

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-8-514 OF THE CITY CODE AND GRANTING A VARIANCE TO SECTION 25-8-482 OF THE CITY CODE TO ALLOW CONSTRUCTION OF TEMPORARY ACCESS AND REPAIR A CULVERT AND DAM IN THE CRITICAL WATER QUALITY ZONE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance grants a specific variance and city code amendment necessary to allow construction of a temporary access road, temporary access path, temporary access ramp, and perform repairs to the bypass culvert and appurtenances in the critical water quality zone of Barton Creek, subject to Site Plan General Permit Nos. GP-2012-0048.WPD and GP-2012-0049.WPD to facilitate repairs of the bypass culvert, inlet/outlet grates and downstream dam at Barton Springs Pool (hereinafter the "Bypass Project").

PART 2. A variance is granted from Section 25-8-482(*Critical Water Quality Zone*) and Section 25-8-514 (*Pollution Prevention Required*) of the City Code is amended to allow construction in the critical water quality zone of:

- (A) A temporary access road located on the north side of Barton Springs Pool, between the parking lot, concession stand, and Eliza Spring, more particularly described in attached **EXHIBIT A**, incorporated herein for all purposes.
- (B) A temporary staging area and temporary access path located at the west end of Barton Springs Pool, leading to the Pool grounds, more particularly described in attached **EXHIBIT B**, incorporated herein for all purposes.
- (C) A temporary access ramp to Barton Creek at the upstream end of the bypass culvert at Barton Springs Pool, more particularly described in attached **EXHIBIT C**, incorporated herein for all purposes.
- (D) Permanent repairs to the downstream dam and stormwater bypass culvert running along the north side of Barton Springs Pool, more particularly described in attached **EXHIBIT D**, incorporated herein for all purposes.

PART 3. Construction in the critical water quality zone authorized by this ordinance must adhere to the following conditions:

- (A) Protection of endangered species using the Conservation Measures discussed in the biological assessment prepared for the Bypass Project for the U.S. Army Corps of Engineers and the U.S. fish and Wildlife Service.

1 (B) A plan for handling emergency hazardous materials spill must be in place, to
2 include diversion of contaminated creek flows through the bypass.

3 (C) After the Bypass Project is complete, restore the soil and the site with vegetation
4 or other materials consistent with previous uses. Restoration may be delayed not
5 more than 12 months after the Bypass Project is complete to allow the staging
6 and access areas approved under this ordinance to be used for work associated
7 with the Barton Springs Pool General Grounds Improvements.

8 **PART 4.** This ordinance takes effect on _____, 2012.

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10 **PASSED AND APPROVED**

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14 _____, 2012

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Lee Leffingwell
Mayor

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19 **APPROVED:** _____

Karen Kennard
City Attorney

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33 **ATTEST:** _____

Shirley A. Gentry
City Clerk