

CITY COUNCIL MEMORANDUM

AGENDA ITEM

City/Owner Agreement to oversize public drainage infrastructure within the Cospers Ridge Estates, Phase Five Subdivision

ORIGINATING DEPARTMENT

Public Works/Engineering

BACKGROUND INFORMATION

The developer of the Cospers Ridge Estates, Phase Five Subdivision, has requested that the City of Killeen materially participate to increase the size of certain public infrastructure. The development abuts the previously completed phases of the Cospers Ridge Estates Subdivision to the north and Chaparral Road to the south. Undeveloped property abuts Phase Five of the subdivision to the east and west.

DISCUSSION/CONCLUSION

Process Summary

Section 26-85 of the Killeen Code of Ordinances defines the process wherein the City may enter into an agreement with a developer to construct public improvements, not including a building, related to land development. Under such an agreement, the developer constructs the improvements and the City participates in project costs within prescribed limits.

To begin the process, the developer submits a letter of intent seeking City cost participation - in this specific case, for the material over-sizing of public drainage infrastructure. The request for City cost participation must be associated with a legal subdivision of land. Through review of appropriate documentation, City staff and the developer come to a mutual understanding of project scope and over-sizing (i.e., not infrastructure required to support the proposed development itself, but additional material and labor required to meet a defined public need or provide a regional benefit).

The developer constructs the public improvement project under the terms and conditions of an agreement-in-form approved by the City Attorney. This standard form of agreement conforms to Local Government Code requirements for City participation and was previously adopted by City Council resolution (CCM/R 02-112R). In support of the proposed agreement, the developer must provide a detailed quantity take-off presenting the differential costs for over-sizing public infrastructure. This is accomplished by a standard form of cost tabulation requested by Public Works staff to evaluate whether the developer-proposed project costs are reasonable and reflect current industry standards.

The developer must clearly delineate public benefits and identify discrete over-sizing costs for the proposed project. A project evaluation is performed by Public Works/Engineering staff, which includes a vetting of proposed unit costs and rates. The sources of construction cost data for review and comparison include other recent city-owner agreement project costs for

similar work completed by local developers, as well as bid tabulations from recent similar capital improvement projects advertised by the City. Staff evaluation of project costs may include a review of regional or national cost indices for infrequently-performed or unique construction. City staff may also pursue best-value negotiations with the developer that may include, but not necessarily be limited to, alternate alignments or alternate materials.

Once a mutual project understanding is achieved, the proposed project and cost participation agreement is submitted to the developer for concurrence. Under past standing protocol, an owner-executed agreement is forwarded directly to the City Council for consideration. Agreements are often considered concurrent with a plat application for the subdivision in which the proposed project would be constructed; however, Killeen Code of Ordinances Section 26-85(b)(5) allows for consideration of a city-owner agreement at any time during the development process.

Project Summary

The City's adopted Drainage Master Plan (DMP) acknowledges that administrative measures may be used to reduce stressors on and improve the efficiency of the City's drainage system. Two of the administrative measures discussed in the DMP are City/Owner Agreements and regional participation to promote enhanced drainage improvements. These tools can be used to support projects that address the priorities of the drainage CIP.

A City/Owner Agreement can be used to stipulate how a developer would construct regional drainage improvements for a public benefit and how these improvements would be dedicated to the City for future operation and maintenance. The City/Owner agreement can provide a means to oversize drainage infrastructure to meet a regional need (e.g., construction of a common storm water conveyance between abutting developed and/or undeveloped properties) and define equitable compensation to an individual developer for construction of such infrastructure.

Regional participation within a watershed leads to more effective drainage solutions. For example, channel improvements at the convergence point of a drainage basin allows for greater flood hazard protection of upstream and downstream development. Increased post-development storm water flows may then be passed through the upper reaches of a drainage basin to be captured and controlled in a downstream control feature.

The developer of the Cospers Ridge Estates, Phase Five Subdivision, submitted a project proposal for oversizing a storm conduit and a downstream channel for regional benefit within the development. The proposed City/Owner Agreement addresses the completion of selected drainage improvements in the subdivision with ultimate public dedication. Staff evaluated the developer's proposal and concurred that the proposed project to oversize storm conduits within the subdivision provides regional benefit.

The attached City/Owner Agreement reflects the cost to oversize approximately 725 linear feet of 42-inch diameter storm water pipes with appurtenances, open channel transitions, and earthen channel improvements, and associated engineering design and surveying services (\$37,407.15). The developer's proposed project proposal was reviewed by staff and found to be reasonable with material costs reflecting current industry pricing.

FISCAL IMPACT

Funding in the amount of \$37,407.15 for construction of the described regional drainage improvements is available in Fund 347-3490-800.50-63, designated for public improvement project participation. The balance in this account prior to this agreement being let is \$37,408.

RECOMMENDATION

Recommend that the City Council agree to participate in oversizing public drainage infrastructure within the Coper Ridge Estates, Phase Five Subdivision, and to authorize the Interim City Manager to execute a City/Owner Agreement for these public improvements.