

ORDINANCE NO.

AN ORDINANCE AUTHORIZING EXECUTION OF A MASTER DEVELOPMENT AGREEMENT WITH TC GREEN WATER MASTER DEVELOPER, LLC FOR THE SALE AND REDEVELOPMENT OF THE GREEN WATER TREATMENT PLANT PROPERTY; ADOPTING BUILDING ACCESS AND AREA OF REFUGE REQUIREMENTS; APPROVING A MANAGED GROWTH AGREEMENT; AND WAIVING CERTAIN CODE SECTIONS RELATING TO FEES, FISCAL SURETY, AND HERITAGE TREES.

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 ("GWTP").
- B. Of the five proposals submitted in response to the RFP, the proposal by TC Austin Development, Inc. ("TC Austin"), a wholly owned subsidiary of Trammell Crow Company, was selected as the successful proposal in satisfaction of Texas law requiring competitive bidding. TC Austin's response to the RFP identified Constructive Ventures, Inc. ("CVI") as a member of its development team.
- C. The City entered into an Exclusive Negotiating Agreement with TC Austin on August 11, 2008, and began negotiating the terms of a proposed agreement for the sale and redevelopment of GWTP.
- D. TC Austin, CVI, and TC Green Water Master Developer, LLC, which is a wholly owned subsidiary of TC Austin, are duly organized and legally existing under the laws of their state of organization and are qualified to do business in the State of Texas.

PART 2. APPROVAL AND EXECUTION OF MASTER DEVELOPMENT AGREEMENT.

- A. The City Council approves the GWTP Master Development Agreement ("MDA"), which is attached as Exhibit A to this ordinance and incorporated herein by reference.
- B. The City Manager is authorized to:

1. execute the MDA, which shall be between the City of Austin and TC Green Water Master Developer, LLC., and shall be consented to by TC Austin and CVI; and
2. negotiate and execute all ancillary documents attached to the MDA as exhibits, referred to in the MDA, or otherwise necessary to implement the MDA, including Community Facility Agreements, with an option to use alternative delivery methods in design and construction, for:
 - (a) Public Improvements, as provided in Article III of the MDA, in an amount not to exceed \$9,000,000; and
 - (b) Environmental Remediation, as provided in Article III of the MDA, in an amount not to exceed \$3,100,000.

PART 3. ALTERNATE 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 in buildings that are primarily used for residential purposes.
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, buildings used primarily for residential purposes that are located within the boundaries shown on Exhibits A-1 through A-5 to the MDA 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).
 - (b) Subject to the standards in Paragraph 2(a), above, 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:

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

B. Compliance with area of refuge requirements.

Compliance with the area of refuge requirements for development within the boundaries shown on Exhibit A-1 through A-5 of 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 Green Water Treatment Plant site in accordance with the MDA 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(i) of the MDA approved in Part 2 of this ordinance. To the extent the MGA conflicts with City Code, the MGA controls.

PART 5. WAIVERS. The City Council waives the following requirements:

- 1
- 2 A. City Code Sections 14-11-42 (*Appraisal of Property*) and 14-11-43 (*Annual*
- 3 *Fee*), in connection with the license agreement for underground parking
- 4 provided for under Section 3.3(l) of the MDA;
- 5 B. City Code Section 25-1-112 (*Fiscal Surety*), in connection with the Public
- 6 Improvements provided for under Article III of the MDA; and
- 7 C. the variance requirements in City Code Sections 25-8-641(B) (*Removal*
- 8 *Prohibited*) and 25-8-642 (*Administrative Variance*), to the extent necessary to
- 9 authorize the removal, relocation, and mitigation activities provided for in
- 10 Section 3.1(g) of the MDA.
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12 **PART 6.** This ordinance takes effect on _____, 2012.

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14 **PASSED AND APPROVED**

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16 § _____

17 § _____

18 § _____, 2012

19 Lee Leffingwell

20 Mayor

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23 **APPROVED:** _____

24 Karen Kennard

25 City Attorney

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ATTEST: _____

Shirley A. Gentry

City Clerk