

ORDINANCE NO. 20180524-013

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF AN AMENDMENT TO THE JOINT DEVELOPMENT AGREEMENT BETWEEN THE WALLER CREEK CONSERVANCY, THE CITY OF AUSTIN AND THE WALLKER CREEK LOCAL GOVERNMENT CORPORATION; APPROVING THE AMENDED DESIGN PLAN FOR THE DISTRICT; AND WAIVING CERTAIN CODE PROVISIONS IN FURTHERANCE OF THE AGREEMENT.

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

PART 1. Findings. The city council finds that:

- (A) The area of the City referred to as the Waller Creek District is a prominent geographic feature that helped to shape the historical evolution of the City.
- (B) The City has constructed a flood control tunnel along Waller Creek to remove 28 acres of property from the 100-year flood plain and facilitate the enhancement and revitalization of the Waller Creek District and the surrounding area.
- (C) The Waller Creek Conservancy is a 501(c)(3) entity formed in 2010 to facilitate and aide the City in the City's enhancement and development of the Waller Creek District by raising private funds to defray the costs of amenities and to eventually assist in operating and managing the chain of parks and other facilities in the Waller Creek District.
- (D) In cooperation together, the Waller Creek Conservancy and the City created and processed an international design competition for the Waller Creek District.
- (E) After Council approved the design for the Waller Creek District, Council approved a Waller Creek District Joint Design, Development, Management and Operation Agreement and related documents between the City of Austin, Waller Creek Conservancy, and the Waller Creek Local Government Corporation concerning the revitalization of the Waller Creek District (Agreements) between the Waller Creek Conservancy, the City, and the Waller Creek Local Government Corporation.
- (F) Pursuant to the Agreements, the parties have worked together to design and begin building some of the improvements envisioned in the approved design.
- (G) In furtherance of the Agreements, Council is extending the Waller Creek Tax Increment Reinvestment Zone No. 17 (TIRZ) in time to provide funding for the

parks and other City infrastructure needed to complete the designed improvements. This additional source of funds requires amendments to the Agreements to reflect the new funding sources, to align the roles and responsibilities of the parties appropriately, and to improve the process for implementing the design.

- (H) In furtherance of the Agreements, Council is also approving an amendment to the Design to reflect refinements that provide more accessible amenities for the park users and that improve the function of the performance space for events within the parks.

PART 2. Recognizing that the Waller Creek Conservancy is seeking philanthropic contributions for the amenities and operations of the District, Council authorizes the Conservancy to place plaques recognizing donors on features and on new facilities within the District. To the extent necessary to further this authority, Council waives City Code Article 4 (*Approval of a Name for a Public Facility or Property*) with respect to un-named features and new facilities within the District. The Conservancy will ensure that any names to be placed on features and new facilities are in compliance with the requirement of City Code Subsection (E) of City Code Section 14-1-32 (*Naming Policy*). All names must be consistent with Austin values as previously directed by Council.

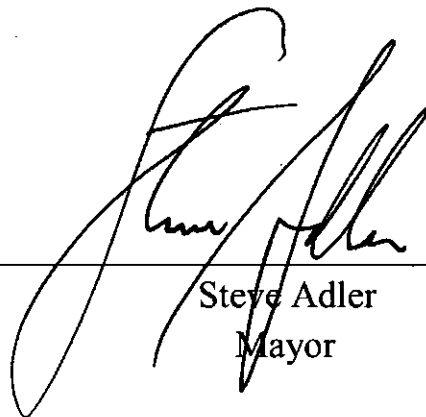
PART 3. The City Manager is authorized to negotiate and execute an amendment to Waller Creek District Joint Design, Development, Management and Operation Agreement and related documents between the City of Austin, Waller Creek Conservancy, and the Waller Creek Local Government Corporation concerning the revitalization of the Waller Creek District, including all terms and conditions deemed necessary, advisable or required by the City Manager or City Attorney.

PART 4. This ordinance takes effect on June 4, 2018

PASSED AND APPROVED

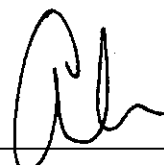
_____, May 24, 2018

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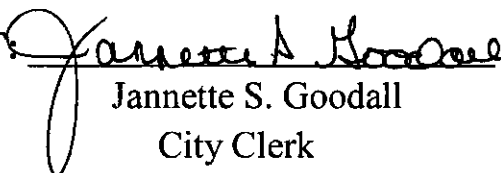
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

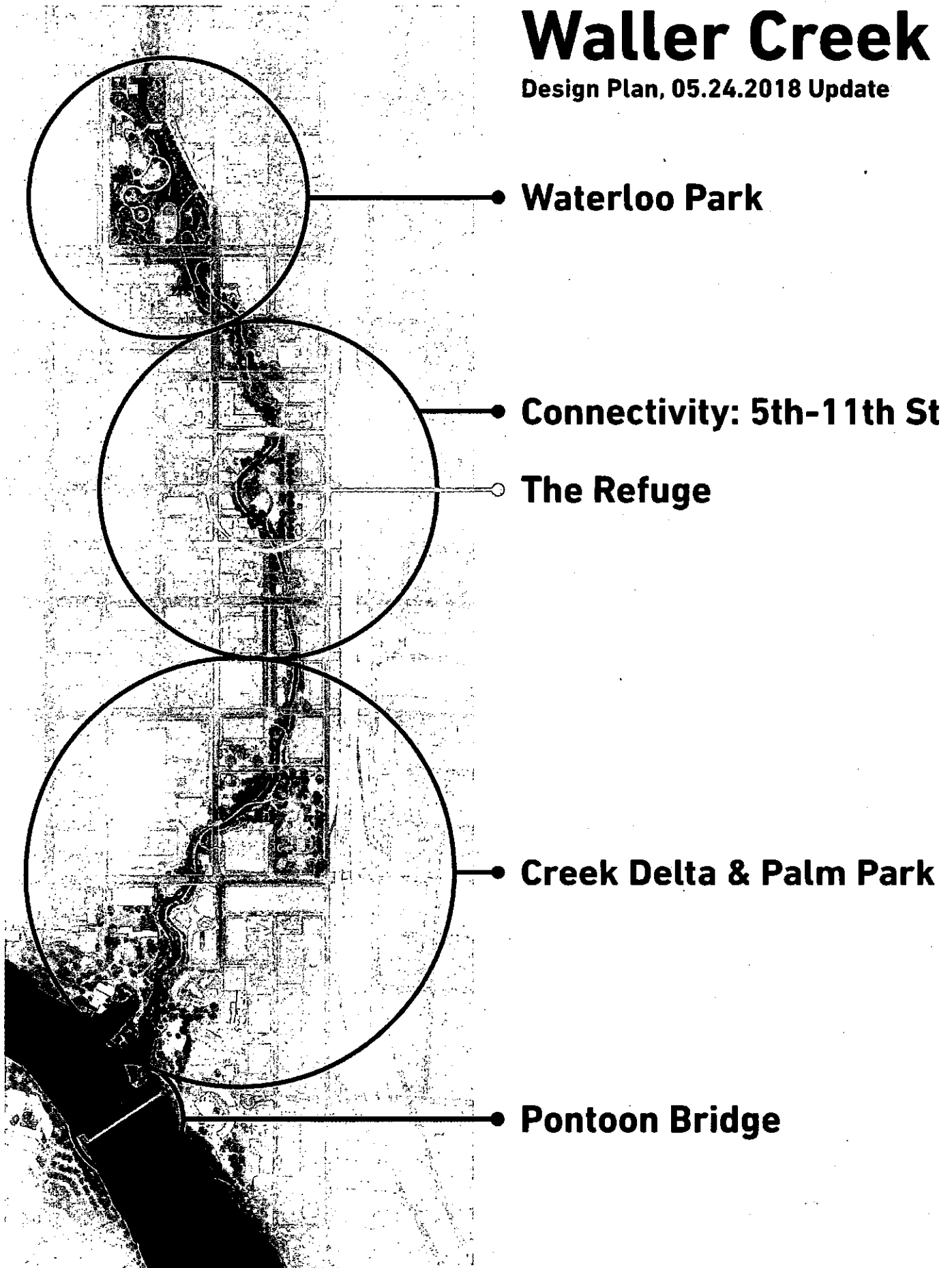
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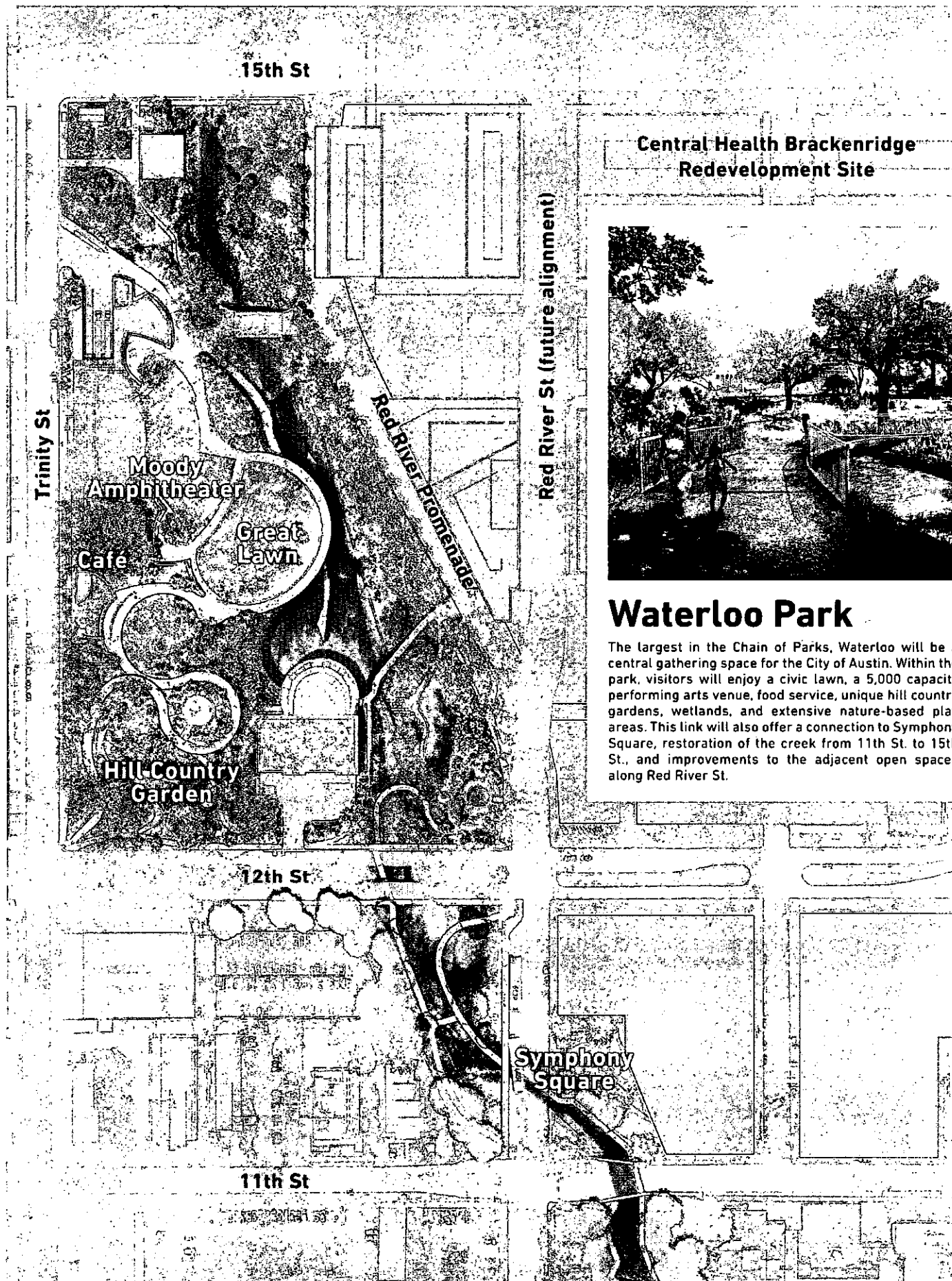


Jannette S. Goodall
City Clerk

Waller Creek

Design Plan, 05.24.2018 Update





Central Health Brackenridge Redevelopment Site



Waterloo Park

The largest in the Chain of Parks, Waterloo will be a central gathering space for the City of Austin. Within the park, visitors will enjoy a civic lawn, a 5,000 capacity performing arts venue, food service, unique hill country gardens, wetlands, and extensive nature-based play areas. This link will also offer a connection to Symphony Square, restoration of the creek from 11th St. to 15th St., and improvements to the adjacent open spaces along Red River St.

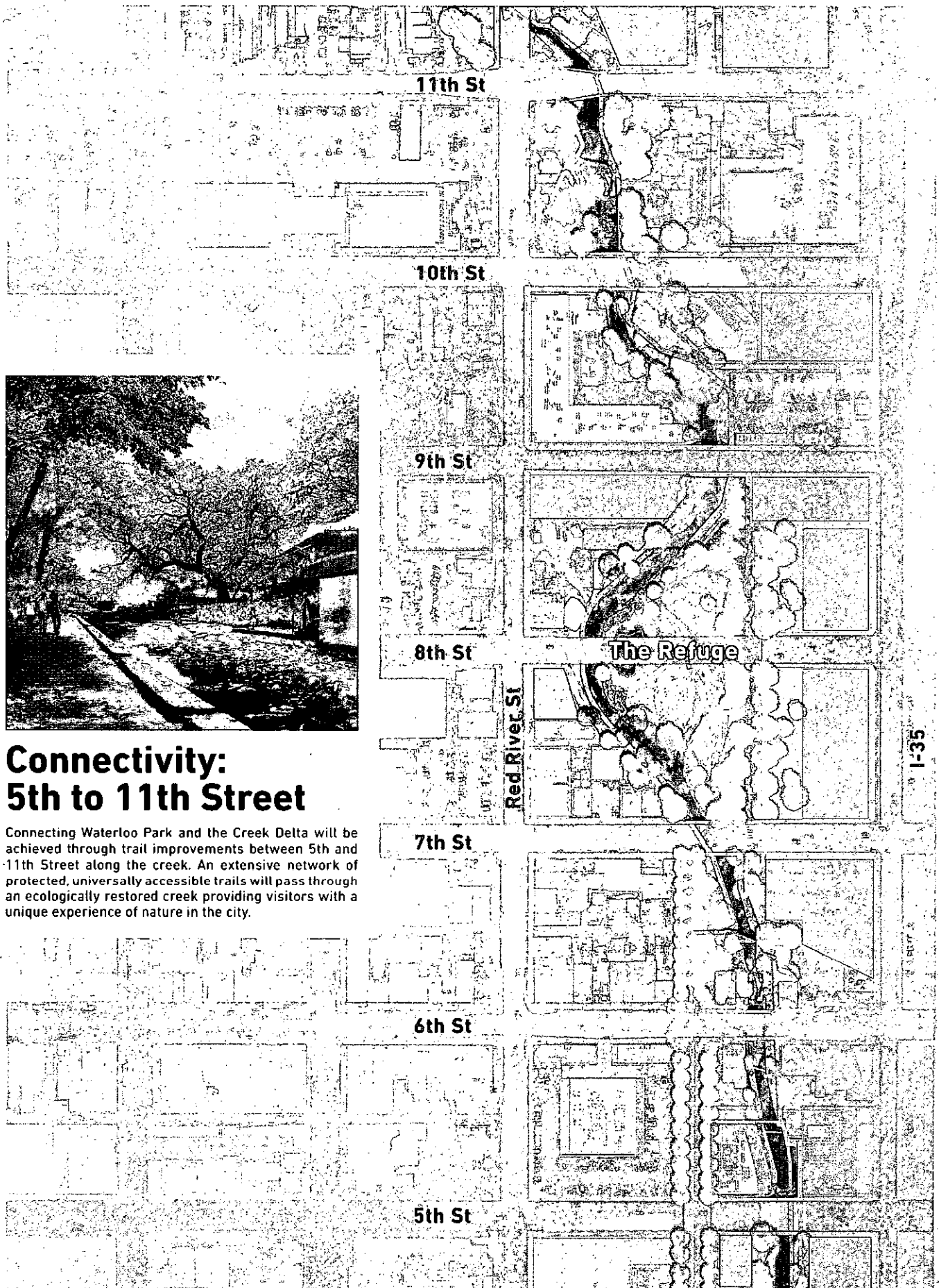
Waterloo Park





Connectivity: 5th to 11th Street

Connecting Waterloo Park and the Creek Delta will be achieved through trail improvements between 5th and 11th Street along the creek. An extensive network of protected, universally accessible trails will pass through an ecologically restored creek providing visitors with a unique experience of nature in the city.



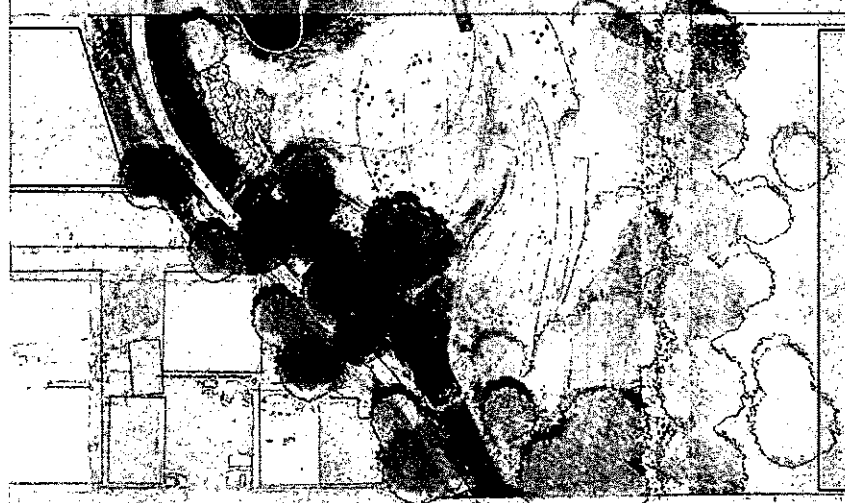
I-35



9th St



8th St



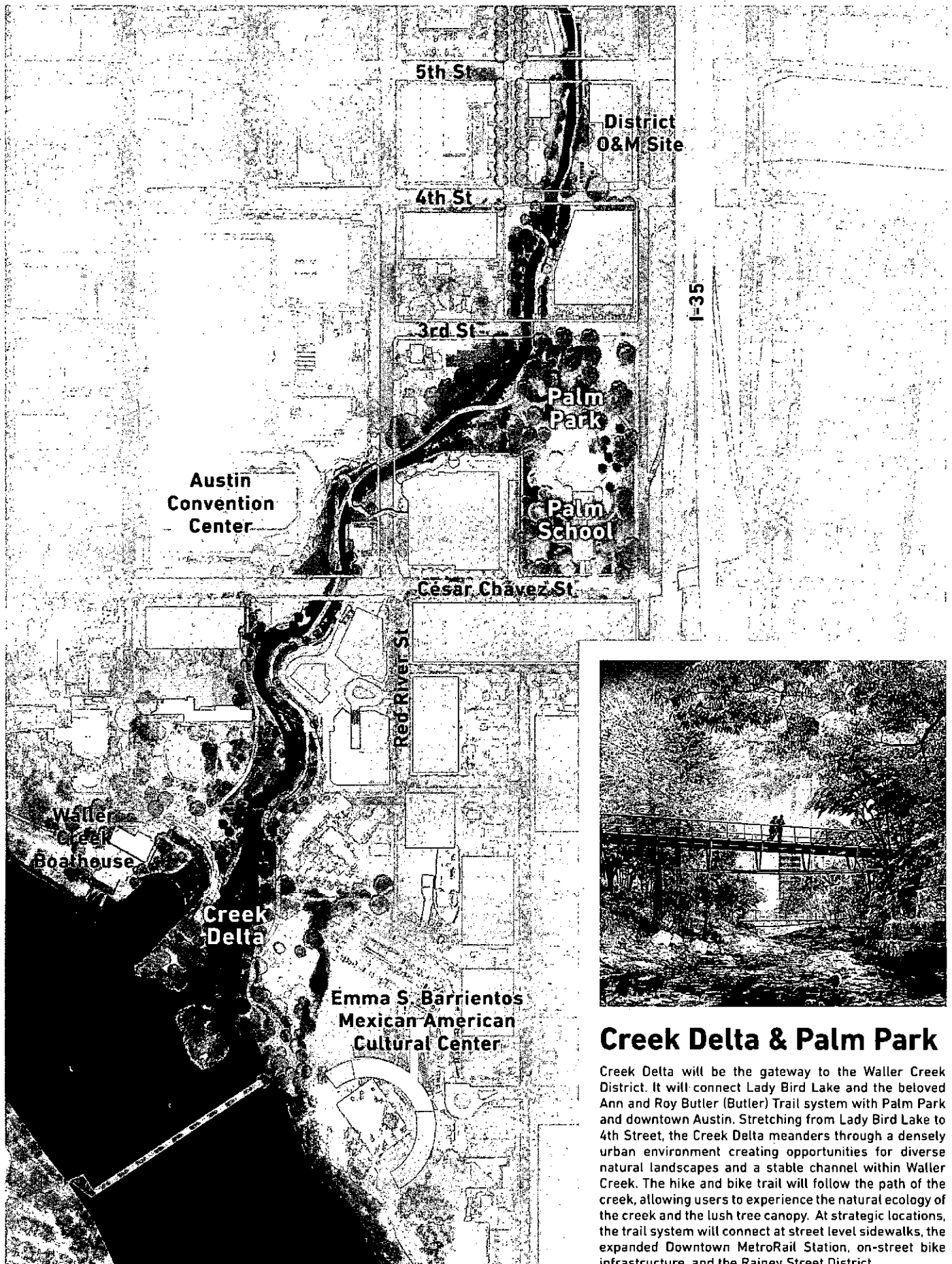
7th St



The Refuge

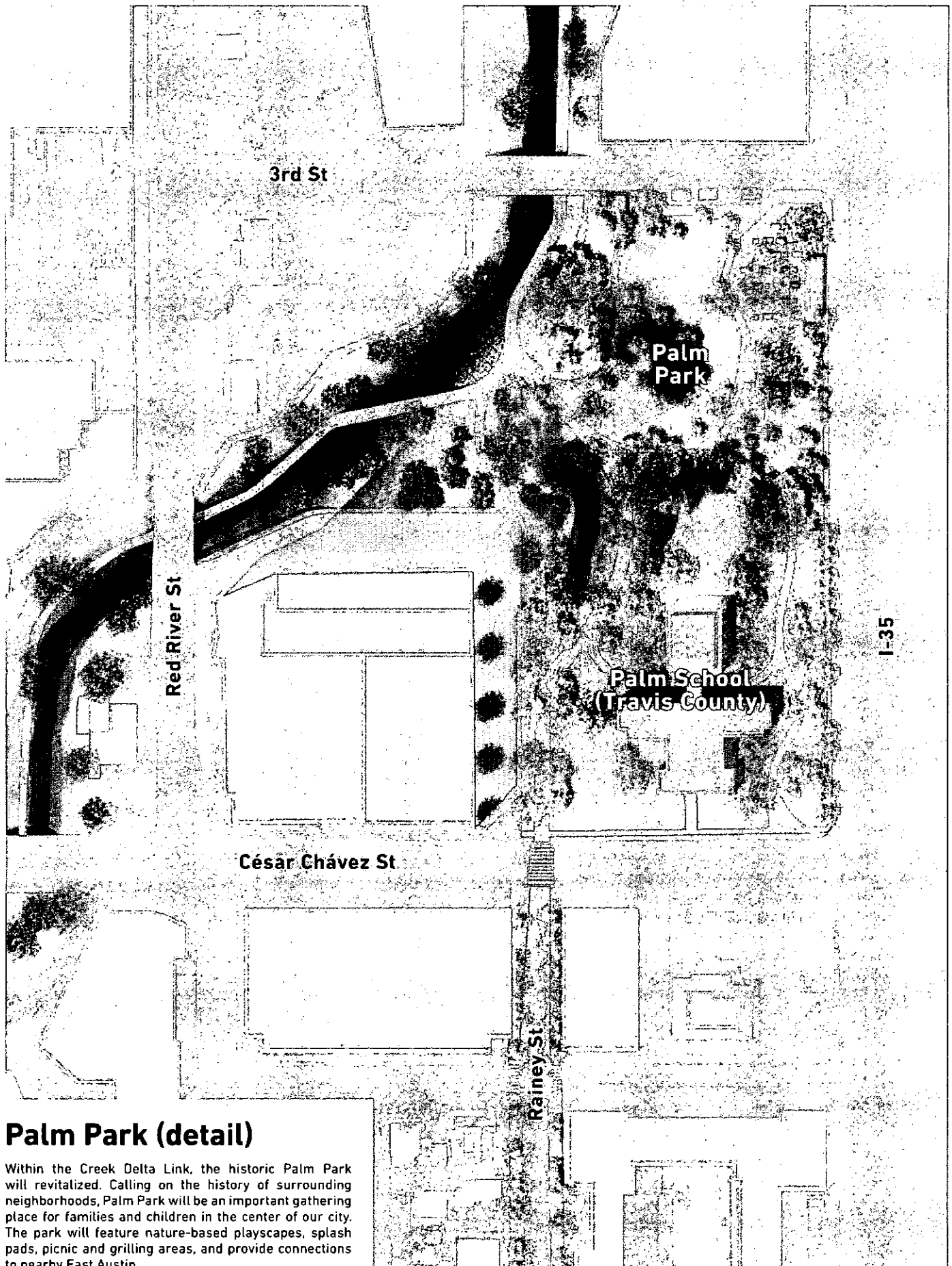
A completely new park between 7th and 9th Street will be created where the current Austin Police Department Headquarters and Municipal Court are located. The Refuge will offer an immersive natural experience for visitors to engage with the creek. This will provide a vital programmatic space to connect all members of our community, especially children, to meaningful experiences in nature.

I-35



Creek Delta & Palm Park

Creek Delta will be the gateway to the Waller Creek District. It will connect Lady Bird Lake and the beloved Ann and Roy Butler (Butler) Trail system with Palm Park and downtown Austin. Stretching from Lady Bird Lake to 4th Street, the Creek Delta meanders through a densely urban environment creating opportunities for diverse natural landscapes and a stable channel within Waller Creek. The hike and bike trail will follow the path of the creek, allowing users to experience the natural ecology of the creek and the lush tree canopy. At strategic locations, the trail system will connect at street level sidewalks, the expanded Downtown MetroRail Station, on-street bike infrastructure, and the Rainey Street District.



Palm Park (detail)

Within the Creek Delta Link, the historic Palm Park will be revitalized. Calling on the history of surrounding neighborhoods, Palm Park will be an important gathering place for families and children in the center of our city. The park will feature nature-based playscapes, splash pads, picnic and grilling areas, and provide connections to nearby East Austin.

Palm Park: Creek Restoration

Re-imagined relationship between Waller Creek and the city

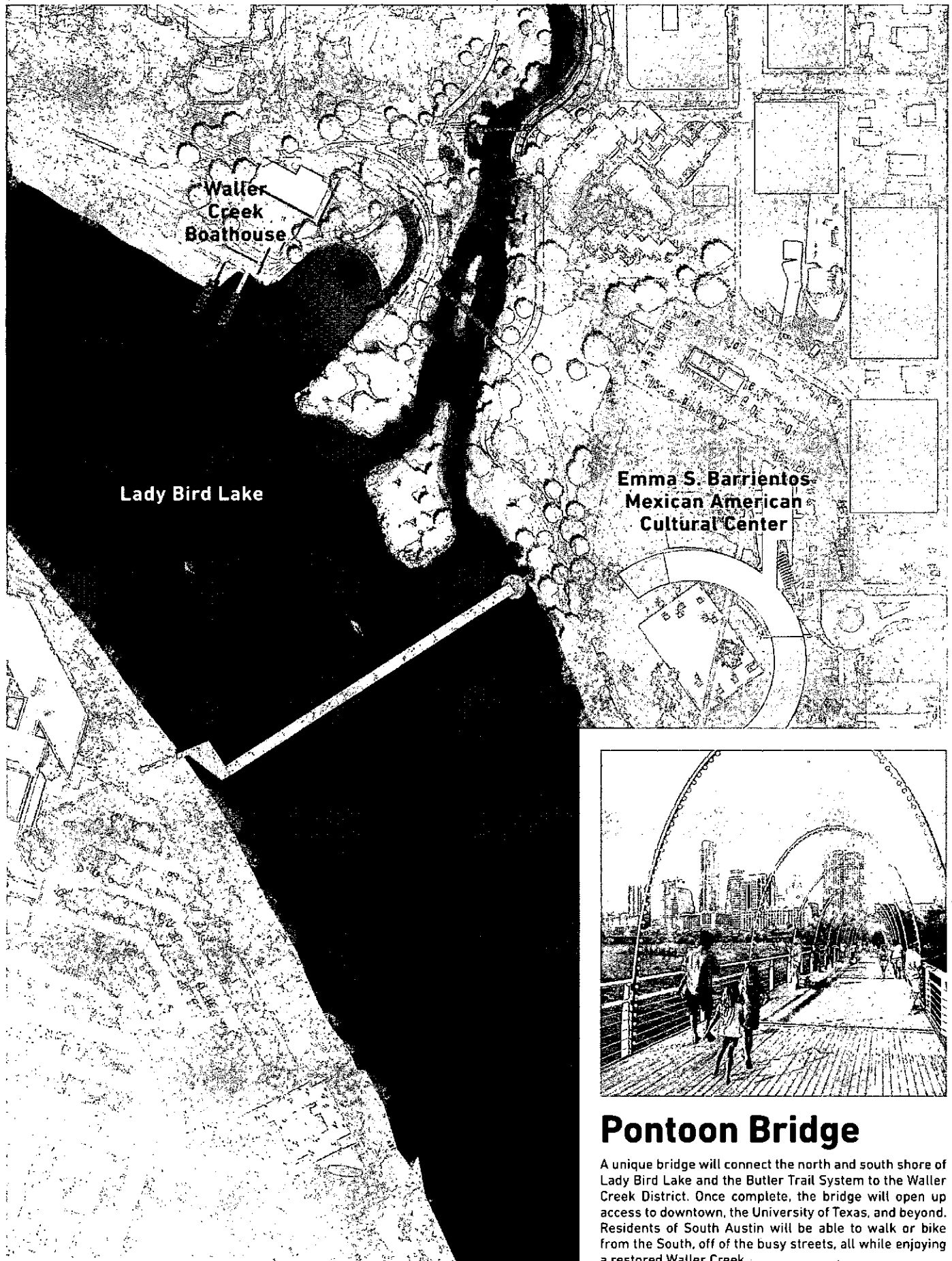


Before

View: Facing northeast from Waller Creek into Palm Park



After



Pontoon Bridge

A unique bridge will connect the north and south shore of Lady Bird Lake and the Butler Trail System to the Waller Creek District. Once complete, the bridge will open up access to downtown, the University of Texas, and beyond. Residents of South Austin will be able to walk or bike from the South, off of the busy streets, all while enjoying a restored Waller Creek.

REQUIRED AMENDMENTS TO THE BYLAWS, JDA AND O&M AGREEMENT

BYLAWS

Board of Directors

- Number of board members increased to ten members. The additional board member will be a City representative moving the board to a 50/50 split between City of Austin (City) and Waller Creek Conservancy (WCC).

JDA

Term

- The initial term of the JDA expires in January 2033. Amendment will extend the initial term of the JDA to January 2042 to match the term of the TIF.

Design Plan

- Amendment will include updated Design Plan showing current project designs, as attached.

Funding

- Update WCC and City financial commitments to align with TIF Project Plan, including the addition of TIF funding and fundraising milestones per the attached schedule.
- Individual capital projects, either for design or construction, will be fully funded prior to execution, through a combination of allocation of City funds and pledges from WCC and other private sources.

Project Implementation and Procurement

- Amendment will clarify the Phase Plan process, including review and approval provisions, to insure timely implementation of projects and long-term operations and maintenance.
- Clarify procurement process when projects are funded solely through private funding.

Capital Repair Fund

- Amendment will revise Capital Repair Fund provision by (1) moving the provision to the O&M Agreement and (2) clarifying amount required to be set aside for Capital Repair Fund

Art in Public Places (AIPP)

- Clarify process between WCC and City on AIPP projects in the Waller Creek District.

Other

- Such other revisions necessary to update the documents to reflect current project parameters

Operation and Maintenance (O&M) Agreement

Term

- The initial term of the O&M Agreement expires in January 2033. Amendment would extend the initial term of the O&M Agreement to 2042 to match the term of the TIF.

Operations and Management Roles and Responsibilities

- Given the Conservancy's primary operational and funding responsibility for the parks, amendment will provide the Conservancy the ability to maximize its earned revenue opportunities to support maintenance and operations of the parks, including agreements with third parties, provided, however, that revenues from operations are restricted to paying for park maintenance and operations and such agreements will not be written as leases or in any other manner that would be considered alienation of park land under the City Charter.
- Amendment will provide greater specificity on the park facilities and amenities intended for the project, including the amphitheater and food service operations. Amendment will clarify protocols for operation of the amphitheater, including permitting, sale of food and beverages, and new City sound ordinance requirements for downtown music venues.
- Amendment will clarify that the City will have approval over the permanent sign plan and sign types within the District, to be developed by the Conservancy. The Conservancy will have approval over other marketing, promotion and other advertising of the project all in accordance with the Quality Standard.
- Amendment will clarify the parties' intention to establish park curfew hours that reflect the park design which will include lighting for public use in the evening, and anticipated programming of the parks suited to their downtown location.
- Update O&M Agreement to clarify roles and responsibilities regarding creek and tunnel management.

Other

- Such other revisions necessary to update the documents to reflect current project parameters.