

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH UNION ASSOCIATES, LTD. FOR CONSTRUCTION OF A 24-INCH WATER MAIN AND APPURTENANCES TO SERVE THE FOX HILL SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-63, AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.

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

PART 1. This ordinance applies to an application for cost reimbursement under City Code Chapter 25-9, Article 1, Division 2, Subpart B (*Cost Reimbursement And Cost Participation*) by Union Associates, Ltd. for construction of a 24-inch water main and appurtenances to serve the Fox Hill Subdivision located east of South IH-35, south of Onion Creek, and west of Bradshaw Road.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Union Associates Ltd., in accordance with the following requirements:

- (A) Total cost reimbursement may not to exceed \$3,445,939.
- (B) Cost reimbursement for actual construction costs may not exceed \$2,996,469.
- (C) Cost reimbursement for engineering, design, and project management may not exceed the lesser of:
 - (1) 15 percent of the actual construction costs; or
 - (2) \$449,470.
- (D) Union Associates, Ltd. will bear all other costs including costs for financing, interest, fiscal security, accounting, insurance, easement acquisition and legal services associated with construction.

PART 3. The council waives:

- (A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code related to the maximum amount of cost reimbursement for eligible projects;

- 1 (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the
2 City Code related to the amount of cost reimbursement for eligible projects
3 and reimbursement for actual construction costs; and
- 4 (C) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement*
5 *Payment*) of the City Code related to the schedule for cost reimbursement
6 payments.

7 **PART 4.** This ordinance takes effect on _____, 2008.

8 **PASSED AND APPROVED**

9
10 §
11 §
12 _____, 2008 § _____
13 Will Wynn
14 Mayor
15

16
17 **APPROVED:** _____

18 David Allan Smith
19 City Attorney
20

21 **ATTEST:** _____

22 Shirley A. Gentry
City Clerk