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## City Council Regular Meeting

**DEPARTMENT:** Public Works  
**FROM:** Eric Oscarson, Public Works Director  
**MEETING:** October 3, 2022

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**SUBJECT:**

Consider approval of a resolution authorizing a community facilities contract with RA Development, LTD, for the construction of approximately 8,800 linear feet of Lakewood Drive, authorizing the City Manager to execute the contract on behalf of the City, and authorizing the City Attorney to make any necessary further changes to the contract. (*Staff Presenter: Eric Oscarson, Public Works Director*)

**SUMMARY:**

On June 7, 2021, the City Council approved a Chapter 380 and Economic Development and Performance Agreement for the development of Chisholm Summit, a proposed master-planned community of approximately 1,000 acres and planned office park on the west side of the City between Wilshire Blvd and the Chisholm Trail Parkway. There are several parties to this agreement; however, RA Development, Ltd, will act as the developer under the agreement.

The developer will design and construct public roadway and sanitary sewer improvements in several phases as part of the agreement. The proposed public improvements will include the extension of Lakewood Drive from just south of CR 1020 to FM 1902 and will serve the Burleson Economic Development Corporations' future planned office park. Public sanitary sewer improvements will also be constructed to serve both the master-planned community and future office park.

The developer is required to enter into a community facilities contract (CFC) with the City and contractor for each phase of construction. A community facilities contract (CFC) is a contract between the City and a developer when the construction of public infrastructure is funded entirely or in part by a developer. It ensures that public infrastructure adequately serves new development and that the infrastructure improvements are constructed according to city standards. A CFC may include several categories of infrastructure, including streets, sidewalks, street lights, street name signs, traffic signals, storm drainage, water, and sanitary sewer. The CFC typically consists of three parts:

- Contract – The agreement and corresponding exhibits and cost estimates describing the infrastructure improvements to be constructed or funded;
- Financial guarantee - A bond, letter of credit, cash escrow, or completion agreement in an amount sufficient to guarantee project completion, as required by policy;

- Fees - Payment for impact fees and city services, including contract administration, construction-inspection, materials testing, and installation of street lights, street name signs and/or traffic signals, as applicable.

This CFC is for construction of Lakewood Drive to serve the master-planned development and the Burleson Economic Development Corporation's future planned office park. A CFC for the construction of the sanitary sewer improvements will be presented to the City Council for consideration at a future date.

The City Council is required to approve any deviation from the standard CFC required by the City's Subdivision and Development Ordinance. The language in the CFC has been modified to add reference to the Chapter 380 and Economic Development and Performance Agreement for the development of Chisholm Summit and Hooper Business Park.

#### **OPTIONS:**

- 1) Approve a community facilities contract with RA Development, LTD, for the construction of approximately 8,800 linear feet of Lakewood Drive and authorize the City Manager to execute the contract on behalf of the City.
- 2) Deny a community facilities contract with RA Development, LTD, for the construction of approximately 8,800 linear feet of Lakewood Drive and authorize the City Manager to execute the contract on behalf of the City.

#### **RECOMMENDATION:**

Approve a community facilities contract with RA Development, LTD, for the construction of approximately 8,800 linear feet of Lakewood Drive and authorize the City Manager to execute the contract on behalf of the City.

#### **PRIOR ACTION/INPUT (Council, Boards, Citizens):**

September 20, 2021 – Economic Development Corporation Board (EDCB) – Type A

- Reimbursement resolution to R.A. Development, Ltd. for roadway design costs
- Design Contract with Kimley Horn Associates for design review of Lakewood Drive

September 20, 2021 – City Council

- Reimbursement resolution to R.A. Development, Ltd. for sewer design costs and ratification of EDCB action on the reimbursement resolution to R.A. Development, Ltd. for roadway design costs
- Design Contract with Kimley Horn Associates for design review of Lakewood Drive and sanitary sewer facilities
- Ratification of EDCB action on the design contract with Kimley Horn Associates for design review of Lakewood Drive

October 18, 2021 – City Council

- Resolution approving the final phase one sewer design and authorizing reimbursement to R.A. Development, Ltd. for sewer construction costs

- Community Facilities Contract with R.A. Development, Ltd. for the construction of approximately 7,500 linear feet of sanitary gravity sewer
- Memorandum of Understanding with R.A. Development, Ltd. setting a process by which the City may inspect the work and expenditures related to the construction of the sewer and roadway improvements
- Professional Services Contract with Teague Nall and Perkins, Inc. for construction inspection of Lakewood Drive and sanitary sewer facilities
- Minute Order authorizing the award of an invitation to bid for the Mockingbird Lane to CR 914A sewer improvements

**FISCAL IMPACT:**

None

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