

ORDINANCE NO.

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF AN AMENDED AND RESTATED COST REIMBURSEMENT AGREEMENT WITH CLUB DEAL 120 WHISPER VALLEY, L.P. AND CLUB DEAL 116 INDIAN HILLS TX, L.P. FOR DESIGN AND CONSTRUCTION OF WATER MAINS; FOR DESIGN OF A WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$22,500,000; AND WAIVING THE REQUIREMENTS OF SECTIONS 25-9-33, 25-9-61, 25-9-62, 25-9-63, 25-9-64, AND 25-9-67 OF THE CITY CODE.

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

PART 1. Council approved a cost reimbursement agreement, for an amount not to exceed \$2,000,000, with Club Deal 120 Whisper Valley, L.P. and Club Deal 116 Indian Hills Tx, L.P. ("Partnerships") in Ordinance No. 20100527-006 for design of water mains to serve the Whisper Valley and Indian Hills developments, generally located south of the city of Manor and north of FM 969, and for a decertification fee for Manville Water Supply Corporation to allow the City the legal authority to provide retail water service in the Whisper Valley Development.

PART 2. Council authorizes the City Manager to negotiate and execute an amendment and restatement of the cost reimbursement agreement described in Part 1 in an additional amount not to exceed \$22,500,000 for reimbursement of the following projects:

- (A) construction of a 48 and a 24 inch water main;
- (B) design and construction of either a 48 inch water main or 24 inch and 36 inch water mains (depending upon housing market demand at the time); and
- (C) design of a wastewater treatment plant.

The maximum sum of this authorization and the May 27, 2010, authorization shall not exceed \$24,500,000 and the Partnerships have agreed not to seek additional compensation from the City for all required infrastructure as identified in the amended and restated cost reimbursement agreement.

PART 3. The council waives requirements of the following City Code sections :

- (A) Sections 25-9-33 (*Service Extension Application*) and 25-9-64 (*Application for Cost Participation and Cost Reimbursement*) relating to submission of a

1 Service Extension Request application for required improvements and cost
2 reimbursement;

3 (B) Section 25-9-61 (*Eligible Projects*), 25-9-62 (*Amount of Cost Participation*),
4 and 25-9-63 (*Amount of Cost Reimbursement*) relating to the amount of
5 reimbursement for improvements for hard and soft costs;

6 (C) Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*)
7 relating to cost reimbursement payments made within a delayed payback
8 period.

9 **PART 4.** This ordinance takes effect on _____, 2010.

10 **PASSED AND APPROVED**

11
12 §
13 §
14 _____, 2010 § _____
15 Lee Leffingwell
16 Mayor
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19 **APPROVED:** _____ **ATTEST:** _____
20 Karen M. Kennard Shirley A. Gentry
21 Acting City Attorney City Clerk
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