

MINUTES
CITY COUNCIL MOBILITY COMMITTEE
September 21, 2015

After determining that a quorum of the Mobility Committee of the Denton City Council was present, the Committee convened into a meeting on September 21, 2015 at 11:32 a.m. in the City Council Work Session Room, 215 E. McKinney Street, Denton, Texas.

Present: Council Members Dalton Gregory, Kevin Roden and Greg Johnson

Also Present: Howard Martin, ACM; Jon Fortune, ACM; John Cabrales, ACM; Mark Nelson, Director of Transportation; John Davis, Director of Engineering Services; P.S. Arora, Assistant Director of Wastewater; Keith Gabbard, Supt of Drainage, Streets and Traffic; Julie Anderson, Bike Coordinator Pedestrian Coordinator; John Polster, ITS; Jeff Whitaker, Kimley Horn and Kim Mankin, Administrative Supervisor.

REGULAR MEETING

A. MC15-007 -

Consider approval of the Denton City Council Mobility Committee meeting minutes of August 11, 2015.

Approved with one change.

B. MC15-006 –

Receive a report, hold a discussion and provide direction regarding Texas Department of Transportation On-System projects within or near Denton city limits.

John Polster gave the update on this item.

FM2181- East West section west of Barrel Strap Road, the south side of the road is completed (east bound). West bound section is now being constructed. The completion date is March 2016 on-track to be substantially complete in January 2016. The critical issue on this project is that it establishes the four legs of the intersection between 2499 and 2181.

FM2181 – North South

Project is funded with Prop 1 funds. Let date June 2016. Huitt-Zollars is working to get a 95% plan set ready for submittal to TxDOT on the North-South project and expects to submit by the end of September 2015. Huitt-Zollars met with TxDOT District Drainage Engineer to discuss unique conditions and a few of the outfalls.

FM2499 - Section 5

Robinson Road south is phase 1, Robinson Road north is phase 2. Just north of Barrel Strap Road there was a problem with a 'slurry pit' that is 600 feet long and 200 feet wide. It was discovered when a contractor sank a front-in loader about 30 feet in the ground. The alternative that was chosen was to add casings and piers 60 to 70 feet down much like building a bridge. This will add about \$4 million to the project, negotiations are going on

between TxDOT and Denton County to see who will pay. This may cause the completion date to move to March 2017.

Johnson asked if there will be improvements at Robinson Road where 2499 crosses.

Polster answered there will be improvements not sure if that will be Phase 1 or Phase 2.

Johnson then asked staff if there a discussion regarding Robinson Road between FM2181 and FM2499 as both intersections are being widened the section of road could use improvements for safety reasons. Staff will look into this.

US377/Fort Worth Drive – I-35 to FM1830

Project scheduled for third quarter 2017 let. There were negotiations with Union Pacific that are holding the project regarding a temporary ‘shoo fly’. This is fully funded using RTR funds.

Gregory asked the timeline and if the road will be completely closed at any time. Polster answered there should not be any roads closed completely. There may be times at night when there may be temporary closures.

US380 – FM156 to I-35

This project is using Prop 12 funding. Contractor is Texas Sterling Construction Co. and are anticipating completion by September 2016.

US380 – In town Project

Completion October 2016. West bound traffic is being worked on.

Roden asked about sidewalks. Polster will verify, but is certain they are included.

FM426

Polster stated there is \$18.9 million available for this project. City and TxDOT are investigating various implementation alternatives to determine the most expedient path forward for improvements to FM426. Various alternatives include:

- Developing the project as a state let and constructed the facility which would require compliance with all state and federal regulatory processes and necessitate the relocation of city utilities. This process would see FM 426 stay a state facility.

Gregory asked if TxDOT would cover the relocation of the utilities. Polster answered depends on where the utilities lie in regards to the utility easements. Gregory asked if staff knows what is in the easement and what it will cost to move the utilities and is this budgeted.

Another alternative would be to develop the project as a metropolitan highway which would have the state let and construct the facility in compliance with all state and federal regulatory processes. However, the impact to city utilities would be minimized, but the city would have to take FM 426 as a city street upon completion of the construction project.

Gregory asked if just a section is being complete and they turn it over to the City, would the other sections would remain the same. Polster answered it is a possibility, but one thing that the state is suggesting is taking 426 FM off in its entirety.

Another alternative is to develop the project as a local let and constructed project using typical city regulatory processes. This process would allow the city to design and construct the facility consistent with its objectives without any state or federal oversight. However, this approach would require the funds available for FM426 to be converted from STP-MM to Regional Toll Revenue funds and would require the city to take FM426 as a city maintained street.

Polster added that alternate 3 is the same as Bonnie Brae and Mayhill. That would require limited benefits. You could use your own design, criteria and develop the project with your objectives (i.e. sidewalks). It would require reconverting the 426 project from STP-MM to RTR project. Currently timing is good, the commission will act in November on all Prop 1 funds for 2016 and 2017 and that action is what will free up the \$45 million. We would like to take the STP-MM money off of 426 and add to Loop 288 job and take RTR money that was to go to Loop 288 project and put on 426. This would free up the third alternative. There are two issues. One is to identify the years available for the STP-MM money for 426, second TxDOT does not want 426 left in their possession at the end.

Gregory asked if originally the \$18.9 million was to enlarge FM426 to four lanes from Woodrow past Ryan High School. Polster answered 1.4 miles east and west of Loop 288. There is a concern of how far the \$18.9 million will go. Gregory asked if we are limited to the \$18.9 million. Polster answered that east of Loop 288 is still eligible for STP-MM funding because it is still a metropolitan highway. There are always additional opportunities.

Johnson asked if you take the \$18.9 million and take FM426 off system, would the City be required to build the 1.4 miles in each direction from Loop 288. Polster answered there are no requirements. Johnson suggested moving forward with the east portion and getting the congestion under control around Ryan High School. Roden asked if the east portion doesn't take the entire \$18.9 million does the remainder go into saving for the west portion of FM426. Polster answered to do a project that is close to \$18.9 million.

There was a discussion regarding the area that would be designated as a City Street. Polster ended by saying East of Woodrow to the city limit would be the designation.

Mobility Committee concurred on Option 3.

Roden asked assuming option 3 is approved, what is the projected timeline. Polster answered with all minds knowing which direction we are going is soon, to have it all on paper will be a little while.

Gregory asked if option 3 makes the project happen faster than the other options and where would the cost compare with the other options. Polster answered he believes it will cost less. Fortune stated that he believes the portion from Woodrow 1.4 miles past Loop 288 would be around \$25-\$30 million. The gap between \$18.9 million and \$30 million isn't that great. Going with option 3, staff could make the \$18.9 go further. When this is designed staff can look to see where the money is, and go ahead and file for additional resources.

Martin stated the other thing that has been discussed is how much further do you go past Ryan High School.

Gregory asked how to fill the funding gap. Polster answered that TXDOT has agreed to work as long as FM426 is taken off system. After that you submit a TIPMOD to change the funding on FM426 back to RTR using the funding coming in November. This will change from a state implemented job to a local implemented job.

Gregory asked if staff has looked at the right of way and what would need to be purchased. Polster answered the intent is to stay within the existing right of way as much as possible.

Roden asked about how long until this project is complete. Davis answered about three years. Fortune added that there are other things being looked at in the interim such as building a temporary sidewalk the same as with Guyer High School.

Roden finished by saying the interest would be solving the problem as soon as possible and using option 3. It is encouraging to see there are alternatives options in the interim for getting side paths.

C. MC15-005

Receive an update and hold discussion on the Road Impact Fee implementation.

Howard Martin stated by saying the last component of the Road Impact Fee is the incentive component. Staff does not have to have the incentive component figured out if this is moved forward. The impact fee can move forward and come back over a period of time and finalize at a later date. This could be in an update at a future date.

Roden agreed that this is before the Mobility Committee to come up with a recommendation to Council that may move a little quicker.

There was some discussion getting started. *Johnson asked when was the first time Council saw the 'zones'.* P.S. Arora stated that the study was approved last year. *Johnson stated as he remembers there was many questions regarding the zones, what would keep us from having more than the five zones that are recommended. With smaller zones people could see the projects in their own areas.* Arora stated one of the answers that was given was that if you have too small of zones there would not be enough money collected in the zone for a project. If the zone is a little larger then there is more development activity going on in the zone. The pool of money would be larger. The money would be spent where there is the highest need in the zone. Otherwise money would be sitting in smaller pockets and may not be enough by its self for a project. Martin added there is a minimum number of zones that you would need to have that is dictated by the six mile radius. The minimum is five, you can have more but then you may get into to project specific in order have enough money to do a complete project.

Gregory hasn't seen what it may look like and how much may be collected including growth rate.

Arora stated the fewer number of zones the easier it is to manage them. It is easier to pool the money and complete projects. There was much criteria that went into the five zones.

There was also a balance because of the development. The benefit of the larger zones more money will be collected to have meaningful projects.

Davis added the fewer zones the greater flexibility to spend those dollars and prioritize the projects within that zone. The Council would be the ones to decide where the money gets spent.

Jeff Whitaker stated about 10 years ago the State Legislator changed the law there used to be much smaller zones to the larger zones. What you have seen over the years, the cities that was under the old law has made the zones bigger to pool the funds. The zones used to be three miles, it is now doubled the size.

Johnson asked if the committees would be appointed. Arora answered through P&Z that has been appointed. Davis added staff would make a recommendation that would go through the CIAC Planning and Zoning would then make a recommendation to the Council and they would have final decision making.

Johnson wants to be sensitive to the amount of growth that Denton is experiencing but with the oversight it is helpful. Johnson is a little cautious about a developer paying money in to be spent a few miles away when the money is needed in the area given.

Arora stated the computer model provides what streets are the most congested based on the traffic versus the capacity of the streets.

Martin added we need to answer questions that have not been answered so this can move forward. Any questions that need answers please reiterate.

Roden stated with some of the areas of Denton that is already dense and would not see as much development, making the zones smaller they would never see funding within them for improvements. As this relates to P&Z and prioritization, is there any guidance given in terms of value statements that would help the committee make recommendations. Arora answered those can be built into the process. What is being recommending by using the model is the highest need projects. There were 110 different locations used in the city for traffic measurements. Using this data the model will tell which is the most deficient.

Martin added that what is important is to be able to look at what we are calling LOS (level of service) and do what we have tried to accomplish with the street maintenance and OCI. It will give you a basis in the decision making process as to cost and deficiency. Those are components in the decision making process that is not available today. It will help design a program that is more technically based than it has been in the past.

Arora went on to talk about water and wastewater lines that were looked at as well in the OCI process. If those lines need replacing.

Gregory asked about the projected growth that was on one of the slides that suggested needing \$319 million. The City does not have that money. Arora agreed. These numbers are based on the land use plan that WRT designed. Arora explained how they arrived at how the

improvement is necessary in the next 10 years. This is based on current projections. Martin pointed out that the City doesn't have the current need funding either. The impact fee money is to help get to the \$319 million. What you don't have is the current existing capacity.

There is nothing that addresses the \$122 million.

Gregory stated we continue to not add enough to the road maintenance and continue to rely more heavily that we should on CIP money to replace poor roads. By relying on CIP money for what we should be doing thorough road maintenance we are getting further behind on dealing with the current deficiencies.

Arora then talked about the maximum calculated impact fee as it relates to service areas and different Cities. *Gregory asked how do the other Cities cover the gap. Johnson asked what the calculations are based on.* Jeff Whittaker answered that most of the infrastructure is built out in Flower Mound. The numerator would be much smaller than Denton, that isn't built out. Growth is still there but the amount of infrastructure that is needed in not very high.

Arora then talked about the other cities and what they are collecting for single family homes. The middle area would be around \$2,000 to \$3,000.

Incentives do not need to be part of the initial ordinance. Incentives can be added later as the city gains experience in implementation of road impact fees and economic development opportunities are presented over time. Arora showed a map with the infill boundaries. Arora then showed a spreadsheet with several different uses and the amount that would be collected.

There was some discussion regarding the different uses and how that is calculated.

Arora then went through the different cities and the discounts they are providing for each group. There was some scenarios given with answers associated.

Arora then showed graphs that included single family, multi-family, retail and industrial with the construction, development fees and infrastructure costs.

Roden asked if there is a staff recommendation on the level of fees. Martin answered what is being suggested is \$3,000. Roden then asked if the suggestion is to adopt the program and then immediately come back and take a closer look at the structure. Martin then answered if this Committee can give the type and level of incentive then as a Council it makes since to include at the beginning. Arora included the thought of 25 percent discount as a starting point.

Whitaker added that this the direction that is being looked for is to move forward with the impact fee including the state law and requirements. If we want to start with the public hearings, it takes about four months for that process. There is time to vet the questions.

Gregory stated he is interested in moving forward with the road impact fees that he would not want to do anything to delay further. It is good for the city in terms of funding and flexibility. It is good for the developer because it is a predictable fee. Staff can move forward with the impact fees and continue to work on the incentives.

Johnson added there will be things that are discovered that were not anticipated and can be modified at a later point. He believes we have enough to get started but also believes the discount should be included.

Johnson's recommendation would be to move forward and put a date to go back and look at the impact. Martin added that has to be looked at every five years, if this moves forward and in two years decides there needs to be modifications that can be done as an update at that time.

Arora stated he will bring forward the \$3,000 recommendation, 25 percent discount for non-residential.

Roden added that he believes this committee is on the same page. Discussions to Council should highlight the flexibility to come back and take a look, does not have to be perfect at the onset.

Gregory added that we want to formalize a review for this and not wait the five years, review set for one year after adoption.

Whitaker added that anyone that is platted in the City will have a year grace period. There will be no impact fee, but the exactions will be in effect. *Gregory asked if you could opt for the impact fees instead of the exactions.* Martin stated that staff would find the answer to that question.

Johnson asked if this has been presented to Denton Community Developers Alliance Group. Arora answered just a soft version was given to them not with any detail. Johnson suggested to contact them and present this to them, and hear from that group any comments.

CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Mobility Committee or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutory recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Additional items - Ryan Road cost to complete

With no further business to address, the Committee adjourned at **1:27 p.m.**