

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 24th day of February 2009 with the following members present:

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

Constituting a quorum.

Lori Nail was absent at tonight's meeting.

Staff present included:

|                         |   |
|-------------------------|---|
| Steve Johnson           | Deputy City Manager                     |
| Stan Lowry              | City Attorney                           |
| David Flory             | Police Chief                            |
| Shanae Jennings         | City Secretary                          |
| John Kubala             | Director of Public Works                |
| Bill Syblon             | Development Director                    |
| Mirenda McQuagge-Walden | Communications/Special Projects Manager |

### **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: 5, 6, 7 and 8.

### **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.**

**b) 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 551.087, 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 and 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 6:40 p.m.

Council reconvened from Executive Session at approximately 7:00 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 7:01 p.m.

**INVOCATION (Reverend Cameron Williams, Mid-Cities Community Church)**

Reverend Cameron Williams of the Mid-Cities Community Church 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): 5, 6, 7 and 8.

Motion approved 6-0-0. 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:

Brett Bowen, Police Department – 5 years of service  
Melinda Eichorst, Police Department – 10 years of service  
Mike Cottrell, Public Services – 15 years of service

**2. Proclamation proclaiming February 21, 2009 as National AMBUCS Service Day.**

Mayor Story read and presented a proclamation for AMBUCS Service Day.

**3. Proclamation proclaiming the month of March 2009 as American Red Cross Month.**

Mayor Story read and presented a proclamation for American Red Cross Month.

**PERSONS TO BE HEARD**

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

- a) Jackie Parnell, 1231 Latigo Lane, Flower Mound, TX 75022 – Requested to speak to the Council to address the Daytime Curfew Ordinance in the City of Bedford.**

Jackie Parnell, 1231 Latigo Lane, Flower Mound, TX – Ms. Parnell had several questions for the Mayor and Council. The Mayor indicated at this time that because he is not prepared for questions with figures and research information in front of him, he would not be amenable to answering them; however, if Mrs. Parnell will submit her questions to the City Secretary's Office that they can be dispersed to him. Mrs. Parnell indicated that she will provide a list of those questions to the City Secretary to pass onto the Mayor.

The Mayor and Council recessed into Executive Session under 551.071 of the Texas Local Government Code at approximately 7:30 p.m. to seek Attorney Consultation regarding persons to be heard. Council reconvened from Executive Session at approximately 7:51 p.m.

Mrs. Parnell indicated she has not met any citizen in favor of the Daytime Curfew Ordinance. She asked that the Council consider rescinding the Ordinance.

**APPROVAL OF THE MINUTES**

**5. Consider approval of the following City Council minutes:**

- a) February 10, 2009 regular meeting**

This item was approved by consent.

**NEW BUSINESS**

- 6. Consider an ordinance amending Chapter 118 "Utilities", Article VIII "Industrial Wastewater", Section 118-264 "Local Limits" of the City of Bedford Code of Ordinances, as amended by the change of the local limit for molybdenum to enable the City of Bedford to comply with applicable state and federal laws; providing a repealing clause; providing a severability clause and declaring an effective date.**

This item was approved by consent.

- 7. Consider a resolution accepting a water line easement on Lot 3, Block A, Studioplus Addition.**

This item was approved by consent.

- 8. Consider a resolution of the City of Bedford, Texas endorsing certain legislative changes to enhance the competitive electric market.**

This item was approved by consent.

## **COUNCIL MEMBER REPORTS**

### **9. a) Mayor Jim Story**

- **Comments concerning items stolen from vehicles.**
- **Report on visit to Texas Tourism Convention.**

Mayor Jim Story indicated he has seen an article regarding vehicles getting broken into due to thieves finding iPods, cell phones, cameras, etc. that they want to steal. He indicated it is seldom about stealing the car and more so about stealing items within the car. The mayor reminded everyone to be careful about leaving items in their car visible to the public. Mayor Story went to Austin for the day to the Texas Tourism Convention to discuss some bills which are coming up that could possibly affect our Economic Development.

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

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

## **OPEN FORUM**

Kim Cromer, 6309 Grand Castle Court, North Richland Hills, TX – Ms. Cromer indicated that she and her husband operate a business within Bedford even though they live in NRH. She has home schooled for 14.5 years and now has one child in college. Her kids are frequently out and about in Bedford but they have been uncomfortable driving within the City of Bedford as of late due to the Curfew Ordinance. She indicated that while she home schools she does indeed support and provide to the public school districts and ask very little of them in return.

Dave Gebhart, 625 Merrill Drive, Bedford, TX – Mr. Gebhart pleaded to the Council that they listen to their citizens and what they are asking for. He indicated that the Council is in this mess because they wanted to assist and help the HEB ISD; and while he doesn't condemn them for helping, this Curfew Ordinance is a one sided ordinance that does not provide an effect that is desired. He stated that he can't believe the politicians would be willing to take such a stand on this issue that they are willing to stake their council seats at the ballot box in May, because that appears to be where the issue is headed since residents are receiving indifference from the Council. He asked that the Council rescind the Ordinance.

Bob Conlon, 3425 Scenic Hills Drive, Bedford, TX – Mr. Conlon indicated that he wishes he would have been more active of a citizen where local government is concerned and plans to be from here on out. Not only does he not support the Daytime Curfew Ordinance but he does not support the Nighttime Ordinance either; thus, he doesn't support a Curfew Ordinance at all. Mr. Conlon does not feel he needs to provide for a defense for his child if he wants to have them out of school and home school them.

Brandon Moore, 816 Warwick Street, Bedford, TX – Mr. Moore is opposed to the Daytime Curfew Ordinance. He feels it negatively impacts the families, whether they are schooled publicly, privately or by home school. He does understand that this was drafted with good intentions but believes it opens the door to broad power that can be abused and which can corrupt. He requested that this ordinance be repealed.

Jason McCaffity, 308 Eagle Drive, Bedford, TX – Mr. McCaffity indicated that he concurs with everything Mr. Moore just stated. He feels the curfew restrictions are unreasonable for parents and children. He also feels it imposes unreasonable penalties on businesses to have to enforce school aged kids to be in school and keep track of a school calendar. Mr. McCaffity said statistics can be crafted to fit whoever is doing the measurements and that these statistics in favor of the Curfew Ordinance were presented by HEB ISD in a way that favors them. He would like to see the Ordinance repealed or at the least revised

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to take out the defense to prosecution, where people do not feel like they are arbitrarily being picked on. He expressed concern that Chief Flory spoke on a local radio station regarding his opinions about the Daytime Curfew Ordinance and would like this issue to be looked into and would like to know the staff policy on Department Heads ability to speak to the media in Bedford.

Marlene McMillan, 1402 Cliffwood Road, Euless, TX – Ms. McMillan indicated that people who live in liberty think differently than people who live in bondage and that liberty is won or lost at the local level. She is not in support of the Daytime Curfew Ordinance. She is looking to the Council for protection from the loss of liberty, not to be perpetrating the loss of liberty. Ms. McMillian encouraged them to be statesmen and repeal the Ordinance.

Kayla McCaffity, 308 Eagle Drive, Bedford, TX – Kayla goes to Bedford Heights Elementary and is in the fourth grade. She had to sit and take a mock math test and had to listen to writing stories and almost fell asleep. Her father told her about the Daytime Curfew Ordinance and she was scared of going to her doctor's appointment because she was scared of being pulled over by the police.

Daniel Cromer, 6309 Grand Castle Court, Bedford, TX – Daniel is a young adult and he indicated that his father works in Bedford and he can no longer go to lunch with his father because of this Curfew Ordinance. He also doesn't like the idea of George Washington's men fighting and dying just to have the Council take the liberties away that they fought for.

Karen Moore, 816 Warwick Street, Bedford, TX – Ms. Moore has lived in Bedford for years and she is so thankful for her neighbors and the City in which she lives. She believes the motto for Bedford is "Life is Better in Bedford" and she wants others to believe that as well. She requested that the Council rescind the Daytime Curfew Ordinance.

Frederick Overpetk, 1501 North Duly, Grapevine, TX – Mr. Overpetk has family that lives in Bedford and he used to live in Bedford. He feels like that with this new law he couldn't meet with his grandkids at local businesses to eat because they would be in violation of the Daytime Curfew Ordinance.

Dorothy McWhorter, 1600 Martha Drive, Bedford, TX – Ms. McWhorter indicated she has the taste in her mouth that Council is of the opinion that they do not sufficiently tax their residents. She indicated that city government should not be in the business of enforcing the HEB school district's issues or enforcing what is their duties and responsibilities. Ms. McWhorter indicated that the Council would be doing well to provide residents with water, sewer, fire and police protection, and garbage collection and stay out of the residents' private lives and the school district's business.

Bill Ellis, 1004 Monterrey Street, Bedford, TX – Mr. Ellis indicated that with the Curfew Ordinance he feels he has an incentive to get active in government and plans to do so. He is opposed to the Daytime Curfew Ordinance.

### **ADJOURNMENT**

Mayor Story adjourned the meeting at 8:47 p.m.

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Jim Story, Mayor

ATTEST:

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Shanae Jennings, City Secretary