

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 5:30 p.m. and regular session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 10th day of March 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
Bill Cooper	Deputy Director of Information Services
David Flory	Police Chief
James Hughes	Director of Parks and Recreation
Shanae Jennings	City Secretary
John Kubala	Director of Public Works
Jill McAdams	Director of Human Resources
Maria Redburn	Library Manager
Tom Ross	Director of Administrative Services
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 5:30 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: 4, 5, 6 and 7.

- **HEB ISD Staff and/or Board of Trustees representative to provide the school district's position on the daytime curfew ordinance. ***Item requested by Mayor Story**

Jeff Burnett, School Board President, spoke to the City regarding the Daytime Curfew Ordinance. He indicated he felt that the Ordinance is working and assisting in keeping young students in school.

Andy Cargisle, former principal of Trinity High School, indicated that as a principal and on every academic level educators are accountable and responsible for the safety of young kids. Mr. Cargisle stated that he began a ticketing system at Trinity High School and began charging by way of citations if a student cussed a teacher out, got in a fight or any other number of misbehaviors. He offered that if you treat young people like adults that they will act as such, and holding them accountable encourages responsible action. If students know they will be fined for cutting school it will help in encouraging them to stay in school. Eules has this same Curfew Ordinance. If they know they can't cut school and be out in the public during the daytime in Eules and if this Ordinance did not exist in Bedford, then students will migrate to Bedford because they will not be cited. It helps if the City of Bedford shares in the burden of keeping young kids safe. This is not a financial issue; it is a safety and education issue. It is an issue to keep kids from being criminals.

Dr. Debbie Tribble of the HEB ISD spoke and she updated Council on truancy numbers. She indicated that they had approximately 9,000 less absences in December this year than in the same time last year. At this time 28,876 students were absent as of March 2008. In March of 2009 that number is 20,055; therefore, less students are absent this year than were absent at the same time last year.

The HEB ISD has taken a look at their own systems and processes to keep students in school in addition to the Ordinances the cities have put into place. Since the passage of the Ordinance fewer students are skipping school than from before the Ordinance was passed. The ISD's policies made very little difference with their truancy numbers; however, once the Ordinance passed the school district saw a huge difference in truancy numbers in that truancy had significantly decreased with the Ordinance's passage. Ms. Tribble indicated that the relationship with the HEB ISD and the City is a partnership, as it always has been, and within this partnership it is vital that one assists the other. While it is not the job of the Bedford City Council to fix the truancy problem they do have the power to have a positive impact on it where young people who should be in school are not out adversely impacting young people who are out of school with permission. She also indicated that there is only one group of children that should be fearful of the police and that is the kids that are skipping school. If children are being schooled elsewhere at home or privately they should not be fearful; those kids have a reason for not being in school.

Mike Harris, Trinity High School Principal, 3521 Sweet Wood Street, Bedford – Mr. Harris indicated that in order to issue a truancy citation a student has to have missed three or more days within a three month period or 10 or more days within a six month period. After that third absence within three months the citation has to be written within five days in order to execute the citation.

- **Discuss grants and stimulus money and applications and amounts made YTD by the city of Bedford, details of all applications, all background information related to each application as well as requirements placed upon the city and impact those grants/funds will have on our city as they relate to staffing and obligations back to those making the grants. ***Item requested by Councilman Cason**

Councilman Cason requested that this item be placed on the agenda for discussion. Mr. Cason wanted to hear from staff regarding opportunities that have been extended to the City by way of the federal stimulus package, and, if accepted how does it affect the future of the City and whether or not grant or stimulus money has to be potentially paid back or tie the City to spend more in the future.

City Manager Beverly Queen indicated that the City has not yet made any applications for any funding and none have been made available to the City. Staff cannot currently bring a recommendation to Council about the funding since we haven't submitted any applications. The Library is seeking information; however, they also have not yet submitted for any applications.

Any funding methods which have been accepted require none, if any, financial obligation on behalf of the City, and if they do, those requests are brought to Council before they are sought. No staff members have been added in order to track grant funding.

Mr. Cason indicated he encourages activity for grant funding; he just wanted to ensure the City was not obligating itself to being tied to any future financial ropes.

- **Discuss and receive an update regarding any and all actions taken or plans in place for current budget/cost containment including actions taken fiscal year-to-date, realized and/or expected savings as a result of those actions and a report of revenue receipts actual vs. budgeted for all major categories. ***Item requested by Councilman Cason**

Councilman Cason requested that this item be placed on the agenda for discussion. Mr. Cason wanted to know what the City was doing to cushion the impact of any potential revenue shortfalls. City Manager Beverly Queen indicated that the only fund where there is any concern is within the General Fund. Ms. Queen stated that adjustments are made all the time and at this time it looks like there could be a shortfall of approximately \$850,000 overall. Where there are some shortfalls expenditures will be curved on a contingency basis. Approximately \$900,000 in savings has been realized in cost savings for contract negotiations which was not anticipated. Additionally, with fuel prices going down there will be additional savings in that area. Rebidding certain items has also assisted in saving money. There are three ways the staff is addressing the shortfall overall and that is: a) realized cost savings; b) items which can be postponed until a later date; and c) items which will have to be cancelled or put on hold indefinitely.

- **Update from Staff on current activity regarding areas of potential for outsourcing opportunities. ***Item requested by Councilman Cason**

Councilman Cason requested that this item be placed on the agenda for discussion. Mr. Cason indicated that Council had asked staff to annually review outsourcing opportunities. Beverly Queen stated that staff had researched purchasing street signs as opposed to making them and it was found to be cheaper to make them. A building inspector's position has been held open since last year and some of those inspections have been outsourced. This has worked well and staff plans to continue doing this. Some areas of personnel are still being reviewed for outsourcing. Additionally, due to an increase in the contract for water meter reading, staff is researching the cost of the City doing meter reading and automated meter reading systems.

- **Receive an update from staff regarding measures of performance for employee evaluation, including whether this system is active and fully implemented into our employee review and evaluation process, which departments have implemented this system and their activation dates, departments that have not implemented this system, the reasons for not implementing the system and their anticipated active date to be implemented. ***Item requested by Councilman Cason**

Councilman Cason requested that this item be placed on the agenda for discussion. Mr. Cason would like an update on performance measures. Beverly Queen stated she would put performance measures in the Council's box as they have been kept up with over the first quarter and now second quarter of the fiscal year.

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:

There was no Executive Session during tonight's meeting.

REGULAR SESSION

Mayor Story called the meeting to order.

CALL TO ORDER/GENERAL COMMENTS

Regular session began at 7:01 p.m.

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church)

Pastor Kevin Smith of Faith Christian Fellowship Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmanl Champney, seconded by Councilman Savage to approve the following item(s) by consent: Item(s) 4, 5, 6 and 7.

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

PERSONS TO BE HEARD

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

a) **Lori Irvin, 4012 Double Oak Drive, Bedford, TX 76021 – Requested to speak to the Council to encourage people to fill out the library survey.**

Lori Irvin, 4012 Double Oak Drive, Bedford, TX 76021 – Ms. Irving wanted to encourage everyone to fill out a library survey. It can be done online at www.bedfordlibrary.org or by paper copy at the Library, City Hall, Senior Center, Old Bedford School or Bedford Boys Ranch. The deadline to submit copies is March 15, 2009 and should only take about five minutes to fill out.

b) **Peggy McIntyre, 500 North Industrial, Euless, TX 76039 - Requested to speak to the Council about the daytime curfew meeting.**

Peggy McIntyre, 3225 Clearfork Drive, Hurst, Texas – Ms. McIntyre indicated she has lived in Bedford for several years and is currently a social worker at Trinity High School. Ms. McIntyre is here tonight to advocate for the Daytime Curfew Ordinance. She indicated that while many people do properly home school there are many people who do not make their children attend school at all. This Ordinance assists in ensuring that all kids are encouraged to have an education, and she feels it is important that the school district and City work together for the community as a whole regarding educational needs. She is an advocate of the Ordinance so that kids that are not in school do not make impulsive decisions which disrupt the remainder of their lives.

c) Stephanie Millar, 7300 Fallen Oak, North Richland Hills, TX 76180 – Requested to speak to the Council in regards to the day time curfew.

Stephanie Millar, 7300 Fallen Oak, North Richland Hills, TX 76180 – Ms. Millar is the Assistant Principal at Trinity High School. She indicated that today alone there was a list of 23 truant students. 14 of those students she was unable to reach to find out if their absences were excused or not. The other nine she was able to reach and the parents simply had not called them in sick. One of her most recent truants was arrested for shoplifting and is now in jail. Another was ticketed in Euless for being truant and when the police cited him they found he had outstanding warrants. Additionally his parents had reported him as a runaway. This student then went to jail; he is a senior at Trinity and they are trying to get him educated. She continually tells her students that they will receive a citation for being truant and it has made a big impact on the students, whereas before she had no leverage to get through to the kids. She indicated that unfortunately most of these students don't have parental leadership when they are skipping school.

d) Robert Towns, 5201 Chatsworth Lane, Keller, TX 76248 – Requested to speak regarding the daytime curfew ordinance.

Robert Towns, 5201 Chatsworth Lane, Keller, TX 76248 – Mr. Towns was unable to stay for the meeting.

e) Mike Harris, 3521 Sweet Wood Street, Bedford, TX 76021 – Requested to speak to the Council regarding the daytime curfew ordinance.

Mike Harris, 3521 Sweet Wood Street, Bedford, TX 76021 – Mr. Harris is the Principal at Trinity High School. He wanted to reiterate that they have asked the cities to implement this Ordinance so that they can better enforce attendance at school. State law created truancy laws but they are loose and do not allow for strict enforcement. They have asked Police Chiefs to work with the district to find ground where they can better enforce attendance and it was uniformly decided that issuing citations assists in enforcing attendance and cuts down on truancy. The Ordinance doesn't allow for anything more than what already existed other than adding a deterrent for being out of school, which is a citation.

f) Michael Hendrickson, 1804 Glenbrook Court, Bedford, TX 76021 – Requested to speak to the Council on the daytime curfew.

Michael Hendrickson, 1804 Glenbrook Court, Bedford, TX 76021 – Mr. Hendrickson has been a Bedford resident for 21 years and has children who attended HEB ISD. Neither he nor his wife is a member of the school board or an HEB ISD employee. He is a mentor to students at HEB ISD and he stated that he was very satisfied to learn that the Curfew Ordinance had been unanimously approved and implemented by the Council. He feels the Ordinance not only provides for fair and balanced enforcement, but it also provides for defenses to unfair citations. He feels the Ordinance provides broad definitions to allow for all kinds of defenses and he struggles to understand those who take exception to this Ordinance. He cannot understand why the nighttime portion of the Ordinance is not being attacked if the daytime portion is being attacked. Mr. Hendrickson stated that having spoken to students that he mentors they are very aware that a fine awaits them if they skip class and it has had a strong impact on them in keeping these kids in school. He asked that the Council not be bullied by those who use this as an affront to civil liberties.

g) Steven Farco, 1625 Staffordshire Court, Bedford, TX 76021 – Requested to speak to the Council about the Day Time Curfew.

Steven Farco, 1625 Staffordshire Court, Bedford, TX 76021 – Mr. Farco has been a resident of Bedford for 30 years and currently has twin boys at Bedford Junior High School. He has also been a mentor at Trinity High School and LD Bell High School for over ten years. He believes this Ordinance takes initiative to keep kids in school where they need to be. While home school kids are precious assets to

their families just as public school kids are assets to their parents, this Ordinance extends to reach out to the kids that don't have parents who view their kids as precious assets. He believes the Council should be strong leaders and continue to treat the kids of HEB as precious assets and continue giving the push and nudge that needs to be given to keep kids in school.

h) Donna Paul, 3616 Spring Grove, Bedford, TX 76021 – Requested to speak to the Council regarding the daytime curfew.

Donna Paul, 3616 Spring Grove, Bedford, TX 76021 – Ms. Paul resides in Bedford and owns a business in Bedford. She stands in support of the Daytime Curfew Ordinance and appreciates the work that the Council has done in implementing this Ordinance.

i) Nathaniel Hearne, 2016 Belton Court, Arlington, TX 76018 – Requested to speak to the Council regarding the day time curfew.

Nathaniel Hearne, 2016 Belton Court, Arlington, TX 76018 – Mr. Hearne works for the HEB ISD. He is also the Principal for the "No Choice" students at school, which is a group of students that have dropped out of school and come back in order to get their degree. He is also the truancy officer for the HEB ISD. Mr. Hearne supports the Ordinance and stands in support of everything everyone has said here today in support of the Ordinance. He spoke about a boy released from Texas Youth Correction that had stabbed another student. Mr. Hearne indicated that upon release his requirement was to get in school. The young man did not get in school; he was on the streets, sold drugs, got in fights, broke into cars, etc. The young man indicated it was difficult to do these things because they had to hide from the law. At one point the kid was stopped by an officer and asked why he was not in school. The kid lied, the officer was able to verify that he lied and he was sent to jail. This kid indicated it was much harder to run and hide from the law than to just go to school, therefore he began to go to school. Mr. Hearne stated that there are kids that have withdrawn from his "No Choice" school under the code of home schooling and he knows for a fact those kids are not being home schooled because he has seen those kids and asked those kids why they were not at home and they would tell him they are not really being home schooled. Many times the parents have told him that they withdraw their kids and code them as home schooled just so the parents and their child won't get fined. Mr. Hearne asked what should we do with those kids out on the streets if we don't allow our officers to save their lives.

j) Jim Bannister, 3737 Oak Cove Lane, Bedford, TX 76021 – Requested to speak to the Council regarding a Daytime Curfew Ordinance.

Jim Bannister, 3737 Oak Cove Lane, Bedford, TX 76021 – Mr. Bannister is the Principal of LD Bell High School. He indicated that none of these issues are simple. They have political ramifications for this Council and are difficult for the school district to control. He stated that if they don't get these truant kids back to school they will never be able to teach them. This Ordinance does not add much that the police do not already have the option to do. They can already stop kids and ask them why they aren't in school. What he does ask them to look at is what the Ordinance does do. Not only are there two truancy officers on staff at HEB ISD, but there is a staff of police officers working everyday on the City of Bedford streets that have the authority to cite kids and enforce the law if necessary now. He indicated the small group of kids that this Ordinance is focused on is absolutely critical. He asked that the Council not waiver on their decision on the Curfew Ordinance and keep it in place.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

a) February 24, 2009 regular meeting

Motioned by Councilman Brown, seconded by Councilman Turner to approve the February 24, 2009

regular meeting minutes.

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

Councilwoman Nail abstained due to being absent from that meeting.

NEW BUSINESS

- 3. 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 1100 Block of Ann Street, 900 and 1100 Blocks of Glenda Drive, 300 Block of James Lane, 900-1100 Blocks of Brown Trail (East Side), and the 300 Block of Bedford Court East.**

John Kubala, Director of Public Works, presented the resolution to Council and generally fielded questions.

Mayor Story opened the public hearing at 8:04 p.m.

Sandra West, 932 Brown Trail, Bedford, TX – Ms. West indicated that because there are sidewalks on the west side of the street she is not opposed to having them on the east side of the street; however, there are no sewer lines on the west side of the street and there are sewer lines on the east side of the street. She is concerned the sewer has not been maintained and the sidewalks will adversely affect this sewer line.

Mr. Kubala indicated he is unaware of any sewer line or water line problems within the area that Ms. West describes. He did indicate that if there were problems they would surely be addressed before any sidewalks are installed. Mr. Kubala stated they would work through the issues in relation to Ms. West's concerns if any issues do in fact exist.

Renee Northrup, 348 East Bedford Court, Bedford, TX – Ms. Northrup indicated she is concerned about installing sidewalks because of the number of kids that ride their bikes in the area. She is also concerned that the maintenance will be the resident's problem and she is not in favor of that. Ms. Northrup also dislikes that it will take up a portion of her yard.

Ronald Pickens, 1125 Glenda Drive, Bedford, TX – Mr. Pickens is speaking in strong opposition to sidewalks on his land. It would kill trees and cut off sections of his fence. It would also be necessary to relocate his water meter. He is also concerned Bedford will hire illegal immigrants to do the work.

Brandon Moore, 816 Warwick Street, Bedford, TX – Mr. Moore said he is concerned about sidewalks coming into this neighborhood. He owns and operates a lawn business and sidewalks do impact trees and existing landscaping. He indicated that keeping grass alive around sidewalks is difficult and it requires more water, which should also be taken into consideration.

Sheila Yates, 356 Bedford Court East, Bedford, TX – Ms. Yates said there are 11 children in elementary school within this neighborhood that she is aware of and she believes sidewalks in this neighborhood have been overdue for many years. There should have been sidewalks in this neighborhood over 50 years ago for safety purposes so that kids could ride bikes in single file and families can walk together and not be in the middle of the road.

Kathy Frank, 1016 Brown Trail, Bedford, TX – Ms. Frank moved in 12 years ago and wondered why sidewalks are being considered along Brown Trail if they are supposed to be widening Brown Trail.

Mark Shoddy, 927 Glenda Drive, Bedford, TX – Mr. Shoddy believes the resources can better be allocated to traffic control and not backing off 12 feet of his property by installing sidewalks. He said they do not have that much pedestrian traffic and he does not want the sidewalks.

Mr. Kubala indicated that out of several hundred notifications sent to residents the people who are speaking tonight are the ones who have indicated objection to sidewalks. He also indicated that this money can be applied for but does not have to solely be used if the sewer lines do not pan out to be sturdy. City Manager Beverly Queen also stated that the Council will come back and look at this project before anything is approved. Approval tonight only allows the City to apply for the funding for the sidewalks.

Mayor Story closed the public hearing at 8:25 p.m.

Motioned by Councilman Brown, 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) 35th Year Program for new sidewalks and ADA compliant ramps in the 1100 Block of Ann Street, 900 and 1100 Blocks of Glenda Drive, 300 Block of James Lane, 900-1100 Blocks of Brown Trail (East Side), and the 300 Block of Bedford Court East.

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

- 4. Consider an ordinance amending Chapter 118 “Utilities” of the City of Bedford Code of Ordinances, as amended, by the addition of Article IX, “Liquid Waste”, providing findings and definitions; providing for the permitting of all liquid waste haulers; providing for the maintenance and inspection of liquid waste vehicles; providing for the limit of accumulation of liquid waste; providing for the permitting of all grease trap owners; providing for the disposal of liquid waste; providing for the enforcement of the provisions found in the stated ordinance; providing a fine of up to \$2,000 for each offense in violation of the ordinance; and providing an effective date.**

This item was approved by consent.

- 5. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees, Subtitle “Water Department” by adding fees imposed by the City for liquid waste permits; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to enter a contract with Huguley Assessment Center in the amount of \$17,400 to perform physical assessments for Bedford Fire Department personnel for the year 2009.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into a contract with Kimley-Horn and Associates in the amount of \$110,000.00 to conduct a comprehensive study of the Highway 183 corridor providing strategies that will maximize the opportunity and minimize the impact of the widening of Airport Freeway.**

This item was approved by consent.

8. Discussion and possible action regarding the City of Bedford's Daytime curfew. *Item requested by Councilwoman Nail**

Councilwoman Nail requested this item be placed on the agenda. Ms. Nail indicated that she asked for this to be placed back on the agenda so that more discussion and thought process could be given to it due to the many unforeseen issues being brought up and raised since the passage of this Ordinance. She thanked everyone who has come to share their thoughts and support on the issue. She indicated she has deliberated and personally lost sleep over this Ordinance because when she was elected to Council she vowed to do what was best for the City as a whole. Some key things that popped out at her during the discussions tonight were that it was not only high school students that truancy is affecting but it is elementary and junior high students as well. This realization brought her great concern. She is also concerned about young people being fearful of authority. Ms. Nail indicated that when she was elected it was to take care of streets, fire, sewer and other issues, but not necessarily the school district. However, after hearing all the facts this evening she does feel it is the Council's responsibility to partner with the HEB ISD and assist them when and if it is possible. She was originally going to ask to rescind this ordinance tonight, but after hearing compelling arguments she believes the Ordinance should stand as written.

Mayor Story stated these are facts as he knows them:

- a) In September the HEB ISD asked the City of Bedford to enact a daytime curfew ordinance to help combat truancy. After two weeks of investigation by staff, including checking ordinances of other cities and a thorough review by the City Attorney, staff presented the Ordinance to Council on September 23, 2008 and the Ordinance was approved.
- b) Since that time, HEB ISD has publicly announced that unexcused absences have dropped from 22,805 during the fall semester of 2007 to 13,800 for the fall semester of 2008. According to Assistant Superintendent Debbie Tribble, much of that reduction is due to the daytime curfew for public school students.
- c) Prior to the Daytime Curfew Ordinance the Police Department had the legal ability to stop juveniles out of school during school hours and ascertain where they should be. The officer could take several actions, including taking the child back to school. Under the Daytime Curfew Ordinance the impact to the student and parents is that this officer may now issue a citation, but officers must ensure that the juvenile does not have a defense to prosecution before enforcement is taken.
- d) Parents of home schooled children have appeared at Council meetings to express their concerns to include: 1) their children are afraid to leave their house, or enter Bedford, 2) the constitutionality of the Ordinance, 3) adequate laws are already in place, 4) the City is doing the school system's work forcing Bedford tax payers to foot the bill, and 5) a further example of big government restricting liberty.
- e) The people who have spoken at Council meetings cover 25 households, 15 living in Bedford and 10 living in other cities.
- f) There is a statistical correlation between truancy and violent crime and between truancy and property crimes. To date 2 citations have been issued.
- g) Other area cities who have a daytime curfew ordinance include:

Haltom City	Eules
Watauga	Dallas (currently considering)
- h) The school district has verbally provided the Mayor with specific examples of students who admitted they would not be in school if not for the Ordinance.
- i) The City Attorney has provided a legal opinion that we are not violating anyone's constitutional rights.
- j) The Mayor has not had any business owners or public school parents contact him concerning the Ordinance or complaining about it.

Mayor Story's indicated that the following are his opinions and views and do not represent the entire Council.

- a) The Ordinance does reduce unexcused absences.
- b) The Ordinance does reduce juvenile crime.
- c) The threat of the citation and possible fine is the most efficient method to reduce truancy by having many sets of police officer's eyes on the street at no additional cost to the City. This is something they will do during their normal duty anyway.
- d) It is a savings to the taxpayer because:
 - i) It is more efficient than the school adding personnel, which in the end the cost of that does get passed onto the taxpayer.
 - ii) The school receives more money due to higher attendance
 - iii) It reduces crime by saving the cost of losses as well as a possible increase in police protection.

Mayor Story indicated that on every decision he makes he always asks himself, "What is best for the City of Bedford?" On this issue, do we do what 25 families have requested, or do we look at the overall picture and consider HEB ISD students and families, crime reduction, truancy reduction, and saving taxpayers money, at no expense in his opinion to any loss of constitutional rights.

In conclusion he summarized that he sees there are several choices in which the Council can proceed. Those choices are as follows:

- 1) Modify the Ordinance. However, he indicated that from what he understood this option would still not satisfy the parents that home school their children because those parents want the Ordinance complete rescinded.
- 2) Ask that home school children carry an ID similar to what public school children carry. However, the Mayor indicated he was also told this was not an option up for consideration for the home school parents.
- 3) Rescind the Ordinance. This would make Council meetings run smoother, free up use of staff time on the issue, and satisfy the home school parents, but would it be best for the citizens of Bedford as a whole?
- 4) Do nothing and keep going down the road we have been on for several months.
- 5) Set up a process where we receive data from HEB ISD and the Police Department after the end of the spring semester and set a date in July to discuss and take action as required.

The Mayor concluded by saying that this topic easily ranks in the top three of the issues that he has personally spent the most time on since becoming Mayor. He also stated that the City has had to postpone acting on other issues due to the time required for the Curfew Ordinance. He further stated that if he had to make a list of the top 20 issues in Bedford that require the attention of Council and staff, he doubted seriously that this item would be on the list. From that viewpoint, one voice tells him to rescind the Ordinance and get on with business because the Council owes it to the citizens of Bedford to move forward. But another voice says that this ordinance is best for the overall good of Bedford, especially in keeping kids in school, reducing juvenile crime, and saving taxpayer dollars.

Councilman Turner, Champney, Savage and Brown all expressed their agreement with what the Mayor and indicated and stated that they saw two options regarding the Ordinance: 1) to rescind it, or 2) to keep it in place. They were all in agreement to keep it in place.

No motion or vote is necessary to leave the Ordinance as it currently stands. The Mayor did call for a motion and one was not offered; therefore, the Ordinance stands as currently enforced. The Council did indicate their intention to readdress this issue the second meeting in July 2009.

9. Discussion regarding "Alternative Energy and Bedford". *Item requested by Councilman Champney**

Councilman Champney requested this item be placed on the agenda. He would like the Council to explore options that would make Bedford a “green” municipality which would afford cost savings to the City as well as residents. Overall, he would like Council and staff to explore solar energy and alternative energy resources for the City of Bedford. He’d like to see ordinances explored which would help residents save energy within their homes. He would also like an area that needs redevelopment in Bedford to be designated as an alternative energy zone. If this is agreeable to Council, he’d like a task force created within the City and feels that based on the Deputy City Manager’s experience with energy and “green” building that Steve Johnson could lead this task force.

Council requested that staff explore this option and bring something back to Council at a later date.

COUNCIL MEMBER REPORTS

10. a) Councilman Turner

- **Report on Clean Up Bedford Day – Saturday, April 4, 2009**

Councilman Turner announced Clean Up Bedford Day which will be held Saturday, April 4 beginning at 8 a.m. and sponsored by the Beautification Commission. Many church groups, the Chamber and several other entities will be involved and he encouraged residents to get involved also.

b) Councilman Cason

- **Citizen inquiry regarding recent tree trimming in the City.**
- **Comments regarding the Firefighter’s Banquet.**

Councilman Cason stated that a recent inquiry prompted him to look into tree trimming within the City and he drove around to look and see if the trimming concern was accurate, and it was. He feels that how trees are being trimmed in the City is a dismal failure and he would like to encourage staff to work with Oncor to try and prevent them from totally demolishing trees.

On February 27, 2009 he attended the Fire Fighter’s Banquet and it was very nice.

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

There was no Executive Session during tonight’s meeting.

OPEN FORUM

Kim Cromer, 6309 Grand Castle Court, North Richland Hills, TX – Ms. Cromer wanted to reiterate that she is not only a homeschooling mom but she is a business owner in Bedford and this is the third time she has spoken. She does feel this is a liberty issue and it does impact her freedom of movement. She indicated she was in Bedford during the lunch hour today and she chose not to go to Walgreens because she was not comfortable being out during the day with her kids with her. She then contacted that business to let them know they lost her business because of the Curfew Ordinance. She said people who don’t understand liberty should not hold office and that includes almost all of this Council. Ms. Cromer also indicated that neither the HEB ISD nor the City of Bedford Council has any idea how many homeschoolers exist within this area.

Jackie Parnell, 1231 Latigo Lane, Flower Mound – Ms. Parnell indicated that the HEB ISD had valid arguments for truancy concerns, but all the arguments could be handled by attending to the truancy issue without having a daytime ordinance. Ms. Parnell addressed three comments from tonight: 1) “Don’t let them bully you.” She indicated that expressing God given rights is not bullying. 2) “Life is not fair.” Ms.

Parnell indicated that due to this being said she feels the Council is leaving an unfair ordinance on the books. 3) "Ordinance kept a young kid in school b/c of the fear of the law from being out of school." Ms. Parnell indicated that if a kid who is supposed to be in school is fearful, think of how fearful a kid that is in school by way of homeschooling feels when they are doing what they are supposed to do but still being faced with police action. Ms. Parnell stated that she believes she can get as many signatures as the number of signatures that elected each council member to sign a petition saying the general public is not in favor of a Daytime Curfew Ordinance.

Dave Gebhart, 625 Merrill Drive, Bedford, TX – Mr. Gebhart thanked the Council for a firm conviction in their thoughts tonight rather than petty condescension, which he felt they have received in the past from the Council. Mr. Gebhart also stated that he was surprised the school district employees who spoke under persons to be heard left the meeting; he guesses they were afraid of learning something. He indicated they are working with groups in Dallas to oppose the Curfew Ordinance as well. He indicated they will continue to oppose the Ordinance here as a matter of principle as well as within other cities. Mr. Gebhart stated that there is an offense to the public-at-large and that is that if you look younger than 17 years old this Ordinance does affect you. A defense still means that a citation can be issued based on judgment alone. Mr. Gebhart believes this is truly an issue regarding liberty and that is what they are fighting for. Mr. Gebhart came back and spoke again later and indicated that he also wanted to mention that while our society is founded on liberty, with that liberty does come some risk that some members of our society may injure themselves on that freedom. He feels bad for anyone that doesn't value education, but he rejects the notion that all of society has to lose their liberty in order to reject the risk that these people who don't value education are causing to themselves.

Latonia Smith, 317 Stanford Court, Bedford, TX – Ms. Smith feels the tone of the Council has changed and she appreciates their respect tonight. She does feel that the state should be more responsible for handling this issue as opposed to the City Council issuing zero tolerance.

Robert Bueker, 4900 Wichita Trail, Flower Mound, TX – Mr. Bueker said he works at Coram Deo Academy which is a private school in Flower Mound and he wants to ensure that those people who are in private school are not being cited for simply being out of school during the day as a result of this Ordinance.

Bill Ellis, 1004 Monterrey Street, Bedford, TX – Mr. Ellis indicated that this Curfew Ordinance is not solving the problem the HEB ISD is hoping to address. Discipline is what is needed to address the problem of truancy. Parents are what are needed to also take care of the truancy problem. He would like the Council to reconsider completely the Ordinance because they are not going to solve the problems of the HEB ISD.

Brandon Moore, 816 Warwick Street, Bedford, TX – Mr. Moore stated that the previous gentleman said you have to get down to the root of a problem and he agrees with that logic. In this situation there is an underlying problem and until they get down to the root of the problem the problem will continue to occur. There should be positive reinforcements given to kids for going to school instead of negative threats when they don't. He believes the Ordinance as a whole, both the daytime and nighttime portions of it, are bad for Bedford, its families, businesses, economy and tourism. It brings forth fear, harassment and possible undue search and seizure. When the government becomes oppressive to people the people will begin to leave. He also feels the Ordinance is duplicative in that state law already addresses this issue. Mr. Moore also would like to address that this Ordinance specifies that a minor is anyone under the age of 17; therefore, this Ordinance also applies to infants and toddlers. He would still like to see the Ordinance revoked or repealed.

Jason Oliver, 7622 Jennifer Court, Richland Hills, TX – Mr. Oliver feels this Ordinance poses Constitutional issues in that teens will be questioned if stopped by a police officer. He wants to know how

many issues the Council is willing to suspend and surrender for the common good.

Laura Steel, 3208 Whisperwood Court, Bedford, TX – Ms. Steel stated that the audience pledged allegiance to the flag and that freedoms should extend to everyone. She has a nine year old son that is fearful of police officers because her son does not see grey but he only sees black and white. It is disturbing to her that her son is fearful and she does feel there is a better and fairer outcome than the one the Council has come to.

Sharon Lasley, 3705 Cobblestone Court, Bedford, TX – Ms. Lasley does agree that early intervention is the answer to many problems and that she does feel it is a sad commentary on our society that we have reached this point. She does not feel intervention with an ordinance such as this is necessary though. Ms. Lasley does feel this Ordinance adversely affects businesses because it will keep residents from going out to eat and visiting other commercial establishments. She now believes that Bedford has an image of not being friendly to home schoolers and that in the future this will begin to affect Bedford.

Layne Gossett, 1813 Rollingwood Court, Bedford, TX – Mr. Gossett asked the Council to consider his question, which is how do seven highly intelligent officials who claim to represent Bedford fairly make a decision that affects everyone with only two weeks of due diligence. He asked that four of the seven Council members place this on the ballot so that the people of Bedford can decide the issue.

Bob Conlon, 3425 Scenic Hills Drive, Bedford, TX – Mr. Conlon indicated that apparently enough laws will be passed by the state sooner or later that it makes it illegal for residents to do anything. He feels this Ordinance is taking away parental sovereignty and that this Ordinance is about money. He would like to see the Ordinance modified to say that it is legal for a minor to be in public with a parent or legal guardian and he feels this issue would likely go away. He also stated that his kids did go to the public schools.

Philip Putnam, 3213 Rustic Meadows Drive– Mr. Putnam remembers the fear his mother used to feel back when they were young regarding police contacting them and asking why her kids were not in school. He is now fearful that his son who is home schooled will also be fearful and concerned as to whether or not he can be out in public. Mr. Putnam stated that he had absolute faith in the Bedford Police Department and in Chief Flory at the helm. That being said, he also recognizes that police officers also have bad days and it only takes one officer to make their children fearful.

Dorothy McWhorter, 1600 Martha Drive, Bedford, TX – Ms. McWhorter has listened for many hours about this truancy issue. She indicated that no doubt many parents are not handling their responsibility for keeping their own kids in school nor has the HEB ISD been able to do their job in keeping kids in school. Since the HEB ISD cannot do their job in keeping kids in school they have now shoved the issue off onto the City of Bedford. She spoke to the Mayor and indicated that for every action there is a reaction and that the time, money and loss of sleep spent on this issue was created by the Council. Every turmoil within this City was created solely by Council one way or the other.

John Delorme, 1129 Woodvale Drive, Bedford, TX – Mr. Delorme said he grew up in HEB, was schooled within HEB ISD and still lives in Bedford because he is proud of living in Bedford. He believes this whole issue boils down to revenue for the school district and when the population of students attending school drops the revenue the school district receives drops. He believes the job of the police is to fight crime and enforce laws within the City, not to do the dirty work of the school district and be their debt collectors. Mr. Delorme also stated that Bedford needs more commercial property and areas within Bedford and this is a challenge that is going to have to be confronted with the 183 corridor expansion. He hopes that residential areas are being taken into consideration with the expansion. He feels the study and money in which the Council wants to spend to investigate the expansion of the 183 corridor can be better spent elsewhere.

Council Minutes March 10, 2009

David Thompson, 3124 Ruby Street, Bedford, TX – Mr. Thompson thanked David Flory for the excellent police force that he leads. He indicated there is a group of people that would like to bring a resolution to this and that group of people would like to see this Ordinance reworded. He is even open to a coalition with the school district to come to a compromise. Mr. Thompson indicated that truancy is a symptom of a bigger problem.

ADJOURNMENT

Mayor Story adjourned the meeting at 11:08 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary