

AGENDA



Thursday, January 28, 2010

**Austin Water Utility
RECOMMENDATION FOR COUNCIL ACTION**
Item No. 3

Subject: Authorize the negotiation and execution of a cost participation agreement, related to Service Extension Request No. 2846, with GENCAP PARTNERS, LP, providing terms and conditions for construction of lift station, force main and 15-inch gravity wastewater main and appurtenances, to provide wastewater service to the proposed Lakeline Condominiums Subdivision Sections 2 and 3 located at 2902 ½ S Lakeline Boulevard with City cost participation for an overall total amount not to exceed \$1,346,291.

Amount and Source of Funding: Funding is available in the amount of \$1,346,291 in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

Fiscal Note: A fiscal note is attached.

For More Information: Seyed Miri, P.E., 972-0202; Denise Avery 972-0104

Boards and Commission Action: Recommended by the Water and Wastewater Commission.

The Lakeline Condominiums Subdivision Sections 2 and 3 is a proposed multi-family development on approximately 25.3 acres of land located at 2902 ½ S Lakeline Boulevard (the "Property"), 70.6% within the City of Austin's full-purpose jurisdiction and 29.3% within Cedar Park's full-purpose jurisdiction. No occupied structures are proposed to be constructed within Cedar Park's jurisdiction. GENCAP PARTNERS, LP (the "Owner") has submitted Service Extension Request No. 2846 requesting that the City provide wastewater utility service to the portion of the Property which is within the Council approved Impact Fee Boundary, Utility Service Area, the Desired Development Zone and the Buttercup Watershed.

Under the proposed cost participation agreement, the Owner will be required to construct the following oversized wastewater improvements:

The Owner will construct approximately 200 feet of oversized 15-inch gravity wastewater line from the existing 15-inch gravity wastewater line (Project 87-0707) stubbed at the property line of the Property and Lakeline Boulevard, north to a proposed oversized City of Austin lift station. The Owner will construct an oversized City of Austin lift station (estimated at 1,100 gpm) north of Lakeline Boulevard within the Property. From the proposed oversized City of Austin lift station, the Owner will construct approximately 1,800 feet of oversized force main, northeast along the right-of-way of Lakeline Boulevard in an appropriately sized wastewater easement to the Pecan Park Boulevard intersection, and then continue southeast along Pecan Park Boulevard to the existing 15-inch gravity wastewater line (Project 87-0707) in Pecan Park Boulevard. The Property to be served by the proposed oversized wastewater improvements is approximately 17.9 acres consisting of a proposed 550-unit multifamily development with an estimated 187 gpm peak wet weather flow. The development is approximately 17.05% of the capacity of the proposed lift station and force main.

The City's cost participation toward the hard costs for the 15-inch gravity wastewater main and appurtenances will equal 47% of the hard costs since an 8-inch line is only required for this project, but will not to exceed a cap of \$21,996. The City's cost participation toward the soft costs for the 15-inch

gravity wastewater main and appurtenances will equal 15% of the City's cost participation in the hard costs but not to exceed a cap of \$3,299.40. The City's overall cost participation toward the 15-inch gravity wastewater main and appurtenances totals a not-to-exceed amount of \$25,295.40.

The City's cost participation toward the hard costs for the force main and lift station will equal 82.92% of the hard costs but not to exceed a cap of \$1,148,691.60. The City's cost participation toward the soft costs for the force main and lift station will equal 15% of the 82.92% of the City's cost participation in the hard costs but not to exceed a cap of \$172,303.74. The City's overall cost participation toward the force main and lift station totals a not-to-exceed amount of \$1,320,995.34.

The Owner will bear all costs for financing, interest, fiscal security, accounting, insurance, inspections, permitting, easement acquisition and legal services associated with this construction. The City will reimburse the Owner for an overall total amount not to exceed \$1,346,290.74. The cost participation payment will be per City Ordinance requirement of Section 25-9-67 of the City Code relating to cost participation payments. Under this Section, cost participation payments are to be made in one (1) payment 90-days after final acceptance of required improvements.

The Owner will conform to the City of Austin design criteria and construction standards in all respects. The Owner will construct all required improvements at their cost and after approval of construction; the applicant will dedicate the facilities to the City for ownership, operation and maintenance. All units constructed within the City of Austin will be served by City of Austin wastewater service.

The Owner agrees to meet the ethnic specific M/WBE utilization goals or demonstrate a good faith effort to meet the goals for consultants as established by Resolution 20071108-127, Third-Party Agreements.

The Owner also agrees to allow the City to use the Plans and Specifications approved by the Director and, to solicit and publish invitations for bids for the construction of the improvements following standard City bidding practices and procedures, including the minority-owned business enterprise procurement program found in Title 2 of the City Code, as amended, and Chapters 212 and 252, Texas Local Government Code, as amended.