

**ORDINANCE NO.**

**AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH CATELLUS AUSTIN, LLC, FOR COST PARTICIPATION IN THE CONSTRUCTION OF AUSTIN ENERGY CHILLED WATER SYSTEM INFRASTRUCTURE AND SERVICE IMPROVEMENTS SERVING THE MUELLER REDEVELOPMENT IN AN AMOUNT NOT TO EXCEED \$3,536,500.**

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

**PART 1.**

- (A) Catellus, LLC, (“Catellus”) is currently redeveloping the City’s former Robert Mueller Municipal Airport (the “Project”).
- (B) Catellus has offered, through a Developer Participation Agreement, to participate in the construction of certain Austin Energy chilled water infrastructure in connection with providing chilled water service to a portion of the Project.
- (C) Pursuant to the authority of Section 212.071, et seq., of the Texas Local Government Code, the City desires to participate in modifying and oversizing the scale, scope, and size of the chilled water construction to include transmission line improvements necessary to serve the Project and extend the chilled water system to anticipate other future development in the area.
- (D) Catellus will provide for the construction of the chilled water improvements (the “Improvements”) for a not-to-be exceeded cost of \$3,536,500.
- (E) The City will reimburse Catellus for its costs of constructing the improvements and will, over time, recover cost of the chilled water infrastructure providing service to a portion of the Project through its chilled water service agreement charges.
- (F) Participation in the construction and costs of the improvements will serve the public interest by providing for the expedited improvement of a section of the chilled water system infrastructure and the installation of distribution lines and building service improvements at a significant saving of City funds and resources.

**PART 2.** The Council authorizes the City Manager to negotiate and execute a Developer Participation Agreement with Catellus in accordance with the findings set forth above.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, 2016      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_  
   Steven Adler  
   Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
                         Anne L. Morgan                           Jannette S. Goodall  
                         City Attorney                                   City Clerk