

**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.

## PART 3. ALTNERNATE ACCESS AND AREA OF REFUGE REQUIREMENTS.

### A. Authorization for use of interlocking stairs.

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

- 1 (a) Spring Condominiums  
2 300 Bowie Street  
3 Austin, TX 78703  
4 (b) 7 Rio  
5 615 West Seventh Street  
6 Austin, TX 78701  
7 (c) Tara Condominiums  
8 Sacramento, CA

9 **B. Compliance with area of refuge requirements.**

10 Compliance with the area of refuge requirements for development within the boundaries  
11 shown on Exhibit A to the MDA approved in Part 2 of this ordinance shall be determined  
12 in a manner consistent with the area of refuge approved by the City of Austin for the  
13 Spring Condominiums at 300 Bowie Street, Austin TX 78703.  
14

15 **PART 4. MANAGED GROWTH AGREEMENT.**

- 16 **A. Finding.** The city council finds that development of the ECC site in  
17 accordance with the ECC Master Development Agreement approved in Part  
18 2 of this ordinance constitutes a large, long-term project under City Code  
19 Section 25-1-540 (*Managed Growth Agreement*).  
20 **B. Approval of Managed Growth Agreement.** The city council approves the  
21 Managed Growth Agreement (“MGA”) included in Part 3.3(j) of the MDA  
22 approved in Part 2 of this ordinance. To the extent the MGA conflicts with  
23 City Code, the MGA controls.  
24

25 **PART 5. ADDITIONAL FINDINGS.** The city council finds that, at the time ECC  
26 property is available for redevelopment under the terms of the MDA:

- 27 1. sale of the ECC property will not impede or disrupt operations of Austin Energy;  
28 2. the property will be surplus to the operations of Austin Energy and will not  
29 constitute a substantial part of its facilities, which total approximately \$3.5 billion  
30 compared to the approximately \$14.5 million value of the ECC; and  
31 3. an adequate replacement will be in place to create sufficient revenues and to pay  
32 debt of the Austin Energy electric utility.  
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34 **PART 6.** This ordinance takes effect on \_\_\_\_\_, 2010.  
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**PASSED AND APPROVED**

\_\_\_\_\_, 2010

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\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen Kennard  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

DRAFT