

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 9th day of September 2008 with the following members present:

Jim Story	Mayor
Roy Savage	Mayor Pro Tem
Chris Brown	Council Members
Jeff Cason	
Ray Champney	
Lori Nail	
Roy Turner	

Constituting a quorum.

Staff present included:

Beverly Queen	City Manager
Stan Lowry	City Attorney
Bill Cooper	Deputy Director of Information Services
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
Jill McAdams	Human Resources Director
Maria Redburn	Library Manager
Tom Ross	Administrative Services 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 7, 9, 10, 11, 12 and 13.

- **Presentation from Harrison, Walker & Harper on their firm and the Construction Manager At-Risk process for the new Bedford Public Library.**

Maria Redburn, Library Manager and Hunter Moore of Harrison, Walker & Harper, LP presented information about Walker and Harper, LP to the City Council and gave an overview of the Construction

Manager At-Risk process, as well as the role they play in the design and construction of the new Bedford Library.

EXECUTIVE SESSION:

To convene before 7:00 p.m., if time permits, in the conference room in compliance with Section 551.001 et. seq. Texas Government Code, to discuss the following:

- a) Section 551.087, and Section 551.072, Deliberation regarding economic development negotiations, purchase, exchange, lease, or sale of real property relative to properties located north of Highway 183, south of Bedford Road, east of Highway 121, and west of Reliance Parkway.
- b) Section 551.087, and Section 551.072, Deliberation regarding economic development negotiations, purchase, exchange, lease, or sale of real property relative to TR 4A3 of the T. Beedy Survey.
- c) Section 551.072, Deliberation regarding the purchase, exchange, lease, or sale of real property on Sulphur Branch and Sulphur Branch Tributary.
- d) Section 551.072, Deliberation regarding the purchase, exchange, lease, or sale of real property regarding Soto Grande Tennis Center.

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.087 and Section 551.072, Deliberation regarding economic development negotiations, purchase, exchange, lease, or sale of real property relative to properties located north of Highway 183, south of Bedford Road, east of Highway 121, and west of Reliance Parkway, Section 551.087 and Section 551.072, Deliberation regarding economic development negotiations, purchase, exchange, lease, or sale of real property relative to TR 4A3 of the T. Beedy Survey, Section 551.072, Deliberation regarding the purchase, exchange, lease, or sale of real property on Sulphur Branch and Sulphur Branch Tributary and Section 551.072, Deliberation regarding the purchase, exchange, lease, or sale of real property regarding Soto Grande Tennis Center at approximately 6:23 p.m.

Council reconvened from Executive Session at approximately 6:57 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.

Mayor Story called the meeting to order.

CALL TO ORDER/GENERAL COMMENTS

Regular session began at 7:00 p.m.

INVOCATION (Pastor Nathan Finch, Bedford Baptist Temple)

Mayor Story gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given by the City of Bedford Fire Department in remembrance of

September 11, 2001.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Savage, seconded by Councilman Turner to approve the following item(s) by consent: Item(s) 7, 9, 10, 11, 12 and 13

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

COUNCIL RECOGNITION

1. Proclamation for Senior Center Month.

Mayor Story read and presented a proclamation for Senior Center Month.

PERSONS TO BE HEARD

2. The following individuals have requested to speak to the Council tonight under persons to be heard:

a) Rod Ekern, 1705 Forest Ridge Drive #102 – Requested to speak to the Council regarding the ordinance concerning certificate of occupancy.

Rod Ekern, 1705 Forest Ridge Drive #102 – Mr. Ekern indicated he is the owner of Hagin Engineering and he is here tonight to speak about his dealings with the City of Bedford and his disagreement with the interpretation regarding the zoning code where it pertains to the certificate of occupancy. He indicated that the building he inhabits has never been changed or altered and he believes he is not violating zoning by not having a certificate of occupancy simply because there is a different user of the space. Overall, Mr. Ekern believes the ordinance regarding certificates of occupancy is being misinterpreted and he is being held to something that is unjust. Mr. Ekern realizes that the City Council is not going to take action on this tonight but he wanted to make sure it becomes part of public record.

b) Richard Catt, 1506 Bedford Road #322 – Requested to speak to the Council regarding the topic of the “Applicant Disqualifiers” that are used by the Bedford Police Department to screen applicants. Also requested to speak to the Council regarding the application and screening process used for Police Department Volunteers.

Richard Catt, 1506 Bedford Road #322 – Mr. Catt indicated to the Council that he has been a volunteer for the Bedford Police Department and after an amount of time volunteering in the records department decided to apply for a permanent position. Mr. Catt stated that he failed the screening process because of drug use 36 years ago and therefore does not qualify for a permanent position due to a one-time use of magic mushrooms. He would like to see this screening process revisited. Mr. Catt provided a handout that includes his correspondence with Chief Flory and his proposal to City Council depicting his suggestion for a new screening process. All correspondence pertaining to his efforts to be considered for a position are also included. He would like to see the following considered: 1) Removal of mushrooms as well as peyote and other organic substances from a list of disqualifying illegal substances and placed alongside marijuana; 2) Judge occasional past drug use on a case by case basis; and, 3) Provide a time limit on which to base whether occasional past drug use will be an automatic disqualifier or not.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) **August 26, 2008 regular meeting**
- b) **September 2, 2008 special session**

Motioned by Councilman Turner, seconded by Councilman Brown to approve the minutes of August 26, 2008 regular meeting.

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

Councilman Cason abstained due to being absent at this meeting.

Motioned by Councilman Savage, seconded by Councilman Cason to approve the minutes of September 2, 2008 special meeting.

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

Councilwoman Nail abstained due to being absent at this meeting.

OLD BUSINESS

There was no old business at tonight's meeting.

NEW BUSINESS

4. **Public hearing and first and final reading of an ordinance (Amendment Case A-016, requested by the Planning and Zoning Commission) 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. (Tattoo and Body Piercing Shops).**

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

Mayor Story opened the public hearing at 8:14 p.m.

Tom Culvert, 1925 Charleston Drive – Mr. Culvert wanted to know how it would benefit the City of Bedford to have a tattoo parlor and body piercing shop within the Bedford City limits. He is not in agreement with this type of facility.

Mayor Story closed the public hearing at 8:15 p.m.

Motioned by Councilman Champney, seconded by Councilman Savage to table this item until further information is received from the City Attorney.

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

5. **Public hearing and first and final reading of an ordinance (Zoning Case Z-176, request of Amad Znagib for Al Wadi Cafe) to rezone a portion of property known as Lot C2, Shady Oaks East Addition, Ste. E from Service Commercial to Service Commercial/Specific Use Permit/Outdoor Seating. The property is generally located east of Brown Trail and South of Harwood Road.**

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

Amad Znagib, the owner and tenant who was present at the meeting indicated that he is good with everything being proposed.

Mayor Story opened the public hearing at 8:21 p.m.

Nobody elected to speak at the public hearing.

Mayor Story closed the public hearing at 8:21 p.m.

Motioned by Councilman Brown, seconded by Councilman Savage to approve the first and final reading of an ordinance (Zoning Case Z-176, request of Amad Znagib for Al Wadi Cafe) to rezone a portion of property known as Lot C2, Shady Oaks East Addition, Ste. E from Service Commercial to Service Commercial/Specific Use Permit/Outdoor Seating.

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

- 6. First and final reading of an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2008 through September 30, 2009; levying taxes for 2008; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.**

Tom Ross, Director of Administrative Services, presented the final reading of an ordinance to Council adopting the annual budget for the fiscal period of October 1, 2008 through September 30, 2009 and generally fielded questions.

Council was split on allocating the \$104,000.00 to TRE over three years; however, Council was supportive of leaving that amount of money in the budget to designate for a contingency fund for transportation only.

Motioned by Councilman Savage, seconded by Councilman Champney to move that property taxes be increased by the adoption of a tax rate of \$0.446882 per \$100.00 valuation; and approve the first and final reading of an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal year October 1, 2008 through September 30, 2009.

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

- 7. First and final reading of an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's rate review mechanism filing in all cities exercising original jurisdiction.**

This item was approved by consent.

- 8. Consider a resolution to ratify the property tax increase as reflected in the 2008/2009 City of Bedford Program of Services (Budget).**

Tom Ross, Director of Administrative Services, presented a resolution to ratify the property tax increase as reflected in the 2008/2009 Program of Services budget and generally fielded questions.

Motioned by Councilman Brown, seconded by Councilman Champney to approve a resolution to ratify the property tax increase as reflected in the approved 2008/2009 Program of Services (Budget).

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

9. **Consider a resolution authorizing the City Manager to enter into an interlocal agreement for Household Hazardous Waste Collection for the period of October 1, 2008 to September 30, 2009.**

This item was approved by consent.

10. **Consider a resolution authorizing the City Manager or her designee to enter into an agreement with Mickie Service Company in the amount of \$16,850.00 to furnish and install a 16" single line stop RCCP valve.**

This item was approved by consent.

11. **Consider a resolution authorizing the City Manager to enter into a contract with Harrison, Walker & Harper for Construction Manager At-Risk services with a Guaranteed Maximum Price for pre-construction phase services for the new Bedford Public Library in the amount of \$10,000.00 and construction phase services fee of 7.84%.**

This item was approved by consent.

12. **Consider a resolution authorizing the City Manager to change a Council meeting date in October from October 28, 2008 to October 21, 2008 and a Council meeting date in December from December 23, 2008 to December 16, 2008.**

This item was approved by consent.

13. **Consider a resolution authorizing the City Manager to enter into a contract with Power Source Electric to perform electrical service repairs for City Hall Building A in the amount of \$26,640.00.**

This item was approved by consent.

CITY MANAGER REPORT

14. **Beverly Queen**
- **Report on Labor Day weekend activities**
 - **Report on upcoming events**

City Manager Beverly Queen reported that over Labor Day weekend the Fire Department and Emergency Management Team spent their weekend monitoring hurricane Gustav for evacuees. She wanted to thank the staff for their commitment. The Hurst Masonic Lodge sponsored a thank you event for all emergency services including police, fire and EMS and fed them.

Upcoming events include Twilight Thursdays, September 11, 18 and 25 at 7:00 p.m. at the Old Bedford School. Please join us and listen to some good music. Since September is Senior Center month the Bedford/Hurst Senior Center will hold its annual Benefits Fair on Friday, September 19 from 9 a.m. to 1 p.m. at the Bedford-Hurst Senior Center. Be Bedford Prepared Event will be held on September 20 at the old Food Lion located at 2424 Forest Ridge Drive.

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

No action was necessary as a result of the executive session.

OPEN FORUM

Val Roach, 612 Hurst Drive – Ms. Roach is a CERT member, emergency responder and red cross volunteer. She challenged the Council and residents to put out the news of how to prepare yourself for an emergency response when people need to be rescued. Remind people to get a list to make and fulfill if you ever have to evacuate or help someone evacuate.

ADJOURNMENT

Mayor Story adjourned the meeting at 9:09 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary