

**MINUTES OF THE
SPECIAL CITY COUNCIL MEETING
MONDAY, JUNE 1, 2009 — 6:00 P.M.
KAUFMAN COUNTY LIBRARY
3790 S. HOUSTON STREET
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	WILLIAM FORTNER
MAYOR PRO-TEM	BARRY RATCLIFFE
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	STEVE COOPER
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	CHARLES GILLENWATER
COUNCILMEMBER	KENNETH MUNDEN

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:05 p.m. Councilmember's present were William Fortner, Barry Ratcliffe, Gil Altom Jr., Steve Cooper, Jeff Council and Kenneth Munden. Councilmember Gillenwater was absent. Mayor Fortner declared a quorum present. Also present were City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, and Economic Development Director Lee Ayres. Consultant Jay Nelson arrived at 6:20 p.m. Also in the audience was Sam Lalumia.

CITIZENS COMMENTS (5 MINUTES) Citizens may address the City Council on any subject but must first complete a Request to Speak Form. Comments are limited to five (5) minutes, but no more than five (5) minutes per individual, and are not transferable. Citizen's comments not to exceed a total of 15 minutes.

No comments were made from the citizens.

DISCUSSION/ACTION ITEMS

1. Consider approval of Resolution R-10-09 establishing the City of Kaufman's support for the realignment of State Highway 34 and encouraging Kaufman County to reaffirm its commitment to the reconstruction of State Highway 34 from north of Terrell to south of Kaufman as its number one priority.

City Manager Curtis Snow gave an overview of the latest events that have happened in regard to the Highway 34 realignment. City of Kaufman has hired Jay Nelson, with the engineering firm of Raba Kistner for the single purpose of trying to get TxDOT to schedule our S.H.34 realignment

project. This project is the single highest priority for improvements to our thoroughfare plan. Realigning S.H.34 around the eastern side of the city will move traffic out of the downtown, open new acres for prime development and ultimately lead to a pedestrian friendly downtown square conducive to retail development. Once the realignment is complete, we will ask TxDOT to move 243 from through town to the new 34 alignment.

Coincidentally, North Central Texas Council of Governments Regional Transportation Council has identified approximately \$20 million of highway improvement money for use in Kaufman County. Both TxDOT and Regional Transportation Council have asked Kaufman County what their priorities are for highway projects.

Terrell had an understanding that this \$20 million would be used to fund the nearly \$17 million shortfall in funding for their S.H. 34 realignment project. Unknown to them or anyone else in the county, developers in the Forney area have come up with a \$10 million shortfall in a project that connects 2,000 acres across U.S. 80 and the railroad. This project will result in significant commercial development and residential development when the economy turns around. It will also result in a new thoroughfare that will divert these new residents from using the overcrowded U.S. 80, F.M. 1641 and F.M. 548 intersection.

The City of Forney has been working in their behalf to seek funding from the same source Terrell was depending on, leaving the Terrell project \$7 million short. Commissioner Ray Clark, who is from the Forney precinct and Alternate Committee member on the Regional Transportation Council, has been representing the City of Forney on the Commissioner's Court to get this Forney Crossings project funded.

A resolution was being considered at the last Commissioner's Court to split the \$20 million between the Terrell project and the Forney project. Commissioner Rowden and Commissioner Jackson (from Terrell) were able to get the resolution tabled for the sake of having a Work Session to hear input from all the municipalities. Commissioner Deller agreed but seemed likely to support the Forney project.

The strongest argument that Commissioner Clark puts forward is that Forney is committing \$7 million to their project and they promise to have it under construction by 2010. This appeals to Judge Gent and Commissioner Deller. Why they would like to take \$7 million for the Terrell project already under construction is not explainable.

Kaufman's interests are first to get the Terrell project done. TxDOT will not put money into the Kaufman project until the Terrell project is

completed. If Kaufman cannot get the money, then certainly the City has an interest in seeing the Terrell project completed.

The Forney project is somewhat of a threat to highway funding in Kaufman County on many levels. This project is not on anyone's thoroughfare plan. It solely benefits the community of Forney. It is a project that falls squarely on the shoulders of the developers. If the City of Forney wishes to participate, anticipating a return on their investment, they should not be using transportation funds that are much needed by Terrell to fund this project.

It is highly likely that the Commissioner's Court is going to recommend Forney receive \$10 million of the Regional Transportation Council funds at the expense of Terrell. The only argument that stands a chance is that projects must show a large amount of local participation and be ready to go to construction. Though neither of these factors are provable in the Forney project (there is a large amount of developer's money being put up), it is the bar that Terrell and Kaufman must rise to in order to keep this money focused on S.H. 34.

The proposed resolution intent is to remind the City and the County how long S.H. 34 has been a high priority and second, make a pledge of funds toward the S.H. 34 project to get it funded.

The resolution pledges \$1 million of City funds, \$4 million in Right Of Way value that the City owns or can be donated, a percentage of new property tax revenues toward the construction and a pledge to seek pass through funding from the State. The City can put one million dollars toward this project if it will move forward in TxDOT's scheduling. The four million dollars is two thirds of the value of the right of way that property owners have already verbally pledged. The pledge of new property taxes is something the City will have to do to get the State interested in funding the project. There is a long list of municipalities waiting for a "pass through" project from TxDOT. The City of Kaufman should get in line as quickly as possible to move Kaufman's project to the front of the line in the District Office's scheduling.

As far as being ready to go, Terrell's project has been ready and under construction for the past two years. It definitely meets the criteria that the County is looking for. Kaufman's project will be ready when the Environmental Impact Statement is approved later this year. The remaining \$3.5 million left after Terrell meets its funding needs can be quickly spent on engineering and ROW acquisition.

Forney is no where near getting a ROW agreement from the railroad. These approvals generally take years. They say that it is nearly in hand.

Forney says it is putting up \$4 million in soft match for their project. This is likely ROW value they acquired through platting. Forney says the developer is putting up \$4 million dollars but no contracts have been produced. Forney is not as close to making their project happen as they are leading the Commission to believe. Kaufman could act quicker.

Economic Development Director Lee Ayres spoke to the Council giving the past history of the realignment of S.H. 34 and how long the City has been working on this project.

Consultant Jay Nelson spoke and gave several options for the City Council to consider helping push the project forward. The options are hereby attached to the minutes.

After discussion, Councilmember Cooper moved and seconded by Councilmember Altom to approve Resolution R-10-09 establishing the City of Kaufman's support for the realignment of State Highway 34 and encouraging Kaufman County to reaffirm its commitment to the reconstruction of State Highway 34 from north of Terrell to south of Kaufman as its number one priority and adding an addendum to the Resolution of Alternate B Project. This would be from US 175 to SH 243 (does not include interchange, but temporary connections to frontage road).

- reduce the 4-lanes to 2-lanes (one lane each direction)
- Construction cost estimate: \$4.5 million
- Current funding: none.
 - Possible NCTCOG: \$3.5 million
 - Needs: \$1.0 -4.5 million.

This reduction will lower the cost substantially. It will not provide a typical interchange for traffic. Traffic could be directed east/west on the north frontage road to make connection with the new S.H. 34 leg. It may be the traffic from westbound US 175, coming from Kemp, could also take the new leg with little additional construction cost. The movement from the new leg to eastbound US 175, to Kemp may be more difficult or circuitous. TxDot concurrence would be necessary. Mayor Fortner called for a vote with all voting YEA, the motion carried. Councilmember Gillenwater was absent.

2. Consider endorsing a proposed substitute Resolution for the Kaufman County Commissioner's Court regarding prioritizing of funding Highway Projects.

Economic Development Director Lee Ayres explained to the Council the proposed substitute Resolution for the Kaufman County Commissioner's Court. The Resolution prioritizes the funding of different Highway Projects in Kaufman County which are of importance to be constructed.

City Manager Curtis Snow informed the City Council that this Resolution is for them to endorse to be presented to the County Commissioner's Court next week.

After discussion, Mayor Fortner moved and seconded by Mayor Pro-Tem Ratcliffe to endorse a substitute Resolution for the Kaufman County Commissioner's Court regarding prioritizing of funding Highway Projects in Kaufman County. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Gillenwater was absent.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager reminded the Council of the Strategic Planning Retreat – June 12th and June 13th.

City Manager would be on vacation on Wednesday and Thursday, June 3rd and 4th.

Economic Development Director Lee Ayres informed the Council that the EDC Board would like to hold a joint meeting with the City Council.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Councilmember Council asked if Highway 34 between Mulberry and Cherry Street could get a temporary overlay of asphalt because of the bumps.

Councilmember Munden also reported of concerns of manholes on Jefferson Street after the new asphalt layover. He asked if cones could be put in place until fixed.

ADJOURNMENT.

There being no further business, the meeting adjourned at 7:50 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**