

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH QUALICO CR, L.P., FOR CONSTRUCTION OF A 36-INCH GRAVITY WASTEWATER MAIN AND APPURTENANCES, AND A PERMANENT WASTEWATER TREATMENT PLANT AND FACILITIES TO SERVE THE PROPOSED SUN CHASE 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 Qualico CR, L.P. for construction of a 36-inch wastewater main and appurtenances, and a permanent wastewater treatment plant and facilities to serve the proposed Sun Chase Subdivision located on the north and south side of Pearce Lane, west of Wolf Lane, south of Dry Creek and east of Navarro Creek Road.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Qualico CR, L.P., in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$6,184,440.00;
- (B) For the 36-inch gravity wastewater main and appurtenances:
 - (1) cost reimbursement for actual construction costs may not exceed \$3,249,732.00; and
 - (2) cost reimbursement for engineering, design, and project management of the 36-inch gravity wastewater main and appurtenances may not exceed the lesser of:
 - (a) 15 percent of actual construction costs; or
 - (b) \$485,459.80.
- (C) For the permanent wastewater treatment plant:

- (1) Cost reimbursement may not exceed \$2,447,248.20; and
- (2) Actual construction costs of the permanent treatment plant facilities including, but not limited to site work, driveways, drainage improvements, water and electric service, backup-up power, lift stations and permanent outfall piping may not exceed \$2,128,042.00; and
- (3) Cost reimbursement for engineering, design, and project management of the permanent treatment plant facilities may not exceed the lesser of:
- (a) 15 percent of the actual construction costs; or
- (b) \$319,206.20.

PART 3. The council waives:

- (A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code prescribing maximum cost reimbursement for an eligible facility;
- (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code that cost reimbursement be limited to actual construction costs; and
- (C) the provision of Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) of the City Code prescribing the date for a cost reimbursement payment.

PART 4. This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

_____, 2009 § _____
§ _____
§ _____

Will Wynn
Mayor

APPROVED: _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk