



## Recommendation for Action

**File #:** 19-2611, **Agenda Item #:** 5.

8/22/2019

### **Posting Language**

Authorize the negotiation and execution of a cost participation agreement with Philip Boghosian Living Trust for the City to reimburse the developer in an amount not to exceed \$5,388,877.00 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 4038 that will provide wastewater service to a proposed mixed use development located at Slaughter Lane and Thaxton Road.

### **Lead Department**

Austin Water

### **Fiscal Note**

Funding is available in the Fiscal Year 2018-2019 Capital Budget of Austin Water.

### **For More Information:**

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or [AgendaOffice@austintexas.gov](mailto:AgendaOffice@austintexas.gov).

### **Council Committee, Boards and Commission Action:**

August 14, 2019 - To be reviewed by the Water & Wastewater Commission.

### **Additional Backup Information:**

The 116 Ac Thaxton Road Tract project consists of approximately 116.47 acres of land located north and south of Slaughter Lane and west of Thaxton Road (the "Property"). The Property is located entirely within the City of Austin's (the "City") 2-mile Extra-Territorial Jurisdiction, Impact Fee Boundary, Austin Water's service area for wastewater, the Desired Development Zone, and the Marble Watershed. A map of the property location is attached.

Philip Boghosian Living Trust (the "Applicant") is proposing to develop approximately 340 single-family homes, 350 multi-family units, and 30,000 sq. ft. office space. The Applicant requested that the City provide wastewater utility service to the Property as proposed in Service Extension Request (SER) No. 4038. Austin Water will provide retail water service to the Property.

In accordance with Chapter 25-9 of the City Code, the City has asked the Applicant to oversize the gravity wastewater main in order to serve additional properties within the Marble drainage basin consistent with the City's long range planning goals for this area. If approved by City Council, the City will cost participate in this construction project only to the extent of the City's proportionate share of the oversized main.

The proposed oversized improvements include construction of approximately 10,500 feet of 30-inch wastewater interceptor along Marble Creek between E William Cannon Drive and E Slaughter Lane and approximately 3,700 feet of 30-inch wastewater interceptor along E William Cannon Drive between Marble Creek and Onion Creek.

The City will reimburse the Applicant for an overall total amount not to exceed \$5,388,877.00 for hard costs

---

and soft costs. Hard costs include, but are not limited to, construction and materials. Soft costs include, but are not limited to, preliminary engineering reports, surveying, geotechnical studies, design, and project management. The City's cost participation by project component is as follows:

- For costs of the 30-inch wastewater interceptor along Marble Creek (the minimum pipe diameter of 12-inches required to serve the Property to an oversized 30-inch) and appurtenances, the City's maximum participation consists of: (1) hard costs, in an amount not to exceed 60% of the hard costs of the 30-inch wastewater interceptor and appurtenances, and (2) soft costs, in an amount not to exceed 15% of the City's hard cost participation amount.
- For costs of the 30-inch wastewater interceptor along E William Cannon Drive (the minimum pipe diameter of 18-inches required to serve the Property to an oversized 30-inch) and appurtenances, the City's maximum participation consists of: (1) hard costs, in an amount not to exceed 40% of the hard costs of the 30-inch wastewater interceptor and appurtenances, and (2) soft costs, in an amount not to exceed 15% of the City's hard cost participation amount.

Other terms of the agreement will require that the Applicant:

- Pay all costs for financing, interest, fiscal security, accounting, insurance, inspections, permitting, easement acquisition, legal services, and other non-reimbursable soft costs associated with the project;
- Conform to the City's design criteria and construction standards;
- Construct all improvements at their cost and, after the City's final approval of the construction, dedicate the facilities to the City for ownership, operation, and maintenance;
- Allow the City to use the project plans and specifications approved by the City to solicit and publish invitations for bids for the construction of the improvements; and
- Follow the City's standard bidding practices and procedures, including the minority-owned business enterprise procurement program found in Title 2 of the City Code, and Texas Local Government Code Chapters 212 and 252.

The proposed project will be managed through Austin Water staff and is located in zip code 78747 and is near the boundary of City Council District 2.