

ORDINANCE NO. 20090326-003

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE COST REIMBURSEMENT AGREEMENT WITH MAK MARSHALL RANCH, L.P., FOR A WASTEWATER PROJECT TO SERVE THE WATERSEDGE PLANNED UNIT DEVELOPMENT LOCATED NEAR THE INTERSECTION OF STATE HIGHWAY 71 AND DOCTOR SCOTT DRIVE CHANGING THE CITY'S COST ALLOCATION AND DECREASING THE MAXIMUM COST REIMBURSEMENT FROM \$3,014,951.76 TO \$2,947,758.00; AND WAIVING SECTION 25-9-67 OF THE CITY CODE.

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

PART 1. On August 24, 2006, the council approved a cost reimbursement agreement with MAK Marshall Ranch, L.P., related to construction of a wastewater tunnel connection, lift station, force main, and 18-inch gravity wastewater main and appurtenances to serve the Watersedge Planned Unit Development located near the intersection of State Highway 71 and Doctor Scott Drive.

PART 2. The council authorizes the city manager to negotiate and execute an amendment to the cost reimbursement agreement with Mak Marshall Ranch, L.P., in accordance with the following requirements:

- (A) Total cost reimbursement for the project may not to exceed \$2,947,758.00;
- (B) For the permanent wastewater tunnel connection portion of the project:
 - (1) cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) 60 percent of actual construction costs; or
 - (b) \$900,000.00; and
 - (2) cost reimbursement for engineering, design, and project management may not exceed the lesser of:
 - (a) 12 percent of actual construction costs; or
 - (b) \$180,000.
- (C) For the permanent wastewater lift station:

- (1) cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) 47.64 percent of the actual construction costs; or
 - (b) \$1,333,920.00; and
- (2) cost reimbursement for engineering, design and project management may not exceed the lesser of:
 - (a) 7.15 percent of the actual construction costs; or
 - (b) \$200,088.00.

(D) For the 18-inch gravity line and appurtenances, cost reimbursement for actual construction costs may not exceed \$300,000.

PART 3. The council waives the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) of the City Code prescribing the schedule for cost reimbursement payments as it applies to payment for all reimbursable costs of the wastewater project. Waivers granted in Ordinance No. 20060824-004 remain in effect.

PART 4. This ordinance takes effect on April 6, 2009.


PASSED AND APPROVED


_____, March 26, 2009

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Will Wynh
Mayor

APPROVED: 
David Allan Smith
City Attorney

ATTEST: 
Shirley A. Gentry
City Clerk