

**ORDINANCE NO. 2014\_\_\_\_\_**

**AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH GW APARTMENTS, LLC, FOR COST PARTICIPATION IN THE CONSTRUCTION OF STREETScape INFRASTRUCTURE ASSOCIATED WITH BLOCK ONE OF THE GREEN WATER TREATMENT PLANT REDEVELOPMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$641,000.00 AND AUTHORIZE THE USE OF THE CONSTRUCTION MANAGER AT RISK METHOD OF CONTRACTING FOR THE REMAINING GREEN PUBLIC INFRASTRUCTURE IMPROVEMENTS.**

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

**PART 1.**

- (A) GW Apartments, LLC, ("GWA") is currently constructing a mixed use project on Block One of the site of the City's former Green Water Treatment Plant (the "Project").
- (B) GWA is offering through a Community Facilities Agreement, to participate in the construction of Great Streets Program streetscape infrastructure and to be responsible for funding the design and construction of Great Streets improvements along the Cesar Chavez and San Antonio block faces of Block One.
- (C) Under such an arrangement, the City will be responsible for the funding the cost of design and construction of Great Streets Program streetscape infrastructure along the Nueces and 2<sup>nd</sup> Street block faces of Block One.
- (D) GWA will manage the design and construction of the Block One Great Streets Program streetscape infrastructure.
- (E) Pursuant to the authority of Section 212.071, et seq., of the Texas Local Government Code, the City may participate in oversizing the size, scale, and scope of the Great Streets Program streetscape infrastructure above Code requirements and extending a continuous Great Streets Program streetscape for other anticipated future development in the area.

- (F) The City Council previously approved funding for the design and construction of public improvements in the MDA, including the Great Streets Program streetscape infrastructure, \$641,000.00 of which has been allocated to the City's portion of the Great Streets improvements for Block One.
- (E) GWA will provide for the bidding of the Great Streets Program streetscape infrastructure improvements for Block One through its construction manager in compliance with Section 271.071 and the Legal Requirements, including the City's Third Party Resolutions, and construct the City's portion of the improvements for the not-to-be-exceeded cost of \$641,000.00, inclusive of the cost of design.
- (F) The City will reimburse GWA up to \$641,000.00 of the costs of the design and construction of the Block One Great Streets improvements and GWA will pay for the remaining cost of the Great Streets Program streetscape infrastructure.
- (G) Participating in the construction and costs of the Great Streets improvements to Block One will serve the public interest by providing for the expedited improvement of a section of the Great Streets Program streetscape infrastructure improvements at a significant savings of City funds and resources.
- (H) In addition, the use of the Construction Manager at Risk method by the Developer of the Project would allow an expedited contracting process with full City participation for the development and construction of the remaining public infrastructure Improvements for the Project, rather than the traditional bidding method of contracting. The use of the of a Construction Manager at Risk method of contracting would provide a better value for the City than traditional bidding for the streetscape improvement projects, the Nueces Street extension, the environmental remediation Project and to the extent applicable, the reclaimed waterline and chilled waterline projects for the Project (the "Remaining Public Infrastructure Improvements").

**PART 2.** The Council authorizes the City Manager or his designee to negotiate and execute a Community Facilities Agreement with GWA in accordance with the findings set forth above.

**PART 3.** The Council also finds that the Developer's use of the Construction

Manager at Risk method of contracting in substantial compliance with the requirements of Chapter 2269 of the Texas Government Code would provide a better value for the City than traditional bidding of the Remaining Public Infrastructure Projects.

**PART 4.** This ordinance takes effect on \_\_\_\_\_, 2014.

**PASSED AND APPROVED**

\_\_\_\_\_, 2014

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Lee Leffingwell  
Mayor

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

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk