



City Council Regular Session Meeting Minutes

Municipal Complex
311 Burton Hill Road
Westworth Village, TX 76114
cityofwestworth.com

Tuesday, July 9, 2019

7:00 PM

Council Chambers

ATTENDEES:	
Mayor	L. Kelly Jones
Council Member	Rosa Mendez
Council Member	Tiffany Aller
Council Member	John Davies
Council Member	Sharon Schmitz
Council Member	Christina Cowden
City Secretary	Brandy Barrett
City Administrator	Sterling Naron
Police Chief	Kevin Reaves
City Attorney	Ashley Dierker
Golf Pro	Mike Meka
Public Works	Joseph Alvarez
Building Official	Nader Jeri

ABSENT:

REGULAR SESSION:

CALL TO ORDER: 7:00pm by Mayor Jones.

INVOCATION was given by Nathan Keller.

PLEDGE OF ALLEGIANCE led by Mayor Jones.

REGULAR SESSION:

1. MOTION to approve the Agenda.

- **MADE BY:** Tiffany Aller. **SECOND:** John Davies.
- Motion passed by a vote of 5 Ayes and 0 Nays.

2. Approval of the Consent Agenda

Mayor Jones explained the purpose of the consent agenda, noting that a council member must request an item be removed from the consent agenda if it was to be discussed, otherwise, a single motion would approve all items on the consent agenda.

A. Approval of the Minutes:

- Council Meeting – June 11, 2019
- Special Council Meeting – June 28, 2019

B. Approval of the Financial Reports:

- TexPool Report
- A/P Disbursements

FUND BALANCES June 2019	GENERAL	WATER	CAPITAL PROJECTS	CRIME CONTROL	DEBT SERVICE	WRA	HCGC	STREET
Revenue	\$266,432	\$90,475	\$15,000	\$45,661	\$4169	\$0.00	\$156,179	\$0.00
Disbursements	\$205,319	\$57,989	\$26,700	\$32,813	\$0.00	\$10,262	\$125,294	\$16,159
Cash on Hand	\$156,960	\$436,915	\$3684	\$110,132	\$18,967	\$138,111	\$157,784	\$84,873
TexPool	\$376,514	\$83,305	\$103,829	\$244	\$666,308	\$132,1784	NA	NA
Money Market	\$350,000	\$500,000	NA	NA	\$129,000	\$1,090,000	NA	NA

C. Adoption of Ordinance 447 - This ordinance replaces Fee Schedules A3.001 and A3.002 of the Westworth Village Code of Ordinances, amending the Permit Fee Requirements by replacing the valuation-based formula with a square footage-based formula for residential dwellings to comply with the new Texas legislation (House Bill 852), which went into effect upon its passage. (*The Ordinance Committee met on June 25th and, following a detailed review, recommended council approval.*)

D. Declaration of surplus equipment - Declare police department tazers and associated accessories (cartridges, batteries, etc.), that are damaged and unrepairable, obsolete, no longer serviceable by the manufacturer, or expired, surplus/obsolete to be destroyed. (*Council action required in accordance with City Ordinance Section 1.05.031*)

E. Annual renewal of Lifesize maintenance contract – Lifesize software is used in the Council Chambers and Municipal Court. It provides the required legal recordings of council meetings, as well as the required Judge/inmate arraignment process for the municipal court. This is an annual contract renewal that is budgeted. There is no increase in cost from the prior year: \$7,557.78.

F. Continuance of Wells Fargo Banking Services: Periodically, Wells Fargo requests council approval to continue to provide banking services to the City of Westworth Village. The City began using Wells Fargo Bank in 2013. They continue to meet our banking needs and provide excellent customer service.

- Councilwoman Cowden requested Item A be removed for further discussion.
- No other items were removed.

MOTION to approve the Consent Agenda with the removal of Item A.

- **MADE BY:** Sharon Schmitz. **SECOND:** Christina Cowden.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

ITEM(S) REMOVED FROM CONSENT AGENDA:

A. Approval of the Minutes:

- Council Meeting – June 11, 2019
- Special Council Meeting – June 28, 2019

MOTION to approve Consent Agenda Item A provided the June 11th meeting minutes be modified as follows: on page 3, Item D, third bullet point should be replaced with the exact transcribed language from the meeting, starting at recorded minute 52:28 through minute 53:40.

- **MADE BY:** Christina Cowden. **SECOND:** John Davies.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

3. STAFF UPDATES:

A. Police Department

- Chief Reaves swore in Officer Scott Steward.
- Chief Reaves reported that last month there were 374 traffic stops, resulting in 239 citations and 291 warnings. There were 2225 calls for service, including 225 - 911 calls and 142 Priority One calls. In addition, there were a total of 56 arrests, which resulted in 61 charges; 59 warrants were cleared via Police Department and Court actions.
- In addition, he reported that the new National Incident Based Reporting System (NIBRS) is replacing the Uniform Crime Reporting (UCR) in Texas beginning next month. The NIBRS system records crimes differently than UCR. UCR counts the highest charge for each arrest made, NIBRS counts all charges on each arrest. Therefore, the reports will show an increase in crime, when there may not be an actual increase.

B. Code Enforcement & Building Inspection

- Nader Jeri, Building Official, reported 105 Inspections were performed and 59 Code violations were resolved last month.
- Commercial projects include: Rule the Roost 65% complete.
- There are 25 ongoing residential projects.

C. Joseph Alvarez, Public Works

- Joseph Alvarez, Public Works Director, reported 179 Work and Service Orders were completed in the month.

C. Hawks Creek Golf Course

- Mike Meka provided the Hawks Creek report. The course had 3078 rounds played last month, resulting in \$149K revenue. The course was closed for 1 day due to weather.

D. Administration

- Mr. Naron provided the variance report, noting that there has been little to no variance across the various funds.
- Mr. Naron stated the trail construction update details would be discussed later in the meeting, however, the contractor is working with TxDOT.

4. MAYOR'S REPORT

Mayor Jones reported that the following citizen concerns were addressed via his office, encouraged citizens to reach out to him and staff with concerns, and thanked the staff for their work.

- He met with Mr. McClendon, a resident of the Fairways, regarding potential issues with Dairy Queen.
- He met with Hilltop Securities and was happy to report our bond rating went from A+ to a Double "A" and he thanked the previous mayors, councils, staff, and Hilltop Securities for diligent oversight and work.
- He thanked the citizens for coming together to provide financial assistance for our newest police officer, Mark Esparza; adding how honored he is to be the Mayor of such a great community that rallies around and supports their exceptional Police Department.

5. ADVISORY BOARD AND COMMITTEE UPDATES:

A. Ordinance – Rosa Mendez, Chair

- Councilwoman Mendez reported the Ordinance Committee met on June 25th and is scheduled again on August 27th.

B. Public Safety – Tiffany Aller, Chair

- Councilwoman Aller reported the Public Safety Committee will meet on July 11th at 6:30 and she encouraged everyone to attend.

C. Long-Range Planning – John Davies, Chair

- Councilman Davies reported the Long-Range Planning Advisory Board will meet on July 30th.

D. Finance – Sharon Schmitz, Chair

- Councilwoman Schmitz reported that the Finance Committee met and reviewed the WRA recommended budget, as well as Capital Improvements and Hawk Creek Golf Course. The Performance Based budget goals are coming along, and she commended staff for their work.

E. Golf and Parks – Christina Cowden, Chair

- Councilwoman Cowden reported that the Golf and Parks Advisory Board will hold their next meeting on July 30th.

6. PUBLIC INFORMATION/ANNOUNCEMENTS – Brandy Barrett, City Secretary

A. Announcements

- Funeral services for Officer Esparza's wife will be held on July 11th.

B. Meetings:

- Planning and Zoning Commission, July 11th at 5:30pm
- Public Safety Committee, July 11th at 6:30pm
- Golf and Park Advisory Board, July 30th at 5:30pm
- Long Range Planning Advisory Board, July 30th at 6:30pm
- Finance Committee Meeting, August 13th at 6:00pm
- Joint Regular Council and Zoning Board of Adjustment Meeting, August 13th at 7:00pm
- Ordinance Committee Meeting, August 27th at 6:30pm

C. CITIZEN COMMENTS:

- Brian Libby (5853 Straley Ave), thanked the mayor and staff for responding to his concerns about water drainage from his neighbor's property. He requested the council consider adding some type of warning device to the alleyway exits. Mayor Jones stated that this item is on the Public Safety Committee Agenda on July 11th.
- There were no further citizen comments.

7. ACTION ITEMS:

A. Mayor Jones

Discuss and take action Ordinance 448, authorizing the Sale of General Obligation Refunding Bonds, Series 2019.

- Mr. John Martin and Mr. Jeff Golbus presented a financial overview of the debt service and savings schedule and answered questions. They said, provided this item is approved, it would go to market on Thursday, replacing the higher interest rate with a lower one. Only callable bonds could be considered for this action. The original mature date is not being changed, just the rate.

MOTION to adopt Ordinance 448, authorizing the Sale of General Obligation Refunding Bonds, Series 2019.

- **MADE BY:** Tiffany Aller. **SECOND:** Sharon Schmitz.
- **Motion passed** by a vote of 5 Ayes and 0 Nays.

PUBLIC HEARING:

To receive citizen comments and input regarding the Trail System Project. (*Prior to citizen comments, staff will present a current trail status report, including timeline and financials.*)

Mayor Jones stated each person would be allowed to speak once and have up to three minutes. He thanked everyone in advance for being courteous, respectful, and neighborly. He added that Ms. Barrett would be calling speakers in the order their Public Comment Forms were submitted and requested Mr. Naron provide a brief project history and current status.

- Mr. Naron presented the history of the trail project, which is currently in construction, beginning with the White Settlement portion. The contractor reported delays due to the weather and TxDOT approvals. Mr. Naron noted for the record that the 90-day delay for the Oncor easement and Leonard Trail portions expires on August 5th.
- He reviewed four financial scenarios:
 1. \$643,040 - total city cost as currently designed, without any change orders
 2. \$683,040 - total city cost with a change order for Leonard Oaks
 3. \$1,226,543 plus all cost of lawsuits and/or attorney legal fees - total city cost to breach the contract or descope the project and only finish the White Settlement portion
 4. \$719,543 plus all cost of lawsuits and/or attorney legal fees - total city cost to breach the contract or descope the project
- Councilwoman Cowden disagreed with the numbers in Option 3. She stated it was her understanding that we would not be required to pay back if we continued to build trail. Mr. Naron stated that Option 3 is if you do not do anything west of Roaring Springs, to which NCTCOG has stated they would consider it descoping the project and TxDOT would utilize their contracted reimbursements.
- Councilwoman Cowden stated we should have an Option 5 if we wanted to look at the alternates for the Leonard Oaks and Fairways portion identified by Kevin Kokes. She said they were identified but did not have the authority to go investigate. If we wanted to look at those but still build everything else, we would not be required to pay back the \$290,000 and then everything we are building would still be at the 80% reimbursement. Mr. Naron reported that any engineering or environmental studies on any alternates would be at our cost.

Mayor Jones opened the Public Hearing at 8:01pm.

- Mike Coleman (114 Monterra Circle) said he believed the council could make a decision that could possibly lead to the termination of the trail system. He continued by explaining the need of the trail not only to our city, NASJRB, and commercial district but to the region, increasing walkability,

safety and connectivity. The trail project grant application was endorsed by Streams and Valleys Fort Worth and the Tarrant Regional Water District, both organizations praising the city and regional connections. It required three trail easements, including the one from ONCOR, be acquired prior to the grant application. He continued by noting that no easement was required through Leonard Oaks, because the developers of the failed 130 townhome private community, at the time of foreclosure, deeded all the previously private streets, sidewalks, and infrastructure to the city for public use in 2006, which included the wall, which Mr. Tom Hughes still refers to as his. However, that wall, which is on city property, belongs to the city and the citizens. Consequently, the proposed trail will use those city sidewalks, just like the rest of Westworth Village. He said that today the council is prepared to make changes, ensuring that all funding will be lost and any potential to make the city more walkable will be gone and there will be no federal funding grants for projects in the future. In his opinion, the efforts to move or kill the trail are being directed by Tom Hughes, a developer of Leonard Oaks who still sees that community as his private domain. He continued pointing out Tom's partner, Councilwoman Sharon Schmitz, who owns 4 of the 5 surviving townhomes in Leonard Oaks, and her renter, Councilman John Davies, sit before you on council, leading efforts that will likely kill the trail. Adding that both Councilmembers Schmitz and Davies have been advised by our city attorney that they have a conflict of interest according to state law and should not participate in discussions or votes on the trail project, yet Mr. Davies has refused to officially recuse himself, and sits there pretending to be objective on the project making decisions in the best interest of the city. He requested the council think long and hard about letting Tom Hughes and two council members with personal agendas lead them toward cancelation of this project. He said if that happens, they will have done a grave disservice to this community, the naval air station, and our regional neighbors. He urged them to do what is right for the city and build the trail now.

- Councilwoman Schmitz responded, for the benefit of those in attendance that may not have attended earlier meetings, that she does own property on Leonard Oaks and she also owns property on White Settlement or maybe 183 that is going to be touched by this project. She stated that three months ago she did file an affidavit for the pieces that she owned and stated she has not participated since that point in any discussion or voting as it applies to the property that she owns. She did make a point to carve out the fact that if it is related to property that the Fairways group owns, then she doesn't have a conflict of interest. She asked the council at that time if they could separate discussion or separate motions so that she could also represent the people that live at the Fairways. She wanted that stated once again for the record.
- Councilman Davies responded to the concern brought up about him. He confirmed that he does rent at the townhomes. He continued by stating that he was planning to address this later in comments, but back in January of this year he purchased the land north of Roaring Springs and at the time the trail easement was on it, so he knew when they bought it the city might pave sidewalks around it. He continued by stating when he got elected in May of last year, that meeting went to almost midnight because he represented not only the townhomes where he rents, but the people of the Fairways that also said that they didn't understand why this trail had to go there. He concluded that his representation is not of a personal interest, and he has been having this discussion since he was elected. Adding that every time this has come up, his opinion has not changed, that the alternatives to the trail south of Roaring Springs is where he hopes they can find common ground.
- Kerre Randel (106 Monterra Circle) stated that she has lived here since 2007 and loves how close knit the community is with the base. She loves seeing military service members at local business and her and her husband have a great respect for the military service members. She stated that 4 years ago she began a coordinated holiday assistance effort for local military members, adding that current and former mayors have worked closely with government agencies to successfully acquire federal funding for this trail plan, ensuring the base is connected to our community. She believed those efforts contributed to our reputation as being veteran friendly. She said there are 83 families that live in homes on this base and there are 350 individuals that live in the barracks and they have

no safe connectivity to our city if they need to walk or ride a bike. She felt they deserve safe access to schools, parks, restaurants, and retail along Westworth Blvd, SH183. Their service and sacrifice should be appreciated, and they should be to fully access our cities amenities. Base representatives have come to previous meetings and spoke about the needs of the service members and their families. Her question to the councilmembers was “Why are you ignoring the base, when they have told us how much this trail systems connectivity is needed? Do you want to damage the reputation of our city as veteran friendly? The NASJRB Fort Worth is an economic impact of nearly 4 billion dollars to this Texas economy. Why would we want to do anything to deter or compromise our relationship the base when they do so much to support us economically and serve us by keeping our country safe, many of them paying the ultimate price with their lives? Is this how we are going to thank them? Not to mention the economic impact that your decision against this trail will have on the financial health of our city if we lose this federal funding for this project. What are the chances that TxDOT or any other government agency would come to our aid in the future if we snub them on this trail project? What will your vote say about you? What do you want your reputation to be? I hope your decision will be for the trail, for the base, for the reputation as a veteran friendly city, and for a financially healthy city. Please put personal agendas aside and please vote for the trail system as is.”

- Councilwoman Schmitz confirmed that Ms. Randel’s issue was connectivity to the base and the Hawks Creek Apartments. She continued by stating that NCTCOG has asked the city not to touch Pumphrey and putting anything to the base or that trailhead until NCTCOG redoes Pumphrey. She added that they approached us and asked us to forgo the underpass to the base as proposed by Freese and Nichols and the council at that time agreed.
- Mr. Randel stated that something needs to be done, as there are families and children that need to get to schools. Most only have one car and they don’t have safe access to walk off the property of the base over to the business district, Target, restaurants, or Airfield Falls trail with bikes and again urged council to make the wise choice.
- Mayor Jones confirmed Councilwoman Schmitz comments, that the tunnel was removed upon advice of NCTCOG, explaining that federal funds can only be spent one time, and they worked with TxDOT to expedite the rerouting of Roaring Springs from 10 years to about 5 years from now. Part of that agreement excuses us from moving forward north of SH183, which will be done when Roaring Springs is reconfigured. He reported that Mr. Kessler reported to him and Mr. Naron that if we wait too long and lose our federal funding, he expects the state will push back the Roaring Springs rerouting until its regular time in 10-12 years from now. He confirmed the city will not be completing the routing to the base, as that will be done at the time that Roaring Springs/SIH183 is redone.
- Robert Ortegel (106 Monterra Circle) stated his comments are along the lines of what Kerre had to say, adding that there are about 12,000 employees (military and civilian) on that base every day. The 350 individuals Kerre mentioned are sailors, marines, and air force personnel. Most are young and that’s why they live on the base/barracks, as they do not have enough money to live off the base or own vehicles, so they can’t get to Sams, Walmart, Target, the banks, or restaurants. He said are connected to the base. He shared that he was invited to a deployment ceremony where he witnessed men and women with their spouses and children that they are leaving behind and said you can’t thank them enough. It bothered him that we had to discuss something like this when it seems to him that it is simple. He stated when they get deployed, we want them to go defend our country, defend Westworth Village, your families and you, and we can seem to help them out to get the benefit of what’s available to use every day that we all take for granted. He felt we need the trail.
- Councilwoman Schmitz agreed that he was making a good point. She mentioned that at the time NCTCOG bought up the idea, it made logical since to us, but we didn’t have the benefit of the last two speakers laying out what it meant to abandon that piece that went to the base.

- Councilman Davies reminded everyone that the city spent money, \$30,000, to pursue that Pumphrey version of this and it was abandoned.
- Councilwoman Schmitz stated that to some of them, that piece of connecting to that trailhead and coming that close to the base was what actually made that plan a trail. She said it was a bit gut wrenching to give up that piece and NCTCOG did tell us in that initial briefing that they might be able to get that Pumphrey intersection up in a 2-3-year window, which is what they made their decision on, but now they hear 5 years, though she understands things change.
- Monty Suttle (5876 Tracyne Dr) said he would like to take this grand opportunity to have interconnectivity within the city and the magical experience of riding his bicycle on the trails, something he and Robin continue to do. He would like to see the city become a somewhat laid-back environment where you would see families on bicycles and people moving around and walking. He thought it was a great opportunity.
- Joseph (J.D.) Ambrose IV (5752 Aton Ave) thanked everyone for the time they put in on what he feels is a thankless job. He appreciated the two previous speaker who brought attention the fact that our base is left out. He stated having grown up near here, he saw what happened when the base shut down, when Sams, Walmart, and Lowes were base housing. Then to see what happened when our government shut it down, how it killed the west side of town and Ridgmar Mall never came back. He understood, to the best of his ability, the difficulty it was to forgo Pumphrey for the betterment of financial purposes, but asked once the base residents get across 183, how are they supposed to get to Sams, Lowes, Walmart, Target and the restaurants, if we are not going to allow them to utilize, what he learned to night was private land that was deeded back to the city as public streets and public sidewalks? He stated that while he does not live in the Oaks or the Fairways and doesn't understand from a personal perspective what it is like to think of hanging those lights from said commercial real estate it is his understanding that it had always been zoned commercial and to buy a home knowing there is potential for land in front of your property to be redesigned for financial gain for the city where you are building or owning your home would be like buying one of the lots in the Three Oaks subdivision and then wanting to shut down Burton Hill Elementary because you don't want to hear the kids playing at PE, or the after hours of kids and families utilizing the playground, or the baseball, football or soccer teams using the fields. He said let's not get pigeon-holed into where we are today, because in 10, 15, 20 years, when we look back, it will be something that the city has grown with. He cited the example of 10 years from now when someone buys in either of these communities and the trail is already there, they will be used to seeing those bikers and walkers enjoying nature. He said Westworth Village is a spectacular town and it has come back with the NASJRB, which has millions/billions of dollars in financial impact. He believes the right thing to do is to join the trail system in one complete section and not have the government look down on us in a negative way by cutting out a small section for personal gain.
- Councilman Davies questioned what he meant by his comments on personal gain.
- Mr. Ambrose explained that if you don't have people walking through your neighborhood or along a fence, you don't have, as previously stated in other meetings, the fear of graffiti or things of that nature. He said its personal property and if you don't have to deal with removing things that have been defaced, that's an economic gain.
- David Tierney (438 Wyndham Crest) said he believes it is crazy for us not to build a trail to connect the river district, base and the Toll Brothers neighborhood, and that he council is considering pulling from it and paying \$750,000 rather than \$200,000 to build it. He said, "Who is paying the additional \$600,000 dollars? Is that me, you, who pays taxes, and if we don't get that funding or have to pay that back, how are we going to get that money back? Taxes? Higher taxes? We have to get that money back from something. Or do we take it away from the school, the roads, what? Kerre and all them made great points about the military." He stated that the council needs to do the right thing. He felt it is crazy that they want to spend more money to come up with plans 5, 6, 7, adding that it is not right. He believed the council should stand up and finish the trail, adding that his son's house has gone up \$75,000 in value in one year because he lives in the river district where everybody is

walking to area businesses, so house values in not the issue. He said we have the greatest little city, with the ability to ride bikes, shop, eat and be right back in our own little neighborhoods. It was his plea that the council finish the trail, save the city money, and not spend any more money.

- Richard Wistrand (804 Dunham Close) – name was called but did not speak
- Pat Craine (700 Cinnabar Ct) reported he was on the committee that studied the trail and the possible alternative, including walking the proposed alternates. The committee consisted of three professionals from North Richland Hills, Fort Worth and Keller, and NCTCOG. Mr. Kokes reported the original proposal was the best, the safest and the most cost effective. All the other alternatives have to deal with multiple private land owners, which he believes is impractical. Regarding the option near Shady Oaks Country Club, as member of that club, he reported they can't decide if it is daylight or dark and he is unsure why we would want to partner with someone who is willing to spend \$14 million dollars to remodel a golf course. He said the professionals are telling us that this is the way to go. He acknowledged that everyone knows that each of the councilmembers wants trail connectivity for the base and for the river district, adding as a trail user, other alternatives make no sense to him. He plead to move forward in a cost-efficient manner.
- Mayor Jones requested clarification if the selection of the current location was made by Mr. Kokes or the committee.
- Mr. Craine responded that it was the committee, stating he listened to the professionals from three different cities and the objections brought up around the Fairways. He stated he has a trail that runs by his neighborhood and there has been no vandalism of the wall, no one has jumped the wall and/or broken in. He reiterated it was time to put this project to bed, as the city has been very divided over it. He called the council to stand up and vote, be counted, and get this project finished. He hoped the council voted for the trail.
- Scott O'Neil (6200 Westworth Blvd) – name was called but did not speak
- David Motley (708 Cinnabar Ct) – name was called but decided not to speak
- Susan Coleman (114 Monterra Circle) stated she was there to make comments on the Fairways residents but wanted to add a comment on the base. Regarding the base, NCTCOG and TxDOT agreed that they would pay those cost if the trail project gets completed. If they don't complete the trail project to connect, meeting the requirements of the grant, and therefore descope the project, the base portion will not be done. She continued regarding the Fairways residents, stating that Mr. Cervenka has been a vocal opponent of the trail for the past year or so, and has stated numerous times that the Fairways residents were not informed about the trail that was to be constructed behind the Fairways. She stated that this was not true, adding that on July 6, 2016, Carlos Zavala, a resident of the Fairways and a city councilmember, sent an email to all the members of the Fairways regarding the status of the bike trail and installation of a crossing light at Leonard Trail and Roaring Springs. She added that he regularly sent emails to all the Fairways residents updating them on the trail plans starting in 2014 when Carlos was president of the Fairways HOA. She stated that Mr. Cervenka, as HOA Board President, sent an email on March 16, 2015 to all the Fairways homeowners informing them the city was going to plant red tipped photonias, at the city's expense, along the entire length of the gas well site and that the primary intent of that project was to create a barrier between the pad site and the running and biking trail that was to be constructed in 2016-17. His email included an invitation to visit the city's website for additional details on the trail project. She said the trail project behind the Fairways has not changed since the emails in 2015 and 2016, when Mr. Cervenka was happy to have the city spend \$22,000 to plant red tipped photonias and encouraged the Fairways residents to become familiar with the trail project. She thought Mr. Cervenka and his group are now angry with the city about the commercial development behind the Fairways and have joined forces with Mr. Hughes, Sharon Schmitz, and John Davies to try and stop the trail, not because they were not informed, but because they are unhappy with the city for the commercial development behind their homes, even though the property behind them was zoned commercial long before any of the Fairways homes were constructed. She noted that the Fairways homes that backed up to the commercial and gas well site sold at a discount of \$100,000 or more

versus the same houses across the street and the owners of these homes took advantage of this discounted price when they purchased their homes, but now don't want to have a commercial development in their backyards. She stated that in March 2019, Fairways resident Steven Maas sent the city a study on the correlation of nature trails and crime. The study referenced a University of Delaware study which reviewed 21 existing studies on bike paths with adjacent residential properties and concluded that the presence of a bike path either increased property values and ease of sale slightly or has no effect. The study also concluded that the crime along bike paths is minimal. She felt Mr. Cervenka and Mr. Maas were trying to punish the residents of our city by making misrepresentations that they were not aware of the trail being planned behind their neighborhood and making unsupported allegations that the trail will negatively impact the Fairways residents., adding that these allegations have no factual basis. She urged the council to move forward with the trail and honor the commitment the rest of the city has made to build the trail.

- Councilman Davies stated he was not on council for any personal agenda and he wanted everyone in the room to know that as long as he was up there, if they have a problem, he would listen to them and find some solution for them. He said that is what he is up there for and why he has been doing this for the past year, because he believes the concerns of the people who came to me and asked for help.
- Scott Palomino (4820 Spoon Drift Dr, Fort Worth) stated he was a veteran and works at NASJRB with service members on financial, relationship, and family problems, as a type of government social worker. He was thankful to the city for all that has been improved in the last 5 years, including opening stores and restaurants, making the area more livable for the service members. However, he said it is hard for them to get to and from some of those great places that can be seen from base gate and fence. He believed in the trail, as he bikes the trail from the front gate to Airfield Fall as a way to stay in shape and get to know the area. He uses it to know where to take his family later. He thought the trail connecting the base would help both the service members and the city as a whole, adding that we have great community support and to connect to other cities and Fort Worth would be very beneficial. He was looking forward to being able to ride to the west, not just east.
- Councilwoman Aller thanked him for his service and everyone concurred.
- Linda Kazanova (442 Wyndham Crest) stated she was concerned about ethics in government, adding it was great to see Officer Steward being sworn in today. She felt his oath of honor was moving, reflecting all that is good in government and American citizenship. She hoped the oath of office for councilmembers was similar to what Officer Steward swore. She believed service is a public trust and the councilmembers have a strong fiduciary duty to serve the interest of the public without regard to their personal interest. She said it is critical for those that do have a personal interest to disclose those interests in a clear and transparent fashion and recuse themselves from any matter where there is the appearance or the fact of conflict. She stated she respected Councilwoman Schmitz for identifying her conflicts and encouraged her to continue to think thoughtfully about those and how they might or might not pertain to adjacent neighborhoods. She thanked the Ortegals for the comments on the base and being good citizens. She stated she was going to ask Mr. Davies if he would attest that he has no conflicts of interest and appreciated that he stated he owns property that is near or adjacent to the where the trail is proposed, as well as resides in property where the proposed trail will go. She continued that this may also include any personal or family relationships that may influence a decision they might make or other financial interests that might be related to a decision. She added that only God, their conscience, and the law can guide them on that, and she has lost considerable trust in Mr. Davies and the council in calling the meeting on June 28th while the mayor was out of town, as she doesn't believe that is the way the city should conduct business. She urged him to continue to recuse himself in this matter and urged the council to think about their fiduciary responsibility in terms of the money they will lose if they abandon this or don't meet their obligations under the grant or contract. She thinks it would be a problem if the tax payers must repay money because a subgroup chose to oppose it at the last minute. She urged them to think

thoughtfully and consider whether they are ready to vote from an ethical position or consider recusing themselves.

- Councilman Davies stated he appreciated and understood her perspective. Starting with the recusals, he stated it is not something he takes lightly and he has spoken with his own legal counsel and they have spoken with the city's attorney. He stated he had talked to appraisers regarding the impact, which affects the determination of recusal. He said in his opinion, this ask for recusal came strategically by former members of the council and possibly the mayor as a possible way to silence members that were opposing their views. He stated he had openly opposed their views for just about a year on this, then all of the sudden that was brought out and used against him, reiterating that his views on this have not changed and everyone in the room can review the minutes going back to last May. He reinforced that every time the trail came up, he asked for alternatives for the 30 homes this really impacts as they have expressed concerns that the council needs to address, which have constantly just been dismissed. "So, when it comes to the recusal, I have done my homework, I have talked to the DA, my attorney, and we have come to the conclusion that because I have bought it with the existing easement with the trail on it, which I did, I bought it knowing that a trail would go there, that there is no material gain that I would obtain for this, so I appreciate that, I hope that satisfies you as far as the recusal not something I just dismissed. I very intimately looked into it because I don't feel like I need to be silenced in representing the other citizens here. This is a trail system that goes through the whole city and what is my responsibility to represent them? And that is one thing I had to consider, that's a very serious thing and I don't take it lightly." He continued by thanking her for her previous emails regarding this and didn't want her to be concerned about the special council meeting, adding that previous council put a 90 day stay on this, so there is a deadline if they want to try and figure this out to work for all of the citizens and not just shove it through.
- Ms. Kazanova wanted to clarify that her comments have nothing to do with Mayor Jones, Mayor Coleman or any other prior discussion, they are her personal views on government ethics.
- Councilwoman Cowden made a comment regarding the special meeting, stating it was her response to comments from citizens that the council was not doing anything to evaluate the alternatives that had been identified, knowing that construction would be starting within that next week and she fully knew that Mayor Jones could join via video teleconference. She stated there was no malicious intent.
- Councilman Davies stated there is a lot of misinformation out there regarding this project and money.
- Councilwoman Mendez echoed Councilwoman Cowden comments, adding they are doing the best they can with what was put on the table well before they were elected, and requested everyone's patience.
- Barbara Deakins (5848 Trigg Dr) stated that to be an elected official or to work in government is to make a decision to serve the best interest of the city's residents. She understood it is ideal if they can please all residents and make decisions to the benefit of everyone, but sometimes what is beneficial for the majority comes at cost to the minority, and as long as the cost does not violate the law or civil rights of the minority, then this is the path to take. She remembered being in the minority when the sidewalks were redone. Besides being a big inconvenience, she lost a wonderful garden, however, she acknowledged that her dislike for the project was far outweighed by the benefit to the neighborhood to have safe sidewalks, for which she is now thankful. It was her understanding from the last meeting that if we don't proceed with this project in the next couple months, we risk the whole project. She decided to walk the proposed trail and some of the alternatives and believed the submitted expert's opinion on the current location, as there is no logical argument against the trail. She stated the most contentious area, the Oncor tower area, is already being used as a safer and more expeditious route to work/home for people who live in the village and work in the various restaurants and businesses along SH183. She didn't think it was particularly lovely but felt it would be a benefit to those workers. She viewed it as question of dignity for those tromping through the

dirt and mud. She added that the average value of these property is about \$800,000, but the average property value the people in Fort Worth is \$200,000 making it safe to say that those who are unhappy about this project are unlikely going to need to use it for transportation to and from work. However, she thought their feelings were being weighed more than those low income workers who also deserve a safe, clean route. "It is immoral for small number of quite well-to-do people to use the machinery of government to manipulate decisions to their own benefit, especially when it is so clearly counter to the benefit to the community as a whole." She concluded that it is a similar situation to the sidewalk she encountered and called upon the moral obligations of the council to make decisions that are sometimes displeasing to a few to ensure the benefit of the city as a whole. She requested they consider the financial implications, benefit to the overall community, and their own consciences when considering your decisions.

- Councilman Davies asked if they found a solution that pleased everyone at minimal financial impact, would she support it?
- Ms. Deakins responded that this has been going on for several years and found it similar it to when your mom tells you "I'll take you to the mall later", but you know you are realistically never going to get to the mall because there is no good reason for her not to just take you to the mall right then. She continued by stated they have a perfectly reasonable option, as they have heard from numerous experts; she thought this clearly is a way to kill something that would be a benefit to the community.
- Councilman Davies stated that killing the trail was not his intent, it was to find a trail system that works for everyone.
- Ms. Deakins politely disagreed, stating that in government it is very difficult to find something that works for everyone, adding that what they are looking for is something that will work well for the majority. She said she would be happy if something could be found within the timeframe and enable us to keep the contract but had some deep doubts that it is possible to please everyone.
- Councilwoman Schmitz appreciated that she walked it personally and asked why she thought the workers don't use the sidewalk on SH183.
- Ms. Deakins stated that as a high school teacher, she knows the students/workers don't like walking along SH183 as it easy to snatch someone there. The ONCOR easement is shorter, well-kept, safer and somewhat lit. She added that she did not understand what the problem is with the Fairway residents regarding safety, as she has an alley behind her house and has not had any problems, saying "nobody axe murdered me". She believed it just seemed very selfish of them to not allow people to have a safe route to and from work for a "not in my backyard" mentality. Dialog continued between Councilwoman Schmitz and Ms. Deakins over safety along SH183 at 2am and the anticipated trail in River Oaks. Ms. Deakins stated she was talking about the section that cuts between the commercial district and the older part of the village, the ONCOR route that people are already using to get to and from work and that it was just a question of changing it from a de facto path to an actual path.
- Councilwoman Aller stated that no iteration of this project will please everyone, adding that council has to weigh the greater good, to which Ms. Deakins agreed.
- Captain Jon Townsend (3265 Captains Row, NASJRB) stated that due to the uniform he could not be for or against the trail, but he could advise. He was thankful to be included in discussions and wanted it known that the base wants to be part of the community and thinks that the base will benefit greatly from the trail. He acknowledged the collaborative effort with NCTCOG and the completion of the project at the time of the intersection. Mayor Jones and council thanked him for his service and ongoing support of Westworth Village.
- Donna Roberts (5700 Sunset Rd) stated that 12-13 years ago, citizens were before council complaining about the sidewalks and now they look great. Having mobility issues herself, she stated the roads are not safe and having have sidewalks next to them is not safe. She continued explaining that they have opened up the community, waterfall area, businesses, and now they have this opportunity that they should do. She was pleased that everyone wants it and hoped the council continues to do their job to vote for the trail. She believed taking a chunk out is inappropriate.

- Tom Hughes (1 Leonard Trail) thanked everyone for coming this evening so he could express his concerns about his neighborhood and their neighbors down the street. He stated he is for the trail and sidewalks and always has been. Stating he has no interest in killing the trail. He stated that he and Sherry have been involved in the project and over the past 5 years they have been dismayed about it. He stated he had commented many times in an angry fashion because he and others were never consulted about the project. He stated it was his belief that the intention of the Council of Governments was to connect the Bomber Spur, which starts at the carwash, to Fort Worth at Airfield Falls, although he has not been a part of those discussions, like he and others desired. Over the past weeks, months, and year, he wished his neighbors and him could have talked about all this a year ago. He stated that the 30 property owners have been ridiculed in person and in writing and he doesn't know why. Mayor Jones reminded him that his three minutes were up, and he needed to wrap it up. Mr. Hughes continued that his concern was that this portion of the trail project was slated to go through his neighborhood and the Fairways neighborhood. As more information came out about the trail, he stated they realized they had the bulk of the trail and they assessed the risks to themselves, their neighborhoods, homes, and properties. He reported there are three serious risks that no one else will be subject to including the devaluation of their property, the quality of their life due to the proximity of the trail to their homes, and their safety. Mayor Jones reminded him that he was over time and needed to wrap it up. Mr. Hughes continued by stating that is why they are looking for options and opportunities for alternates before they are asked to sacrifice their safety, property values, and quality of life, for the betterment of the whole.
- Mayor Jones reminded everyone to be nice, as this was a difficult topic for a lot of people.
- Richard Cervenka (6604 Fairway Dr) stated that he represented the Fairways residents, and wanted a genuine attempt to explore options, adding that he has been at every meeting for the past two years and he has not seen a lot of the citizens in attendance. He stated there were 30 people, most of which were not Fairways residents gathered the night the contract was entered into, that were speaking against the trail. He said that "we have never said kill the trail," but instead they wanted alternatives explored. He expressed frustration that the third parties who had no vested interest in the trail and were not given authority to fully investigate the trail were used. He quoted Mayor Jones as saying on multiple occasions, "I wouldn't want the trail behind my neighborhood, I agree with your concerns and I also agree that the alternative trail committee was a complete failure.", asking Mayor Jones to confirm the quote.
- Mayor Jones stated he did not agree and clarified, that he said, "I would not want the trail behind my house if I lived there, until I walked the trail and saw the distance between where the wall is and the residence is." Mr. Cervenka disagreed, and Mayor Jones displayed a photograph of the alleyway space between the trail fence and the residents' fences in the Fairways neighborhood that he took when he walked the trail. Mayor Jones stated he respected and appreciated Mr. Cervenka's opinion and passion, but he just doesn't agree with it, adding he changed his mind when saw the 8-foot solid wall where the trail would be, along with a 25-foot grass and tree landscaped area and then a 15-foot alleyway and then the fences before you get to back yards. He continued by stating that after the walk-through, he does not understand Mr. Cervenka's concerns, nor about crime that is not backed up by police empirical data, restating that he simply doesn't understand Mr. Cervenka's position.
- Mr. Cervenka stated that Steven would present later signatures from almost every home owner in the Fairways that has the same position, adding it is not just him, they are unified in their position.

Mayor Jones called for a 5-minute recess at the request of Councilwomen Aller and Mendez, calling the meeting back to order at 9:36pm.

- Brian Libby (5853 Straley Ave) stated that he was for the trail project, but back in 2013 this was sold to the citizens as a park and trail project, not a trail project. In the last year and a half there has been no discussion of a park. He said Airfield Falls was already there, just improved upon and this project has morphed into something it was never intended to be. His other issue was that there are people who will have to give up property: Tom, Sherry, and John's land that they own.
- Mayor Jones clarified that Mr. Davies owns property with an existing trail easement, so there is nothing for him to give up. Regarding the Leonard Oaks property, he said there is a city owned sidewalk that is part of the original design, so there is no taking the sidewalk, because it is already owned by the city. He added that there are discussions with the owners on moving the trail to the south about 30 feet, through Ms. Schmitz park property, so that they would move the project away from the sidewalk adjacent to the townhouses. He stated that that would be on them, whether they want to give it, but nobody is taking anything from anybody. Mayor Jones stated that it is inaccurate that the city is taking property from anyone.
- Mr. Libby believed they (Sherry and John) have been gracious enough and, therefore, should be afforded some consideration regarding their ability to vote on the matter.
- Melissa Huffman (207 La Jolla Cove) thanked council and mayor for serving and spoke in support of the trail project as it is proposed. Over the prior 7 years, she acknowledged multiple informative newsletters, thanking former Mayors Yeager and Coleman for their diligent work at keeping the citizens informed and providing opportunities to speak in opposition and support of the project. She said there is more to lose if they don't move forward, as all cities are going to a more pedestrian friendly.
- Debbie McGee (425 Wyndham Crest) thanked the council members for their service and was in favor of the current project. She was impressed by the current financial statement, mentioning that the prior council and leaders established a financial standing for which they will continue to be the benefactors. She wanted the current council to keep that in mind when making financial decisions going forward.
- Stacey Pierce (2918 Wingate Street), representative from Streams and Valleys, discussed the broader vision of the Trinity River Vision Trail Project. She added that today the region has 72 miles of trails and the connectivity piece for the region is critical. She expressed her enthusiasm for the city's vision and receiving grant funding for the project, acknowledging that trails are not easy, but they are good for everyone and very positive. She thanked the city for continuing to put in the hard work to get access to everyone in this region.
- Councilman Davies thanked her for her valuable input and agreed that the trail is worth pursuing. She continued that if we get it all done, we will have 230 miles of trails in the DFW area, the largest in the nation. She acknowledged that staying the course is difficult, and she sympathized with those who had "butterflies" over the project, but she assured them that the trail was a positive and economic benefit to the region. She added that by grabbing this opportunity, it will open doors to future opportunities.
- Mayor Jones asked if there were other locations that experienced similar concerned citizens and opposition and, if once the trail was in place, did those concerns or issues continue. She stated that she was not aware of any and acknowledged that this was not an unusual concern or opposition, as anytime something new is added, citizens have to get adjusted to it. In her personal experience, the issues self-resolved and she expects and hopes it would be the same for Westworth Village.
- Councilwoman Schmitz asked if they ever changed a route due to citizen concerns and Ms. Pierce stated she was sure it has happened, but could not give an example, as they do not construct trails, they leave that to the experts. She believed the city has done the best they could, noting that it is impossible to make everyone happy.
- Dore Hendrix (5809 Tracyne Dr) stated she was not for or against the trail. She thanked those who service in our military, and if that portion must be postponed, she suggested that maybe the neighborhood churches could arrange to get those on the base access to retail. She requested that when the council decides to vote to allow peace to guide their hearts.

- Steven Maas (6600 Fairway Dr) stated that there is no one south of Roaring Springs that is not in favor of having connectivity, but they only ask that an alternate route be considered. He continued by explaining his views of the Alternative Trail Committee as the lone citizen impacted by the trail on the committee. He stated that the 5 options have not been investigated in any way and were only speculations during the total time of 3.5 hours the committee met and discussed the topics. He believed it was inadequate time to achieve the objective of alternative trail locations. He agrees with the Mayor that the committee was a failure as they still do not know the viability of the options, adding it was not the committee's failure, but the failure of the Mayor who appointed the committee of people from other cities to find our city's best solution. He felt ideas must be championed from within our city, as it is our project and our responsibility to do the work on actions that benefit our city. He believed financial amounts presented tonight are propaganda that are built on assumptions that they do not know to be true, as nobody knows the impacts of change, even NCTGOG, on which options would cause the project to be descoped. He added that the Fort Worth planner on the committee stated the Bomber Spur project is not in their top 20 projects and is not even planned for at least another 10 years and that with the statements in the committee report about NCTCOG having funds when they complete the 183 project. He concluded by presenting a signed request, those who are strongly opposed to the current placement of the trail and lack of a plan to address crime, litter, graffiti, after hours use, noise, and safety of the residences, by every single homeowner that has property that backs up to the ONCOR easement and numerous others, requesting the city council to take action to work with the citizens to build a trail the citizens will support, value, and utilize.
- Mayor Jones addressed the appointment of the Alternate Trail Committee, as there was a disagreement about how the committee was appointed.
- Ms. Barrett announced that she received 3 emails from residents that were forwarded to the council prior to meeting (Dan Novak, Sandie Hightower and Milton Barley). It was council's request, in the interest of time, they not be read aloud but would be made part of the official records.
- Dan Novak (6641 Fairway Dr) "Retrofitting a trail into Westworth Village is an imperfect solution, however, we are not providing the safety that we need to provide to our residents. For example, wrong-way bicycle riders on 183 ride against the traffic so they can dodge the cars and residents of the Westmore cannot walk safely to anything without walking down the street and across busy parking lots. Hundreds of public meetings have been held in Westworth Village since the trail was initiated, allowing citizens to provide their input. Discussion on the WV trail is noted in the minutes of 30+ of those meetings. The trail was discussed in the city-wide newsletters distributed to every resident and on social media. Little or no citizen input was offered during the design and finance phases of the project. At the recent request of the property owners who own the intersections for the trail, a working group of independent experts and two residents was created to evaluate alternatives. The experts quickly sifted through ten alternatives and determined the current plan was the best plan. Some of the voices and some of the votes you may hear tonight want to simply dismiss this panel of experts who donated their time, laying aside the panel's recommendations in a box of 'see no' and 'hear no' input that does not fit within a personal agenda. That agenda box is full of other voices from years of work by city residents, city staff, public hearings, and elected officials. Who is representing the 20 citizens at a recent public hearing who said they want the trail now and that the council should award a contract? Why ignore the residents who documented WV vision plans and community studies which name trails and safe access as a priority? Why were alternatives not produced years ago as urgently requested by two of the three mayors they have met with over the last five years - to suggest any reasonable alternatives during the design phase? The six property owners fighting to delay the trail indefinitely need to look outside of their own property lines and listen to thousands of North Texas bicycle riders and runners and health seekers who envision a connected community and a continuous loop to this hidden gem called Westworth Village. The few property owners say the trail will have a negative impact on the property values even though historical evidence says otherwise. The claims of "no opportunity for input" are not supported by

the evidence, including face-to-face meetings on property and recent statements on record - “four years ago we talked to the mayor and others...the property owners ‘conceded’ that [to donate park easement] was a better option than [previously granted] public sidewalks [adjacent to our townhomes]...as we found out over these years what options were being considered... ‘one last time - I mean - for the first time.’ ” The voices we hear repeating the words “erosion, adjacent, alternative routes, the Fairways, and the Leonard Oaks’ townhomes” include many voices who are not actually affected by these topics - they are simply repeating words on behalf of others for political or personal advantage. Westworth Village meetings seem to be a forum for personal agendas, so let me add one more. During the last year of delays on this trail, waiting for new members per their request of 90 days to “get up to speed,” I have lost my ability to ride my bicycle for therapeutic benefits in Parkinson’s disease and my mother-in-law, who lives in the Westmore, has lost her ability to walk. Not having safe access on this funded and awarded trail has a negative impact on people’s lives today. Many other residents may have even more critical health issues, mine is just an example to say delays are costly.

- Sandie Hightower (701 Cinnabar Ct) “I wanted to state my firm support for The Trail project. My husband and I recently moved from Dallas to Westworth Village. We purchased a home in Westworth Park knowing The Trail was coming. We were delighted to hear that the City of Westworth Village was a progressive city investing in projects for the benefit of the City and residences of Westworth Village. However, we became aware that this project has been ongoing for the last 5 years and now facing the possibility of certain council members killing the project for their own personal needs. These individuals should step down because of their conflict of interest and abstain from voting. A vote for The Trail is a vote for the people of Westworth Village for a better quality of life. How dare personal interests interfere for the greater good!!! Do your job, do what’s right, do it for the people of Westworth Village.”
- Milton C. & Sheila Barley (600 Deloache Crescent) have lived in Westworth Village for approximately 12 years. “During the time we have lived in Westworth, and especially in the last 5 years, we have watched and enjoyed the significant progress our City has made in serving all of its citizens. For this, we thank you for your service and leadership, and we look forward to this progress continuing into the future. One important project that has been ongoing for the past 5 years is the Trails project, which has seen substantial progress to date, but is still ongoing toward final completion. This project has been well supported by the citizens of our community, the prior council members, and by our previous Mayors, Mr. Tony Yeager and Mr. Mike Coleman. It has also been well supported by our friends and neighbors at the Navy Joint Reserve Base. Sheila and I have followed the development and implementation of this project over these years, and we fully believe in its value to the total Westworth community. For these reasons, we urge you to continue supporting the project, and to take the actions needed to see it through to its completion, without any material changes. We recently became aware that questions and issues have been raised by a few persons who now may feel certain segments of the project will adversely affect their own personal and property interests. We have listened to some of the discussions of these concerns as well as read the reviews and consideration of other alternatives. It appears you have considered and done everything reasonably possible to alleviate these concerns, while still following through with the original well-developed plan for The Trail. Because of this, I urge you not to let the private and personal individual wishes of a few persons stop and/or alter this important project. Clearly, when fully completed, this project will significantly benefit the entire community. Unfortunately, we are also aware that if this project continues to be delayed, and is not fully completed as originally planned and approved, there will likely be significant financial consequences to The City of Westworth Village. These consequences could include cancellation of future funds from other participating government agencies for the remaining work needed to complete the Trail. Financial consequences may also include a requirement that The City reimburse significant amounts to these same agencies, for funds previously spent. These actions would be the result of our City’s failure to complete the original approved project in its entirety, without major alterations. Should this happen, those who cause these significant financial

exposures to our City should be held fully accountable, in every possible way. Again we thank you for your service to Westworth Village, and we hope you will work together to continue supporting the Trails Project so that we all can continue to enjoy the results of this effort, as well as the many other good things happening in our City.”

- Mayor Jones closed the Public Hearing at 9:55pm.”

B. Councilman Davies

Discuss and take action on the Trail construction project.

- Councilman Davies wanted the council to discuss pursuing alternatives.
- Councilwoman Cowden stated she wants the trial and looks forward to using it, but she is concerned about the lack of investigations into the alternatives for the section of residents that are directly impacted by the current location. She believes that using the report that Mr. Kokes presented, they need to try find common ground and that citizen concerns should be investigated, taken seriously before determining if the current placement is still the best.
- Sharon Hendrix (5812 Tracyn Dr) said of all the options we cannot please everyone, but we should review them for the betterment of everyone. She stated she feels left out because of walls and the Village does not revolve around certain people. She was happy with the council and recommended that everyone come to the meetings all the time to stay informed.
- Councilwoman Aller stated she was at the first meetings in 2015, and over the years people could have participated. She did not understand why people have not taken advantage of the planning time as opposed to waiting to the last minute. She said she hated the feeling that the plan has been highjacked over the past year and that they will never please everyone. She urged the council to take to heart the number of people who want it finished and the endorsement of simply earning the grant out of all the other projects that could have been funded. She stated they need to get past this and move on to other pressing matters in the future.
- Councilwoman Cowden agreed they should move forward, but they should not leave a whole neighborhood in the dust.
- **Motion the alternatives be investigated and we cancel the portion of the contract that is the Leonard Oaks and ONCOR portion and refer the design of it to a committee that is appointed by the council, who will actually investigate these options and come back and tell us what is going to be the best option, fully completing the trail, but after we have identified and gone through those options.**
 - **MADE BY:** Christina Cowden. **SECOND:** Rosa Mendez.

DISCUSSION:

- Mayor Jones and Sterling Naron requested the motion be clarified before the city attorney is asked to address it. Following a brief discussion with council on the what the add alternate piece of the contract is, she restated the motion.
- **Restated motion to cancel anything west of Roaring Springs to give and refer it back to a committee chosen by the council to identify, flesh out the alternatives identified in Kevin Kokes report, or any other alternatives they might come up with.**
 - **MADE BY:** Christina Cowden. **SECOND:** Rosa Mendez.
- **DISCUSSION:**
 - Councilwoman Cowden stated that she has read the contract numerous times and there is no financial implication to change the contract, reading that we can change a part of the contract whenever the owner determines that the termination of the contract is in the best interest of the owner or the public. It is written very pro-city, and this should have no financial implications to the city.
 - Mayor Jones questioned what NCTCOG and TxDOT would do to the funds if the contract was terminated.

- Councilwoman Cowden stated it would be a change order, not a termination, as we would still be doing everything else.
- Mayor Jones stated this would descope the project, to which Councilwoman Cowden agreed but only temporarily while alternates were reviewed.
- Councilwoman Aller stated the city has already spent thousands of dollars to identify the best options and believes there are “too many cooks in the kitchen”.
- Councilwoman Cowden stated she does not like waste money, but she does not want to ignore a group of citizens. She stated she ran for council because she was tired of citizens not being heard and she does not want to be part of a council that does that to people.
- Mayor Jones stated that he appreciates and respect the Fairways residents, however there have been 23 action items on the agenda, 3 special trails only council meetings, 1 community luncheon presentation, 49 staff reports, and 7 newsletters over a period of 7 years, and this is not a big city. His concern is the cost of exploring additional options that will completely be on the city. The cost of design is completely on the city. The cost of engineering is completely on the city, and the cost of construction in addition to what is proposed is completely on the city. He believes there is a finite line where NCTCOG and TxDOT are tired of messing with us and pull the funding, which could occur if we terminate or change the contract. It is a high-risk game to satisfy some people who are very passionate and believe strongly in their opposition. He thought the Leonard Oaks portion was resolved through the park.
- Buddy Hudgen (6601 Fairway Dr) stated he has been in the real estate business for years and stated that the council should table this and seek legal advice. He asked if they have a change order option, what is the impact? It is his belief that if this does not occur, the council is not being fair to the homeowners.
- Mayor Jones disagreed, noting again the possibility that the project could be descoped, in which case all federal funding would be lost and we would have to pay it back. Mr. Hudgens agreed that he may or may not be right, so he again asked that the item be tabled for proper investigation.
- Councilwoman Cowden asked the city attorney if a change order could be made to the contract and if she anticipated a problem with changing the route.
- Ms. Dierker stated the way she worded the motion, she does anticipate a problem, because it is worded to cancel a portion of the contract, thereby breaching the contract that you have let. She continued by stating that by law change orders cannot exceed 25% of the price of the contract that you have let, either increase or decrease, as it would cause a hardship. The current motion cancels that portion without any understanding or knowledge of how much it might cost, so you would breach the contract.
- Councilwoman Cowden asked and Ms. Dierker confirmed it was bid separately but signed as one contract that deals with the trail as whole with a 90-day delay on construction for the Leonard Oaks and ONCOR portions, but it has been executed. Councilwoman Cowden asked about putting another delay on it to try and figure it all out. Ms. Dierker stated that she would have to amend her motion so that it was not a cancellation, but a delay request, again recommending that the motion does not cancel the contract.
- Mayor Jones asked Mr. Naron how long it would take to hire a consultant, have staff review, etc. Following up on Ms. Dierker’s thoughts to extend the delay instead of cancelling the contract, which might grant some leeway with NCTCOG as they would not be terminating.
- Steven Maas (6600 Fairway Dr) stated there were two issues being debated, first is the impact to the contract if you change it and the second is what happens to the funding, which is a separate issue.
- Councilwoman Cowden asked Mr. Naron how long it would take without paying for much engineering. Mr. Naron reported that it is at the point that it requires environmental studies, utility studies and engineering, which we do not have the staff capabilities to do, so it would

- have to be sent out to a third-party contractor. There was a brief discussion on how those services would be secured and determined the council would have to provide a scope of service.
- Mayor Jones questioned what would happen if they allow the contractor to proceed with the White Settlement portion, knowing that there might be the possibility that we lose funding. Councilwoman Cowden does not believe that another delay will cause NCTCOG to pull the funding based on her research, stating she believed it is a scare tactic. Mr. Naron reminded them that Mr. Kessler reports to a board and he would not speculate, adding that he would estimate at least 3 months to get through all the studies.
 - Councilwoman Cowden stated that given they currently have one month left on the original delay, if they added an additional 90 day delay it would cover the proper review time. Mr. Naron stated that was his speculation only.
 - Margaret Worthington (5700 Tracyn Dr) said she did not understand why, given the overall 183 project, not just do it all at one time as these three alternatives go down 183 with the multiuse trail. She asked why are these two projects not coordinated together?
 - Mr. Naron reminded everyone that a change order through the Leonard Oak park area, which is already in the works, will use approximately 20% of the 25% allowable change order.
 - Councilwoman Cowden withdrew her motion and Councilwoman Mendez consented to the withdraw. Mayor Jones stated that there were currently no motions on the table.
 - **Motion to extend the 90 day stay on construction currently in place for an additional 90 days to allow us to fully flesh out the alternatives.**
 - **MADE BY:** Christina Cowden. Mayor Jones stated it needed to include the authorization of x amount of dollars to engage an engineering firm to be negotiated by the city administrator to give some preliminary estimates of cost to allow the council to make an informed decision on the additional cost.
 - Councilwoman Cowden stated she would like it reviewed by a committee, since half of the council was not able to discuss it. Mayor Jones stated we were going to authorize an engineering firm to make recommendations to the council about the cost of the alternates. Councilwoman Cowden stated she preferred a committee be appointed by the council to review the alternates, because half of the council cannot participate, and she wanted the people who are directly affected to have input as well.
 - Linda Kazanova (442 Wyndham Crest) suggested that having worked with big projects, there is a long time to get up to speed, suggesting a working group consist of people familiar with the project and solicit outside input versus taking people with minimal history. She recommended having a team within the council and government.
 - Richard Cervenka (6604 Fairway Dr) asked if there could be multiple change orders, each representing 20%. Mr. Naron stated it was 25% total. Mr. Cervenka reminded council that the 25% would not be applicable if the contract was cancelled.
 - Margaret Worthington (5700 Tracyn Dr) said considering all the funding to expend on the engineering, why not narrow the selection down to one?
 - Mayor Jones recommend we direct Mr. Naron to contact the contractor about the additional delay, contact NCTCOG about funding impacts for an additional 90-day extension, and direct Freese and Nichols to come back with a cost to do the studies on these various alternatives and we come back in a week to 10 days at a special meeting and act on that information. Mr. Naron confirmed that was an acceptable plan to review the options in Mr. Kokes' report.
 - Steven Maas (6600 Fairway Dr) confirmed that the Mayor stated it was viable, they would include the trail in the 183 project.
 - Richard Cervenka (6604 Fairway Dr) stated that if Mr. Naron was going to lead that, he requested that Councilwoman Cowden be involved as well. Mayor Jones stated that was fine with him.

- Barbara Deakins (5848 Trigg) said if cancelled, as previously suggested, there would be additional cost if an alternate is selected based on length. She requested the council stop delaying this project.
- Councilwoman Aller agreed, asking where the outrage for this project was in 2015, 2016 and 2017, stating she was tired of kicking the can.
- Ms. Deakins continued referencing the sidewalk as discussed earlier, statomg sometimes taking a hit is better for everyone in the community.
- Mayor Jones stated it appeared to be council consensus to delay it. He suggested they instruct Mr. Naron to bring back an estimate on the cost, who can do it and how long it will take to accomplish. In addition, Ms. Dierker needs to meet with the contractor regarding contractual implications and Mr. Naron needs to contact NCTCOG for an opinion on a delay. Then, in a week or 10 days the council can reconvene and discuss options.
- Councilwoman Cowden stated we were one a strict timeline and Mayor Jones confirmed the meeting could be scheduled as soon as the data was gathered.
- Susan Coleman (114 Monterra Circle) requested they also ask if they elect to pursue an alternative, how long will it take and will TxDOT agree? This will take a minimum of a year to complete all the studies, this will not be a 90-day deal. She stated the city has spent \$24,000 on the Leonard Oaks alternative, for which we still don't have an easement, and if granted we will spend an additional \$200,000. She asked if NCTCOG is going to wait and if the cost of the studies will not be covered, will the city bear all the cost and will the project go on another year or two? Is NCTCOG going to be okay with another year or two delay.
- Sharon Hendrix (5812 Tracynne Dr) said if NCTCOG wants to do it, why would we do it if they are going to tear it out? She stated we have wasted a lot of money on Freese and Nichols studies and she does want to hire them again to do anything.
- Rich Mazaros (6625 Fairway Dr) stated he was the current Fairways HOA President, and he requested the council get the facts so the council and city can evaluate them properly. He expressed gratitude that people are concerned about his home value, adding that is not an issue that he, Steven, and Richard have expressed. She stated the concern from day one is the safety issues, noise issues, crime issues, and vandalism. He believed those concerns have yet to be addressed. They want someone to address those concerns. He thanked Councilwomen Cowden for her courageous stance on the issue this evening.
- Mayor Jones suggested the council meet again in a week, by which time the cost of the studies and response from the contractor and NCTCOG will be known.
- Councilwoman Aller requested that it be noted on the record that she is fully opposed to wasting any more money on studies, city resources, and citizens' time. She stated she wants to move forward.
- Ms. Barrett reminded everyone of the special quorum attendance requirements, due to Councilwoman Mendez's possible inability to attend due to a prior commitment. A brief discussion took place on the topic and it was determined the council would reconvene.
- Tom Hughes (1 Leonard Trail) stated he believes this is another stall tactic similar to the same tactic used a year ago. He asked what is so hard about this. He preferred a committee be appointed and he requested some security. He told Councilwoman Aller that they have been in attendance. He agreed no one can state the cost. He said is not privy to the information in the meetings. He requested a motion to extend the time.
- Mayor Jones stated the council could do what they wanted, but they need more information to properly evaluate the options adding that if they just extend it another 90 days, they will not have done anything to obtain information, and in August they will breach the contract. He does not believe the council has the information needed to make a proper motion on the subject.
- Ms. Barrett reminded the council there was a motion on the table with no second.
- Councilwoman Aller stated that continuing is an inappropriate use of city resources.

- Mayor Jones again asked for consensus to instruct Mr. Naron to bring back an estimate on the cost, who can do it, and how long it will take to accomplish, and Ms. Dierker to consult the contractor regarding contractual implications. Then, in 10 days the council can reconvene and discuss options.
- Steven Maas (6600 Fairway Dr) asked what would happen in 10 days if a quorum is not in place, as by the next council meeting, the original 90 days will expire.
- Mayor Jones stated we are all operating in good faith. If that were to happen, they would meet again in 72 hours and it would be reposted immediately.
- Richard Cervenka (6604 Fairway Dr) expressed concern over Mr. Naron's ability and therefore requested that councilmembers be involved in the process. Mayor Jones invited Councilwoman Cowden to participate in any calls or meetings with Mr. Naron.
- Councilwoman Schmitz stated that she was not able to vote or discuss this topic on council, but she volunteered her time to work on the project with Mr. Naron from a financial point of view.
- Mayor Jones confirmed there was a clear consensus on the direction given Mr. Naron and Ms. Dierker and a special meeting would be scheduled in two weeks.
- Susan Coleman (114 Monterra Circle) said she thought Mr. Naron should be instructed to ask NCTCOG what the status of the grant funding will be if the council proceeds with an alternative. She believed they need to know if the grant will be pulled and what the effect will be if an alternate is moved on.
- Due to existing schedules, the special meeting date was set for Monday, July 22 at 6:00pm.
- Mr. Rottler (194 Pecan Dr) suggested a decision could be made this evening based on the briefing. Mayor Jones, Councilwoman Cowden and Mr. Naron explained the numbers do not include the different routes being considered.
- Councilwoman Cowden confirmed her motion died due to lack of a second.
- Mayor Jones confirmed there was a clear consensus and a special meeting scheduled on Monday, July 22nd at 6:00pm.

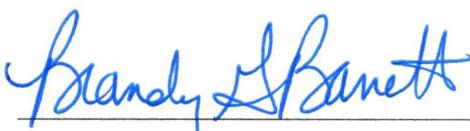
The meeting was adjourned at 11:12pm by Mayor Jones.

MINUTES APPROVED BY:



L. Kelly Jones, Mayor

SIGNATURE ATTESTED BY:



Brandy G. Barrett, City Secretary

