



REGULAR CITY COUNCIL MEETING MINUTES

APRIL 9, 2019

**MUNICIPAL COMPLEX
COUNCIL CHAMBERS
311 BURTON HILL ROAD**

REGULAR SESSION: 7:00 PM

ATTENDEES:

Mayor	Michael Coleman
Mayor Pro Tem	L. Kelly Jones
Council Member	Dan Novak
Council Member	Tiffany Aller
Council Member	Sharon Schmitz
City Administrator	Sterling Naron
City Secretary	Brandy Barrett
Police Chief	Kevin Reaves
City Attorney	Ashley Dierker
Golf Pro	Mike Meka
Building Official	Nader Jeri

ABSENT:

Council Member	John Davies
Director of Cmty Dev	David Curwen
Public Works	Joseph Alvarez

PRE-COUNCIL SESSION: No pre-council discussion was held.

REGULAR SESSION:

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

INVOCATION offered by Nathan Keller.

PLEDGE OF ALLEGIANCE led by Mayor Coleman.

REGULAR SESSION:

1. MOTION to approve the Agenda.

- **MADE BY:** Dan Novak. **SECOND:** Tiffany Aller.
- **Motion passed** by a vote of 4 Ayes and 0 Nays.

2. MOTION to approve the Consent Agenda

- **MADE BY:** Tiffany Aller. **SECOND:** Sharon Schmitz.
- **Motion passed** by a vote of 4 Ayes and 0 Nays.

The following consent agenda items were approved:

A. Approval of the Minutes:

- Town Hall – March 11, 2019
- Council Meeting – March 12, 2019

B. Approval of Financial Reports:

- TexPool Report
- A/P Disbursements

FUND BALANCES March 2019	GENERAL	WATER	CAPITAL PROJECTS	CRIME CONTROL	DEBT SERVICE	WRA	HCGC	STREET
Revenue	\$263,535	\$44,154	\$15,000	\$62,136	\$6,666	\$0	\$142,571	\$31,198
Disbursements	\$234,702	\$79,388	\$34,417	\$37,750	\$0	\$12,099	\$101,952	\$13,408
Cash on Hand	\$165,365	\$409,510	\$1080	\$86,879	\$18,967	\$140,216	\$141,138	\$102,341
TexPool	\$463,525	\$82,800	\$123,150	\$242	\$651,606	\$131,369	NA	NA
Money Market	\$350,000	\$500,000	NA	NA	\$129,000	\$1,090,000	NA	NA

EXECUTIVE SESSION:

Mayor Coleman convened a closed executive session, at 7:02pm to deliberate the following items:

- A. Consultation with Attorney pursuant to Texas Government Code Section 551.071; regarding Local Government Code Chapter 171.**

No action was taken in Executive Session.

Mayor Coleman re-convene in Regular Session at 7:21pm.

3. STAFF UPDATES:

A. Police Department

- Chief Kevin Reaves reported that in the month there were 348 traffic stops, resulting in 235 citations and 270 warnings. There were 2452 calls for service, including 234 - 911 calls and 385 Priority One calls. In addition, we had a total of 60 arrests, which resulted in 100 charges; 116 warrants were cleared via Police Department and Court actions.
- Richard Brooks, from MedStar was introduced and provided the annual MedStar report. He encouraged everyone to enroll in their \$69.00 annual service program, which pays for the amount of an ambulance service not covered by insurance for anyone in your household. Mr. Brooks was presented a Proclamation declaring National Emergency Medical Services Week, May 19-25, 2019.

B. Code Enforcement & Building Inspection

- Nader Jeri, Building Official, reported 120 Inspections were performed and 39 Code violations were resolved last month.
- Commercial projects currently under construction include: Dairy Queen and a Retail Building.
- There are 27 ongoing residential projects.

- Mr. Jeri also gave the Community Development Report in Mr. Curwen's absence; reporting that alley work is in the final stages and that notices regarding alleyway maintenance for overgrown vegetation would be mailed in the coming weeks as the alleyways were completed.

C. Hawks Creek Golf Course

- Mike Meka provided the Hawks Creek report. The course had 2569 rounds played last month, resulting in \$137K revenue. The course was closed for 4 days due to weather.

D. Administration

- Sterling Naron provided the Public Works Report, noting that the department completed 145 service work orders in addition to their ongoing tasks, sewer cleanouts, line breaks and compliance reporting activities. In addition, Mr. Naron provided a brief legislative update and reviewed the variance report, noting several things including an unexpected increase in sales tax revenue, underestimated permit fees and collection of 98% of the ad valorem taxes.

Councilwoman Schmitz requested to read a statement into the record: "Mayor, Councilmembers, Citizens, Staff, guests, I would like to read you a short statement as we are going into discussions on the trail and various areas around the trail, so I would like to make this statement: I am a majority owner or owner of properties on Leonard Oaks and across the street in the back of Roaring Springs, so the North side of Leonard Trail, I have always been open about that ownership, so excuse me if some of you didn't know that before, but it has been brought to my attention that even trying to avoid a negative impact on my property may be considered economic impact under Texas Statute 171. Recently the city has asked me on behalf of this entity to donate a permanent trail easement on one of the owned properties, to the city to allow a preferred path for the trail. As such, when it comes to decisions regarding the trail path, as it affects properties which I have ownership interest in, I will abstain from participation, votes, discussion and decisions. As we move forward on the trail and trail path decisions I ask my fellow council members to craft specific discussion and or motions if possible either including or excluding these properties, so that the other areas of the trail are not prohibited from my representation. Thank you."

- Mr. Naron continued with his review of the status of the trail system, including a recap of the bids, announcing that out of the 5 bids received, the low bid was made by North Rock Construction, LLC in the amount of \$908,621.25. NCTCOG has confirmed they remain committed to helping offset the remaining 20%, \$181,724.25. Staff also followed up on the alternate trails at Leonard Trail, and reported that an alternate route has been proposed and the landowner has agreed to donate the necessary easements and right of ways. NCTCOG has stated the alternate does meet all of the grant requirements; final approval is still required by TxDOT. However, they will not consider any alternatives until all the legal documents for the easement/right of way have been completed. Freese and Nichols provided a rough estimate of the alternatives totaling \$231,250. Staff is recommending that during the Action Items later this evening that Council approve the North Rock bid as presented and then submit a change order for the Leonard Trail piece, pending TxDOT approval.

4. ADVISORY BOARD AND COMMITTEE UPDATES:

A. Finance – Kelly Jones, Chair

- Councilman Jones announced the Finance Committee had a very constructive meeting at 6:00pm and finalized the proposed performance-based budget format. He encouraged citizens to continue to participate in the new budgeting process and requested their assistance at the Finance Committee meeting by providing ideas and feedback to the staff regarding the establishment of the expectations and standards.

B. Vision – John Davies, Chair

- No report was given in Councilman Davies absence.

C. Library – Tiffany Aller, Chair

- Ms. Aller thanked the staff for their ongoing efforts and work to have the library collection moved to other libraries and reported that residents are taking advantage of the new library services.

D. Ordinance – Sharon Schmitz, Chair

- Councilwoman Schmitz announced that Ordinance 443 was on the agenda tonight regarding the changes in Library services.

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

A. Announcements

- Vision Committee applications are available by contacting Brandy Barrett
- Candidate Forum will be April 16th at 6:30pm in the Council Chamber
- Early Voting begins April 22nd and ends April 30th at the River Oaks Community Center
- Election Day is May 4th, from 7:00am to 7:00pm, in the Community Room

B. Meetings:

- Finance Committee Meeting, May 14th at 6:00pm
- Regular Council Meeting, May 14th at 6:45pm
- Crime Control and Prevention District Meeting, tentatively scheduled June 4th at 5:30pm

C. Proclamations:

- Declaring the month of April 2019, as Child Abuse Prevention Month – Will be mailed to Julia Braun on behalf of Alliance for Children
- Declaring National Public Safety Telecommunicators Week, April 14-20, 2019 Presented to Chief Reaves and Westworth Village Telecommunicators: Kobie Hodge, Cindy Black, Breanna Saddler, and Kimberly Smith
- Declaring National Emergency Medical Services Week, May 19-25, 2019 Presented earlier to Richard Brooks on behalf of MedStar
- Mayor Coleman presented a proclamation at the Luncheon today, declaring April 15, 2019 as Theda Ruth Waters Jones Day in honor of her 101st Birthday.

6. CITIZEN COMMENTS:

- Nathan Keller (Westworth Church of Christ minister) announced that the annual Easter Sunrise Services will be held at 7:00am, behind Burton Hill Elementary; April 26-28 they are hosting a gospel meeting, and the annual garage sale to feed widows and orphans is accepting donations.
- Jeanette Jones (5749 Tracyne Drive) expressed concerns about the way the most recent Certificates of Obligations were issued, possible Chapter 171 violations by members of the Westworth Park Homeowner Association, speeding, drainage issues, the retaining wall at Westworth Falls, fill dirt being dumped and issues with the trail proceeding without parks, landscaping and lighting, street lighting.
- Heather White (5828 Coleman St) expressed concern about children and residents crossing the alleyways, as there are no crosswalks, stop and/or honk signs and she would like it reviewed for safety. Councilman Jones requested that Mr. Naron and Chief Reaves provided a report on this at next month's meeting.
- There were no further citizen comments.

7. ACTION ITEMS:

A. Mayor Coleman

Discuss and take action on Ordinance 443, replacing Article 1.11 Library Services.

DISCUSSION:

Tiffany Aller reported that this Ordinance completes the actions to close the Westworth Village Library as previously approved by Council.

MOTION to approve Ordinance 443, replacing Article 1.11 Library Services.

- **MADE BY:** Tiffany Aller. **SECOND:** Sharon Schmitz.
- **Motion passed** by a vote of 4 Ayes and 0 Nays.

B. Mayor Coleman

Discuss and take action on TAP Grant Construction Bid.

DISCUSSION:

- Mayor Coleman stated that he would like to accommodate Councilwoman Schmitz request. He asked Mr. Naron to provide a brief recap of his earlier report for the total trail system, followed by a separate discussion for each the Leonard Trail portion and the ONCOR easement portion to allow Councilwoman Schmitz to participate as she felt appropriate. Mr. Naron again stated the low bid was made by North Rock Construction, LLC in the amount of \$908,621.25; and NCTCOG has confirmed their commitment to help offset the remaining 20%, \$181,724.25. He also noted that the landowners near the Leonard Trail portion have met and will continue to work on the alternate routes being considered, at which time a change order would be made to the North Rock bid. Mr. Garcia has provided a cost estimate and noted the drainage issues that currently exist on the considered alternate could be fixed with a drainage culvert. Mr. Naron recommended that Council approve the North Rock bid as presented and submit a change order for the Leonard Trail piece, pending TxDOT approval.

Client: City of Westworth Village	North Rock Construction, LLC	MHB Const	Urban Infraconstruction LLC	FNH Construction, LLC	Cole Construction Inc.
Project: Citywide Trails Rebid					
Bid Date: 4/6/2019					
Project No: 0902-90-026 (WRV15417)					
BID SUMMARY					
BASE BID	\$737,020.42	\$761,787.51	\$751,860.40	\$919,727.00	\$837,482.00
ADD ALTERNATE BID 1	\$171,600.83	\$223,814.94	\$221,502.00	\$268,247.00	\$290,686.00
TOTAL BASE + ADD ALTERNATE BID 1	\$908,621.25	\$985,602.45	\$973,362.40	\$1,187,974.00	\$1,128,168.00
CITY OF WESTWORTH 20% MATCH	\$181,724.25	\$197,120.49	\$194,672.48	\$237,594.80	\$225,633.80

Mayor Coleman opened floor to citizens who wanted to speak, up to 3 minutes, on the Leonard Trail portion.

- Melba Poppe (3 Leonard Trail) was grateful the landowners conceded so they will not have the trail in front of their homes but continued to question why it was not a consideration 4 years ago and expressed concern about speeding on her street.
- Tom Hughes (1 Leonard Trail) announced the trail affects his land more anyone else in the city, and he was upset that the city had considering tearing down the wall at their property entrance and had considered an option to go behind their homes. He remembered when he and Sherry (Councilwoman Schmitz) discussed the park and how it could be used in the trail, and how they always encourage people to walk in the park area. He reported that one week ago he requested that Councilman Jones come out and see the property and consider this alternative, adding that Councilman Jones then encouraged a meeting between Mr. Hughes and Mr. Garcia. He requested that after 4 years of trying to get to other options, the council stop and review at least two other options that have not yet been considered. Mayor Coleman asked him what those options were and to provide a brief overview of them so they could be consider. Mr. Hughes stated that after 4 years of trying to get someone to listen to them, he would prefer that the Mayor set up a meeting next week to discuss them, as he was not comfortable discussing them tonight. Mayor Coleman again requested that Mr. Hughes provide even an idea of the other options, so they could be considered prior to action tonight. Mr. Hughes declined and left the podium.
- Richard Cervenka (6604 Fairway Dr) was disappointed that it appeared the council would be approving a bid with a significant change order that had yet to be finalized.
- Brian Libby (5853 Straley) agreed that the change order needed to be finalized before approved and questioned why we were using the low bidder, questioned the vetting process, and requested more information on the safety aspects of the planned trail near the road.
- Mr. Garcia answered the vetting process, including they are bonded and insured per contract requirements, adding that they have had them on other projects and have found the company to be competent and reliable. He added, regarding safety issues, that the trail was designed to the AASHTO (American Association of State Highway and Transportation Officials) safety standards, so it will be safe.
- Steven Maas (6600 Fairways) wanted it noted in the record that the Fairways residents submitted a letter to NCTCOG accusing Mayor Coleman and Councilman Jones of rushing the project and added that it was not possible to thoroughly vet the low bidder in the 3 days since the bids were opened, he questioned the need to vote tonight.
- Sharon Hendrix (5812 Tracyne) asked if this item could be put on a ballot for the citizens to vote on and added there were some dangerous pot holes on Roaring Springs Road that needed to be repaired. She stated her husband had some other options for the trail, and when Mayor Coleman asked her what they were she called Mr. Hendrix up to the podium.
- John Hendrix (5812 Tracyne) he again stated that the trail should go through the walled communities in Westworth also, not just in the open areas that already have sidewalks. He wanted the alternates to be considered and go with the best one but did not provide any new alternates.

Mayor Coleman announced that they would be discussing the ONCOR Easement/Fairways portion next.

- Mr. Naron reported that the council had received a letter from the Fairways HOA and stated that the city does have an action plan which will resolve their stated concerns:
 1. Safety – it has been designed to meet AASHTO Guidelines for safety.
 2. Vandalism – any issues would be handled through the Police Department, as vandalism is a criminal act and would be treated as such.

3. Litter/maintenance – the golf course staff handles routine litter clean up and maintenance, just as they do at City Hall and other city properties.
 4. Crime – criminal issues would be handled by the Police Department and routine patrol.
 5. Noise – the City has a noise ordinance in place, a violation would be handled by the Police Department and dealt with in our municipal court.
- Mayor opened the floor to for citizens to address the ONCOR easement portion, thereby allowing Councilwoman Schmitz to participate.
 - Councilwoman Schmitz expressed her desire to debate all the alternatives with the engineers and encouraged her colleagues to take the time to address this section for those citizens. She wanted to exclude that from the contract award, as it was bid separately. She stated that the option to wait for a change order does not resolve this issue for those residents. She expressed that she appreciated the Mayor pulling the Fairways portion out for separate discussion.
 - Richard Cervanka (6604 Fairway Drive) expressed desire to use the portion between the gas well site and grave site. He was hopeful that the letter would spark an interest for a sit-down meeting to discuss the options; adding his disappointment in the council.
 - Brian Libby (5853 Straley) requested clarification of the bid. Mayor Coleman explained that the bid was for the approved project, which meets the TAP Grant requirements of connecting all points of the city. The basic contract does not include the park portion at Leonard Oaks, which would be an addition to the basic contract and would require TxDOT approval and a possible separate contract or a change order. While some of the money in the existing base contract could offset it, our goal is to drive the alternate to completion. He also questioned the reputation of the low bidder. Mayor Coleman confirmed that the engineering firm has vetted the contract and used them on prior projects.
 - Tom Hughes (1 Leonard Trail) restated that the park alternative is not in the bid, and Mayor Coleman confirmed that the existing original plan was bid, Mr. Hughes confirmed it would go through the wall. The Mayor reconfirmed that if the bid is approved and an alternative is not approved, the original plan involving the wall in the right-of-way would be approved. Among other things, Mr. Hughes expressed his disappointment that the council had not considered other good alternatives and in their plans to use a change order process. Mayor Coleman stated that it was possible to put a hold on that portion until the alternatives could be reviewed.
 - Margaret Worthington (5700 Tracyn Dr) appreciated the opportunity to interact with the council on this project. She questioned the bid numbers and their meaning. Mayor Coleman confirmed that for the basic contract with the ONCOR easement the basic scope of the project would be met, each portion is required. She wanted to know if NCTCOG would be funding the 20% of the project. Mayor Coleman confirmed that they are currently exploring the funding, but it has yet to be determined. Mayor Coleman stated that we should assume we will spend our 20%, in line with the original budget and vote with that understanding.
 - Virginia Schwick (305 Kenshire Dr, Benbrook TX) stated she has a design background and encouraged the council to listen to Mr. Hughes. She said that he designed an amazing entryway in the townhouses, she loves the brick pavers, landscaping and walls, adding that destroying those would be a detriment to the city. She stated that others could put in ideas that would be great and unique, and she requested the vote be delayed to listen to him and others who might have good ideas.
 - Melba Poppe (3 Leonard Trail) appreciated the council looking at the other route, but was concerned that the vote would still take place. She wanted the vote to stop because there is no trust in the council. She wanted them to just wait and consider the alternate route.
 - Steven Maas (6600 Fairway) echoed the lack of trust expressed from the citizen to the council. He stated they do not want a reactive police response, but a proactive response. Steven stated he

presented an option to Councilman Jones the prior night. He believed there were numerous unsettled options, so he did not understand why they would push forward with the contract.

- Jeannette Jones (5714 Tracyne Drive) requested the postponement of voting on the bid until all alternates have been discussed and continued to question the payments for the trail in front of Westworth Falls.
- Sharon Hendrix (5812 Tracyne Drive) questioned why we would spend our money if, as Mr. Kessler said, it would be pulled out. Mayor Coleman confirmed that what she was discussing was along 183, not included in this basic contract. She said she felt sorry for Tom and Sharon having to donate their property. Mayor Coleman stated that no one has to donate any property.
- Dorenda Hendrix (5809 Tracyne Drive) mentioned a verse of scripture about peace in the heart and added that she does not see a lot of peace.
- Mayor Coleman stated this action will take a major step forward with connecting the city. He continued that this is not an isolated action; the City has been putting in sidewalks in for years. That the trails and sidewalks make this town a better, more livable military community and the base would love to have the trail in place to walk to retail districts. He stated that if we do not use the ONCOR easement this project will not occur. There was a young child hit by a car on our streets last week, we need to increase the safety of citizens by moving as much off road as possible. This has been a very divisive project in our city and for his part he apologized. He believed the council had heard from the citizens and directed the council to deal with action item on hand.

MOTION to accept the base bid from North Rock Construction LLC, along with the added alternate bid, in the total sum of \$908,621.24, with the instruction given by staff at the time of signing of the contract that there will be no construction on the Leonard Trail portion or the ONCOR/Fairways portion of the contract for 90 days, expecting a change order on the Leonard Trail and the ONCOR/Fairways portions.

- **MADE BY:** Kelly Jones. **SECOND:** Tiffany Aller.
- **DISCUSSION:**
- Councilman Jones stated that they have to reach an end to this project, because they have taken no other action or discussion outside of the trail in the last year. That the existing council inherited the trail project, and if they fail to uphold our obligations to TxDOT to connect all sections of the city, they will be required to repay \$288,000 back to NCTCOG and lose the funding for the entire rest of the trail. He said they are where they are and they have to finish this project. It was given to them primarily to assist the base. He stated that his motion allowed for time to consider alternatives. He added that they have all had a lot of sleepless nights getting to this night. They have communicated as adults, and Mr. Hughes, Mr. Naron, and Mr. Garcia have all worked together to arrive at the Leonard Oaks alternative, the Mayor approved funds to Freese and Nichols to review the plan, thereby mitigating the possible rejection by TxDOT. And he does not want citizens to think we are taking their property, as Mr. Hughes graciously donated the easement on his property for the trail, and they are all grateful as it is a beautiful piece of land. He expressed that this is a collaborative thing and way government should work. It is his hope that they are able to find an alternate plan for the Fairways so that change orders can be made to the contract.
- Councilman Novak added that the not all the citizens of the Fairways share the views of those expressed this evening. He stated that the City installed a landscaped area along the ONCOR easement near the gas well site. The options considered were those that are city owned public property, but the alternatives suggested tonight involved private landowners. TxDOT does not purchase rights-of-way. He stated that there have been numerous opportunities for citizens to comment over the past years.

- Mayor Coleman confirmed with Mr. Garcia that the 90-day construction delay, as worded in the motion, could be accommodated in the contract. Mr. Garcia confirmed it was not an issue.
- Councilwoman Schmitz stated that, due to the wording of the motion, she would be abstaining from the vote due the previously stated conflict of interest.
- **Motion passed** by a vote of 3 Ayes and 0 Nays (Sharon Schmitz abstained under Chapter 171).

The meeting was adjourned at 9:45pm by Mayor Coleman.

MINUTES APPROVED BY:

Mike Coleman

Michael R. Coleman, Mayor

SIGNATURE ATTESTED BY:

Brandy G. Barrett

Brandy G. Barrett, City Secretary

