

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COST REIMBURSEMENT AGREEMENT WITH UNION ASSOCIATES, LTD. FOR ENGINEERING COSTS FOR A 42-INCH WATER MAIN TO SERVE THE FOX HILL SUBDIVISION; WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-61, 25-9-63, 25-9-66 AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT; AND REPEALING ORDINANCE NO. 20081218-006.

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 Union Associates, Ltd. for engineering costs for 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 approved by Council on December 18, 2008 in Ordinance No. 20081218-006.

PART 2. Council authorizes the city manager to negotiate and execute a cost reimbursement agreement with Union Associates, Ltd., requiring that total cost reimbursement for engineering, design, and project management not exceed \$310,000.

PART 3. The council waives:

- (A) the requirement of Section 25-9-61 (*Eligible Projects*) of the City Code related to entities that construct a facility;
- (B) the requirement of Section 25-9-63 (*Amount of Cost Reimbursement*) of the City Code related to the maximum amount of cost reimbursement for eligible projects;
- (C) the requirement of Section 25-9-66 (*Cost Participation and Cost Reimbursement Requirements*) related to posting of fiscal securing and providing a warranty; and
- (D) 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 cost reimbursement payment for the approved design, construction plans and specifications for the 42-inch water main and

1 appurtenances in one payment not to exceed \$310,000 30-days after the city's
2 processing and approval of the paid invoices associated with the engineering
3 and design costs of the approximately 4,500 linear feet of 42-inch water main
4 and appurtenances.

5 **PART 4.** Ordinance No. 20081218-006 is repealed.

6 **PART 5.** This ordinance takes effect on _____, 2010.

7 **PASSED AND APPROVED**

8
9 §
10 §
11 _____, 2010 § _____
12 Lee Leffingwell
13 Mayor
14

15
16 **APPROVED:** _____
17 David Allan Smith
18 City Attorney
19

ATTEST: _____
Shirley A. Gentry
City Clerk