendments to the existing park facility naming ordinance. As you can see on this slide here we are proposing four amendments in total. These amendments include amendment number 1, which is the establishment of a new parking naming section. Currently park falls under the section of the code that pertains to the naming of all public facilities. Excludes police facilities because they have their own criteria. This amendment will create a new section that would only apply to our facilities. Amendment number 2 proposes to refocus the type of facilities that can be named and instead encourage of honoring of individuals by focusing on naming --

>> Pool: Could you speak up a little bit or maybe lean into the mic? It's a little hard to hear. Thanks.

>> Sure. So amendment number 2 proposes to refocus the type of facilities that can be named and

instead encourage honoring of individuals by focusing on naming features, not park facilities.

[2:19:29 PM]

Later in my presentation I'll share how we define park facilities and park features. Amendment number 3 would propose a new park-naming policy changes to establish a set of minimum requirements to qualify. Later in my presentation I will get into later detail as to what those are as we go over those one by one. Amendment number 4 attempts to establish a procedures section for naming park features. Currently the existing code only provides limiting language about naming a feature. This amendment would hopefully establish some steps and some direction and criteria. As you can see here, amendment number 1 is to establish a new section of the code for us and this would be section 14136. This can be found on the backup materials that were handed out to you right now, which is the draft ordinance. This can be found on page 5. Essentially this amendment will create a new section that would only apply to our department again and to only our facilities. The amendments are shown in the Orange text so it makes it a little easier for you to follow. Amendment number 2 defines what a park facility and park feature is and attempts to specify the types of facilities that can be named. So if you look at number 1 park facility it goes into great detail as to what our facility is and those are the eligible facilities to be named. Park feature obviously is -- means that it's a recreational improvement and it is not considered a park facility, but is a component of a park. So for instance, the photo in the lower left corner, which is a photo of Bartholomew pool, is considered a park facility.

[2:21:33 PM]

The photo in the lower right corner is a pavilion that is located at chestnut pocket park. The center photo is a photo of the supporting columns of that very pavilion and you can see where a plaque was integrated into that construction so that it honors the local leaders. And that's a way that the department I think would like to focus honoring individuals who have made a contribution or available, you know, to the community in other words. So that's what we'd like to focus on. Code amendment number 3, which is code section 14137 proposes some changes to the naming policy that we currently have right now. So if you look at bullet a, the text shown in black is existing language and it speaks to naming features with a plaque. What we are proposing in Orange is the additional number of plaques and multiple plaques at one feature. So it gives the opportunity for more than one individual to be honored acknowledging their contributions to that particular feature in the park. Right now the language only speaks to just one plaque. This would allow multiple plaques. It also adds language that says that the plaques with only be removed should that feature be repurposed into another recreational feature. So that's what that speaks to. Bullet B establishes new minimum criteria by naming a park facility. It would require a person to be deceased for a minimum of two years, except in cases of a significant land donation, development and maintenance of a park.

[2:23:37 PM]

It would also implement in the application of sign implementation, which we currently did not require, so we do not recoup any of the associated costs with the fabrication of the sign, the installation, the materials that's used or the staff time that it takes to administer the approval process for naming a facility. This amendment would also add a requirement for engaging community support -- gauging community support for an application maybe by a signature list or letters of support. Currently or code doesn't require that, doesn't even speak to it. We would like to add this language in there to kind of encourage that, and they can submit that to the staff when they submit the application. So when it goes

through the approval process the boards, committees and council can see that information. Code amendment number 4, which is code -- section 14138, this section attempts to establish a procedures section for park -- for naming park features. Currently the existing code does not really elaborate much on it. It's a very, very vague, short paragraph. It's very limiting so we wanted this amendment to establish some criteria, some clear direction as to how to name a park feature and who has the authority to approve that. Currently in the code the director has the authority to approve in the naming of a feature. It doesn't require coming to the council for approval. That would remain the same but we just wanted to add some more meat, if you will, so that people clearly understand that they're having to submit background information on the individual, how they're tied to that particular feature, what kind of contributions did they make?

[2:25:42 PM]

So we wanted to kind of add a little more detail to that section of the existing code. As you can see here we've presented to the land and facilities committee starting back in October of 2015, we had two meetings with the committee where we hashed out a lot of the existing code and fleshed out what we thought was going to be beneficial to the amendments and addressing some of the challenges that the department had been facing as well as the board and the council when applications have been submitted. So we spent significant time working through that and the committee obviously approved it unanimously. We then went before the full board in December of last year. And they as well reviewed it and approved it unanimously today obviously we're here and bringing it before this body to gain some input and your feedback and the hope is that then we can eventually move on to council for final approval?

>> Pool: Thank you very much for that excellent presentation. We have the chair of the parks board here, Dr. Rivera. Is there anything you would like to add to the discussion?

>> No. I just want to say amen to what Greg has already presented to you. We did spend a lot of time both in the land and facilities committee and at the board discussing some of the very specific sorts of cases that we have had to deal with and bring forward to the council and how we wanted to set up guidelines to make it so we wouldn't be constantly trying to split the baby in half. So we hope and believe that we have helped staff to present to you a document that will help us move forward in a way that is more open meetings act and direct to all the citizens of the community who might wish to have a park or facility named in someone else's honor.

[2:27:45 PM]

So thank you.

>> Garza: Is there a difference in facility versus feature?

>> Yes, I'm sorry. If you look on page 5 of your draft ordinance, if you look at that on page 5, it's at the very top, and it specifically lays out some payments and there are examples to go -- there are some facilities and there are examples to go by.

>> Garza: So if a soccer field would be a facility?

>> It's a feature. A basketball court, tennis court. That would be a feature?

>> Garza: So for the park-naming policy, B lays out who folks -- who it can be named for. And my assumption is, you know, we delineate deceased versus living by, you know, a person who made a valuable contribution, creditable service, you know, we do that. We say that to honor of someone who is deceased, but we allow it to be named after a living individual if they have donated money.

>> If they have donated land and the money to construct the cost of the park itself, and in addition to that the two-year maintenance of the park. So it's not necessarily just funding that they give to the

department. They actually have to fund a portion of that development and they also have to maintain that facility.

>> Garza: And also wealth.

[2:29:46 PM]

I see a bit of an issue here. Gus Garcia recreation center wouldn't be named that because of this ordinance and he's a big figure in the hispanic community. So I'm probably going to be bringing an amendment to, I don't know, somehow fix that because we saw a presentation and -- by rider Robinson how the majority of wealth is by anglos. I see an equity issue with that.

>> This is just a working document. It went through the land facilities department twice and the land board once. We crafted this and had input from the law department. So what I bring forward to you today is not set in stone by any means. It's something that is still open to some additional input. And if you feel there's some language that needs to be tweaked in there. I want you to know it's not final.

>> Garza: I saw the time limit and thought it was coming before the council right after this.

>> No. I put that in there if this body felt it was appropriate to move forward, I wanted to lay out that that's the timetable, but if it needs to be fleshed out, it can be more.

>> Pool: And we can always amend from the dais, but it's nicer I think for everyone if we have more time to see what recommended changes are.

>> Zimmerman: To that point I heard --

>> Pool: I think we had a question over here.

>> Zimmerman: I had a question. I thought it was your intention this was ready to go to the council and then you said it was a working document. Is it ready to go to the council?

>> This is ready and drafted by the law didn't. If this body felt it was -- we could move it forward to the council and the council could then --

[2:31:46 PM]

>> Zimmerman: If we do have objections it's just a working document and a work in progress.

>> Right.

>> Pool: The way we of course can handle it here, councilmember Zimmerman, we can make adjustments to it. It's only a recommendation coming from this body. And if anyone sitting here wants to offer up some suggested language, we can do that today?

>> That was a big issue for us as a board. We didn't like the idea of a person getting to name a park by donating things and yet the parks department has had cases where we wouldn't have the parkland if there were no way of recognizing an individual who made a donation. And so we accepted that reality check as something that, okay, we need to have a way of putting it in. And so the language that staff put in was a suggestion to deal with that kind of situation. But we also don't -- were concerned about the whole equity issue. So this has been approved by legal if you are comfortable going with it, but if you wish to make amendments then you also get to do that. This is just our recommendation going forward. Thank you.

>> Pool: Mayor pro tem?

>> Tovo: Yeah, I appreciate the comments on this point. So will there be opportunities to name facilities or features after living people other than b-2. Features, but not facilities.

>> Features, yes. Features can be named after a living individual.

[2:33:52 PM]

The facilities, the only way a facility would be named after a living individual is if they deeded the land and [indiscernible].

>> Tovo: And does that also avoid the situation where we have people coming in with big donations and wanting to name facilities after themselves? That is on land that they have not donated? That is not possible.

>> That is not possible because the criteria here in the policy says you have to deed the land to us. If we already own the park and they come in and say they have a million dollars and they want to name it after themselves, we have to look at them and say it can't be done. It doesn't fit the criteria.

>> Tovo: That was my reading. I just wanted to make sure.

>> That's why we worded it that way. We had that very discussion at the committee level with board member Rivera and we spent a lot of time with that. So that's why we worded it that way.

>> Tovo: Okay, thank you. So.

>> Pool: A couple more questions that occurred to me. Someone who wishes to name a park and has the money or owns the land to deed it, that park could be named after someone other than that person, is that right? So say you had -- you had the land, Mr. Montez, and you wanted to donate it to the city as a park, but you wanted to name it after director Hensley. I'm just creating a possibility here.

[Laughter] Under this criteria there's nothing to say that you couldn't do that, right? You could name it after someone or ask that it be named in honor of someone else?

>> Yeah. I believe that the language here does not prohibit that. But I also wanted to remind this committee that, you know, all naming applications for facilities will go before the council. So the council has the ultimate authority. And it's also in this amendment that the council has the ability to enact other procedures, methods to name something.

[2:36:01 PM]

So the final authority doesn't lay with us. So if someone comes in and wants to name it after director Hensley, they could move forward with that. It doesn't prohibit that, but the council could also say we don't recommend that. We would prefer it named after Greg.

>> Pool: Do we also have -- I think it's silent on the topic of a corporation. How would a corporation be treated under this amendment? If a corporation -- Oracle, let's say they purchased some land recently and let's say they wanted to have a park. Could they name it Oracle park?

>> Well, the language, if you look at B 2, says a person or entity. It depends on how you look at entity. It could be a private entity or public entity like Oracle. So again, if it meets the intent here it can go through the process, but facilities gets to weigh in and it's open to the public, it goes before the park board and that's a public hearing as well. And then it goes to the council. So there are three stops along the way of that approval process to where they get to, you know, get some feedback or denial by the council.

>> Pool: Okay. Thank you. Yes, vice-chair Garza?

>> Garza: Has there been a problem with -- I heard chair Rivera say that there wasn't a mechanism in place now that allowed some somebody was to deed some property to the city there wasn't a mechanism that allowed us to name that after them. Did that come up with -- why was entity put in there?

>> I think that was actually something that just kind of came out in the meetings that we had. You know, if that was taken out, I don't know that the department would have a huge issue with that. I don't know that the -- and board member Rivera can speak to that. I don't know that the board would have an issue with that. I think that was just something that came out when we were fleshing this out.

[2:38:06 PM]

>> If I could address that, chair? What we were thinking -- entity in that case was not a big corporation, but something like the so and so tennis organization and they raised funds to purchase lands and donate that to the city. That kind of thing.

>> Pool: Is that anywhere in the intent? Do you have -- I suppose you have minutes from your meetings with the parks board and the subcommittees that reviewed this and the meetings maybe with staff. Was any of that memorialized? And essentially what I would call slated intent that could be gone back for us to study? Someone asked the question 20 years from now could they go back %-@and find out what the thinking was on these various questions?

>> We have audio recordings of our meetings. We do that at the committee level, at the land facilities. We also do that at the park board. That discussion is of public record.

>> Pool: Councilmember Zimmerman.

>> Zimmerman: I do have a question here on amendment 3. I don't see a page number, but on amendment 3, 14-1-37, point number E, the applicant must contain documentation of public support. Is there anything that details what that means? What is public support? Is it a petition drive and if so would it be a certain number percentage of signatures for the immediate community?

>> We left it general, but in my presentation I mentioned that a signature list is something that helps. We've done letters of support which have been also submitted to the staff. What we wanted to do was actually add the text in the ordinance because currently right now on the books it doesn't exist so we wanted to actually mention that to encourage that so that it makes your jobs easier as councilmembers -- commitment I wanted to know if there was something -- you might have something interesting on one.

>> Pool: Mr. Zimmerman -- feel free.

[2:40:06 PM]

>> I wanted to mention that was the intent was to just add the language to it. Signature lists, letters of support or any other methods that they feel is appropriate to be submitted with the application so that when it goes through the approval process, the land facilities board and councilmembers can see that information and say okay, there's some good support for this and they can gauge that when weighing in on their application.

>> Zimmerman: Would you have an objection to go ahead and codify and say the public support would look like, you know, a petition drive? That way it would be objective. It wouldn't just be subjective. Maybe it is, maybe it isn't, maybe it would be five signatures, maybe it's a thousand. If we could make an objective then everybody would know that it's not arbitrary.

>> Could I speak to that? At one point we did have it written that way and we had -- I'm going to make up the Numbers because I don't remember. That if it were for a certain type of naming you would have to have 50% of all the people within 500 feet of the facility and all that sort of thing. But it became a situation that some of us felt would not be necessarily fair. Let's say a person with a disability, and you are trying to reach out to the disability community, requiring a certain number of feet from the facility itself may not be the appropriate kind of people to be providing support. We had a lot of discussion about the whole thing of codifying it to a very specific number. So we were just concerned that we not be overly prescriptive.

-- Prescriptive.

>> Zimmerman: But if you're underprescriptive then it becomes arbitrary. If the rules aren't defined, you rename a park and park feature in this situation, but you didn't do it in that one, then you get hit with accusations of unfairness and a different standard for each situation.

>> Pool: I think I understand the concern that you're raising. I'd like to draw a distinction between the broad policy document, which is the ordinance, which is what we're talking about, and then operating procedures, which are by very definition the documents and the procedural documents that each department has that are probably fairly dense and thick and many pages that go to address that level of detail, which I feel sure that if they haven't been written, you will be including them.

[2:42:29 PM]

>> Councilmember Zimmerman, going back to your point of kind of getting more specific. I think board member Rivera touched on this a little bit. We did discuss certain areas that would be required to supply a certain number of signatures, but to verify that would be very time-consuming for staff and we felt that if we could just generalize it and say -- just provide some sort of documentation showing support, then the approval process that this application would go before would then put out whether that was enough support or not. And those bodies could recommend or not recommend to ultimately the council whether they felt it was, you know, supported enough.

>> Again, when you provide us some rules, and everybody knows what it is. There's an objective standard and everybody knows if you get 20% signatures in your neighborhood, whatever it might be, then it's objective and it can be fairly applied to every neighborhood. And then there's no question of favoritism and changing the rules. I want to go back quickly to on the same page point number B, item 2. This is what we were talking about naming it after a living person. I actually think this is a very sensible policy and I support that the way you've written it. I think it makes perfect sense.

>> Are you referring to B two?

>> Zimmerman: Yes. I think that's reasonable. And I think that a person who donates a piece of land would be credited with that donation to have the park named after them because they voluntarily donated it. What I think is completely unfair is to pass a law to force people to give up property and then name it for people who didn't give the property. That's unfair in my book. To force one group to give it up and then give the credit-naming rights to someone else. That's patently unfair.

[2:44:29 PM]

Final point on number a here, to distinguish again we have park features, it says here at the end of paragraph a, a park feature can be done add administratively without city council approval. So the park itself would go through city council, park features would not.

>> That exists today on the books.

>> Zimmerman: Okay, thank you.

>> Garza: Just to follow up. I guess I want to propose an amendment and that would be -- I don't think this changes. I think we were trying to change a mechanism for somebody who hasn't contributed in any way to the park system aside from the fact that they are deeding land or whatever else. So I would propose an amendment that changes the B section to a person who has a valuable contribution to the park system and the city or an individual or entity that -- and then the rest would be my motion.

>> So you propose to take out deceased in B 1?

>> Garza: Take out deceased in B 1 and also take out all the way from only all the way to individual and then again the last sentence, and has been deceased for a minimum of two -- deceased for a minimum of two years. Or just take out a living or an individual or entity that deeds the land to the city.

>> Take out living.

>> Yes.

>> Pool: Is there a second? Thinking about it.

>> Tovo: I'll second that. Though I think -- I feel like we maybe have had this conversation.

[2:46:31 PM]

I don't know. Six months? There was some point where we were having this discussion about naming and providing feedback and I think we actually provided the feedback that may be doing what I think the library does in terms of naming, which is to only use the names of deceased individuals. Anyway, I think that we may have provided in some forum feedback that we wanted to just name things after deceased individuals and I believe that's the library's practice. And so I'm not -- I'm inclined to support this for the reason you suggest, councilmember Garza, but I guess I would like to hear from our parks chair because I'm pretty sure that that was a subject of discussion as well, whether to restrict those naming opportunities to individuals who are deceased. And the rationale that I've heard offered is that sometimes living individuals go on to do things that then result in the council and other people getting emails asking them to change the name. So that is certainly an experience we've had happen as well.

>> That was a consideration. Could I defer to the director on this?

>> Sarah Hensley, director of parks and recreation. That is the case. And from a staff perspective I think we're torn too because I think that obviously some of the most significant namings I think of Dolores Duffy recreation center, Gus Garcia, are certainly worthy of what they've been named. So not allowing that I think would take away from what this city is all about. On the other hand, I think -- I think maybe we as staff can do that. There have been, I think as you all know, proposals to name buildings or parks avids that didn't make a huge contribution, but then -- or was only significant to a certain group of people and that was hard for the staff because we have to justify why can't you name this small park here after my family who did do something.

[2:48:46 PM]

I think somehow there has to be a way because I can think of some significant areas that, again, just recently not too long ago we named the Dolores Duffy recreation center and it was the rosewood center. But -- and I didn't know all of her history until I devil into it more, you -- definitelied into it more, but what significant achievements she's made. And the same thing with Gus Garcia. And Jane could see that I think good decisions are made and a lot of good dialogue in the land and facilities. They're doing great work. The parks board is doing great work. That comes through with a recommendation and ultimately council's decision. I think then it can be sort of controlled and I think that's the way to do it.

>> Mayor pro tem, I see the concern. What I'm just trying to get is it should be standard. So if we're going to say a deceased individual who contributed, then if you deed your land -- this is going to sound kind of funny, who also has to be deceased, then everybody should have to be deceased. That should be the rule across the board and you've either contributed significantly to the city or you've deeded the land. I don't know. I don't know how that's not more of an issue for folks.

>> In that case I was going to give you an example because you asked the question before. I can remember not too long ago a family wanting to deed some land, some significant land to us and we needed it. It was in a deficit area. And they just asked that we name that land after that family's mother. And Junie plumber worked with us on that. And of course we accepted that as an opportunity because we wanted to have that piece of land. They owned it. It was worth a lot of money in return. So she happened to be, I believe, deceased at the time, but we've had some cases where that hasn't been the case. And so if it is consistent then that would not be easy for us if we -- if approximate everyone had to be deceased.

[2:50:47 PM]

>> Mayor pro tem?

>> Tovo: Councilmember Garza, I think you concluded your remarks but saying you're not sure why it's not more of an issue for other people. I didn't say it wasn't an issue, I said -- I believe we circled around this particular point and in doing so are actually reversing what I think was some feedback we gave to the parks department before. I think it's worth spending time on and considering. You know, I'm comfortable moving forward with that. I can see the reasons that have been offered and I concur with our director that we'll make the decisions on how it's named. Actually, I was at Mrs. Duffy's, at the naming celebration and have been at other naming celebrations for people there who are celebrating the renaming of a facility, like an elementary school. And there's real honor while people are living too. I do support that change, but while we're reversing contradictory advice I think we should spend some time whether we planned it at the right place.

>> Pool: So where are we then with this --

>> Garza: If the board is more comfortable, -- I don't know. My understanding is we wanted to move this out of committee. I'm not married to this amendment if the board is not comfortable with it. I guess the concern about what if an living individual goes on and does something horrible and then we have a facility, I think that's an easy fix. We add a line here that says that, if something's named after somebody and they go off and do something horrible, the council has discretion to take that name away. There are people concerned about the lance Armstrong bikeway.

>> There is a line in here that talks about the facility if it's named for an individual cannot be renamed.

[2:52:51 PM]

But I assume like any other piece of an ordinance we always have the opportunity to wave that. So I think we're covered. I think we would just waive that provision and rename a facility if we chose to do that. I'm completely comfortable. I don't agree that making them consistent could create problems for that fee. Let me just say I think it's good to have a policy on the books that makes it really clear that if you donate a lot of money to the parks department you don't get a facility named after you. That's not the way we make our decisions. And I think it's important to have that message out there in the public: If you're donating some of your land, there is a different consideration, but I hope too it would be done in the spirit that we're naming our facilities after people in the community who represent values that we stand true to as a city.

>> Mayor pro tem, can I make a clarification? The comment you made about the facility cannot be renamed, that was actually removed so that it would make it a little easier -- because that was prohibiting that if it was named after someone that it could never be removed.

>> Tovo: I still see it under 14-1-32-c --

>> Do you know what? I think you're looking at the existing code. If you look at page 5 that's where the changes are. I did that in case you wanted to jump back and forth and refer to the existing two proposed. So if you go to page 5, which is 136, that's the new ordinance.

>> Tovo: So there is no longer a 14-1-32?

>> That will remain, but that will apply to all other city departments that follow that process. What we are doing is separating ourselves out of that.

>> Tovo: I'm sorry, I understand what you're saying now. Gotcha.

>> We're not touching it. We're going to leave it because --

>> Tovo: You wouldn't even need to waive a policy. We can rename it at our will.

>> But for parks we would separate ourselves from that section and remove that one line where it says it cannot be renamed.

[2:54:57 PM]

We are removing that so that you have the ability to rename a park facility if you felt it was necessary to do so.

>> Pool: Is there any other conversation on the amendment that vice-chair Garza has offered? I guess we need a second. Mayor pro tem? With the mayor pro tem seconding.

>> Zimmerman: I just have one comment. I'm still not completely sure how the amendment improves what's here. I think what's here makes sense. The only thing, my concern is that the terms are not defined. It says -- is there any definition of valuable? Valuable contribution and creditable service. Is there some definition of what that is or some way to objectly --

>> The current code doesn't define that and we didn't attempt to try to define that here. We felt that if we were subjective about it, we might leave something off. And if someone provides that valuable contribution it's not on the grocery list of things, then they're kind of left out in the cold and we didn't want to do that. We left it as it is in the current code.

>> Zimmerman: That's more my concern is it's just -- it's too subjective. And what happens when you have things that are subjective it leads to political controversy when it's subjective.

>> Pool: All right. I'll call a vote then for the amendment that has been offered by councilmember Garza. All those in favor? Any opposed?

>> Zimmerman: Opposed.

>> Pool: So three for and one against. Mr. Zimmerman against. And then now we need to have a motion -- I'll entertain a motion to move the entire document on the recommendation with amendment to council.

>> Councilmember pool, would it be possible to get the language so that we make sure we articulate exactly --

>> Pool: I'll entertain a motion?

[2:56:58 PM]

All right. Mayor pro tem moves that we send this recommended -- this proposed ordinance with amendment by vice-chair Garza to council for consideration. May I have a second? All right. Seconded by vice-chair Garza. Mr. Montez?

>> I wanted to point out that you did have citizen communication to speak on this item.

>> Pool: You're right. Thank you so much.

>> I didn't want to cut in, but I wanted to remind you.

>> Pool: Let's hold on the vote. And it's Nina sealy. Ms. Sealy, welcome. And I apologize for overlooking.

>> You are just fine. Good afternoon, council, and board. I'm Nina sealy, the executive director of the Umlauf sculpture garden and museum. Thank you for your time today. We met with Gregory Montez with pard to discuss the intent of this proposed ordinance on parkland naming. We want to confirm with city council and staff that it is your understanding that the Umlauf sculpture garden and museum, a private-public partnership operating with a current parkland improvement m&o agreement, which was approved by the mayor and city council on September 30th, 2014, is not subject to the new policy changes within the proposed ordinance. Provision 14-1-33-I within the current city code and 14-1-'39-I within the proposed ordinance applies to the Umlauf sculpture garden and museum as well as other third-party entities with parkland improvement agreements. We respectfully ask council to consider adding language to 14-1-139-1, providing clarification this provision applies to third-party entities with the public-private parkland agreement. Language to be considered simply could be revised to say, if a facility is partially funded by another entity, including entities with public-private partnership agreements, the council shall consider that entity's concern in naming the facility.

[2:59:17 PM]

We thank you for your time in considering the language to clarify that any entity such as the Umlauf sculpture garden and museum would not be subject to the proposed new language in the naming rights ordinance.

>> Pool: Thank you, Ms. Sealy for bringing up that point. Help me understand, the Umlauf gardens, I was under the impression that that land had been in the Umlauf family and they had deeded it to the city.

>> 1985.

>> Pool: Right. So it had been named for Mr. Umlauf and it houses his sculpture for that very purpose. It feels like that is really aligned well with the -- all of the elements of this new ordinance because it would be land owned by a particular person and deeded to the city and then named after that person because that person has made that gift to the city.

>> Well, so as we are entering by the end of September, we will be presenting a 15-year broad plan for what we will be doing with the eight acres, the home and studio of Charles Umlauf, and everything on that property. It will be a 15-year broad plan with everything on that property. If we add a feature, an education facility, facility, for example, would we be able to name that under someone that gave money for that facility? Yes, it sounds like we would, absolutely. Because we're not managed and operated by the city. We want to ask that you expand that provision right there, to say it would be any organization that has a current public-private partnership agreement with the city. That you would add that consideration.

>> Tovo: Colleagues any questions or thoughts.

>> Zimmerman: This is what I was alluding to earlier.

>> Tovo: Mr. Zimmerman.

>> Zimmerman: I was alluding to earlier.

[3:01:17 PM]

It might send the message you can donate the parkland, politicians can come back and say, you know what, there is somebody else more important to name the park after. Wouldn't that have a chilling effect on people's willingness to donate land to the city if they had no assurance it wasn't going to be taken out of the family name and given to someone else.

>> Excuse me. But to your point, this would never change the name of the Umlauf sculpture garden or facility. If we expand on that, we will do something over the next hundred years of that agreement to make this a really beautiful place for our community for future generations to enjoy.

>> Tovo: Mayor pro tem, do you have any --

>> Mayor pro tem, did you have thoughts.

>> Tovo: I have questions for the staff. Did you contemplate that arrangement and are there other facilities that could come and make the same request? I'm thinking of the Norwood house and other parkland -- other park land or facilities where we have public-private partnerships, could we find ourselves in a situation where we're receiving lots of requests to not rename -- to allow another group to rename pieces of those?

>> So with the private partnerships -- public-private partnerships that the city enters into, in the agreement Umlauf came to with the city, there is a small paragraph that talks about naming rights. In that language they worked on with the city law department and our department, it clearly states they have to, in writing, provide notice to our director. She will review that. And it also goes on to say that it shall comply with the policies of the city therein effect at the time.

[3:03:27 PM]

If the Umlauf group came together today and said we have an education building to be built, fully funded they would have to comply with what is on the books right now. And what the code currently says is the council has the ability to work with them to listen to their request and to either grant that or not. That language is in the agreement today, and in the code as it stands today. And it is in the proposed amendments. The new section we're proposing. So every group -- maybe -- think about the long center or the conservancy or other things we talk about today Zack Scott. Those agreements, I don't know by heart, but I'm sure there is language in those documents that speak to this. And when that was agreed to by council, that is the letter of the law, because in my mind, the council has already approved that. I think the agreements out there that exist today are probably different. They're not consistent, but we have to honor what that agreement says at the time that it was approved. The language that Nina had provided, I don't think concerns the department very much, because we know there is an agreement that the department was involved in crafting, and it was ultimately approved by the council. So we felt like the department was supported along with the good work that the Umlauf group is doing, so we felt like if there was language that was changed, it wasn't going to be any significant enough to cause alarm on our part. I can't speak on other agreements that are out there, because I don't have that in front of me, and I'm not familiar enough with them.

[3:05:30 PM]

>> Ms. Sealy, you were looking for the words "Including a public-private partnership" after the comment "By another entity." It is on the draft ordinance. It is I. Including a public-private partnership. I don't think it does any violence to the intent of and it does specifically call out a public-private partnership. I would -- let's see. If someone wants, I can pass the gavel and make the motion.

>> Zimmerman: I will make the motion.

>> Tovo: I'm sorry. I need somebody to read the language again.

>> Pool: It is I and in entirety the council may establish different criteria and procedures for the naming or renaming of a particular facility if a facility is partially funded by another entity, and then we would insert the words.

>> Including entities with public-private partnership agreements.

>> Pool: Then the council shall consider that entity suggestion for naming or renaming the facility.

>> That still gives the can be the ability to support that request or not.

>> Pool: It enumerates.

>> The final authority still lies with the council.

>> Pool: Do I have a second on that? Mayor pro tem seconds. We will still have staff, if this passes -- we agree to include this and send it on to council in the final recommendation. We'll still have the opportunity for our legal staff to look at this and just make sure that we're not by specifying one type of entity, that we're not inadvertently seeming to intend to exclude other types of entities.

>> Understood. When we made this recommendation, of course it is not really only for Umlauf, there are other organizations in the same time of private-public partnership that we want to ensure in this naming policy.

[3:07:33 PM]

>> Pool: There are other entities besides P 3s that are in agreements with the city. I don't want to inadvertently exclude them by specifying one thing and not another thing. That is the push and pull in legislation. Good. So are there any other comments on this? Chair Rivera, does it sound like it would track ok with the parks board.

>> It does.

>> Pool: Let's go ahead and vote this amendment and we'll come back to voting the entire ordinance with the two amendments that are offered. A vote on Mr. Zimmerman's amendment. All those in favor, aye. It looks like unanimous on the dais. Thank you. Ok. A motion now to adopt -- to recommend to council this proposed ordinance with the two amendments.

>> Sure.

>> Pool: Moved by vice chair Garza, mayor pro tem tovo. All those in favor, opposed.

>> Zimmerman: I'm going to obtain.

>> Pool: 3-4 and one abstention. Thank you for coming. We have a really nice presentation coming up real soon. And I also wanted to talk about park land dedication. Let's see if we can pick up the pace here a little bit. Consider and develop recommendations on the appointment of the three members of the joint sustainability committee. That is item 4. I have a member of the staff Lewis Laff is here from the office of sustainability if we need his good services. There were three names proposed for this, for nomination. Of course to be ratified by council at probably the February meeting. Probably February 4 would be the soonest we could get it to council.

[3:09:36 PM]

The three names were for the joint sustainability committee were Joe Meyer, Jim Walker, and Sabrina Santos-Joplin, j-o-p-l-i-n. I think you should have their vitas. I think you had an opportunity to look at those in advance. Is there a motion, discussion? Meyer, Jim Walker, and Sabrina Santos. Somebody want to make that motion?

>> Tovo: I would be glad to move approval or recommend to the full council those three commissioners.

>> Pool: Second? Seconded by councilmember Garza. All those in favor? With Mr. Zimmerman off the dais, that is unanimous. Thank you. Thanks for coming. Yes, we had three slots to fill. Item number five is parkland requirements. I will hear from the community first since I almost missed last time. So I have Francois Luca and Eric Goff to lead us off. I think I am going to ask you to limit your comments to two minutes, if I could. Because it looks like we have a number of other folks.

[3:11:36 PM]

So staff, you can stay there, but feel free Ms. Luca to use that mic. That should be on. Two minutes, please.

>> Sure. Thank you. My name is Francois Luca. I'm here as a private citizen, although I am the vice president of the Gracie Woods neighborhood association in district 7, and I do serve on the parks board. I'm here to speak in favor of the parkland dedication ordinance. I want to thank all the staff and all the volunteers who have worked on this ordinance to find balance and compromise toward our mutual goals of creating an awesome place to live, work and play. I support the ordinance as a first step and as a foundation for all of our planners and developers to design a safe, healthy, pleasant and fun urban space. However, I am concerned that this ordinance be applied equally regardless of who the landowner or developer is. As you know, some of the largest tracts of undeveloped property are owned by UT, the state and other public entities like Central Health. In today's paper there is a story about the mixed use campus in Brackenridge. The conceptual drawings are beautiful, there is not a single tree in the image. Studies have shown, pediatric Rick journal studies have shown that the -- pediatric -- pediatric journal studies have shown that parks are crucial to the health and well-being. I suggest we hold all of our landowners, developers, planners to the same standards that we are putting forth in the parkland dedication.

[3:13:37 PM]

Ordinance, regardless of who the owners are.

>> Pool: Thank you for coming Ms. Luca. Then Mr. Goff and Jeff Howard has two minutes donated to him by Ms. Fitch, who is also there. Mr. Goff welcome.

>> Good morning. Eric Goff, Fiora Ara, we are here in support of the ordinance. We think it needed a few minor tweaks. I want to talk about one of the things that I like about the ordinance that is drafted from staff. We don't want to put a conflict between providing abundant housing in the city and providing ekland parkland. The proposed 15% cap on the urban core is a great way to help strike that balance. This is based on the current amount of parkland and wildlife refugees in the city, including state land, county land, that all is treated as parks. And so this is liberally construed way to talk about what we have in the city into the future. The director has the ability to request this land for parks and recreation required if they're connecting to a trail and park deficient area, if it is appropriate based on the dedication requirements and the parkland operating procedures. By going to the land use commission, so I think this is a flexible requirement that makes sure that the land in the urban core doesn't conflict between providing housing and providing parks, the developers will still pay the fees for the difference between the calculated amount and the 15%.

[3:15:48 PM]

So if the formula would have required 85% of the land, then 70% would be in fees and up to 15% would be an onsite park based on the manual or appendix a. I think it is a good compromise and I hope you support it today in the council.

>> Pool: A question for you.

>> I want to be clear, you're supporting staff's recommendation.

>> Supporting staff recommendation with a few minor tweaks. I had a few minutes, so I wanted to talk about something I liked. There are other speakers that will address those issues. But in brief, there's one word that we would like to change. We think that an "And" should be changed to an "Or" so the director can choose whether or not to acquire land within more than six acres or always obligated. I think it is a mistake in drafting, possibly. And refer to the parkland operating procedures as the criteria for dedicating parkland. And then we support an additional ordinance that wouldn't reduce the developmental rights if you have onsite dedication. For example, if you have a six-acre site and park wants one acre, you can still develop as though you were developing the six acres, rather than five. It doesn't reduce the amount of housing that otherwise would have been there but for the onsite dedication.

>> Pool: Thank you, Mr. Goff, we have a lot of folks to get there. Thank you for coming.

>> I'm here representing vcrc, we have been told this does not affect the grove at shore creek, but it may affect other state properties in our parkland-deficient neighborhoods. Which we are deficient and need help. Just to give you an example, if today we're going to permit the growth under the current 15% cap, only 11 acres would be required.

[3:17:57 PM]

We were -- we are currently at about between 12 and 13 and we were advocating, per the new ordinance, if you look at the acres per population, it would bump that up to 24. You can see it goes from 24 to 11 with that cap. So in a deficient area, we think the cap needs to be revisited for deficient areas. It really does not provide for adequate parkland in the starved areas. The other problem is the timing, the first time that neighborhoods have been able to see the changes, what, two days ago, maybe? I have

been tracking the postings. Not enough time. I know you had groups, stakeholders, neighborhood associations were not part of that process. They're the ones that are the most impacted by these requirements. Just a last point, open and fair process. Kind of building on what I just said. Walking in today, I'd say that certain individuals have had a lot of influence in writing these amendments. Coming in the door, I heard park and rec representative saying basically, what do you want me to write in here? We don't need that last-second crafting of an ordinance. We need a fair process that includes the neighborhoods. We're going to advocate for postponing part of this, but letting critical parts move on. We need a postponement to look at certain elements of this further.

>> Pool: Thank you for coming down today, Todd.

>> Mr. Power, you have four fnts with a donation from Sheri Fitch.

>> Thank you, hopefully I won't use all that time. Thank you for taking up this important issue. As we stated on first reading, November 12, two and a half months ago.

[3:20:03 PM]

This is about so much more than parkland. It is in the land development code. Is applied at the land development applications. It is really a land use, land development impacting ordinance, it impacts density. One of the things we talked about and council talked about was not pitting density and good urban planning against parks but trying to find ways to make those work together. And so a coalition of organizations, Austin department housing, downtown housing association and rica. I am a past chair with rica and asked to help rica with this, has engaged both parks advocates, we had meetings with the trails foundation, parks foundation, parks conservancy, some parks board members, reach some broad consensus on concepts and then we started having a long dialogue with the park's department over how to implement those in ordinance form. We worked long and hard on it and came up with consensus changes. And so I want to thank Sarah hensly and her staff and everyone that is involved, it has been a lot of work and has resulted in a very good compromise consensus point. It is important to view all the changes as a package. And that if one item or two items come out of the package or get changed, it sort of changes, I think, the fundamental approach and how things Hoth -- hold together in balance between parks and urban planning. So with the package, the group of stakeholders I mentioned that I'm kind of here -- they've asked me to speak for all of them, can support the significant increase both in fees and a significant increase in the parkland dedication requirement.

[3:22:05 PM]

We're ready to do that. With the ordinance as proposed by pard. There were three clarifications we would like to see. One is -- I think is perhaps a drafting error. We can't seem to get consensus on how it is drafted and should be interpreted, but there is a prohibition on the director accepting fee in lieu of, if the parkland dedication requirement be six acres or more. What it says is the director can't even consider and can't even accept a fee in lieu, even if she wanted to, even if the property was next-door to the park had plenty of connection and no need for park to be required. The director couldn't accept fee if she wanted to. We wanted to clarify that so she had option to do so, if she wanted to. It would be her discretion and not the developer. Second is the pdf, that contains the --

>> Pool: Only naconia senty will know what you're talking about.

>> That is administrative rules adopted administratively. Those procedures, we just want it referenced in the ordinance that those procedures would be criteria that would be considered. Third item was this concept of including dedicated site lane area calculations. That is to develop parkland without sacrificing density or housing. We felt like that was a good balance.

[Beep] I will say any attempts to change the urban core percentage would not be supported by the

coalition of stakeholders that worked on this project.

[3:24:05 PM]

Any changes to the private parkland dedication, up to 100% would also not be accepted by the coalition of stakeholders that I mentioned. We would also like to retain the appeal process as well.

>> Pool: Thank you, Mr. Howard. I was just advised that the item number one that you were talking about. The typo. It is and-or flexibility. I believe that is something that is be adjusted. But Mr. Lloyd can help us with that. Ok? And I would also say the third item you were talking about, the site plan, that was a new item that I just found out about yesterday. That was not part of the broad concepts, as I understood them and the conversations I have had with the group of stakeholders that you represent with the parks advocates I met with and with pard. I'm not engaging in a debate with you, I just want to point out that is a new item. And I have not fully -- I have not had anytime, even to think about the ramifications of that. If you have any supporting documentation that you could provide, I have not had anyone meet with me on the changes. I look forward to that.

>> I did meet with Mrs. Bremsmy in your office. I did discuss it with pard and parks advocates. It has always been something on the table. It didn't get included in the drafts. Mr. Lloyd can speak to why. If we don't include this in this ordinance but we have a study of it.

>> Pool: I might support that as well. Do you need to speak to the and-or, the first item that Mr. Howard was -- I don't want to put you on the spot, but I will.

[3:26:06 PM]

Because you look like you're ready.

>> Assistant city attorney. You can put me on the spot.

>> Pool: Thank you.

>> Can I see the documents? You're asking about something in the staff report or in the first reading draft?

>> Pool: That is a question for Mr. Howard. He's talking about something new to me.

>> The words "And" and "Or" are used extensively.

>> Pool: I tell you what, why don't the two of you go ahead, talk about that offline. And meanwhile we'll continue with the hearing. So we don't delay. I'm cognizant of time.

>> Tovo: Let me ask a question chair, there have been a lot of different changes. List loading, some items put in, some not. Can we be clear what version we're talking about, January 25, 2016, is that the most recent?

>> That's correct.

>> Zimmerman: Do you have an extra copy?

>> Tovo: Am I understanding correctly the items agreed upon by the stakeholder group have been inserted -- they're on the staff report which has an updated date of -- is that an updated one?

>> Pool: Staff it would be helpful to have dates on your documents. This is a staff report review sheet. I don't know.

>> Tovo: Yours looks like mine.

>> Pool: I believe this is the most recent, it would be helpful to have dates on things.

>> As part of the backup -- I mean, part of the council backup.

>> Pool: We want to be talking about the same document.

[3:28:08 PM]

Mr. De Palma, rich Depalma, you are here. All right. He wanted to speak in favor and he was representing himself. Allison alter, are you here? After Allison is Chris Allen. Ms. Alter, thank you for coming. And welcome. You have two minutes.

>> Thank you. So I'm here representing myself, though I do sit on the parks board and I'm chair of the renovation committee for Ramsay Park and part of the steering committee for the Dose Dale neighborhood association. I have been participating in the Great Austin Park Coalition and a participant in some of the meetings with some of the other stakeholders talking on the part of the parks advocates. I want to speak today in favor of the ordinance, share rezoning -- reservations on the postponement. Every month we lose 350 thousand and 10 acres of parkland to be added to our system each and every month, based on the average of what -- average of what we have seen in the past. I'm chair of the Ramsay Park committee, the amount was roughly that amount. Each of you councilmembers could have in your district a new Ramsay Park if this passes. Every month we wait is one less Ramsay Park we have throughout the city. So I'm in favor of the ordinance. The first reading of the ordinance, staff has worked really hard. I think they have bent over backwards to accommodate concerns of the development community.

[3:30:10 PM]

And I think that doesn't have to mean that every single thing in the amendments has to be accepted as good policy. There are parts of it that I think are very good. There is a piece I want to call your attention to. That is in amendments 1 and 3 which define where this 15% cap on the dedicated parkland would apply. So there is this big, giant urban core map, which I want to call attention to and suggest this may be too long. And then I want to suggest that the amount of land should be capped, to which that 15% applies. I don't know if that was my buzzer.

>> Pool: It was. But you can finish your thought.

>> Sure. My thought is that we have an enormous number of unzoned areas over across the city, which are our last hope to get big blocks of parkland and parkland deficient areas. If the areas get developed or more developed and we do not get the dedicated parkland, the city cannot buy parkland -- [silence] [Audio skipping] And you will have a mess.

>> Pool: And I have a link to a parks deficiency map that I can send around to everybody in advance of tomorrow's meeting. It may be something that could be linked up on backup, maybe, Ricardo?

>> Sure.

>> Pool: If you can work with my staff, they can send you directly to the link I like. It is one of the deals, you can look at different parts of town and the areas where park deficiency are. It is an informative document when looked at for parks deficiency. You will be surprised to see the areas of our city that are parks -- I won't even characterize how great, but they're parks deficient. It is an eye-opener of the document.

>> If I could add that is parkland deficient before you add new development.

[3:32:14 PM]

The parkland is supposed to be taken care of in the new development and just making problems worse, if you don't accommodate it.

>> Pool: Thank you for coming. Mayor pro tem. Hold on one second.

>> Tovo: I want to make sure I understand your points. I think I heard you say, move forward without delay, but did I understand that you had concerns about amendments 1 and 3.

>> I have a concern about amendment 1 as far as the boundary of the map. That draws the map. And amendment 3 says 15% cap on land in the urban core which is defined in amendment 1.

>> Tovo: Uh-huh.

>> I would like to see the map changed or 15% -- have some limit to the parcel. 75-acre site versus six-acre site the implications are different for how we grow as a city.

>> Tovo: If I am extrapolating from your comments, you would be ok with the map in one, as long as that square footage applies.

>> We're talking in acreage.

>> Tovo: Got it.

>> Zimmerman: Thank you, and congratulations. Thank you, because you mentioned a figure of 350,000. Congratulations, because you're the first person that has come up with some dollar figure connected to cost. I think there is a conscience census that parkland has a benefit, what is the cost? What is the cost?

>> The \$350,000, that is money if this ordinance is put into place we would be taking in as fees. Part of what the ordinance does is increase fees that the developers pay as they create new units. The city can make them pay for the parkland demands or the city can do it out of their own coffer or do nothing.

[3:34:21 PM]

>> Zimmerman: That number came from where?

>> I got that from parks department.

>> Zimmerman: I was like you asking for Numbers to quantify what the impact was of postponing on this. I see it as a significant amount of land that we forego by pushing implementation.

>> Zimmerman: Final question. Who pays the 350,000? I'm going to allege that people trying to rent apartments, by condos and houses, that is an increase in the unaffordability.

>> The developers are not arguing about the fee. The developers are totally fine with the fee that they have said that is ok with them. They're concerned about the land. I think that is a fair statement. Our fees in Austin are relatively low compared to the rest of the city.

>> Zimmerman: I don't represent developers, I represent community members that are saying it is out of control. If the developers are ok with the extra fees, my constituents and voters are not ok with the unaffordability in the city. I'm going to say that this extra cost will be passed on to my voters and constituents and they say no more. We can't afford the city right now. We can't afford the extra. The developers will pass it on to whoever buys and rents.

>> Tovo: My understanding is that isn't how it works. Usually the fees are considered in the cost of the land and the land is what the land costs and the lenders lend what the cost of the land is. That cost item, for example, from Mr. Wendsler, that is not in fact factored into the cost of the units because they're set at what the market price is, unless you are trying to -- I don't really want to get into this conversation.

[3:36:29 PM]

What I do think I might do is ask my staff to have some information about how these things work as far as sales and the land with financing. And we can circulate that around to the dais. I think that would be helpful and might go a long way to addressing the questions. My understanding is it is not in fact passed along.

>> Zimmerman: It is passed along.

>> Pool: Thank you, councilmember Zimmerman.

>> Zimmerman: It is passed along and makes the city less affordable.

>> Pool: That is something we will just agree to disagree on. Chris Allen. Are you here? You have two minutes, thank you for coming.

>> Thank you. Good afternoon. I'm Chris Allen. I'm a rose dale resident, I'm working on the grove project through bcrc and I'm here on my own, because I'm here at the 11th hour with minor concerns about this

amendment. We're talking about bringing tens of thousands of people into Austin every year. And we want, as a city for those people to come into the urban core. That is where imagine Austin wishes they would reside. In order for that equation to work, those people need parkland. If we want our school district to work, we need families to live in the urban core. Those people need to have room for kids to play. As we get denser and denser in central Austin, more and more parkland will be essential to the sustainability and liveability and schools. What we're talking about is the underutilized or underdeveloped tracts in southcentral Austin. As those tracts become available, to expand on what councilmember was talking about. If on the sites that donation of parkland will be factored into the price of the land.

[3:38:30 PM]

I think my greatest concern about what y'all are talking about right now is the 15% cap in the urban core. We are going to see massive population increases over the next few years and decades and one thing we're not going to see is new land. Once we develop it, it goes away forever and we will never see a park. We need to seize each opportunity as land becomes available for redevelopment, to get parkland that serves this growing community. That is a significant quality of life decision. We need to be far-sighted, not shortsighted as we approach this.

>> Pool: Thank you so much. And we have one last person, Sarah Spites. Ms. Spites, thanks for coming today. And you have two minutes.

>> Thank you, my name is Sarah Spites. I'm the president of the bull creek road coalition, which is seven neighborhoods together that happen to surround the proposed development called the grove. I'm concerned because we looked at all of this in our seven neighborhoods, back when it was first proposed. We studied the packet that was put out and everything else. We were not part of any of the meetings of stakeholders and included in the brand-new map of the urban core and I understand there is something new yet coming up. There is so much of this new and discussion of new items getting added. I can't even really discuss all of this intelligently, because I haven't had time to study it and I haven't had time to send it out to our members and let them study it and look at it. I'm all for the rate of the increased fees. I know we have to have more density in the urban core and bcrs is all for affordable housing. We accept density. We want middle-next housing is what we want.

[3:40:31 PM]

And we want families with children to want to move into the urban core. You can't do it with no parkland. 50% of the land as being a limit. If you put two 20-story high rises and 6,000 people living there. Oh, no. It's not going to fit every situation. I don't think you're ready to go to the council with this. I'm all for you going with the fees, if you want to go with that part. I think too many of the areas have not been truly vetted. Certainly our group was not included in anything Jeff put together to vet this and look at it. I would love to sit down with rica, and hear their side. We have to work with the developers on this stuff.

[Beep] That has not happened. This is so entirely different than what the ordinance proposed at first reading was. It is virtually an entirely new approach. I think you need to back up, give the neighborhoods a chance to look at it and really being

-- think about this. These are the neighborhoods that will be effected by it. Pick and choose and leave out important parts that will help bring rica back to the table. Maybe bring the fees back to keep them from fighting us on everything. Jeff told me in negotiations over in the grove, for example, it is not their responsibility to provide parkland for our deficient areas, six of the seven neighborhoods I represent are deficient in parkland. He says that is not their problem, they don't need to provide that.

>> Pool: Thank you.
>> And there is no other land.
>> Pool: Thank you, Ms. Spites. Appreciate it.
>> Certainly.
>> Pool: All right. Staff? Would you like to make a presentation?

[3:42:39 PM]

Director Hensley, yes.

>> If you would allow me the opportunity, I need to clarify something that just can't let go unsaid. We were accused -- staff was accused of whatever it was outside with the developers. And it seems like there is an us against them approach. I need to just say that that is not the case. And what was discussed was a question was raised about what would be the correct language if we're not on the same page. If all of a sudden now we're not reading it the same way, what would be your desired language here. It was really a question -- correct me if I'm wrong because I wasn't here. I just need to say that. Because we have really as a staff worked in good faith to try to work with our park advocates and there are many of them. And parks board members who represent the general public and then the development community. But not just the development community. Evolve, and other groups that are really focused on the whole issue about density and responsible development that creates a city that is not so built out that there are places for people to have connectivity and parkland. I just had to clarify that, because I will take the hickies when I'm due and when I feel like we have done something wrong. In this case, the staff, we're trying to ask the question, what is it that is not -- that you are not understanding? What is it that is not -- that we had agreed to, what is wrong with that? It is not what to add to it to make it sound better for you, it was what is better for clarifying language. I had to say that. I'm sorry. I don't get to do that often, and I just felt like I needed to.

>> Pool: Thank you. Much appreciated. I think we all appreciate hearing from you on that. I think all of us from one time or another where our words have been taken out of context or actions misunderstood.

[3:44:47 PM]

I appreciate your taking the time to clarify. I think we all have gained from that. Ok. And this has been quite a pressure cooker.

[Chuckling] The last few months. Ok. Yes, Mr. Soliz and Mr. Scott.

>> Yes.

>> I'm Randy Scott with the parks and recreation department. Staff is request being council consider an ordinance amending city code title 25 related to parkland dedication and associated park fees. Today's presentation will include a recap of what council approved on first reading, a summary of items council asked staff to consider prior to returning on second and third reading, and I will go through the individual amendments for council's consideration at second and third reading. At first reading, council approved three amendmnts, one was to allow the city to share a reasonable amount of impervious cover for parkland dedicated without unduly impacting proposed projects. The second one was an early determination that would be good for one year, this would tell the development community whether or not parkland dedication fees in lieu would be accepted or land would be required. The third was to include hotels and motels to parkland dedication applicability. At first reading, council asked staff to consider an appeals process, a follow-up audit to the 2013 -- audit to the parkland dedication ordinance, parkland and affordable housing needs and directed staff to work with stakeholders prior to second and third reading. Our discussions led to the following amendments an appeals process, a cap on land dedication within the urban core increased credit for private parkland and new credits for private

parkland amenities.

[3:46:55 PM]

Nhcd will be working on future code amendments related to housing affordability and will be asking pard's collaboration and support during this process. The existing proposed ordinance exempts affordable dwelling units that are certified under smart housing policy approved by the city council. I'll go into the amendments now. 1 a is the parkland dedication core. 1 B removes as a requirement and determines fee and lieu of land, allows an accommodation of land as it is practiced today. In most cases take a partial land dedication with some fee in lieu of. Amendment two establishes an appeals process to allow an application to appeal the director's decision in whether to allow land dedication and payment in lieu of land and the parks and recreation board would give a recommendation on each appeal. Amendment 3 establishes a cap on land dedication to 15% in the urban core unless the director has identified a critical parkland need. If the director requires a land dedication greater than 15% in the urban core, the land use commission would have to approve. The parkland dedication urban core is defined by an area bound by highway Ben white to the south. Highway 183 to the east and north. Mopac on the west to fm 2222, 2222 on the north to loop 360 and south on 360 to lake Austin and it follows lake Austin back on to the westboundary, back to moback and mopac to boundary, back to moback and mopac to 71.

[3:49:05 PM]

Amendment 4 allows up to 100% for privately owned and maintained parkland that is open to the public and up to 100% credit for amenities constructed on the parkland. The current ordinance allows up to 50% credit for privately owned and maintained parkland open to the public and no credit for amenities constructed. Parkland operating procedures would define how the percentage credits are awarded. The pop would create a scoring sheet to add up credit. The basic idea here is the more the private park functions as a dedicated park, the more credit will be given. It will be very difficult to achieve 100% credit. Amendment 5 clarifies the procedure for parkland dedication fee refunds as recommended by the 2013 audit of parkland dedication. At our last council meeting, there is quite a bit of discussion about a follow-up audit to ensure pard implemented the recommendations from the 2013 audit. Today, we're happy to report the parks and recreation deputy has successfully implemented all the recommendations. Amendment 6, the city council authority to adopt the fee in lieu of parkland development as part of an annual fee schedule. This is a clarification. So to wrap it up, the city's current parkland dedication ordinance is outdated and fees not keeping pace with the parkland acquisition and development. Pard is bringing forward a parkland dedication ordinance that contains a sound methodology based on the current level of service that follows best practices. Pard has developed a park deficient map to guide land fee decisions, establish preapplication review process, provide more certainty by developing criteria and land and fee decisions replacing the current assumption of land, establishes an appeals process to develop the parkland operating procedure, made the code language more user friendly and incentivized parks in accordance with imagine Austin goals for being a green and healthy city.

[3:51:27 PM]

We'll be happy to answer questions. Thank you, again.

>> Pool: Thank you, Mr. Scott. Let me check in quickly on a couple of items. Which is the amendment that I had characterized? Because the Numbers are different now -- as the housekeeping the

codification of the existing procedures that had not been in code previously? Is that -- it was number four, I think before, wasn't it? But now it is something else?

>> Yes. So number 5, would be the refund procedures.

>> Pool: Uh-huh.

>> That's a clarification from the 2013 audit.

>> Pool: All right. So that is --

>> Amendment 6 is also a clarification of the city council adopting the fee in the annual fee schedule.

>> Pool: Amendments 4 and 6 -- I'm sorry. Amendment 5 and 6 are procedures that are standard operating for parkland that had never been in the code. And what this does is memorializes it and codifies it? That is what I was calling housekeeping. I wanted to draw that distinction. And any other questions? Mr. Zimmerman.

>> Zimmerman: I had to step out. The issue of the "And" or the "Or"?

>> Pool: We hadn't gotten to that.

>> Zimmerman: I see Mr. Cord is here, I thought we would clarify that.

>> Pool: We will in a minute, thank you. Mayor pro tem?

>> Tovo: Exhibit a would be referenced somewhere.

[3:53:28 PM]

And I just want to talk about the criteria for parkland dedication determinations. I think these are reasonable, for the most part. I will tell you the one that gives me a little bit of concern. Those are the last two that talk about other departments reviewing the project, agreeing that the parkland will not diminish other city objectives regarding land use, density, environmental protection. If we use land for a park instead of building on it, somebody out there can certainly make a claim that it is -- that we are not furthering the goals of density. To me, we talk about not pitting goals -- making the goals in competition with one another. I think this sets us up to do exactly that. I don't see a real need for that one or the next one. I'm going to propose that we eliminate those from the criteria. But I wanted to give our staff an opportunity to respond to them. We have the council adopted imagine plan, with those priorities those should govern our decision-making. That is kind of the way we do business. Calling them out in a specific way, again, would seem to me to set up a competition among those goals. I don't think that's appropriate.

>> Pool: Is that in the appendix or the pdop, rather.

>> Exhibit a is a breakout of the parkland adoption procedure known as pop. It will be adopted through the rules posting process. This is to be a placeholder until that pdop or parkland dedication operation procedure is adopted. As far as the two amendments, council -- the first reading, the council asked that we look at other needs of the city. It directly came from the mayor.

[3:55:33 PM]

That was our attempt to insert that in the language.

>> Tovo: Sure. I guess I just disagree with it. Ok. So how -- these are going to be adopted through the rules process but we're referencing them in what we're contemplating passing tomorrow. There is a reference, I can't remember if it is in the specific ordinance or --

>> It throughout the ordinance.

>> Tovo: Ok. So at the appropriate time, I'll make that amendment. I appreciate -- I understand the conversation that gave rise to that particular amendment. And I think I spoke out about it at that point as well. So, anyway. Thank you for all your work on these issues.

>> Thank you.

>> Pool: Vice chair, Garza?

>> Garza: [Indiscernible - no mic] .

>> Pool: The document they're talking about is appendix a -- exhibit a. Did this item come before your committee Dr. Rivera?

>> It did, we voted to support it. Members, a couple that came and spoke as private citizens did raise concerns, mostly that it didn't go far enough, but we had staff meet with invested parties, in addition to the investment of parkland, this was the agreement we reached. We support it, because we believe it is going in the right direction.

>> Pool: It has been years since the fees schedule has been updated. So that is a real plus.

>> Pool: I would like to say a couple of things. First off, I want to be clear that my goal in taking this proposal up in the committee today is to improve our city's ability to provide quality parkland for our residents. That's my main goal. And that's the only type of proposal I want to support, one that moves the ball forward.

[3:57:36 PM]

I don't think there is anyone in this room -- I don't think any of the stakeholders want to move the ball backward. I think we're all aligned in that matter. When we were preparing to take up this ordinance in December, there were a number of proposals that I had significant concerns about. Which is why I asked for the delay and to have the additional time to talk with various people in the community. Not enough. [Chuckling]. But the ones that I was able to. And I wanted to bring the proposal back to the open space committee. Since that time, pard staff has met with business stakeholders and some parks advocates to hammer out details. And so have I. I will say as an aside, I think the attendness of the meetings was probably skewed more towards business stakeholders than park advocates. I think that happens mostly due to the fact that a lot of parks advocates have other jobs that they're at. And the businesses are able to be down at city hall more often. That is not new. That has been the way things are in Austin, probably in all cities for a very long time. So, is the proposal perfect? Absolutely not. There are parts of this proposal that I have concerns about and have had concerns about throughout the process. And I have articulated previously. But it is also clear to me that on the whole, this proposal moves the ball forward. From my meetings with pard staff, it is my belief this proposal broadly enhances the city's ability to provide quality parkland and it's because of that, that I am taking it up at this committee. I should also say that I don't believe this is the end of the conversation. Even after the full council votes on this ordinance tomorrow, although I don't know what time it will be, I believe there is still much work left to be done. And so that's why I am asking -- have asked and will ask tomorrow for pard to report back on the impact of our changes, whatever ones are adopted tomorrow in six months and again in a year.

[3:59:51 PM]

And why I expect further discussion in the coming months about how to really help us continue to improve our ability to provide parkland. I thank everybody for all of their and I thank everybody for their efforts. It's been a huge outpouring of dedication and commitment. A lot of robust debate has ensued. I just want everybody to know how much I appreciate that, how I anticipate the conversation continuing, but we have this piece to work on tomorrow, and hopefully we will -- hopefully we'll have a motion here after I get an answer from Mr. Lloyd on the lingering and/or question, and then we can finish up with this item. So, Mr. Lloyd, would you like to address the item that you were talking with Mr. Howard about?

>> Zimmerman: I have a quick comment on that. The and/or was in section B, the fee in lieu requirements?

>> Pool: It sounds like some kind of a bird. An andor.

>> Zimmerman: Section a, part 1.

>> Sure. Essentially that is intended to be, when we drafted that that's intended to be an "And." Let me just explain how this provision works in tandem with some other provisions of the ordinance.

>> Pool: Hang on one second. Let's make sure everybody is on the literal same page.

>> Tovo: I'm very sorry but you're going to have to point us to the particular and/or you're -- or I guess in this case, the particular "And." Is it in the ordinance, the amendments?

>> I'm sorry, it's on page 5 of the staff report. And this is -- the staff report basically suggests modifications to what council passed on first reading, and what council passed on first reading is also in backup.

[4:01:53 PM]

So the question, as I understand it, is the presence of "And," as opposed to "Or," at subsection a1. And essentially I'll just briefly explain how these provisions work together. Basically, in order to pay a fee in lieu, the directors is always going to have to look at the criteria in subsection B that go from pages 5 to 6. And those are basically just planning criteria. Those are not unlike criteria that they've historically applied, you know, does the parkland -- is there a deficiency? Would the available parkland provide connectivity? Does it address a critical need? Those sort of things. So anytime a fee in lieu is paid, the director has to consider those criteria. But then the "And," the additional factors are, basically, under a2, one of those factors would have to be met. The first one, it would have to be less than six acres, or the land available for dedication does not comply with the standards for dedication under 25-1-603. And 25-1-603 is behavior, although it references the pop and it's very general, the provisions of the pop it would be referring to is, basically, is there land available? You know, you have a site that has -- it's a very land-constrained site. There's not a lot of land. It's a high rise. It's generating a whole lot of units. In theory, it would generate a high demand for parkland. Clearly, there's no parkland to dedicate, so it wouldn't meet -- the land wouldn't meet the standards for dedication. So, basically, that's the criteria that a2-b -- paragraph 2b under subsection a is getting at.

[4:03:56 PM]

Now, as this is drafted -- let me just speak briefly to the six acres because that's a key provision of how this works. If land available for dedication -- if the developer owes more than six acres under the formula that's established in the ordinance, then the director could not accept a fee in lieu, as this is currently drafted. Now, there have been different options discussed, and council at tomorrow's hearing will have the ability to make amendments to that, to adjust that. But as it's currently drafted, the general rule would be that if more than six acres is owed, a dedication would be required. Now, there is one exception to that, and that's the 15% cap. So let me explain how that would work. If a developer owed, say, eight acres of parkland, the director would have to require a dedication. But under another provision of the ordinance that is, I think, a couple pages later, it basically says that if the 15% cap would result in, you know, something lower than six, so say they owe eight acres with the 15% cap, that brings them down to five acres. Well, then the director under this provision would have to collect the five acres but collect a fee in lieu for the difference. So right now, the way the ordinance is structured, the 15% cap applies, and it may prevent, in particular cases, the director from getting six acres, from getting more than six acres. And in that case, they always get the difference in a fee, but if it's not prevented from a 15% cap, if the 15% cap doesn't affect the acreage total, then the director has to get six or more acres if the formula produces that amount. Now, it's really hard to describe all that and I hope I did an adequate job, but if councilmembers have questions, I'll do my best to answer.

[4:06:05 PM]

>> Pool: I think you stunned them into understanding.

[Laughter]

>> Really?

>> No.

>> Pool: Councilmember Zimmerman.

>> Zimmerman: Thank you. Thank you. explain, if this is complicated, and it is complicated, it's also complicated to try to calculate what this means in terms of cost for people who want to rent and buy under this new dedication fee formula. And I do appreciate the director attempting to come up with a number that we heard of about 350,000. But I'm just going to say it again, you cannot make decisions in a vacuum of the conversation of affordability. So the legal explanation is all interesting and very, very important, but I need to have some accurate Numbers of what this is going to cost the people that want to rent and buy here.

>> Pool: And I think Mr. Lloyd -- well, Mr. Lloyd isn't -- he can talk about the statutory construction, but maybe staff could provide some Numbers to Mr. Zimmerman between -- not right now, but maybe send them, as some examples of how this might play out, to give some sense.

>> I forwarded that information.

>> Pool: Oh, you have.

>> By e-mail.

>> Zimmerman: As of today? Yet? As of yesterday. What's the e-mail because I want to find that right away. I'd like to find that right away.

>> What was the subject line?

>> Zimmerman: Yeah.

>> I think it said Zimmerman, cost benefit question.

>> Zimmerman: Terrific. Thanks.

>> Pool: If you could go ahead and send it to the rest of us, too. And it may be in the Q and a as well. Okay. Thank you.

>> We're sorry. It's still under review, and it has not been sent to you, at the city manager's office.

>> Pool: So we will look for it and have it come to all of us.

[4:08:07 PM]

>> Zimmerman: So the Zimmerman cost hasn't yet come out, but it's coming.

>> It's coming.

>> Zimmerman: Okay. Terrific. Thanks.

>> Pool: All right. Any other comments? We still have some more items to take up on the agenda, but on this one, is there anything else anybody would like to offer? How about a motion?

>> Garza: I was just going to recommend to the council with staff's recommendations and amendments.

>> Pool: Is there a second?

>> Zimmerman: Sec.

>> Pool: All right. Second from Mr. Zimmerman. So we have a motion to send to council with staff recommendation for tomorrow.

>> Tovo: I have that amendment to make, but there will probably be others tomorrow, so I think six of one, half a dozen of the other, whether I make it here today or not. But I would appreciate the committee's support in removing those last two points from the exhibit a, which are the criteria, again, with the understanding that imagine Austin is a council-adopted plan. It should govern and guide all

have been what we do, and calling it out in the way it's been called out in here suggests that we're pitting one entity against another, in a way that, I think in the parkland dedication ordinance, is not -- is not as appropriate.

>> Zimmerman: Well, could I suggest a clarification? I thought I was seconding a motion to move it to council, not with recommendation for or against or amended, but just to go ahead and move it.

>> Tovo: Oh, I thought we had recommended it.

>> Zimmerman: Recommend for it to be heard, not to be postponed, for instance.

>> Pool: My understanding is -- if you don't want to second it, that's fine. As I understand, the recommendation was to move it -- move the staff report forward to council.

>> Zimmerman: With no amendments? As is right now? No delays --

>> Pool: I forgot about the amendments. We didn't talk about the amendments.

>> Garza: Well, I made the motion so I'm open to a friendly amendment.

[4:10:12 PM]

>> Tovo: Councilmember Garza, were you recommending approval to the full council?

>> Garza: Yes.

>> Tovo: Councilmember Zimmerman, I think you had another different. I'm happy -- if you want to withdraw your second, I'm happy to make a second.

>> Pool: So seconded by the mayor pro tem.

>> Tovo: To recommend approval, and I would make that subsequent friendly amendment to do as I just described.

>> Pool: And that's approved. All right. All in favor of recommending the staff report with an amendment from the mayor pro tem? Say aye.

>> ."

>> Zimmerman: I'm an sending, abstaining. I'm not opposed.

>> Pool: I don't know if you all will have time to make that by tomorrow, but hopefully it will be easy.

Thank you all and to the folks who came and sat and participated in this item, thank you very much. All right. We are up to number 6, and we have -- I'm going to say it right -- hochsema? Is that right? With capcog. Yes. Drew. Andrew. Nice to see you. You're here to talk about item 6 as neutral. Do you want to speak before or after the presentation?

>> After is fine.

>> Pool: Okay. Great. So I'm really pleased to note that we have this presentation in particulate matter in the air. And is --

>> Hi. Good afternoon.

>> Pool: Dr. Jewels?

>> Yes. Elkins.

>> Pool: Elkins is here from the university of Texas, the department of geography and --

>> The environment.

[4:12:12 PM]

>> Pool: And the environment. Welcome, and thank you for your patience in waiting for this item to be called.

>> Okay. I would like to say thank you so much for having me. It's an honor to be here, and I really appreciate your taking the time --

>> Pool: I think we can't hear you very well.

>> The time to listen to this information. I have to say I've never cleared a room quite that quickly.

[Laughter] I will try and say this quickly --

>> Pool: It isn't you. It happens all the time.

>> I'm here to talk about the health effects of particulate matter, to offer independent testimony, I'm impartial and not on behalf of any stakeholders here. My hope with this conversation is that it offers an additional lens, I suppose, to decisions that the council is making going forward with respect to transportation policy and energy policy, as Austin is growing. So what I want to talk about, first of all, is where my interests lie, which is the issue of doses. I'm interested in the chronic effect of low doses, not acute toxicity. And what I mean by that is, in the parts per million, parts per billion, and even parts per trillion levels, so small doses. If someone comes to you and says it can't possibly cause any harm, it's such a tiny minuscule level, I am to frame that as far as pharmaceuticals, because if we look at pharmaceuticals, it's the parts per million and billion level where there are profound effects. Apologies if this is a bit inappropriate for this lecture, but to borrow from the environmental working group's ten American, studies, which looked at umbilical cord chemicals in children, is, we can prevent human reproduction from .035 parts per million, inspire for 30 parts Mary billion, and chill out either way, 30 parts per billion.

[4:14:14 PM]

It is precisely at those minuscule levels where biological effects often occur. So when we talk about what's coming out of tail pipes, we're looking at this intersection of particulate matter and air toxic. We're looking at particles, of course, we're also looking at gases that that form in secondary reactions in the environmental and we're looking at toxins, which is a whole sweet suite, wide variety of of a MIX of chemicals. When we look at particulates, there are many different sizes. What's notable about this, the graph on the left is a snapshot from southern California freeway. You can see it's a vast MIX of different particle sizes and different particle contents. What's important about the sizes, first of all, is that we regulate fine particulate matter, pmt .5 -- sorried the -- pm 10, the micron diameter size of the particle. We regulate under the clean clean air act and we're subject to the air quality standards for this size of particle. This size of particle is, when you think about the health effects of particulate matter, it's the things that you typically think of. Right? The cardiovascular problems and the respiratory problems. There's another particle that is not regulated. These are called ultrafine particles and they're less than .1-micron in diameter. To nest this in particulate size, the size of a human hair is about 65 microns in diameter so these are very, very small particles. These particles are not visible to the human eye. What's scary about these particles and what makes profound health effects, they can penetrate very deeply into the body and bypass the body's defense systems. We see a whole different suite of health effects that we're still learning a lot about when it comes to exposure to ultra fine particles. I want to talk about today, the primary source of our exposure to ultrafine particles in an urban setting is what comes out of tail pipes.

[4:16:17 PM]

And that's true unless you live immediately adjacent to a factory or other industrial site or major construction site. So the majority of the population is going to be exposed to these through tail pipes. So bear with me for a moment with this graph. What this is showing you is the particle concentration and the pollutant concentration near a roadway. So the first thing you can look at is the 1.0 on the X axis. And what that's showing, use you're standing next to a freeway, say mopac, the it looks level is norm to 1. What you'd expect to see as you move away from a roadway, the particle concentration would go down, and indeed that's what you see. In some ways is on a reassuring graph, it confirms our intuition. So what you're seeing here is that there's three panels, certain pollutants drop off very rapidly. So the

first line here is showing when the pollutant level is reduced by 50% from the edge of the road. Here you're looking at it when it's produced by 90% from the edge of the road. The 50% drop happens very quickly, by 100 -- excuse me -- 150 meters for certain particles. It doesn't happen as quick for these less rapid or gradual decay particles, which it takes up to 400 meters to start to decline. Then there are some that has no trend at all that have much further transport. So if we look at Austin, and these Numbers that I'm putting here, I want to be clear, are back of the envelope calculations from publicly available Numbers, Austin population generated from the 2014 census, bull park around a hundred thousand. If you look at the number of people living in close proximity to a four-lane highway, is where about 11% of the population it. In some ways, more important, percentage of school children who attend a school within 400 meters of a main roadway. This relates to the fact that pollution is not geographically locate would.

[4:18:20 PM]

Schools choose locations near busy roadways because the land is cheaper and it puts children at a higher risk of exposure. I have no data about workplaces but that would be interesting to see as well. I want to look at a few studies. We know much more about the respiratory and cart cardiovascular effects full particulate matter sposh, but what's more interesting to me are some of the more recently defined effects. I want to look at the relationship between roadway pollution and cognition. What this study here is showing, it's a study from eastern Massachusetts, and what's important and notable about this study, it's a prospective cohort study, which is the gold standard of epidemiology. So they took a group of mothers and they enrolled them before they had children and they've been following them over time. So they are looking at roadway pollution. So what you're seeing here are the iq effects of being born and raised next to a roadway. There's less than 50, 50 to 200, and greater than 200 meters. What's notable are the iq deficits from living within 50 meters of a roadway. If we turn to look at another pollutant coming out of a tail pipe -- this isn't particulate matter per Se, it's pole cyclic hydrocariness, they come from incomplete con bugs of organic product, fuel products and particularly diesel, and pah's are a complicated MIX, but they're known carcinogens and they call birth defects. These are bag chemicals you don't want to be exposed to if you're a developing child or if you are pregnant. So what this study is showing is, this is a children of minority women in New York City. They monitored the pah exposure of women while they were pregnant, using a personal air monitor. These are women who wore it around they are neck so it was a very accurate exposure indicator for what they were exposed to when they were pregnant.

[4:20:26 PM]

Then at the age of five, they did follow-up iq tests on these children. And here's what they were seeing, is 4.3 to highly supposed group to those in the low exposed group, 4.7% on verbal iq. I don't know how many of you, but I'm going to guess a few of us in this room were born during the era of leaded gasoline, and the -- the loss of iq on average, if you were born during that period, is on the order of 7 to 10 iq points. So it's really significant. I would say imagine the combined weight of the intellect in this room, had there been no lead. But the point is, this is really significant, and if you look at what's called the significance of small effects, as you shift that iq curve slightly left, you're bringing the number of people who are in the gifted range down, but more important in some ways you're increasing the number of people who are going to need special support services. This is extremely costly to society, and direct service provision and productivity losses. So if we move away from just measuring iq and we look at behavior, again, this is pah study from New York City. This is out of the children's -- Columbia children's environmental health center. This is women wearing air monitors again, and they measured them at

birth, then they again did these behavior tests at age 6 and 7. What you're seeing here is that you're seeing a big again -- the odds ratio of developing these problems is much higher when you're in the highly exposed pah group, compared to the lower exposed pah groups. So when you look at an odds ratio of one, there would be no difference between the two. You can see there's a very significant difference in the likelihood of these behaviors happening. The study is looking at something called ambient black carbon. This was done in Boston in 2013.

[4:22:27 PM]

What's partially significant about this for Austin, being that we have I-35 going right through the middle of it, is plaque carbon is a marker of traffic related particles from fuel con bugs, but in particular diesel powered engines. This is estimating children's lifetime exposure, looking at whether they lived and how likely them to be exposed over the life period. What they're saying is like standing next to mopac, they normed the exposure in the first to be on the zero line, so you're looking at departures from that zero line. So what you're seeing here are notable departures from this and behavior and retention. Turning, of course, to this problem that's affecting so many of the American population at this point, which is autism, what this study is showing is an interesting relationship between the likelihood of developing autism with your exposure to particulate matter at the 2.5-micron level so that's not the ultrafine particles we've been talking about but this is more the fine particle side. So this is daily particulate matter linking to the residences of where these children lived and you're looking at the odds ratio of developing autism at age 2, based upon your exposure from three months pre-pregnancy forward. So the odds ratio, cumulative odds ratio is .5, so an odds ratio of 1, there's no difference between the two, exposure or not. Okay. This is the last study I want to look at. What's notable about this study, it's also about autism, but this is a large scale study. This is a nurse's study, which is large anything wide study that's prospective. It's been following these nurses for a long period of time, decades, and generate ago whole bunch of great health information from them. So they were looking at exposure to hazardous air pollutants.

[4:24:30 PM]

That second circle from the earlier graph that we looked at that is about air toxins. So they were looking at the associations between these hazardous air toxics and your later development of autism disease. What's interesting, in a number of these chemicals is almost a linear dose response relationship between your sposh and your later in life development of autism. This is very interesting, this study is. So I want to turn a little bit and say I think that probably most of people in this room are comfortable with relationship between particulate matter air pollution and lung and diseases like asthma. How is it affecting your brain, historically we've thought it does so by entering the lungs and penetrating dean into the body and blood stream and the cell via the lungs. More recently, we realize it's a different mechanism, it's penetrating directly into the brain. This came from a study in Mexico City. What's interesting about this, Mexico City is one of the Morse polluted places in the world. Back in the late 1990s, it was the most polluted city in the world, and people started to notice that dogs that lived in Mexico City were developing dementia like symptoms. Researchers took note and they started to look at the autopsied brain of dogs and they noted that they found absolutely dramatic tissue damage in these dogs, all along the olfactory nerve, all the way through the nose. So they started looking at children as well, and they did some experimental studies on rats to test this. And the mechanism by which they think this is working is that these ultrafine particles are so very, very small this they can actually follow the olfactory nerve into the brain, penetrating the blood brain barrier. The body, this is extremely simplistic, but the body see this as a 49er substance and it makes an immune response.

[4:26:34 PM]

The beta imalloyd, we see in brains of people with degenerative diseases like people with ails hirples and Parkinson's disease. These are hallmarks of damaging diseases that we see. What did it look like when we looked at children in the Mexico City study? This is a terrible graph. None of this could have been simplistically described. With children did not have white matter disease, with frontal cortex lesions what in these degenerative diseases, the positive is when they did have this, and the control group are kids who are not in Mexico City. So on average, you can see there was a really significant decrease between -- in performance from the children who were in Mexico City, versus those who weren't, and then it gets more complicated because white matter disease is not predictive of inflammation in the blood precursors, but nonetheless, is really significant outcome of the study. So if we turn and say, okay, great, there's all these studies that are showing that exposure to particulate matter, particularly when you're right next a roadway is bad for your cognitive and developmental health, what kind of Numbers are we looking at? Before I go into this, I want to be clear that these are back of the envelope calculations and I'm in no way, do any of these studies prove causation, these are correlation, and nobody can tell you that the percentage of cases of autism from standing next to mopac is X. Okay? That's not going to happen. But if you look at the statistics about disability, this is 2008 and this is percentage changed over this decade, you can see there's a significant number of children who are having -- have these disabilities, but more important, the change is what's really important. And you can see that any developmental disabilities, roughly 17 -- it's a bigger change if you look at modern, current years, but if you look at the autism statistics, it's also rather extraordinary. Autism is an extremely expensive disease.

[4:28:35 PM]

It's a personal tragedy to the person who has autism, it's a personal tragedy to the family, it is enormously costly in direct services, and in loss of productivity to society. If autism continues the way it is, in its increases, we're looking at about 3.6% of gdp by 2025. That's extraordinary. So if you turn that lens and you look at Austin, you look at the number of kids in Austin, again, this is a back of the envelope calculation, looking at census data, then you make some extrapolations based on cost, you can see it's a really costly disease. Again, how much of this is because of particulate matter exposure? You can't make that -- you cannot make that link. But the point is, it's a very costly disease and it's something that is important for this council to consider in making decisions. The whole point of my talk is to add depth to the decisions that you're making and not to make a cause and effect argument. Same thing when you looked ADHD, is, it's a costly disease. That's what these Numbers indicate, that the stakes are high on our exposure with kids. Alzheimer's is on the rise. It's only the point of this slide, is just to show that it's an increasing disease as well, and it's extremely costly. You look at the percentage in Austin, extrapolated to have Alzheimer's, again the point of this slide is to say it's really costly. If neurotoxic exposure is linked with that, it's something that needs to be considered. Finally, I want to make the point there's an environmental justice component to this. Statistics indicate that people who are on the lower socioeconomic level are much more highly exposed to pollutants, and in particular, roadway pollutants that we're talking about today. For the point that pollution is not geographically or randomly located. It locates in places where land is cheaper where people lack the political capital to keep it out. So there's an acute environmental injustice component to it. I'd like to thank you for your time today.

>> Pool: Thank you, Dr. Elkins.

[4:30:38 PM]

I really appreciate the scholarship and the study that you've done, the research, and council last year during budget funded a program for children with autism who -- of their parents that work here at the city, and that was an additional benefit that we felt was really important to cover in our health insurance, and as you say, it's a real -- it's a real situation and it's growing. Alzheimer's, we know, is a problem, and all of us are just getting older, so community health is a big concern to council, and I appreciate your taking the time to come and present this to us today. Any -- any questions or -- okay. Very good. Councilmember Zimmerman.

>> Zimmerman: Thank you for being here, and as you point out, some of the stuff is extremely complicated to try to prove causality, but, unfortunately, that's kind of the point of it, because if we're going to compliment implement the measures to clean up air, reduce pollutants and emissions and what have you, unfortunately there has to be a cost/benefit analysis. And you may remember Flint, Michigan, has been in the news lately. The government bureaucrats switched the water supply and started poisoning people with lead-contaminated water. Going back to your slide 2 about big doses, there's also a non-effect of really small doses. In the case of lead, you may not remember the concentration, but there is a tolerable concentration of lead poisoning in drinking water, according to the EPA. So if you get the lead level low enough, you can still have lead in the water, recognizing it's a dangerous neurotoxin, but if you get it to a low enough concentration, the EPA says that that's an -- it's acceptable. It's not acceptable to have any lead, but the point is, it's so expensive to remove the last particle of lead from your drinking water, that even the EPA says, I believe it's 15 parts per billion, somewhere around there, if you get it low enough, you can have lead in the water.

[4:32:53 PM]

And I don't see those kind of comments included in your study, and they are very important.

>> Pool: Okay. Thank you so much, councilmember Zimmerman and Dr. Elkins, thank you so much for being here today. Again, I appreciate your scholarship and research.

>> Thank you for having me and thanks for taking the time to listen.

>> Pool: You bet. Andrew Hochema is here and you have two minutes. Mr. Hochema is with the capital area council of governments. Welcome, Mr. Hochema.

>> Thank you. I just wanted to, for those of you who don't know me, my name is Andrew Hochema, I'm area manager of the capital area council of governments. I also serve on the clean air act advisory committee, in which my role is to provide perspective on local government perspectives on implementation of the clean air act. Clean air I just wanted to let you know I'm here and available as a resource, capital area council of governments served the 10-county region here. We deal with regional issues such as air quality. We also provide expertise when needed, if there isn't expertise on a particular subject that a city or county may face. We deal mostly with -- we deal mostly with ozone, ground level ozone at the capcog air quality program, but particulate matter is an issue that goes right along with ozone. If you look at EPA's recent change to the ozone standard, they attribute something like 80% of the health benefit associated with that change to particulate matter co-benefits. And so the -- this region has done a lot in terms of ozone to try to get ahead of the game and try to make sure that we are able to stay in compliance with federal standards. Our ozone levels are in compliance with those standards now, but there's some discussion that we've been having with our clean air coalition members, and advisory committee members, as to whether or not we might want to start taking a look at particulate matter on its own terms so that we can deal with these issues as they come up, whether it be wildfires or construction dust or barbecue smoke.

[4:35:16 PM]

And so I just want to let you know I'm here, and I appreciate learning about this. A lot of this is new to me, as someone with a political science background, so thank you for the opportunity to be here. If you have any questions on this moving forward, I encourage you to contact me and also contact your own city air quality program.

>> Pool: Thank you so much for stopping by. It may be that capcog would benefit from the presentation that Dr. Elkins made to us here today. Thank you. Our last item, and I appreciate everybody's patience, we have a mention on balconies canyon land preserve. And we have staff coming up on that. A briefing on the bccp and the water quality protection lands. Welcome to you all.

>> Madam chair, if we could have just a minute to set up. Can we start?

>> Pool: Absolutely. Welcome.

>> Thank you. I'm assistant. I have with me today the interdepartmental team that's going to talk about the balconies canyonland preserve and the water protection lands managed by Austin water but we have a team that's been involved both in creating those and in now in managing them.

[4:37:28 PM]

I have Sheri Kool and Kevin Thiesen from Austin water. Sheri is over the balconies. Dan I don't know land session, Kevin over the water control protection land, he's the acting manager. We have David Johns from we should protection and we have a very key member of our team who couldn't be here today, Junie plumber. She's going to be back soon with a new knee and stronger than ever so everybody look out. I'll dive right into it because I know it's late in the -- late in the day here. Just go right to this. So I mentioned the balconies canyonlands preserve that's managed by the water utility. It says on that slide, as you can see, it's regulatory driven, and that would be a federal regulation. The endangered species act. And Sheri will get more into that. I'm just going to sort of kick this off. Regulatory driven, we think the benefits are very wide. Preserving wildlife, that's the fundamental reason it's there. We also manage and protect water quality. Our water supply comes from the area where these -- where these lands are that are preserved. Economics, there's a lot of development that was shut down. If you remember, back in the late '80s and early '90s, because of the endangered species act. And once we got -- once the community got together and put the bcp in place, then a lot of that development was to go forward. We think it improves the quality of life. The water quality protection lands is a community driven effort to protect Barton Springs. The voter approved bonds, I should mention the city's emphasis were funded almost entirely by voter approved bonds on the bcp will as well. I wanted to point out these programs have differing goals. They're managed differently than parks. We have controlled access. We have had thousands of volunteers on there that have done a tremendous amount of work for us over the years.

[4:39:32 PM]

We have controlled access to them. I mean, we have guided hikes, is what I meant to say, as well as -- as well as the volunteers. So we have a get-together once a year where we have up to like an employee, enough hours, as if we had an extra employee or a little bit more than that, from all the folks who work on that over the years. It's really an inspiring event. I'm going to turn it over to Sheri. We feel like these programs are going to leave a positive legacy for the city of Austin for future residents, hopefully always be there, and you're going to hear her talk about what some of the future needs or the current needs are. At this point I'll turn it over to Ms. Kool.

>> Good afternoon. I'm Sheri Kool. As Darrell mentioned, I have the privilege of managing the balconies canyonlands preserve to the city of Austin. It's a system of 30,540 acres of preserve. The city owns and manages 13,610 acres of that. You'll hear two acronyms associated with our program, bcp, which is the

balcones canyonlands preserve, and then bccp, which is the balcones canyonlands conservation plan. And the bccp was the first multispecies regional has been cat conservation plan in the nation. It's been very much a role model for other local solutions for how to address economic growth and endangered species protection throughout the United States. It's a partnership, as Darrell mentioned. The partnership for the permit that was issued to us in 1996 by the fish and wildlife service is with the city of Austin and Travis county. Here's a map -- we brought some maps on easels with the hopes that you could see them better and kind of orient to the area that we're talking about. If you look at the map -- I don't know if this laser works, but the bcp map that's in front of you there, essentially you see lake Travis and lake Austin.

[4:41:38 PM]

The city properties are in green on the map. The pluck of the city properties, we have -- the properties are oriented in macro sites throughout the area, and you can see a lot of the city's properties are right in this sort of core area. Bee cave community down to the south -- I guess -- it doesn't work. Oh, there it is. Oh, you can do it? Okay. There's beef cave and lake Travis, northwestern lake Travis. One of our large tracks runs between the steiner ranch development and the river place development. And then they go all the way up to the Leander area, essentially, and cypress creek. We have a number of other partners. Lcra manages land and gets the mitigation value of that land. Travis audubon as a sanctuary, the nature conservancy, also private bcp preserves. The permit required of us that we protect and manage a minimum of 30,428 acres for two endangered song birds, the bulk of that habitat is for the golden cheek warbler. Then 62 cave, carst features, that's a term you probably have heard before that just refers to this limestone topography that we have in this area that leads to these solution caves and features, and endangered invert brats that we have live in those caves. So we protect those and you'll here more about other reasons why it's good to protect those features when Kevin talks. We also protect two rare plants that occur on the bcp, and we are required to monitor and manage these habitat in perpetuity. So these are our charges, the golden cheek warbler, [inaudible], 25 additional species of concern, those are rare species that aren't yet listed but if they become listed, if we're doing everything in our permit, then we won't have any additional requirements that will need to be met.

[4:43:48 PM]

The golden cheek warbler is, as I said, the bulk of the land is for the golden cheek warbler because it requires large blocks of mature oak juniper wood land. And Travis county has some of the best habitat in the entire range of the golden cheek warbler. It's the only bird that nests only in Texas so every golden cheek warbler is a native texan. So what does this permit do for us? It allows us to what they call take habitat, which is just a fancy term for all the different ways you could impact endangered species habitat, and that take is permitted outside of the preserve. So the permit allowed for the impact or take of 71% of the golden cheek warbler habitat. So for that reason, we have to be very careful about how we manage the other 29%. Also, black cat [inaudible], about half of the has been habitat, and for the cars, we're allowed to take about 84%. Because of this, we have to be really careful how we steward what we have. We've been involved in this critical study on the golden cheek warbler that the city has funded and Travis county as funded over the last five years to try to answer some key questions about how they're doing, how have we been doing over the past 20 years with management of that population, and what might we need to change in our management strategy to make sure that they're okay in perpetuity. As Darrell mentioned, we've had a number of volunteers that have also helped with this study. So we have some management challenges when we started in the '80s, out in the lake Travis

area in particular, there wasn't very much around the preserve. It was mostly rural land. Now largely our preserve is surrounded by development, so it can fragment the habitat. We can have issues with predators that come in from those fragmented areas. We have to control for hardwood recruitment, the oaks, we have to be sure the deer population isn't too high, the hog population is not too high. We have invasive plants that come in, ligustrum, landena that come in, wildfire concerns along the boundary.

[4:46:06 PM]

We have access from neighbors, and then also just public misperceptions of people who have just moved here and don't understand that this is a preserve system, that the first priority has to be for the management of those endangered species. So the benefits of the bcp, we did some studies and analysis about two years ago, and we're updating those Numbers now, that the bcp has led to four and a half billion dollars in assessed tax value of properties that have been able to develop under the permit. And so it was really a local solution by local leaders that had a vision that this is the way we could have economic development and still protect endangered species. Back in the '80s, if you were here then, everything was pretty much at a standstill. You had to go to fish and wildlife to get your permit after these species were listed, and that could take up to two years, which was very difficult for a developer. Anythings to those benefits, it also, as Darrell mentioned, protects all of our native wildlife in the area. So that was a quick rundown because we're trying to get all this in here in our time, but I will now turn it over to Kevin.

>> Thank you, and if it's all right I'll stand to speak. Everybody can hear this? Better like this? Okay. I'll speak very closely. I'm Kevin Theisen. I've been doing this 13 years. I'm the happiness city employee you will meet because this is exactly what I want to spend my life doing. Orient you to the water quality protection lands, we're typically south and west of Austin. Austin being up here, taking mopac down to where it dead ends right around the wild flower center is where the bulk of our lands begin to the south, all the way past to hays county, the driveway line dividing hays county and Travis county. We have a fair amount of land to the west out 71, the big property being the shield ranch there. Sorry about that. We also have designated on here this brown area, which is contributing zone for the Barton springs segment of the Edwards aquifer, and this blue area, which is the recharge zone to the Barton springs segment of the Edwards aquifer.

[4:48:10 PM]

And I'll kind of give you an explanation of how that stuff works. I have two explanations. This is the -- there's a left brain and right brain approach to this. I'm not sure which I'm going with first, but generally the attributing zone to the Edwards, rainfalls typically can't get in the aquifer until it reaches the recharge zone, and that allows the water to get into the deeper area. This recharge zone and contributing zone were kind of -- this is the effect of that massive catechismic effect. This rock that's deep underground here, over in the contributing zone it's on the surface. It's why we have to go through this recharge zone, which is where that cataclysm happened, and it's all fractured in broken rock that's been dissolved and eroded by water over years and allows that water to get deeply under here. So I've got a video. The first video. This is, I guess, the right brain approach of how -- how this would work, if you were looking at water moving across a contributing zone, in, say, a creek or stream, that basically would fall in a contributing zone, go into creeks and wash across. Here we've got a contributing zone with water doing just like you would expect water to be running across the land. Then as we approach the recharge zone, this is where the water can actually dive into the land itself and go into the aquifer. So this is on one of our little bear tracks. It just kind of shows how that water leaves a Normal creek setting and pours into a cave where it can then refill. We can hold off on that one. Go back to the one --

they make this really easy with powerpoint, you can embed these things, but they never actually work like that. I appreciate your help with that. Okay. So past the video. You saw how far south some of our lands were. A lot of people ask, some of these lands are 20 miles south of Austin. Why are we buying land so far out to protect Barton springs here in Austin? And this is a map that shows the same recharge zone. And these are the flow paths of water, how water is actually moving underground. Folks like David an Barton springs water constant vague district, they put dye in these recharge caves and trace that dye as it moves through.

[4:50:19 PM]

These green dots represent private wells. They would pull up little packets that collect the dye and say the dye appeared here on this day or that day. They can look all the way to Barton springs and say when did it appear there. Up near the top, just what you'd expect, ten-hour, three days, you go further south, 7 to 8 days, 22 to 28 days, 14 to 21 days. The science, and David would say I should tell you there's flow conditions, drought, not drought, et cetera. But we get all the way down to onion creek and this flow path is less than three days. So 20 miles away, but that water is getting to Barton springs in under three days. We also have one that took 22 days right next to it. And I'll explain that in a minute, too. But generally, we can look at the water coming out of Barton springs. I say we. David, Washington, Barton springs, Edwards aquifer, conservation district, and they can actually say which watershed contributed that water that's coming out of the spring. If we were to take all the watersheds between here and onion creek and add it up, they wouldn't equal the amount of water that onion creek itself contributes to Barton springs. So this is the big player in what feeds water to Barton springs. And that's why we're working so much further south down there. What we do is, when we buy the land, we then also manage it. I need to go back to this bit. Sorry. We own land in two different ways. Fee simple in green, and purple would be the conservation easement agreements where we actually work with a private landowner, purchase a development rights, frequently or 50% of the real estate cost of the land, and then they remain on the land frequently. They frequently do what they were doing beforehand. I have one landowner whose been, she's a third or fourth generation landowner and basically owning and managing the property like she always has. 60% of our land is held in this sort of conservation agreement, with only about 40% of it held in a fee simple way, that weigh actually have to do operations maintenance. What do we do in those operations maintenance, typically we work on brush management, then we use prescribed fire. All this works to restore the Savannah and primary ecosystems that yield the highest quality and the highest quantity of water that can then recharge the springs.

[4:52:25 PM]

We meet our mission doing this work, but at the same time, we yield so much other benefits. We can protect -- we can protect open space, we can protect polynaturer habitat, there's trails and other forms of access out here, and we don't do it in a small scale. We work on a very large scale. Here's again the recharge zone, contributing zone. This is about 12,000 acres out here. I'm sorry, let me correct it, about 10,000 acres. The red represents areas we've done prescribed fire. The yellow where we've done seeding. And the blue where we've done blush cutting. So altogether you'll see these treatments kind of layer on top of each other. That's resulted in almost 7,000 acres we've treated with all these sorts of treatments over the years. We do a lot in-house. We do some with contracts and we work with volunteers a lot. This is putting native grass seed back in after a prescribed fire. Actually put this one in intentionally because you can see, this is only a few weeks after we did this burn. It was an intense area of the burn which is why we're putting grass seed back in you can see how this milkweed has responded

positively to the fire. It's quite robust to everything around it. We get a lot of volunteers and it's been tens of thousands of hours of volunteer work, thousands of volunteers who have come out. We have volunteers leading guided hikes for other citizens to come out, see the place, experience the place, and see what we've done there. If we do everything right, if we buy the right land that protects the aquifer, if we manage the land right, we still have to make sure this water can keep going through these natural features like this cave in onion creek. And over time, these things are very efficient. There's a whirlpool, they'll take in sediment, they'll take in rocks, they'll take in slow moving turtles. Anything else can go into that. Over time they'll plug themselves up. So we work to install large greatest with fine debris covers that will actually plug themselves during the first part of the flood event, keep a lot of that dirty water out, then we can clean these off when the water is clear and allow that to function again.

[4:54:26 PM]

We also have over history, we may have a feature that over 50 years has filled with a tremendous amount of debris, and we have a feature here that we've worked on for 12 years. We'll go to that next video. So we talked with the original landowner. He said when he was a kid, mom and dad used to put a rock over it because it was a whirlpool and they didn't want the kids sucked in. We've dug and worked on this cave for 12 years of excavating material. We pulled out four dump truckloads of sediment and rocks and sticks, and this is the one that had that 22-day period of time it took to get water to Barton springs, but now this is the first time it's opened since January 2015, almost a year ago. The first time we were able to open it with water in the creek, and that cave could start to function again. So this is the sort of projects we work on, they're very large same, also very long-term, and all of it to get this beautiful water going back to Barton springs like it's been doing for so long.

>> Tovo: That's really interesting. I think I heard you say that it was taking 22 days to get from there to Barton springs?

>> Yes, ma'am. There was an additional 33 feet of sediment that we've removed since.

>> Tovo: Wow.

>> 33 vertical feet.

>> Tovo: And so what is the time -- what's the time frame now?

>> That's a great question and I've been pressuring watershed to say, we should really put some dye in this thing and see what it takes now.

>> Tovo: I assume it's probably -- it would get that faster --

>> Yes, ma'am, absolutely. That is definitely our hope for that. I'm going to pass it on to David Johns. He's going to talk more about --

>> Good afternoon. I'm David Johns. I'm a hydrogeologist with watershed protection. I'm here to talk to you about what we -- we're looking at for the future in both of these programs. And I don't have to tell you all that this area is growing tremendously. With that growth, people are living not only in town, but they're also living out of town. That means some of these large tracts of land that we've acquired in the past, similar tracts, they're just not available anymore.

[4:56:27 PM]

And with that population growth comes the pressure to expand the infrastructure, roads, electric water, wastewater disposal, roads, for example, I'll remind you that a good portion of that current right away for state highway 45 southwest was water quality protection lands before the right away was purchased for that highway. So what did I just do? Sorry. Here's some of the program needs for bcp. There's still some tracks to be required that are privately held within some of the preserves. There's still some tracks to be required to maximize the benefit of these properties for the benefit of the species. You heard

Sheri say there are a number of caves that are still not protected, that are under our permit. And there's some more work that can be done on these caves to better understand the extent of the caves, what the areas that are contributing hydrologically to those caves. Water quality protection lands, we've protected about 25% of the recharge zone, as Kevin has shown you on the maps. We have far less land in the contributing zone, which is where that water originates. Austin only has -- Austin's jurisdiction only extends to cover about a third of the Barton springs zone, and so the development rules in those other jurisdictions don't tend to be as restrictive as Austin, and, therefore, they're also less protective of water quality. So the contributing zone is really where we have our greatest need in that program to acquire additional properties. Land cost is a huge factor, obviously. When we first started the wqpl program, land costs were about 4,000 an acre. Now they're in the neighborhood of about 20 to 25,000 an acre. Nos bat cones canyon land preserves, initial properties were purchased in the steiner ranch area for about a thousand dollars an acre. Now those properties are somewhere in the neighborhood of \$40,000 an acre.

[4:58:29 PM]

It's hard to make money go as far as it did 20, 25 years ago, when these programs first began. Currently, our funding, wqpl, we essentially have nothing left. We have kind of the money that you can find under the seat cushions, kind of money. Bcp still does have income coming in from participation fees. City of Austin shares only about \$200,000 a year, and at \$40,000 an acre, it's hard to buy a significant piece of land with that kind of money. It sounds like a lot, but some of these properties are very expensive. So what we did is that we are trying to figure out what other entities were doing that had similar programs, and we looked at our neighbors south in San Antonio. They have a very unique program that links protection of the Edwards aquifer in their area with parkland within the city. They used -- they use a portion of their sales tax to fund the purchase of aquifer land to protect the aquifer, as well as funding the acquisition and construction of trails all across the city. So like Austin, San Antonio has single-member districts, and so the purchase of these parklands benefit the districts all across town, not just in one area. So those -- the approval to use that sales tax is put to the voters every five years for reauthorization, and since their program began in 2000, they protected over 133,000 up from the Edwards aquifer. They purchased about one thousand acres of land in the city and constructed about 46 miles of trails within the city along the linear freeways pool real quick question --

>> Pool: Real quick question, how many times has the reauthorization occurred and what was the voting percentage.

[5:00:30 PM]

>> First vote in 2000 and last in 2015. So four times. The approval on the last vote in 2015 was over 70% of the voters approved.

>> Pool: It has gone up every time is my understanding, right?

>> That's correct.

>> So what are next steps? I think we need to identify and quantify what the acquisition needs are for both of the programs. The environmental commission at their meeting last week had passed a motion to look at funding options for additional land acquisition, bonds, perhaps for short term. I think the beauty of the San Antonio program is it does provide a continuous funding stream to fund those programs so the acquisition of the lands can keep pace with development. So what would that funding be like? I think there are people more intelligent than us that can help us wrestle with that question, is it sales tax, hotel tax, something else? Some other fee that would help provide that funding? I think the other thing that we would really like to do is that we would really like to get you and others out in the field to really

see the properties and appreciate the benefits they bring, not only for wildlife, water quality and other benefits as well. I think with that, we can answer any questions you might have.

>> Pool: Thank you all so much for coming, and especially for the videos. They were really refreshing after a hard day. Almost felt like I was out there.

[Chuckling] Let's see. We can have some discussion or questions here, and then I wanted to ask Dr. Maxwell if she'd like to talk about the motion that came out of the environmental commission. But first, are there any questions for staff or any commentary? Councilmember Zimmerman.

>> Zimmerman: Quick question. It is coming up on the 20-year anniversary, right? 1996. So have we had real significant audits?

[5:02:32 PM]

Have we had the city auditor take a look at what is going on the bcp funds and what happen is the fund balance. Do we have a bank where we take in money? What is the fund balance?

>> Those Numbers have been audited before. Prior to my time at the city. Four years ago, five years ago.

>> Zimmerman: Four or five years ago?

>> Uh-huh. We generally use the fund for fencing. We spend 300,000 or 400,000 on fencing. We did the preserve and the Lucas tract. Prior to the Lucas acquisition it was 1.2 million. I have to look into that number to get you the exact number. That accounting number is managed by our financial folks, but I can get that for you.

>> Zimmerman: Have you asked for an audit, to see where you are after 20 years? Because I'm going to ask for an audit.

>> We haven't asked for one. We would welcome that.

>> Zimmerman: It would make sense, 20 year, good time to see where we are and take an audit.

>> Pool: Is that something the county needs to participate in, too, because it is a partnership program.

>> Yes, the participation fees that come in every year, of course, they're related economic development. In the past few years they've gone up again. There are some years where they haven't been high. Those funds are split between Travis county and the city.

>> Zimmerman: And do you know roughly how much -- you said fencing. Fencing is one of the expenses.

>> Yeah.

>> Zimmerman: But when it comes to wildfire mitigation, we have a risk. There is a lot of cedar out here, the cedar dies and a lot of vegetation building up and we do have fire risks. I think we acknowledged that. I don't think we're anywhere near where we need to be if we're clearing up ground cover and getting rid of fuel. If we got hit by lightning strike in the middle of one of the open areas, we could be in trouble.

>> Yeah, we're looking at that, putting in shaded field breaks where money is available and where homes are close to the boundary.

[5:04:38 PM]

We actually, in Normal conditions, juniper oakwood land oakwood land, that is not as flammable. In the 2011, extreme dry conditions we had the steiner fire. In that fire, it burned through the brushy areas and not so much in the mature woodland. We're looking at that, and Kevin's program also does that along the water quality land boundaries.

>> Pool: Great. Thank you. Any other questions? Mayor pro tem.

>> Tovo: Councilmember Zimmerman, you talked about an audit. I -- it would be good, especially if it's a request that will come to the audit committee for consideration for the audit plan, it would be good to know if you are talking about auditing the funds which I imagine the city has an obligation to do on an

annual basis anyway. Or are you looking for some other kind of audit? It is important when we're talking about audits to make sure the public understands there are checks and balances for all of the finance, all of our accounts.

>> Zimmerman: I think a 20-year anniversary is a good time to look at the effectiveness of what it was set out to do back in 1996.

>> Tovo: So you're looking at the broader picture.

>> Zimmerman: Not just dollars and senses.

>> Tovo: The lands preserved and some of that information is the kind of stuff in the presentation. That's helpful. Thanks very much. I have had the opportunity to go out on the water quality protection lands and I encourage colleagues to do so. It is fascinating and understanding better the connection between that and our drinking water is important.

>> This is a great time of the year to get out there.

>> Pool: Yeah. I think it is also important to make the connection.

>> Tovo: Water quality is what I meant to say.

>> Pool: It is also important to make the connection on why the permit is put in place. Ms. Cool, you were talking about that early on in the presentation. That the permitting process through fish and wildlife took up to two years.

[5:06:38 PM]

When the conservation plan was put together, it made it possible for development to happen along with mitigation and preserve lands being set aside. So I would guess that many of the homes on the west side of town maybe Davenport, or maybe you could even name some of the neighborhoods to the west, wouldn't be there, if not for the conservation plan being put in place. Is that a fair description?

>> Yes. A number of them were put in prior -- after the development permit.

>> Pool: But they were made possible because we had set aside the preserve?

>> River place would be an example.

>> Pool: I'm sorry?

>> River place would be an example.

>> Pool: An example of?

>> Of what you are talking about, mitigation in order to be filled.

>> Pool: Right. And I think --

>> That's a good point.

>> Pool: And jester, which is where the beulahs live, right?

>> [Indiscernible]

[Laughter]

>> Pool: I think that point gets lost in the larger conversation.

>> Uh-huh.

>> Pool: And I think it was Willie Conrad who really talked about that a lot. He was the one I heard it first from.

>> Uh-huh. I meant to mention when I mentioned the \$4.5 million of revenue generated that that was about 14,500 acres at that time in 2014. So we're going to update the Numbers for the 20th anniversary. We're doing a state of the bcp report, which I think would answer some of councilmember Zimmerman's questions. But that was over 14,000 acres of development.

>> Pool: Mr. Slefte did you have anything else?

>> No.

>> Pool: Can you update us briefly on the 20th anniversary celebration being planned?

>> Yes, we're looking at may 6 as the date, but then we found out about the potential election on may 7.

So I was actually going to contact your office about whether we should look at April 29 or potential may 13.

[5:08:44 PM]

We're trying to nail down for certain the day, but we'll have a celebration out at Ryker ranch and invite folks to come out, see the preserve, just have hikes -- guided hikes, booths and talk about the success of the bcp.

>> Pool: That sounds terrific, thank you. Dr. Maxwell, would you like to talk about the environmental commission motion?

>> Well, I just wanted -- this motion really is to kind of bring forward to council the concerns that we have for continuing to have these lands be viable and to acquire more to help protect the aquifer. And also to complete the bcp area. To try and do that in the near term. Because prices are going up and up and up. And if we can get in there sooner rather than later, it would help us all a lot. And help the city and help the preserve of these wonderful assets that this city has. This is an amazing -- if you all have not been out there, both places are amazing. These are the kinds of things that people come to Austin for this reason, for the beauty of it. And we cannot afford to lose this. So to try to bring this up and put the spotlight on it now, because we're out of money and because we need to really continue the programs, that's why we made the motion. It was to help bring this forward to council. We're early in bond discussions. I know I hear rumors and rumbles of bonds. And there is that for kind of a short term interim solution, but then the whole idea of coming up with another funding mechanism in the long-term would really be helpful.

[5:10:59 PM]

I'm impressed with what they've done. The other piece for me, especially -- I don't know this is kind of my mission right now, is that we need parkland, both the open space lands but also parkland within this city as it grows so explosively. That is why we tied some of the parkland into this, too. Because some of the parkland, we have land, there is a lot of land that actually we have, but not money to develop it as parks for the city, as the city grows. So we tie the two together. But it all adds up to, we just really need to recognize the value of the beauty of the green space of this city. And to just protect it. And continue to engage with it, because it is really, in the long-term, it is all -- it is better for all of our mental health to have this access to green space.

>> Pool: Thank you so much. That is kind of a nice way to wrap us up on a really beautiful Austin afternoon. Is there any other business.

>> Zimmerman: Motion to adjourn.

>> Pool: Anything else? Thank you for bringing this motion. We're not posted to take any action on it today, but we have this now, so we'll see if we can get this going through the process. And with that, if there is no other business and no other comment, I will adjourn this meeting, and I thank everybody for being here.

>> Thank you.

[Meeting adjourned]