

ORDINANCE NO. 20090521-004

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH PEARSON PLACE AT AVERY RANCH, LTD., FOR CONSTRUCTION OF 12 AND 24-INCH GRAVITY WASTEWATER MAINS AND APPURTENANCES, AND A WASTEWATER LIFT STATION AND FORCE MAIN TO SERVE THE PEARSON PLACE SUBDIVISION; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-62, 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 Pearson Place at Avery Ranch, Ltd. for construction of 12 and 24-inch gravity wastewater mains and appurtenances, and a wastewater lift station and force main to serve the proposed Pearson Place Subdivision located between Avery Ranch Boulevard on the north, FM 620/State Highway 45 on the south and the Davis Springs Subdivision on the west.

PART 2. The council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Pearson Place at Avery Ranch Ltd., in accordance with the following requirements:

- (A) Total cost reimbursement may not exceed \$2,131,677.19.
- (B) For the 12-inch gravity wastewater main and appurtenances:
 - (1) Total cost reimbursement may not exceed \$122,958.00.
 - (2) Cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) that amount equal to 33 percent of actual construction costs of the 12-inch gravity wastewater main and appurtenances; or
 - (b) \$106,920.00.

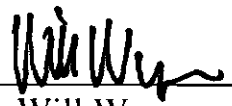
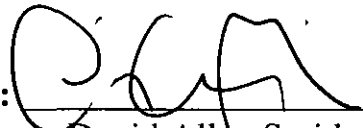
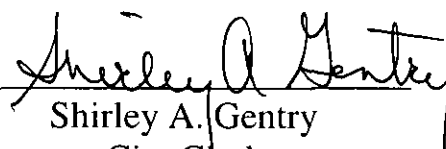
- (3) Cost reimbursement for engineering, design, and project management of the 12-inch gravity wastewater main and appurtenances may not exceed the lesser of:
 - (a) 15 percent of the reimbursable amount of the actual construction costs of the 12-inch gravity wastewater main and appurtenances as calculated according to Part 2(B)(2)(a) above; or
 - (b) \$16,038.00.
- (C) For the 24-inch gravity wastewater main and appurtenances:
 - (1) Total cost reimbursement may not exceed \$948,750.00.
 - (2) Cost reimbursement for actual construction costs may not exceed \$825,000.
 - (3) Cost reimbursement for engineering, design, and project management of the 24-inch gravity wastewater main and appurtenances may not exceed the lesser of:
 - (a) 15 percent of the actual construction costs; or
 - (b) \$123,750.00.
- (D) For the wastewater lift station, force main and appurtenances:
 - (1) Total cost reimbursement may not exceed \$1,059,969.19; and
 - (2) Cost reimbursement for actual construction costs may not exceed the lesser of:
 - (a) 57.39 percent of actual construction costs; or
 - (b) \$921,712.09.
 - (3) Cost reimbursement for engineering, design, and project management may not exceed the lesser of:
 - (a) 15 percent of the reimbursable actual construction costs of the wastewater lift station, force main and appurtenances as calculated according to Part 2(D)(2)(a) above; or
 - (b) \$138,257.10.

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 25-9-62 (*Amount of Cost Participation*) of the City Code regarding computation of cost participation for actual construction costs;
- (C) 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
- (D) 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 June 1, 2009.

PASSED AND APPROVED

_____	§ § §	_____
May 21		
, 2009		Will Wynn Mayor
APPROVED: _____	ATTEST: _____	
		
David Allan Smith City Attorney	Shirley A. Gentry City Clerk	