

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 16th day of December 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
Steve Johnson	Deputy City Manager
Stan Lowry	City Attorney
Shanae Jennings	City Secretary
Bill Shelton	Superintendent of Public Works
Bill Syblon	Development Director
Mirenda McQuagge-Walden	Communications/Special Projects Manager
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 item(s) by consent: Item 6.

- **Presentation from HEB ISD representative and staff discussion regarding the daytime curfew ordinance.**

Debbie Tribble, Assistant Superintendant with Secondary Education from the HEB ISD and David Flory, Police Chief, spoke to the Council regarding poor attendance within the HEB ISD due to truancy over the past year. Anytime kids are absent and parents aren't behaving responsibly as far as getting kids back in school then the courts have to intervene. Kids can be absent up to 10 times before they even have to appear before a court in order to be made to attend school. While this doesn't seem like a large amount of absences it can dig a hole that is too big for them to recover from. The HEB ISD came to the Bedford

Police Department as well as other HEB Police Departments and requested that they provide assistance in passing a Daytime Curfew Ordinance which allows them to take action upon truancy before having to wait for ten absences from one student. Since the Daytime Ordinance has been passed HEB ISD is down 2,600 absences/days from before the Ordinance, which translates into approximately \$75,000.

**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, Deliberation regarding economic development negotiations relative to properties located north of Highway 183, south of Bedford Road, east of Highway 121, and west of Reliance Parkway.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.087, Deliberation regarding economic development negotiations relative to properties located north of Highway 183, south of Bedford Road, east of Highway 121, and west of Reliance Parkway at approximately 6:48 p.m.

Council reconvened from Executive Session at approximately 6:55 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 (Bishop Eric McClellan, The Mercy Seat)**

Police Chief David Flory gave tonight's invocation.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilman Cason, seconded by Councilman Savage to approve the following item(s) by consent: Item(s) 6.

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

**COUNCIL RECOGNITION**

**1. Employee Recognition**

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

Michael Ross, Fire Department – 20 years of service  
James Richardson, Fire Department – 20 years of service

**PERSONS TO BE HEARD**

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

- a) **Dave Gebhart, 625 Merrill Drive, Bedford, TX 76022 – Requested to speak to the Council regarding the Bedford Daytime Curfew Ordinance.**

Dave Gebhart, 625 Merrill Drive – Mr. Gebhart addressed the Council regarding the Daytime Curfew Ordinance. He indicated that the issues at stake are principled ones, not necessarily personal ones that have been set forth by the school district. He indicated that he appreciated the work session discussion and would like to see items such as this addressed in the future prior to passing ordinances like this one. He asked if this was strictly about truancy and the answer provided by Council and the HEB ISD representative was yes. He also asked if there is an overwhelming juvenile crime problem and the answer provided to him was no, there is not; however, this Ordinance assists the Police Department in staying on top of the crime before it occurs. Mr. Gebhart closed by indicating that he would like to see the Council undo this ordinance.

- b) **Curtis Parnell, 1231 Latigo Lane, Flower Mound, TX 75022 – Requested to speak to the Council regarding daytime curfew city ordinance.**

Curtis Parnell, 1231 Latigo Lane, Flower Mound – Mr. Parnell addressed the Council regarding the Daytime Curfew Ordinance. He stated that he owned property in Bedford and lived here for years before they moved. Mr. Parnell indicated that there are no exemptions to this Ordinance for innocent citizens that home school their kids, there are only defenses, and the fact that someone has to defend why they are innocent does not seem to be right. He also feels that the violations to citizen's rights are not limited to home schoolers. He requested that the Council rescind the Ordinance or at a minimum the addendum to the Ordinance.

**APPROVAL OF THE MINUTES**

- 3. Consider approval of the following City Council minutes:
  - a) December 8, 2008 special session, board and commission interviews
  - b) December 9, 2008 regular meeting

Motioned by Councilman Brown, seconded by Councilman Turner to approve the December 8, 2008 special session board and commission interviews and the December 9, 2008 regular meeting minutes.

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

Councilwoman Nail abstained due to being absent at both of these meetings

**NEW BUSINESS**

- 4. **Public hearing and consider and act upon an ordinance (Zoning Case Z-182, request of Mark Hambelton for Indian Motorcycle of DFW) to rezone property known as Lot 4A, Block 1, Northeast Community Hospital Addition from Heavy Commercial to Heavy Commercial/Specific Use Permit/Motorcycles Sales and Service. The property is generally located west of Forest Ridge and north of State Highway 183.**

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

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

Roger Smeltzer, who is representing Mark Hambelton, applicant from Indian Motorcycle for DFW – Mr. Smeltzer spoke to the Council and indicated that the Hambeltons are long standing business owners. It is the United States' oldest motorcycle establishment and this will be the only DFW store within a 100 mile radius for Indian motorcycles. The base price for a new motorcycle is \$35,000.

Mayor Story closed the public hearing at 8:18 p.m.

Motioned by Councilman Savage, seconded by Councilman Champney to approve an ordinance (Zoning Case Z-182, request of Mark Hambelton for Indian Motorcycle of DFW) to rezone property known as Lot 4A, Block 1, Northeast Community Hospital Addition from Heavy Commercial to Heavy Commercial/Specific Use Permit/Motorcycles Sales and Service, subject to emergency/mutual access easement being marked and approved by the Fire Marshall and subject to the applicant applying to the ZBA and receiving a variance on the required screening masonry wall and landscape buffer located on the common property line of the adjacent MD4 district.

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

- 5. Public hearing and consider and act upon an ordinance (Zoning Case Z-184, request of Ricky Jenkins for Stor-A-Way) to rezone property known as Lot 1A-R2, Block 12, Oak Ridge Estates Addition, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Self Service Storage Facility. The property is generally located at the southwest corner of Crystal Springs and State Highway 121.**

The Mayor explained that the applicant for this item has requested that the item be tabled to the January 13, 2008 meeting. The public hearing has been noticed in the newspaper and will be left open until the January 13, 2008 meeting.

Mayor Story opened the public hearing at 8:20 p.m.

Mayor Story left the public hearing open to the January 13, 2008 meeting.

Motioned by Councilman Turner, seconded by Councilman Champney to leave open the public hearing until the January 13, 2008 meeting.

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

- 6. Consider and act upon appointments to Bedford Boards and Commissions.**

This item was approved by consent. The following appointments were announced by the Mayor:

**Animal Control Board:**

Dr. Kim Simpson, Place 2 - Veterinarian, Term Expires 2010

Jeannie Haley-Kelm, Place 3 General Public – Term Expires 2010

**Animal Shelter Advisory Board:**

Dr. Rebecca Epps, Place 1 - Veterinarian, Term Expires 2009

Barbara Richardson, Place 4 - Animal Welfare Organization, Term Expires 2009

Shannon McCurley, Place 5 - General Public, Term Expires 2009

**Beautification Commission:**

Don Richardson, Place 3, Term Expires 2010  
E. Anne Coakley, Place 6, Term Expires 2010  
Todd Swart Place 7, Term Expires 2010  
Faye Murphy, Place 8, Term Expires 2010  
Patty Sinclair, Place 9, Term Expires 2010  
William Ledbetter, Place 10, Term Expires 2010  
Don Whitehurst, Place 12, Term Expires 2010  
Michael Boyter, Place 13, Term Expires 2010  
Anita Fuquay, Alternate Place 14, Term Expires 2009  
Rustin Gradke, Alternate Place 15, Term Expires 2009

**Building and Standards Commission:**

Ronald Owens, Place 2 – General Public Expires 2010  
Gary Sanders, Place 5 – Licensed Architect, Term Expires 2009  
Jason Sinisi, Alternate Place 8, Term Expires 2010  
Wilma Clemmons, Alternate Place 9, Term Expires 2010

**Community Affairs Commission:**

George Mountcastle, Place 1 (Business), Term Expires 2010  
Tom Bresnahan, Place 2 (Business), Term Expires 2009  
Karla Setser, Place 3 (Business), Term Expires 2010  
Vernon Dede, Place 4 (Business), Term Expires 2009  
Kelly Ginas, Place 5 (Business), Term Expires 2010  
M. Tim Philpot, Place 7 (Resident), Term Expires 2010  
Mark Massey, Place 9 (Resident), Term Expires 2010  
Alexander Wolfe, Place 11 (Resident), Term Expires 2010

**Ethics Commission:**

Martha Ponce., Place 1, Term Expires 2010  
Jamie Willis, Place 2, Term Expires 2010  
Robert Chetian, Place 3, Term Expires 2010

**Library Board:**

Lori Irvin, Place 5, Term Expires 2010  
Raymond Peters, Place 6, Term Expires 2010  
Ralph Chaney, Place 7, Term Expires 2010  
Ronald Boyer, Alternate Place 8, Term Expires 2009  
Christina Bartha, Alternate Place 9, Term Expires 2009

**Parks and Recreation Board:**

Cathy Schneider, Place 5, Term Expires 2010  
Lisa McMillan, Place 6, Term Expires 2010  
Karen Knox, Place 7 Term Expires 2010

**Planning and Zoning Commission:**

Jim R. Davisson, Place 1, Term Expires 2010  
Karen Kavanagh, Place 5, Term Expires 2010  
Tom Stroope, Place 6, Term Expires 2010  
John Lambert, Place 7, Term Expires 2010  
Michael Ann (Mickey) Hall, Alternate Place 9, Term Expires 2010

**Senior Citizen Advisory Board:**

Thomas Culbert, Place 2, Term Expires July 2009  
Rita Owens, Place 3, Term Expires July 2010  
Wanda Gentry, Place 4, Term Expires July 2010

**Street Improvement Economic Development Corporation:**

Marvin Chosky, Term Expires 2010

**Teen Court Advisory Board:**

Sharon J. Hines, Place 2, Term Expires 2010  
Dustin Sanders, Alternate Place 1, Term Expires 2010  
Robert Schmidt, Alternate Place 2, Term Expires 2010

**Zoning Board of Adjustment:**

John Novelli, Place 2, Term Expires 2010  
Roger Fisher, Place 3, Term Expires 2010  
Richard Smyer, Alternate Place 6, Term Expires 2009

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

No action was necessary as a result of the Executive Session.

**OPEN FORUM**

Jennifer Holumbeck, 3008 Richwood Circle, Bedford – Ms. Holumbeck indicated that this residence is one of four that is owned by her parents in Bedford. She indicated that she lived in Bedford for more than 20 years and attended public school in HEB. She understands why HEB felt the need to bring the Daytime Curfew Ordinance to the school district and City. However, she does feel that the Ordinance interferes with the freedoms of its residents. She feels that freedoms are slowly being taken and that the Daytime Curfew Ordinance does just that.

Andrew Holumbeck, 3008 Richwood Circle, Bedford – Mr. Holumbeck believes that the way the Daytime Curfew Ordinance has been handled has been done so irresponsibly. He believes that most intentions are good but that these laws punish people for being undisciplined. He respectfully asked that all pride be set aside, humility be used and to remember as elected officials that seats are not guaranteed. He believes the outrage that is present tonight is a small portion of the overall outrage existing within the community regarding this issue.

Alan Burkette, 1101 Overhill Street, Bedford – Mr. Burkette indicated that he has spoken to Chief Flory and did feel some relief from his perspective as well as the Council's perspective after these discussions. He echoed what the previous speakers indicated, in that while the Ordinance looked fairly benign on the surface there are not many actual facts present before Council. He feels the school district's numbers are very anecdotal and there is not a cause and effect that can be proved to date. He feels the Ordinance is broadly written and that it is a very intrusive ordinance. He requested that the Council rescind the Ordinance or at the least reword it with exemptions put into place to address home schoolers.

Jackie Parnell, 1231 Latigo Lane, Flower Mound – Ms. Parnell indicated that she appreciates the dialogue that has occurred tonight and the overall discussion that has occurred. She is relaying this information to their home school coalitions and she still feels this is a matter of principle. She does want to see truant kids placed back into schools and she is committed to the good of the community and not just their home school coalition.

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Curtis Parnell, 1231 Latigo Lane, Flower Mound – Mr. Parnell wanted to let the Council know that while he stands by everything he said tonight he did not intend to offend anyone and that if he did he asked for their forgiveness and is sorry.

**ADJOURNMENT**

Mayor Story adjourned the meeting at 8:41 p.m.

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Jim Story, Mayor

ATTEST:

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Shanae Jennings, City Secretary