



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of April 16, 2019
Second Reading Ordinance for the City Council Meeting of April 23, 2019

DATE: April 10, 2019

TO: Keith Selman, Interim City Manager

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Wetland Dedication for Harbor Bridge Replacement Project (HBRP)

CAPTION:

Ordinance declaring and dedicating 16.744 acres of land located on North Beach as a wetland preserve; authorizing execution of the deed restriction and actions necessary to maintain the protected property as a wetland preserve subject to the conditions of U.S. Army Corps of Engineers Permit and the Final Mitigation Plan for the US 181 Harbor Bridge Replacement Project filed by Flatiron-Dragados, LLC

PURPOSE:

Dedication of two City owned tracts of land totaling 16.744 acres in the North Beach area for the use as a wetland preserve and establishing deed restrictions on said tracts of land (attached).

BACKGROUND AND FINDINGS:

The Texas Department Transportation (TxDOT) is constructing the new Harbor Bridge Replacement Project (HBRP). TxDOT's Design Builder, Flatiron Dragados LLC (FDLLC) is currently conducting the environmental mitigation portion of the Project. In 2014, as a part of the City's participation in the HBRP, the City committed to the use of City owned wetlands on North Beach for the purposes of wetland mitigation for the HBRP. The Final Environmental Impact Statement (FEIS) and the Record of Decision (ROD) determined that due to the construction

impacts, wetland mitigation would be required through acquisition of a United States Army Corps of Engineers (USACE) Section 404 Individual Permit. Coordination between TxDOT and the City for site location began in 2014. Various locations were evaluated, and it was determined the City owned land on North Beach was the best candidate for the mitigation.

One of the conditions of the USACE permit requires the City, as the property Owner, to place deed restrictions on the subject Property for the purpose of providing compensation for adverse impacts to waters of the United States. The purpose of the deed restrictions is to assure that the Property will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition described in the *Success Criteria* section of "Final Mitigation Plan for the US 181 Harbor Bridge Replacement Project filed by Flatiron-Dragados, LLC (Mitigation Plan)." Once *Success Criteria* has been met, annual monitoring will be discontinued. Additionally, the property must be used in perpetuity for the purposes stated in the 404 permit.

Future activities conducted upon the Property, that affect the vegetative and or the hydrologic conditions outlined in the *Success Criteria* of the Mitigation Plan must be coordinated with and approved by the United States Army Corps of Engineers, Galveston District, Regulatory Branch, prior to beginning the activity.

City Planning in conjunction with Parks and Recreation has identified this wetland area as an Eco Park area (attached). Planning Staff is working with the National Park Service to develop an environmentally conscious plan for a park that will be home to healthy wetlands and wildlife, as well as trails, boardwalks, observation decks, interpretive signs and educational resources. Additional ideas for amenities and design will be gathered through an online survey and public meetings.

As a condition of the City providing the property to FDLLC and TXDOT for wetland mitigation, FDLLC has included the proposed Eco Park area in their permit request to the USACE for consideration.

FDLLC is currently awaiting final approval of the 404 permit for wetland mitigation from the USACE. Approval is expected to be received mid-April.

ALTERNATIVES:

1. Authorize execution of the Agreement. (Recommended)
2. Do not authorize execution of the Agreement. (Not Recommended)

OTHER CONSIDERATIONS:

N/A

CONFORMITY TO CITY POLICY:

The Ordinance conforms to the City Charter, Article X, Section 1, Power to regulate land use and development by City Council.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Parks & Recreation Department
Department of Public Works

FINANCIAL IMPACT:

Operating Revenue Capital **X Not applicable**

Fiscal Year 2018-2019	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Budget				
Encumbered / Expended Amount				
This item				
Future Anticipated Expenditures This Project				
BALANCE				

Fund(s): N/A.

RECOMMENDATION:

Staff recommends approval to execute the Agreement.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Eco Park Exhibit
Location Map
Presentation
Deed