

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 6:30 p.m. and regular session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 12th day of February 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
Steve Johnson	Deputy City Manager
Stan Lowry	City Attorney
John Kubala	Director of Public Works
James Hughes	Director of Parks and Recreation
Shanae Jennings	City Secretary
Mirenda McQuagge-Walden	Communications/Special Projects Manager
Maria Redburn	Library Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Story called the work session to order at 6:30 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: 3(a), 5, 8, 9, and 11.

- **Staff report on City of Hurst Hayes Lane Drainage Improvements Project.**

John Kubala, Director of Public Works, and Tom Rutledge with Teague Nall and Perkins presented information to Council regarding the Hayes Lane Drainage Improvement Project that they intend to move forward with in conjunction with staff from the City of Hurst and generally fielded questions.

- **Discuss setting dates for future Economic Development work sessions.**

Council discussed setting a future date for a second Economic Development work session to continue

working with GSBS on an economic development strategic plan. The date proposed for the workshop was February 25, 2008.

EXECUTIVE SESSION

To convene before 7:00 p.m., if time permits, in the conference room pursuant to Sections 551.071, 551.072 and 551.087 of the Texas Government Code to discuss the following:

- a) Consultation with City Attorney regarding pending or contemplated litigation for Central Well and Millican Well Service.
- b) Deliberation regarding economic development negotiations.
- c) Deliberation regarding the purchase, exchange, lease, or value of real property.

Council elected to move into Executive Session following the regular session of the meeting.

Council convened into Executive Session pursuant to Sections 551.071, 551.072 and 551.087 of the Texas Government Code regarding Consultation with the City Attorney regarding pending or contemplated litigation for Central Well and Millican Well Service, deliberation regarding economic development negotiations and deliberation regarding the purchase, exchange, lease, or value of real property at approximately 9:57 p.m.

Council reconvened from Executive Session at approximately 10:41 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 7:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Pastor Bayard Pratt, Martin Methodist Church)

Pastor Bayard Pratt of the Martin Methodist 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) 3(a), 5, 8, 9, and 11.

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

COUNCIL RECOGNITION

1. Present Certificates of Appreciation to the Texas Christian University students that developed

the 2008 Storm Water Management Plan for the City of Bedford.

Mayor Story read and presented Certificates of Appreciation to the Texas Christian University students for their development of the 2008 Storm Water Management Plan for the City of Bedford. The following students were recipients of the certificates: Abby Schlipmann, George Doubleday, Jeff Meyer, Jennifer Cecil, Gretchen Wilbrandt, Chandani Rana, and Emily Hess. Public Works Intern Stephanie Corso was recognized for her assistance with the Plan.

PERSONS TO BE HEARD

2. **The following individuals have requested to speak to the Council tonight under persons to be heard:**
- a) **Joyce Johnson, 1701 Brookhaven Circle – Requested to speak to the Council regarding: 1) why 1,000 foot setback can fail to protect children if any drilling is allowed in or around Bedford; 2) no actual drilling ordinance; 3) for Health and Safety Ordinance, protecting everyone; and 4) Government for the people, not for benefit of the government.**

Joyce Johnson, 1701 Brookhaven Circle – Ms. Johnson stated that we didn't need a drilling ordinance to protect the health and safety of children. She stated there are dangers from release of gases and fires such as recently in Orange County California. There is also the danger of contamination of ground water. Also, insurance would not cover all the problems associated with drilling. Based on her talk, Council decided to pose the question to the City Attorney if there was an overall empowering health and safety ordinance that could be passed that would eliminate drilling in the City of Bedford based on legislative research into the Fort Worth basin conflict between mineral rights versus surface rights.

- b) **Brandon Moore, 816 Warwick Street – Requested to speak to the Council regarding the gas drilling ordinance.**

Brandon Moore, 816 Warwick Street – Mr. Moore mentioned toxic elements used and released from the drilling process. He asked if there was a way to pass a no drilling ordinance without leaving the city open to the dangers of a lawsuit. He discussed ensuring the safety of children in regard to background checks on workers at drilling sites. He asked if the health and safety of citizens trumps another person's right to make money off their property.

- c) **Caryn Moore, 816 Warwick Street – Requested to speak to the Council regarding the gas drilling ordinance.**

Caryn Moore, 816 Warwick Street – Ms. Moore had several questions for Council tonight. She asked the following: 1) if there were any designated locations in Bedford where a well would be considered for drilling in Bedford; 2) if Bedford had signed any leases for drilling and how soon drilling could begin if it were to sign a lease; and 3) if the City were to receive funds for drilling, is there any plan for how those funds will be used? She also encouraged Council to leave life "Better in Bedford" and not drill.

APPROVAL OF THE MINUTES

3. **Consider approval of the following City Council minutes:**
- a) **January 22, 2008 regular meeting**

This item was approved by consent.

OLD BUSINESS

4. Public hearing and consider first reading of a proposed ordinance (Amendment Case A-015), the Planning and Zoning Commission to consider amending the City of Bedford Zoning Ordinance, Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit requirements. (Gas/Oil Well Drilling and Production within the corporate limits.)

Bill Syblon, Development Director, presented the proposed zoning ordinance to Council and generally fielded questions.

Mayor Story opened the public hearing at 8:12 p.m.

Joyce Johnson, 1701 Brookhaven Circle – Ms. Johnson asked if the Council was passing a zoning ordinance that would allow P&Z to allow zoning on specific sites. The Mayor indicated to her that this is not the case.

Michelle Strenger, 3817 Burrow Court – Ms. Strenger asked which newspaper contained the posting for the public hearing. It was indicated that it was published in the legal notices section of the Fort Worth Star Telegram.

Keith Quigley, 3849 Berkshire – Mr. Quigley thanked Council for their hard work on this issue, and he voiced his support for handling gas drilling in the same manner in which any other request would be handled.

Mayor Story closed the public hearing at 8:17 p.m.

Motioned by Councilman Savage, seconded by Councilman Whistler to approve the first reading of a proposed ordinance (Amendment Case A-015), amending the City of Bedford Zoning Ordinance No. 2275: Amending Section 3.1 Schedule of Permitted Uses; Amending Section 3.2C (9) to provide for a definition for Oil/Gas Drilling and Production.

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

5. 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.

This item was approved by consent.

6. First and final reading of a proposed ordinance to consider amending the City of Bedford Sign Ordinance making numerous changes.

Bill Syblon, Development Director and Dan Boutwell, of Municipal Planning Resources Group, presented the proposed sign ordinance amendment to Council and generally fielded questions.

Motioned by Councilwoman Nail, seconded by Councilman Savage to approve the first and final reading of a proposed ordinance amending the City of Bedford Sign Ordinance.

Councilman Orean proposed an amendment to the motion to indicate that future message board signs, electronic graphic display signs and video display signs not be allowed on Airport Freeway and Highway 121. There was no second to the amended motion; therefore, the amended motion died for lack of a second.

Motion approved 6-1-0. Mayor Story declared the motion carried.

Councilman Orean voted in opposition to the motion.

NEW BUSINESS

7. Consider a resolution authorizing the City Manager to enter into a contract with Hidell and Associates for Architectural Design Services for the new Bedford Public Library.

Maria Redburn, Library Manager, and William Hidell, Hidell and Associates Architects presented a contract and brief power point presentation to Council for Architectural Design Services for the new Bedford Public Library and generally fielded questions.

Motioned by Councilman Orean, seconded by Councilman Whistler to approve a resolution authorizing the City Manager to enter into a contract with Hidell and Associates Architects for architectural design services for the new Bedford Public Library in the amount of \$531,690.00 subject to the correction on article 1.1.2.5 of \$6,600,000.00.

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

8. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Patco Utilities, Inc. for the Fuel Tank Removal at the Public Works Service Center in the amount of \$24,821.50.

This item was approved by consent.

9. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Striping Technology, Inc. for the 2008 Pavement Striping and Marking Program at various locations in the City in the amount of \$203,052.30.

This item was approved by consent.

10. Consider a resolution authorizing the purchase and installation of traffic signal upgrades from Consolidated Traffic Controls, Inc. in the amount of \$19,850.00.

Motioned by Councilman Orean, seconded by Councilman Savage to approve a resolution authorizing the purchase and installation of traffic signal upgrades from Consolidated Traffic Controls, Inc. in the amount of \$19,850.00

Motion approved 6-0-1. Mayor Story declared the motion passed.

Councilman Whistler abstained due to a conflict of interest regarding this matter because Consolidated Traffic Controls is a customer of his. He has filed an abstention affidavit with the Office of the City Secretary.

11. Consider a resolution authorizing the City Manager to enter into a professional services contract with Elliott and Hughes, Inc. for the design of Barr Drive in an amount not to exceed \$25,345.00.

This item was approved by consent.

12. Council member reports on City business.

Mayor Story – The Mayor indicated that the Audit Committee was covered well by other Council members. He attended an open house for the forensic unit in Euless and indicated they were very complimentary of the Bedford PD. He attended the Volunteer Banquet and was very proud of the turnout. He attended the Tarrant County Mayor's Council and announced various topics discussed during that meeting.

Jeff Cason – Mr. Cason attended the Volunteer Banquet and thanked everyone for their time spent as a volunteer and man hours exerted for their service.

Lori Nail – Ms. Nail attended the Volunteer Banquet and thanked the volunteers and staff for all of their time.

Charles Orea – Mr. Orea attended the following meetings: 1) Audit Committee meeting on January 29, 2008; 2) Hotel Association Meeting on January 30, 2008; and 3) Volunteer Banquet on February 2, 2008. He also discussed the process for moving forward with the Library design and explained various committees that will be associated with ensuring the community has input into the new Library. Mr. Orea indicated that it is election time, priorities change and his have done just that. Both he and his wife have retired, picked up larger responsibility for their senior parents, and his time is focused in other areas outside of Council right now. At this point in time he will not be seeking re-election. That is not to say he won't seek re-election in the future, but at this point in time he will not run and he thanked the citizens of Bedford for his time to serve.

Roy Savage – Mr. Savage attended the following meetings: 1) Investment Committee meeting on January 24, 2008; 2) Volunteer Banquet; and 3) Audit Committee Meeting. He thanked staff for a job well done on the Volunteer Banquet.

Dr. Roy Turner – Dr. Turner was scheduled to attend the HEB Sports Banquet, which was simultaneous to the Volunteer Banquet and was unable to attend that due to a family emergency. The red light camera is working at the intersection of L. Don Dodson and Central Drive.

Bob Whistler – Mr. Whistler attended the Volunteer Banquet and was told it was the highest turnout that has occurred in a long time. He complimented the staff on how well the facility looked and the amount of work put into the Banquet. Teen Court will hold their annual banquet on April 17, 2008 at the Texas Star Golf Course.

13. City Manager's report.

City Manager Beverly Queen reminded Council that the HEB Economic Development Foundation will have their annual meeting Monday night at the Pat May Center, February 18, 2008.

14. 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.

15. 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

No one elected to speak at tonight's open forum.

ADJOURNMENT

Mayor Story adjourned the meeting at 10:42 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary