

# Mayor and Council Communication

DATE: 12/12/23

M&C FILE NUMBER: M&C 23-1073

LOG NAME: 60BUTTERCUP LANE & BOSWELL DRIVE 16INCH WATER LINE

**SUBJECT**

(CD 5) Authorize Execution of a Community Facilities Agreement with Mid-Cities Logistics Owner, LLC, with City Participation in an Amount Up to \$1,696,502.82 for the Replacement of Approximately 2,600 Linear Feet of 16-Inch Cast Iron Water Main as a Result of the Water Department's Cast Iron Replacement Program 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 Mid-Cities Logistics Owner, LLC, with City participation in an amount up to \$1,696,502.82 for the replacement of approximately 2,600 Linear Feet of 16-inch cast iron water main as a result of the Water Department's Cast Iron Replacement Program; and
2. Adopt the attached appropriation ordinance adjusting appropriations in Water & Sewer Bond 2015A Fund by increasing estimated receipts and appropriations in the Community Facility Agreements Bucket programmable project (City Project No. P00001) in the amount of \$1,929,192.00 and decreasing the estimated receipts and appropriations in the Unspecified-All Funds project (City Project No. UNSPEC) by the same amount for the purpose of funding the CFA-Buttercup Lane & Boswell D project (City Project No. 105037) and effect a portion of Water's contribution to the Fiscal Years 2024-2028 Capital Improvement Program.

**DISCUSSION:**

Mid-Cities Logistics Owner, LLC., (Developer) is constructing Mid-Cities (Development) west of the Texas Motor Speedway and north of Interstate Highway 114. The Water Department is seeking to participate in the project for the replacement of approximately 2,600 linear feet of 16-inch cast iron water main as a result of the Water Department's Cast Iron Replacement Program. The Buttercup Lane and Boswell Drive water line project is assigned City Project No. 105037 and Accela System Record IPRC23-0116.

This project has been publicly bid. The City's cost participation in the construction and oversizing of the water main is estimated to be in an amount not to exceed \$1,696,502.82 as shown in the table below. Payments to the Developer are estimated to be \$1,551,257.67 for construction costs, \$31,025.15 for material testing costs, \$3,870.00 for Infrastructure Plan Review Center (IPRC) fees, and \$84,500.00 for design services. The City's cost participation also includes \$25,850.00 to cover the City's portion of construction inspection service fees, administrative material testing service fees, and water lab testing fees. An additional \$232,688.65 in contingency funds will cover the City's portion of any change orders.

A. Public Improvements	Developer Cost	City Cost	Total Cost
1. Water Improvements	\$98,221.29	\$1,228,942.19	\$1,327,163.48
2. Paving Improvements	\$0.00	\$322,315.48	\$322,315.48
Contingency	\$0.00	\$232,688.65	\$232,688.65
B. Inspections & Testing			
1. Construction Inspection Fee	\$0.00	\$22,500.00	\$22,500.00
2. Admin Material Testing Fee	\$0.00	\$2,450.00	\$2,450.00
3. Material Testing Cost	\$0.00	\$31,025.15	\$31,025.15

4. Water Lab Fee	\$0.00	\$900.00	\$900.00
5. Design Fees	\$0.00	\$84,500.00	\$84,500.00
6. IPRC Fees	\$0.00	\$3,870.00	\$3,870
Total Project Cost	\$98,221.29	\$1,929,191.47	\$2,027,412.76

\*Numbers will be rounded up for accounting purposes.

The reimbursement of the 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.

BUSINESS EQUITY – Western Municipal Construction of Texas, LLC is in compliance with the City's Business Equity Ordinance by committing to 36% MWBE participation on this project. The City's MWBE goal on this project is 22%.

It is the practice of the Water Department to appropriate its CIP plan throughout the Fiscal Year 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 M&C will amend the City of Fort Worth's Fiscal Year 2024-2028 Capital Improvement Program as follows:

**60BUTTERCUP LANE & BOSWELL DRIVE 16INCH WATER LINE**

Capital Fund Name	Project Name	FY2024 CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2024 Budget
Water & Sewer Bond 2015A - Fund 56007	105037 – CFA- Buttercup Lane & Boswell D	\$0.00	This M&C	\$1,929,192.00	\$1,929,192.00

Funding is available in the Unspecified-All Funds project within the Water & Sewer Bonds 2015A Fund for the purpose of funding the CFA-Buttercup Lane & Boswell D project.

Funding for the CFA-Buttercup Lane & Boswell Dr project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
Water & Sewer Bond 201A Fund 56007	\$0.00	\$1,929,192.00	\$1,929,192.00
<b>Project Total</b>	<b>\$0.00</b>	<b>\$1,929,192.00</b>	<b>\$1,929,192.00</b>

\*Numbers rounded for presentation purposes.

This development is located in Council District 5.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds project within the Water & Sewer Bond 2015A Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Water & Sewer Bond 2015A Fund for the CFA-Buttercup Lane & Boswell D project to support the above recommendations and execution of the contract. Prior to any expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** Chris Harder 5020

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Expedited