ORDINANCE NO. 20081218-006

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH ONION ASSOCIATES, LTD. FOR CONSTRUCTION OF A 42-INCH WATER MAIN AND APPURTENANCES TO SERVE THE FOX HILL SUBDIVISION; WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-63, AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT; AND WAIVING INSPECTION AND REVIEW FEES.

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 Onion Associates, Ltd. for construction of a 42-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 Onion Associates, Ltd., in accordance with this ordinance, including the following requirements:
 - (A) Total cost reimbursement may not to exceed \$4,298,125.
 - (B) Cost reimbursement for actual construction costs may not exceed \$3,737,500.
 - (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) \$560,625.
 - (D) Onion 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;

- (B) the requirement of Section 25-9-63 (Amount of Cost Reimbursement) of the City Code related to the amount of cost reimbursement for eligible projects and reimbursement for actual construction costs;
- (C) the provision of Section 25-9-67 (Cost Participation and Cost Reimbursement Payment) of the City Code related to the schedule for cost reimbursement payments and thereby allows:
 - (i) cost reimbursement payment for the approved design, construction plans and specifications for the 42-inch water main and appurtenances in one payment not to exceed \$560,625 30-days after opening bids; and
 - (ii) cost reimbursement of the actual construction costs of the 42-inch water main and appurtenances in one payment 90 days after final acceptance; and
- (D) the provision in Ordinance No. 20080908-005 related to inspection and review fees for construction of the 42-inch water main and appurtenances, in an amount not to exceed \$140,000.

PART 4. This ordinance takes effect on December 29, 2008.

PASSED AND APPROVED

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APPROVED: David Allan Smith City Attorney	ATTEST: _	Mayor Ahrela Jentry Shirley Al Gentry City Clerk

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