

Late Backup ORDINANCE NO.

AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF AUSTIN AND AUSTIN INDEPENDENT SCHOOL DISTRICT ESTABLISHING SITE DEVELOPMENT STANDARDS FOR THE REDEVELOPMENT OF BOWIE HIGH SCHOOL AND IMPERVIOUS COVER TRANSFER ; WAIVING CITY CODE SECTION 25-8-483; AND GRANTING APPROVAL FOR REDEVELOPMENT AS REQUIRED BY CITY CODE SUBSECTION 25-8-26(F).

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

PART 1. The City Manager is authorized to execute an Agreement between the City of Austin and Austin Independent School District, attached here as Exhibit A, establishing regulations for the redevelopment of Bowie High School, located at 4103 W. Slaughter Lane.

PART 2. Council waives the prohibition of transfers in the Barton Springs Zone in City Code section 25-8-483 (Transfer of Development Intensity).

PART 3. Council waives the requirement in 25-1-21 (104) to allow the Bowie High School redevelopment site to include the Bowie practice fields located across a public street or right of way.

PART 4. Council approves the redevelopment of Bowie High School as required by City Code Subsection 25-8-26(F).

PART 533. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017 § _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

EXHIBIT A

**AGREEMENT BETWEEN THE CITY OF AUSTIN AND
THE AUSTIN INDEPENDENT SCHOOL DISTRICT
ESTABLISHING SITE DEVELOPMENT STANDARDS
FOR REDEVELOPMENT OF BOWIE HIGH SCHOOL AND
IMPERVIOUS COVER TRANSFERS**

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

KNOW ALL

§

BY THESE PRESENTS:

This agreement establishing site development standards for redevelopment of Bowie High School and an impervious cover transfer process for redevelopment of Bowie High School ("Agreement") is made and entered into by and between the City of Austin, Texas, a home-rule city and Municipal Corporation in Travis County, Texas ("City"), and the Austin Independent School District ("AISD") under the provisions of the Local Government Code, Section 212.902.

RECITALS

WHEREAS, the City and AISD entered into that certain School District Land Development Standards Agreement dated September 22, 1994, under the provisions of the Local Government Code, Section 212.902 and have amended that agreement from time to time; and

WHEREAS, AISD has a critical need to increase its capacity to serve students in southwest Austin; and

WHEREAS, AISD intends to increase capacity ~~at the existing site of Bowie High School located at 4103 W. Slaughter Lane (the "Bowie Site")~~, rather than build a new high school campus in the environmentally sensitive Barton Springs Zone; and

WHEREAS, the City has an interest in assisting AISD in serving students at the existing Bowie High School while enhancing water quality protections ~~on the Bowie Site~~; and

WHEREAS, ~~the City Council approved Resolution No. 20170420-028, directing City staff to facilitate AISD's expansion of~~ serving Bowie High School; and

WHEREAS, a team of City staff and AISD staff have reviewed the potential for redevelopment of ~~the Bowie Site~~ Bowie High School and have recommended that the

site redevelopment be subject to the site development standards set forth in this Agreement; and

WHEREAS, the City Council approved the redevelopment of Bowie High School as required by City Code Subsection 25-8-26(F); and

WHEREAS, the City and AISD have an interest in providing for transfer of impervious cover for redevelopment of Bowie High School;

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and AISD agree as follows:

ARTICLE I - REGULATIONS, GENERALLY

~~Redevelopment of the~~ The Bowie High School redevelopment site ("Bowie Site") is subject to the site development standards established in ~~Article~~ Articles II and III of this Agreement, the School District Land Development Standards Agreement, as amended from time to time, ordinances specifically applicable to the Bowie Site, and the City of Austin Land Development Code ("City Code") to the extent applicable in accordance with the School District Land Development Standards Agreement. Except as provided in ~~Article~~ Articles II and III of this Agreement and the School District Land Development Standards Agreement, ~~development~~ development of the Bowie Site shall comply with the requirements of the City Code. If a conflict exists between this Agreement and the School District Land Development Standards Agreement, ordinances specifically applicable to the Bowie Site, or the City Code, this Agreement controls. AISD may seek variances to City Code requirements for development or redevelopment of ~~the Bowie Site~~ High School as provided under City Code.

ARTICLE II - SITE SPECIFIC REGULATIONS FOR BOWIE HIGH SCHOOL

Redevelopment of the Bowie Site shall comply with the following:

1. AISD will comply with City Code Chapter 25-8 (*Environment*) and that chapter's related technical criteria in effect as of the date of this Agreement, or, at AISD's election, in effect as of the date of the site plan application.
2. Regardless of the requirements of City Code Chapter 25-8 (*Environment*), AISD will provide water quality treatment complying with City Code Section 25-8-514 (*Pollution Prevention Required*) for all existing and redeveloped impervious cover on the Bowie Site.
3. AISD will implement beneficial reuse of stormwater to the maximum extent feasible as determined by mutual agreement of the parties. Beneficial reuse of stormwater may include rainwater harvesting, internal non-potable use, landscape and athletic

field irrigation, and other measures to reuse stormwater on-site, maximize infiltration, and reduce potable water usage for non-potable needs.

4. Notwithstanding any requirement of City Code Chapter 25-8 (*Environment*) to the contrary, Section 2.8 (*Fiscal Surety*) of the School District Land Development Standards Agreement shall apply to the redevelopment of the Bowie Site.
5. AISD shall acquire sufficient property adjacent to the Bowie Site and use transfers of impervious cover under Article III of this Agreement to result in total impervious cover for the Bowie Site of 25% or less on a net site basis, excluding any net site area previously allocated to other development.

ARTICLE III – IMPERVIOUS COVER TRANSFER PROCESS

AISD and the City agree to the transfer of impervious cover credit to the Bowie Site as established in this Article.

1. The tract from which impervious cover shall be transferred (the “Transferring Tract”) is more particularly described as follows:

Lot 60 in Block 6 of TRAILWOOD VILLAGE TWO AT TRAVIS COUNTRY, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 76, Pages 393-395 of the Plat Records of Travis County, Texas.

2. The impervious cover credits eligible for transfer from the Transferring Tract will be calculated based on the allowable impervious cover under the School District Land Development Standards Agreement.
3. The Transferring Tract shall be restricted to prohibit development on the tract in a manner acceptable to the City, which may include a conservation easement, restrictive covenant, or similar instrument.
4. The impervious cover from the Transferring Tract may be used by AISD for redevelopment of the Bowie Site and to meet the requirements of this Agreement.
5. Impervious cover from the Transferring Tract not used for redevelopment of the Bowie Site may be used only for redevelopment of other AISD school campuses as specified in a separate agreement between the City and AISD.

ARTICLE IV- GENERAL PROVISIONS

Resolution of any issue or dispute relating to this Agreement shall be governed by the Dispute Resolution provision in the School District Land Development Standards Agreement.

IN WITNESS WHEREOF, this Agreement is made and executed to be effective upon execution by the authorized representatives of AISD and the City.

CITY OF AUSTIN:

By: _____ Date: _____
Elaine Hart
Interim City Manager

AUSTIN INDEPENDENT SCHOOL DISTRICT:

By: _____ Date: _____
Kendall Pace
President, Board of Trustees

APPROVED AS TO FORM:

Chad Shaw
Assistant City Attorney