

Mayor and Council Communication

DATE: 09/17/24

M&C FILE NUMBER: M&C 24-0804

LOG NAME: 0606OAK GROVE RD N OF JOEL EAST CHANGE ORDER 1

SUBJECT

(CD 8) Authorize Execution of Change Order No. 1 to City Secretary Contract No. 56080, a Community Facilities Agreement with City Participation with Rob Riner Companies GP, LLC, Increasing Developer Participation by \$207,410.50 and Increasing City Participation by \$230,226.00 for the Oak Grove Road North of Joel East Road Project and Adopt Appropriation Ordinances

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Change Order No.1 to City Secretary Contract No. 56080, a Community Facilities Agreement with City Participation with Rob Riner Companies GP, LLC, increasing developer participation by \$207,410.50 and increasing City participation by \$230,226.00 for the Oak Grove Road North of Joel East Road project for a revised contract amount \$4,236,780.50 (City Project No. 101902);
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Transportation Impact Fee Capital Fund in the amount of \$230,226.00 from available funds within the Revenue - Service Area X - Transportation Impact Fees project (City Project No. UN9926) for the purpose of funding the Oak Grove Road North of Joel East Road project (City Project No. 101902); and
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Government Community Facilities Agreement Fund in the amount of \$100,000.00 from available funds within the Unspecified-All Funds project (City Project No. UNSPEC) for the purpose of funding the Oak Grove Road North of Joel East Road project (City Project No. 101902).

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of Change Order No. 1 to City Secretary Contract No. 56080, a Community Facilities Agreement (CFA) with City Participation with Rob Riner Companies GP, LLC, for increased costs due to significant delays caused by utility relocations, and to appropriate available funds to cover increased inspection costs on an interim basis.

On April 17, 2018, (M&C) (28660), the City Council authorized the execution of a Community Facilities Agreement with Rob Riner Companies GP, LLC, with City participation and appropriated funds for the project. The CFA was executed on July 23, 2021.

On September 27, 2022, (M&C) (22-0732), the City Council authorized execution of a Roadway and Crossing Rehabilitation Agreement with the Fort Worth & Western Railroad and appropriated funds for the Agreement.

The following table summarizes previous contract action and change orders:

M&C	Developer's Cost	City's Cost	Total Cost	Number	Date
Initial Contract 56080	\$1,837,934.35	\$1,961,209.65	\$3,799,144.00	M&C - 28660	4/17/2018
Change Order 1	\$207,410.50	\$230,226.00	\$437,636.50	This M&C	
Contract Total	\$2,045,344.85	\$2,191,435.65	\$4,236,780.50		

Funding for the increased City participation is available in the Transportation Impact Fee Capital within the Revenue - Service Area X - Transportation Impact Fees project (City Project No. UN9926). The attached appropriation ordinance adjusts appropriations in the Government Community Facilities Agreement Fund - adding \$100,000.00 to this project and reducing the Unspecified project by the same amount to provide interim funding for certain developer costs associated with Oak Grove Rd North (N) of Joel East Road project.

This funding aims to cover inspection services expenses and ensure that the project does not face a shortage of funds. Inspections costs have increased, and the estimated fees previously paid by the developer are not enough to cover the increased costs. The appropriation ordinance is a temporary measure to provide interim funding for inspection costs until the project is complete. The developer is contractually obligated to pay

these costs to the City once the project is completed and closed out.

Funding for the Oak Grove Road North of Joel East Road project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total
Transportation Impact Fee Cap – Fund 30108	\$2,100,000.00	\$230,226.00	\$2,330,226.00
Developer Contribution – Fund 30104	\$257,881.90	\$0.00	\$257,881.90
CFA Developer – Fund 30114	\$103,394.00	\$0.00	\$103,394.00
Govt Community Facilities Agmt - Fund 30111	\$0.00	\$100,000.00	\$100,000.00
Project Total	\$2,461,275.90	\$330,226.00	\$2,791,501.90

Funding is budgeted in the Govt Community Facilities Agmt and Transportation Impact Fee Cap Funds for the purpose of funding the CFA-Oak Grove Rd N of Joel East project.

DVIN does not set a Business Equity goal for developer portions of Community Facilities Agreements on Change Orders and/or Amendments.

The project is located in COUNCIL DISTRICT 8.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds project within the Govt Community Facilities Agmt Fund and in the REVENUE- SA X- Transp Imp Fees project within the Transportation Impact Fee Cap Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Govt Community Facilities Agmt Fund and in the Transportation Impact Fee Cap Fund for the CFA-Oak Grove Rd N of Joel Eas project. Prior to an expenditure being incurred the Development Services and Transportation and Public Works department have the responsibility of verifying the availability of funds.

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Additional Information Contact: