

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 6:00 p.m. and regular session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 22nd day of January 2008 with the following members present:

Jim Story	Mayor
Roy Savage	Mayor Pro Tem
Jeff Cason	Council Members
Lori Nail	
Charles Orean	
Dr. Roy Turner	
Bob Whistler	

Constituting a quorum.

Staff present included:

Beverly Queen	City Manager
David Flory	Police Chief
James Hughes	Director of Parks and Recreation
Shanae Jennings	City Secretary
Steve Johnson	Deputy City Manager
John Kubala	Director of Public Works
Stan Lowry	City Attorney
Mirenda McQuagge-Walden	Communications/Special Projects Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Story called the work session to order at 6:00 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed approving the following items by consent: 4(a), 4(b), 7, 8, 9, 10, 11, 12, and 13.

EXECUTIVE SESSION

To convene before 7:00 p.m., if time permits, in the conference room pursuant to Section 551.071(2) of the Texas Government Code to discuss the following:

- **Consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly**

conflicts with Chapter 551 of the Texas Government Code: to receive advice regarding oil and gas drilling and regulations. *Item requested by Councilman Orea**

Council convened into Executive Session pursuant to Section 551.071(2) of the Texas Government Code regarding Consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code: to receive advice regarding oil and gas drilling and regulations at approximately 6:09 p.m.

Council reconvened from Executive Session at approximately 7:02 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the regular session of the Bedford City Council Meeting.

REGULAR SESSION 7:00 P.M.

Regular session began at 7:03 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church)

Pastor Kevin Smith of Faith Christian Fellowship Church gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Cason, seconded by Councilman Whistler to approve the following item(s) by consent: Item(s) 4(a), 4(b), 7, 8, 9, 10, 11, 12, and 13.

Motion approved 7-0-0. Mayor Story declared the motion carried.

COUNCIL RECOGNITION

1. Love Your Library Month Proclamation.

Mayor Story read and presented a proclamation for Love Your Library Month.

2. Employee recognition.

The following employee(s) received recognition for dedicated service and commitment to the City of Bedford:

Karlanita Taylor, Police Department – 5 years of service
Michael Kratky, Police Department – 20 years of service
Anthony Wynn, Public Service – 25 years of service

PERSONS TO BE HEARD

3. **The following individuals have requested to speak to the Council tonight under persons to be heard:**
- a) **Michelle Strenger, 3817 Burr Oak Court – Requested to speak to the Council regarding gas drilling in Bedford: negative impact to residents and City including expanded issues presented to Council by residents from Town Hall Meeting on 1/9/08.**

Michelle Strenger, 3817 Burr Oak Court – Ms. Strenger expressed that she is opposed to gas drilling in Bedford. She believes the discussion regarding drilling has brought the community together; and while she is opposed to it, she is happy to see everyone taking the opportunity to discuss it. Ms. Strenger focused heavily on the dangers posed to people as a result of gas drilling and cited cases where children and families were killed as a result of explosions and ruptured gas pockets. She also spoke in length about the qualifications, or lack of qualifications that people have that actually work on the wells and rigs.

- b) **Joyce Johnson, 1701 Brookhaven Circle – Requested to speak to the Council regarding : 1) citizen rights and needs; 2) any law allowing drilling company to drill in Bedford in the absence of a city ordinance allowing drilling; and 3) gas drilling and drilling ordinances.**

Joyce Johnson, 1701 Brookhaven Circle – Ms. Johnson spoke of neighborhood dangers, such as fires to surrounding areas because of gas drilling. She also indicated that residents threatening to sue if the Council does not allow for drilling, which would in turn prevent those residents from collecting money on their mineral rights, is not as dark as it seems. Ms. Johnson spoke of all the toxic agents that contribute to negative health effects towards humans as a result of drilling.

Council took a short recess to convene into Executive Session for discussion a second time pursuant to Section 551.071(2) of the Texas Government Code at approximately 8:56 p.m. Council reconvened from executive session at approximately 9:09 p.m.

- c) **Travis Hutchison, 3028 Bent Tree Lane – Requested to speak to the Council regarding the potential drilling of gas in Bedford.**

Travis Hutchison, 3028 Bent Tree Lane – Mr. Hutchison indicated that he is pro drilling. He would be delighted with whatever revenue the City received as a result of gas drilling, which could be put back into bike trails, streets, parks, etc. He encouraged the Council to be forward looking, and indicated that in order to be forward looking it takes money. Mr. Hutchison stipulated that he is not dismissing the concerns for drilling; however, he does believe there is a way to address the concerns and still drill.

- d) **Ignacio “Nacho” Chavez, 1909 Glenbrook Court – Requested to speak to the Council regarding their consideration of the proposed gas drilling ordinance.**

Ignacio “Nacho” Chavez, 1909 Glenbrook Court – Mr. Chavez expressed his objection to gas drilling in the City because of its economic and environmentally negative impact to Bedford in general and adjacent to his community in Glenbrook specifically. He indicated that for gas line installation to reach the public and major thoroughfares would disrupt homes in his neighborhood as well as others. He requested that Council take the strongest actions possible to prevent gas drilling within Bedford.

- e) **Roger W. Gallenstein, 3332 Paint Brush Lane – Requested to speak to the Council regarding the proposed Gas Drilling Ordinance.**

Roger W. Gallenstein, 3332 Paint Brush Lane – Mr. Gallenstein focused on the fact that technology changes almost everyday; and due to these changes in technology, the drilling sites and setback distances for drilling could change with that technology. He urged the Council to protect the City, taking into consideration the potential changes in technology that could eventually allow for drilling regardless of distance and setbacks.

f) Jan Keith, 2012 Brightwood Drive – Requested to speak to the Council regarding gas drilling in Bedford.

Jan Keith, 2012 Brightwood Drive – Ms. Keith indicated that safety, not profit, needs to be the City's main focus. She is concerned with the following: Quality of life, loss of green space, pipelines and where they will be buried, truck traffic, damaged roads, surface and subsurface water, setbacks, radioactive activity, fracking fluids, training and experience of workers on rigs, among other things. Overall, she believes it should be illegal to drill within 1,000 feet of any facility or building that has human occupancy within it.

g) Keith Quigley, 3849 Berkshire Lane – Requested to speak to the Council regarding gas drilling in Bedford.

Keith Quigley, 3849 Berkshire Lane – Mr. Quigley discussed concerns about fracking of wells and the geological impact of drilling. He also presented a power point of photographs and locations depicting where wells have exploded and workers and civilians were killed.

h) Bob Cochrane, 2252 Bedford Circle – Requested to speak to the Council regarding thoughts on gas drilling.

Bob Cochrane, 2252 Bedford Circle – Mr. Cochrane is in favor of drilling within the City of Bedford. He indicated that Barnett Shale is a fact of life and that residents and Bedford should adjust to it. He suggested the NORM, which is Naturally Occurring Radioactive Material that is yielded from the wells is much less dangerous than is being presented to residents.

i) Teresa Brammer, 3849 Berkshire Lane – Requested to speak to the Council regarding the gas drilling Ordinance.

Teresa Brammer, 3849 Berkshire Lane – Ms. Brammer indicated the EPA has no regulatory authority over the drilling entities. She reiterated much information presented here tonight by other speakers and stipulated that those concerns are factually known to be caused by drilling which negatively impacts the community and environment.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:
- a) January 8, 2008 regular meeting
 - b) January 9, 2008 town hall meeting

This item was approved by consent

OLD BUSINESS

5. Discussion and possible action with regard to the proposed Bedford gas drilling ordinance. *** Item requested by Councilman Orean and Councilman Whistler

Councilman Orean and Councilman Whistler requested that this item be placed on the agenda for

discussion and possible action.

Council discussed this item and asked several questions regarding the drilling ordinance. Following questions, discussion and proposed changes to aspects of the ordinance, the following motion(s) were proposed:

Motioned by Councilman Whistler, seconded by Councilman Cason to approve a proposed ordinance with item 4 containing a 300 foot setback, adopt all other changes previously noted, and adopting a new chapter "Gas Drilling and Production" to be added to the Code of Ordinances of the City of Bedford, Texas; providing for the fine of up to \$2,000 per each violation of this Ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date.

Motion failed 3-4-0. Mayor Story declared the motion failed.

Council members voting in favor of the motion include: Councilman Cason, Councilman Orea and Councilman Whistler.

Council members voting in opposition to the motion include: Mayor Story, Councilwoman Nail, Councilman Savage and Councilman Turner.

Motioned by Councilwoman Nail, seconded by Councilman Turner to approve a proposed ordinance with item 4 containing a minimum of a 600 foot setback, with a 1,000 foot setback for schools, including summer activities, adopt all other changes as previously noted and adopting a new chapter "Gas Drilling and Production" to be added to the Code of Ordinances of the City of Bedford, Texas; providing for the fine of up to \$2,000 per each violation of this Ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date.

Motion approved 4-3-0. Mayor Story declared the motion carried.

Council members voting in favor of the motion include: Mayor Story, Councilwoman Nail, Councilman Savage and Councilman Turner.

Council members voting in opposition to the motion include: Councilman Cason, Councilman Orea and Councilman Whistler.

NEW BUSINESS

6. **Consider an ordinance of the City Council of the City of Bedford, Texas ("City") approving a settlement agreement between the City and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the company") regarding the company's statement of intent to change gas rates in all cities exercising original jurisdiction, declaring existing rates to be unreasonable; adopting tariffs and finding the rates to be set by the tariffs to be just and reasonable; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and legal counsel.**

Mirenda McQuagge-Walden, Communications/Special Projects Manager, presented information to Council regarding the Atmos Energy Corp., Mid-Tex Division regarding the intent to change gas rates.

Motioned by Councilman Orea, seconded by Councilman Whistler to table this item.

Motion approved 7-0-0. Mayor Story declared the motion carried.

7. **Consider an ordinance amending the budget of the City of Bedford, Texas, for the fiscal period of October 1, 2007 through September 30, 2008; and declaring an effective date.**

This item was approved by consent.

8. **Consider a resolution ordering the May 10, 2008 General Election.**

This item was approved by consent.

9. **Consider a resolution adopting the 2008 Storm Water Management Plan and authorizing the City Manager to submit the plan to the Texas Commission on Environmental Quality.**

This item was approved by consent.

10. **Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Viking Construction, Inc in the amount of \$1,107,807.40 for the 2007 Micro-Surfacing Program at various locations.**

This item was approved by consent.

11. **Consider a resolution accepting two water line easements on Lot 3, Block C, Jefferson Glen Addition.**

This item was approved by consent.

12. **Consider a resolution authorizing the purchase of replacement mobile data computers and accessories for the Police Department and Fire Department in the amount of \$198,219.75 through the State of Texas Division of Information Resources (DIR) program; and the purchase of consoles through the Texas BuyBoard Purchasing Program in the amount of \$7,089.94.**

This item was approved by consent.

13. **Consider a resolution authorizing the purchase of replacement duty weapons and related accessories for the Police Department through the Texas BuyBoard Cooperative Purchasing Program in the amount of \$65,053.19.**

This item was approved by consent.

14. **Status of the sign ordinance that was under review and Council was briefed on earlier this month. ***Item requested by Councilman Whistler**

No action was taken on this item.

15. **Council member reports on City business.**

Mayor Story – The Mayor attended the Northeast Leadership Forum luncheon and he announced what a

great impact the Superbowl will have on Bedford and surrounding areas when it comes to Arlington. He read the Annual Library Report and stated that it was great. He thanked James Hughes for being prepared by setting up a screen and chairs in the Courtroom for an overflow crowd had it been necessary for tonight's meeting. He thanked the Fire Department for the plaque that was made and presented at the Fire Banquet to the Council and Administration for supporting them this past year.

Jeff Cason – Mr. Cason attended the Police Banquet and indicated it was very delightful.

Lori Nail – Ms. Nail attended the Police Banquet and Fire Banquet and she applauded both departments.

Charles Orean – Mr. Orean attended the Police Banquet and Fire Banquet and he commended the individuals who received awards at those banquets. He announced that the water transmission line that will be installed along Cummings Drive will hopefully improve water pressure, and while it will be inconvenient for a short while, it will be a welcome addition. The Library Board is busy making recommendations on the development of the new Library. Ad hoc committees have been appointed for both the interior and exterior development of the Library and they will be seeking public input along the way.

Roy Savage – Mr. Savage attended the Police Banquet, the Fire Banquet, 4B Corporation meeting and Senior Advisory Board meeting.

Dr. Roy Turner – Dr. Turner stated that the Beautification Commission is doing great work and Deborah Chaney is doing an excellent job chairing that Commission. All events they have coordinated have been extremely successful and have included an overall 611 volunteer hours. He attended the Police Banquet.

Bob Whistler – Mr. Whistler attended the Police Banquet and Fire Banquet. He praised the Fire Department for saving the life of a family when they were without gear and without the protection of a hose line in a burning building. Those firefighters included Lt. Lance James, Firefighter Michael Barnhart and Firefighter Harrington. He also praised the Police Department for a special case where Detective Glen Hlavinka took care of a citizen in another community where a crime was committed.

16. City Manager's report.

City Manager Beverly Queen reminded everyone that the Mother Son/Father Daughter Valentines Dance will take place on February 9, 2008 at the BRAC. A public meeting will be held this Thursday at the Old Bedford School for residents that may be directly affected by the water line construction for the Cummings Road Project. An investment meeting is being held this upcoming Thursday to discuss market trends and possible changes to our investment strategy.

17. Follow-up on issues raised at previous Council Meetings under persons to be heard.

There were no items raised at previous Council Meetings that were addressed at tonight's meeting.

18. Take any action necessary as a result of the Executive Session.

There was no action taken as a result of the executive session.

OPEN FORUM

Keith Quigley, 3849 Berkshire – Mr. Quigley was curious who on Council had already signed a gas lease for their property. He also expressed that another Councilman has again ignored the request and wishes of citizens, first regarding the Library outsourcing issue, and second, regarding gas drilling, which he

finds disappointing.

Joyce Johnson, 1701 Brookhaven Circle – Ms. Johnson congratulated the four individuals who voted for the drilling ordinance with the stipulations attached.

Roger Gallenstein, 3332 Paintbrush Lane – Mr. Gallenstein thanked the Council for voting on this ordinance as it stands now. He also thanked the Mayor for his growth in office and indicated that when he thinks of the Mayor he now thinks of a fair person.

Michelle Strenger, 3817 Burr Oak Court – Ms. Strenger thanked the Council for their decision. Whether they agree or disagree on the issue, she believes this issue has brought the community together in taking a more active stand on attending meetings as well as finding out where Council stands on issues.

Dorothy McWhorter, 1600 Martha Drive – Ms. McWhorter indicated she did research in Tarrant County to see if any Council members signed lease agreements with gas companies, and was surprised no other Council member had done research on this issue before voting tonight. She expressed disappointment in those who voted the way they did, particularly if they had signed a lease.

ADJOURNMENT

Mayor Story adjourned the meeting at 12:28 a.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary