

## AGENDA



Thursday, August 6, 2009

**Public Works**  
**RECOMMENDATION FOR COUNCIL ACTION****Item No. 16**

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**Subject:** Approve an ordinance, negotiation, and execution of an agreement with AUSTIN BC, LP, for cost participation in the construction of street improvements to a portion of 44th Street between Mopac Boulevard (Loop One) and Bull Creek Road in an amount not to exceed \$50,595.50.

**Amount and Source of Funding:** Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Louis Lindsey 974-7099, Robin Field 974-7064

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Austin BC, LP ("ABC") owns a 3.847 acre tract located at 4330 Bull Creek Road and is currently developing an apartment housing project on the property. In connection with the development, ABC is required under its site development permit to repair portions of 44th Street between Bull Creek and MoPac Boulevard.

Under Sections 212.071 through 212.074 of the Texas Local Government Code, the City may contract with a developer to construct public improvements without going through the competitive sealed bidding procedure and participate in costs for oversizing the public improvements. ABC has proposed to contract to resurface all of 44th street running from Bull Creek to MoPac Boulevard.

ABC obtained a bid for \$101,181.00 to construct the public improvements. Section 212.072 of the Local Government Code requires the City to fix the method of payment by ordinance. To cover the oversizing costs, the City will agree to reimburse ABC for 50% of the costs of the public improvements, not to exceed \$50,595.50. Section 212.072 of the Local Government Code requires the City to fix the method of payment by ordinance.