



MINUTES OF A REGULAR MEETING FOR THE CITY COUNCIL
OF THE CITY OF SUNSET VALLEY, TEXAS HELD
TUESDAY, FEBRUARY 18, 2003 AT 7:00 P.M. IN THE
MUNICIPAL BUILDING LOCATED AT 2 LONE OAK TRAIL

Councilmembers present: Mayor Cowan, Cat Quintanilla, Kelly Lee, Mickie Powers, and Scott Draker

Councilmembers absent: Mary Black

A-1: Mayor Cowan called the meeting to order at 7:08 p.m.

A-2: The following citizen comments were given at this time.

Jim Isaacson, 5 Sunset Trail, stated that he is favor of a reduction in impervious cover.

Betty Grubbs, 6405 Brodie Lane, recommended that the City purchase a hand held microphone for Council and citizens to use. She didn't realize the City wasn't just talking about releasing the ETJ and that it was actually a done deal. She thinks the City needs to consider the financing of annexing Country White residents, for streets, water, and wastewater. She suggested the City install a basketball court for children in the area. She feels the residents should be able to add on a deck to their house. She said that she heard that Council has approved the plans for the New City Hall. She would like to see finance information in the newsletter.

A-3: A motion was made by Councilmember Quintanilla and seconded by Councilmember Powers to approve the following agenda items on consent.

A-9: Approval of a Resolution adopting a Service Plan for two tracts of land, a total of 6.517 acres proposed to be annexed, being a portion of Home Depot Boulevard and a portion of Brodie Lane.

Jayne Foley advised Council that TEX. REV. CIVIL STATUES ANN, article 790a, section 10, is an old reference in the Resolution and needs to be corrected to read TEX. REV. CIVIL STATUES ANN, Tex. Local Government Code, Chapter 43.

A-11: Promotion of Wendell Thomas to the Sergeant position.

A-16: Approval of minutes from meetings November 19, 2002 and December 3, 2002.

All voted yes with the correction to A-9 and the motion carried.

A-4: Mayor Cowan opened the Public Hearing at 7:18 p.m. to consider an Ordinance amending the Land Development Code to reduce the percentage of permitted impervious cover per lot to remove certain exceptions from the Code.

Jayne Foley discussed with Council.

- Council directed staff to make revisions to the Land Development Code with impervious cover regulations of 18% across the board. Several sections of the code would be affected by the changes. It provides for some exceptions for single-family homes on lots existing within the transition zone and/or critical water quality zone. We checked all of the areas where there may be a reference of difference between the residential and commercial zones. There is still a lot of area Council needs to discuss where a developer of a single-family lot subdivision must make some assumptions in regards to the amount of impervious cover anticipated to be built on a lot and the design of their water quality facilities. In discussions at the last meeting, our numbers were a lot lower than the City of Austin's, which brought up questions on how that would relate to the Sunset Valley Meadows Subdivision. She discussed a spreadsheet showing what the City currently uses as assumptions of impervious cover, what the City of Austin currently uses, and also what is currently allowed for in the Meadows. In processing permits, it appears that most people move towards building at the highest square footage available. On a one acre tract of land at 18%, the impervious cover square footage comes to 7,480.

Jayne Foley discussed the proposed revisions to the Land Development Code.

Section 1. Subsection 4.104(b)(2)

Proposal is to delete this section in its entirety. Currently a property owner who has an existing home along the creek, is allowed the full 18% impervious cover, but an undeveloped vacant lot would only be given 6,000 square feet per acre because of the location of the property to the creek. It gave some people more impervious cover than others in an environmentally sensitive area.

Section 2. New Subsection 4.103 (f)

Currently a provision in the Code under small projects says a small project is considered either a one single-family lot or two single-family lots adjacent to each other where the developer is building one house on each of the two lots. There is a section in Small Projects that says if so much of the lot, this is relating to an existing legal lot that lies within the water quality transition zone, a variance is required to develop any portion of the lot and certain regulation shall govern the granting of such variances. This was to

provide for owners with existing lots within the transition water zone that were legal lots prior to the City implementing watershed regulations. The provision provides that if so much of the lot lies within the water quality transition zone that a person couldn't develop their lot or build on it without reasonably complying with setback requirements and have to encroach into the transition zone or if disallowing a variance could restrict the developer to less impervious cover than otherwise would be permitted if the lot lay wholly within the uplands, the developer shall be granted a variance if all the conditions are demonstrated on the preliminary site plan to the satisfaction of the City Council. One, they would have to minimize degradation of water quality, and there could be some conditions imposed in a restrictive covenant. It also allows for a maximum of 6,000 square feet per acre for these existing lots. At the last meeting there were discussions regarding development of existing lots that were all in the transition zone and critical water quality zone. The provision in the code under Small Projects covered the single family lots. We have other lands that will not fall into the Small Projects category, that are all transition zone/critical water quality zone. We took the same language in the Small Project section and plugged it into the variance section, so that if we have this situation, a legal lot, they would fall into this provision in order to get the maximum of 6,000 square feet per acre.

3. Subsection 4.201(b)

This is repealing b7 in its entirety, by removing an exemption allowing additions or accessory structures within the water quality transition zone. It now reads that it must be free of all construction activity, development and alterations except utilities, parks, fences that do not obstruct flood flows, concrete driveways, street crossings, and minor drainage facilities.

4. Subsection 4.301(d)

This section is used to determine the basis for impervious calculations on single family development and makes certain assumptions. The City has traditionally applied the rule that to develop as a single-family development they have assumptions for capturing impervious cover on each of the lots depending on the lot size. From those assumptions they must rely on water quality ponds to capture an amount of runoff equal to what would be produced from the impervious cover by lot. If you have three acres or greater per lot, the assumption was there would be 5,000 square feet of impervious cover. For lots that are one to three acres the assumption was there would be 4,000 square feet of impervious cover. For lots less than one acre the assumption was there would be 3,500 square feet of impervious cover.

Councilmember Quintanilla asked if the higher assumption, the more stringent the requirement for the water quality facilities. Jayme Foley replied that she understood it to be that way. Any tract of land with 4 lots or more must have water quality facilities for that development.

Dr. Ross stated that she thinks this is a very confusing issue. When someone comes in to do a development and they have to use the 18% criteria, that criteria has to be met twice. The 18% allowed is divided up between a certain amount for each lot or a certain amount for something else.

Jayne Foley recommends that less than one acre be allowed 5,000 square feet of impervious cover, one to three acres be allowed 5,880 square feet square feet of impervious cover, and three acres or greater be allowed 5,880 square feet of impervious cover.

Dr. Ross stated that when a developer comes in, the 18% impervious cover limit is applied to the entire development.

Mayor Cowan recommends that 6,000 square feet of impervious cover be allowed for categories of three acres or greater and one to three acres; 5,000 square feet of impervious cover be allowed for properties that are less than one acre.

5. Subsection Section 4.301(f)

Section 5 amends Section 4.301 (f) in two ways. The first is making a change that the projected impervious cover on any single lot or undivided tract in the upland zone shall not exceed 18%. That is a change from 40% and also takes away the distinguishment between commercial and multi family residential. It then removes subsections (f)(1) and (f)(2) which provided for transfers, whereby one could receive additional transfers above the 40% if they met certain conditions.

6. Section 4.301(k)(1)

If a person desires to develop in the water quality transition zone, they may submit an application for a variance with their preliminary site plan. We have added the word "existing" in front of "legal lots" to read "In the case of an existing legal lot which is to be developed with one single family residence, or two contiguous existing legal lots which are to be developed by the same developer with one or two single family residences, the application and the conditions for granting or denying a variance shall be governed by the procedures and the standards in Section 4.107 (Small Projects)." We also provided additional language to read "In the case of an existing legal lot which is to be developed in a manner other than as a single family residence, the application and the conditions for granting or denying a variance shall be governed by the procedures and the standards in Section 4.103(f) (Variances).

7. Section 4.302(b)

Subsection (b) is being repealed in its entirety. This dealt with transfer credits from the transition zone that were applicable to commercial and multi family lots. Subsection (c) and (d) are being renumbered to (b) and (c) which still allows development transfers from one tract to another.

Mayor Cowan asked Doug Young that if by eliminating the first subsection if these sections make sense now. Doug Young replied yes.

With no other revisions for review the Mayor took Public Comments.

Roger Edmondson, 744 Oakdale Drive, stated that there are three aspects to this: scientific, emotional, and political. He feels something initiated this. In a political atmosphere, facts and numbers are scary; people that want to preserve their property are developers. He feels the motivation is more than water quality. He feels that there has not been any consideration given to the property owners. He does not think that the proposed changes will affect the water quality.

Anne Gault, 6401 Brodie Lane, asked if the New City Hall will be built using the present impervious cover limits or the proposed change of 18%. Mayor Cowan responded that City Hall was designed at 17.9%. Ms. Gault listed the commercial developments located along Brodie Lane and feels that if the impervious cover is changed it will affect the residents living on Brodie Lane. She thinks that Councilmember Draker should abstain from voting on the Ordinance because he has a special interest in what happens to his property. She said that she currently has a well and no one has ever come to check her water. She feels that 20% impervious cover across the board would be more favorable.

Dr. Pierceman, 39 Pillow Road, feels the bottom line for all value, people want to live in areas that are green without a lot of pavement. He has a petition to lower the impervious cover to 15% because of the water quality issues. He feels that there are tons of variances that will be allowed by Council. The 100-year flood problems are getting worse by the year due to the impervious cover. City of Austin is willing to come down to 15% over the Edwards Aquifer.

Helen Besse, 795 Oakdale Drive, commented that the Country White residents should oblige by all the regulations that the City upholds. She feels that it is everybody's responsibility to control the water quality. She doesn't think this is a personal issue for Councilmembers but a community issue. With the lower impervious cover, property owners will still come in with variance requests and feels Council is very lenient. She recommends 15% impervious cover across the board.

Mayor Cowan commented that Council has been trained very carefully in regards to what constitutes a variance and they really do follow the criteria closely.

Craig Smith, Barton Springs Edwards Aquifer District, pointed out that we are all realizing that if we are going to protect the aquifer, which is Sunset Valley's drinking water, it is going to take the whole jurisdiction to control the water quality. He feels like the City's are gradually pulling together on this issue and he applauds City of Sunset Valley for their input.

Mr. Pierceman asked how the Council goes about changing the impervious cover limits from 18% to 15%. Mayor Cowan explained that a Councilmember needs to make a motion on agenda item A-5, which follows the Public Hearing.

Brad Rockwell stated that he is glad Council is considering changing the impervious cover limits and appreciates the work Council has done.

Ron Light, 14 Pillow Road, asked if the first half inch of rain saturates into the ground and the rest is runoff. Dr. Ross stated that in the City of Sunset Valley there are two different kinds of ponds, one is a flood detention pond and one is the water quality pond. She explained how the two ponds work together. Mr. Light challenged Council to encourage residents to trap a certain percentage of water for their own watering and give a homeowner a possibility to have more impervious cover by using a rainwater collection system.

With no further comment, Mayor Cowan closed the Public Hearing at 8:20 p.m.

A-5: Council discussed an Ordinance amending the Land Development Code to reduce the percentage of permitted impervious cover per lot and to remove certain exceptions from the Code.

- Numbers recommended for changing the impervious cover range from 15% to 20%.
- Mayor Cowan feels that rainwater collection systems are a great idea, but is not sure about trading it for more impervious cover. He recommended the change to 18% because he wants to equalize the opportunity for property owners between zoning. The 18% is the current residential value, and thinks the 18% would be easier for folks to support it. By reducing the impervious cover we are protecting our neighbors downstream and influencing our neighbors upstream. He has contacted the Mayor of Austin to intercede for any developer who attempts to impose a large commercial development in that area that we gave to Austin specifically to protect the water quality and advised that we would support and fight in a lawsuit to protect that area. We are protecting water quality, and the personality of the city. He would be happy if Council supported the 18%.

Dr. Ross reviewed the different effects of pollutants with the different impervious cover limits. If you took the total flow from an acre of land, in terms of acre feet per year, the difference between 15% and 18% is 2.9 acre feet per year and 0.34 acre feet per year, which is more than a 10% difference.

- Councilmember Lee commented that he did not hear anyone supporting the current limits other than those property owners along Brodie Lane and Highway 290.
- Councilmember Powers said if she were a property owner along Brodie Lane or Highway 290 she would feel the same as they do at this point. She feels the City has enough undeveloped property that the change will make a difference. She is looking

at the flooding issues due to impervious cover. She is concerned about upstream neighboring City's who are considering Ordinances that will impact us. She supports the 18%.

- Councilmember Draker stated that he is glad the proposals that were put on the table provides for equal footing across the board. He is concerned about the Ordinance, Section 7 repealing 4.302(b). The Ordinance would not allow the right to transfer. He suggests giving the right to transfers.

Jayne Foley explained that the current code said if you have land in the uplands you receive a certain percentage of impervious cover. If you had additional transition zones you were given credit on that transition zone. Commercially you couldn't build in it but you could transfer those credits to the uplands. Council directed staff to draft the Ordinance such that if you were in the uplands you got 18% period. There is no credit for transition. There is no credit for critical. 18% in the uplands is 18% in the uplands. There is nothing to transfer from some other place. Transfers that were approved in the Meadows were done by a variance process, and the water quality had to be equal or better.

Dr. Ross stated that she has a concern about Subsection 4.302. Her understanding of Subsection 4.302(c) is that it says basically that if your going to do a transfer of development from uplands to uplands, you have to do it in a way that makes water flow more easily. Doug Young said that it seems to imply a right to transfers.

Council discussed eliminating Section 4.302 in it's entirety.

Roger Edmondson stated that none of the residents that attended the meeting mentioned to Council to keep the impervious cover where it is currently.

Mayor Cowan said he believes what the City is doing will do more good than harm and enhance the quality of life.

A motion was made by Councilmember Quintanilla and seconded by Councilmember Powers to approve an Ordinance amending the Land Development Code to reduce the percentage of permitted impervious cover per lot to 18%, to remove certain exceptions from the Code, to delete subsection 4.302 in its entirety, and to provide impervious cover assumption in subsection 4.301 (d), at 6,000 square feet for one acre or more and 5,000 square feet for less than one acre. All voted yes and the motion carried.

COUNCIL TOOK A BREAK AT 8:56 P.M.

COUNCIL RECONVENED TO OPEN SESSION AT 9:19 P.M.

Mayor Cowan left at 9:19 p.m.

Mayor Pro Tem Quintanilla presided the meeting.

A-6: A motion was made by Councilmember Powers and seconded by Councilmember Lee to approve an Ordinance providing for an additional eleven (11) day suspension of acceptance on any applications filed for site plan approval, watershed development permit, subdivision plats, and building permits that require a watershed permit filed upon the expiration date of Ordinance No. 030121. All voted yes and the motion carried.

A-7: Jayme Foley discussed with Council a work order for engineering design for flood detention system for the proposed Sunset Valley City Hall.

- A bioretention system will be constructed for the New City Hall for water quality.
- Work order addresses both the water pollution abatement for the Jones Road runoff and design detention portion for City Hall for an amount of \$9,000.
- There will be an application fee for the permit for the Jones Road filtration.
- Dr. Ross is aware of the needs and function of a detention pond.
- Monies have not been transferred to cover the detention pond.

A motion was made by Councilmember Draker and seconded by Councilmember Powers to approve a work order for engineering design for flood detention system for the proposed Sunset Valley City Hall. All voted yes and the motion carried.

A-8: Jayme Foley discussed with Council releasing funds for the relocation of poles at Highway 290/Ernest Robles Way and Jones Road/Ernest Robles Way.

- Utility poles on Ernest Robles Way need to be relocated in order for the City to improve the radius turn at Highway 290 and Ernest Robles Way, and at the intersection of Jones Road and Ernest Robles Way.
- Original estimates received were for approximately \$10,000.
- There are various vendors using these poles other than Austin Energy, such as Time Warner Cable, SBC, and Grande Communications.
- Actual cost to relocate the poles is \$17,068.
- The utility poles next to Kohl's will eventually be underground.
- Funds will come out of the projects budget.

A motion was made by Councilmember Lee and seconded by Councilmember Draker to table this item until after discussions of agenda item A-15. All voted yes and the motion carried.

A-14: A motion was made by Councilmember Draker and seconded by Councilmember Powers to approve a Proclamation declaring April 19, 2003 as Sunset Valley's Fire Ant Control Day. All voted yes and the motion carried.

A-10: Jayme Foley discussed with Council Financial Policy #201, as amended, outlining procedures for Competitive Sealed Bids (ITB), Competitive Sealed Proposals (REP), and Non-Bid Purchases.

- Allows the City to go with competitive sealed bids.
- The Finance Committee did give recommendation of approval.

A motion was made by Councilmember Powers and seconded by Councilmember Lee to approve Financial Policy #201, as amended, outlining procedures for Competitive Sealed Bids (ITB), Competitive Sealed Proposals (REP), and Non-Bid Purchases. All voted yes and the motion carried.

A-12: A motion was made by Councilmember Draker and seconded by Councilmember Lee to approve a Proclamation declaring the month of March 2003 as Sunset Valley's Spring Cleaning Month. All voted yes and the motion carried.

A-13: A motion was made by Councilmember Powers and seconded by Councilmember Lee to approve a Proclamation declaring April 5, 2003 as Sunset Valley's Arbor Day. All voted yes and the motion carried.

Councilmember Powers left at 9:53 p.m.

A-15: Councilmember Lee discussed with Council the Financial Statements for November 2002 and December 2002.

- It was discovered at the last Finance meeting that the revenues had been improperly divided between the general sales tax collections and the street improvement collections.
- The Road & Maintenance fund was not getting the right amount of monies.
- Deficit for the year is \$54,000.

A motion was made by Councilmember Draker and seconded by Councilmember Lee to approve Financial Statements for November 2002 and December 2002. All voted yes and the motion carried.

A-8: A motion was made by Councilmember Lee and seconded by Councilmember Draker to table releasing funds for the relocation of poles at Highway 290/Ernest Robles Way and Jones Road/Ernest Robles Way. All voted yes and the motion carried.

A-17: The following Staff report was given at this time.

Police Department:

- Reviewed the January 2003 Incident Report.
- He spoke to Wolfe Nursery about cleaning up the property. As of today no work has been started.
- Discussed the Citizen contact statistics for 2002.

Katy Phillips, Public Works Department, gave no report at this time.

Jayme Foley, Administration, gave no report at this time.

A-18: There were no Committee reports given at this time.

A-19: The Mayor gave no report at this time.

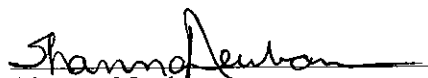
A-20: Council waived discussions related to future agenda items and setting meeting dates.


A-21: The City Council did not go into Executive Session, pursuant to Chapter 551 of the Texas Government Code.

With no further business coming before Council, a motion was made by Councilmember Draker and seconded by Councilmember Lee to adjourn the meeting. All voted yes and the motion carried.

The meeting adjourned at 10:09 p.m.

ATTEST:


Shanna Neubauer
City Secretary


Cat Quintanilla
Mayor Pro Tem

**A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
SUNSET VALLEY, TEXAS,
DECLARING THE MONTH OF MARCH, 2003 "SPRING CLEANING MONTH"
AND
TO ENCOURAGE A HEALTHY AND AESTHETICALLY PLEASING
ENVIRONMENT FOR ALL**

WHEREAS, a community oriented "Spring Cleaning Month" is the most cost effective way for the Public Works Department to serve the citizens of Sunset Valley; AND,

WHEREAS, the removal of dead limbs and brush from the residences of Sunset Valley is necessary to control pests, reduce fire hazards, and promote the health of trees and shrubs; AND,

WHEREAS, Travis County and the City of Austin accept the otherwise non-disposable hazardous waste generated in Sunset Valley free of charge; AND,

WHEREAS, recycling saves the State of Texas millions of dollars in disposal costs, generates jobs, is recognized as the first and easiest way for Texans to get involved with taking care of Texas and saves a tremendous amount of important resources; NOW, THEREFORE

**BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY,
TEXAS THAT:**

The Month of March, 2003 shall be "Spring Cleaning Month" in which the Public Works Department will promote a cooperative city wide effort to encourage recycling and facilitate in the removal of bulky refuse and hazardous waste from the residences of Sunset Valley, Texas.

Passed and adopted on the 18th day of February, 2003.



Mayor Pro-Tem Cat Quintanilla

Attest:


Shanna Neubauer, City Secretary



**A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF SUNSET VALLEY, TEXAS DECLARING APRIL 5, 2003
AS SUNSET VALLEY ARBOR DAY IN WHICH CITIZENS ARE
ENCOURAGED TO PLANT TREES**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; **AND**

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; **AND**

WHEREAS, Arbor Day is now observed throughout the nation and the world; **AND**

WHEREAS, trees can reduce erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate air temperature, clean air, produce oxygen, and provide habitat for wildlife; **AND**

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; **AND**

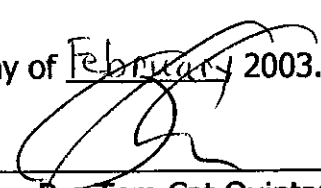
WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; **AND**

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, **NOW THEREFORE**


**BE IT PROCLAIMED BY THE MAYOR AND CITY COUNCIL OF THE CITY
OF SUNSET VALLEY, TEXAS THAT:**

Saturday, April 5th shall be declared Arbor Day in the City of Sunset Valley and citizens are urged to plant trees to promote the well being of this and future generations.

Passed and adopted on the 18th day of February 2003.



Mayor Pro Tem Cat Quintanilla

Attest: 

Shanna Neubauer, City Secretary

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF THE CITY SUNSET VALLEY, TEXAS DECLARING APRIL 19, 2003 "FIRE ANT CONTROL DAY" IN WHICH CITIZENS ARE ENCOURAGED TO USE ENVIRONMENTALLY SENSITIVE TECHNIQUES TO CONTROL RED IMPORTED FIRE ANTS ON THIS DAY

WHEREAS, Red Imported Fire Ants (*Solenopsis invicta*) have been found to be a nuisance to people, domestic animals and wildlife; AND,

WHEREAS, broad spectrum insecticides are expensive, potentially hazardous to the environment, are not always 100 percent effective, and provide only temporary control of fire ants; AND,

WHEREAS, effective fire ant control in Sunset Valley will require a cooperative Citywide effort that uses the safest and most target specific techniques known; NOW THEREFORE,

BE IT PROCLAIMED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS THAT:

April 19, 2003 shall be declared "FIRE ANT CONTROL DAY" in which citizens will be encouraged to participate in a community wide effort to control Red Imported Fire Ants using environmentally sensitive and effective techniques.

Passed and adopted on the 18th day of February, 2003.



Mayor Pro Tem Cat Quintanilla

Attest:



Shanna Neubauer, City Secretary