



**Water & Wastewater Commission  
Review and Recommendation**

<b>Commission Meeting Date:</b>	August 4, 2021	<b>COA Strategic Direction:</b>	Government That Works for All
<b>Council Meeting Date:</b>	August 26, 2021		
<b>Department:</b>	Austin Water		
<b>Client:</b>	Kevin Critendon		
<b>Agenda Item</b>			
<p>Recommend approval to negotiate and execute a cost participation agreement with Stillwater Capital Investments, LLC for the City to reimburse the developer for an amount not to exceed \$1,930,850 for costs associated with the design and construction of an oversized lift station and force main related to Service Extension Request No. 5078 that will provide wastewater service to a proposed residential development located at 13338 Old San Antonio Road.</p>			
<b>Amount and Source of Funding</b>			
<p>Funding is included in the Proposed Fiscal Year 2021-2022 Capital Budget of Austin Water.</p>			
<b>Purchasing Language:</b>	N/A		
<b>Prior Council Action:</b>	N/A		
<b>Boards and Commission Action:</b>	August 4, 2021 – To be reviewed by the Water and Wastewater Commission.		
<b>MBE/WBE:</b>	NA		

The Stillwater Old San Antonio Rd project consists of approximately 36.15 acres of land located at 13338 Old San Antonio Road (the "Property"). The Property is located 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 Onion Creek Watershed. A map of the property location is attached.

Stillwater Capital Investments, LLC (the "Applicant") is proposing to develop approximately 163 single-family homes. The Applicant requested that the City provide wastewater utility service to the Property as proposed in Service Extension Request (SER) No. 5078. Additionally, the Applicant is proposing to develop an adjacent 22-acre tract with approximately 371,280 square feet of office-warehouse and has requested the City provide wastewater utility service as proposed in SER No. 5085. Upon the Property's release from Creedmoor-Maha's water service area (CCN), the Applicant has requested Austin Water also 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 lift station and force main in order to serve additional properties within the Onion Creek 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 lift station and force main.

The proposed oversized improvements include construction of an oversized lift station located within the Property and approximately 4,000 feet of oversized force main from the proposed lift station north along Old San Antonio Rd and connect to the existing 15-inch gravity wastewater main near Avenida Mercado St.

The City will reimburse the Applicant for an overall total amount not to exceed \$1,930,850 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 oversized lift station and force main (the minimum pumping capacity of 173 gpm to serve the Property and the Applicant's adjacent property to an oversized pumping capacity of 640 gpm), the City's maximum participation consists of: (1) hard costs, in an amount not to exceed 73% of the hard costs of the lift station and force main 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 78652, near City Council District 5.