

Mayor and Council Communication

DATE: 12/15/20

M&C FILE NUMBER: M&C 20-0927

LOG NAME: 06CHAPEL CREEK PH. 5 OFF-SITE ARTERIAL CONSTRUCTION

SUBJECT

(CD 3) Authorize Execution of a Community Facilities Agreement with D.R. Horton - Texas, LTD. with City Participation in an Amount Not to Exceed \$1,600,000.00 to Construct Off-Premise Arterials Adjacent to Chapel Creek Phase 5; Adopt Appropriation Ordinances, and Amend the FY2021-2025 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of a Community Facilities Agreement with D.R. Horton - Texas, Ltd. with City participation in an amount not to exceed \$1,600,000.00 to construct off-premise arterial sections adjacent to Chapel Creek Phase 5;
2. Adopt the attached Appropriation Ordinance adjusting receipts and appropriations in the Transportation Impact Fee Capital Legacy Fund by increasing receipts and appropriations in the CFA - Chapel Creek Phase 5 project (City Project No. 102048) in the amount of \$1,369,394.98 and decreasing receipts in the Revenue - Service Area S - Transportation Impact Fee project (City Project No. UN9922) by the same amount;
3. Adopt the attached Appropriation Ordinance adjusting receipts and appropriations in the Transportation Impact Fee Capital Fund by increasing receipts and appropriations in the CFA Chapel Creek Phase 5 project (City Project No. 102048) in the amount of \$230,605.02 and decreasing receipts in the Revenue - Service Area S - Transportation Impact Fee Fund (City Project No.UN9922) by the same amount; and
4. Amend the FY2021-2025 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of a Community Facilities Agreement (CFA) with D.R. Horton - Texas, Ltd., the Developer of Chapel Creek Phase 5 (City Project No 102048), a residential subdivision located generally east of Chapel Creek Boulevard, south of Westpoint, north of Interstate Highway (IH-20), and west of Alameda Street. The Development is required to construct the arterials within the development project to provide access and to satisfy the rough proportionality requirements for the development.

The City desires to participate in the CFA to oversize the Developer's arterial road construction requirement to construct the off-premise portions of the southern two lanes of Westpoint Drive from Academy Boulevard to the western property boundary of Chapel Creek Phase 5, the eastern two lanes of Academy Boulevard from Westpoint Drive to the northern property boundary of Chapel Creek Phase 5, the northern two lanes of Amber Ridge Drive from Settlement Plaza to 110 feet west of Street D of Chapel Creek Phase 5, and the southern two lanes of Amber Ridge Drive from Settlement Plaza to Alameda Street. The City is participating in the cost of the road construction in order to complete the full, east/west connection of Amber Ridge from Chapel Creek to Loop 820, provide north/south connectivity from Westpoint to IH-20, and increase capacity along Westpoint from Academy to Alameda through this area, and ensure the full-width of the Master Thoroughfare Plan (MTP) cross-sections is constructed with Phase 5 of the development.

The M&C authorize City participation in the developer project and takes the financial actions necessary with funding the City participation in the project. The table below reflects the city cost contributions for the costs and related fees for the over sizing.

Project	Proposed Improvements	City Costs
Chapel Creek Ph. 5 (CP 102048)		
	Construction	\$1,212,085.00
	ROW Acquisition	\$120,912.00
	Stormwater	\$22,527.00
	Engineering, Material Testing & Inspection	\$244,476.00
Chapel Creek Ph. 5 (City Participation TOTAL)		\$1,600,000.00

This project is located within the Transportation Impact Fee Service Area S and was identified as impact fee eligible in the most recent Transportation Impact Fee Study. The Transportation Impact fee funding provides the City participation in the Developer project. Any residual funds remaining after project closure are to be returned to the Revenue - Service Area S - Transportation Impact Fees project (City Project No.UN9922).

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. The City's cost participation will be determined in accordance with the City's CFA Unit Price Ordinance.

Transportation Impact Fee Funding for this project was not included in the FY2021-2025 Capital Improvement Program. Due to the increased scope of the Developer project, City funds were added. The action of this M&C will amend the FY2021-2025 Capital Improvement Program as approved in connection with Ordinance No. 24446-09-2020.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Revenue - SA S - Transp Imp Fees within the Trans Impact Fee Capital Legacy Fund and the Transportation Impact Fee Capital Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Trans Impact Fee Capital Legacy Fund and the Transportation Impact Fee Cap Fund for the CFA-Chapel Creek Phase 5 project to support the approval of the above recommendations and execution of the community facilities agreement. Prior to an expenditure being incurred, the Development Services Department has the responsibility of verifying the availability of funds.

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