

# AGENDA



## Recommendation for Council Action

Austin City Council	Item ID	59707	Agenda Number	75.
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Meeting Date:	6/16/2016	Department:	Watershed Protection
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### Subject

Conduct a public hearing and consider an ordinance granting a site-specific amendment to City Code Section 25-8-514 and granting variances to City Code Sections 25-8-281 and 25-8-341 to allow the Eliza Spring Outlet Daylighting Project. This action requires a site-specific amendment to the Save Our Springs Initiative and concerns property in the Barton Springs Zone (District 8).

### Amount and Source of Funding

### Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

### Purchasing Language:

### Prior Council Action:

January 15, 2009 - Council passed Resolution 20090115-028 adopting the Barton Springs Pool Master Plan, which included the Eliza Spring Outlet Daylighting Project as a future project.  
November 03, 2011 - Council passed Resolution 20111103-034 authoring the City Manager to submit an application to the United States Fish and Wildlife Service for a permit under Section 10(a) of the Endangered Species Act authorizing incidental take of the Barton Springs and Austin Blind salamander associated with the operation of Barton Springs. The permit application included the Eliza Spring Outlet Daylighting project as a conservation measure necessary for the protection of endangered salamanders.  
February 25, 2016 - Council authorized the use of the competitive sealed proposal procurement method for solicitation of the construction contract for the Eliza Spring Outlet Daylighting Project.

### For More Information:

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### Council Committee, Boards and Commission Action:

February 22, 2016 - Certificate of Appropriateness approved by the Historic Landmark Commission on a vote of 9-0 with Commissioners Clites and Osburn recused.  
March 23, 2016 - Recommended by the Environmental Commission on a vote of 10-1 with Commissioner Moya voting against.  
May 10, 2016 - Recommended by the Planning Commission on a vote of 12-0 with Commissioner Zaragoza absent.

### MBE / WBE:

### Related Items:

### Additional Backup Information

This item is to consider a site-specific amendment to the Save Our Springs Initiative and two variances to Austin City Code necessary to allow the construction of the Eliza Spring Outlet Daylighting (Site Plan SPC-2012-0104D, <http://www.austintexas.gov/departments/eliza-spring-daylighting>). The project is necessary to repair the currently failing buried outlet pipe and to fulfill requirements in the City of Austin

Endangered Species Act Section 10(a) permit for the operation of Barton Springs from the U.S. Fish and Wildlife Service.

A site-specific amendment to the Save Our Springs Ordinance is necessary to complete the project because variances are not allowed (City Code Section 25-8-515). The project "site" includes the portion of Zilker Park generally south of Barton Springs Road and that area already exceeds the maximum allowable impervious cover of 15% (City Code Section 25-8-514). The only impervious cover added by this project is appurtenances to the drainage conveyance, which are exempted from the definition of impervious cover. However, City regulations require that the entire site be brought into compliance with current code. As this includes a much larger area than the limits of construction and affects Parks and Recreation Department resources, it is outside of the scope of this project and thus the site-specific amendment to the Save Our Springs Ordinance is necessary. Two formal land development code variances are also being bundled with the site-specific Save Our Springs Ordinance amendment. To construct the project, variances to City Code Section 25-8-281 prohibiting construction within the buffer of a critical environmental feature, and to City Code Section 25-8-341 which prohibits cuts that exceed four feet of depth, are necessary.

### **Background**

The Barton Springs Salamander is an endangered, completely aquatic salamander found only in a few locations in Central Texas, including four springs in Zilker Park. Natural habitat for Barton Springs Salamanders is characterized by shallow, fast flowing water near springs that contains rocky substrate and aquatic vegetation, which provide hiding spaces for salamanders and their macroinvertebrate prey. The land surrounding these streams contains dense native plants that are adapted to the moist areas around stream channels. This vegetation provides abundant shade to the salamander habitat in the stream, and the nutrients from the leaves contribute to the food web in the stream that indirectly feeds the salamanders. The vegetation also reduces surface water runoff into the stream and erosion on the land adjacent to the streams, which provides a more stable stream environment.

Three of the four spring environments in Zilker Park were highly modified in the late 1800s and early 1900s. The largest known population of Barton Spring salamanders resides in Eliza Spring, located north of Barton Springs Pool and east of the Bathhouse. Eliza Spring emerges at a small concrete amphitheater that was built in 1903 for use by the Elk's Club. When the original structure was built, the stream that connected Eliza Spring to Barton Creek exited the amphitheater through a 4 foot space between the amphitheater walls. This stream, along with its salamander habitat, was destroyed in the late 1920s and the spring water placed inside a buried 24 inch diameter pipe. Stone masonry was added to the original structure to completely enclose the amphitheater. The area where the stream had existed was replaced with soil and turf grass.

The Watershed Protection Department proposes to convert the buried outlet pipe back to an open stream, a process known as daylighting. This would recreate the stream habitat for the Barton Springs salamander, improving the potential for long term recovery of the species and increasing resiliency of the species to continued changing water quality and quantity conditions. In addition to the benefits to the Barton Springs salamander, there is a critical need to remove the failing, buried 24 inch diameter pipe. If the pipe completely failed, it would no longer transport sufficient water from the Eliza Spring amphitheater to the bypass tunnel to prevent the historical amphitheater from overflowing with spring water.

The Eliza Daylighting Project is included as a necessary conservation measure in the City of Austin's Incidental Take Permit from the U.S. Fish and Wildlife Service for the operation of Barton Springs in compliance with Section 10(a) of the federal Endangered Species Act. The current City of Austin endangered species permit was renewed in 2013 and protection for the Barton Springs and Austin Blind salamander populations in Zilker Park. By agreeing to adhere to the measures in the Habitat Conservation Plan and associated permit from the U.S. Fish and Wildlife Service, the City of Austin can continue to operate Barton Springs Pool as a recreational facility.

The Eliza Spring Daylighting Project is also included in the Barton Springs Master Plan. In addition to the public input meetings for the Barton Springs Master Plan, there were eight public meetings specifically for the Eliza Spring Daylighting Project prior to and during the early design phases (30% and 60%) in 2012-2014. The project has also been included as an agenda item at six meetings of the Joint Committee of the Parks Board and Environmental Commission, as well as meetings of the Parks Board and the Land Facilities Subcommittee of the Parks Board. Construction of the Eliza Spring Outlet Daylighting Project is scheduled to begin October 2016 and be completed by

Spring 2017. Barton Springs Pool will stay open during construction, though some parking will be used as a staging area and the project's Limits of Construction will prevent access to some areas of the lawn on the north side of Barton Springs Pool. Bidding for the project will begin this April. Bidding will follow the Competitive Sealed Proposal delivery method due to the sensitive nature of the project.

Several permits that are required for the project are currently in process. An Antiquities Permit through the Texas Historical Commission is needed due to the Eliza Spring Amphitheater being listed on the National Register of Historic places, as a State Antiquities Landmark, and as part of the Barton Springs Archeological District. A Certificate of Appropriateness for the modifications to the historic structure was approved by the City of Austin's Historic Landmark Commission February 23, 2016. A Nationwide Permit Pre-Construction Notification has been submitted with the Army Corps of Engineers because the project occurs in waterways of the United States. A Water Pollution Abatement Plan Exception with the Texas Commission on Environmental Quality has been submitted because part of the project occurs in the Barton Springs Recharge Zone. The U.S. Fish and Wildlife Service has already reviewed and approved the project, and the project includes several measures in the design to comply with the requirements of the Incidental Take Permit from the U.S. Fish and Wildlife Service.

Eliza Spring is a critical environmental feature, and the Eliza Spring Amphitheater has previously been established as its protective buffer. Construction within the amphitheater is minimized with this project. However, the masonry and the portion of the pipe that occur inside the amphitheater must be removed, and the spring water from the amphitheater must be diverted while the stream channel is constructed. Several parts of the project require cuts that exceed four feet of depth. The stream channel itself will result in a cut and associated grading of the area surrounding the stream that goes to a maximum cut of approximately 10 feet. The pipe that is failing also requires a cut to be removed, and two storm drains that intersect the location of the proposed stream channel require cuts to be redirected into different parts of the tunnel that is underneath the sidewalk at Barton Springs Pool.

The number of variances has been minimized to those essential to the project. There are no other landowners in the vicinity other than the City of Austin that could be impacted by the project. The project will result in equal or better water quality. It will not increase pollutant loadings as the City's existing permit from the U.S. Fish and Wildlife Service prohibits the use of pesticides and herbicides for the project. The groundwater that will be encountered during the required cuts will be treated for Total Suspended Solids and Dissolved Oxygen before being released into Barton Creek. Erosion controls will also be used during the project, and the area will be stabilized and revegetated in compliance with the Watershed Protection Ordinance. The floodplain function also will be improved by the project, as demonstrated by the Functional Assessment. The critical environmental feature (Eliza Spring) will not be impaired by the construction: no materials from construction can enter the water, salamander biologists will be present for all work that occurs within the amphitheater, and the spring water will be diverted around the construction.

Several measures are also added to protect the salamander population and the environmental health during construction. Salamander biologists will have oversight throughout the project and have stop work authority for anything that is deemed a potential threat to the salamanders. Several measures from the City's permit from the U.S. Fish and Wildlife Service are included in the construction design. For example, construction materials have been vetted to prevent use of materials that are hazardous to salamanders. Many measures for spill prevention also are required of the contractors, and a Spill Response Plan is included in the Project Manual. This project, although considered development, is designed as an environmental restoration project for the Barton Springs Salamander and will have an overall environmental benefit.