

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 13th day of January 2009 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
David Flory	Police Chief
Shanae Jennings	City Secretary
John Kubala	Director of Public Works
Jill McAdams	Director of Human Resources
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 6:30 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: 3, 6, 7, 8, 10 and 11, and tabled item 9.

- **Update on the progress of the 2008 Storm Water Management Plan and the Annual Report for Permit Year One.**

John Kubala, Public Works Director, updated Council on the progress of the 2008 Storm Water Management Plan and the Annual Report for Permit Year One and generally fielded questions.

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 551.071, Consultation with City Attorney regarding pending or contemplated litigation –The Fitch property at 3737 Cummings Road, Bedford, TX and the Sanders property at 2709 Murphy Drive, Bedford, TX.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, Consultation with City Attorney regarding pending or contemplated litigation –The Fitch property at 3737 Cummings Road, Bedford, TX and the Sanders property at 2709 Murphy Drive, Bedford, TX, at approximately 6:47 p.m.

Council reconvened from Executive Session at approximately 7:20 p.m. Council did not complete their discussion regarding executive session items and will therefore reconvene at the end of the regular session.

Council convened back into Executive Session at approximately 8:53 p.m.
Council reconvened from Executive Session at approximately 9:30 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 7:20 p.m.

INVOCATION (Bishop Eric McClellan, The Mercy Seat)

Bishop Eric McClellan of the Mercy Seat gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Brown to approve the following item(s) by consent: Item(s) 3, 6, 7, 8, 10 and 11, and table Item 9.

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

COUNCIL RECOGNITION

1. **Consider a resolution authorizing the Beautification Commission to recognize Bedford business' that maintain, improve, and/or keep their property visually attractive to the community.**

James Hughes, Director of Parks, Recreation and Special Events, presented the Beautification

Commission's recommendations for Bedford businesses, Bedford Family Medicine and Buffalo Wild Wings, for maintaining, improving, and/or keeping their property visually attractive to the community.

Motioned by Councilman Savage, seconded by Councilman Champney to approve a resolution authorizing the Beautification Commission to recognize Bedford businesses, Bedford Family Medicine and Buffalo Wild Wings for maintaining, improving, and/or keeping their property visually attractive to the community.

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

PERSONS TO BE HEARD

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

- a) Karla Setser, 3204 Rustic Meadows Drive – Requested to speak to the Council to provide an update on the activities of the Community Affairs Commission last year.**

Karla Setser, 3204 Rustic Meadows Drive – Ms. Setser updated the Council on Community Affairs Commission activities regarding their accomplishments. They have held several meetings with Bedford businesses, created committees to work with businesses and have distributed an online survey to local businesses through the local chamber to receive feedback on the needs and desires of Bedford businesses.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) December 16, 2008, 2008 regular meeting**

This item was approved by consent.

OLD BUSINESS

4. 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. (Item tabled at December 16, 2008 City Council meeting)

This item was tabled at December 16, 2008 City Council meeting.

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

The public hearing was left open at the December 16, 2008 meeting.

Ricky Jenkins, the applicant, indicated that the property does not front on Highway 121 and that the pitch on the roof is greater than on the current self-storage facility. They have also included plantings as well as elevation breaks and color deviations in the cinder block wall. He is attempting to work with what is being requested of him.

Charles Orean, 3009 Willow Lane – Mr. Orean indicated that perhaps a concrete relief picture might be included in the brickwork of the structure to accomplish what is being suggested.

Mayor Story closed the public hearing at 7:51 p.m.

Motioned by Councilwoman Nail, seconded by Councilman Turner to approve an ordinance 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, subject to showing said articulation as on Exhibit A.

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

NEW BUSINESS

- 5. Public hearing and consider and act upon an ordinance (Zoning Case Z-183, request of Randy Bunger for Central Baptist Church) to rezone property known as Tract 6C, Abstract 1080, James Matson Survey, from R-7,500, Single-Family Residential Detached District to R-7,500, Single-Family Residential Detached District/Specific Use Permit/Church. The property is generally located east of Central Drive and north of Pipeline Road.**

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

Mayor Story opened the public hearing at 7:58 p.m.

Mayor Story closed the public hearing at 7:58 p.m.

Motioned by Councilman Brown, seconded by Councilman Champney to approve an ordinance to rezone property known as Tract 6C, Abstract 1080, James Matson Survey, from R-7,500, Single-Family Residential Detached District to R-7,500, Single-Family Residential Detached District/Specific Use Permit /Church.

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

- 6. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Four B Paving, Inc. for the 2009 Street Crack Sealing Program in the amount of \$174,998.00.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into the first year of a three-year contract with B&B Wrecker Services, Inc., to provide towing for city initiated tows.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into a contract with Kimley-Horn for professional services in the Re-Master planning of Bedford Boys Ranch and the future tie-ins of other city facilities in the amount of \$29,000.00.**

This item was approved by consent.

David Young, Kimley-Horn and Associates – Mr. Young spoke during the work session in response to Council's questions and indicated they did intend to tie in the new Library and the Boys Ranch within their Master Plan design. Several meetings will be held for the preliminary design phase to receive feedback from all necessary parties. Schematic designs will be created and refined all the way through to a final Master Plan.

9. Presentation of required modifications to the City's Family Medical Leave Policy ("FMLA") as mandated by federal law.

This item was tabled on consent.

10. Consider a resolution authorizing the City Manager to enter into a contract with Konica-Minolta Business Solutions (KMBS) for eight (8) replacement copiers for an annual amount of \$17,460.00.

This item was approved by consent.

11. Consider a resolution adopting the Tarrant County Mid-Cities Local Mitigation Strategy as this jurisdiction's Multi-Natural Hazard Mitigation Plan and execute the actions in the Plan subject to available funding.

This item was approved by consent.

12. Consider a resolution of the City Council of the City Of Bedford, Texas approving an Economic Development Program Agreement pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program with Redstone Belles Bedford, L.L.C. ("Twin Peaks Restaurant").

Bill Syblon, Development Director, presented a resolution to Council regarding an incentive policy and program with Redstone Belles Bedford, L.L.C, and generally fielded questions.

Motioned by Councilman Savage, seconded by Councilman Champney to approve a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program with Redstone Belles Bedford, L.L.C. ("Twin Peaks Restaurant").

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

13. Discussion and possible action on the City of Bedford's retirement program and any alternative programs available. *Item requested by Councilman Brown**

Councilman Brown requested that this item be placed on the agenda. He indicated that he feels our current retirement system harms the City in recruitment of middle to upper managers and in retaining employees. He requested that the Council consider holding a work session to discuss retirement plans such as TMRS in comparison to what the City currently has. He would like the staff to present an action plan, if there are costs, what they are, if there are savings, what they are, and what type of timing this could occur within. He would also like to see the raw numbers of the number of people who have indicated they left the city because of the retirement system, based on exit interviews. He also indicated he is open to looking at other options for retirement as well.

Council was amenable to a work session regarding a discussion on this item. A work session date will be set for late March 2009.

COUNCIL MEMBER REPORTS

14. a) Mayor Jim Story

- **Acknowledge the presentation of medals to Bedford citizen and veteran Stanley Albritton.**

Mayor Story indicated that Congressman Kenny Marchant invited the Council to a ceremony where a Bedford Veteran was being awarded medals he had never received for the Vietnam War. The Mayor recognized that this was done for Mr. Albritton and indicated a picture would be in the Administration Office for anyone who wants to see it.

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

(Any item on this posted agenda may be discussed in executive session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.)

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

OPEN FORUM

Dave Gebhardt, 625 Merrill Drive, Bedford, TX – Mr. Gebhardt indicated that their determination is resolved and they do intend to see the Daytime Curfew Ordinance reviewed as a result of the City Council being careless with their freedoms. He also indicated that it is true that most people in opposition to this Ordinance are homeschoolers, but it is the public schooled children who are the most at risk when the kids have a human moment and get fined for skipping school.

Laura Steel, 3208 Whisperwood Court, Bedford, TX – Ms. Steel suggested that she is a Christian, law-abiding citizen and that this law has taught her son to fear the police when they drive by. She indicated that the Council has put her in a position to have to defend against the police. She feels her due process is being violated and that the Council needs to reconsider the Daytime Curfew Ordinance.

Jenny Dickerson, 1822 Walnut Avenue, Carrollton, TX – Ms. Dickerson is the parent of two children that are home educated and she has concern about the Daytime Curfew Ordinance. She indicated that the Ordinance affects people traveling here to Bedford from the around the country because it provides an atmosphere of not being family-friendly or student-friendly.

Jackie Parnell, 1231 Latigo Lane, Flower Mound, TX – Ms. Parnell indicated that curfews do not work despite anecdotal evidence. Ms. Parnell cited a report indicating that juvenile curfews, either daytime or evening, do not work to reduce juvenile offending. She requested that the Council rescind this addendum and/or the entire curfew.

Ann Gebhardt, 625 Merrill Drive, Bedford, TX – Ms. Gebhardt indicated that she has several letters from other cities where the homeschool coalition has had to intervene because of rouge police officers. She discussed a couple of House Bills pertaining to truant students and indicated what was represented about the laws was not wholly accurate. She requested that the Council consider repealing this Ordinance.

Charles Orea, 3009 Willow Lane, Bedford, TX – Mr. Orea indicated that he felt Mr. Brown's request for a work session on the retirement topic are valid; however, he requested that the Council keep in mind the effects the economy has on these retirement programs, particularly since December 2006, and how those retirement programs will affect the taxpayers. Mr. Orea also addressed Code Enforcement and congratulated Council on addressing it as of their top three priorities; however, he wanted to comment that a clear violation of a parking ordinance that has been occurring for over ten years is being

Council Minutes January 13, 2009

addressed tonight during Executive Session. Due to the extensions granted to this particular case and the time provided for compliance he would now like to see compliance reached regarding the case he is referencing.

ADJOURNMENT

Mayor Story adjourned the meeting at 9:30 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary