

ORDINANCE NO. 20130321-065

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-9 RELATING TO WATER AND WASTEWATER SERVICE EXTENSIONS AND COST REIMBURSEMENT.

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

PART 1. City Code Section 25-9-31 (*Applicability*) is amended to read:

§ 25-9-31 APPLICABILITY.

This subpart [~~applies~~] does not apply to [~~the approval and construction of a service extension other than~~] a service extension that is constructed as part of a project serving a property for which the Director determines that the water or wastewater system that will serve the property can provide suitable and sufficient service in accordance with the Utilities Criteria Manual, and:

- (1) the nearest point on the property's boundary is 100 feet or less from an accessible water or wastewater system; [~~and~~] or
- (2) [~~the director determines that the water and wastewater system that will serve the property can provide suitable and sufficient service in accordance with the Utilities Criteria Manual~~] the Director determines that a suitable service connection can be made in compliance with the Utilities Criteria Manual to a water or wastewater main on the opposite side of an undivided city or county roadway.

PART 2. City Code Section 25-9-32 (*Definitions*) is repealed and replaced as follows:

§ 25-9-32 DEFINITIONS.

In this division:

- (1) CONSTRUCTION, with reference to a facility, means only the actual physical construction of the facility. The term does not include the engineering and project management for a facility.
- (2) COST PARTICIPATION means a calculated percentage, as set forth in Section 25-9-62 (*Amount of Cost Participation*), of hard costs, plus up to 15% of the calculated percentage of hard costs to reimburse soft costs. The City would pay the sum of these amounts to the entity executing the agreement identified in Section 25-9-67 (*Agreement*).

- (3) **DECENTRALIZED WASTEWATER SYSTEM** means a wastewater system other than one that is connected to a City wastewater treatment plant, and includes an on-site wastewater disposal system, a cluster wastewater system, or a small wastewater treatment plant.
- (4) **DIRECTOR** means the director, or his designee, of the City's Austin Water department or successor department.
- (5) **FACILITY** means an apparatus or improvement that is used in conjunction with a water or wastewater main that provides water or wastewater service to a property, regardless of where the facility is located. The term includes a lift station, force main, wastewater treatment plant, pump station, reservoir, Pressure Reducing Valve station, a decentralized wastewater system component, alternative wastewater system, or an addition to an existing facility that increases the capability of the existing facility to provide water or wastewater service.
- (6) **HARD COSTS** means the actual cost of construction and materials determined after completion and final acceptance of a project.
- (7) **OVERSIZE**, with reference to a water or wastewater main or facility, means an increase in the size or capacity of the main or facility above the minimum size or capacity required by the Utilities Criteria Manual, including fire flow requirements, that is necessary to provide utility service to meet the projected demands of the property to be served.
- (8) **SERVICE EXTENSION** means a water or wastewater main or facility that provides new or additional water or wastewater service to a property.
- (9) **SOFT COSTS** means the cost of preliminary engineering reports, surveying, geotechnical studies, design, and project management of the construction and installation of a main or facility. This term does not include costs such as financing, interest, fiscal security, permitting, accounting, insurance, governmental fees (including inspection fees), legal services, easements, and all other soft costs associated with the construction of a main or facility.
- (10) **SUITABLE AND SUFFICIENT SERVICE** means the ability of the existing water and wastewater system at the property to appropriately

serve the property and meet the size and capacity criteria as defined in the Utilities Criteria Manual.

- (11) WATER means potable water or reclaimed water as defined by Section 210.3(24) of Title 30 of the Texas Administrative Code.
- (12) WATER OR WASTEWATER MAIN means an appurtenance to a water distribution or wastewater collection system. The term includes all components and equipment necessary to make the water distribution or wastewater collection system operable in compliance with the design criteria and standards in the Utilities Criteria Manual, or the equivalent design criteria and standards as determined by the Director.
- (13) WATER OR WASTEWATER SERVICE LINE means the branch of pipe extending from the water or wastewater main to the approximate location of the property or easement boundary intended to provide direct retail service to a property.
- (14) WASTEWATER INTERCEPTOR means a wastewater main generally considered to be 18-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Director.
- (15) WATER TRANSMISSION MAIN means a water main generally considered to be 24-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Director.

PART 3. City Code Section 25-9-33 (*Service Extension Application*) is amended to read:

§ 25-9-33 SERVICE EXTENSION APPLICATION.

(A) A service extension request application is required to:

- (1) connect a ~~[tract of land]~~ property to a City utility system if an accessible water ~~[and]~~ or wastewater main ~~[service]~~ is more than ~~[one hundred]~~ 100 feet from the property's boundary;
- (2) connect a property to a water transmission or wastewater interceptor within 100 feet of the property's boundary, unless an exception is approved by the Director;

- (3) provide utility service to a ~~[tract of land]~~ property if an existing ~~[line]~~ main or ~~[associated]~~ facility is unsuitable or insufficient to provide service to the ~~[tract as determined by the director in accordance with the Utilities Criteria Manual]~~ property; or
- ~~[(3)]~~ (4) provide service from a decentralized wastewater system to a ~~[tract of land]~~ property where the ~~[director]~~ Director recommends the City operate and maintain that decentralized wastewater system.
- (B) A person must submit an application for a service extension to the ~~[director of the Austin Water Utility]~~ Director. The ~~[director of the Austin Water Utility]~~ Director may not accept an application ~~[unless]~~ if the application is not complete and the applicant has not paid the required non-refundable fee.
- (C) An application for approval of a service extension must:
- (1) include a general description of the location, size, and capacity of the service extension;
 - (2) be accompanied by a request for annexation of the ~~[tract]~~ property by the City if the land is not covered by the ~~[utility's]~~ City's certificate of convenience and necessity; and
 - (3) include other information as required by the ~~[director of the Austin Water Utility]~~ Director.
- (D) If either water or wastewater service is to be provided by an entity other than the City, ~~[the application must be accompanied by]~~ the applicant may be required to submit evidence of a commitment from the other entity to provide the appropriate level of service required for the proposed land use. The evidence must be in the form of:
- (1) a contract with the entity;
 - (2) a letter from the entity; or
 - (3) the minutes of the relevant meeting of the governing body of the entity.
- (E) Except as provided by Section 25-9-3 (*Service Outside Service Area Prohibited*), the ~~[director of the Austin Water Utility]~~ Director may not accept an application for a service extension if the ~~[tract of land]~~ property to be served by the service extension is not in the service area of ~~[the]~~ Austin Water ~~[Utility]~~.

PART 4. City Code Section 25-9-34 (*Review and Approval Process*) is amended to read:

§ 25-9-34 REVIEW AND APPROVAL PROCESS.

- (A) *Administrative Review.* An administrative review will be conducted to determine the completeness of ~~[the]~~ a service extension application[s]. Within a time period established by state law, notification will be sent to an applicant indicating whether an application is administratively complete or if additional information is required.
- (B) *Technical Review.* After an application is determined to be administratively complete, a technical review will be conducted. Technical review may include, but is not limited to, a determination of the service requirements for the subject ~~[tract]~~ property, the system capacity, cost participation ~~[and cost reimbursement]~~, and type of improvements necessary to provide service to the ~~[site]~~ property. Additional information may be required from the applicant for completion of technical review. During technical review a professional engineer employed by Austin Water ~~[Utility]~~ shall determine ~~[a]~~ the size of a water or wastewater [line] main or [a] the capacity of [an associated] a facility that is roughly proportionate to the size or capacity that is required to serve the proposed development in accordance with Section 212.904 of the Texas Local Government Code (Apportionment of Municipal Infrastructure Costs).
- (C) *Notification of Approval.* Upon completion of the technical review, and subject to the approval requirements of Section 25-9-35 (*Approval of a Service Extension Request*), notification of approval of the service extension request will be sent to the applicant.
- (D) *Deficient or Inactive Applications.* Unless approved by the Director, a service extension application is deemed rejected on the first anniversary of the date the Director provides initial written notice to the applicant stating that:
 - (1) the application is administratively incomplete or is technically deficient; or
 - (2) due to the applicant's inactivity, the Director has placed the application on inactive status.

PART 5. City Code Section 25-9-35 (*Approval of a Service Extension Request*) is amended to read:

§ 25-9-35 APPROVAL OF A SERVICE EXTENSION REQUEST.

- (A) Except as provided in Subsection (B), city council approval of a service extension request or ~~[substantial]~~ amendment of an unexpired, approved service extension request is required.
- (B) The ~~[director of the Austin Water Utility]~~ Director may approve an application for a service extension request or amendment of an unexpired service extension request if:
 - (1) the ~~[director of the Austin Water Utility]~~ Director determines that sufficient capacity exists or will be available to meet the projected demands of the ~~[tract]~~ property to be served; and
 - (2) the property is located:
 - (a) in the desired development zone; or
 - (b) in the drinking water protection zone and within the full purpose corporate limits.

PART 6. City Code Section 25-9-36 (*Environmental Assessments*) is amended to read:

§ 25-9-36 ENVIRONMENTAL ASSESSMENTS.

- (A) An applicant for a service extension request shall perform an environmental assessment if required ~~[as part of the City's review of an application]~~ by the Director.
- (B) An applicant is responsible for the cost of the environmental assessment.

PART 7. City Code Section 25-9-37 (*Approval of Improvements*) is amended to read:

§ 25-9-37 APPROVAL OF IMPROVEMENTS.

- (A) After a request for a service extension has been approved, an applicant must submit the construction plans for needed improvements and a copy of the approved service extension request to the ~~[director of the Austin Water Utility]~~ Director for review and approval of the size, capacity, ~~[and]~~ routing, and location of the improvements.
- (B) The ~~[director of the Austin Water Utility]~~ Director may approve the size, capacity, routing, ~~[or]~~ and location of an improvement only if it complies

with the Utilities Criteria Manual, or equivalent standards as determined by the ~~[director of the Austin Water Utility]~~ Director, and with each applicable City requirement.

PART 8. City Code Section 25-9-38 (*Construction of Improvements*) is amended to read:

§ 25-9-38 CONSTRUCTION OF IMPROVEMENTS.

An applicant for a service extension request shall provide information determined by the ~~[director of the Austin Water Utility]~~ Director to be necessary to demonstrate that construction of the service extension complies with the requirements of the City.

PART 9. City Code Section 25-9-39 (*Expiration of Service Extension Request Approval*) is amended to read:

§ 25-9-39 EXPIRATION OF SERVICE EXTENSION REQUEST APPROVAL.

(A) This subsection applies to a service extension request approved before April 17, 2000.

- (1) Unless extended under this subsection or Subsection ~~[(C)]~~ (D), the approval of a service extension request remains in effect until the latest of:
 - (a) the date on which the preliminary plan expires for the property to be served by the service extension;
 - (b) the second anniversary of the date on which the service extension request was approved~~[,]~~ if, on or before that date:
 - (i) a preliminary plan for the property to be served has not been approved; and
 - (ii) construction of the service extension has not begun; or
 - (c) the third anniversary of the date on which the service extension request was approved, if:
 - (i) on or before that date a preliminary plan for the property to be served has not been approved; and

- (ii) construction of the service extension began before the second anniversary of the date on which the service extension request was approved[;] but, on or before the third anniversary of that date, construction of the service extension has not been completed and accepted for operation and maintenance by the City.
 - (2) If construction of a service extension begins while the approval is in effect under Paragraph (1), the [~~director of the Austin Water Utility~~] Director may extend the approval of a service extension request for the period of time estimated to be necessary to complete construction of the service extension.
- (B) This subsection applies to a service extension request approved after April 17, 2000, and on or before March 31, 2013.
- (1) Except as set forth in Paragraph (2) of this subsection, an approved service extension request expires on the latest of:
 - (a) 120 days after the date of its approval;
 - (b) for a project with a pending development application, the date the application expires; or
 - (c) for a project with an approved development application, the date the approval expires.
 - (2) For a project with a recorded plat, the service extension request does not expire.
 - (3) If a project's intensity, proposed land_uses, or anticipated water or wastewater demands change, any such change must be reported to the [~~director~~] Director and there must be an application for the amended service extension request unless the [~~director~~] Director determines the change is not so substantial as to require an amendment.
- (C) This subsection applies to a service extension request approved on or after April 1, 2013.
- (1) Except as set forth in Paragraph (2) of this subsection, an approved service extension request expires on the latest of:
 - (a) 180 days after the date of its approval;

- (b) for a project with a pending development application, the date the application expires; or
- (c) for a project with an approved development application, the date the approval expires.
- (2) For a project with a recorded plat, the service extension request does not expire for the portion of the property that was platted.
- (3) If a project's intensity, proposed land uses, lot configuration, or anticipated water or wastewater demands change, any such change must be reported to the Director and there must be an application for the amended service extension request unless the Director determines the change is not so substantial as to require an amendment.

(D)~~(C)~~ Under this section, if the approval of a service extension request requires cost participation ~~[or cost reimbursement]~~ from the City under a cost participation ~~[or cost reimbursement]~~ contract ~~[or a community facilities contract]~~ approved by the council:

- (1) construction of the service extension begins on the date that fiscal security is posted or money is deposited in compliance with the contract; and
- (2) the service extension request approval is extended until construction of the service extension is complete and the City accepts the ~~[lines]~~ mains and ~~[associated]~~ facilities constructed under the contract.

PART 10. City Code Section 25-9-40 (*Service Commitment Transfer Not Permitted*) is amended to read:

§ 25-9-40 SERVICE COMMITMENT TRANSFER NOT PERMITTED.

A service commitment may not be transferred from one property ~~[tract of land]~~ to another.

PART 11. The title of Subpart B of City Code Chapter 25-9 is amended to read:

Subpart B. Cost Participation ~~[and Cost Reimbursement]~~.

PART 12. City Code Section 25-9-61 (*Eligible Projects*) is amended to read:

§ 25-9-61 ELIGIBLE PROJECTS.

(A) An entity that agrees to construct a water or wastewater ~~[line]~~ main or ~~[an associated]~~ a facility that on acceptance will become part of the City water and wastewater system may apply to the City for cost participation ~~[or cost reimbursement]~~ in a water or wastewater ~~[line]~~ main or ~~[an associated]~~ a facility if the ~~[line]~~ main or facility is oversized at the request of the City to serve additional property. Cost participation ~~[and cost reimbursement are]~~ is not permitted for a wastewater main or facility that provides service within the drinking water protection zone.

(B) Under this ~~[Section]~~ section cost participation will apply:

- (1) if the improvement is a water ~~[line]~~ main and has a diameter of more than 8 inches ~~[but less than 24 inches]~~;
- (2) if the improvement is a wastewater ~~[line]~~ main and has a diameter of more than 8 inches ~~[but less than 18 inches]~~; or
- (3) if the improvement is ~~[-]~~ a pump station, reservoir, ~~[storage tank]~~, lift station, force main or wastewater treatment plant ~~[that is oversized at the request of the City]~~.

~~[(C) Under this Section cost reimbursement will apply:~~

- ~~(1) if the improvement is a water line and has a diameter of 24 inches or greater; or~~
- ~~(2) if the improvement is a wastewater line and has a diameter of 18 inches or greater.]~~

PART 13. City Code Section 25-9-62 (*Amount of Cost Participation*) is amended to read:

§ 25-9-62 AMOUNT OF COST PARTICIPATION.

Tables 1 and 2 below set forth the percentage of cost participation in the hard costs of an oversized water or wastewater ~~[line]~~ main. The percentage of cost participation is based ~~[up]~~ on the increased percentage in pipe diameter due to oversizing established under Section 25-9-64 (*Request for Cost Participation*). Cost participation is determined by multiplying the percentage set forth in Table 1 and Table 2 by the hard costs of an oversized line.

- (A) The following table sets forth the amount of cost participation for the hard costs associated with an oversized water ~~[line]~~ main:

Table 1: Amount of Cost Participation (Water)

[Minimum Required Pipe Diameter (inches)]	[Percentage of Cost Participation Based On Oversized Pipe Diameter]		
	[8]	[12]	[16]
[8]	[0%]	[33%]	[50%]
[12]	[-]	[0%]	[25%]
[16]	[-]	[-]	[0%]

<u>Minimum required Pipe Diameter for the Property (inches)</u>	<u>Percentage of Cost Participation Based On Oversized Pipe Diameter</u>							
	<u>8</u>	<u>12</u>	<u>16</u>	<u>24</u>	<u>30</u>	<u>36</u>	<u>42</u>	<u>48</u>
<u>8</u>	<u>0%</u>	<u>33%</u>	<u>50%</u>	<u>66%</u>	<u>73%</u>	<u>78%</u>	<u>81%</u>	<u>83%</u>
<u>12</u>	=	<u>0%</u>	<u>25%</u>	<u>50%</u>	<u>60%</u>	<u>66%</u>	<u>71%</u>	<u>75%</u>
<u>16</u>	=	=	<u>0%</u>	<u>33%</u>	<u>47%</u>	<u>56%</u>	<u>62%</u>	<u>66%</u>
<u>24</u>	=	=	=	<u>0%</u>	<u>20%</u>	<u>33%</u>	<u>43%</u>	<u>50%</u>
<u>30</u>	=	=	=	=	<u>0%</u>	<u>17%</u>	<u>29%</u>	<u>37%</u>
<u>36</u>	=	=	=	=	=	<u>0%</u>	<u>14%</u>	<u>25%</u>
<u>42</u>	=	=	=	=	=	=	<u>0%</u>	<u>12%</u>
<u>48</u>	=	=	=	=	=	=	=	<u>0%</u>

(B) The following table sets forth the amount of cost participation for the hard costs associated with an oversized wastewater ~~[line]~~ main:

Table 2: Amount of Cost Participation (Wastewater)

[Minimum Required Pipe Diameter (inches)]	[Percentage of Cost Participation Based On Oversized Pipe Diameter]		
	[8]	[12]	[15]
[8]	[0%]	[33%]	[47%]
[12]	[-]	[0%]	[20%]
[15]	[-]	[-]	[0%]

<u>Minimum Required Pipe Diameter for the Property (inches)</u>	<u>Percentage of Cost Participation Based on Oversized Pipe Diameter</u>									
	<u>8</u>	<u>12</u>	<u>15</u>	<u>18</u>	<u>21</u>	<u>24</u>	<u>30</u>	<u>36</u>	<u>42</u>	<u>48</u>
<u>8</u>	<u>0%</u>	<u>33%</u>	<u>47%</u>	<u>56%</u>	<u>62%</u>	<u>66%</u>	<u>73%</u>	<u>78%</u>	<u>81%</u>	<u>83%</u>
<u>12</u>	=	<u>0%</u>	<u>20%</u>	<u>33%</u>	<u>43%</u>	<u>50%</u>	<u>60%</u>	<u>66%</u>	<u>71%</u>	<u>75%</u>
<u>15</u>	=	=	<u>0%</u>	<u>17%</u>	<u>29%</u>	<u>37%</u>	<u>50%</u>	<u>58%</u>	<u>64%</u>	<u>69%</u>
<u>18</u>	=	=	=	<u>0%</u>	<u>14%</u>	<u>25%</u>	<u>40%</u>	<u>50%</u>	<u>57%</u>	<u>62%</u>
<u>21</u>	=	=	=	=	<u>0%</u>	<u>12%</u>	<u>30%</u>	<u>42%</u>	<u>50%</u>	<u>56%</u>
<u>24</u>	=	=	=	=	=	<u>0%</u>	<u>20%</u>	<u>33%</u>	<u>43%</u>	<u>50%</u>
<u>30</u>	=	=	=	=	=	=	<u>0%</u>	<u>17%</u>	<u>29%</u>	<u>37%</u>
<u>36</u>	=	=	=	=	=	=	=	<u>0%</u>	<u>14%</u>	<u>25%</u>
<u>42</u>	=	=	=	=	=	=	=	=	<u>0%</u>	<u>12%</u>
<u>48</u>	=	=	=	=	=	=	=	=	=	<u>0%</u>

- (C) The amount of cost participation for hard costs for pump stations, reservoirs, ~~[storage tanks]~~, wastewater treatment plants, lift stations, force mains and other ~~[associated]~~ facilities will be calculated on the percentage of oversizing of the treatment capacity or pumping capacity.
- (D) The amount of cost participation for soft costs may not exceed 15% of the hard costs calculated under subsections (A), (B) and (C) of this ~~[Section]~~ section.
- (E) Notwithstanding the above, under no circumstance shall cost participation under this section exceed the amount authorized by council, unless council provides authorization for additional cost participation.

PART 14. City Code Section 25-9-63 (*Amount of Reimbursement*) is repealed.

PART 15. City Code Section 25-9-64 (*Application for Cost Participation and Cost Reimbursement*) is renumbered and amended to read:

§ 25-9-~~[64]~~63 ~~[APPLICATION]~~ REQUEST FOR COST PARTICIPATION ~~[AND COST REIMBURSEMENT]~~.

During the technical review of the application, a determination by the City will be made on whether oversizing of water or wastewater ~~[lines]~~ mains or ~~[associated]~~ facilities serving additional property in the area will be necessary. If oversizing of any water or wastewater ~~[lines]~~ mains or ~~[any associated]~~ facilities is necessary, the applicant ~~[for approval of a service extension request must indicate on a form provided by the director whether they are requesting cost participation or cost reimbursement]~~ will be required to submit a written request for City cost participation to the Director prior to approval of a service extension request.

PART 16. City Code Section 25-9-65 (*Approval Process for Cost Participation or Cost Reimbursement*) is renumbered and amended to read:

§ 25-9-~~[65]~~ 64 APPROVAL PROCESS FOR COST PARTICIPATION ~~[OR COST REIMBURSEMENT]~~.

- (A) The ~~[director of the Austin Water Utility]~~ Director shall review each request for cost participation ~~[or cost reimbursement. The cost participation and cost reimbursement review is incorporated in the technical review process as described in Section 25-9-34(B)].~~

- (B) The ~~[director of the Austin Water Utility]~~ Director may recommend approval of a request for cost participation ~~[or cost reimbursement]~~ only if the ~~[director of the Austin Water Utility]~~ Director determines that:
- (1) the property to be served is in the service area of ~~[the]~~ Austin Water ~~[Utility]~~;
 - (2) the size of each proposed ~~[line]~~ main or facility complies with the planning criteria of ~~[the]~~ Austin Water ~~[Utility]~~ and final design and routing will comply with the Utilities Criteria Manual;
 - (3) funds for ~~[City]~~ cost participation ~~[or reimbursement]~~ are available from an identified source or that funds will be available to meet the proposed payment schedule; and
 - (4) the proposed ~~[line]~~ main or facility is an appropriate extension or addition to the water and wastewater utility system.
- (C) During the technical review the ~~[director]~~ Director, in consideration of a construction cost estimate provided by the applicant's engineer, will establish the terms of the cost participation ~~[or cost reimbursement]~~. The ~~[director]~~ Director will provide a recommended not-to-exceed amount for ~~[either]~~ cost participation ~~[or cost reimbursement]~~, which amount will be an estimate based on the percentages for cost participation ~~[or cost reimbursement]~~ in Section 25-9-62 (Amount of Cost Participation)~~[or Section 25-9-63]~~.
- (D) The Water and Wastewater Commission shall ~~[-]~~ make a recommendation on the request for cost participation ~~[or cost reimbursement]~~.
- (E) The ~~[director of the Austin Water Utility]~~ Director shall forward the request and the Water and Wastewater Commission recommendation to the council for final action.

PART 17. City Code Section 25-9-66 (*Cost Participation and Cost Reimbursement Requirements*) is renumbered and amended to read:

§ 25-9-~~[66]~~ 65 COST PARTICIPATION ~~[AND COST REIMBURSEMENT]~~ REQUIREMENTS.

- (A) An entity constructing a water or wastewater ~~[line]~~ main or ~~[an-associated]~~ a facility that is eligible for cost participation ~~[or cost reimbursement]~~ may not receive a cost participation ~~[or cost reimbursement]~~ payment for the ~~[line]~~

main or facility unless the entity complies with each requirement or regulation of the City, including but not limited to requirements relating to:

- (1) the public advertising of the [~~line~~] main or facility;
 - (2) the bidding on the [~~line~~] main or facility;
 - (3) a performance or payment bond for the [~~line~~] main or facility;
 - (4) posting of fiscal security as set forth in the developer agreement required by Section 25-9-68 (Agreement);
 - (5) completion and acceptance; and
 - (6) a warranty on the [~~line~~] main or facility.
- (B) The entity constructing the [~~line~~] main or facility is not entitled to receive a cost participation [~~or cost reimbursement~~] payment until the entity submits documentation showing the entity's compliance with each requirement described by Subsection (A).

PART 18. City Code Section 25-9-67 (*Cost Participation and Cost Reimbursement Payment*) is renumbered and amended to read:

§ 25-9-~~67~~ 66 COST PARTICIPATION [~~AND COST REIMBURSEMENT~~] PAYMENT.

- (A) *Desired Development Zone.* For cost participation [~~or cost reimbursement~~] relating to an improvement associated with a service extension request in the desired development zone, the City shall pay its portion of the cost 90 days after the date the City accepts the improvement.
- (B) *Drinking Water Protection Zone.* For cost participation [~~or cost reimbursement~~] relating to a water improvement associated with a water service extension request to a tract in the drinking water protection zone, the City shall pay its portion of the cost in four equal annual installments, without interest, with the first payment to be made on March 1 of the second year after the year in which the City accepts the improvement.

PART 19. City Code Section 25-9-68 (*Developer Agreement*) is renumbered and amended to read:

§ 25-9-~~68~~ 67 [~~DEVELOPER~~] AGREEMENT.

- (A) An applicant for cost participation [~~or cost reimbursement~~] must enter into [~~a developer~~] an agreement with the City before the City may make a [~~cost reimbursement or~~] cost participation payment.
- (B) The [~~director of the Austin Water Utility~~] Director shall determine the terms of the [~~developer~~] agreement [~~and may sign the agreement for the City~~].

PART 20. This ordinance takes effect on April 1, 2013.

PASSED AND APPROVED

March 21, 2013 §
§
§ Lee Leffingwell
Lee Leffingwell
Mayor

APPROVED: Karen M. Kennard
Karen M. Kennard
City Attorney

ATTEST: Jannette S. Goodall
Jannette S. Goodall
City Clerk