

ORDINANCE NO.

AN ORDINANCE AUTHORIZING EXECUTION OF A MASTER DEVELOPMENT AGREEMENT WITH CONSTRUCTIVE VENTURES, INC. AND TC AUSTIN DEVELOPMENT, INC. FOR DEVELOPMENT OF THE AUSTIN ENERGY CONTROL CENTER PROPERTY; ADOPTING BUILDING ACCESS AND AREA OF REFUGE REQUIREMENTS; AND APPROVING A MANAGED GROWTH AGREEMENT.

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

PART 1. FINDINGS. The city council finds that:

- (A) On February 14, 2008, the City of Austin initiated a Request for Proposal ("RFP") for the sale and redevelopment of the Thomas C. Green Water Treatment Plant and Austin Energy Control Center properties. The RFP required proposals to include both properties, but included different standards and criteria for development of each site.
- (B) Of the five proposals submitted in response to the RFP, the proposal by TC Austin Development, Inc. ("Trammell Crow") was selected as the successful proposal in satisfaction of Texas law requiring competitive bidding. Trammell Crow's proposal identified Constructive Ventures, Inc. ("CVI") as a member of its development team and as the lead developer for the for-sale residential portion of the proposed development.
- (C) The City entered into an Exclusive Negotiating Agreement with Trammell Crow on August 11, 2008.
- (D) Trammell Crow and CVI have represented that they are duly organized and legally existing under the laws of their state of organization. Trammell Crow and CVI are qualified to do business in the State of Texas.

PART 2. AUTHORIZATION TO EXECUTE. The City Manager is authorized to execute the ECC Master Development Agreement ("MDA") attached as Exhibit A to this ordinance and incorporated herein by reference, as well as all ancillary documents attached thereto as exhibits or as otherwise necessary to implement the Agreement. The agreement shall be between the City of Austin and CVI and shall be consented to by Trammell Crow.

1 **PART 3. ALTERNATE ACCESS AND AREA OF REFUGE REQUIREMENTS.**

2 **(A) Authorization for use of interlocking stairs.**

- 3 (1) As used in Part 3.A of this ordinance, the term “interlocking stairs”
4 means a stairway in which two stairwells are run in the same shaft
5 such that the stairwells cross at alternating floors.
- 6 (2) Notwithstanding any City of Austin code requirement, policy, or rule,
7 including but not limited to requirements of the Land Development
8 Code, the Building Code, the Fire Code, or any administrative rule or
9 policy, development within the boundaries shown on Exhibit A to the
10 MDA approved in Part 2 of this ordinance may utilize interlocking
11 stairs to satisfy applicable building ingress and egress requirements,
12 subject to the following provisions:
- 13 (a) The design must demonstrate to the Building Official and the
14 Fire Code Official a level of safety for fire access and ingress
15 that is equivalent to, or better than, the level of safety that
16 would be provided by compliance with the minimum
17 requirements of the 2003 International Building Code (IBC)
18 and 2003 International Fire Code (IFC). Subject to these
19 standards, IBC Sections 104.11 (*Alternate materials, design*
20 *and method of construction and equipment*) and IFC Section
21 104.9 (*Alternate materials and methods*) may be employed with
22 respect to each of the following:
- 23 (i) remoteness of exits;
24 (ii) egress capacity;
25 (iii) fire resistance;
26 (iv) resistance to compromise by a single accidental or
27 intentional act;
28 (v) smoke management or control;
29 (vi) areas of refuge or rescue assistance;
30 (vii) emergency communications; and
31 (viii) installed fire protection and suppression systems.
- 32 (3) Solely by way of illustration, and without limiting alternate building
33 designs or configurations, the following approved developments are

examples of projects that utilize interlocking stairs which satisfy the requirements in Part 3.A of this ordinance:

- (a) Spring Condominiums
300 Bowie Street
Austin, TX 78703
- (b) 7 Rio
615 West Seventh Street
Austin, TX 78701
- (c) Tara Condominiums
Sacramento, CA

(B) **Compliance with area of refuge requirements.**

Compliance with the area of refuge requirements for development within the boundaries shown on Exhibit A to the MDA approved in Part 2 of this ordinance shall be determined in a manner consistent with the area of refuge approved by the City of Austin for the Spring Condominiums at 300 Bowie Street, Austin TX 78703.

PART 4. MANAGED GROWTH AGREEMENT.

- (A) **Finding.** The city council finds that development of the ECC site in accordance with the ECC Master Development Agreement approved in Part 2 of this ordinance constitutes a large, long-term project under City Code Section 25-1-540 (*Managed Growth Agreement*).
- (B) **Approval of Managed Growth Agreement.** The city council approves the Managed Growth Agreement (“MGA”) included in Part 3.3(j) of the MDA approved in Part 2 of this ordinance. To the extent the MGA conflicts with City Code, the MGA controls.

PART 5. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk