

## AGENDA



Thursday, April 30, 2009

**Watershed Protection and Development Review  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 28**

**Subject:** Authorize execution of a community facilities and cost reimbursement agreement for construction of a water quality wet pond which provides for payment to Riverside Interests, L.P., a Texas limited partnership, in the amount of \$610,519 for construction of water quality improvements at 2301 East Riverside under the water quality cost participation program.

**Amount and Source of Funding:** Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department (WPDRD).

**Fiscal Note:** A fiscal note is attached.

**For More Information:** Nancy McClintock, 974-2652; Mike Kelly, 974-6591; Tom Franke, 974-1882

**MBE/WBE:** This site plan was originally approved as a cost reimbursement in January 28, 2009 and as such was in compliance with Chapter 2-9A of the City Code Minority-Owned and Women-Owned Business Enterprise Procurement Program.

**Boards and Commission Action:** Variance from Land Development Code (LDC) 25-8-261 approved by Environmental Board and Planning Commission.

This agreement will provide funding for the construction of a joint public private water quality project on an undeveloped, privately owned 4.2 acre parcel located at 2301 East Riverside. The owner of this site has an approved site plan permit issued on January 29, 2009 from the City of Austin (SP-2008-0188C) and has been approved to participate in the Cost Participation Program (Environmental Criteria Manual Section 1.9.2). The Cost Participation Program was adopted in July, 2007 as a way to encourage development in the Urban Watersheds to capture and treat off-site runoff in addition to the volume required by the Land Development Code. The program sets a fee-schedule for how much the City of Austin will reimburse a private entity to capture and treat the off-site runoff. This program and this agreement allows the City to partner with private developers to clean more water before it goes to Lady Bird Lake than either the public or a private entity could do acting separately.

The Watershed Protection and Development Review Department (WPDRD) Master Plan has rated Lady Bird Lake as a High Priority Receiving Water for the Water Quality mission. Thus, this project helps WPDRD attain the Master Plan Water Quality goals of improving water quality and reducing pollutant loads. In keeping with WPDRD's integrated approach to drainage projects, the project will also provide flood control and wetland mitigation.

The Developer will confirm to the City of Austin design criteria and construction standards in all respects, solicit and publish invitations for bids, evaluate and award for construction of the improvements in accordance with standard City of Austin bidding practices and procedures and Chapter 252 of the Texas Local Government Code in which bids and solicitation based on plans and specifications prepared and approved, including the City MBE/WBE Ordinance.