

Mayor and Council Communication

DATE: 08/08/23

M&C FILE NUMBER: M&C 23-0663

LOG NAME: 60WEST SQUARE SEWER OVERSIZING

SUBJECT

(CD 3) Authorize Execution of a Community Facilities Agreement with Lennar Homes of Texas Land and Construction, LTD, with City Participation in an Amount Not to Exceed \$119,317.20 for Oversizing an 8-inch Sewer Main to a 10-inch Sewer Main for Anticipated Future Growth in West Fort Worth and Adopt Appropriation Ordinance to Effect a Portion of Water's Contribution to the Fiscal Years 2023-2027 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of a Community Facilities Agreement with Lennar Homes of Texas Land and Construction, LTD, with City participation in an amount not to exceed \$119,317.20 for oversizing an 8-inch sewer main to a 10-inch sewer main for anticipated future growth in west Fort Worth; and
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Water/Sewer Bond 2016 Fund by increasing estimated receipts and appropriations in the CFA Bucket Programmable Project (City Project No. P00001) in the amount of \$140,000.00 and decreasing 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-West Square Phase 1 project (City Project No. 104258) to Effect a Portion of Water's Contribution to the Fiscal Years 2023-2027 Capital Improvement Program.

DISCUSSION:

Lennar Homes of Texas Land and Construction, LTD, (Developer) is constructing the West Square Phase 1 development east of Chapel Creek Blvd and north of Interstate Highway 30. The Water Department is seeking to participate in the project to oversize an 8-inch sewer main to a 10-inch sewer main. The West Square project is assigned City Project No. 104258 and Accela System Record IPRC22-0198.

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, and the City's cost participation will be determined in accordance with the City's community facilities agreement (CFA) unit price ordinance.

The City's cost participation in the construction and oversizing of the sewer main is estimated to be in an amount not to exceed \$119,317.20 as shown in the table below. Payments to the Developer are estimated to be \$111,360.00 for construction costs and \$2,227.20 for material testing costs. The City's cost participation also includes \$5,730.00 to cover the City's portion of construction inspection service fees, administrative material testing service fees, and water lab testing fees. An additional \$16,704.00 in contingency funds will cover the City's portion of any change orders.

A. 10" Sewer Main Construction	Developer Cost	City Cost	Total Cost
1. Water	\$1,359,854.00	\$0.00	\$1,359,854.00
2. Sewer	\$2,090,107.00	\$111,360.00	\$2,201,467.00
Contingency 15%	\$0.00	\$16,704.00	\$16,704.00
4. Paving	\$2,651,967.00	\$0.00	\$2,651,967.00
5. Drainage	\$869,200.00	\$0.00	\$869,200.00
6. Street Lights	\$436,287.00	\$0.00	\$436,287.00

B. Inspections & Testing (300 working days)			
1. Construction Inspection Fee	\$89,000.00	\$4,750.00	\$93,750.00
2. Admin Material Testing Fee	\$27,685.00	\$980.00	\$28,665.00
3. Water Lab Fee	\$2,250.00	\$0.00	\$2,250.00
4. Material Testing Cost	\$0.00	\$2,227.20	\$2,227.20
Total Project Cost	\$7,526,350.00	\$136,021.20	\$7,662,371.20

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 Years 2023-2027 Capital Improvement Program as follows:

Capital Fund Name	Project Name	FY2023 CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2023 Budget
Water/Sewer Bond 2016 - Fund 56005	104258 - CFA- West Square Phase 1	\$0.00	This M&C	\$140,000.00	\$140,000.00

Funding will be available in the Unspecified-All Funds project within the Water/Sewer Bond 2016 Fund for the purpose of funding the CFA-West Square Phase 1 project.

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.

Funding for the Community Facility Agreement (CFA) – West Square Phase 1 project is as depicted in the table below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
Water/Sewer Bond 2016 – Fund 56005	\$0.00	\$140,000.00	\$140,000.00
Project Total	\$0.00	\$140,000.00	\$140,000.00

BUSINESS EQUITY- A goal is not required under Business Equity Ordinance 25165-10-2021 when City spending participation on Community Facilities Agreements are less than \$1,000,000.00 dollars.

This project is located in COUNCIL DISTRICT 3

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds project within the Water/Sewer Bond 2016 Fund and upon approval of the above recommendation and adoption of the attached appropriation ordinance, funds will be available in the Water/Sewer Bond 2016 Fund for the CFA-West Square Phase 1 project to support the approval of the above recommendation and execution of the agreement. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

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Expedited