

Mayor and Council Communication

DATE: 03/11/25

M&C FILE NUMBER: M&C 25-0190

LOG NAME: 06N. BEACH ST (SH170 TO SARATOGA) AMENDMENT 1

SUBJECT

(CD 10) Authorize Execution of Amendment No. 1 to the Community Facilities Agreement with Hillwood Alliance Services, LLC, increasing City Participation in an Amount Up to \$156,000.00 for Engineering Costs for the North Beach Street between State Highway 170 and Saratoga Downs Way Project, Authorize a Waiver of the Community Facilities Agreement Amendment Fee, Adopt Appropriation Ordinances, and Amend the Fiscal Years 2025-2029 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of Amendment No. 1 to City Secretary Contract Number 59151, a Community Facilities Agreement with Hillwood Alliance Services, LLC, increasing City participation in amount up to \$156,000.00 for engineering costs associated with roadway and associated stormwater Improvements for the North Beach Street between State Highway 170 and Saratoga Downs Way project (City Project No. 103773);
2. Authorize a waiver of the Community Facilities Agreement amendment fee;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Transportation Impact Fee Capital Fund, in the amount of \$78,000.00, from available transportation impact fee funds within the Revenue – Service Area A Transportation Impact Fees project (City Project No. UN9911) and \$78,000.00, from available interest earnings within the Revenue – Service Area D Transportation Impact Fees project (City Project No. UN9914) for the purpose of funding a portion of the engineering design for the Community Facilities Agreement North Beach Street (SH 170 to Saratoga Downs Way) (City Project No. 103773);
4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Community Facilities Agreement Developer Fund, in the amount of \$10,619.50, from Developer Cash Contribution, for the purpose of funding the Community Facilities Agreement - North Beach Street (SH170 to Saratoga Downs Way) (City Project No. 103773); and
5. Amend the Fiscal Years 2025-2029 Capital Improvement Program.

DISCUSSION:

On December 14, 2021 (Mayor & Council Communication 21-0945), the City Council authorized the execution of a Community Facilities Agreement with Hillwood Alliance Services, LLC (Developer) to construct four lanes of North Beach Street from Alliance Gateway (SH 170 to Saratoga Downs Way) (City Project Number 103773). These lanes have been constructed to allow traffic to cross Alliance Gateway (SH 170) as the existing Alta Vista Drive crossing is being reconfigured as a part of the Texas Department of Transportation (TxDOT) widening project. The purposes of this Mayor & Council Communication is to reimburse Developer for a portion of the engineering costs for the project.

The total project cost represented in the table below reflect the final cost of the project and include the revisions to the cost made by change order numbers 1 & 2, which were previously executed. The project included a 20% MWBE requirement and was publicly bid.

City staff is recommending the City Council authorize the City to pay for a portion of the engineering costs for the project in an amount up to \$156,000.00. This project is located on the boundary between Transportation Impact Fee Service Areas A and D and was identified as impact fee eligible in the 2017 Transportation Impact Fee Study. Funding for the engineering costs is available within the Transportation Impact Fee Capital Fund; revenues from Service Area A (UN9911-\$78,000.00) and Service Area D (UN9914-\$78,000.00) of the Transportation Impact Fee Fund will fund the City’s participation in the engineering costs of these improvements.

The Community Facilities Agreement Reconciliation resulted in the developer owing the TPW Department the amount of \$10,619.50 for administrative material testing and construction inspection fees. This Mayor & Council Communication requests the authorization to increase receipts and appropriations in the Community Facilities Agreement Developer Fund by a total amount of \$10,619.50 for the purpose of funding the project.

Components	Hillwood Alliance Services, LLC	City Participation	Total Cost
Paving	\$5,104.00	\$2,362,018.75	\$2,367,122.75
Storm Drain	\$1,340,893.00	\$275,551.00	\$1,616,444.00

Sanitary Sewer	\$52,960.00	\$73,150.00	\$126,110.00
Street Lights	\$0.00	\$249,250.00	\$249,250.00
Water	\$398,640.00	\$98,280.00	\$496,920.00
Construction Inspection Fees	\$28,500.00	\$1,250.00	\$29,750.00
Administrative Material Testing Fees	\$8,575.00	\$735.00	\$9,310.00
Water Testing Lab Fee	\$0.00	\$300.00	\$300.00
Material Testing	\$0.00	\$3,428.60	\$3,428.60
Design	\$359,112.00	\$156,000.00	\$515,112.00
Total Project Cost	\$2,193,784.00	\$3,219,963.35	\$5,413,747.35

By approval of this M&C, the City Council finds that the waiver of the community facilities agreement amendment fee serves a public purpose because the amendment allows the City to reimburse the Developer for the City's portion of the engineering costs for the project and the project is for the design and construction of public infrastructure that will be owned and maintained by the City. The City Council further finds that adequate contractual controls are in place to carry out such public purpose.

Funding is budgeted in the Transportation Impact Fee Capital Fund and the Community Facilities Agreement Developer Fund for the TPW Department for the purpose of funding the Community Facilities Agreement-N Beach Street (SH170 to Saratoga Downs Way) project. DVIN does not set a Business Equity goal for developer portions of Community Facilities Agreements on Change Orders and/or Amendments.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Revenue - SA A and SA D Transp Imp Fees projects within the Transportation Impact Fee Cap Fund and in Community Facilities Agreement-N Beach St (SH170 to Sarat project within the Community Facilities Agreement Developer Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Transportation Impact Fee Cap Fund and in the Community Facilities Agreement Developer Fund for the Community Facilities Agreement-N Beach St (SH170 to Sarat project to support the approval of the above recommendations and execution of the Community Facilities Agreement amendment. Prior to an expenditure being incurred, the Development Services and the Transportation and Public Works Departments have the responsibility of verifying the availability of funds.

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Additional Information Contact:

Expedited