

# Joseph L. Lessard

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## *Summary*

- Vision and goal-oriented leader with a strong emphasis on positive team building/alignment.
- Known for creativity, attention to detail and perseverance in pursuing objectives.
- Skills in change management, negotiation, communication, intergovernmental relations, and problem solving for balanced solutions to community issues.

## *Public Sector Experience*

### **Assistant City Manager** (9.4 yrs.)

City of Austin, Austin, Texas

Leadership responsibilities during tenure included, at one time or another, over half of designated City departments. Work included oversight of all the City's enterprise (electric, water/wastewater, solid waste, convention center and visitors bureau, and aviation), public safety (police, fire, and emergency medical service), development (planning, environmental services, economic development, and housing) and infrastructure (public works/real estate) operations. City management issues addressed during this time included reorganizing and continuous improvement implementation for customer service and increased efficiency, and to build an open, teamwork culture out of one characterized as splintered and defensive. Peak budget responsibilities of up to \$537 million in operating budget expenditures, \$507 million in revenues, \$585 million in capital budget and 2,900 full time employee positions (City population grew from 466,000 to 613,000 during tenure).

Strategic/economic development accomplishments with the City of Austin include:

- Developed street maintenance funding approach, including new Transportation User Fee, negotiation of \$60 million support from the Capital Metropolitan Transportation Authority and a successful street reconstruction bond election
- Established CDBG affordable housing initiative (1,000 units repaired or built annually)
- Austin Convention Center construction & reestablished Austin's visitors bureau
- Administration and funding plan to create 30,428-acre regional multi-species habitat preserve (Balcones Canyonland Conservation Plan under a USFWS 10(a) permit)
- Redevelopment of Bergstrom Air Force Base into Austin-Bergstrom International Airport, including public vote for \$400 million of airport bonds and small/minority business outreach
- Negotiation of City's first Civil Service (Fire and Police) collective bargaining agreements
- Implementation of the City's continuous improvement, Total Quality Management initiative

### **Assistant to the City Manager** (1.7 yrs.)

City of Dallas, Dallas, Texas

Responsible for managerial support to the City Manager and Deputy City Manager. Oversight assignments include establishment of the City's new Risk Management Office, conducting the annual city employee survey and City Council agenda process. (City population over 904,000 during tenure)

### **Management Assistant / Interim General Manager** (2 yrs.)

City of Dallas, Dallas, Texas

Management Assistant to an Assistant City Manager with temporary assignment as Interim General Manager responsible for operation of the only municipally owned commercial radio station in the United States. (WRR radio staff of approx. 10 FTEs)

### *Private Sector Experience*

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#### **Independent Consultant – Strategic Initiatives** (Oct. 2019 - Present; 6.3 yrs. career total)

Self Employed, Austin, TX

Consultant practice offers expertise in organizational & strategic project management, governmental/community relations, mediation, land development and community growth/economic development issues. Private entity work experience includes soliciting public-private partnerships (P3s) for affordable housing on half of private equity real estate investors, marketing services for an electric grid demand response service provider and, negotiating endangered species mitigation for a 4,000-acre land development with the U.S. Fish and Wildlife Service and Travis County, Texas. Public entity project experience includes conceptual drafting of the Travis County, Texas conservation development ordinance, conducting the Southwest Travis County Growth Dialog (community planning effort), and funding plan development for the Hays County Regional Habitat Conservation Plan.

#### **Senior Planning Director** (11.2 yrs.)

Knudson, LP, Austin, Texas

Consultancy focuses on providing public sector clients with intergovernmental relations/coordination, economic development, strategic project management and organizational alignment services. List of clients includes the Lone Star Rail District for its 119-mile LSTAR passenger rail line and, the City of Austin for its Urban Rail and Project Connect regional high-capacity transit planning initiatives.

#### **Senior Vice President – Land Development** (3.8 yrs.)

Kucera Management, Inc., Austin, Texas

Responsible for the management of a diverse set of commercial and residential land development projects. The firm's land division specialized in entitling and managing properties with unusual or difficult development circumstances. Managed projects totaled \$52 million in estimated entitled raw land value.

#### **Vice President** (3.8 yrs.)

Folsom Investments, Inc./Sabre Realty, Inc., Dallas, Texas

Responsible for financial and business planning functions for real estate ownership/management business covering forty-two apartment and condominium communities (8000+ apartments).

### *Education*

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#### **Master of Public Affairs** (Public Finance Concentration)

School of Public and Environmental Affairs, Indiana University, Bloomington, Indiana

#### **Bachelor of Arts: Business Administration** (with Economics Minor); and

#### **Bachelor of Arts: Political Science** (Public Administration Option)

Washington State University, Pullman, Washington

### *Affiliations & Awards*

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- International City Management Association
- Urban Land Institute
- Peacemaker Award, Travis County Dispute Resolution Center
- Congress for the New Urbanism
- Fellow, Ctr. for Public Policy Dispute Resolution, UT Law School

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<https://www.statesman.com/news/20160924/30600-acre-balcones-preserve-now-a-factor-in-tollway-fight>

Posted Sep 24, 2016 at 12:01 AM

Updated Sep 25, 2018 at 1:01 PM

### **30,600-acre Balcones preserve now a factor in tollway fight**

Author: Ben Wear

To the degree that I had thought at all about the Balcones Canyonlands Preserve over the past 19 years — and like most of you, I suspect, I hadn't thought about it much at all — I had it mostly wrong. My perception was that the city of Austin and Travis County, digging into their general treasury for our local tax dollars, had gone out and bought tens of thousands of acres of woody land west and southwest of town only to protect the endangered birds and bugs that live there, and to preserve those rolling green vistas for the rest of us. Yes, the city and county (and some other agencies) did piece together 30,600 acres scattered from Hays County to northwest of Austin. Yes, they used tax money. Yes, the most obvious reason for doing so was to protect endangered golden-cheeked warblers, black-capped vireos and a handful of species of tiny spiders and beetles. And we do have ample green space in Central Texas now that might otherwise have been pockmarked with rooftops.

But that 506-page, 30-year federal permit for the Balcones Canyonlands Preserve, issued in March 1996 by the U.S. Fish and Wildlife Service, also broke what had been a development and road-building logjam in the hills near Austin and allowed up to 60,000 acres to be developed, twice what was to be set aside and protected. And along with that local tax money — much of it property taxes from the owners of that newly developed land — those land purchases were also made possible by about \$100 million of federal tax dollars and by “mitigation” land purchases by those developers.

In other words, it was a development permit as much as it was a conservation permit. “It became clear,” Travis County Judge Sarah Eckhardt said last week at a University of Texas environmental law symposium, “that the only way to (create the preserve) was love and fear.” Fear, Eckhardt said, of federal regulators withholding development permits, and love of the land and the creatures inhabiting it. Eckhardt was on a panel Friday at the UT Law School to discuss the origins of the Balcones Canyonlands Preserve and its current status. The discussion was timely, coming just over a week after the preserve and its permit were suddenly front and center in the controversy over building the Texas 45 Southwest toll road.

That 3.6-mile, four-lane proposed highway, the subject of persistent community wrangling and at least one lawsuit over the past quarter of a century, wouldn't actually traverse the Balcones Canyonlands Preserve. Instead, for much of its run between South MoPac Boulevard and FM 1626, it would lie on a different sort of conservation property, what the city of Austin calls “water quality protection land.” Those 26,600 acres of scattered parcels was purchased or made off limits to development (as “conservation easements”) under a different city program and isn't covered by the Balcones permit. But the road would run just over 100 yards from a tiny piece of the Balcones Canyonlands system, the Flint Ridge Cave, in effect an island within city water

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quality protection land. Because of that cave (which contains no listed endangered species), the U.S. Fish and Wildlife in an April 15 letter to Austin and Travis County officials raised the possibility that the road “may impact the environmental integrity” of the cave and the “species of concern” (cave bugs) that live there. In turn, the letter said, that could tarnish the city’s and county’s standing on the Balcones permit. To remove that notional stain, the service said, local officials might have to substitute another comparable cave into the Balcones preserve (assuming one could be located) or perhaps amend the permit to remove Flint Ridge’s tiny invertebrate species from the permit’s umbrella.

That was enough for Eckhardt, in a letter the next day to the Central Texas Regional Mobility Authority, which is set to begin building Texas 45 Southwest next year, to call for halting planning on the tollway. Her suggestion was promptly, if politely, spurned by the authority. But the preserve and the permit, and an understanding of what they mean and require, have taken on a renewed importance. At the very least, they have become a key talking point for opponents of building the road.

Environmental lawyer David Braun, who was in on the beginning of the Balcones plan as state director of the Nature Conservancy, moderated Friday’s panel, which also included former Travis County Commissioner Valarie Bristol (her precinct, now represented by Texas 45 Southwest’s main champion Gerald Daugherty, included much of the preserve land), former Austin Mayor Bruce Todd and **Joe Lessard**, a consultant now and an Austin assistant city manager in the preserve’s formative years.

Seeing Todd and Eckhardt on stage together was an intriguing tableau.

Todd, before he was mayor, was a Travis County commissioner and was in on the initial Balcones strategizing. But in 2013 and 2014, after 16 years out of politics, he made a brief return engagement as a Travis County commissioner when he was appointed to fill an unexpired term. The court opening was created when Eckhardt resigned to run for her current, elevated post as county judge. That change, because Todd supported Texas 45 Southwest, gave Daugherty the temporary majority he needed to push Texas 45 Southwest through the Commissioners Court. And Eckhardt, now in the court’s majority, is fighting it using a preserve permit that Todd helped birth. Or a development permit. It’s complicated.

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Fredericksburg Standard-Radio Post (TX)  
September 30, 2015

### **Summit eyes Hill Country development, future growth**

Author: Scott Allen

Ranchers, conservationists and tourists all share one thing in common: they love experiencing rural land by seeing the beauty of the Texas Hill Country. This was the message told throughout the Hill Country Alliance (HCA) leadership summit at the Nimitz Museum Ballroom on Thursday, Sept. 24.

Robert Yaro, visiting professor at the University of Texas School of Architecture, was the keynote speaker. He spoke about the importance of “smart” development in the Hill Country and how it relates to the rest of the country. Yaro has extensive experience in regional planning and conservation efforts around the country and is currently leading a UT graduate level course focused on Hill Country planning. ‘We’re not alone’ Yaro compared the Hill Country area to other areas of the country such as Cape Cod in Massachusetts, the Lake Tahoe community and the Napa Valley in California and the highlands on Long Island outside New York City. “The message here today is that you’re not alone,” Yaro said. “There are literally dozens of places across the country that are facing similar pressures: suburban overspill, congested roads, water issues, wildlife management and other invasive issues.” The main problem is how to develop smart and how to do it right, Yaro said.

An example of making sure we develop smart and don’t overdo it is our wine industry. “Close your eyes and imagine what might happen around Fredericksburg in a generation if you keep developing the wine industry here,” Yaro said. Yaro stressed it’s important to consider similar areas that have been over-developed and learn from those situations. Taking it slow - Yaro went on to say that there is no one-fix solution and dozens of the same groups will fix things their own way. The solution takes time. “What you heard in all of these presentations today is that these things take time,” Yaro said. “It requires people working and speaking together in order for it to work and a change doesn’t occur without time.”

A good step in the right direction, Yaro added, is the need to develop political leadership and have politicians find out what the critical mass wants. An example was State Rep. Andrew Murr (R-Junction) who spoke earlier at the event. “We had a state representative speak this morning who was very involved,” Yaro said. “He looks like the kind of guy who will rise to the occasion.” Working in harmony The audience broke into separate groups for a roundtable discussion on topics such as water conservation, dark sky initiative and land practices.

In Yaro’s group they discussed looking at issues from economic and ecological standpoints. This related to a national focus on the problem and group members stressed that what one person does on their land can affect their neighbors’ land. Yaro’s main point was to keep the lands beautiful and to “keep Texas, Texas.” “I’m afraid that this wonderful place is about to get run over by all of the impacts of metropolitan areas out of Austin and San Antonio,” Yaro said. “The message is to basically promote the right kind of development and make sure it’s on your terms and not just on somebody else’s terms.” Yaro is teaching smart development techniques for the Hill Country

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to young minds at UT. “We’re trying to quantify the assets and quantify the threats,” he said. “We look at how other places have dealt with similar challenges and then we’re going to recommend a range of options that the HCA might want to consider.”

Rail use - Prior to Yaro’s speech, **Joe Lessard**, senior planning director for Knudson LP, spoke about the Lone Star Rail planned between San Antonio and Austin, along the I-35 corridor. The project being planned to start construction over the next five to six years is important to the HCA because it exists on the edge of the Hill Country and people from those heavy populated areas will spill into the Hill Country. “Because of the beauty and uniqueness, people want to live there,” **Lessard** said. “So, uniqueness equals value.”

Christy Muse, executive director of the HCA, agreed with the importance of developing the urban centers. “Getting our cities and urban core right has everything to do with conserving land to the west,” Muse said. Speakers Other speakers at the summit were State Rep. Andrew Murr; Roel Lopez, director of Texas A&M Institute of Renewable Natural Resources; Robert Mace, deputy executive administrator for Water Science and Conservation; Ken Kattner, owner of the Putman Mountain Observatory; Patrick Bixler, research scientist with the Texas A&M Institute for Renewable Natural Resources; and Con Mims, executive director of the Nueces River Authority.

Barbara Baggett, resident of Utopia and a member of HCA for the past year, enjoyed meeting other citizens concerned about the same issues. “That’s what this entire thing is all about,” Baggett said. “The networking between everyone.” The large discussion groups broke into smaller groups, eventually leading to one-on-one discussions throughout. “There’s very diverse and energetic groups of people from all walks coming together to learn about the Hill Country today,” Muse said. “And all of the issues we were talking about are connected and we need to work in tandem to fix them.”

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Austin American-Statesman (TX)  
December 9, 2014

### **City staff: Hold up on rail tax change**

#### **Taxing district for new passenger line wants to see money start to flow.**

Author: Ben Wear

A year after the Austin City Council set up special taxing districts around the future stops on the proposed Lone Star Rail line, the rail district wants to start collecting some of those tax dollars. The City Council should rebuff that request, Assistant City Manager Robert Goode said in a memo to the council Friday. He argued that diverting 50 percent of future property tax growth near seven planned rail stations would be "premature," given the unsettled nature of city transportation planning after last month's defeat of a light rail ballot measure. "The new council will obviously need to weigh in with their policy direction on this vital issue," Goode wrote of the city's snarled traffic and other transportation problems.

At Lone Star's urging - and over similar staff objections - the council formed the taxing districts last December. The districts generally cover the area within a half-mile radius of the station locations. The base property values in each district were set Jan. 1; as those property values increase, some of the extra tax revenue could, in theory, go to Lone Star. But the city initially set Lone Star's share of those revenues at 0 percent because of the commuter rail line's uncertain future and the possible need for city tax dollars to go toward the light rail system, which died at the polls last month.

Citing Austin's influence on other negotiations, Lone Star is now pushing for the tax money to begin flowing. If the council agrees, the money would go into a city-held escrow account and wouldn't be released to Lone Star for several years, if at all. How much money that will amount to is also unclear?

Austin Mayor Lee Leffing-well, one of the sponsors of Thursday's item raising Lone Star's percentage, said that while he appreciates Goode and the city staff's attempt to safeguard city taxes, "it probably wouldn't be that much money anyway" because of limited development underway near the proposed stations. But City Chief Financial Officer Elaine Hart a year ago said that by 2018 Lone Star's tax share of 50 percent would exceed \$800,000 a year in revenue. "There definitely would be a tax impact in this year's budget and going forward," Canally said. "More analysis will be needed to know just how much that will be."

Lone Star is also asking the council to move back a deadline - allowing the city to cancel the deal if San Marcos, Kyle, Hays County and Travis County don't sign similar deals - from Jan. 1, 2016, to May 1, 2017. San Marcos has approved the deal and the district is negotiating with Kyle officials, Hart told a council committee last month. Talks with the two counties have not begun in earnest, officials said. "They're all waiting to see what Austin does," said **Joe Lessard**, a Lone Star consultant.

A Lone Star study, now about two years old, said that on average the presence of the stations would increase nearby property values by 36 percent. Lone Star officials said the additional 14

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percent of city taxes in those districts should go to Lone Star because of other nonfinancial benefits of having the stations. "If you drop down (to 36 percent), they'll all drop down,"

**Lessard** said, referring to the other governments along the planned 115-mile, Georgetown-to-San Antonio line, "and that makes the system less affordable." Lone Star officials have no clear path to raise the \$1.8 billion to \$2 billion they say it will take to build alternative rail tracks east of the Interstate 35 corridor for Union Pacific, construct stations and signal systems on the current UP tracks, and buy rail cars. The station-area revenue would be used primarily for annual operating costs.

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Austin Monitor (TX)  
December 1, 2014

### **Lone Star Rail asks Austin for new commitments**

Author: Tyler Whitson

Lone Star Rail District representatives have revealed new details about a proposed passenger rail corridor between Georgetown and South San Antonio — with several stops in Austin — and are asking the city to amend an interlocal agreement that City Council approved last December. The proposed LSTAR commuter service would utilize the current Union Pacific freight line corridor that runs through downtown Austin. Lone Star plans to relocate freight operations so that it can run up to 32 trains per day, seven days a week, and feature a 75-minute express service from downtown Austin to downtown San Antonio. Lone Star representatives told the Council Audit and Finance Committee last Monday that they need the city to extend certain deadlines, set new financial participation levels for local stations, grant development fee waivers, sponsor any needed zoning changes and allow Lone Star to temporarily use the city right of way for construction, if necessary.

Lone Star consultant (and former Council Member) Betty Dunkerley told the Monitor that the rail district needs to demonstrate that it has local support for the project's future operations and maintenance costs before it can request capital funding from the state and federal governments. "What we're trying to get (local entities) to do," Dunkerley said, "is give us that commitment on future operations and management so that we can go to the feds and state and say, 'Mother, may I?'" Dunkerley said that she hopes Council will approve the amendments at its final meeting Dec. 11, adding that Lone Star has been working with the current Council on the agreement for the past three years.

Lone Star's most significant request is that the city commit 50 percent of the property tax growth from the areas within a half-mile of the new stations for rail operations and maintenance, using a tax increment financing agreement that the city set up in last year's contract. Council set the participation requirement in that contract at zero percent, but not to exceed 50 percent.

If Council amends the agreement, the city would theoretically set aside half of the tax revenue from nearby growth above a predetermined baseline. The city would not be obligated to release the funds until Lone Star reaches certain performance measures that demonstrate the project's feasibility. Otherwise, the city would retain the funds. Council Member Laura Morrison expressed some skepticism about the new 50 percent participation request. "One of the things that is most striking to me is that the reports and analyses that we have suggest that 50 percent is too much for our finances," she said, seeking clarification on how to reconcile the conflicting information.

Chief Financial Officer Elaine Hart pointed out that market studies have only supported a 36 percent participation rate from predicted rail-induced growth. Lone Star consultant **Joe Lessard** said that he believes the request for additional growth participation — which Morrison pointed out would essentially come from the city's general fund — is necessary for the rail to provide additional benefits. "If we're going to anchor the downtown, if we're going to provide

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enough service that there is economic development around the stations, if we're going to have an impact on affordability, we believe those items justify the additional increment," **Lessard** said.

Morrison requested more information about exactly how much the additional request would cut into tax revenue from regular growth. "We, as policymakers, have to think about what the impact is on our other services and other areas of town," Morrison said. Dunkerley said the requested amendments are similar to what her organization secured with San Marcos and hopes to secure from other nearby participating cities and entities, including Kyle and Travis and Hays counties. She added that San Marcos has pledged support above and beyond 50 percent to ensure it meets the minimum requirements. Kyle has a contract pending its council's approval by January, and Hays and Travis counties don't currently have agreements. Dunkerley said that these entities are waiting to see what Austin chooses to do before moving forward.

Lone Star is also asking the city to extend deadlines written into last year's contract. This would move the original deadline for Lone Star to sign funding agreements with "key Central Texas local governments" from January 2016 to May 2017, and push the requirement that Lone Star secure capital funding and a relocation agreement with Union Pacific from January 2020 to January 2021. Lone Star also expects to secure interlocal agreements with Austin Community College and the cities of San Antonio, New Braunfels, Buda, Round Rock and Georgetown in 2015. Lone Star Rail Manager Joe Black said there are currently seven stations planned in Austin.

From north to south, they are adjacent to the new Apple campus on Parmer Lane, at McNeil Junction where the line crosses the Capital MetroRail Red Line, near the Domain on Braker Lane, on Anderson Lane east of MoPac, on 35th Street near MoPac, on 6th Street and Lamar Boulevard and slightly south of Slaughter Lane. Lone Star is working with Union Pacific to construct a new freight line far east of the current corridor. It has already initiated an environmental impact study for the new bypass and expects to begin public communication in January.

Hays Free Press (haysfreepress.com)

October 30, 2013

## **L STAR Rail Seeks Bite of Kyle's Tax Growth**

Author: Andy Sevilla

All aboard? Not exactly. - Under the Lone Star Rail District (LSTAR) proposal, which could bring a train stop station to Kyle along the proposed 118-mile passenger rail service, the city would hand over 50 percent of property and sales tax growth generated within a one-half mile radius of the planned station. The station would be built next door to the Austin Community College (ACC) and the captured property and sales tax growth, which is requisitioned for the next 80 years (a 40-year contract with one 40-year extension), would help cover the operation and maintenance cost (O&M). "It's a great concept, but right now we are struggling for revenue. Forty years – oh my God that is a long time – this is like for our great-grandchildren to take over this debt. And this is something that I'm not looking forward to," said Council Member Becky Selbera of the LSTAR proposal.

Kyle would surrender more than \$217,000 – \$127,000 in rail induced growth, \$20,000 in non-rail growth, \$70,000 in-kind contribution, and an undetermined amount of sales tax value capture – by year 2018, the first year of rail service, under LSTAR's proposal. "I just have a hard time committing to such a debt," said Council Member Ray Bryant. "It is a huge debt right now. I think we need to take it slower – I'm not ready, I need more information, I need to look at it, I'm just not ready, I'm not there." LSTAR is proposing capturing 50 percent of the property and sales tax growth in Kyle, San Marcos and Buda. Under the proposal, San Marcos would offer up \$352,000 by year 2018. Figures for Buda were not available.

Before seeking federal and state grants to cover capital funding, LSTAR needs to secure local entities are on the hook for the O&M costs. LSTAR representative **Joe Lessard** told council members at their Oct. 22 meeting that San Marcos was close to the finish line in finalizing a contract with the rail district, but Buda has decided to take a year to evaluate the proposal before making a decision. "If nothing else, we can take it slow like Buda and see where we are in a little while," said Council Member Samantha LeMense before motioning to not approve a resolution supporting implementation planning of the LSTAR project as a 'city project.' "... We have all these other problems that we need to address before we can just jump into a huge, huge project like this." **Lessard** told council members that an economic study conducted by LSTAR, but not presented to city officials at the Oct. 22 meeting, would prove that the primary funding source in Kyle would come from new development that "wouldn't occur unless you have a station."

"(Funding) It's not likely to tap into, to as great of a degree, of the growth that you're anticipating, as it is to the growth that the rail service, itself, would generate," he said. "... The rail system creates a larger demand for high-end development around the stations, and in your case that's probably what's going to pay for this station." Plum Creek developers, who are in talks to construct phase two of their development, said they would ask city officials to rezone the property surrounding the station from light-industrial to a high-intensity multi-use to help capitalize on the potential demanded development growth and generate more funds.

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**Lessard** said the potential Plum Creek rezoning request is contingent upon city leaders moving forward with LSTAR, and that if council members decide not to proceed with the project and Plum Creek did not pursue a rezoning, the potential for property and sales tax growth generated within the one-half mile radius of the planned station would not be sufficient to cover Kyle's portion of O&M. LeMense said that with ACC opening in January, development will soon follow to that area. "I also think that we owe it to our citizens to not give away our tax dollars when we are suffering so badly on wastewater and water and the basic necessities – I understand that transportation is very strong and I promise you I am a huge advocate for transportation – but this has a massive price tag on it, that I just don't think that we can just jump into it and say 'yes' now," she said.

With strong appeal from Mayor Lucy Johnson, who was the only elected official on the dais poised to move forward with the project, the council did not "support" entering into the project, but did direct staff to continue discussions with LSTAR and to bring back the economic study the rail district commissioned, as well as any other figures and documents relevant to city's potential future consideration to enter into a contract with LSTAR. "Regional transportation is always expensive," Johnson said. "But the few ones that are on this planet that are self-sustaining are the ones that have these TIZs – these Tax Reinvestment Zones or Investment Zones – those are the only ones that have been working. And I think when we look at the financial viability of this city ... when you see that 70 percent of our workforce commutes into Austin ... this sort of exurb existence is not sustainable in the future without rail."

"I don't see how we can say 'no' to rail without even seeing a contract when you have to know that we can't grow that much further without an alternative to I-35," she said. Lone Star Rail would connect San Antonio north to Georgetown, and at full service, which is anticipated for 2028, the rail is proposed to make 32 round trips a day with 16 stations along the way.

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San Marcos Daily Record (TX)

October 3, 2013

**County hears about benefits of LSTAR commuter rail**

Author: Anita Miller

Commuter rail — along with relocation of freight to an undisclosed corridor east of San Marcos — is “about investing in the future,” **Joe Lessard** of the Lone Star Rail District’s LSTAR told Hays County Commissioners on Tuesday. **Lessard** gave an overview and update on the rail project that would run 119 miles from Georgetown to San Antonio with two stops in San Marcos — one downtown and one on Centerpoint Road near the outlet malls.

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Community Impact (impactnews.com)

July 18, 2013

### **Rail Line Proposes Stations in San Marcos, Kyle**

Author: Brett Thomas

In the 16 years since Central Texas began exploring the possibility of commuter rail service that would connect Hays County with Austin and San Antonio, no tracks have been laid and no stations have been built, but Joe Black, Lone Star Rail District manager, is confident that commuter rail is coming. “There’s a great deal of work that’s been done,” Black said. “There are some hoops you have to jump through and boxes you have to check off if you expect the federal government to provide funding for your projects. We’ve jumped through those hoops and checked those boxes.” The final phase of the project before construction begins is an environmental study, which LSRD Planning Director Alison Schulze said could be completed by 2016. Conceptual plans for stations in Hays County include a stop near the Austin Community College campus at the intersection of FM 1626 and Kohler’s Crossing in Kyle and a stop at the former Hays County Justice Center in San Marcos. Buda is also included in the environmental impact study, a sign that the city could get a station in one of the later phases of the project, Schulze said. “We have made a commitment to the mayor, City Council, city manager and everybody that Buda probably isn’t big enough right now to have their own station, so in the early phase, Kyle and Buda will share a station,” Schulze said. “But we have every intention of including Buda as a possible future station.”

The system will most likely begin providing service gradually. Black said the first phase could come online as soon as 2019 and will probably include stops in downtown Austin and Hays County. “I think we would probably want to have all the way down to San Marcos open and at least as far as the Travis and Williamson county line open in the first phase,” Black said. Costs and benefits - According to an economic impact study from 2007, stations in Buda, Kyle and San Marcos could bring an additional \$107.4 million in property tax revenue to the three cities by 2033. Additionally, taxable sales within the 15 proposed station areas on the route are projected to increase by \$10.7 billion cumulatively through 2033. Buda Mayor Todd Ruge said the potential benefits are clear, but city officials will have to weigh those benefits against the potential costs of putting a station in Buda. “On paper it looks great, but when you attach a dollar amount to it, you figure out if it’s something that will work for your community or not,” Ruge said. The district charges members a \$50,000 annual fee, which covers operations. The capital costs—things such as rail cars and stations—would be funded mostly through growth in taxable property values and sales. Once the rail is operational, the day-to-day operations and maintenance will be funded evenly between Austin and Travis County, San Antonio and Bexar County and all the other municipalities and counties—including San Marcos, Kyle, Buda and Hays County. On June 25, Georgetown City Council voted to dissolve the city’s membership in the LSRD. Place 4 Councilman Steve Fought, who voted in favor of dissolving the membership, said the city was taking on too much risk by agreeing to help fund the rail line. Fought questioned whether LSRD’s development plan relies too heavily on growth that is not guaranteed. Black said the district has gone to great lengths to ensure LSRD members face very little risk. “We’re trying to limit what we call ‘budget shock,’” Black said. “We’re not just going

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to hand them a bill for \$1 million. We're going to let them grow into the service." Will Conley, Hays County Precinct 3 commissioner, said the county is not looking to follow Georgetown's lead. "I think Hays County is getting a good value for our investment in the Lone Star Rail program," Conley said. "It's an important program with a lot of foresight behind it." Conley noted that as the population of Central Texas grows, the ability to provide adequate capacity for travelers on I-35 diminishes. "Every option is going to be extremely expensive," he said. "There is no more low-hanging fruit anywhere."

A 'difficult lift' - **Joe Lessard**, a consultant for the LSRD, estimated the entire project would cost \$1.8 billion–\$2.4 billion. "It takes time. It takes a lot of patience and persistence, but clearly it's doable because other cities are doing it and have done it," **Lessard** said. "I think what really gets people's attention is that they understand I-35 is not going to be our solution." **Lessard** pointed to the Trinity Railway Express, a commuter train between Dallas and Fort Worth, as an example for Austin to follow.

According to the TRE web site, more than 4,000 passengers rode the TRE on its first day of service in 1996. Today, the estimated daily ridership has topped 8,000. Michael Miles, vice president of governmental relations for Dallas Area Rapid Transit, which partnered with the Fort Worth Transportation Authority to form the TRE, has been with the organization since the discussions about the commuter rail began in 1983. The TRE project took about 13 years to complete and covers about a quarter of the distance of the Central Texas project, he said. "If it was easy, they'd sell it in a bottle," Miles said. "It's a pretty difficult lift. There are a lot of moving parts, and you have to catch a real opportunity, and once you have that opportunity, you have to be really focused on that."

However, the result of bringing the DART online was worth the effort, he said. When urban rail came to Dallas developments began springing up near the stations, riders got quick rides from point A to point B, and downtowns in cities such as Carrollton, Plano and Garland were revitalized. Areas around the commuter rail stations have seen slower growth, but Miles said as the the local economy improves he expects growth along the commuter rail to begin catching up. "That small downtown that was a railroad town 50 or 80 years ago is now a hopping little rediscovered area," Miles said of the DART system. Moving forward - Black said the estimate that the rail line could come online as early as 2019 assumes every step in the process—environmental studies, coordination between the district and municipalities, relocation of Union Pacific freight—goes perfectly according to plan, and so far, things have not gone that way. But after years of economic impact assessments, feasibility studies and ridership modeling, he believes the project is gaining momentum. "It really does feel like things are aligning," Black said. "The right people are in the right positions, and circumstances and conditions are such that people are getting sick of the traffic, tired of their long commutes. ... It's becoming an issue in people's minds, even if they don't know it."

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Community Impact Newspaper, TX (impactnews.com)

April 16, 2013

### **Transit Group Weighs Project Connect Funding Options**

Author: Amy Denney

A Central Texas transit group is considering a number of different funding options for the Project Connect regional transportation plan, which currently is about 49 percent funded. Related - Urban rail leader hired for Project Connect plan & Austin, transit groups unveil long-range regional transportation plan. The Transit Working Group—a committee formed by the Capital Area Metropolitan Planning Organization and chaired by Austin Mayor Lee Leffingwell—listened to several other financing options it could pursue to make up the remaining 51 percent during its April 12 work session.

Project Connect is a \$4 billion plan that includes several high-capacity transit elements such as MetroRapid, the bus rapid transit system that Capital Metro will roll out in 2014, as well as urban rail and the regional rail line from Georgetown to San Antonio that the Lone Star Rail District is planning. “For this plan to work, we need a lot of people buying in early in the process,” said Brian Piascik, principal transportation planner with URS Corporation, which is assisting the TWG with the financial plan. “These growth funding sources out there, we need to start them as soon as possible in order to generate the revenue we'll need to make the system a reality.”

About \$1.9 billion of the plan would be financed through growth funding sources, which include using 29 percent of local sales tax growth over the base year. Communities interested in being a part of the regional plan would commit to this 29 percent or could use other options to make up their portion, such as creating tax increment finance districts near future rail stations. “Using these existing sources that we talked about, we can get close to 50 percent of the vision map completed,” Piascik said. The TWG also listened to proposals for other possible sources of revenue, most of which would need legislative approval to be implemented:

- Emissions tax: Could yield \$16.1 million per year. Capital Metro could implement the tax within its service area but requires a referendum to implement outside its boundaries.
- Vehicle registration fee: The fee is currently in place in Capital Metro's service area and could yield \$24.5 million. The fee could vary from \$5 in the service area to \$10 for outside the service area, which requires legislative approval.
- Mobility use tax: Could yield \$41.2 million annually. This would read a vehicle's odometer during the safety inspection and collect a \$5–\$10 fee per every 5,000 miles driven.
- Off-street parking fee: Could yield \$14.4 million annually. It would be a tax on parking spaces or a transaction fee for paid parking. It possibly would be appropriate in Austin's central business district.
- Local option sales tax: Could yield \$48.4 million annually but would require a referendum and legislative approval. It would be a special purpose increase on the state cap on sales tax for transportation. The tax would be 1/8 of a penny in the Capital Metro service area and 1/4 of a

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penny outside the area. Using just the vehicle registration option, Piascik said about 59 percent of the plan would be funded.

The TWG has identified several communities that could participate in funding the plan, such as the cities of Austin, Round Rock, Pflugerville, Leander, Cedar Park, Hutto, Buda, Kyle and San Marcos as well as Hays, Travis and Williamson counties and the Austin Community College District. Communities would fund an equal share of the plan. “Everyone gets the benefit of the entire system,” said **Joseph Lessard**, senior planning director from Knudson LP, a Houston-based environmental and construction management and planning services company. Capital Metro President/CEO Linda Watson said the agency has had meetings with all the communities mentioned about transportation planning. “Almost without exception, they are all wanting good transit services,” she said. “We’ve got some really good dialogue already.”

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Austin Business Journal (www.bizjournal.com)  
November 19, 2010

### **Envision Central Texas Names Chair Officer**

The non-profit charged with leading Central Texas' vision for growth has picked officers for the 2011 planning season. Seton Family of Hospitals Chief Strategy Officer Travis Froehlich was named chairman in 2010. He has been on the group's board of directors since 2005 and on the executive board since 200. Froehlich earned his marketing and advertising degree from The University of Texas and managed his own marketing research, advertising and public relations agency for 15 years before joining Seton more than 20 years ago.

Other new and returning Envision Central Texas board officers include: chair-elect Tom Yantis, vice president and municipal planning lead at BWR Corp.; Vice President for Advocacy John Donisi, partner at Drenner & Golden Stuart Wolfe LLP; Vice President-Private Sector Ward Tisdale, director of global community affairs at Advanced Micro Devices Inc.; Treasurer **Joe Lessard**, senior planning director at Knudson Services; Secretary Fritz Steiner, dean of the University of Texas School of Architecture; and University of Texas Director of Sustainability Jim Walker will serve as past chair. Envision Central Texas was launched in 2001 and includes a diverse group of citizens from neighborhood, environmental, business and policy groups. Members share the goal of addressing growth with the interests of the region's citizens in mind.

The Austin Chronicle (austinchronicle.com)

October 20, 2006

## **Save as We Pave? Travis County Hopes ‘Conservation Development’ can Limit Polluting Sprawl**

Author: Katherine Gregor

Imagine a beautiful piece of land along the Pedernales River. Should it become a nature conservatory, preserved in perpetuity (on the public nickel, with common public access) to protect open space, fragile ecosystems, watersheds, and the rural character of Texas? Or should it be privately developed as a residential subdivision, a green-building neighborhood where nature-loving residents can enjoy country living but still drive into town in their SUVs every day? What if one 500-acre ranch could become both – letting us have our natural open space and build on it, too?

That's the contradictory but intriguing proposition offered by "conservation development," a national movement now taking shape as a proposed new voluntary program to be defined by Travis County ordinance. If it's adopted – to be considered again by the Commissioners Court on Oct. 24 – Travis Co. will become the first in Texas to adopt the conceptually progressive land-use approach. While eligible local properties here are limited, the county's leadership could well influence counties statewide and result in significant land conservation.

As the name suggests, a conservation development combines two elements – 1) protected open space and 2) housing – on a single, large, undeveloped tract, generally in a rural, unincorporated area. Homes, roads, and infrastructure are clustered, allowing at least half of the land (the acreage with the most sensitive ecological and natural features) to be protected in perpetuity. Ideally, the land conserved is linked to other open spaces, protecting wildlife corridors and complete ecosystems. In areas where urban-fringe growth threatens to rapidly overtake most of the open land – as in outlying Travis Co., west and east, and the surrounding Hill Country and Blackland Prairie – conservation development, in theory, provides a middle-ground solution that holds broad-based appeal. Therein lies its political power.

Longtime farming and ranching families get to preserve traditional values, their rural heritage, and wide open spaces. Developers get a voluntary approach that can yield about the same profits as a conventional 5-acre-lot subdivision, provides a distinctive marketing angle, and lets them be good guys for a change. Responsible-growth advocates (formerly known as environmentalists) like it as a way to slow suburbanization, encourage "greener" development, preserve natural beauty, and protect local ecosystems and habitats.

Over the Edwards Aquifer, however, the environmental virtues of conservation development become muddier waters. The long-term pollution generated by a 1,000-home subdivision is sizable (especially when its residents commute long miles on widened highways) whether those houses are built on 1,000 acres or, as with a 50-50 conservation development, on a 2,000-acre tract. The unique porous limestone geology of our aquifer makes it particularly susceptible to contamination from rainwater runoff polluted by the chemical crud that any sort of development

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brings – spilled motor oil and gasoline, lawn fertilizers and pesticides – including a catastrophic spill. The Edwards Aquifer provides about 5% of Austin's drinking water, and nearly all of San Antonio's. Aquifer recharge, contributing, and artesian zones run right through Travis Co.

Problematically, the term "conservation development" lacks a precise, consensus definition, and it has been applied to projects with wildly varying densities and ratios of preserved land. Last year Dripping Springs adopted a conservation development ordinance (CDO) that requires just 40% of the land to be preserved (Travis Co.'s draft ordinance calls for 50%). The first proposed development under the Dripping Springs CDO, Scenic Greens, would put about 900 houses on 676 acres of former ranchland, on a 1,500-acre tract. But according to adjoining landowner Mark Blakely, local residents are horrified by variances to environmental requirements recently granted to Scenic Greens developer James Kerby – diluting water-quality and sewage-treatment rules in ways that will result in pollution of creeks, drinking water, and Barton Springs.

Also in Hays Co., the Headwaters at Barton Creek – described as a conservation development by Austin developers Terry Mitchell and Dick Rathgeber – is planned to have 1,000 houses on a 1,500-acre tract; about 70% of the land is to become a preserve. Belterra on U.S. 290 (just east of Dripping Springs) once claimed the term but intends to put 1,600 houses on 1,600 acres. "It's too many homes over the aquifer," argues Colin Clark of the Save Our Springs Alliance, which has expressed only limited support for the conservation approach. Clark, who participated in the 2004-2006 Southwest Travis County Growth Dialog Process that spawned the new ordinance, asks the multimillion-dollar question: Does conservation development provide "greenwashing" for large subdivision developments that don't belong over the aquifer at all?

Carrots and Sticks - The rapid suburbanization and increasing growth pressures in rural Travis County are the real issues driving the Travis Co. Conservation Development Ordinance. For residents of Southwest Travis Co., the need for a better approach to subdivision development was crystallized by residents' concern over environmentally dubious projects – West Cypress Hills on Lick Creek and later a stink over Sweetwater. That led to the Growth Dialog, and new interim subdivision rules that include water-quality provisions.

When Steve Windhager of the Lady Bird Johnson Wildflower Center made a presentation to the Growth Dialog stakeholder group on conservation development (at the invitation of facilitator **Joe Lessard**, now writing the Travis Co. ordinance), the concept had strong appeal to the group, according to participant Christy Muse, an area resident who sits on the board of the Hill Country Conservancy and directs the Hill Country Alliance. HCA supports conservation development as part of its advocacy for regional planning and responsible growth. (Sweetwater's Growth Dialog representative, Rick Wheeler, dissented from the group's final report, stating that the county should not attempt to regulate sub-divisions at all.)

Qualifying Properties: Tracts shown in magenta would be eligible for CDO incentives; all are ag-exempt parcels in unincorporated areas of Travis County. If Austin (yellow) were to extend the program to ETJ areas (gray) it controls, the potential to conserve open space would be even greater. In crafting, testing, shopping, writing (and rewriting) the new ordinance for Travis Co., consultant **Lessard** draws on experience as a land developer, a 1989-98 stint as assistant Austin

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city manager, and service on the citizen advisory committee for the Balcones Canyonland Conservation Plan. He explained that to preserve rural character, counties in Texas typically require a 5-acre lot for each home site.

A 100-acre family ranch sold and developed in outlying Travis Co., for example, conventionally would be subdivided into a grid of 20 home sites. But in a conservation development, the same 20 homes might be clustered along one winding country road on only 40 acres – leaving the remaining 60 acres protected as a natural open space – generally allowing access only to property owners or conservation professionals. The problem is, the rules now on the books don't allow for small individual home sites and infrastructure changes without variances, which are rarely granted – which is why a new county ordinance is needed. The CDO basically changes the standards so that developments done under it require no variances.

A map of the sites to which the proposed Travis Co. ordinance could apply – tracts with existing agricultural property-tax exemptions, in unincorporated areas outside any city's ETJ (extraterritorial jurisdiction) – shows them to be heavily clustered along the southwest, western, and northeast edges of the county. (The city of Austin could well extend the program to the ETJ areas it controls; initially, however, while the county builds buy-in with more conservative rural residents, it prefers to avoid Austin's liberal taint.) The county has identified about 1,667 properties of 4 acres or more that fit the criteria, although it may set a higher 20-acre minimum to coincide with state requirements for agricultural/wildlife tax exemptions. In practice, the county initially would hope to see conservation development tried on a select handful of large tracts with features of special ecological value.

In Texas, counties historically have lacked regulatory power over development. In drafting a conservation development ordinance, Travis Co. is leading the state in actively using the powers conferred by Senate Bill 873, which in 2001 gave 30 Texas counties new, limited powers to regulate subdivision features. (While zoning, height, and certain types of density limitations are specifically prohibited by SB 873, Travis Co. already has interpreted it assertively in other ground-breaking ways – for example, in requiring developers to dedicate or pay for parkland and to leave 100-year floodplains in their natural state.) "They're doing the best they can, with the tools they have, which are minimal," commented Mary Sanger of Environmental Defense, another stakeholder participant in the Growth Dialog.

Many observers believe the state should grant fast-growing counties like Travis more power to shape rural growth – powers allowed to counties in nearly every other state. In this camp is Valinda Bolton, the Democratic candidate in the closely watched race for Texas House District 47, which runs from the Travis Co. line into Austin. "I'm encouraged by the steps that the county is taking with the conservation ordinance," said Bolton. "Since unincorporated areas in counties are where we are currently experiencing most of our growth and development, it's crucial that counties be able to make decisions that affect them." (Republican candidate Bill Welch did not return a call requesting comment.)

A Cohesive Community: Consistent regional architecture throughout Jackson Meadow gives the conservation development much of its strong character and appeal. Architect David Salmela won

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a national AIA award for the project. Each home is custom designed, yet all are unified by common forms based on local rural buildings, white-washed cedar siding, and aluminum roofs.

With precious few regulatory sticks, Travis Co. must dangle carrots. Incentives are the name of the game. The proposed ordinance (in its 15th draft at this writing, and certain to undergo more revision) defines a fully voluntary program. The "green" ordinance defines key minimum standards for not only open space and subdivision design but also for energy, water, and materials conservation. Developers who comply with its requirements (see "What the Ordinance Says," p.40) are rewarded in ways that make their projects smoother and more economically feasible.

Proposed incentives include lump-sum and ongoing payments, an expedited development-application process, fee reimbursements, exemption from other parkland-dedication requirements, and tax abatements. Under the CDO, the only specific restraint on individual lot sizes would be for projects with on-site sewage. Where homes require septic systems, existing regulations require at least a 1-acre lot per dwelling unit. Mitch Wright, Regional Issues Committee chair for the Real Estate Council of Austin, spoke at the September hearing to express doubts as to whether this constraint can deliver the "equal yield" densities and profits that developers who are not already committed conservationists are likely to demand. Currently, state rules prevent the use of cluster septic systems serving five or more homes, which would be needed to achieve more tightly clustered homes. The balancing act in writing the ordinance, of course, lies in identifying exactly how much needs to be given – and gained – on each side to make a program workable.

If the voluntary program is ignored by property owners and developers, the CDO won't preserve any land. To work, the incentives need to yield about equal value. Nationally, conservation development has worked best for a high-end, niche market. Conservation development will be embraced by production builders only if it can return profits comparable to those from a conventional subdivision. Or as Joe Gieselman, the county staffer overseeing the ordinance, succinctly put it: "If you can't make money on it, it ain't going anywhere." "What tears developers up is uncertainty," explained Gieselman. "The ordinance provides assurances and consistency and provides incentives that save the developer money and time." As executive manager at the county's Department of Transportation and Natural Resources, Gieselman is charged with shepherding and eventually administering the ordinance. He speaks of conservation development with a quiet sense of advocacy, hoping that it can succeed as a tool for preserving ecologically valuable Travis Co. land. "Our focus to date is on getting the pioneers through the process," he said. "If the first conservation developments fail, the whole idea could fail."

Policy and Politics - Ron Davis - In terms of setting the policy, it's ultimately up to the Travis Co. Commissioners Court – Commissioners Gerald Daugherty, Ron Davis, Karen Sonleitner, and Margaret Gómez, and County Judge Sam Biscoe – to decide whether to adopt the ordinance, and to define the terms of its administration. The court held its first public hearing on the proposed ordinance Sept. 26. Prior to that meeting, Precinct 3 Commissioner Daugherty, who organized the Southwest Travis Co. Growth Dialog, expressed doubts about whether the incentives for developers were sufficient. "I'm all for trying to develop the Hill Country as

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sensitively as we can – despite what people say about me," said Daugherty, referring to his prominent reputation as an advocate of highways. "But I don't think the ordinance is going to have much appeal, the way it's set up right now. I fear it may not be enticing enough. There's a real fine line there, in what you're trying to accomplish. You can't ask for too much from the developer. Or on the other side, if you give too much away, you just make a mockery of the deal. "If you can't get somebody to do it with this plan, then how much sweetening do you have to do?" he asked. "It's kind of like being on a seesaw. And the more it tilts, one way or the other, somebody is not happy."

The cost of the program is also a key concern. "The Commissioners Court is very cautious about providing incentives," explained Gieselman. "They worry about unintended consequences, and they're very conservative with the public treasury – it's their job." As he framed their perspective: "How do you cap the exposure, so as not to drain the county treasury without a positive outcome?" To address that concern, Gieselman and his staff (working with consultant **Lessard**) have proposed the incentives as a pilot program initially limited to five properties and five years. The staff has done some number crunching, based on the incentives defined in Draft 15. If applied to the county's five largest eligible parcels, the program could conserve more than 7,400 acres at a total cost to the county of more than \$7.1 million – about \$960 an acre. If applied to five average-sized parcels, the program would conserve only about 166 acres at a cost of about \$201,000 – just more than \$1,200 an acre. Either way, it offers a relatively inexpensive way to secure open space. By comparison, over the past decade Travis Co. has paid between \$5,000 and \$13,000 an acre to acquire parkland.

Land conservation also offers pre-emptive long-term cost savings for taxpayers. Discouraging a mass exodus to long-commute living is one way of avoiding increased costs for expanded roads, water, and wastewater services. Limiting rural subdivisions also limits costs for services such as schools, fire protection, law enforcement. While the conventional wisdom is that development pays for itself, statistics cited at the Wildflower Center's symposium on conservation development showed that suburban development actually costs the public sector far more than it yields in tax income. As land-uses go, nature preserves are not just pretty – they're a pretty cheap deal.

Precinct 1 Commissioner Ron Davis – whose precinct includes the Blackland Prairie agricultural land in far eastern Travis Co. – pointed out that conservation development is less familiar there than in the southwest region. "I want to wait and see what my constituents are saying," said Davis, who in September saw a vote on the ordinance as premature. "Staff need to go and have several community meetings, with a whole bunch of farmland belt folks out there, and report back to me, as to whether they're in agreement." At the Sept. 26 meeting, a representative of the Native Prairies Association of Texas praised the ordinance and its potential positive impact on eastern Travis Co., recommending that wording be added to encourage restoration of native Blackland Prairie grasslands. Agricultural land also could be conserved as is, with a working farm or ranch left in place.

Citing the complexity of the ordinance, Davis foresaw a slow move to adoption: "We're going to have to spoon-feed this thing very slowly and very carefully." He added, "I have been a very

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strong advocate of not constructing on the aquifer – that water-quality zone is very precious to me and needs to be protected." Like others, he expressed uncertainty about how conservation developments might impact the aquifer, saying: "It depends on how this thing shakes and bakes."

An Inconvenient Aquifer - Advocates of conservation development in Austin and nationwide tend to be passionate about saving not just one tract of land, but the Earth. Areas prioritized for preservation are identified early on in an ecological assessment – on any environmentalist's short list, these would include sensitive wildlife habitat, native plant landscapes and grasslands, bluffs and caves, water quality recharge areas, and land-adjointing creeks, rivers, or springs.

Conservation easements, which run with the land under the supervision of a homeowner's association or a non-profit entity such as a land trust, ensure that the land will remain undeveloped. But here in Travis Co. within the Edwards Aquifer recharge and contributing zones, does conservation development offer adequate environmental protection? SOS' Colin Clark would prefer to see the county use public monies – including bonds – to buy environmentally sensitive land outright, even at market rate. Conservation easements allowing just a few homes could be put on the land, which then could be resold to recoup much of the investment. (The city of Austin has tried this approach for water quality protection, with qualified success.) Much as Austin, with the 1992 SOS Ordinance, allocated some \$40 million in bonds to establish conservation preserves on more than 5,000 acres in the watershed, the county could do the same. Ultimately, says Clark, locking up undeveloped property would save the county money by eliminating the need to build expensive roads and other infrastructure.

On its Web site, SOS states: "True conservation development for the Hill Country consists of extremely low-density (i.e. one house per 40 acres or lower density) development that ... does not depend [on] central water or sewer or road expansions." By that definition, "Conservation development is an exciting way for the private business community to invest in the Edwards Aquifer watershed." One house per 40 acres, however, is worlds away from the 1,000 houses clustered on 366 acres (with about 1,000 adjoining acres preserved as parkland) planned for Headwaters of Barton Creek. It's also a far cry from the densities likely for projects executed under the proposed Travis Co. ordinance. Gieselman estimates that a project done under the CDO would have just 20% to 40% fewer dwelling units than a standard subdivision.

To ride on a motorcycle back to downtown Austin from Johnson City's conservation development, the Preserve at Walnut Springs (at 66 homes on 2,030 acres, an SOS favorite), is to see with fresh eyes how fast Travis Co. transitions from rural to urban. For a while the bike travels a winding back road through lovely Hill Country, passing just the isolated ranch house. But soon after crossing the county line, the gated entrances and real estate signs for "estate lot homesteads" start popping up. Then a gas station, then the first strip shopping mall, then a conventional subdivision of sardine-packed beige houses. By the time the bike passes an "Edwards Aquifer Recharge Zone" sign in late summer, Austin's urban "heat island" effect is no abstraction – the radiant heat off Loop 1 sears every inch of exposed skin as the motorcycle crawls slowly through traffic. Minutes later, it's back to the high-rise skyline of our fair "green" city, where the chamber of commerce enthusiastically markets greenbelts and Barton Springs as lifestyle amenities, the better to lure the next Samsung.

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Urban density is all well and good. But most of us like knowing that the natural beauty of Central Texas is still close by, inside the Travis Co. line. If conservation development can secure at least some of that beautiful land for us, and for our kids and their grandchildren, then the ordinance probably deserves all the support – and scrutiny – the community can bring to bear. Ultimately, its value lies in removing regulatory and economic obstacles for landowners and developers who love the land – and who are already committed conservationists seeking to preserve it. What the county will need to protect carefully against is misuse by profit-driven developers who lack the same passion. To do this kind of project right, you've got to have a conservation heart.

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The Austin Chronicle (austinchronicle.com)  
December 3, 2004

### **We Had a Plan...The decision of Hamilton Pool Road Waterline Waits – or Doesn't - On the Outcome of the Three Regional Planning Efforts**

Author: Amy Smith

Three planning groups are studying the effects that future growth would have on the environmentally sensitive terrain of western Travis and northern Hays counties, where the Lower Colorado River Authority wants to extend its water utility reach. The LCRA board is scheduled to consider the first phase of a proposed water plan – building a pipeline along Hamilton Pool Road – at a special meeting at 2pm Tuesday, Dec. 7, at the Terrace Club, 2600 U.S. 290 W., 11 miles west of the 290/Highway 71 split in Oak Hill. Given the upcoming vote – before the completion of the planning work – pipeline opponents question whether the Authority intends to pay more than lip service to the recommendations of the groups, which include:

**Regional Water Quality Planning Project** - This is the largest of the three efforts, and involves drawing up uniform development and environmental protection standards for all municipalities within the Barton Springs segment of the Edwards Aquifer. Planning leaders hope to submit a final proposal to government officials by February. Stakeholders have asked the LCRA to delay action until a regional plan is in place for the area. Hays Co. resident Terry Tull is the group's full-time executive director.

**Southwest Travis Co. Growth Dialog Process** - Formed this summer, this stakeholder panel is charged with soliciting input and making recommendations on development and its effects on roads in the unincorporated areas of southwest Travis County. County Commissioner Gerald Daugherty, who has largely been supportive of growth in the area, is leading the group. **Joe Lessard**, a planning consultant and former Austin city manager, is the group's facilitator.

**Hamilton Pool Road Community Forum** - The LCRA board called for the formation of this group when it first delayed its pipeline vote in May. Consultant Dr. Juli Fellows has been retained to lead the group.

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Joseph L. Lessard

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Austin Business Journal (bizjournals.com)

Dec 7, 2000

### Development Rights for Land

Author: Mary Alice Piasecki

The developer of the 4,200-acre Steiner Ranch in west Travis County has reached an agreement that could lead to the contribution of 819 sensitive acres and \$3 million for environmental concerns, plus a \$500,000 contribution to an affordable housing program. In exchange, the developers would receive additional development rights on the remaining property. Although the agreement was reached mostly between the developer and the City of Austin, Travis County Commissioners will decide the ultimate fate of the agreement regarding the easement and \$3 million as early as Dec. 19.

Travis County's blessing is needed because the easement and money will go through one of its operations -- the Balcones Canyonland Conservation Plan. John Kuhl, manager of the BCCP, says he anticipates commissioners will approve the deal. He says the conservation easement will be the first to go through the BCCP. He says it was the county's turn to manage land since the city and the Lower Colorado River Authority already handle other projects. Kuhl says a number of negotiations over the past year have led up to the proposed settlement. "It has been a challenge through these negotiations," Kuhl says. "We have appreciated the honest give and take throughout. It's been challenging, but we've enjoyed it."

The agreement stems from the settlement of litigation from the mid-1990s when the City of Austin and developers across the area were taking disagreements over water quality laws and development rights to the courts. Andrew Martin, City of Austin city attorney, says what "started as a lawsuit ended as a development agreement." The two parties were in negotiations while waiting for the Texas Supreme Court to render a decision. Although such a decision came about this summer in the city's favor, city officials and the Steiner Ranch developers continued to talk to see if a better solution was available. Those talks resulted in an agreement approved by the Austin City Council in October. The agreement calls for Steiner Ranch to develop under current City of Austin standards. Crucial to the developers is a clause allowing impervious cover and density calculations to be figured for the entire project. Typically, those calculations are made for each individual site. "As long as they comply on an overall basis, they have more flexibility," Martin says.

Representatives with environmental groups The Hill Country Conservancy and the Nature Conservancy of Texas could not be reached for comment. Bill Bunch, executive director of the Save Our Springs Alliance, says he is not familiar with the specifics of the proposal and, therefore, will not comment. The agreement also calls for Steiner Ranch to negotiate mitigation terms with the BCCP. Mitigation is a relatively new policy for the City of Austin in which lands at one place donated for preservation can be considered in figuring the density and impervious cover requirements at a separate site. **Joseph Lessard** is manager for Travis Environmental, an affiliate of The Kucera Co., and a former City of Austin assistant city manager. A partnership called Taylor Woodrow Communities-Steiner Ranch Ltd., which includes The Kucera Co., plans

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to develop 3,000 acres of Steiner Ranch. **Lessard** says the BCCP mitigation terms call for Steiner Ranch to provide an 819-acre easement that will be a habitat preserve for two endangered song birds that breed in Central Texas -- the golden-cheeked warbler and the black-capped vireo.

The preserve is adjacent to an existing tract in the BCCP's system. Combined with that tract, a 2,571-acre contiguous area will be created. BCCP mitigation terms also call Steiner Ranch to purchase "participation certificates" for a total value of \$3,084,000. **Lessard** says the BCCP will use the money to assist with land acquisition and management efforts regarding property outside of the Steiner Ranch area. In addition to the creation of the easement and the \$3 million, Steiner Ranch will also contribute \$100 for every residential unit developed to be used to create a new low-income housing trust fund for the City of Austin. Steiner Ranch is expected to contribute up to \$500,000.

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The Austin Chronicle (austinchronicle.com)

July 31, 1999

### Is That All There Is?

Author: Kayte Vanscoy

The rumors started over a year ago, but it should come as no surprise to those familiar with the protracted pace of city government that it took this long to hear that Assistant City Manager **Joe Lessard** would be leaving his post at the city of Austin. Last June, when the then-new City Council took a retreat with upper-level city staff, the scuttlebutt held that **Lessard's** departure was almost imminent, particularly given his noticeable absence from the retreat. "Oct. 1, 1997," was the date most people predicted **Lessard** would walk. Yet, when asked last year about this alleged impending doom, **Lessard** laughed it off, explaining that he had his sights set on advancing to the city manager's post one day. Besides, he added at the time, "the city of Austin is as good as it gets."

In reality, **Lessard's** duties were reassigned last June, moving him from oversight of the police, fire, emergency medical services, and aviation departments to focusing solely on the completion of the Austin-Bergstrom International Airport. City Manager Jesus Garza framed **Lessard's** job transition as a necessity because the completion of the airport would require his sole focus. After all, Garza explained, the \$700 million project was clearly the largest and costliest undertaking in the city's history. (Garza did not return phone calls for this article.)

One clue that permanent changes in **Lessard's** career were afoot last year was that his \$103,471 annual salary was changed from being paid out of the city's general fund, like the rest of the assistant city managers, to being paid out of the Aviation Department budget. The switch cleared the way for a new ACM, Toby Futrell, to be paid out of the general fund. Futrell also took over **Lessard's** office at City Hall, while **Lessard** was shuttled off to new quarters at the airport. Although no one would confirm it for the record then or now, **Lessard** - once a golden boy protégé of former City Manager Camille Barnett - had obviously been put out to pasture.

So now it looks as if that Oct. 1 resignation deadline is going to come true after all, albeit a year later. Though he was quoted in the *Chronicle* last August saying that it would take "a pretty phenomenal opportunity" to convince him to leave his post prior to the May 1, 1999 ribbon-cutting at the new airport, **Lessard** recently announced he would leave with no new prospects lined up and, in fact, in a bit of a muddle about what to do next in his life. After 10 years as an Austin ACM and a total of 15 years in city administration, **Lessard** appears to be caught in a fairly public midlife crisis.

What Next? To be sure, **Lessard's** professional roots are fairly entrenched in municipal government. With a master's degree in public administration, **Lessard** served under Barnett during her ACM tenure at the city of Dallas. Five years later, in 1989, Barnett, as Austin's City Manager, recruited **Lessard** out of the private sector as her first ACM appointment here. **Lessard** proudly points out that in his near-decade with the city of Austin, he has overseen 16 different departments and several "very complex, very public, very large projects." While much

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of his work, such as establishing the Drainage Utility Department and the dedicated street maintenance fee, are the kind of accomplishments only the wonkiest political junkies keep track of, **Lessard** has popped into the public eye several times in the past several years, and not always in a positive light. Along with his work on the airport, **Lessard** also had a hand in laying the groundwork for the Austin Convention Center. But he says his proudest accomplishment was the creation of the Balcones Canyonlands Preserve, a unique land conservation model that began on his desk.

**Lessard** also headed up the Austin Police Department during 1996 and 1997 when Police Chief Elizabeth Watson resigned under a shroud of controversy; the near-simultaneous release of an audit of the police department had revealed communication breakdowns on every level, beginning right at the top. At the same time, reports of flagging EMS response times put pressure on **Lessard** from another of his departments.

Only a few months later, shortly after the new City Council took office in mid-June 1997, **Lessard** - once regarded as a potential candidate for City Manager Garza's job - was reassigned to sole oversight of the new airport. The Garza-initiated maneuver, viewed by cynics as the equivalent of shipping the enemy off to Siberia, effectively took **Lessard** out of the inner circle at City Hall. That widely discussed scenario, however, is not the sort of thing people want to acknowledge in print. "The normal track for a city manager would be to either move up or move from city to city," **Lessard** admits. So, given that moving up within the city's ranks no longer seems to be an option, and that his recent marriage will likely keep him Austin-bound for a while, **Lessard** says he is considering options outside city administration - such as working for a non-profit corporation. "This is a change of direction for me," he says hopefully.

Although he now admits that he and Garza began speaking in February 1997 about this transition, he did not make a decision during the last year and a half about what that new direction would be. He admits that several life changes - the death of his brother in 1997, his marriage, and his recent 44th birthday - have made him reassess his perspective and personal goals.

Airport Woes - Despite the fact that **Lessard** has been overseeing the new airport project since 1992, and that the airport's grand opening is less than a year away, no one at the city will admit that changing the leadership of the high-dollar venture at this late date signifies any kind of failure on the part of **Lessard** - or of the airport project.

According to City Manager Garza, the decision to move on was **Lessard's**; according to Chuck Griffith, an assistant city attorney who will take over **Lessard's** duties, the decision for **Lessard** to leave now came straight from Garza. **Lessard** himself has been vague to a fault on the issue. However, with his phase-out tying up so neatly, it is not hard to imagine that the Oct. 1 switch has always been part of the plan. "In the end, I sort of worked myself out of the position," **Lessard** says, explaining that there has been very little left for him to oversee concerning the airport since the beginning of this year. With all the construction contracts bid, awarded, and negotiated, all that's left seems to be the hammers and nails. "I think the organization can handle it without **Joe Lessard**," he says. The man in charge of overseeing construction, John Almond,

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director of the New Airport Project Team, agrees. "We're now at the point where the work that's being done is being done by contractors. In the past there was a lot of discussion about design, programming, master planning, redevelopment, and that's pretty much behind us," Almond says.

However, given the recent controversy over the awarding of the vending contracts at the new airport, it also isn't hard to imagine an alternative scenario leading to **Lessard's** exit. After the City Council awarded the contract for the news and gift shops at the airport to Paradies Inc., the *Austin American-Statesman* reported that the company in 1994 had been convicted of 83 counts of mail fraud in Atlanta, for which owner Don Paradies was sentenced to 18 months in prison.

**Lessard** took the blame for bringing the contract to council without first informing councilmembers of the convictions, although several of the citizen members of the Airport Advisory Board, which oversees the airport contracts, admit that they also knew about the convictions long before the contract reached council. By all accounts, the City Council was livid over the public embarrassment. The vending contract was quickly rebid. In fact, overseeing the re-awarding of the news and gifts contract will end up being **Lessard's** last act at the airport, besides coasting through the city's budget season to Oct. 1. (This week, the Airport Advisory Board again recommended awarding the contract to Paradies and News & Gift Shops International-Austin Joint Venture.)

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Austin American-Statesman (TX)

July 2, 1998

### **Attorney to oversee airport construction**

Author: Scott S. Greenberger

An assistant city attorney who worked for eight years at American Airlines will guide construction of Austin-Bergstrom International Airport and oversee the facility after it opens next spring. Chuck Griffith, who has also worked for several Tennessee airport authorities, will replace Assistant City Manager **Joe Lessard** in early October. Griffith, 62, also will oversee Robert Mueller Municipal Airport and help consolidate the city's airport operations as the May 1999 opening of Austin-Bergstrom approaches.

Griffith has been a city attorney since 1990. For about a year, he has been spending most of his time working on legal issues related to the new airport. He negotiated an agreement with the Federal Aviation Administration that will allow the city to collect revenue from redevelopment of the Robert Mueller site, and he has been negotiating with the airlines that will operate at Austin-Bergstrom. "Chuck is just superbly qualified for this job," said City Council Member Daryl Slusher. "He knows the airline industry . . . he's proven it in action for the city, too."

**Lessard**, who has been an assistant city manager for almost a decade, told City Manager Jesus Garza last year that he was planning to leave. In anticipation of the move, in June 1997 Garza narrowed **Lessard's** responsibilities, which formerly included fire, police and emergency medical services in addition to aviation, to oversight of only the two airports. In March, **Lessard** was criticized for failing to inform the City Council that a company recommended for a concessions contract at the new airport had been convicted on charges related to a bribery scheme in Atlanta. He and Garza said his departure is voluntary. "It feels like it's time for me to make a change," said **Lessard**, noting that he turned 45 in October. He said he promised Garza that he would stay until the airport was firmly on track, and with most of the major contracts out of the way, **Lessard** said he feels it is. "I'm proud of the airport project," he said. "When you've got a project that's over half a billion dollars and it's on schedule and on budget, that's pretty amazing."

Slusher credited **Lessard** for his handling of the new airport. "The airport at this point is -- I don't want to jinx it -- but at this point the airport is on time, on budget," Slusher said. "I think **Joe** deserves quite a bit of praise for his role in that." **Lessard** makes \$103,417 annually as an assistant city manager. He cited as major accomplishments his role in establishing the Balcones Canyonlands Preserve system, negotiating the city's first collective bargaining agreements with police and firefighters, and prodding Capital Metro to help pay for road repairs. He said he isn't sure what he will do next.

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The Austin Chronicle (austinchronicle.com)  
September 12, 1997

### **The ACM Machine**

Author: Kayte Vanscoy

Immediately following the election of the new "green" council, City Hall buzzed with rumors of imminent resignations and dismissals of upper-level staff members. Even councilmembers were willing to confirm that heads were ready to roll, especially among the four Assistant City Managers (ACMs) who each oversee several related city departments. Three months later, blood-thirsty critics of city staff have yet to witness anything more than a few flesh wounds, but by all accounts, city government is running more smoothly than in recent history.

Instead of launching a rash of firings, City Manager Jesus Garza decided to shuffle ACM responsibilities in hopes that new challenges would bring fresh perspectives from both sides of the tug-of-war between council and staff. In the meantime, the infamous unanimity of the new council has launched a new era of communication not only between councilmembers, but between council and department heads. "This city council is my first experience with some consistent policy direction for more than a week and a half. That's good for the community, whether you agree with the city council or not," ACM Jim Smith observes.

Ideally, the city council surfs the waves of community politics, forming laws in the best interests of Austin's citizens. Then, ACMs listen to council's intent and create bureaucratic systems to support council directives. In the real world, though, because council is forced to rely on city staff for information gathering, problem-solving, and policy implementation -- in other words, just about everything -- there are constant power struggles between the two groups.

Once a council directive makes it through the city's system and back to the dais for approval, it has often undergone a metamorphosis at the hands of ACMs who have provided direction to their respective departments in the same way that council had provided direction to the ACMs. "Each side doesn't mean to be so subjective," explains Councilmember Jackie Goodman's aide, Susan Sheffield, adding that council aides often play middlemen for warring factions at City Hall.

While councilmembers represent the public, staff members feel they represent expertise on the issues. "A lot of times staff members may be eating, living, and breathing a subject," says City Manager Jesus Garza. "It's a natural tension," he explains, "but at a certain point you just have to say 'here's my line, trust me.'" Unfortunately, trust can be hard to come by at City Hall. The acrimonious debate over Garza's selection of a police chief, for example, illustrates how administrative decisions can be inextricably linked to politics. Smith elaborates on the central juxtaposition of his job. "A lot of what an ACM does is issue-oriented as opposed to management, but I would never use the word political. We're using our judgment so that the city council doesn't have to study a thousand options." Toby Futrell, who moved up the staff ranks to her recent appointment as an ACM, explains the nature of the paradox this way: "We are in a political arena and we are not political people." Not surprisingly, as career paths for city

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managers go, Austin turns out to be one of the most politically charged destinations around, but also one of the most attractive. "Many people don't believe this, but Austin has a good reputation for being a well-run city with good citizen participation. You find out very quickly that there is no one answer in terms of making a decision in Austin, and you have to make sure you touch base with all the issues and groups," says ACM Marcia Conner. "Many people say if you can work in Austin, you can work anywhere."

**Bulldog Conner** - In the recent weeks since the City Hall duty shuffle, Conner, 39, has found herself immersed in debates over privatizing city health clinics, closing the Riverside branch library, and selecting the police chief. Not that Conner is any stranger to political hot water. Before the duty changeover, when the Neighborhood Housing and Community Development (NHCD) department fell under her purview, she often found herself at the center of councilmember Eric Mitchell's always contentious push for Eastside revitalization. Where controversy goes, it just seems Conner follows.

Normally, citizen rancor stays focused on the controversial issues, but occasionally it seeps out, attaching to Conner herself. By her own admission a woman of fierce resolve and focus, she is often accused of pushing issues through the process by force, and even by deceit. Conner takes the criticism in stride. "There's a certain point when you try to get an issue through, and a certain point where you back off of it," she says. "Sometimes [the criticism] just comes with the territory."

During Mitchell's tenure, Conner was often accused of being his arm on staff, especially where NHCD programs like the Austin Revitalization Authority (ARA) were concerned. From Conner's perspective though, she was in a no-win situation. "Mr. Mitchell was very involved in his projects and they happened to be projects in Housing. I kind of laugh. As many times as I've heard that [accusation], I've also heard the opposite," she says. Hilbert Maldonado of the Community Development Commission, which reviews NHCD decisions, has accused Conner of deliberately thwarting citizen input in favor of backing her own or Mitchell's directives. Conner characteristically maintains a professional distance from such personal attacks by arming herself with a wealth of data to support unpopular positions. When her methods of garnering council go-ahead for the ARA's Slum and Blight study were questioned, Conner was ready to back herself up with a mandate for the study from federal funding sources. When the more recent outsourcing of clinic laboratories was questioned, Conner could cite cost savings off the top of her head.

Conner can be a tough woman to beat, and that is not surprising considering the experience she brings to the job. Although she started out with a graduate degree in Urban Planning, she immediately moved into city government. After getting her start in the Dade County, Florida budget office, she moved to the small town of Opa Locka, Florida, where she was ACM for two years and city manager for two and a half. She then spent five years as the city budget director in Arlington, Virginia before coming to Austin as Garza's first ACM appointee in 1994. Her expertise is in federal Community Development Block Grants, which made her the natural choice to oversee NHCD. However, she is not disappointed with the change in her responsibilities. "The challenge I have now is much greater," she says. For a woman like Conner, bigger and better challenges is what it's all about.

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Development Devil - In the era of the Salamander Seven, could there be an easier target than ACM Jim Smith? Smith's reputation as an anti-environmentalist is so ingrained at City Hall he even jokingly casts himself as the "development devil." If Smith is so evil, and his political intentions so mistrusted, one wonders what he is still doing on staff. It does not take long to find out. After earning his master's degree in public administration, Smith, 48, began his career in public service with the New York City Fire Department. During the council retreat, Smith was embarrassed when Sheffield, Goodman's aide, recounted the story of Smith's courageous rescue of several families from a burning apartment complex. His reticence, even in a proud moment, is characteristic. "I'm not exactly a high-profile person," he admits. "That's the way it should be."

After gaining administrative experience as chief of fire prevention for the city of Dayton, Ohio, Smith's move to Austin in 1984 meant his low-profile days were over. Recruited by Austin to merge the Building and Public Works departments, Smith found the career niche which ultimately became his political rut. Then-City Manager Camille Barnett eventually appointed Smith as head of the Planning Department and, in 1994, Garza promoted him to ACM over Planning, Public Works, and Development Review and Inspection. It was here where Smith gained his pro-development reputation.

Critics say that Smith used his position to encourage rampant sprawl and to thwart environmental causes. "He would actually say, 'The applicant is our customer,'" reports one disgusted city board member. The "customers" were, of course, developers applying for building permits. "It's very easy to get labeled," rebuts Smith. "It's a convenient way of discussing the issues. I probably have said that the applicant is the customer, but the rules are not our judgment. Our role is not to interpret those rules to one constituency or another, it is to work as efficiently and courteously as possible," he says.

Environmental critics might be surprised to find out, however, that Austin's recent court victory over the annexation of the Circle C subdivision and the city's new focus on county-wide tax equity -- both efforts to strengthen the core city and discourage urban sprawl -- are efforts in which Smith played a prominent role. His expertise on the Texas Legislature (he's Garza's point man at the Lege) will also come in handy when it comes time to defend another enviro push -- the ordinance replacing Senate Bill 1704.

Smith will have more opportunities to play good guy these days, since all his former departments have been handed over to new ACM Toby Futrell in what many see as an obvious move by Garza to appease the new council. Smith is now being asked to focus his development expertise on "Downtown and Regional Partnerships," the very antithesis of urban sprawl. Considering all the changes happening to Austin's planning methods in the wake of 1704's repeal, how does Smith feel being out of the loop? "Thanking God," he says. New Blood - Toby Futrell may be the newest ACM on the block, but she is certainly no stranger around city hall. "I'm a typical Austinite," Futrell jokes about her languid progress through the ranks of Austin's government. But she does not have the luxury of languor any longer. Less than two months after her ACM appointment, Futrell, 42, found herself overseeing city planning when the news of SB 1704's repeal hit the streets. "I felt like a deer caught in the headlights," she admits. By all accounts,

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however, Futrell rose to the occasion. "She literally pulled the staff together on that one," says Garza. "She's willing to look at things a lot differently."

Sometime in the late Seventies, after dropping out of college as a drama major, Futrell's state job with Health and Human Services became a city position. She remained with the city, switching into auditing before returning to college to complete her bachelor's degree in business. After working as an administrative assistant for former ACM Byron Marshall, she moved up to work as city manager Camille Barnett's assistant mere months before Barnett's tumultuous resignation. "That was a very memorable period of time," says Futrell. "I learned the first lesson of city management -- jobs are tenuous," she says, observing that the average city manager spends three years at the job, and that half end up being fired.

Fortunately for Futrell, Barnett's demise only opened Futrell up for further promotion. As Chief of Staff under Garza, Futrell says she had "about eight seconds for everything," and that she prefers the focus that her new ACM position affords. Despite the fact that her appointment is a direct reassignment of Smith's former duties, Futrell argues that his expertise is a tough act to follow. "You'd be hard-pressed to beat the history and level of detail Jim has in this area," she says, arguing that the departments are "locked together at the hip," and so naturally have been reassigned as a unit.

Although Futrell has now weathered the trial by fire which 1704's repeal delivered, it is still too soon to tell whether she will be able to head up city planning without making enemies of environmentalists. Expectations among former opponents of Smith are running high, and Futrell seems to understand that the city is ready for a new direction. "In a bureaucracy, it's easy to get rigid," she explains. "The winds of policy change, and staff's boat is slow to turn. One of the things I've tried to do is not to do things the way they had been done in the past." Failed to Mention - The relentless grind of the rumor mill following the new council's election was most generously fueled by rumors of the demise of long-time ACM **Joe Lessard**. "**Lessard** is out by October 1," was the furtively whispered canon, especially following his conspicuous absence from the city council retreat in June.

Although it seems that rumors of imminent resignation were greatly exaggerated, there is no doubt that **Lessard's** influence at city hall has diminished. In rattling off opinions of his ACMs, Garza mentioned Conner, Smith, Futrell, even Betty Dunkerley, the director of financial services, but then changed the subject before interrupting his own train of thought. "Oh yes, and there is the one I failed to mention," he said, referring to **Lessard**.

Though his name is still on the door that leads into the ACM offices, the organizational chart neglected to award **Lessard** the title. **Lessard**, 43, who holds a master's degree in Public Administration, is a product of former City Manager Barnett; he served as her assistant when she was an ACM in Dallas. Five years later, in 1989, Barnett recruited him out of the private sector as her first ACM appointment in Austin.

Though his title is now ambiguous, his job is more focused than ever. After overseeing the Aviation Department for eight years -- in addition to other departments including Police, Fire,

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and EMS -- **Lessard** has been moved out of City Hall to Robert Mueller Airport so that he can closely direct the changeover from Mueller to the Austin-Bergstrom International Airport (ABIA). "There is nothing more important in May of 1999 than to be cutting a ribbon out there," says Garza. Although he admits that **Lessard** is no longer part of the "immediate team," Garza is adamant that **Lessard's** reassignment is of critical importance to the city. Still, the shambles of **Lessard's** days overseeing the Austin Police Department cannot be ignored.

An audit of the Police Department performed last year concluded that police management, from the top down, was responsible for poorly managed finances and stalled internal communication. The resignation of Police Chief Elizabeth Watson in the face of a no-confidence vote from officers the year before was the obvious reflection of these difficulties, but **Lessard's** reassignment could also be seen as audit fallout. Conner "seems to be an easier person to disagree with," Austin Police Association President Mike Lummus cautiously comments. **Lessard** downplays the difficulties as part of a nationwide trend toward prevention-based policing. "Every police department in the country is grappling with how to make that transition," he says.

**Lessard** does have an interesting record of successes, however. "He is one of the most creative minds I think I have ever worked with," says Futrell, citing **Lessard's** best-known brainchild, the Balcones Canyonlands Preserve, as well as his program dedicating church drainage fees to programs for the homeless. "I find it a challenge to come up with solutions that are sort of out of the box," he says. In fact, **Lessard** says that not only would his exit from Austin prior to the completion of the new airport demand "a pretty phenomenal opportunity," but that he is in for the long haul on the track to city manager, adding: "I don't think I would pass up an opportunity to look at a city elsewhere, but the city of Austin is as good as it gets."

Saint Betty - Finding number-scrawled pads on the desk of the city's budget planner is not out of the ordinary, but the basic addition problem sitting in front of Betty Dunkerley is a special one. "This is my latest attempt to save the Austin Music Network," she explains. "I'm just trying to squeeze everything I can." The network, which falls under Dunkerley's jurisdiction, is threatened with being cut from the city's 1997-1998 budget, but Dunkerley and others have vowed to save it. Her personal dedication to the politically fragile network is only one example of what makes Dunkerley popular with both sides of the City Hall tug-of-war. "Saint Betty is what we ought to call her," Garza jokes. As the city's money manager, Dunkerley's should be a tenuous and highly charged role, but she consistently maintains a low profile. Most ACMs are on a career-track to becoming city managers, but for Dunkerley, the fact that her title -- Director of Financial and Administrative Services -- is *not* ACM says it all. "It tells people that I'm not interested in being an ACM, and I'm not interested in being a city manager. I like what I do," she says with a smile. Unlike many of her younger colleagues on staff, Dunkerley, 62, was never on the fast track to public service. After earning a bachelor's degree in English and doing a brief stint teaching school, she took a hiatus to give birth to four children in five years. After 20 years of child-rearing, Dunkerley, at the age of 40, decided to go back to school. On a whim she signed up for an accounting course, and a year later had earned her CPA. "I'm an English major. That's the key to all of it," she laughs. "This was not an area of interest to me early on, so I truly have enjoyed it." Although budget season is always studded with well-publicized political issues -- like this

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year's Austin Music Network fight -- instead of naming political victories as her proudest moments, Dunkerley cites less glamorous administrative changes. According to Dunkerley, budget time used to find office staff working around the clock at city hall. "I didn't want to have people sleeping on the floor up here every day for a month. Now if we do it once or twice, that's okay," she says. She also points to improved utility customer service, making it possible to pay utility bills at grocery stores and cutting on-hold telephone time from 45 minutes to five.

Perhaps because her political tastes are simpler than most city government hawks, Dunkerley has stayed above the fray at city hall for seven years. Even after City Manager Camille Barnett, who hired Dunkerley in 1990, resigned amid financial controversy, Dunkerley was reappointed to her post by Garza. She suggests that the secret of her success lies in knowing where to draw the line between making professional recommendations to council and steering policy decisions. "I hope I don't ever cross those political boundaries," she says. "I just try to be helpful. Perhaps that's the difference. It's just a difference in attitude."

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Austin American-Statesman (TX)

August 22, 1997

### **Officer sues city for alleged retaliation**

#### **Lieutenant says he was assigned menial tasks after criticizing police chief**

Author: JIM PHILLIPS

The fourth whistleblower lawsuit this year has been filed by an Austin police officer against the City of Austin, this time by a lieutenant who charges that he was retaliated against after making critical comments about then- chief Elizabeth Watson. Lt. Brad Conner, a 13-year veteran, filed the lawsuit last week, saying Capt. Juan Gonzalez and others were responsible for Conner being assigned menial tasks, losing his overtime and eventually being moved to a six- or seven- day work week. Gonzalez since has taken over as head of the internal affairs division.

The lawsuit also says that retaliation against officers for reporting mismanagement and criminal behavior is a continuing problem at the department. Police officials said they could not comment on the lawsuit. Conner's attorney, Mollie Nichols, also declined to comment. The lawsuit says Conner's problems began after a January 1996 meeting with then-Assistant City Manager **Joe Lessard**, who talked with police lieutenants about turmoil within the department.

Conner said at the meeting that Watson violated Civil Service laws by promoting Michael McDonald through several ranks to his current position of assistant chief, the lawsuit says. After the comments, Conner was called to a meeting with Assistant Chief Ruben Lopez and asked to recant his statements, the lawsuit says. When Conner refused, he was pulled from a list to attend the FBI National Academy, and a memo was put in his personnel file saying he did not "possess the character and morals this department values." The lawsuit says Conner also lost a position in which he had earned substantial overtime and was assigned to a newly created position as the lieutenant assisting Gonzalez, who reported directly to McDonald. The lawsuit says he was given menial tasks and harassed in other ways while working for Gonzalez.

On July 15, Conner filed a grievance with the department complaining of retaliation, according to the lawsuit. That evening, Gonzalez, McDonald and Deputy Chief Robert Gross met to discuss Conner, the lawsuit says. The next day, Conner was moved to a walking beat from 10 p.m. to 4 a.m. To put in 40 hours, Conner had to work seven days a week, in violation of the Fair Labor Standards Act.

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Fort Worth Star-Telegram  
June 26, 1997

### **Landfill investors suing Austin over airspace issue.**

**The case focuses on whether flights from the city's new airport will be trespassing over the nearby property.**

Author: Associated Press

AUSTIN - Investors in a landfill planned near Austin's new airport are suing the city, seeking to keep planes from flying over their site. City officials say the suit is garbage. The legal challenge comes as city officials prepared to begin cargo flights at Austin-Bergstrom International Airport next week. Scheduled cargo flights, about 12 a day, are to begin on Monday. Passenger flights are to begin in May 1999. A hearing on whether the city can begin the flights likely will be held next week.

At issue in the lawsuit, filed Tuesday, is whether the city, by flying cargo planes at less than 500 feet over the privately owned property, will be trespassing, thus "taking" the land without compensation. Attorneys for the Travis County Landfill Co. say airport officials did not purchase the right to fly overhead, despite the company's notice two years ago that the city would need airspace rights. City officials said planes can fly overhead without an easement. "They took no action at all, and they're forcing us to look like the bad guys," said Danny Womack, a lawyer for the company.

In May, landfill investors asked for more than \$75,000 to pay for legal fees, engineering and an appraisal of their property in return for an easement to fly overhead for six months. They also asked that the city eventually buy the 130 acres. The city denied the requests. "We don't believe that they have a case. We believe we already have that right," said **Joe Lessard**, assistant city manager. Landfill investors have a permit to operate at the site, just south of the 12,250-foot main runway at the new airport. But the Federal Aviation Administration has said a landfill, even one that holds construction debris and nonperishable items that wouldn't attract birds, can't operate there because it would interfere with planes.

The city has appealed that decision on behalf of landfill owners, but a decision isn't expected for at least a month. If a landfill operation is granted, Womack said, owners would expect the city to buy rights to fly overhead because flights would inhibit the height, and therefore, value, of the landfill. If the landfill can't be operated, the owners want the city to buy the property

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Austin American-Statesman (TX)

June 19, 1997

### **City manager shuffles his top assistants**

Author: MIKE KELLEY

Austin City Manager Jesus Garza, in what he called "the first time I've really shuffled the deck," created a fourth assistant city manager's post and reassigned responsibilities among his top deputies on Wednesday. Garza elevated Toby Futrell, who has been an assistant to Garza for three years, to the new assistant city manager's job. Assistant city manager **Joe Lessard**, who supervised several city departments -- including the City Aviation Department and the New Airport Project Team -- was assigned to oversee those two areas exclusively. "I started planning this almost eight months ago," Garza said Wednesday. "If assistant city managers are going to stay fresh . . . you need to shuffle the deck periodically to get new perspectives."

He narrowed **Lessard's** duties solely to aviation, Garza said, because seeing that the Austin-Bergstrom International Airport opens as planned in May 1999 will be "an immense amount of work. This is going to be the largest public works construction project we've ever undertaken. **Joe's** been the project leader since it was approved in 1992 and he is the ideal person to do it." **Lessard** also supervised the Police and Fire Departments as well as Emergency Medical Services. Fire and EMS will fall under assistant city manager Jim Smith, while police will be under assistant city manager Marcia Conner.

Conner's duties also include Health & Human Services, Library Department, and Parks & Recreation. Putting the Police Department into that mix, Garza said, is a logical move. "As we have gotten into issues that revolve around neighborhood service and delivery, and the social fabric, it seemed real clear that the police play a critical role in that, and placing the police with those departments adds the value of doing the form of community policing that connects with those departments. We're talking about the wellness of neighborhoods, so this is a good move." **Lessard**, Smith and Conner each draw an annual salary of \$103,417.60. Whether Futrell will make that amount, Garza said, has yet to be determined. He said that **Lessard's** pay now will come from the Aviation Department, rather than the city treasury's General Fund, "so we are not spending any more money through this reorganization."

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The Austin Chronicle (austinchronicle.com)

March 7, 1997

### **All Roads Lead to Bergstrom**

#### **Light Rail Ignored as City Airport Planners Encourage Vehicle Use**

Veronica Perez calls it "living under the belly of the beast." Perez is president of the Patton Avenue Neighborhood Association, whose members live just east of US183, about a mile north of the former Bergstrom Air Force Base. Patton Avenue residents anticipate with dread the 1999 opening of Austin's new airport at Bergstrom. Though one of Bergstrom's main runways points in their direction, most of them live just outside of the zone that airport officials say makes them eligible for financial aid to litigate against noise from jet engines. Furthermore, 60% of the car traffic that the new airport generates will be passing within a few hundred feet of their homes as well. "It's beginning to feel like a time bomb," says Perez. "If the traffic on 183 is already so bad now that we can't get to our homes during rush hour, what is it going to be when the airport opens?" She says that accidents average one a week on US 183 between Patton Avenue and Montopolis Bridge. Parents are afraid to let their children cross US183 on foot, which leaves their kids isolated from the rest of the community.

A neighborhood appeal for a traffic light and crosswalk at the intersection of Patton Avenue and 183 was turned down by state highway engineers as being unsafe for motorists. In any event, the question of installing a traffic signal will eventually be moot because plans are to convert US183 into a freeway from Leander to Bergstrom, making it part of a giant ring of asphalt around Austin that will also include US290, SH71 and Loop360. Local traffic planners used to call this ring "the Inner Loop," and a quick glance at a map might convince a casual observer that the whole nexus was designed to provide easy freeway access through Austin to Bergstrom Airport.

Of course, everyone knows that one of the reasons for moving the airport to Bergstrom is to relieve thousands of Austin residents living in the current Mueller flight path from the brain-numbing roar of jet engines. But the Patton Avenue quandary brings up an environmental issue that hasn't received much attention: the impact of airport-generated automobile traffic on inner city neighborhoods. A Bergstrom traffic impact analysis predicts that the airport will generate 36,000 car trips on an average day in the busiest month of opening year 1999, a figure that could double within 15 to 20 years. Most of the airport-bound trips will originate downtown and in the wealthier areas to the northwest and south-southwest. (As the traffic analysis notes, "There is a strong correlation between household income and propensity to travel by air.")

But East and close-in South Austin will bear the brunt of the traffic. The Bergstrom traffic impact analysis predicts that Ben White will carry 21% of airport-generated traffic, while East US183 takes 60%. Feeding traffic into these freeways will be Riverside Drive, Airport Boulevard, Cesar Chavez, East Fifth, and East Seventh. Because of Bergstrom's greater distance from north Austin and downtown than the more centrally located Mueller, Austinites can conservatively expect an additional 100,000 airport-generated vehicle miles traveled per day on city roads the year that Bergstrom opens. Light Rail De-Railed? -Besides the potential for dividing neighborhoods and increasing noise and air pollution, one wing of the airport-bound

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freeway system is already proving to be a disaster for south Austin creeks. The US290 freeway, which connects Oak Hill to Bergstrom via Ben White, has dumped loads of silt into Barton Creek, turned stream flow in East and West Bouldin Creeks into murky sludge, and now threatens Williamson Creek and McKinney Falls with dirty runoff from a 15-foot wide drainage tunnel. Environmentalists say that some of the negative impact of airport-bound traffic on inner city neighborhoods could be spared if transportation planners would fast track plans for a light rail connection between the airport and downtown. In fact, the 25-year plan adopted by the Austin Transportation Study (ATS) states, "The relocation of the airport to a more remote location provides Austin with an excellent opportunity to establish a true intermodal facility and to get airport commuters out of the habit of relying solely on automobiles, thereby decreasing congestion on major arterials."

In spite of this community goal of reducing airport-generated automobile traffic, some critics say the New Airport Project Team has done everything possible to encourage automobile use, while pooh-pooing the potential for transit use as unimportant and impractical. For instance, though the ATS plan calls for "close integration" of transit facilities with the airport, the original Bergstrom design plans would have had light-rail passengers being dumped at the parking garage, rather than carried directly to the main terminal building. It was only after several months of negotiations between transit advocates and the airport team, and an agreement by Capital Metro to foot the bill for changing the design, that light rail was finally given a toehold in the main terminal.

On the other hand, Director of Aviation Charles Gates denies that rail plans were ever slighted by the airport team. He says that the original Bergstrom design put the rail terminal in the parking garage as part of a planned "transportation center" that would have included buses and limousines, and he points out that Capital Metro officials consistently testify to the airport staff's cooperation with transit design at Bergstrom. While no one accuses the airport team of active opposition to light rail, environmentalists have grumbled for months that the airport staff's car culture mentality threatens the long-term viability of transit. "I think the aviation department is downplaying the potential role of light rail," says Robin Cravey, aide to city councilmember Daryl Slusher. "They seem to be taking the attitude: 'You've got our phone number; when you've got light rail, call us.'"

Things came to a head last October when John Almond, director of the New Airport Project Team, addressed the ATS. The week before, Almond was featured in a local media blitz in which he predicted a traffic congestion crisis after the airport opens, if the ATS fails to score the hundreds of millions of dollars needed to complete the I-35/Ben White and US183/US290 freeway interchanges. "Every airport should have freeway access to its front door," Almond told the ATS. When quizzed by State Representatives Sherri Greenberg and Glen Maxey about transit's role in transporting airport passengers, Almond predicted low transit usage in Austin, citing poor light rail use at the St. Louis airport, and adding that light rail is not the airport staff's responsibility anyway. At this point, Maxey, who represents East Austin, exploded. "If you can be a cheerleader for building more freeways, why can't you be a cheerleader for light rail?" he demanded, then added, "I think it's a philosophical problem that your bosses should take care of." Round Rock's outspoken mayor Charles Culpepper also got in on the act. "I can assure you that I

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will get on light rail rather than fight rush hour traffic," Culpepper told Almond. "It appears that you aren't taking light rail seriously."

Subsidizing Car Culture - Though Almond beat a hasty retreat before the ATS, protesting that he did not mean to downplay light rail, Airport Advisory Board member Dan Akins says that airport staff consistently adopts policies designed to increase automobile dominance at Bergstrom. For instance, last summer when the project team turned up a \$20 million budget surplus due to lower-than-expected construction bids, it moved quickly to earmark nearly \$4 million of the windfall for construction of 1,100 new parking spaces, four additional parking lot exit lanes, and a parking operations building. Another \$4 million will go to build overpasses from the eventual SH71 freeway to the airport terminal, so that motorists won't have to decrease their speeds as they approach the terminal.

According to Akins, "We didn't have any say in how this money was to be spent. We fought to have a say." Likewise, city council didn't find out about the \$20 million windfall until after the airport staff had already mapped out plans for spending it, drawing down criticism from even the usually "micro-management"-shy Ronney Reynolds. Gates, however, says that the projects funded by the \$20 million surplus had been approved three years ago and merely pushed to a back burner due to lack of money. "We didn't have to go back to council to get formal approval because we were still within the over-all appropriation process," says Gates.

Not long after the quick meltdown of the \$20 million windfall, airport staff came back to city council in December requesting approval of an additional \$25 million to double the size of the parking garage. This would increase covered short-term public parking from 1,400 to 2,300 spaces, and rental car spaces from 480 to 1,000. (In addition, there will be 7,150 long-term surface parking spaces and 1,000 employee parking slots, for a total of 11,450, more than double the 5,280 spaces currently available at Mueller.) Aviation department consultants warned that faster-than-predicted growth in airport usage will mean inconvenience for motorists before the year 2005 if the parking spaces aren't added.

However, Airport Advisory board member Akins notes that the requested parking capacity increase is two to three times the projected increase in passenger traffic on which it is based. Furthermore, he adds, consultant errors concerning mass transit ridership in other American airports understate Austin's potential transit ridership and overstate parking needs. Expanding the parking garage will encourage more car trips, undermining the future viability of light rail and adding to citywide congestion and pollution, says Akins. Many transportation experts say that putting a cap on parking spaces in major traffic generators like airports and downtowns is essential for the success of transit. For instance, Portland City Commissioner Earl Blumenauer credits most of his city's success with light rail to the fact that downtown parking was capped at 43,000 spaces even as downtown employment doubled from 50,000 to 100,000 jobs over the past 15 years. On January 9, the Airport Advisory Board asked city council to delay voting on the parking garage expansion, complaining that aviation staff had made little attempt to brief them on the proposal before taking it to council in December. If the advisory board felt slighted in December, they got the full treatment at their meeting on February 25.

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Aviation Staff, four airport consultants flown in from San Francisco, and Assistant City Manager **Joe Lessard** spent five hours with charts, graphs, and statistics set up to prove that airport parking demand is on an ever-upward spiral and transit can't do a thing to help it. To set the tone for the meeting (held at Mueller Airport), all airport parking lots were full and closed, and one board member phoned in to say that he had returned home because he couldn't park his car.

At the end of the marathon session, the board voted 6-1 to recommend expanding the parking garage, with a few conditions attached. Akins cast the lone dissenting vote. At the March 5 work session, council voted to approve the recommendation on first reading. (For more on the AAB's recommendations and the council's vote, see sidebar).

New Airport Team director Almond professes puzzlement over criticism of the airport staff's car orientation. He says that the community has to decide whether it wants light rail, that the airport staff doesn't "make policy" to encourage alternatives to automobile use. At the same time, Almond denies that cheerleading for freeways and building excess parking capacity are "policies" adopted by airport staff, policies that, in effect, guarantee automobile dominance and sabotage the viability of alternative transportation. Such choices are not policies, but merely responses to the current demands of the traveling public, says Almond, adding that there is no current demand from the public for light rail because it hasn't been built yet.

At the crux of the issue is city and airport staff's perception that their main obligation is to airport users. Regular airport users tend to be those who can afford to live in areas that are protected from the negative impacts of transportation infrastructure, but who may not want the reduced speed and convenience of automobile access that one might reasonably expect to accompany the choice to live farther away from commercial centers and airports. The result is a crosstown freeway-based transportation system, a system subsidized on the reduced quality of life of those who live between the homes of the affluent and their destinations.

A Question of Priorities - It seems logical to expect airports to partially mitigate their traffic impacts on the community by charging fees to their users that could be used to build rapid transit to their terminals. However, the Federal Aviation Administration (FAA) has traditionally been protective of airport-generated revenues, requiring that they be fed back into maintenance and construction projects on the airport site. At the same time, airports have depended on state and metropolitan authorities to foot the bill for transportation infrastructure that brings passengers to their gates. But because of increasing recognition of the tremendous traffic impacts of airports on cities, this attitude is changing. Last November, the FAA agreed for the first time to let revenue from airport user fees be spent on building a transit link. Newark, New Jersey's airport will use \$250 million in Passenger Facility Charges (PFCs are a \$3 airport charge added to each plane ticket) to build a monorail connecting the terminal to New York's rail system. Likewise, New York plans to use PFCs to fund the bulk of a \$750 million rail line linking La Guardia and Kennedy Airports to metropolitan subways. This trend is likely to continue because of a policy just issued by the U.S. Dept. of Transportation on February 14 that encourages breaking down the traditional barriers between airport and metropolitan authorities on surface transportation planning. By agreement with the FAA, Austin's PFC revenue is dedicated to funding construction of the new airport at Bergstrom. However, PFC revenue is increasing faster than

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predicted because of the rapid growth of Austin's air traffic. Akins believes that a city staff seriously concerned about traffic impacts created by the airport could persuade the FAA to approve some of this PFC revenue to be used on a rail link from Bergstrom to downtown. In addition, some of the revenue generated by airport concessions like parking and rental car fees could be used within the airport's boundaries to improve light-rail access to the terminal. On the other hand, the current Bergstrom strategy appears to be to maximize revenue from parking and rental cars in order to build facilities that will encourage even more automobile dependency, while leaving transit to fend for itself.

**Lessard** told the Airport Advisory Board on February 25 that light rail could possibly play a role in Austin's future by preventing the need for still another parking garage expansion at Bergstrom in ten years. However, Planning Commission member Dave Sullivan says the future starts now. "In the 21st century, people are going to be thinking about ways to get around besides cars," says Sullivan. "We're overestimating what the demand for parking will be 10 to 20 years from now." Akins agrees. "We have a brand-new facility at Bergstrom, with a chance to do things right from the start," says Akins. "Are we going to continue down the corridor of a car-dependent society, or are we going to start doing things that benefit our air quality and relieve congestion? Because these are the biggest problems we have, not whether the airport makes additional money."

John Gilvar, aide to councilmember Beverly Griffith, echoes Akins' assessment that City and airport staff's motivation in pushing the expanded garage through is to generate revenues for the city over the short term. What's best for the city in the long run, he says, is not staff's concern. "They are not looking at whether our policy is to bring light rail to the airport -- even though the city adopted a transportation plan demanding it," Gilvar says. "[City and airport staff] is fulfilling their obligation to make money -- 'Hey, if we build a garage they'll pay to park.'" But council's obligation, adds Gilvar, is to enact the will of Austin residents, many of whom are concerned about traffic impacts at the new airport.

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Austin American-Statesman (TX)

February 5, 1997

### **Austin's 911 not up to par, officials say City's emergency operation center too small and doesn't answer calls fast enough, critics say Austin's 911 operation criticized**

Author: Bob Banta

Austin's 911 emergency center is too small, its equipment is too old and callers occasionally wait too long for their distress calls to be answered, city officials said Tuesday. Problems with the system surfaced at a meeting of the Austin Emergency Medical Services Quality Assurance Team, a board appointed by the City Council to advise the city on EMS issues. At the meeting, board member Mike Levy, publisher of Texas Monthly, accused the Police Department of mismanaging 911 and said he wants the fire and EMS departments to help manage the operation. Levy said he is appalled at reports from 911 officials that some callers have had to wait up to a minute before their call was answered. "Fifty-eight seconds is too long when daddy's lying on the floor having a heart attack," Levy said. "It's an eternity." The 911 center consists of eight to 10 operators who answer emergency calls and route them to dispatchers who send out police cars, fire trucks and ambulances.

Assistant City Manager **Joe Lessard**, who is in charge of public safety departments, said 911 is doing a good job handling emergency requests. **Lessard** said the goal is to answer 98 percent of all calls within the first four rings. From January to August 1996 -- the latest period for which figures are available -- operators answered no fewer than 97.1 percent within four rings. **Lessard** and other public safety officials acknowledge the center needs improvement.

Becky Stewart, police communications supervisor, said the 911 center on the fourth floor of police headquarters is crowded and that there is no more room to add operators or equipment. **Lessard** said it would be almost impossible to relocate to larger quarters "because the equipment we have now is so old that it would not survive the move." The equipment was installed in 1990 to serve a city of 465,622. Austin now has 548,043 people, a 15 percent increase. Stewart said calls to 911 are increasing. In 1996, the system handled 777,836 calls -- almost 21,000 more than the previous year. Officials said \$2.7 million in new computerized equipment paid for through a monthly 50-cent fee on customer phone bills will be installed by June.

Officials said the new equipment:

- \*Automatically switches calls to other call-taker locations to prevent backlogs.
- \*Allows operators to send calls to fire, EMS and police dispatchers with a touch of the screen.
- \*Will track periods in which calls are backlogged to give supervisors a better idea of when they occur.

Levy said a collision between a truck and a van at West Fourth and Guadalupe streets Jan. 22 sparked his recent criticism of 911. He said an 18-month-old girl was injured, and he and other witnesses were unable to reach 911 on their cellular phones. Stewart said two calls from people in a nearby office building were answered after six rings and an ambulance was dispatched. The

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**Joseph L. Lessard**

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girl was treated for minor injuries and released, according to authorities. Stewart said 15 other people who called during the time of the collision hung up before a 911 operator answered, and one person hung up after waiting for nearly a minute. Stewart, who has headed the 911 center since September, said she has seen only two occasions in which answering calls was delayed because of a rush of calls. But she said she is unable to tell how often backlogs occur because the equipment does not keep track of them. ``This whole problem was brought up three years ago and we were promised good data (on backlogged calls) back then and still haven't gotten it," Levy said.

At one point in 1994, backlogs on 911 calls forced the City Council to hire 30 more operators, bringing the current level of call-takers to 66. Danny Hobby, assistant information systems director for the city, told Quality Assurance Team members Tuesday that a substation was established on Parmer Lane in North Austin in 1995, using some of the new operators, to handle non-emergency calls. Stewart said last week that the new equipment will adequately handle all 911 calls for at least the next five years. But other officials say a bond issue will be needed to provide long-term solutions. Levy said a quick solution also is needed. ``I want to know what's going to be done for the next six to nine months to get the call-takers we need," he said.

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The Austin Chronicle (austinchronicle.com)

September 6, 1996

### **Model Policing Chief Watson Stands up for Community Methods**

Author: Alex De Marban

If you frequent East- side establishments like Ben's Barbecue down on East 11th, you may have noticed a certain middle-aged man chatting up the owners so naturally he seems part of the decor. If he's got a walkie-talkie and he's packin' heat, he should be Ricky Davis, neighborhood police officer and an elusive bird indeed. The residents there see him plenty, but the city doesn't see very much of his type at all -- that is, neighborhood officers, Austin Police Department's vanguard force in the "community policing" trend. Currently, they're scattered at 11 neighborhood centers across the city, but they're on Police Chief Elizabeth Watson's endangered species list. That comes as a surprise, since community policing -- police/community interaction -- has been Watson's mantra since she came to the city four years ago. She's stuck with the concept, despite its political combustibility. It's currently getting the blame for the city's sharp increase in violent crime, since it translates into less officers cruising the streets. Watson and her methods were heavily questioned at last week's council work session, and the Austin Police Association and Watson regularly dance on the edge of altercation. Still, she perseveres. At the work session she announced even bolder plans to accomplish her community-policing goal.

Ironically, part of that means cutting the neighborhood centers. And if the council approves Watson's proposal for the coming fiscal year, it would also mean eliminating the department's remaining community outreach programs, such as DARE and the Police Activities League. So why does Watson want to cut the heart of her community-policing agenda? Basically, she doesn't have a choice. She's suffering from a lack of patrol officers because of unanticipated retirements, and now is not the time to be understaffed. While most of Texas is basking in the glow of a slowed crime rate, especially in the area of violent crime, the local daily's front pages are reading more and more like murder mysteries. The *Statesman* reported that from 1994 to 1995 in Austin, homicides increased 24%, from 37 to 46. Rapes increased by the same amount and aggravated assaults rose 66%. Statewide, on the other hand, murder fell by 16%. Rape by 6%. And robbery by 11%. So Watson intends to re-deploy Officer Davis and his cohorts from the sidewalks to the roadways. While community police officers provide direct interaction between the public and officers who know the neighborhood, patrol officers, with their marked cars and wide-ranging mobility, are considered to be the key device for law enforcement. Watson's plan would add 36 officers to the patrol force, putting it at full capacity. She also intends to create a third cadet training class beginning next year, allowing an additional 41 officers a year. This would also allow the 36 community officers to return to their outreach programs in 1998, while still adding to the patrol unit. However, to make sure that her community policing cause remains king, Watson unveiled the most contentious plan of all at the work session -- the "one-third model." Expected to become the department's new goal in life, the model calls for an officer's time to be divided three ways between community outreach, enforcement, and paperwork. Currently, Assistant City Manager **Joe Lessard** estimates that the police spend 47% of their time making arrests, and only 35% of their time in prevention. Watson and **Lessard** figure that additional patrol officers will allow police more time to focus on crime

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prevention, like visiting families or hanging out at neighborhood parades. The new one-third model represents a sharp break from the past. APD has traditionally measured itself with a per-capita model. Currently, for instance, the department has about 970 officers, or 1.8 per every 1,000 Austinites. But Watson and **Lessard** now say the per capita model does not provide apt performance measurement. "We're suggesting you need to look at how you utilize an officer's time, and that doesn't take into account the numbers per thousand," says **Lessard**. "With the one-third model we can be more precise with how we use limited resources."

But to get to that one-third model, Watson and **Lessard** must still rely on a per-capita foundation. Watson predicts the model can be reached once the police force hits 2.2 officers per 1,000 Austinites, and once technological infrastructure, like improved networking, is achieved. The idea immediately drew heavy questioning and doubt at the work session. Todd called the model interesting, but added that it falls short of being useful. (Todd wants to achieve 2.5 officers per 1,000 residents). He couldn't understand -- and got no reasonable explanation -- why 2.2 officers per 1,000 residents was the magic number to achieve Watson's model, implying that more officers would be needed. Todd's speculations didn't please Watson any, and with an uncontained aggression, she put the ball back in his court: "I'm the chief of police, Mayor. I never have enough officers. Give me more officers." But the real bomb fell when **Lessard** stated that the police department was moving away from the per-thousand figure because "There's no direct correlation between number of officers and actual crime rate." Long-time members of the police association, like Mike Sheffield, vice-president of the association, swear otherwise. As proof, Sheffield points to Watson's tenure as the Houston police chief, and the dramatic decrease in violent crime that came with her departure. Houston increased its police force to three officers per 1,000 residents, and murders there dropped from 375 in 1994 to 316 in 1995.

Police Association members decry the council's inability to commit the necessary resources. In fact, the lack of such will allow the city to add only eight officers between 1997 and 1998, putting the force at only 1.9 officers per 1,000 residents, woefully understaffed for a city of Austin's size, says Sheffield. But that doesn't seem to bother everyone. Councilmembers Beverly Griffith and Gus Garcia are more concerned with the social aspects of policing. Neither agrees with the old per-capita way of looking at police, and they're combing the budget for \$1.4 million to invest in youth activities at the park system, which could help deter juvenile crime (see Budget Priorities, p.28). Mayor Todd, Ronney Reynolds, and the police association would no doubt prefer that money be spent on improving and increasing the force. Griffith, Garcia, and the rest of the council might be amenable to that, though it would take some soul-searching to sacrifice social programs in favor of adding more police officers. "This is about our police department and where it's headed into the next century," says Sheffield. "Are we going to be able to meet the demands of growth? If the city council makes us a priority, we will." This week in council: The public hearing on the bike helmet law continues at 7pm, Thursday, Sept.5.

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Joseph L. Lessard

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Austin American-Statesman (TX)

January 26, 1996

### City staff backs airport contract for low bidder

Author: Debbie Hiott

City staff members said Thursday they will recommend that the City Council award Austin's largest contract ever to the low bidder -- the pairing of a local minority company and large national firm that has sparked debate over such partnerships. Assistant City Manager **Joe Lessard** said Pelzel-Phelps -- Austin's Pelzel & Associates and Colorado-based Hensel Phelps -- met the requirements to build the city's \$100 million new airport terminal. "There's absolutely no question that this joint venture can do this project," **Lessard** said. But some council members and the head of a minority contracting group have questioned the arrangement that allows Pelzel & Associates, a company whose biggest job completed to date has been a \$2.7 million building, to become the managing partner in such a large project.

The City Council will vote on the contract in less than two weeks, after a Feb. 5 hearing on a bid protest from Morganti Texas, the third-lowest bidder on the airport terminal. It alleges the bids of Pelzel-Phelps and Hyman/Samcorp, the second-lowest bidder, were incomplete. Pelzel & Associates, owned by Mary Guerrero-Pelzel, is considered the lead partner in Pelzel- Phelps, with a 51 percent share. Under city and federal policies on disadvantaged businesses -- those owned by women or minorities -- the joint venture is considered a disadvantaged enterprise. The city has goals -- 32 percent for the terminal -- for participation by minority and women-owned businesses. By becoming a disadvantaged business, Pelzel- Phelps doesn't have to hire additional minority subcontractors.

The head of the Austin Black Contractor's Association said this week he is afraid that means the company won't hire any minority subcontractors. But **Lessard** said on another project at the airport, the rehabilitation of the west runway, Pelzel- Phelps has had 27 percent minority- and women-owned subcontractor participation. "Our experience is that this joint venture has been responsive to that community concern," **Lessard** said. Guerrero-Pelzel has said she intends to include minority subcontractors on the job. **Lessard** said Guerrero-Pelzel won't be managing partner in name only because the city will be watching Pelzel-Phelps to assure that she calls the shots. "She will have to be acting sort of like an executive over this project," he said. "We are comfortable that, in fact, the minority business will be playing the key role." But Council Member Brigid Shea said she believes Guerrero- Pelzel, who is embroiled in a legal battle with the city over delays at one of her projects, is not qualified to lead the terminal construction. Guerrero-Pelzel has sued the city and Travis County over delays at the city's St. Elmo vehicle maintenance facility and Travis County's Precinct 1 building. The city has countersued. Shea said the alleged delays will keep her from voting for the contract, not fear of litigation. "It's a question of performance that has me concerned," she said. Assistant City Attorney Charles Brothers said the suits aren't grounds for denying Pelzel-Phelps the contract because no performance problems have been proved. He said Pelzel-Phelps qualifications for the project were assessed by looking at the joint venture, not the individual partners.

Austin American-Statesman  
August 15, 1995

**Police chief has council support Mayor, 4 City Council members back Watson's reorganization plan**

Author: DIANA DWORIN AND MIKE TODD

Despite opposition from a vocal group of police officers, the Austin City Council this week is expected to support Police Chief Elizabeth Watson's plan to reorganize the force. "Hers is a model of what other departments should do," Council Member Brigid Shea said. "I'm absolutely going to support her." The reorganization plan goes before the council for approval Thursday. On one side, Watson and the city administration say the plan is a relatively simple management change designed to make the department leaner and more effective at the street level. On the other, the Austin Police Association contends the plan is smoke and mirrors, symbolic of Watson's fixation with reorganization rather than crime-fighting.

In the middle are the seven council members. A majority of them said Monday they'll support Watson's proposed changes because her ideas accomplish one of the city's primary budget goals: flattening the number of positions in its work force, which includes about 11,000 employees. Others saying they'll vote for Watson's plan were Mayor Bruce Todd and Council Members Max Nofziger, Ronney Reynolds and Gus Garcia, who said he supports the idea "as of now." Council Member Jackie Goodman said she hasn't decided, and Eric Mitchell did not return telephone calls. Nofziger said he considers the City Council's decision a vote of confidence in the chief; others downplayed its significance. "This is a vote simply on the idea of flattening," Todd said. "It's a vote of support for trying to put more of our resources on the street." Watson said she has been pleased with support from city management and the council.

The fact that the council vote comes a week after the police association's no-confidence vote on her leadership is an unfortunate coincidence, Watson said. She said the management reorganization can make a difference to regular people. "Taxpayers are footing the bill for public safety," Watson said. "We owe it to our citizens to make sure we only have that level of management that is necessary and no more." The slimmer management also should mean more efficient response to crime problems, she said. "We will have fewer bureaucratic levels through which ideas and decisions have to pass," Watson said.

The president of the Austin Police Association said the chief is inflating its impact. "John Citizen thinks (the reorganization) means he is going to get another patrol car in his neighborhood," said Senior Sgt. Mike Lummus, president of the Austin Police Association. "The reality is that in the final proposal you get (a few) additional cops for the entire city." The reorganization plan would remove one level of upper management, the four deputy chiefs and one deputy director, and cut the next by a third, eliminating five of the 15 captain slots. All cuts would come through attrition. In exchange for the 10 executive positions, the plan adds 13 lower-level jobs: three senior sergeants, six sergeant investigators and four patrol officers.

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Joseph L. Lessard

*(Articles are in reverse chronological order)*

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Other cities, including Fort Worth and Dallas, are doing similar streamlining, said **Joe Lessard**, the assistant city manager who oversees the Police Department. He said the Austin plan is the result of months of discussions with the police association -- talks that ended in impasse.

"Nobody is a bad guy," **Lessard** said. "In the end, we have a different opinion of what flattening the organization is." The effect of the reorganization, he said, will be to connect the department more closely with the community it serves. "It seems to be taking on this bogymen sense about it that is not deserved," **Lessard** said.

The reorganization was a major issue cited by Lummus' association Thursday when it announced that most members responding to a survey said they lack confidence in Watson as chief. Of 664 members who responded to the survey, 592 voted against Watson. The association represents 977 of the more than 1,000 members of the force. "We think it's not so much an answer to the problems as it is a smoke screen," Lummus said.

While some officers are openly critical of Watson, most City Council members said they are generally pleased with the chief's overall performance. Goodman said she's happy with Watson's push toward community policing, and Garcia said Watson "has strengths and weaknesses, but she measures up OK." "She has to make some calls, and when you make those kinds of calls, you have people second-guess you," he said. Watson's reorganization plan took root soon after she was hired. For years, the department had been divided into three eight-hour patrol shifts, each run by a captain. In October 1993, Watson installed a new system that divides the city into six geographical sections, with a lieutenant in charge of each 24 hours a day. The captain spots became mostly administrative positions, **Lessard** said.

The latest plan continues the movement of responsibility down the hierarchy, **Lessard** said. All of it, he said, is part of the effort to bring police closer to people, the community policing movement Watson has supported for years. "You're going to see it around the country," **Lessard** said. "They may not call it community policing, but that's what they're doing." The police association has another view. It wants the city to return to the old system, where each officer felt a direct link with the captain in charge, association board member Mike Sheffield said. He and Lummus both said the question is important to people because it affects police accountability. "When a person needs the police, they dial 911. But right after they dial 911, they want accountability for the actions that officer took when he arrived on the scene," Sheffield said. "The captains were that crucial link between top management and the officers on the street."

That role is now fulfilled by lieutenants, but Sheffield and Lummus say they lack the authority to handle the position. Like Lummus, he said the change is more sizzle than steak. "Are we really reinventing a better mousetrap or are we just part of some grand experiment?" Sheffield said. Part of the officers' discomfort results from the reorganization's effect on promotions, **Lessard** said. Removing the layer of upper management has the ripple effect of eliminating about 25 opportunities for promotion this year, he said.

That is putting a crimp on morale in the department, Lummus said. He said the blow is greatest to minority officers, who would lose opportunity for advancement to the highest ranks.

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The Texas Peace Officers Association, which represents the department's approximately 90 African American officers, disagrees. Senior Patrol Officer Danny Thomas, president of that group, said his board voted a week ago to support Watson. Although the organization generally supports the larger association, Thomas said, the two groups split on the reorganization plan and the issue of confidence in Watson. "There have been more promotions made (under Watson)," Thomas said. "It's because of the support of the community and support for minorities in promotions."

The Austin Police Association often endorses political candidates and makes its position known on issues. Political consultant Mark Yznaga said the highly publicized no-confidence survey could backfire. "Some people believe it's hurting them," he said. In the 1994 council election, the association endorsed one candidate who won, Reynolds, and another who lost, Ron Davis. It made no endorsement in the mayoral race.

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Austin American-Statesman  
April 14, 1994

### **Officials might pursue limited plan for species in effort to keep funds City, county might lose out on \$4 million from U.S. if Balcones proposal isn't salvaged** Author: Ralph K. M. Haurwitz

City and county officials have about two weeks to come up with a plan for conserving endangered species or risk losing \$4 million requested for local nature preserves by the Clinton administration. City Council members and Travis County commissioners reached an informal consensus during a joint work session Wednesday on how to proceed with the Balcones Canyonlands Conservation Plan. County Judge Bill Aleshire said the best option seemed to be for the city, county and Lower Colorado River Authority to submit a permit application for a habitat conservation plan to the U.S. Department of the Interior's Fish and Wildlife Service.

Such a permit would allow local agencies to undertake sewer construction and other projects in species habitat, provided they set aside other land for species conservation. It would be a much more limited permit than what has been debated for several years. Officials agreed to continue work on a broader plan that would involve private landowners and developers. Sam Hamilton, Texas administrator for the wildlife service, said he could not predict whether congressional appropriations committees would be satisfied with the more limited proposal. He urged the city and county to issue strong statements of their intent to firm up a broader plan. "The hope of holding onto this \$4 million is a long shot at this point," Hamilton said.

The funds are part of the Interior Department's budget request for the fiscal year beginning Oct. 1. Interior Secretary Bruce Babbitt requested \$4.06 million to acquire 5,000 acres for the Balcones plan, a proposal to protect rare songbirds, cave bugs and plants in western Travis County. That would supplement 30,000 acres that would be set aside with public and private funds locally through the Balcones plan. The prospects for local funding are uncertain for two reasons. A proposal for a county development fee died in the Legislature last spring. And in November, county voters rejected a \$48.9 million bond issue for land acquisition. The administration's request is in addition to \$5 million it is seeking to acquire land for the Balcones Canyonlands National Wildlife Refuge, a separate preserve for two endangered songbirds: the golden-cheeked warbler and the black-capped vireo.

Aleshire's suggestion to pursue a more limited Balcones permit followed a presentation on habitat plan funding options by **Joe Lessard**, an assistant city manager. **Lessard** outlined options costing from \$219 million to \$234 million in public and private funds during a 30-year period. Earlier, a task force of environmentalists, landowners and developers appointed by Mayor Bruce Todd rejected one option, known as "Conserve as You Grow," which would have required developers to pay nearly \$21,000 an acre to compensate for building in habitat. Other options outlined by **Lessard** involved less private funding - as little as \$6,000 an acre - but millions of dollars in additional public funding. "After six years, the issue is still very much the same: Who pays for what?" said Todd.

Austin American-Statesman

January 21, 1994

**Barnett's strong start ends on a sour note A look back at the city manager's tenure**

Author: Bob Banta

When Camille Barnett was hired as Austin city manager in 1989, she was hailed for her professional and academic credentials and her team-building skills. A reputation for a dynamic personality also preceded her, a trait that appeared to be exactly what the city needed to penetrate the gloom of Austin's economic bust. At age 39, Barnett, the holder of a doctorate in public administration, was noted during previous administrative jobs in Houston and Dallas for delegating work to her department heads, a management style that would later bring her both praise and criticism. "She's a team builder who can build spirit," then-Mayor Lee Cooke announced minutes after Barnett's hiring on Feb. 16, 1989. But such praise was balanced by complaints from council members whom Barnett worked with in Houston, and later in Austin. They accused her of not providing them the details they needed to make decisions.

Barnett had strong reasons for taking the Austin job. "I'm a risk-taker," she said after the announcement. "That's how I got this nice house, this nice husband and this nice life - by taking risks. And because I feel I can do the job." Risk-taking was essential for an Austin city manager in 1989. When Barnett arrived, her major task was to help pull the city out of the financial tailspin that began with the economic downturn of the mid-1980s. The city's labor force of 10,000 during the boom years had been reduced to about 8,500 under a series of layoffs forced by declining revenues. Plummeting land values had undermined the city's tax base, and city services faced severe cutbacks.

Consolidation effort - Amid that atmosphere of economic doldrums, Barnett began belt-tightening in-house. One of her first steps was to consolidate three city divisions and two departments, resulting in an annual savings of nearly \$100,000. She also saved an estimated \$5.2 million by leaving many city jobs vacant as long as possible. Delaying various small construction-related projects saved another \$1.6 million. "She's done an excellent job for the city," Mayor Cooke said in March 1990. "She's made a significant difference." Such praise was a contrast to remarks from some of her peers a year earlier in Houston, where she had been that city's chief of finance.

In March 1988, Barnett discovered that costs of Houston's city employee health care program were higher than her staff had expected. Correcting the problem cost the city an estimated \$12 million. Barnett redesigned the health care program, but some council members charged that she should have discovered the problem sooner and that she delegated too much authority to subordinates. In her first staff meeting meeting as city manager in Austin, she warned her 22 department heads: "Tell it to me straight; don't give me any garbage, and don't have any hidden agendas."

Citizen survey - One of her first acts as Austin's city manager was to conduct a telephone survey asking 500 randomly selected Austinites what they did or did not like about their city services.

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The survey found that while most citizens believed the city's ambulance, parks, police, and fire services were excellent, they were frustrated by high electric and water rates and what they believed to be poor street maintenance.

The survey was the basis for a push by Barnett to improve residents' relations with the city by holding seminars for city workers on how to speed up citizens' access to municipal services and to make customers as welcome in city offices as patrons in a retail store. Barnett later found that she had inherited problems from the past. In June 1989, U.S. Department of Housing and Urban Development officials demanded that the city investigate why more than 60 percent of the \$81 million in housing and economic development funds given Austin had not reached the poor. Barnett hired former Cincinnati housing director Gene Watkins, who installed a program that used loans from local private lenders to build clusters of homes. The program helped develop entire neighborhoods instead of focusing on construction of separate houses. The city's relationship with HUD officials slowly improved, and the city, so far, has avoided having to pay back millions of dollars in HUD grants. By the end of her first year, the council was impressed enough with Barnett's performance to increase her pay to \$113,000. But criticism from council members began to surface. Council Member Robert Barnstone voted against the raise, saying Barnett was being "selective" in sharing her information with the council. Cooke had asked Barnett to conduct a secret financial feasibility study of moving the city airport to Bergstrom Air Force Base. Barnstone was angry that the city manager had not alerted him of the study. "You answer to me and six others," Barnstone wrote to Barnett in a March 13, 1990 memo. "You have failed to keep me informed about the most crucial economic issue facing the city. It is a severe breach of your duty."

By the early 1990s, Barnett was confronted by the troubled future of the city's new, \$69 million convention center. Her job was to see that the Austin Convention and Visitor's Bureau booked enough gatherings to generate the hotel bed tax necessary to pay off the cost of the building. From 1992 to 1993, nearly half a dozen convention officials were forced out or resigned as bookings for the center failed to materialize at the rate the council had hoped for. Financial specialists had projected that the facility would have 48 large events booked by 1995. But as of July 3, 1993, only 18 such events had been booked. Barnett hired Tom Manno to head the visitor's bureau in a desperate attempt to boost the bookings. Manno resigned on Nov. 29, 1993 to take another job. His position remains unfilled. Booking the convention center remains one of the council's biggest problems. Moving the city airport to Bergstrom and passage of the Save Our Springs water quality ordinance, which limits development in the Barton Creek watershed, dominated city issues under Barnett's leadership in 1992 and 1993. Both those items were policy issues, debated at the council level and subjects in which Barnett played only a supporting role. As manager, she and her staff executed with little comment the wishes of the council in writing new water quality regulations and collecting bids from contractors who wanted to work on the airport.

Epstein encounter - She managed to keep a low profile in the airport project until an encounter with former City Council Member Louise Epstein on Dec. 19, 1991, in executive session. Epstein accused one of Barnett's assistant managers, **Joe Lessard**, of implying during a conference on the airport that Epstein had paid back a political favor by supporting the

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accounting firm of KPMG Peat Marwick to be an airport consultant. Barnett and **Lessard** denied the accusation. The issue faded, but it laid the groundwork for an enmity between Barnett and Epstein that ended only when Epstein decided not to run for re-election last year.

On Aug. 13, 1992, Barnett ran into controversy again when she hired the city's first female police chief, Elizabeth Watson. Minority groups and members of the Austin Police Association complained that Barnett had not asked for input from line officers when she made her decision. Dennis Garza, president of the Capital Council League of United Latin American Citizens, said he considered the hiring process "a charade." Barnett insisted that she made every effort to get input from community and law enforcement leaders. "Any recruitment process has to balance inclusion and confidentiality," she said. Police officers and members of minority groups finally agreed to give the new police chief a chance.

In 1993, an effort by Freeport-MacMoran to build a housing and office development in the environmentally sensitive Barton Creek watershed dominated council debate, along with the successful drive to pass the Save Our Springs ordinance limiting development in the watershed. Those issues also dominated the May 3 city council elections. Two new council members - environmental candidates Brigid Shea and Jackie Goodman - were elected. Mayor Bruce Todd and Council Members Ronney Reynolds and Gus Garcia had been elected in 1991. That left only two members on the council - Charles Urdy and Max Nofziger - who had hired Barnett. Working with Todd Throughout his term, Todd often praised Barnett for her budget presentations and her farsightedness on economic matters, such as her report "Strategic Choices," which emphasized the city's need to annex more land to keep its tax base strong. On Dec. 28, he joined five other council members to give her a raise to \$147,484 - making her the highest-paid city manager in Texas.

Two weeks later, his support for Barnett dissolved when he was informed that due to improper accounting, city-owned Brackenridge Hospital would suffer a \$21 million loss in operating revenues. Todd called a press conference Jan. 13, in which he deplored the mistakes that had led to the shortfall and emphasized: "This happened on Camille's watch." "I thought she was doing a good job," said the mayor. "That's why it's particularly hurtful to see such a huge, colossal mistake be made. I've lost trust in the management style that allowed this to occur."

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Joseph L. Lessard

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Austin American-Statesman  
December 14, 1993

### **New BCCP proposed to get land at higher cost, over longer period**

Author: Mike Todd

The City of Austin is proposing a revised version of the Balcones nature preserve system that would include about the same amount of land as before but take much longer to acquire. The new proposal comes after Travis County voters in November rejected a \$48.9 million bond proposition to buy the county's share of land for the 29,000-acre system. Assistant City Manager **Joe Lessard** outlined the plan Monday to a committee of the city, county and Lower Colorado River Authority that has been planning the Balcones system for the past five years. Basically, he said, plan administrators would act as brokers to put together large blocks of preserves with money private landowners pay when they seek permission to develop land containing habitat for endangered species. "The big value is that it would direct the acquisitions into a more viable preserve system," **Lessard** said.

Mayor Bruce Todd, a major proponent of BCCP, said the new proposal would keep the plan alive despite the county bond vote. "What you see is a plan that follows a much slower progression of implementation but lives within the means authorized earlier," he said. Landowner Robert Brandes, who opposed the earlier plan as a bailout for big developers, said the new proposal has the same drawback. "It's going to help those who qualify today at the expense of everyone else," he said. "It's slanted toward the big boys."

Austin voters approved \$22 million for Balcones land in 1992. Without the county bond, financing is the biggest problem, said Austan Librach, head of the city Environmental and Conservation Services Department. Buying the land would take about 15 years under the revised plan rather than the three years estimated before, he said. "The idea at this point is what we're calling in slang terms 'pay-as-you-go,'" he said.

The Balcones plan is to set aside habitat for endangered wildlife, in exchange for which the federal government would lift Endangered Species Act restrictions on development of land outside the preserve system. The city, Travis County, the Lower Colorado River Authority and the state have been partners in the BCCP. County voters' rejection of the bond money left that partnership in question, however. County commissioners have not acted on BCCP since the vote. Librach said the city wants the Interim Coordinating Committee to recommend the new plan to the four partners. Each would have to approve it separately. If the four entities go along, he said, the committee could submit a plan to the federal government in March and receive approval in August.

Under the revised plan, landowners would pay into a fund to buy preserve land elsewhere before developing their property. While the previous plan called for mitigation fees of about \$6,000 per acre of habitat developed, the new plan would have no set fee, Librach said. Instead, he said, the price would depend on the amount and cost of land BCCP managers decided is needed to mitigate for land being developed. That is similar to the situation landowners face now when

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seeking development permits from the federal government. **Lessard** said landowners would benefit by getting development permits sooner under the cooperative plan. The land will cost much more under the new plan because of the longer time involved, Librach said. "It will be a lot more expensive than if we had purchased it in three years," he said. The city has purchased a little more than half its 10,000-acre share. Fees from landowners would buy another 10,000 acres. City and county parkland, plus acreage contributed by private owners, would make up the rest.

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**Joseph L. Lessard**

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Austin American-Statesman  
July 23, 1993

### **Council creates airport zoning panel**

Author: Bob Banta

The Austin City Council took steps to protect the city's new airport site from undesirable development Thursday by giving the city Planning Commission authority to propose rules for land use around Bergstrom Air Force Base. The action came after Council Member Ronney Reynolds said he was concerned that structures incompatible with the airport will be built if the city does not move quickly to control zoning there. "I don't think anybody is going to rush out to Bergstrom and throw up a 20-story building, but we certainly need to watch that area closely to see that things don't go up that we will have to deal with later on," Reynolds said. The nine-member Planning Commission chaired by Scott Roberts makes zoning recommendations for tracts inside the city.

It will exercise its authority over land use around Bergstrom as the Airport Zoning Commission. Assistant City Manager **Joe Lessard** said in a memo to the council that the Airport Zoning Commission's powers differ from the powers of the Planning Commission. The Planning Commission can consider environmental factors, density, street access and other elements when it makes zoning decisions in the city limits. **Lessard** said the Airport Zoning Commission can recommend only rules that apply to noise, safety and technical issues such as non-interference with aircraft and communications.

In May, voters approved moving the airport from its present site just east of Interstate 35 to Bergstrom. The U.S. Air Force will turn Bergstrom over to the city Sept. 30. The new airport is to be finished in 1998. The Airport Zoning Commission will write rules for land use in an area 1 1/2 miles on either side of the airport runways and 5 miles from each end of the runways. It can establish height limits on structures in a 3-by-11-mile area around the center of the runways.

The commission will present zoning rules for the Bergstrom site to the City Council for approval in February. Reynolds said the Airport Zoning Commission's role in the future of the new airport is vital if the city is to avoid allowing construction of homes or commercial buildings that could be hurt by aircraft noise. "One reason we are moving to Bergstrom is that we have homes and businesses that are affected by the noise at our current airport," he said. "We don't want to have to go through that with the new facility."

In June, city officials were told it will take roughly \$582.8 million to build a new airport at Bergstrom. Of that amount, \$12.4 million has been allocated for mitigating the effects of noise on nearby schools, churches and homes. Four Del Valle schools would be eligible under the program, and the Council has asked that some East Austin schools also be considered.

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Austin American-Statesman  
April 18, 1993

### **AUSTIN AIRPORT QUESTION: FACTORS TO CONSIDER**

Author: Stuart Eskenazi

Q: What would happen to homes, schools and public buildings in areas projected to experience noise levels above federal standards?

A: The city has pledged to soundproof homes, schools and other public buildings projected to be affected by an inordinate amount of noise from a city airport at Bergstrom. Since the city projects the area affected by excessive noise to be small, the number of eligible structures is scant.

As it stands today, the city would offer to sound-insulate 769 residences. Of those, 210 are mobile homes, and 416 are apartment units, with 392 of them within three complexes. Only 143 are houses. None is in Montopolis. Other eligible structures include four Del Valle schools (Del Valle High, Baty, Hillcrest and Popham Elementaries), three churches (Onion Creek Baptist, Salem Lutheran and United Pentecostal) and a day-care center. Portions of 100-acre Richard Moya Park also are above the noise threshold. In addition, the City Council is considering soundproofing schools in East Austin that would lie under the proposed Bergstrom flight path. "Whether a home gets soundproofed is up to the owner," Assistant City Manager **Joe Lessard** said.

The city is not bound by law to soundproof affected buildings. Its pledge to soundproof around Bergstrom contrasts its position on structures around Mueller, where the city, with federal financial assistance, has voluntarily sound-insulated three schools - but no homes or churches. Cost estimates to insulate all affected structures around Mueller range from \$100 million to \$200 million. About \$11 million has been included within the \$582.8 million total Bergstrom airport project cost to pay for noise mitigation. If more money is needed, the city could dip into a \$31.6 million project contingency fund, said Charles Gates, city aviation director.

If the cost of soundproofing a home around Bergstrom exceeds its value, the city could buy the home if the owner prefers. If not, the city would soundproof, **Lessard** said. The city has not determined whether it would be more economical to replace, instead of soundproof, any of the structures - including the four Del Valle schools. Under the plan to move the airport to Manor, an estimated 962 people would have lost their homes to make way for an airport. With Bergstrom, no one would be displaced because no structure lies in an area needed for airport construction, **Lessard** said. "There is no scenario I can see where condemnation would occur," he said.

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Austin American-Statesman  
February 18, 1993

### City plans Balcones preserves hearing

Author: Mike Todd

Austin voters have approved spending \$22 million on the nature preserve with the funny name, and the city staff has spent uncounted thousands of hours on it. Yet the City of Austin has not formally approved the Balcones Canyonlands Conservation Plan. No council vote has been taken, no public hearing held. That will change today, when people who love the plan and hate it get a chance to speak about the \$165 million, 30-year project to help endangered animals and land developers.

Mayor Bruce Todd, a leading proponent, said BCCP will help Austin by creating 29,000 acres of wildlife preserves near town. "It protects a greater number of acres in a relatively urban area than has been done anywhere else in the United States," Todd said. At the same time, he said, the plan should remove economic uncertainty that has driven down land values in western Travis County and decreased the tax base needed for government services. "Economists believe there will be a substantial increase in property values with the successful completion of this regional plan," the mayor said.

On the other side is landowner Robert Brandes, who was a member of the executive committee that drafted the plan. "I think the public is being misled for personal and political reasons," Brandes said. "BCCP in general solves the problems of a certain segment of the community, but it is not a communitywide solution," Brandes said. "It solves the problems of the large developers, and I separate that from landowners, and places a disproportionate burden on the landowning public." The Balcones plan is designed to set aside land in western Travis County to preserve the habitat of endangered species, primarily songbirds and cave invertebrates. In exchange, the federal government is to lift restrictions on development of nearby land. On the City Council agenda for 4:30 p.m. today is a public hearing on one part of the plan - biological design of the preserves.

Assistant City Manager **Joe Lessard**, who has been shepherding BCCP through the bureaucracy, said the hearing and expected council action will constitute the city's first formal approval of a completed portion of the plan. The purpose is to get part of the preserve document submitted to the federal government for review as soon as possible, he said. The BCCP document actually is an application for a federally approved regional habitat plan. It comes in three parts: biology, management and financing. The biology segment, describing the habitat preserves and their biological significance, is the first completed.

Submitting it to the U.S. Fish and Wildlife Service will officially put the agency on notice that the city is seeking approval of a habitat plan, **Lessard** said. That way, he said, the agency can make sure any other, independent mitigation proposal filed - such as for a commercial development in an area containing habitat - dovetails with the city plan. Financing and

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management segments should be completed in early summer, **Lessard** said. The system is to be financed by property taxes and development fees.

BCCP is a creature of the federal Endangered Species Act, which prohibits destroying habitat of animals or plants listed as in danger of extinction. Western Travis County is home to seven: Two songbirds, the black-capped vireo and the golden-cheeked warbler. Five critters most people simply call "cave bugs" - the Tooth Cave pseudoscorpion, the Tooth Cave spider, the Tooth Cave ground beetle, the Kretschmarr Cave mold beetle and the Bee Creek Cave harvestman. In addition, the government is considering listing the Barton Springs salamander, which lives in the springs that feed Austin's favorite swimming pool. Listing of the two songbirds as endangered in 1987 and 1988 blocked development on thousands of acres in western Travis County. City officials say the area of potential habitat is essentially all undeveloped land west of MoPac Boulevard (Loop 1). With approval of the preserve plan, the federal government would grant a "10(A) permit" freeing habitat land outside the preserves for development.

City Council Member Bob Larson has been a critic of BCCP from its inception in 1988. The effect of endangered species on land development, he said, is not a city problem. "The problem is outside the city limits; the land is outside the city limits," he said. "It's a national problem and should be funded nationally." At least, Larson said, the county should be an equal partner. That's what the plan calls for, although the city has led the way and so far is the only entity to put up any money.

In August, Austin voters approved a \$22 million bond proposition to buy 9,633 acres of preserves. The city bought the first half in January: 5,280 acres in six tracts northwest of Austin, for \$8 million. The rest, 4,364 acres in the Barton Creek area, is the subject of negotiations involving landowners, the city, developers and the Southwest Travis County Road District. The county plans a \$22.4 million bond election in the fall to finance its share of the purchases. The Texas Parks and Wildlife Department is to contribute \$7.5 million for land, and the Lower Colorado River Authority plans to provide 2,917 acres it owns. Larson said he doubts the system will work. "I've been skeptical of the plan since Day One. I don't think we'll ever have any assurance that it will succeed," he said. "I remain convinced that what it really is, is a plan to facilitate development of that land out there." Nonetheless, Larson said he will support BCCP because voters demanded it in the August election.

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Austin American-Statesman  
July 29, 1992

### **1985 warning cited danger at apartments**

Author: Mike Todd, Jim Phillips & Stuart Eskenazi

The state warned the City of Austin seven years ago that the Watersbend Apartments, built over an old municipal landfill, could pose a health and safety hazard. And in July 1991, a report for the federal Resolution Trust Corp. cited potential hazards from "extremely high concentrations" of methane under the Northeast Austin complex. City officials said Wednesday that they had no knowledge of the 1985 warning or the 1991 report. The Texas Department of Health and the Texas Water Commission on Friday ordered the approximately 1,000 residents of Watersbend, 2104 E. Anderson Lane, to move out within 10 days because of accumulations of explosive methane gas. Residents said they received no advance notice of the problem or warning that an evacuation could be ordered. Methane, produced by decay of organic matter, is commonly produced by covered landfills. The RTC report also cited other gases under the 358-unit apartment complex, possibly coming from petroleum products buried in the landfill.

Mayor Bruce Todd and Assistant City Manager **Joe Lessard** said they were aware of neither the Texas Health Department warning nor the federal environmental report. "Much of what we're trying to do right now is piece together the institutional history of what's happened with this piece of property," Todd said. He said the RTC report should have been made available to the city but apparently was not. "Obviously it should have been," Todd said. "One of the things that governments in general have a problem doing is communicating."

The city planning and development director said he was aware of no action taken by the city in response to the 1985 warning from the state Health Department. Planning Director Jim Smith, who in 1985 was with the building inspection department, said he did not recall seeing the letter. He said he was aware of no additional inspections the city might have undertaken in response or of any changes made in the development code to further restrict building on top of landfills. Watersbend was built in 1984 with city assistance: financing in the form of \$10 million in tax-exempt bonds sold by the Austin Housing Finance Corp. The financing gave the developers a low interest rate in exchange for agreeing to rent 20 percent of the units to low- or moderate-income people. Deed records show that Victoria Savings purchased the bonds. The RTC report was prepared because the bank bailout agency now manages the assets of Victoria Savings. Todd said he and other city officials were aware that Watersbend had been financed through city bonds.

What is not clear, **Lessard** said, is how much the city knew about the landfill site in 1983 and 1984. "I know there was some correspondence with the Health Department, some questions we posed to them (about safety of construction over landfills)," he said. Ron Mullen, who was mayor from 1983 to 1985, said he does not recall approving the financing for Watersbend Apartments. "I did 10,000 different things back then," Mullen said. "Those housing deals were brought to us as a way to bring low-cost housing to people. We pretty much would take the recommendations and approve the financing." Frank Cooksey, who was mayor in 1987 when the

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bonds were refinanced by the Austin Housing Finance Corp. and Victoria Savings, said he knew nothing of methane dangers at the apartments. "It certainly was not called to my attention because I would have had a strong concern about it," he said. Edwina Carrington, manager of the Austin Housing Finance Corp., did not return telephone calls Wednesday. Todd said that generally, financing arrangements such as the Watersbend bonds do not leave the city liable in case of default. He said the bonds normally are secured only by the property, not by the city itself. After the project was completed and the city issued permits required for occupancy, the developer filed suit against the previous landowner. Court files say the developer discovered during early stages of construction that a landfill was under the site. The RTC report was released by the office of state Sen. Gonzalo Barrientos, D-Austin. The senator's legislative director, Richard Hamner, said the staff has been investigating the case since initial complaints from an environmental organization in April.

The Texas Department of Health letter and related documents are on file with the Travis Central Appraisal District, which reduced Watersbend's appraised value for tax purposes in response to revelations about the landfill. The Health Department letter was from L.B. Griffith, then director of the department's solid waste enforcement division. Griffith told Richard L. Ridings, then deputy director of public works for the City of Austin, that construction of Watersbend over solid waste "is of major concern to the department."

"The disturbance of the old landfill has increased the potential for ground and surface water contamination and for methane gas production and migration," said Griffith's letter, dated Sept. 23, 1985. By that time, the city already had expressed similar concerns to the apartment project's owner. In a Sept. 6, 1985, letter to developer Tommy Thompson, then city environmental health chief Fred Rodgers recommended that methane detection devices be installed in the apartments if construction joints in the foundations were not sealed. **Lessard** said the city's investigation so far has found no forced-air ventilation system or methane detection systems at the site. "We have some questions about what got built out there," he said.

The RTC report, a detailed environmental analysis of the apartment complex, said investigators found no ventilation or detection system. "No evidence of a methane venting system was discovered during the site inspection, on available construction drawings and (in) interviews with county health department and building inspection officials," said the report by Earth Assessors of San Antonio. The report did find lots of gas at the complex. It said two distinct "plumes" of methane and other gases exist under the apartments.

One is on the northeastern edge of the property and appears to extend off the site, the report said. The other is in the center of the complex and appears to be contained within the property. Both contain high concentrations of methane, ethane, propane and butane gases, said the report. It said the methane appears to be biological in origin - produced by decaying organic material buried in the old landfill. The other gases apparently indicate the possibility that petroleum products were disposed of at the site.

Those gases are in low concentrations and "would not indicate a significant source which would present a health hazard to occupants of the apartment complex," the report said. But it said the

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"extremely high" methane concentrations, however, could present a danger. The report recommended further testing to determine whether gas under the apartment complex was under pressure and dangerous. Watersbend property manager James Gudenrath could not be reached for comment Wednesday. The Watersbend site was operated as a city and county landfill from the 1950s until it was closed in 1968.

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*(Articles are in reverse chronological order)*

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Austin American-Statesman  
December 25, 1991

### **Council far from Barnett accord**

Author: Sylvia Martinez

Although City Council members have spent seven hours discussing City Manager Camille Barnett's performance, they are no closer to agreeing on her future than they were before two closed-door sessions. Neither do they agree on what the two meetings have accomplished. While some council members say that after hearing testimony from two witnesses Monday night they are now convinced Barnett directed Assistant City Manager **Joe Lessard** to subvert the will of the council, others say that's a matter of interpretation. "A lot of what was discussed (Monday) night was taken out of context," said Council Member Gus Garcia. "It would have been premature to take a vote on this."

As a result, council members emerged from a five-hour session late Monday with neither a vote of confidence nor a vote calling for her dismissal or a reprimand. Although he had support for a vote of confidence for Barnett, Mayor Bruce Todd said he decided against pushing the issue. "In all likelihood it would have passed, but the council needs to be united in its actions as much as humanly possible when it takes public action concerning the city manager, whether it be positive or negative," he said. "And to press for a vote - even a winning vote - seems somewhat inappropriate without a united council."

Although he wants new management, Council Member Bob Larson said, "I didn't push for a vote, because I wouldn't have won." "It was apparent that no one was going to change their minds no matter what was said, no matter how damaging the evidence," he said. "The city manager is being protected by four council members. I guess she could probably misappropriate funds and still enjoy the support of four council members. That became apparent." Todd responded by saying that "nothing could be further from the truth." He added: "The issue of the city manager comes up every single year and that's the appropriate time to discuss those issues. I'm not saying that action can't be taken mid-year, but it would certainly have to be overwhelming and convincing to a majority of the council members."

Barnett, who was not invited to Monday's closed-door session, came under council scrutiny last week after Council Member Louise Epstein accused her of directing **Lessard** to sabotage Federal Aviation Administration funding of an airport master plan, deceiving the council about the results of an internal investigation and then attempting to cover it up.

The allegations surfaced after Epstein learned about a Nov. 1 meeting between city and FAA officials during which she said **Lessard** defamed her. She points to confidential memos that she said support her argument. **Lessard**, she said, accused her of giving a political payback when she pushed for the selection of KPMG Peat Marwick as the Bergstrom airport master plan consultant. KPMG was not the first choice of a city staff committee, of which **Lessard** was a participant. After completing an internal investigation, Barnett said **Lessard** did not accuse

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Epstein of making a political payoff, but instead informed FAA officials of a public perception that he believed existed.

Despite the two sessions, the discussion is far from over. Barnett's annual evaluation has been scheduled for early February. And, council members even disagree as to why that time was chosen. Epstein said the council moved it up from its traditional March date, while Todd and Barnett said Barnett asked for it to be expedited even before the recent flap.

Regardless, Epstein said, "I'm comfortable that in February when the council takes a look at the entire performance that we will do what is in the best interest of the city. "There is no question in my mind and in many of the council members' minds that this was very serious, especially since it involved a federal agency, especially since the council had documentation," she said. "But one point made by one council member is that this body does not need any documentation in order to exchange one city manager for another, so I think that's a point well taken."

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Austin American-Statesman  
December 18, 1991

### **Epstein says city official defamed her**

Author: Stuart Eskenazi & Sylvia Martinez

Circumstances surrounding defamatory comments an assistant city manager allegedly made against a council member will be the hot topic of at least one closed City Council session later this week. Council Member Louise Epstein said she feels she was the target of the charge. She points to confidential memos that she believes indicate Assistant City Manager **Joe Lessard**, who oversees the Aviation Department, besmirched her integrity in front of Federal Aviation Administration officials at a Nov. 1 meeting in Austin. She said **Lessard** accused her of giving a political pay back when she pushed for the selection of KPMG Peat Marwick as the Bergstrom airport master plan consultant. KPMG was not the top choice of a city staff committee that **Lessard** participated in.

City Manager Camille Barnett said **Lessard** did not accuse Epstein of making a political payoff, but instead informed FAA officials of a public perception that he believed existed. Epstein, in turn, has accused Barnett of trying to cover for **Lessard**. This is not the first time Epstein has attacked Barnett publicly. Epstein has repeatedly criticized Barnett on a number of points, including how she prepares the city's budget and the amount of information she shares with the council. In addition, Epstein has rapped Barnett for delegating too much authority to her three assistant city managers. During Barnett's evaluation in March, Epstein voted against giving her extra vacation days as part of her compensation package.

The current clash relates to a Nov. 7 council meeting during which Epstein persuaded the majority of her colleagues to support KPMG. Epstein said she favored KPMG because of the firm's excellence in airport terminal and airfield planning and the high participation of local firms on its consulting team. Team members, however, included Murfee Engineering Co. and the law firm of Strasburger & Price, Armbrust & Brown. George Murfee and David Armbrust helped draft the Comprehensive Watersheds Ordinance supported by the same majority of four council members who supported KPMG - Epstein, Mayor Pro Tem Charles Urdy and Council Members Bob Larson and Ronney Reynolds.

Armbrust since has resigned from the team. Barnett has suggested the council meet in executive session Thursday morning, before the regularly scheduled council meeting, to discuss the allegations against **Lessard**. "I want very much to talk to council and to clear the air," Barnett said. "I take these charges very seriously, and I am investigating them." Epstein and Larson have called a special City Council meeting for Friday afternoon to continue the executive session as a performance evaluation of the city manager. "This is a very serious matter and, because of the issues it raises, in my opinion, requires immediate attention," Epstein said.

She said she believes **Lessard** jeopardized approximately \$750,000 in federal funding for the master plan. She accused Barnett of directing **Lessard** "to get the FAA not to fund the council's selection of master planning (consultant)" - a charge Barnett denied. "This matter should be

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handled the same way any board of directors would respond to their chief executive officer slandering one of the board members and attempting to cost their organization \$1 million," Epstein said. Barnett said Tuesday she has thoroughly investigated both charges. "There were two allegations Louise asked me to investigate," Barnett said. "I have talked to every person present in that meeting. I find absolutely no information to support the first - that anyone requested that the FAA not fund the master plan. The purpose of the meeting was to ensure that the FAA would fund it."

Barnett said she also had not found any evidence to support the second allegation - that **Lessard** made accusations against Epstein. "Comments **Joe** made were interpreted (differently) by different members present at that meeting," she said. "I do not believe there were any personal accusations made against any council member. . . . The majority of the people in the meeting did not think there was any support for the allegations." Epstein calls Barnett's conclusion unfathomable based on confidential memos from two city attorneys who attended the meeting with the FAA. Epstein released copies of those memos - which were from the attorneys to Barnett - to reporters on Tuesday.

One of the attorneys states explicitly in his memo that **Lessard** stated the selection of KPMG was a political payoff for the watersheds ordinance. The attorney answered affirmatively to the question, "Did someone at the meeting accuse a council member of a political payoff in the awarding of the contract?" Calls to the attorneys who wrote the memos were referred to Barnett's office. Barnett said she has queried every person present at the meeting at least twice, and those discussions point to the different interpretation of **Lessard's** comments. When asked if **Lessard** had been reprimanded, Barnett said, "I have counseled with **Joe**. **Joe** has written a letter to the FAA to clarify any comments that may have been misunderstood. He has also talked to council members about his comments."

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Austin American-Statesman  
August 13, 1991

### **City's top workers post high earnings**

Author: Stuart Eskenazi

As the Austin City Council considers spending \$10 million next year to increase the pay of approximately 7,900 city employees, a look at the salaries of the 100 highest-paid city staffers reveals they earn \$7.15 million a year all by themselves. "With the exception of public health - nurses and doctors - we are paying more than the private sector," Council Member Louise Epstein said. "So there can be no argument made that we are losing people because we are not competitive in salary. We are the competition." The highest-paid 100 employees of the City of Austin each earn an annual salary above \$60,000, 41 above \$70,000, 20 above \$80,000, seven above \$90,000 and one - City Manager Camille Barnett - above \$110,000.

The list contains 20 department heads, 30 assistant directors, 13 utility managers, 11 assistant city attorneys, 10 health department doctors or dentists, eight engineers, seven division managers or officers and a police psychologist. Barnett, who was hired in March 1989 after stints as a city executive in both Houston and Dallas, takes in an annual haul of \$113,880.

The Dallas city manager earns \$127,389, San Antonio's \$102,000 and Fort Worth's \$96,138. Barnett's three assistant city managers are among the city's top nine wage earners: Byron Marshall at \$91,686; **Joseph Lessard** at \$89,461; and Alicia Perez at \$89,128. The city's 20 department heads, including Barnett, earn an average salary of about \$80,610.

The average annual salary during the last quarter of 1990 for a worker in Travis County whose job is covered by state unemployment insurance was \$23,928, according to Texas Employment Commission statistics. Barnett said she has proposed in the 1991-92 city budget to eliminate seven city executive positions - some of which are currently vacant. "I am trying to balance the ability to keep the operation running with my interest in making the organization flatter with less layers of heirarchy," she said. Barnett's budget calls for 2 percent to 5 percent pay raises for all non-civil service employees - including department heads like herself. The more years the employee has with the city, the higher the raise.

Police officers and firefighters would receive 3 percent pay hikes under Barnett's proposed budget. Those with many years vested - 20 for police and 24 for fire - would receive 5 percent hikes. The costs of implementing those packages are \$8.1 million for the 6,374 non-civil service employees and \$1.9 million for the 1,517 civil service workers - or \$10 million for both.

Employee compensation was one of 10 budget priorities specified by the City Council, which is scheduled to discuss the issue today at a 9 a.m. budget work session at Town Lake Center. Other budget priorities included police, public health and youth services. Barnett's proposed budget incorporates employee raises without changing the current property tax rate of \$5.69 per \$1,000 assessed valuation. But her \$1.66 million public safety package, which includes hiring 31 more

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officers and moving 16 current ones from a desk to the street, is proposed only as an option if the council wants to raise the tax rate.

A \$1.49 million public health package, which includes providing medical care for an additional 500 of the city's poor, also is presented as an option. So is a \$1 million youth services package and a \$1.36 million infrastructure package. Funding the four option packages would raise the tax rate to \$6.03 per \$1,000, and cost the owner of an average-valued home an additional \$8.28 a year. "The council is being asked to choose between public health and public safety, and employee raises," Epstein said. "And we are doing this at a time when the private sector is either eliminating jobs or cutting salaries. "This budget, in the current format, tells the community we are more interested in giving raises to our already well compensated employees than in providing health services to the underserved, in protecting our families and businesses from crime and in ensuring our youth have a healthy atmosphere in which to grow."

Barnett said investing in the workforce has been a consistent goal of each of the three budgets she's presented since becoming city manager. "I believe the city is a service organization and there is no way to provide service without people," she said. Barnett defended her decision to prioritize employee raises over other city services, like adding more police officers. "I want to make sure the current operations of city government function well," she said. "If the council wants to increase our service level, they can do that."

Last year, Barnett instituted a merit pay system for top executives where some received 5 percent lump-sum bonuses and others received none. But she has scrapped that approach for next year's budget. The merit system, which froze executives' base pay, was misunderstood and therefore unfairly criticized as being inequitable, Barnett said. She said she would like for the city to have a merit pay system for all employees sometime in the future, but the current pay structure has to be made equitable first. "We can't strike out on new ground until we correct current problems," she said. "We want to reward our people for outstanding customer service and teamwork, but pay systems - even those in the private sector - tend not to be set up like that."

Mayor Bruce Todd also would like to see the city move toward a performance-based pay system for city employees. "Just being guaranteed a pay raise because you show up to work ought not be the objective of either the city or the employee," he said. Barnett is the only city employee with a six-figure base salary, although Brackenridge Hospital Administrator John Dandridge Jr. is close at \$99,362. Dandridge, hired in February 1990, is boss to approximately 1,600 employees who make up the staff of the 481-bed adult and children's hospital.

The annual take of the chief executive officer of El Paso County's 335-bed Thomason Hospital is \$100,000, while the top executive at Bexar County's Medical Center Hospital earns an annual base salary of \$140,000. Some city executives do not make the list, including City Clerk Elden Aldridge, Library Director Brenda Branch and Public Information Officer Becky Gadell. Also absent are Todd and the six City Council members, who make \$35,000 and \$30,000 respectively.

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Austin American-Statesman  
February 8, 1991

### **Business incubator faulted in city audit**

Author: Carlos Cordova

An audit of the troubled Southeast Austin Incubator, which officials say will not be able to repay a \$264,000 loan from the city, has found several violations of contractual and federal grant guidelines. The findings include discrepancies in financial records of more than \$4,800 and the hiring of the niece of the former executive director, a violation of their contract with the city that prohibits nepotism. The incubator, 2020 E. St. Elmo Road, helps businesses owned by minorities and women get started by providing space at low rental rates and sharing costs of office equipment, such as copiers, computers and telephones. The Greater Montopolis/Southeast Community Economic Development Corp., which administers the incubator, has until next Friday to respond to the findings and outline how it will correct any violations.

Meanwhile, Council Member Louise Epstein has asked City Attorney Iris Jones what actions the city can take to recover its Community Development Block Grant funds. The money was to be redistributed to other city programs when repaid. In a memo to Epstein last week, Jones said the city can demand repayment and sue for breach of contract if the funds are not repaid. Austin has been trying to revamp its CDBG programs since a city audit in October 1989 said it had failed to oversee the programs adequately, describing a pattern of neglect and missing records. Federal officials have demanded the repayment of more than \$100,000 in CDBG money, and the City Council has written off \$3.5 million in uncollectable home loans to the poor. The corporation that runs the incubator in two years has depleted \$359,000 in CDBG funding that was supposed to last three years. Besides the loan, the city gave the organization \$95,000 in CDBG funds for start-up costs.

City officials predicted last month that the corporation would not be able to repay the 20-year loan. The first \$7,000 installment is due July 1. The findings of a city audit obtained Thursday include: The city could not verify more than \$4,800 in the incubator's claimed expenses, including \$3,500 for rental space. Edith Lopez, a niece of former executive director Enrique Lopez was hired for part-time office help and paid \$566 in violation of rules against nepotism. Verification of eligibility was not provided for nine tenants of the incubator. The corporation had not paid \$8,000 in payroll taxes to the Internal Revenue Service, although it had received funds from the city to pay the taxes. Felix Rosales, chairman of the corporation, did not return calls for comment Thursday. Epstein said she asked about legal action because the issue seemed similar to a failed housing project involving the East Austin Chicano Economic Development Corp. The city currently is pursuing collection of an \$87,000 default judgment it was awarded in 1988 after the organization, then headed by County Commissioner Marcos de Leon, failed to complete work on the housing project.

Despite its financial problems, the incubator so far has exceeded expectations, having started 35 businesses, according to Assistant City Manager **Joe Lessard**. It was required by the city to attract at least 16. The incubator also has created 80 jobs, while it was required to create 18,

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**Lessard** said. But the future of the businesses that lease space from the incubator is in limbo unless the city provides continued funding to keep the incubator afloat.

Gene Watkins, assistant director of the city Department of Planning and Development, is recommending that the City Council allocate \$35,000 in CDBG funds to keep the incubator operating through the end of the fiscal year, which ends in September. Watkins said the money would go for expenses, such as rent, electricity and telephones. He said none of the money would be given to the corporation for administration. Watkins said competitive bids also would go out to find an organization to manage the incubator after the fiscal year. He said the proposal would require new funding by the city. Several tenants in the incubator have expressed dissatisfaction with the way the corporation has managed the facility. They have formed their own organization, South Austin Business Incubator, to compete for the management of the incubator.

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Austin American-Statesman  
September 26, 1989

### **City audit may change troubled grant program Pattern of administrative neglect indicated**

Author: Greg McDonald

A city audit of federally funded community development projects might lead to a restructuring of the program that oversees them, Assistant City Manager **Joe Lessard** says. The audit of the Community Development Block Grant program, prompted by articles in the Austin American-Statesman, is continuing. But **Lessard** said preliminary findings indicate a pattern of administrative neglect that has limited the effectiveness of the projects. The administrative problems, he said, lay both with the city and the community-based organizations hired to convert the federal money into affordable housing and employment opportunities for the poor. In addition, program records are in such a mess that auditors have found it difficult to account for how money was spent, **Lessard** said.

The city audit, focusing primarily on economic development projects during the past three years, has so far reflected the American-Statesman's analysis of the entire 14-year block grant program. That analysis revealed that at least 60 percent of \$81.7 million in federal funds received by the city since 1975 never reached the poor. Instead, it was eaten up by administrative costs and duplication of services. "We're not nearly through with the audit yet," **Lessard** said last week. "But we've already taken steps to correct the administrative and management problems."

As an example, he pointed to the city's recent hiring of a Cincinnati housing administrator, Eugene Watkins, to oversee Austin's housing and community development programs. Watkins, who arrived in Austin early this month, is considered an expert in structuring city departments responsible for making federally funded programs work. "We think bringing in someone with that kind of experience, who also understands the federal regulations, is going to make a big difference in terms of operating the programs in a cost-effective and efficient way," **Lessard** said. "The results - the impact it has on the community - should be much better." At the same time, the former city Department of Housing and Community Services, which was responsible for running the block grant program, is becoming a division of the new Department of Planning and Community Development. Watkins heads that department section.

Watkins said Monday that he has ample experience with troubled housing programs, and did not find Austin's situation unique. "I've seen a draft copy of the audit report," he said. "There's nothing in the report that was surprising to me. "When you have an organization that's not being productive, that's experiencing inordinate administrative costs, that's symptomatic of larger issues within the organization . . . of an organization that doesn't have, necessarily, a focus to its efforts," he said. "I want to point out that I think the situation we have here, although a difficult one and one that represents a challenge, I think it's a salvageable task." Watkins said some of the division's responsibilities, including loan underwriting and servicing, might be better done by a private company. The city's previous lack of grant monitoring has been a concern among federal officials at the U.S. Department of Housing and Urban Development in San Antonio. HUD is

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conducting its own review of the Austin programs, including housing and economic development activities. Of particular concern to HUD is a recent community development loan program that was administered by the Austin Economic Development Corp., one of several community-based organizations that are supposed help spur economic development activities in low-income areas. At least 11 of the loans went to associates or political supporters of the corporation's director. "We will be looking at the loan programs and whether there was any conflict of interest involved," Robert Hicks, director of HUD's office of community planning and development in San Antonio, said.

HUD officials will also be looking at the city's rental housing rehabilitation program, which the city has not monitored consistently. City records show that the program, which historically has been aimed at improving single-family homes or duplexes in low-income communities, has become a popular source of financing for capital-hungry Austin investors hard hit by the state's economic recession. As a result, much of the rehab money spent in Austin in recent years has gone into remodeling large apartment complexes bought by investors. Since 1984, federal records show, at least \$2 million has gone into the rehabilitation of of apartment buildings in Austin. The federal dollars cover 50 percent to 75 percent of remodeling costs. In return, the investors promise to rent at least 51 percent of the apartment units to low- or moderate-income tenants.

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Austin American-Statesman  
April 29, 1989

**New assistant city manager examines staff**

Author: AUSTIN AMERICAN-STATESMAN

The city's newest assistant city manager said Friday that one of his first priorities will be to see whether city departments under his supervision have the staff necessary to maintain a high quality of service. **Joseph L. Lessard** said at a reception held at City Hall that departmental chiefs "have talked to me about pressing needs for adequate staffs." **Lessard**, who was hired by City Manager Camille Barnett at a salary of \$80,000, will be responsible for the departments of Building Safety, Aviation, Parks and Recreation, Planning, Environmental Protection, Economic Development and International Trade, and Housing and Community Services. "We are operating on much tighter manpower than in the past," said **Lessard**. "Right now, I'm concentrating on getting oriented as to what my departments need to keep up the high standards of service that Austinites have gotten used to."

**Lessard** was vice president of Folsom Investments Inc. of Dallas before coming to Austin. His duties involved financial analysis and organizational development for the firm. He also was an assistant to the city manager in Dallas from 1983-85. He graduated with bachelor's degrees in business administration and political science from Washington State University and obtained a master's degree in public affairs from the School of Public and Environmental Affairs at Indiana University.

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