

# Mayor and Council Communication

**DATE:** 06/22/21

**M&C FILE NUMBER:** M&C 21-0435

**LOG NAME:** 06BAILEY BOSWELL (HARMON TO HORSEMAN)

**SUBJECT**

(CD 2) Authorize Execution of a Community Facilities Agreement with Cow Town Owner, LLC, with City Participation in an Amount Up to \$4,000,000.00 for the Design and Construction of Roadway Improvements for East Bailey Boswell Road from Harmon Road to Horseman Road, Adopt Attached Appropriation Ordinance, and Amend the Fiscal Years 2021-2025 Capital Improvement Program

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize execution of a community facilities agreement with Cow Town Owner, LLC, with City participation in an amount up to \$4,000,000.00 for design and construction of roadway improvements to East Bailey Boswell Road between Harmon Road and Horseman Road;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Transportation Impact Fee Capital Fund, in the amount of \$4,000,000.00, from available funds within the Revenue - Service Area C Transportation Impact Fees project (City Project No. UN9913) for the purpose of funding the Community Facilities Agreement - East Bailey Boswell Road project (City Project No. 103320); and
3. Amend the Fiscal Years 2021-2025 Capital Improvement Program.

**DISCUSSION:**

Cow Town Owner, LLC (Developer) is constructing an industrial development located on East Bailey Boswell Road between Harmon Road and Old Pecos Trail (City Project Number 103320). The Developer is required to construct the eastern two lanes of East Bailey Boswell from Harmon Road to Old Pecos Trail.

City staff would like to participate in the project in order to construct the full, four-lane divided roadway of East Bailey Boswell Road from Harmon Road to Horseman Road with a traffic signal at the intersection of East Bailey Boswell Road and Harmon Road.

The costs stated herein are estimated and the project will follow the public bid process. The project includes an 18% MWBE requirement for the project. The cost of the design and construction of the road improvements is estimated to be \$5,646,412.87 with City participation as shown in the table below.

Components	Estimated Cost	City Participation	Cow Town Owner, LLC
<b>Construction Cost Estimate</b>			
Paving	\$2,895,119.00	\$2,316,095.20	\$579,023.80
Storm Drain	\$622,640.18	\$498,112.18	\$124,528.00
Street Lights	\$204,576.93	\$163,661.54	\$40,915.39
Signals	\$400,000.00	\$400,000.00	\$0.00
Landscape	\$125,590.88	\$100,472.70	\$25,118.18
<b>Construction Cost Estimate</b>	<b>\$4,247,926.99</b>	<b>\$3,478,341.62</b>	<b>\$769,585.37</b>
20% Contingency	\$849,585.40	\$176,658.38	\$672,927.02
<b>Construction Subtotal</b>	<b>\$5,097,512.39</b>	<b>\$3,655,000.00</b>	<b>\$1,442,512.39</b>
<b>Soft Costs</b>			
Material Testing & Inspection	\$203,900.48	\$0.00	\$203,900.48
Engineering Design Fee	\$345,000.00	\$345,000.00	\$0.00
<b>Soft Cost Subtotal</b>	<b>\$548,900.48</b>	<b>\$345,000.00</b>	<b>\$203,900.48</b>
<b>Project Total Cost</b>	<b>\$5,646,412.87</b>	<b>\$4,000,000.00</b>	<b>\$1,646,412.87</b>

This project is located within the Transportation Impact Fee Service Area C and was identified as impact fee eligible in the 2017 Transportation Impact Fee Study. The transportation impact fee funding provides the City participation in the developer project. Revenues from Service Area C (City Project No. UN9913) of the Transportation Impact Fee Capital Fund will fund the City's participation in the design and construction of these improvements. Any residual funds left after project completion and acceptance will be returned to the Service Area C revenues. Any expenses exceeding the city's participation amount, items that are ineligible for transportation impact fee funding, and the developer's proportional share of

the improvements will be funded by Cow Town Owner, LLC.

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.

This project is located in COUNCIL DISTRICT 2.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Revenue - SA C - Transp Imp Fees project within the Transportation Impact Fee Cap Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Transportation Impact Fee Cap Fund for the CFA - East Bailey Boswell Road 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 and the Transportation and Public Works Departments have the responsibility of verifying the availability of funds.

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

**Originating Business Unit Head:** D.J. Harrell 8032

**Additional Information Contact:** Leonard Mantey 2561

Expedited