

**AGENDA**



**Recommendation for Council Action**

Austin City Council - Commissioner's Court Meeting	<b>Item ID</b>	34804	<b>Agenda Number</b>	13.
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<b>Meeting Date:</b>	8/28/2014	<b>Department:</b>	Austin Water Utility
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**Subject**

Approve an ordinance authorizing the negotiation and execution of a Developer Participation Agreement with SEAHOLML/R, LLC, for the construction of access driveway infrastructure associated with Austin Water Utility facility access in connection with the Seaholm Power Plant redevelopment project in an amount not to exceed \$28,255.65.

**Amount and Source of Funding**

Funding is available in the Fiscal Year 2013-2014 Capital Budget of Austin Water.

**Fiscal Note**

A fiscal note is attached.

<b>Purchasing Language:</b>	
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<b>Prior Council Action:</b>	
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<b>For More Information:</b>	Chris Chen, P.E., 972-0240; Kevin Koeller, P.E., 972-2055; Denise Avery, 972-0104; Greg Kiloh, 974-7836; Gordon Bowman, 974-2346
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<b>Boards and Commission Action:</b>	August 13, 2014 - Recommended by the Water and Wastewater Commission on a 6-0-0-1 vote.
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<b>MBE / WBE:</b>	This contract will be awarded in compliance with the City of Austin Third Party Resolution No. 20120112-058.
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<b>Related Items:</b>	
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**Additional Backup Information**

Seaholm L/R, LLC, ("Developer") is currently constructing a mixed use project on the site of the City's former Seaholm Power Plant (the "Project"). In connection with the development of the Project, Developer has agreed in the Project's Master Development Agreement to provide a basic access driveway on a portion of the Property, which is commonly referred to as the "Event Lawn," in order to allow the Austin Water Utility to access its underground infrastructure.

The City has requested that the driveway be "over-sized" through the installation of a proprietary geo-grid reinforcing system to accommodate the weight of utility service vehicles. Pursuant to the authority of Section 212.071, et seq., of the Texas Local Government Code, the City may participate in oversizing the size, scale, and scope of the City's portion of developer constructed infrastructure improvements. The Developer is presently offering through a Community Facilities Agreement, to be responsible for the design, permitting, and construction of the driveway improvements, including the proprietary geo-grid reinforcing system.

Under such an arrangement, the City will be responsible for the proportionate cost of funding the design, permitting, and construction of the portion of the driveway improvements associated with the proprietary geo-grid reinforcing system and the Developer will continue to be responsible for the portion of the costs associated with a basic access driveway. After the construction of the reinforced driveway system, the area of the driveway will be re-vegetated and maintained by the Developer to provide an aesthetically consistent appearance.

The Developer will provide for the construction of the driveway improvements through its construction manager in compliance with the Project's legal requirements, including the City's Third Party Resolutions, and design, permit, and construct the City's portion of the improvements for the not-to-exceed cost of \$28,255.65.

The City will reimburse the Developer up to \$28,255.65 and the Developer will pay the remaining cost of a basic access driveway. Participating in the construction and costs of the reinforced access driveway improvements will serve the public interest by providing for the expedited design, permitting and construction of the infrastructure improvements at a significant savings to both the Developer and City in funds and resources.