

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, May 25, 2006

Back

Item #2

Austin Water Utility RECOMMENDATION FOR COUNCIL ACTION

Subject: Approve an ordinance authorizing negotiation and execution of a cost participation agreement with Lennar Homes, providing terms and conditions for construction of an appropriately sized wastewater lift station, force main and appurtenances to provide wastewater service to Marbridge Estates located at Brodie Lane and Frate Barker Road with City cost reimbursement for hard construction costs in an amount not to exceed 51.82% of the actual costs of construction (hard costs) or \$684,957, whichever is less, and an amount not to exceed 15% of the "hard" construction costs or \$102,744 whichever is less for costs incurred by the developer for engineering, design and project management (soft costs), for an overall total cost reimbursement amount not to exceed \$787,701; waiving the requirements of Section 25-9-61, of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63, of the City Code relating to use and maximum amount of cost reimbursement.

Amount and Source of Funding: Funding in the amount of \$787,701 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

Fiscal Note: A fiscal note is attached

Additional Backup Material

(click to open)

[W&WW Commission Recommendation 00161W](#)

[RCA052506 MAP 00161W](#)

[AWU FISCAL NOTE 00161W](#)

[Comments on RCA changes](#)

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

Boards and Commission Action: Recommended by Water and Wastewater Commission

Marbridge Estates is a proposed 301 lot single-family development located on approximately 136 acres of land situated along both sides of Brodie Lane between Frate Barker Road and F.M. 1626 (the "Property"), currently outside the corporate limits of Austin. Lennar Homes, (the "Owner") has submitted Service Extension Request Number 2436, requesting the extension of City wastewater utility service to the Property, which is within the Desired Development Zone and Bear Creek Watershed.

The proposed wastewater main improvements have been identified as a required wastewater improvement to serve this portion of the Bear Creek Watershed.

Under the proposed cost participation agreement, the Owner would construct an appropriately sized permanent lift station (approximately 550 gpm) on an appropriately size site within the

Property (dedicated as a lift station easement) and approximately 3,900 feet of appropriately sized force main from the proposed lift station north to the existing 12-inch gravity wastewater main in Frate Barker Road at Brodie Lane.

The total "hard" cost of the permanent wastewater lift station and force main is estimated at \$1,321,800.00. The total cost participation under this agreement will be for 51.82% of the actual "hard" construction costs of the permanent wastewater lift station, force main and appurtenances constructed within public right-of-way or easements for a total not to exceed \$684,957.00. A pro-rata share of 48.18% of the hard cost will be borne by the Owner.

The City will reimburse Lennar Homes, the costs for engineering, design and project management of the permanent wastewater lift station, force main and appurtenances within public right-of-way or easements for a total not to exceed 15% of the 51.82% of the actual "hard" construction costs or \$102,744.00, whichever is less. Lennar Homes will bear all other "soft" costs for financing, accounting, and legal services associated with the permanent wastewater lift station and force main.

Since the City requested that the Owner construct wastewater improvements beyond those needed only to serve the proposed development, the Owner is requesting a waiver from City Ordinance requirements of:

(a) waiver of the requirements in Section 25-9-61 relating to eligible facilities and the maximum reimbursement (per LUE) of eligible facilities. Under this Section, force mains less than 12-inches in diameter are not reimbursable. Wastewater lift stations under this Section are reimbursed at a rate of \$80 per LUE; and

(b) waiver of the requirements in Section 25-9-63 relating to the use and maximum amount of cost reimbursement. Under this Section, the amount of reimbursement is for the actual "hard" construction costs. The waiver of this provision is to permit reimbursement of "soft" costs and permit reimbursement in an amount greater than set forth in Section 25-9-61.

Cost reimbursement payments for the permanent wastewater improvements to the Owner to be made in one (1) payment on March 1 of the second year following the year in which the wastewater improvements are accepted in accordance with Section 25-9-67 of the City Code.

The Owner will conform to the City of Austin design criteria and construction standards in all respects. The Owner agrees to allow the City to use the Plans and Specifications approved by the Director, 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 Chapter 5-7, City Code, as amended, and Chapters 212 and 252, Texas Local Government Code, as amended.

... 050306-I

**RECOMMEND AUTHORIZATION TO NEGOTIATE AND EXECUTE A COST
PARTICIPATION AGREEMENT WITH LENNAR HOMES**

**May 3, 2006
REGULAR MEETING
VOTE: 8-0-0-1**

Motion made by: Lee

Commissioners Consenting: Friese, Pool, Gonzalez, Warner, Coleman, Scott-Ryan, Raun

Commissioners Dissenting:

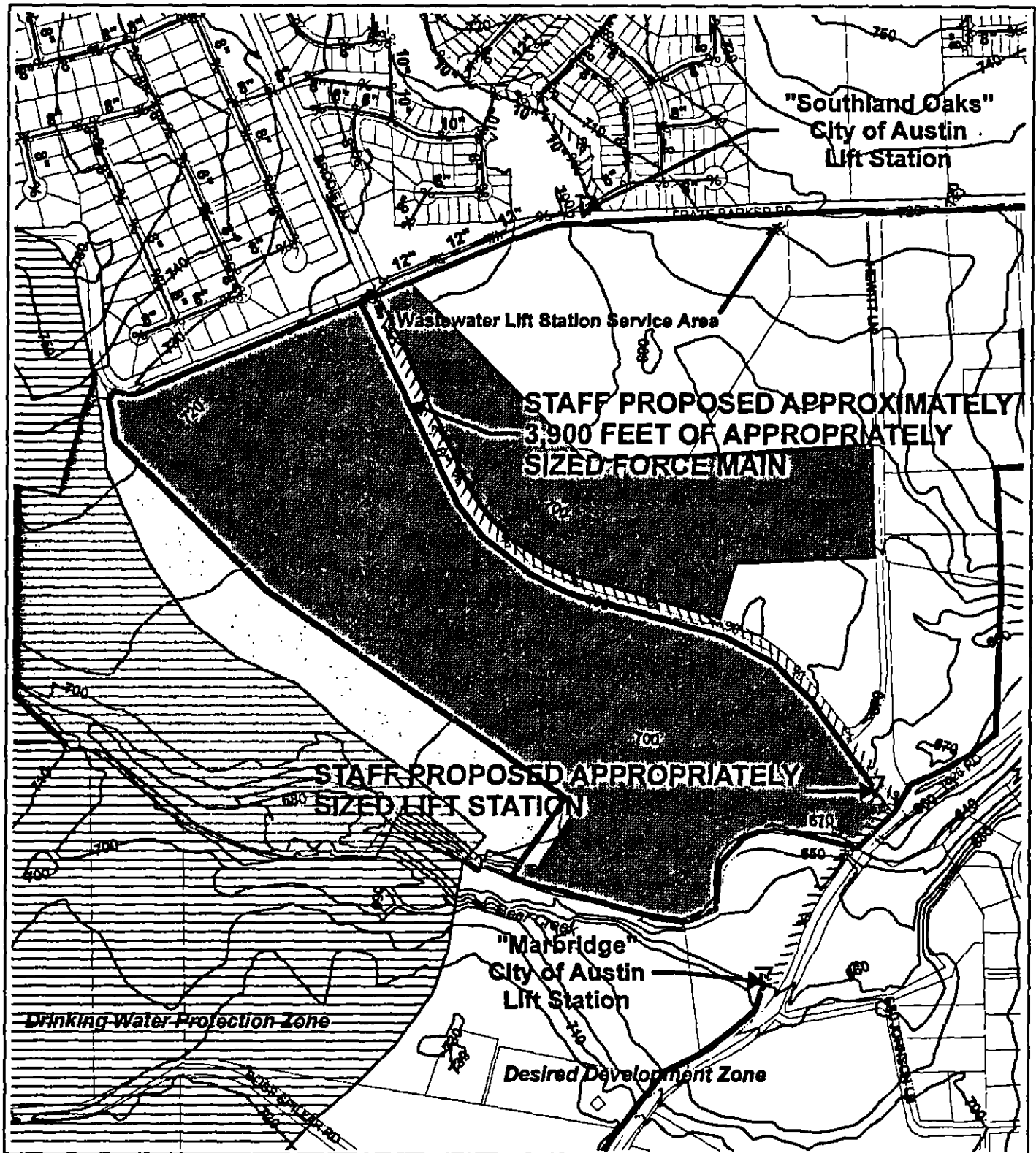
Commissioners Abstaining:

Commissioners Absent: Chan

The Water and Wastewater Commission recommend authorization to negotiate and execute a cost participation agreement with Lennar Homes, providing terms and conditions for construction of an appropriately sized wastewater lift station, force main and appurtenances to provide wastewater service to Marbridge Estates located at Brodie Lane and Frate Barker Road with City cost reimbursement for hard construction costs in an amount not to exceed 51.82% of the actual costs of construction (hard costs) or \$684,957.00, whichever is less, and an amount not to exceed 15% of the hard construction costs or \$102,744.00 whichever is less for costs incurred by the developer for engineering, design and project management (soft costs), for an overall total cost reimbursement amount not to exceed \$787,701.00; approve an Ordinance waiving the requirements of Section 25-9-61, of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement.


Michael Warner, Chairperson
Water and Wastewater Commission

5/3/06
Date



610 305 0 610 Feet

- Subject Tract
- City Limits
- Proposition 2 Water Quality Protection Land

■
W.W. S.E.R. Name: Marbridge Estates
Subdivision (Revised)
W.W. S.E.R. Number: 2436

Utility Development Services Plotted 3/16/2008

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

05/25/06
Resolution
Austin Water Utility

DESCRIPTION:

Subject: Authorize negotiation and execution of a cost participation agreement with Lennar Homes, providing terms and conditions for construction of an appropriately sized wastewater lift station, force main and appurtenances to provide wastewater service to Marbridge Estates located at Brodie Lane and Frate Barker Road with City cost reimbursement for hard construction costs in an amount not to exceed 51.82% of the actual costs of construction (hard costs) or \$684,857.00, whichever is less, and an amount not to exceed 15% of the "hard" construction costs or \$102,744.00 whichever is less for costs incurred by the developer for engineering, design and project management (soft costs), for an overall total cost reimbursement amount not to exceed \$787,701.00; approve an Ordinance waiving the requirements of Section 25-9-61, of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2005-06 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 575,217,293.00
Unencumbered Balance	137,874,960.82 *
Amount of This Action	<u>(787,701.00)</u>
Remaining Balance	<u>\$ 137,087,259.82</u>
Current Available Balance	\$ 167,668,202.37
Less Outstanding Commitments	<u>(29,793,241.55)</u>
Estimated Unencumbered Balance	<u>\$ 137,874,960.82 *</u>

Utility Finance:


David Anders, Utilities Finance Manager

Date:

5/10/06

REF. # 4570 237 3055