

# Mayor and Council Communication

**DATE:** 03/25/25

**M&C FILE NUMBER:** M&C 25-0279

**LOG NAME:** 80Z. BOAZ SOUTH PARK SSMA - CHAPTER 26

## **SUBJECT**

(CD 3) Conduct Public Hearing and Authorize the Use of Approximately 2.01 Acres of Parkland within Z. Boaz South Park for a Permanent Sanitary Sewer Maintenance Area and Adopt Appropriation Ordinance for a Portion of Water's Contribution to the Fiscal Years 2025-2029 Capital Improvement Program

(**PUBLIC HEARING** - a. Report of City Staff: Lori Gordon; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Conduct a public hearing under the guidelines set forth by the Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands;
  2. Find that no feasible or prudent alternative exists for the use of a portion of parkland within Z. Boaz South Park for a permanent sanitary sewer maintenance area;
  3. Find that the proposed permanent sanitary sewer maintenance area includes all reasonable planning to minimize harm to the parkland;
  4. Close the public hearing and authorize the use of approximately 2.01 acres within Z. Boaz South Park for a permanent sanitary sewer maintenance area;
  5. Authorize the use of approximately 2.65 acres within Z. Boaz South Park for a temporary construction workspace area; and
  6. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Water & Sewer Revenue Bonds Series 2021 Fund by increasing estimated receipts and appropriations in the Mary's Creek Lift Station Site and Force Main Alignment project (City Project No. 103648) in the amount of \$134,000.00 and decreasing estimated receipts and appropriations in the Unspecified All-Funds projects (City Project No. UNSPEC) by the same amount, reflecting a portion of the Water Department's contribution to the Fiscal Years 2025-2029 Capital Improvement Program.
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## **DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize the City of Fort Worth Water Department's (Water Department) use of parkland within Z. Boaz South Park for a permanent maintenance area for installation of sanitary sewer force mains.

On June 14, 2022, City Council approved M&C 22-0412 authorizing the award and execution of an Engineering Agreement with Plummer Associates, Inc., for design of Mary's Creek Lift Station & Force Main Alignment Project (Project) in the amount of \$1,761,590.00.

On February 7, 2024, under Amendment No. 1 to City Secretary Contract No. 57712, the agreement was administratively amended to increase the amount of the agreement by \$99,851.00 to provide additional topographic and archaeological surveying, for a revised contract amount of \$1,861,441.00.

On May 14, 2024, under Amendment No. 2, to City Secretary Contract No. 57712, the agreement was amended by increasing the amount of the agreement by \$2,159,580.00 to provide additional services for the project, including the following: final design of Sections 1, 2, and 3; geotechnical investigations; slope stability study; gabion structures design; storm water modeling for lift station sites; and environmental permitting. The revised contract amount after this increase was \$4,021,021.00.

The Project is approximately 7.5 miles of sanitary sewer force main and two lift stations that will send flow to the future Mary's Creek Water Reclamation Facility. The section of the Project affecting Z. Boaz South Park is approximately 0.754 miles long and stretches between Benbrook Boulevard and Winscott Road.

The Water Department, in coordination with the Park & Recreation Department, evaluated various alignment options to minimize harm to the parkland before selecting the proposed alignment.

The proposed alignment requires a permanent sanitary sewer maintenance area, totaling approximately 87,346 square feet or 2.01 acres. In addition, a temporary construction workspace area totaling 115,380 square feet or 2.65 acres is required for project construction. The project is anticipated to begin in November 2026 and last nine months within the park. The park will be restored to its previous condition or better upon completion of the work.

The City Forester has identified 37 trees within the park that are impacted due to the proposed sewer alignment, requiring a tree mitigation fee in the amount of \$134,000.00. Four (4) of the 37 identified trees are dead and therefore do not require a tree mitigation fee. Thirty-one (31) of the 37 identified trees, totaling 458 diameter inches, require removal and a resulting tree mitigation fee in the amount of \$116,800.00. Two (2) of the 37 identified trees, totaling 52 diameter inches, are identified for potential removal and a tree mitigation fee in the amount of \$17,200.00. The two trees identified for potential removal will be reevaluated two years after construction to determine their condition. If the trees are found in suitable

condition, a refund of fees collected up to the amount of \$17,200.00 will be issued.

The trees include: thirteen (13) cedar elms; five (5) american elms; five (5) red oaks; three (3) green ash; two (2) bur oaks; three (3) pecans; one (1) hackberry; one (1) mesquite; and four (4) dead trees. The existing trees in proximity to the proposed construction site will be protected with fencing. The project consultant will continue to work with the City Forester to reduce the impact of tree loss in the park.

In accordance with Chapter 26 of Texas Parks and Wildlife Code, the City of Fort Worth seeks to use a portion of Z. Boaz South Park for a permanent sanitary sewer maintenance area.

On September 25, 2024, the Park & Recreation Advisory Board endorsed staff's recommendation to the City Council to authorize the use of a portion of Z. Boaz South Park for a permanent sanitary sewer maintenance area as part of the Project.

In accordance with state law, the parkland conversion will be advertised in the *Fort Worth Star-Telegram* and *Dallas Morning News* on March 2, 2025, March 9, 2025, and March 16, 2025.

An email announcing the proposed change of use was sent to registered Neighborhood Associations within one and one-half miles of the park before February 21, 2025 and posted on the City's Web page.

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 M&C will appropriate funds in support of the Water Department's portion of the City of Fort Worth's Fiscal Years 2025-2029 Capital Improvement Program, as follows:

Capital Fund Name	Project Nam	FY2025 CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2025 Budget
Fund 56019 - W&S Rev Bonds Series 2021	103648 - MC LS Site & FM Align	\$0.00	This M&C	\$134,000.00	\$134,000.00

Funds are currently available in the Unspecified All-Funds project within the W&S Rev Bonds Series 2021 Fund for the purpose of funding the MC LS Site & FM Align project.

Appropriations for Mary's Creek Lift Station Site and Force Main Alignment project are as depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
Water & Sewer Bond 2017A - Fund 56011	\$3,608,465.00	\$0.00	\$3,608,465.00
Water & Sewer Bond 2020A - Fund 56017	\$2,159,580.00	\$0.00	\$2,159,580.00
W&S Rev Bonds Series 2021 - Fund 56019	\$0.00	\$134,000.00	\$134,000.00
<b>Project Total</b>	<b>\$5,768,045.00</b>	<b>\$134,000.00</b>	<b>\$5,902,045.00</b>

Z. Boaz South Park is located in COUNCIL DISTRICT 3, south of Mary's Creek Drive, west of Winscott Road, north of Interstate Highway 20, and east of Benbrook Highway.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Unspecified All-Funds project within the W&S Rev Bonds Series 2021 Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the W&S Rev Bonds Series 2021 Fund for the MC LS Site & FM Align project to support the transfer of funds to the Tree Mitigation Capital Fund. Prior to any expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

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

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