

# Mayor and Council Communication

DATE: 09/27/22

M&C FILE NUMBER: M&C 22-0732

LOG NAME: 062022 OAK GROVE RD APPROPRIATION

**SUBJECT**

(CD 8) Authorize Execution of a Roadway and Crossing Rehabilitation Agreement with the Fort Worth & Western Railroad in the Amount of \$313,598.90 for the Oak Grove Road North of Joel East Project, Amend the Fiscal Years 2022-2026 Capital Improvements Program, and Adopt Appropriation Ordinances

**RECOMMENDATION:**

It is recommended that the City Council;

1. Authorize execution of a Roadway and Crossing Rehabilitation Agreement with the Fort Worth & Western Railroad in the estimated amount of \$313,598.90 for the Oak Grove Road North of Joel East project.(City Project No.101902);
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Developer Contribution Fund in the amount of \$257,882.00, from available funds, for the purpose of funding the Community Facilities Agreement-Oak Grove Road North of Joel East project (City Project No.101902);
3. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the CFA Developer Fund in the amount of \$93,394.00, by increasing estimated receipts and appropriations in the Community Facilities Agreement-Oak Grove Road North of Joel East project (City Project No.101902), and decreasing estimated receipts and appropriations in the CFA Bucket programmable project (City Project No. P00001) by the same amount; and
4. Amend the Fiscal Years 2022-2026 Capital Improvements Program.

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a railroad crossing agreement and adopt the attached appropriation ordinances to allocate funding to the Oak Grove Road from Altamesa Blvd to Joel East Road project (City Project No.101902). On April 17, 2018, by Mayor & Council Communication M&C C-28660, the City Council authorized execution of a Community Facilities Agreement (CFA) with Rob Riner Companies GP, LLC, (Developer) in the amount of \$2,487,274.00, which includes City participation in an amount not to exceed \$2,100,000.00 to construct Oak Grove Road from Alta Mesa Boulevard to Joel East Road, which includes adding lanes across existing railroad right-of-way (City Project No.101902).

On July 21, 2022, the City executed a Developer Funding Agreement for the Railroad Crossing at Oak Grove Road improvements with the Developer in which the Developer contributed \$257,881.90 toward the cost of the railroad crossing upgrades at the existing Union Pacific Railroad (UPRR) tracks, which have been leased to the Fort Worth & Western Railroad (FWWR) for its use. This M&C authorizes execution of the railroad crossing agreement with the FWWR, which has a controlling interest in the right-of-way. The balance, in the amount of \$100,000.00, is funded by the City.

Union Pacific Railroad (UPRR), has agreed to the improvements and the City has negotiated a license agreement in the amount of \$44,283.00.

The City earmarked \$100,000.00 as part of the \$2,100,000.00 City participation to be applied towards the railroad crossing permit and improvement work within railroad right of way, as reflected in CFA number 18-0187.

The table below summarizes the funding for the CFA-Oak Grove Rd N of Joel East project:

CFA-Oak Grove Rd N of Joel East (CPN 101902)			
Fund	Existing Funding	Budget Change (Increase/Decrease)	Project Funding Total
30104 Developer Contribution	\$0.00	\$257,881.90	\$257,881.90
30108 Transportation Impact Fee Cap	\$2,100,000.00	\$0.00	\$2,100,000.00
30114 CFA	\$93,394.00	\$0.00	\$93,394.00

<b>Developer</b>			
<b>Project Total</b>	\$2,193,394.00	\$257,881.90	\$2,451,275.90

The action in this M&C will amend the Fiscal Year 2022 Adopted Budget as approved in connection with Ordinance 25073-09-2021, Section 6. Capital Improvements as listed on page 23.

<b>Capital Fund Name</b>	<b>Project Name</b>	<b>FY2022 CIP Appropriations</b>	<b>Authority</b>	<b>Budget Adjustment</b>	<b>Revised FY2022 Budget</b>
<b>30114-Community Facilities Agreement Fund</b>	P00001-CFA Bucket	\$7,100,000.00	This M&C	(\$93,394.00)	\$7,006,606.00

Funding is available in the Developer Contribution and Transportation Impact Fee Cap Funds for the CFA-Oak Grove Rd N of Joel East project.

Approval of Recommendation 3 will adjust appropriations between a programmable project and convert the CFA-Oak Grove Rd N of Joel East project into a static capital project. This action is needed as future funding for this project is anticipated from other funding sources and the scope of this project differs from that of the current programmable project.

This project is located in COUNCIL DISTRICT 8.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the CFA-Oak Grove Rd N of Joel Eas project within the Developer Contribution Fund and in the Unspecified-All Funds project within the Transportation Impact Fee Cap Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Transportation Impact Fee Cap and Developer Contribution Funds for the CFA-Oak Grove Rd N of Joel Eas project. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** D.J. Harrell 8032

**Additional Information Contact:** 0

Expedited