

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 27th 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:

Steve Johnson	Deputy City Manager
David Flory	Police Chief
Shanae Jennings	City Secretary
John Kubala	Director of Public Works
Jill McAdams	Director of Human Resources
Bill Syblon	Development Director
Miranda McQuagge-Walden	Communications/Special Projects Manager
Tom Ross	Director of Administrative Services

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: 3, 4, 9, 10, 11 and 12.

- **Receive report from Clem Maddox with Time Warner Cable.**

Clem Maddox, Director of Governmental Affairs for Time Warner Cable – Mr. Maddox provided the Council with an update regarding increased efficiency and response to customer service related issues as well as upgrades regarding Time Warner Cable and generally fielded questions. He indicated that there were several problems during the upgrade of their system and it adversely affected the picture quality of televisions at home when the larger problem was a systemic one within the network. There was also an underground plant that was causing a problem. All of the necessary corrections have been made and the quality of service has increased thus decreasing complaints from citizens.

- **Review of the revisions to the City of Bedford Code of Ordinances which were discussed at**

the November 10, 2008 City Council Work Session.

Bill Syblon, Development Director, and Russell Hines, Building Official, presented information to the Council updating them on the City's Code Enforcement Ordinances as they pertain to fighting blight and preventing public nuisances within the City in an effort to keep it peaceful, clean and a pleasant place to live.

There was consensus from the Council to bring these ordinances to future Council meetings for consideration.

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 TR 4A3 of the T Beedy Survey.**

Council convened into Executive Session pursuant to the Texas Government Code regarding 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 at approximately 6:26 p.m.

Council reconvened from Executive Session at approximately 6:40 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

Mayor Story called the meeting to order.

CALL TO ORDER/GENERAL COMMENTS

Regular session began at 7:00 p.m.

INVOCATION (Senior Pastor Marty Akins, First Baptist Church of Bedford)

Councilmember Jeff Cason 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 Turner to approve the following item(s) by consent: Item(s) 3, 4, 9, 10, 11 and 12.

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:

Max Coble, Support Services – 5 years of service. Max was unable to attend but was recognized tonight.
Charles Tittle, Fire Department – 5 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) **John Tyler, 3628 Silverio Trail, Bedford, TX 76021 – Requested to speak to the Council regarding the juvenile Daytime Curfew Ordinance.**

John Tyler, 3628 Silverio Trail, Bedford – Mr. Tyler feels that the Daytime Curfew Ordinance negates freedoms provided to residents through state law and he would like to see it repealed. He does not believe there is a true cause/effect relationship between the curfew ordinance and a relationship to lower truancy.

- b) **Curtis Parnell, 1231 Latigo Lane, Flower Mound, TX 75022 – Requested to speak to the Council to continue to address the Daytime Curfew Ordinance.**

Curtis Parnell, 1231 Latigo Lane, Flower Mound – Mr. Parnell read from the Code of Ordinances regarding the Curfew Ordinance on the sections which pertain to the daytime section of the ordinance. He would like to see it repealed. He feels the language is too broad and open for interpretation. Mr. Parnell does not believe there is any correlation between daytime curfews and lower crime rates. He provided articles and data to Council in support of his argument and requested that Council take them under consideration.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) **January 13, 2009 regular meeting**

This item was approved by consent.

OLD BUSINESS

4. Consider a resolution authorizing modifications to the City's Family Medical Leave Policy ("FMLA") as mandated by federal law. (Item tabled at January 13, 2009 Council meeting)

This item was approved by consent.

NEW BUSINESS

5. Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning Ordinance Amendment to Section 5.2.B – Schedule of Parking Requirements; adding a new requirement for Institutional/Library and revising the Parking Requirements for Business Service/Medical, Dental Clinic or Office. (A-017)

Bill Syblon, Development Director, presented the proposed Zoning Ordinance to Council and generally

fielded questions.

Mayor Story opened the public hearing at 7:27 p.m.

No one elected to speak during the public hearing.

Mayor Story closed the public hearing at 7:28 p.m.

Motioned by Councilwoman Nail, seconded by Councilman Savage to approve an ordinance amending the City of Bedford Zoning Ordinance, Section 5.2 B – Schedule of Parking Requirements; adding a new requirement for Institutional/Library and revising the parking requirements for Business Service/Medical, Dental Clinic or Office.

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

6. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 33rd and 34th Year Programs for new sidewalks and ADA compliant ramps in the 800 Block of Savannah Way, the 800-900 and the 1800-1900 Blocks of Natchez Avenue, the 900 Block of Glenda Drive and the 300 Block of Bedford Ct. East.

John Kubala, Director of Public Works, presented information to Council regarding a resolution to pursue grant funding for new sidewalks and generally fielded questions.

Mayor Story opened the public hearing at 7:31 p.m.

No one elected to speak during the public hearing.

Mayor Story closed the public hearing at 7:31 p.m.

Motioned by Councilman Savage, seconded by Councilman Champney to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 33rd and 34th Year Programs for new sidewalks and ADA compliant ramps in the 800 Block of Savannah Way, the 800-900, and the 1800-1900 blocks of Natchez Avenue, the 900 Block of Glenda Drive and the 300 Block of Bedford Ct. East.

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

7. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 35th Year Program for new sidewalks and ADA compliant ramps in the 800-900 Blocks of Gettysburg Place and the 300 block of James Lane.

John Kubala, Director of Public Works, presented information to Council regarding a resolution to pursue grant funding for new sidewalks and generally fielded questions.

Mayor Story opened the public hearing at 7:32 p.m.

No one elected to speak during the public hearing.

Mayor Story closed the public hearing at 7:32 p.m.

Motioned by Councilman Turner, seconded by Councilman Savage to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 35th Year Program for new sidewalks and ADA compliant ramps in the 800-900 Blocks of Gettysburg Place and the 300 block of James Lane.

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

8. Discussion and consideration of an ordinance amending Ordinance No. 08-2901 to repeal Sections 1(A)(1)(c) and Sections 1(C)(2) and (3). (Daytime Curfew Ordinance) *Item requested by Councilman Cason**

Councilmember Cason requested that this item be placed on the agenda for discussion and possible action.

Mr. Cason indicated that he believes the Council has made the incorrect decision regarding the Daytime Curfew Ordinance and that due diligence was not conducted in order to make the most informed and educated decision. He feels as though the City is doing the job of the school district. If there are a handful of truants then he would like to see those individuals dealt with as opposed to imposing a curfew ordinance that imposes upon and affects hundreds of people. Mr. Cason does believe this Daytime Curfew Ordinance imposes a penalty upon home school parents and children and would like to see the daytime portion of the curfew ordinance repealed.

Councilman Brown indicated that while he does understand the concerns of home school parents he feels the Daytime Curfew Ordinance has decreased truancy. He further indicated that if it has had even a small impact on students and their attendance then he is in support of keeping it. He indicated he has spoken to students at school, as he is only one year out of high school, and that the students did indicate to him that teachers have spoken to them about this ordinance and that it has played a role in their decisions to not skip school.

Councilman Turner concurred with the thoughts of Councilman Brown.

Councilman Champney also indicated his support of Councilman Brown's and Councilman Turner's viewpoints.

Mayor Story indicated that no additional officers are being put onto the street to enforce this ordinance nor are more students being stopped as a result because of the ordinance. However, it provides the police with an additional option to approach the issue. He did address both sides of the argument and indicated he is always willing to look at the ordinance again in the future, but for now he would not be in favor of repealing it.

Councilwoman Nail was also in agreement with the other council members and indicated to the audience that she didn't understand why the home school community had not attended other Council meetings at other cities where this ordinance has been passed.

At this time the Council does not intend to take any action to amend or repeal any sections of the Curfew Ordinance, to include the portion that pertains to the Daytime Curfew Ordinance.

9. Consider a resolution authorizing the City Manager to enter into a professional services contract with Elliott and Hughes, Inc. in an amount not to exceed \$16,490.00 for the design of Sanitary Sewer Improvements.

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a contract with Insituform Technologies, Inc. for sanitary sewer rehabilitations in the Shady Brook Addition in the amount of \$829,295.00.**

This item was approved by consent.

- 11. Consider a resolution ordering the May 9, 2009 General Election.**

This item was approved by consent.

- 12. Consider a resolution accepting the Annual Audit Report and the Audited Financial Statements for the fiscal year ending September 30, 2008.**

This item was approved by consent.

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

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

OPEN FORUM

Deborah Miller, 3016 Ridgewood Circle, Bedford, TX – Ms. Miller indicated she raised her children in Bedford and she is angry with the decision of the Council to not repeal the Daytime Curfew Ordinance.

Andy Cargisle, 301 Brookeview, Hurst, TX – Mr. Cargisle indicated if blame should be placed that he believes he can take some of it. He is a member of the HEB School District Board of Directors and he stated that he is looking at this from an educational perspective. He stated that his goal is to educate students and that he cannot educate them if they are not in school. The goal of the Ordinance is not to arrest kids it is to encourage them to be in school. He thanked the Council for what they are doing.

Dave Gebhardt, 625 Merrill Drive, Bedford, TX – Mr. Gebhardt indicated he is appalled that a decision was made by Council based on how they feel alone as opposed to looking at hard numbers, data and unsubstantiated claims. He claimed that he is furious that it was stated by a Council member that the “government has given them the right to home school” and that they will not be going away.

Denise Mills, 809 West Sheryl Avenue, Hurst, TX – Ms. Mills indicated she lived in Bedford for years and still loves the City. She feels the wording of the Daytime Curfew Ordinance is extreme and it does prohibit the freedoms of those that home school. She would still like to see it reconsidered. She also suggested that these laws will be in the book for a matter of years and is worried about the “letter of the law” being enforced in a negative capacity.

Latonia Smith, 3117 Stanford Ct, Bedford, TX – Ms. Smith indicated that she has taught at HEB and at the University of North Texas. She doesn't think it should be the burden of the parents that home school their children to have to show up in court to prove the innocence of their kids if they have to go to court in violation of the Daytime Curfew Ordinance. She has five kids that she home schools and they are productive citizens. She indicated she recently moved here from California because of the friendly home schooling environment.

Brian Rowe, 3401 Amherst Circle, Apt. 118, Bedford – Mr. Rowe indicated he is not home schooled nor does he have kids that are home schooled. He does have a friend that is however and he feels that because there are already laws on the book to address the curfew issue that this is a duplicative

ordinance.

Jeffrey Brandt, 6708 Craig Street, Fort Worth, TX – Mr. Brandt indicated that he is in a private school in Fort Worth and once he found out about this ordinance he became scared to go out. He was not only scared for himself but was scared his cousins who are also in private school. He is appalled at this ordinance.

John Tyler, 3628 Silverio Trail, Bedford – Mr. Tyler indicated that he realizes that the Council may disagree with his viewpoint; however, he would have liked to see a public hearing. He also indicated that he feels Council has indicated to him tonight, at least two of them have, that he is throwing arrows and needs to now go away. He would like everyone to work together for a more common ground to amend the process.

Misty Boggs, 3728 Lafayette Avenue, Fort Worth, TX – Ms. Boggs thanked the Council for bringing this issue up for discussion again. She indicated she is concerned about this ordinance coming up in other cities and that she is fearful for not only how this ordinance will currently affect residents but how it will affect future residents and future laws.

David Thompson, 3124 Ruby Street, Bedford, TX – Mr. Thompson thanked Mr. Cargisle for what he does at the HEB school district. He indicated he is intimidated when an officer stops him and he doesn't want his kids, who are home schooled, to be afraid of officers as well. He would like to see community service addressed and he wants to see kids in school; however, he wants to see it addressed collectively.

Jan Caldwell, 7620 Acorn Drive, North Richland Hills, TX – Ms. Caldwell indicated she does not think that running a red light where there are red light cameras is the same as passing an ordinance that affects the home school community. She is concerned that once this is on the books it is on the books for good and will not go away.

Jackie Parnell, 1231 Latigo Lane, Flower Mound, TX – Ms. Parnell wanted to respond to why no one has attended other Council meetings in other cities. She indicated the awareness is only just now growing and that the knowledge being passed around regarding this issue will hopefully deter this occurring at other places. She indicated that a friend of hers that has children in public school feels the Ordinance is discriminatory towards public school parents and children as well. She would like to see the Curfew Ordinance rescinded completely. She said the reason Bedford Council hasn't seen the home schoolers at Euless is because they haven't gone there yet due to not having had time, because it is taking a tremendous amount of time to come speak in Bedford.

Jason McCaffity, 308 Eagle Drive, Bedford, TX – Mr. McCaffity indicated he owns property in Bedford and has lived here his whole life. He stated that his children are in public schools and he is also a 12 year veteran police officer. Mr. McCaffity is offended with how the Council has handled this ordinance and for there to be an ordinance on the books that says he cannot take his kids out of school for any reason takes away his God-given rights.

Curtis Parnell, 1231 Latigo Lane, Flower Mound, TX – Mr. Parnell indicated that he believes Bedford is unique and that the Council here has a unique ability to not draw a line in the ground. He stated that if this many people showed up on an icy night to speak about this issue then imagine how many might show up on a warm night. He asked the Council how full the room needed to get before the Council rethinks their decision on the Daytime Curfew Ordinance.

Stuart Updike, 3309 Meadowood Lane, Bedford, TX – Mr. Updike indicated that this addition of this ordinance criminalizes simply being out on the street. The best way to approach it would be that since the schools know who the truants are and that they should work directly with them.

ADJOURNMENT

Mayor Story adjourned the meeting at 9:25 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary