

## Minutes

### **NAS JRB FORT WORTH JOINT LAND USE STUDY POLICY COMMITTEE MEETING**

**Brewer High School Ninth Grade Campus  
1025 West Loop 820, North, Fort Worth  
Monday, September 24, 2007  
7:00 p.m.**

#### **Public Meeting Date and Location**

Monday, September 24, 2007 – 7 p.m. – Brewer High School Ninth Grade Campus Auditorium, 1025 W. Loop 820-N, Fort Worth, Texas 76108; chaired by Chuck Silcox, City of Fort Worth Council Member and Chairman of the Joint Land Use Study Policy Committee.

Total Attendance: Approximately 70 members of the public.

#### **Public Meeting Purpose and Topics**

The public meeting was held in accordance with the Joint Land Use Study Policy Committee's public involvement principles adopted on October 16, 2006. Topics covered at the meeting include:

1. Purpose and need for the Joint Land Study (JLUS)
2. Governmental entities participating in the study
3. Economic benefits of the NAS JRB to the region
4. Community mission for the next BRAC
5. Issues confronting the community and the base
6. JLUS draft recommendations for land use surrounding the installation
7. Surface access to NAS JRB
8. Study schedule

The meeting was held to educate, inform and seek comments from the public. Comments were solicited from those present who wished to speak for the record. Presentations made at the meeting are available at <http://www.nctcog.org/jlus>

Staff distributed a meeting agenda and a comment form and announced all subsequent public meetings.

## **Outline of Public Meeting**

### **1. Welcome, introduction**

Chuck Silcox, Chairman of the JLUS Policy Committee and Fort Worth City Council Member, welcomed the attendees and thanked them for their interest. He explained that the purpose of the study is to provide recommendations for compatible land use planning around the base in order to safeguard the mission and continued operation of the base during the future Base Relocation and Closure (BRAC) reviews by the U.S. Department of Defense (DOD). He referred to the BRAC of the 1990s during which Carswell Air Force Base and thousands of jobs were lost. The Fort Worth Chamber of Commerce and U.S. Rep. Kay Granger successfully put together a coalition of support that resulted in the establishment of NAS JRB Fort Worth. With another BRAC, the area cannot afford to lose the base because it would be devastating to the economy, he said. The policy committee is working hard to build consensus among the six participating cities so that land use policies provide for compatibility among the municipalities, base and property owners.

The following policy committee members, NCTCOG staff and consultants were present:

Keith Bailey, Council Member, Benbrook  
Marty Harrison, Economic Development Director, for Randell Brown, White Settlement  
Carter Burdette, Council Member, Fort Worth  
Dan Chisholm, Chief of Police, River Oaks  
Andy Fontenot, Mayor, Westworth Village  
Joey Highfill, City Manager, Lake Worth  
Vicki Mikel, Assistant City Manager, Lake Worth  
Ron Sauma, Council Member, Benbrook  
Chuck Silcox, Council Member, Fort Worth  
Mike Sims, Senior Program Manager, North Central Texas Council of Governments (NCTCOG)  
Randy Skinner, Planning Manager, Tarrant County  
Gunnar Rasmussen, Council Member, White Settlement  
Gary Robinson, Westworth Village  
Rachel Wiggins, Principal Transportation Planner, NCTCOG  
James Falvo, Consultant, DFW Advisors  
Michael Coker, Consultant, Michael R. Coker Company  
Linda Pavlik, Consultant, Pavlik and Associates

### **2. Approval of July 16, 2007 and August 27, 2007 Meeting Summaries**

Councilman Chuck Silcox introduced the meeting summaries. Carter Burdette made the motion for approval and Joey Highfill seconded. Approval was unanimous.

### **3. Background on the Joint Land Use Study, Rachel Wiggins**

Rachel Wiggins presented background on the Joint Land Use Study including the following:

NAS JRB's Fort Worth mission includes operations for the F-16 Falcon, F/A-18 hornet, C-130, C-140 and soon the C-9. Lockheed Martin, which shares the runway, flies F-16 Falcons and F-35 Joint Strike Fighters.

**Importance of NAS** – Lockheed Martin is located across the runway from NAS JRB. Together they employ approximately 25,400 persons and have an annual economic impact of \$4.3 billion.

The following are ways in which encroachment negatively affects military readiness:

- Reducing the numbers of available training days
- Reducing training realism as tactics are modified (altitudes, airspeeds, profiles) to comply with local laws
- Causing a loss of base access altogether (either temporary or permanent)
- Decreasing scheduling flexibility and complexity (when factoring in long lead times to assure legal compliance)
- Increasing time away from home during training prior to deployment

**Community mission** – Base Realignment and Closure is defined as the U.S. Department of Defense process to reorganize installations to efficiently support forces and increase mission readiness. The community mission when the next BRAC occurs is to win. Winning would mean additional units, squadrons, and equipment at the base and an increase in full-time active duty military personnel and reservists operating there. Above simply avoiding closure, additional military activities would add to the local economy, create spin-off jobs and increase the demand for and value of real estate in western Tarrant County. Additional military activities would add to the value of the base to DOD and spread the overhead costs of the base over more military functions.

**Importance of winning** – If the community wins and the base stays open or expands, there will be jobs in west Fort Worth, a strong demand for residential uses, an airfield with two users and a workable tax base. If the community loses, these then may not be sustainable.

**Incompatible urban development** – Prior to 1940, the land surrounding the base was relatively undeveloped. Following construction of the base in 1941, through 2006, significant development has occurred in close proximity to the base.

**Community action** – The base was nominated in 2005 for a JLUS. It was selected by DOD for the JLUS program in late 2005. In 2006, an application for funding was submitted and the JLUS Policy Committee was convened. Voting members are the cities of Benbrook, Fort Worth, Lake Worth, River Oaks, Westworth Village, and White Settlement and Tarrant County. The study sponsor is the North Central Texas Council of Governments. In March 2007, DFW Advisors was engaged as the study consultant, and

the first public meetings were conducted in early April 2007, to inform the public about the study and solicit comments. Following discussion of the draft recommendations being presented at this public meeting, the policy committee is expected to adopt recommendations and present those to local governments for voluntary adoption and implementation.

NCTCOG asked the public to respond to a questionnaire about actions that could be taken to keep the base open. A summary of responses are as follows:

Ninety-five percent said yes, 0% said no, and 5% did not reply to the question, “Do you want the Naval Air Station Joint Reserve Base (NAS JRB) to stay open in the next round of Base Realignment and Closure (BRAC)?”.

To the question, “Do you support real-estate disclosures designed to protect NAS JRB and its community neighbors by making home-buyers aware of aircraft noise zones?” 83% said yes, 17% said no and zero persons did not answer.

When asked, “Do you support a voluntary purchase program for homes and properties that are incompatible with NAS JRB operations due to safety zones?”, 75% said yes, 21% said no, and 4% did not answer.

#### **4. Surface Access to NAS JRB, Rachel Wiggins**

Surface access to the NAS JRB is important for the following reasons: mobility; safety; intersection functionality, maintenance, reliability, emergency management, and access for bicycles, pedestrians and freight. Ms. Wiggins showed a map on which highway exits and base and plant entrances were marked and emphasized that problems exist with transit access and front gate access.

#### **5. JLUS draft recommendations, Mike Sims**

**Section 1.** The JLUS Policy Committee endorses and supports (and recommends local government endorsement and support) of the current NAS JRB mission:

To provide a high quality training environment for active duty and reserve components of all branches of the Armed Services; to reduce redundancy and overhead by developing joint doctrine and operating procedures that create seamless functionality among host and tenant commands in base support and community service programs.

**Section 2.** The mission for the community in the next round of Base Realignment and Closure (BRAC) is to ensure that NAS JRB not only remain an active and vital military installation, but also that NAS JRB receive additional units, squadrons, equipment and related full-time active duty military, Reserve, and Guard personnel.

**Section 3.** The JLUS Policy Committee endorses and supports (and recommends local government endorsement and support) of the initiatives shown in Attachment 1 in support of the current and future mission of NAS JRB.

1. Friends of the Base Board of Directors: The cooperating local governments should form a Friends of the Base (FOB) Board of Directors. The purpose of the FOB Board shall be to develop, implement and monitor policies, programs and projects which improve opportunities to expand operations at NAS JRB in the next Base Realignment and Closure (BRAC) process. The Joint Land Use Study Policy Committee shall study and adopt an institutional structure for the board's governance.

When each of the entities has appointed voting members to the FOB Board, the Policy Committee will transfer all responsibilities/roles to that group and dissolve. Until such time, recommendations of this resolution related to FOB Board activities shall be carried out by the JLUS Policy Committee.

2. Host Community Strategies: The FOB Board shall implement strategies that will (1) educate the community about the economic, real estate, and security benefits associated with hosting NAS JRB and Lockheed Martin, (2) exchange information about regular, sporadic, or other major noise events taking place at NAS JRB and Lockheed Martin, and (3) serve the needs of active duty and reserve personnel and their families.

3. Planning Updates: Each entity should, with support and guidance of the FOB Board, initiate updates to and/or develop comprehensive plans, area and other special plans, land use maps, and transportation plans to be responsive to the Air Installation Compatible Use Zone (AICUZ) study and the 2007 JLUS planning project.

4. Zoning Updates: Each municipality should, with support and guidance of the FOB Board, pursue city-initiated zoning updates compliant with recommendations found in Tables VI-1 and VI-2 of the AICUZ study and the 2007 JLUS planning project.

5. Building Regulations: Each municipality should adopt, with support and guidance of the FOB Board, local development regulations/building codes to comply with the AICUZ study and the 2007 JLUS planning project. Codes should be applicable to all new buildings.

6. Height of Structures: The FOB Board shall develop a model ordinance and best management practices regarding the height of structures built surrounding NAS JRB. The area of interest shall be defined by the Federal Aviation Regulation, Part 77, Imaginary Surfaces, and by Terminal Instrument Procedures (TERPS) surfaces surrounding NAS JRB. Each entity should adopt, with support and guidance of the FOB Board, a local ordinance regulating the height of structures built in proximity to NAS JRB.

7. Light Surrounding NAS JRB: The FOB Board shall develop a model ordinance and best management practices regarding outdoor lighting in the Clear Zone, Accident Potential Zone 1 and Accident Potential Zone 2 to minimize night time visual interference with flight operations. Each entity should adopt, with support and guidance of the FOB Board, a local ordinance regulating the emission of light in proximity to NAS JRB.

8. Public Use Facilities: The FOB Board shall inventory all public use buildings, such as educational structures and other public gathering places within the noise zones and safety. The FOB Board shall make building specific recommendations for renovation or relocation. The FOB Board shall develop a model ordinance and best management practices regarding locating new public buildings/public uses within the noise and safety zones. Each entity should adopt, with support and guidance of the FOB Board, a local policy regulating the location or relocation of their own public use buildings in proximity to NAS JRB.

9. Storm Water Drainage Assessment: The FOB Board shall conduct a Storm Water Drainage Assessment surrounding NAS JRB and consider recommending a Low Impact Development Strategy to reduce the volume of runoff to the base. The FOB Board will assist impacted local governments with the implementation of such recommendations.

10. Real Estate Advisory Service: The FOB Board shall develop educational materials, resources and consultation programs to assist property owners who wish to meet building standards which are compliant with as the AICUZ study and the 2007 JLUS planning project.

11. Real Estate Disclosures: The FOB Board shall assist the real estate community to meet applicable State law related to disclosures.

12. Surface Transportation Access: The FOB Board shall study and recommend improvements to surface access around NAS JRB to include roadway geometry, safety, accessibility, roadway maintenance, mobility, reliability, air quality, transit, and goods movement. The FOB Board shall develop partnerships with the Texas Department of Transportation, Regional Transportation Council, Department of Defense, local entities and others to prioritize and implement individual projects.

13. FOB Development Review: The FOB Board shall develop a Memorandum of Understanding between all impacted local governments creating an FOB Development Review process. In this process, the FOB Board, all impacted local governments, NAS JRB, and Lockheed Martin, would review all comprehensive plan or area plan changes, development applications, zoning requests, and building permit applications from within the noise and study zones from all entities. These reviews will be “comment only” and provide each entity the opportunity to be familiar with and comment on development plans throughout the noise and safety zones surrounding NAS JRB.

14. Public Purchase of Land: The JLUS Policy Committee endorses pursuing public acquisition of parcels and easements in the Clear Zone, Accident Potential Zone 1 and Accident Potential Zone 2 on all lands that are not compliant with the AICUZ study and the 2007 JLUS planning project. The JLUS Policy Committee recognizes that this is a long-term goal to be accomplished by acquisition of parcels and easements by voluntary sale. Acquisition of mineral rights is not included.

Phase 1: The FOB Board shall establish agreements and partnerships as necessary to assist local partners in the voluntary acquisition of residential lands and related easements in the Clear Zone, Accident Potential Zone 1 and Accident Potential Zone 2.

Phase 2: The FOB Board shall study the need for additional land acquisition strategies in the noise and safety zones. The FOB Board shall establish priorities, agreements, and partnerships as necessary to assist local partners in the acquisition, maintenance, and (as applicable) redevelopment to conforming land use.

15. Other Encroachment Mitigation Efforts: The FOB Board shall consider and recommend to the study partners, DOD, and the community other strategies related to preserving and enhancing the mission of the base and adopt recommendations as necessary.

16. Updates to Noise and Safety Zones: The FOB Board shall support all DOD recommended updates to the noise and safety zones surrounding the installation in support of current and future mission requirements.

17. Funding of Recommendations: The FOB Board shall support the pursuit of funding to implement the recommendations contained herein. All such recommendations are dependent upon the identification and availability of funding.

**Section 4.** Each cooperating local partner should develop a resolution endorsing these recommendations, including the attached initiatives, and transmit that resolution to NAS JRB and NCTCOG, and other study partners as soon as practical.

**Section 5.** This resolution shall be transmitted to each impacted local government, and NAS JRB, DOD Office of Economic Adjustment, immediately upon adoption.

**Section 6.** This resolution shall be in effect immediately upon adoption.

## **6. Discussion on Study Recommendations by the Policy Committee**

*Comment from Ron Sauma, Council Member, Benbrook:* We have been at this for one year. The study is extremely important to all six cities because we would all be affected. When Carswell closed, jobs were lost immediately. Thank you committee for your hard work.

*Comment from Carter Burdette, Council Member, Fort Worth:* This will not happen overnight. These are recommendations only. The decision to accept or reject recommendations will be made per city. This is a community exercise to support the base and to send a strong message to the DOD.

## 7. Public Question and Answer Period

*Comment from Melva Campbell, Planning and Zoning Commission, Lake Worth:* If we had signs to display in the yard or window, it could help increase awareness with little or no cost.

*Comment from Homer Davis, Chair, Ridgmar Neighborhood Association:* The committee has done an outstanding job. My primary concern is over disclosure of noise. We do not feel there is a noise problem. It will decrease property values of up to \$35 million across 700 homes. It may cause lack of support and unintended consequences. Second, you have not mentioned or included the Fort Worth Air Power Council that gives half a million dollars for family hardships.

*Question from Joe Waller, President, Lake Worth Alliance:* We are concerned of an increase in squadron activity printed recently in the newspaper. The Committee has not outlined plans for increased activity in the resolution. Would the Committee support an environmental impact statement upon an increase in activity? Increased activity will also increase noise and safety risks.

*Summary of response by Mike Sims:* In the early 70s, the National Environmental Policy Act (NEPA) was passed to provide for the establishment of a Council on Environmental Quality, and for other purposes. This group can't affect those procedures. Each federal agency (transportation, defense, etc.) will follow through when environmental conditions are met. The Environmental Protection Agency compliance comes from an interplay between agencies.

*Comment from Alvin Head, Past Chair, Fort Worth Chamber of Commerce:* In the 90s, U.S. Rep. Kay Granger requested I chair the BRAC task force. The last round of BRAC caused an economic depression in the area.

- 1) We raised funds of \$120,000 through voluntary contributions, which was not close to what many cities raised to say no to encroachment issues.
- 2) We hired a consultant to prepare a booklet with exhibits for Department of Defense presentations.
- 3) We attended the regional meeting in San Antonio where New Mexico, Oklahoma, Arkansas, Louisiana and Texas presented their case to show support for each state's base(s).
- 4) It was recommended to close one quarter of the installations in the country. More than that actually closed.
- 5) Only a few on the list to close were removed from the list through political action.
- 6) NAS JRB is the premier facility in the country.
- 7) The next BRAC will be in 2-3 years. Others bases will be competing, even within Texas, to stay open.
- 8) The recommendations by this committee are important.

*Comment from Bill Thornton, President, Fort Worth Chamber of Commerce:* I have been active in Fort Worth for 18 years and have participated in each BRAC. We dodged a bullet by reopening as the NAS JRB. I agree with Alvin on justifying the base and the region. These recommendations go along way to make us effective.

*Comment from Paul Brown:* Regarding attachment 1, item 11, I ask that you remove the real estate disclosures prior to voting. Retrofitting a home costs between \$10,000 and \$20,000; it is a financial burden. Any disclosure that is a function of State law should be brought to the legislature not individual cities. If a person buys a home here, the risk should be obvious.

*Comment from Lyle Oelfke, Chair, Greater Fort Worth Area Civic Leaders Association:* Each spring we hold a BBQ for employees of NAS JRB. We give them many awards and support keeping the base open. Thank you for the recent improvement of roads into the base.

*Summary of response by Chairman Silcox:* TXDOT, J.D. Johnson, County Commissioner; Mayor Andy Fontenot, Westworth Village; and Rachel Wiggins of NCTCOG should all be thanked for the road improvements.

*Comment from Daniel Keegan:* It is a relief to see the nature of the meetings. Noise complaints as described in the newspaper are providing a negative image. The media should be more positive and supportive of the base. I love to see the airplanes go overhead.

*Comment from David Mills, developer and broker:* To clarify, there is no specific language other than State law regarding real estate disclosures, correct? Disclosures would be extremely detrimental to property values and make it difficult to get competitive mortgages.

*Summary of response by Mike Sims:* NCTCOG staff apologizes. We put a disclosure form on the website as a sample of what other bases had done. This form was not intended to be interpreted as recommendations of the Committee. It may have been confusing.

*Comment from Jeanne B. Rose, resident of Ridgmar:* We want the base. We don't want air hazard on our sales contracts. If you are only referencing State law, maybe you can make recommendation to change State law. I recommend the recommendations be to change State law because: disclosure of air hazard and noise cause a property to be unsaleable; people will stop upgrading their property; it becomes not appraisable; it is a human rights violation; there will be lawsuits for damage and many petitions.

*Comment from Robert Gleason, Public Affairs Director, Fort Worth Board of Realtors:* I am now satisfied with the disclosure issue.

*Comment from John Walters:* You have answered my questions about disclosures. However, regarding item 16, the words “shall support *all* DOD recommended updates” makes me uneasy. I suggest you change it to “shall *study* DOD recommendations”.

*Comment from Marcus Williams:* I purchased a house 2 years ago and did not sign a disclosure. Are we not currently observing disclosures that are on the books?

*Summary of response from Chairman Silcox:* The law is on the agent to disclose a detriment to the property. It is up to the judgment of the real estate agent at this point.

*Comment from Sherry Matina, Chief Executive Officer, Greater Fort Worth Association of Realtors:* Unless there is an attorney here to speak, I would like to note the term seller’s disclosure means the seller provides the disclosure to a prospective buyer. The agent only delivers the document provided by the seller. The seller has liability. Military bases needs to be more clearly defined by the State Legislature, but do not expect any changes to State law. The Texas Real Estate Commission has disclosures posted on their website.

*Summary of response from Chairman Silcox:* The committee will not be holding discussions with Austin in regards to changing State law.

*Comment from Borris W., resident of Ridgmar:* Regarding disclosures, an increase of new building will be applicable to building codes. Remodeling is the vitality of a community. To discourage people from remodeling will diminish the vitality.

*Question from Fred Kelly:* In the presentation, you show a map outlining noise zones. On what are the noise zones based? Will these zones changes with increased activity?

*Summary of response from Mike Sims:* The 2004 update of the AICUZ study. The zones will change with increased activity.

*Question from Kathy Lodge:* Regarding the presentation map, please send me a copy that is more clear. Why would there be acquisition of homes now after so many years? How will you pursue funding mentioned in item 17? Is there a timeline to pursue land acquisition?

*Summary of response from Mike Sims:* Anyone may request a map showing your street address from Rachel Wiggins at NCTCOG. Encroachment has been obvious to pilots for years. The Department of Defense allowed studies like this to happen with funding. We applied for this grant. To request funds from federal organizations, more grant applications must be submitted. There are limited dollars. All of these programs are not eligible for condemnation. There is no forced purchase. Regarding the timeline, it would take many months.

Chairman Silcox called for a motion. Joey Highfill, City Manager, Lake Worth made the motion to approve the study recommendation with a name change to the Naval Air

Station Joint Reserve Base Regional Coordination Committee. A second to the motion was made by Councilman Ron Sauma, City of Benbrook. Approval was unanimous.

Meeting adjourned. The next meeting of the Policy Committee is Monday, October 15, at 1:30 p.m. at the R.D. Evans Community Center, 3242 Lackland Road, Fort Worth.