

# Mayor and Council Communication

**DATE:** 01/14/25

**M&C FILE NUMBER:** M&C 25-0023

**LOG NAME:** 60WELLINGTON CFA AMENDMENT NO.2 EROSION CONTROL

**SUBJECT**

(CD 10) Authorize Execution of Amendment No. 2 to City Secretary Contract No. 57832 with HPC Wellington Nance Development Corporation and 170 Northstar Ranch Developer, Inc., Increasing City Participation in an Amount Up to \$64,184.91 and Developer Participation in an Amount Up to \$55,962.55 for Sewer Main M-584 Erosion Control Located in North Fort Worth

**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of Amendment No. 2 to City Secretary Contract No. 58732 with HPC Wellington Nance Development Corporation and 170 Northstar Ranch Developer, Inc., increasing City participation an amount up to \$64,184.91 and Developer participation in an amount up to \$55,962.55 for the sewer main M-584 erosion control located in north Fort Worth.

**DISCUSSION:**

On May 10, 2022, the City Council approved Mayor & Council Communication (M&C) 22-0361 to authorize the execution of a Community Facilities Agreement (CFA) to oversize the M-584 Sewer Line (Wellington Offsite sewer) main to serve the Wellington, Nance, and Northstar Ranch Developments. The Wellington Offsite Sewer project was assigned City Project No. 103521 and Accela System Record Infrastructure Plan Review Center (IPRC) Number IPRC21-0158.

Pursuant to the terms of the CFA, the sewer line was built in two segments. Upon construction and passing of all tests for Segment 1, the City agreed to allow Segment 1 to be placed into service while Segment 2 was being constructed; however, the City would not accept the entire project until both segments were completed.

In a letter dated November 29, 2023, the Fossil Creek Estates Homeowners Association (HOA) informed the City that gabion baskets installed at two creek crossings to protect the sewer line violated the easement granted by the HOA to the City for the project.

On January 2, 2024, the City issued a letter accepting Segment 1 of the sewer line. On or about January 23, 2024, the City confirmed that Segment. 2 was completed.

Through negotiations with the HOA, the HOA agreed to the replacement of the gabion baskets with turf mats. Amendment No. 1 to the CFA was executed to document the negotiations with the developers for the future replacement of the gabions with the turf mats, use of the completed sewer line while the gabions are being replaced, and extending the deadline to complete construction. Amendment No. 1 did not authorize this additional work because the additional working had to be publicly bid.

The purpose of this M&C is to authorize the execution of Amendment No.2 to the Community Facilities Agreement, to increase city participation for the replacement of gabions with turf mats, and restoration of disturbed areas.

The additional work under Amendment No. 2 was bid out as a separate project. The M-584 Erosion Control project is assigned City Project No. 105742 and Accela System Record IPRC Number IPRC24-0155. This will result in the CFA encompassing two City project numbers.

The project has been publicly bid. The City's cost participation in the additional scope of work is estimated to be in an amount up to \$64,184.91 as shown in the table below. Payments to the Developer are estimated to be \$55,674.49 for construction costs, \$693.12 for IPRC fees, and \$5,286.05 for public bid advertisement. The City's cost participation also includes \$2,531.25 to cover the City's portion of construction inspection service fees.

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

<b>A. Construction *Additional Scope</b>	<b>Dev- HPC Cost (31.3%)</b>	<b>Dev- Northstar Cost ( 9%)</b>	<b>City Cost (59.7%)</b>	<b>Total Cost</b>
1. Sewer	\$29,189.47	\$8,393.14	\$55,674.49	\$93,257.10
B. Inspections & Testing (40 days)				

1. Construction Inspection Fee 64%/21%/15%	\$10,800.00	\$3,543.75	\$2,531.25	\$16,875.00
C. IPRC Plan Review Fees	\$363.39	\$104.49	\$693.12	\$1,161.00
D. Public Bid Advertisement Fee	\$2,771.41	\$796.89	\$5,286.05	\$8,854.36
Total Project Cost	\$43,124.28	\$12,838.27	\$64,184.91	\$120,147.46

\*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.

Funding is budgeted in the Water/Sewer Bond 2016 Fund for the Water Department for the purpose of funding the CFA-M-584 Erosion Control project, as appropriated.

Funding for the CFA –M-584 Erosion Control project as depicted in the table below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
Water/Sewer Bond 2016 - Fund 56005	\$65,000.00	\$0.00	\$65,000.00
<b>Project Total</b>	<b>\$65,000.00</b>	<b>\$0.00</b>	<b>\$65,000.00</b>

\*Numbers rounded for presentation purposes.

**BUSINESS EQUITY-** A goal is not required under Business Equity Ordinance 25165-102021 when City spending participation on Community Facilities Agreements is less than \$1,000,000.00 dollars.

A change order or amendment may be made by the City manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

This project is located in COUNCIL DISTRICT 10.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the Water/Sewer Bond 2016 Fund for the CFA-M-584 Erosion Control project to support the approval of the above recommendation and execution of the amendment. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

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