

# Mayor and Council Communication

DATE: 06/11/24

M&C FILE NUMBER: M&C 24-0512

LOG NAME: 60PARKS OF VILLAGE CREEK OFFSITE WATER IMPROVEMENTS

**SUBJECT**

(ETJ near CD 8) Authorize Execution of a Community Facilities Agreement with PULTE HOMES OF TEXAS, L.P., with City Participation in an Amount Not to Exceed \$206,203.56 for Oversizing a 12-Inch Water Main to a 16-Inch Water Main for Future Anticipated Growth in South Fort Worth, and Adopt Appropriation Ordinance to Effect a Portion of Water’s Contribution to the Fiscal Years 2024-2028 Capital Improvement Program

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the execution of a Community Facilities Agreement with PULTE HOMES OF TEXAS, L.P., with City participation in an amount not to exceed \$206,203.56 for oversizing a 12-inch water main to a 16-inch water main for future anticipated growth in south Fort Worth; and
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Water & Sewer Bond 2020A Fund by increasing estimated receipts and appropriations in the Community Facilities Agreement Bucket programmable project (City Project No. P00001) in the amount of \$244,353.00 and decreasing estimated receipts and appropriations in the Unspecified-All Funds project (City Project No. UNSPEC) by the same amount for the purpose of funding the Community Facilities Agreement – Parks of Village Creek off (City Project No.104841) and to effect a portion of Water’s contribution to the Fiscal Years 2024-2028 Capital Improvements Program.

**DISCUSSION:**

PULTE HOMES OF TEXAS, L.P., (Developer) is constructing the Parks of Village Creek development project located south of Farm Market Road 1187 and west of Redbird Ln. The City is participating in the project to oversize approximately 5,228 linear feet of a 12-inch water main to a 16-inch water main Parks of Village Creek Development and for anticipated future growth in the area. The Parks of Village Creek Offsite Water and Sewer project is assigned City Project No. 104841 and Accela System Record IPRC23-0035.

In accordance with Chapter 212, Subchapter C of the Texas Local Government Code, the City's participation in the contract is exempt from competitive bidding requirements because the contract is for oversizing public improvements being constructed by the Developer, the Developer will execute a performance bond to cover the total project cost, including all of the City's cost participation, and the City's cost participation will be determined in accordance with the City's community facilities agreement (CFA) unit price ordinance.

The City's cost participation in oversizing of the water main is estimated to be in an amount not to exceed \$206,203.56 as shown in the table below. Payments to the Developer are estimated to be \$190,743.69 for construction costs and \$3,814.87 for material testing costs. The City's cost participation also includes \$11,645.00 to cover the City's portion of construction inspection service fees, administrative material testing fees, and water lab testing fees. An additional \$38,148.74 in the contingency funds will cover the City's portion of any change orders.

The following table shows the cost sharing breakdown for the project between all parties:

A. Public Improvements	Developer Cost	City Cost	Total Cost
1. Water	\$1,256,665.34	\$190,743.69	\$1,447,409.03
2. Sewer	\$853,617.56	\$0.00	\$853,617.56
Water Contingency	\$0.00	\$38,148.74	\$38,148.74
B. Inspections & Testing			
1. Construction Inspection Fee	\$63,600.00	\$11,400.00	\$75,000.00
2. Admin Material Testing Fee	\$4,165.00	\$245.00	\$4,410.00
3. Material Testing Cost	\$0.00	\$3,814.87	\$3,814.87
4. Water Lab Fee	\$540.00	\$0.00	\$540.00
Total Project Cost	\$2,178,587.90	\$244,352.30	\$2,422,940.20

\*Numbers will be rounded up for accounting purposes.

The reimbursement of the City participation, excluding inspection and material testing fees, is not a lump-sum amount and may be less than the stated amount depending upon the actual quantities and unit prices from the Notice of Final Completion package, commonly referred to as the Green Sheet package.

It is the practice of the Water Department to appropriate its CIP plan throughout the Fiscal Year (FY), instead of within the annual budget ordinance, as projects commence, additional funding needs are identified, and to comply with bond covenants. The actions in the Mayor &

Council Communication (M&C) will appropriate funds in support of the Water Department's portion of the City of Fort Worth's Fiscal Years 2024-2028 Capital Improvements Program, as follows:

**60PARKS OF VILLAGE CREEK OFFSITE WATER IMPROVEMENTS:**

<b>Capital Fund Name</b>	<b>Project Name</b>	<b>FY2024 CIP Appropriations</b>	<b>Authority</b>	<b>Budget Change (Increase/ Decrease)</b>	<b>Revised FY2024 Budget</b>
Water & Sewer Bond 2020A - Fund 56017	104841 - CFA- Parks of Village Creek off	\$0.00	This M&C	\$244,353.00	\$244,353.00

Funding is available in the Unspecified-All Funds project within the Water & Sewer Bond 2020A Fund for the purpose of funding the CFA- Parks of Village Creek off project.

Funding for the Community Facility Agreement (CFA) – Parks of Village Creek off project is as depicted in the table below:

<b>FUND</b>	<b>Existing Appropriations</b>	<b>Additional Appropriations</b>	<b>Project Total*</b>
Water & Sewer Bond 2020A - Fund 56017	\$0.00	\$244,353.00	\$244,353.00
<b>Project Total</b>	<b>\$0.00</b>	<b>\$244,353.00</b>	<b>\$244,353.00</b>

\*Numbers rounded for presentation purposes.

**BUSINESS EQUITY-** A goal is not required under Business Equity Ordinance 25165-10-2021 when City spending participation on Community Facilities Agreements are less than \$1,000,000.00.

This project is located in Extraterritorial Jurisdiction near CD 8.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Unspecified - All Funds project within the Water & Sewer Bond 2020A Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in Water & Sewer Bond 2020A Fund for the CFA- Parks of Village Creek off project to support the approval of the above recommendations and execution of the agreement. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Fernando Costa 6122

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