

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 24th 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
David Flory	Police Chief
Shanae Jennings	City Secretary
John Kubala	Director of Public Works
Jill McAdams	Director of Human Resources
Bill Syblon	Development Director
James Tindell	Fire Chief
Mirenda McQuagge-Walden	Communications/Special Projects Manager

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: 4, 6, 7, 8, 9, 10 and 11.

- **Presentation from Oncor Electric Delivery on Tree Trimming.**

Steve Johnson, Deputy City Manager and Andrea Sanders of Oncor Electric Delivery discussed tree trimming within the City of Bedford.

Ms. Sanders indicated that Oncor is making every effort to trim trees without completely removing them. She indicated that many power outages are caused by trees, lightning and wildlife, and that maintaining

the lines is very critical. Overall, the lines need to be trimmed for safety purposes and to make sure the trees aren't touching lines.

- **Presentation of the results of the employee climate survey that was given to employees in September and October 2008.**

Jill McAdams, Human Resources Director and Ashley Schwabb and Joel Bennett of Organizational Wellness & Learning Systems spoke to the Council regarding the most recent climate survey conducted for Bedford employees and generally fielded questions by Council.

Ms. Schwabb presented the overall general results of the employee survey. She indicated those that responded reflect the opinion of the city well; however, it should be considered that there was not a 100% response. Job Security, city pride and customer service have seen steady increases. This indicates increased employee engagement. Items relating to understanding of compensation and benefits have also improved. Benefits in relation to retirement have been receiving steady declines over the past few years. A power point presentation relating to this presentation can be located in the City Secretary's Office.

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 551.087, Deliberation regarding economic development negotiations relative to the Texas American Bankshares Addition Block 1 Lot 1R.**
- c) Section 551.071(2), Consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code: to receive advice regarding oil and gas drilling and regulations.**

Council did not have a need to meet in Executive Session to discuss the above listed items; therefore, they did not adjourn into Executive Session.

REGULAR SESSION

Mayor Story called the meeting to order.

CALL TO ORDER/GENERAL COMMENTS

Regular session began at 7:24 p.m.

INVOCATION

Police Chief David Flory gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Cason, seconded by Councilman Champney to approve the following item(s) by consent: Item(s): 4, 6, 7, 8, 9, 10 and 11.

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

COUNCIL RECOGNITION

1. Employee Recognition

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

Jack Ventrca, Fire Department – 5 years of service

2. Proclamation proclaiming the month of April 2009 as Child Abuse Prevention Month.

Mayor Story read and presented a proclamation proclaiming the month of April 2009 as Child Abuse Prevention Month.

PERSONS TO BE HEARD

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

- a) Brandon Moore, 816 Warwick Street, Bedford, TX 76022 – Requested to speak to the Council regarding the curfew ordinance.**

Brandon Moore, 816 Warwick Street, Bedford, TX – Mr. Moore indicated he had a few questions about the Daytime Curfew Ordinance that he would like to ask the Mayor or Council. Mayor Story responded to Mr. Moore and indicated he wanted Mr. Moore to express his thoughts but that he was not prepared to answer questions at the moment. Mr. Moore expressed concern over the Ordinance and felt everyone in support of the Ordinance is directly tied to the HEB ISD. Mr. Moore is opposed to the Ordinance.

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

Curtis Parnell, 1231 Latigo Lane, Flower Mound, TX – Mr. Parnell indicated he has attempted to present unbiased research that shows continual failures of the Daytime Curfew Ordinance and he brought another one today to present to the Council. He feels that the Curfew Ordinance is a proven failed Ordinance and he cannot figure out why Council wants to support an Ordinance that is proven to fail. He also brought into question the fact that Police Chief David Flory's wife works for the HEB ISD and he wondered if that had anything to do with Chief Flory's desire to push this Ordinance through.

- c) Terri Burke, 611 S. Congress Ave., Suite 320, Austin, Texas 78704 – Requested to speak to the Council regarding the juvenile curfew ordinance.**

Teri Burke, 611 S. Congress Ave., Suite 320, Austin, TX - Ms. Burke has come to ask the City Council to review their decision. She indicated you don't need a curfew to arrest criminals. If there is a truancy

problem there are many solutions that don't include criminal penalties. She believes this Ordinance to be a great overstepping of the role of the parents by the government. She asked the Council to consider rescinding the Ordinance.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:
 - a) March 10, 2009 regular meeting

This item was approved by consent.

OLD BUSINESS

5. Discussion and consideration of changing the role of alternates to Bedford's boards and commissions. ***Item requested by Councilman Brown

Councilmember Brown requested that this item be placed on the agenda for discussion. He stated that the Library Board and Beautification Commission Chairpersons asked that the Council look into giving consideration to making alternates full time members. The three Boards/Commissions which would like to do this are the Parks and Recreation Board, Beautification Commission and the Library Board.

Deborah Chaney of the Beautification Commission spoke. She indicated that there have been times the Commission voted not to meet; however, they have always had a quorum. She also indicated that because of the nature of the projects the Commission does, they need a large number of members.

Dr. Turner is the liaison to both the Park and Recreation Board and the Beautification Commission and he is in favor of making the alternates of each board become full time members.

Council would like to make the Beautification Commission 15 total members. Making the two current alternates as regular members and appointing another person would bring the total to 15.

Council would like to make the Library Board a total of 9 members by making the two current alternates full time members.

Council would like to make the Parks and Recreation Board a total of 11 members by making the three current alternates full time members.

Council directed staff to bring an Ordinance back at the next Council meeting allowing for these changes.

Councilman Brown would also like to discuss term limits on the next agenda as they relate to Boards and Commissions.

NEW BUSINESS

6. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Total Highway Maintenance, LLC for the 2009 Pavement Striping and Marking Program on Concrete Arterial and Collector Streets in the amount of \$61,503.55.

This item was approved by consent.

7. **Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$33,138 for the renewal of the extended maintenance and technical support agreement with Innovative Interfaces Inc. (III)**

This item was approved by consent.

8. **Consider a resolution authorizing the City Manager to enter into a contract with JBeck Outdoor Environments to perform exterior preventive maintenance painting services for the Boys Ranch Gym, Fire Station #1 and the Law Enforcement Center in the amount of \$24,650.**

This item was approved by consent.

9. **Consider a resolution stating the intent of the City of Bedford to become eligible to participate in tax abatement agreements pursuant to Texas Tax Code Section 312.002, and relating to the giving of notice of intention to create a reinvestment zone to finance improvements within the reinvestment zone; authorizing and directing other actions preliminary to the creation of the proposed reinvestment zone; and containing findings relating to the foregoing subject.**

This item was approved by consent.

10. **Consider a resolution authorizing the City Manager to enter into an agreement for a Ground Lease with New Cingular Wireless PCS, LLC, a Delaware limited liability company.**

This item was approved by consent.

11. **Consider a resolution authorizing the City Manager to amend the Ground and Tower Lease with New Cingular Wireless PCS, LLC, a Delaware limited liability company.**

This item was approved by consent.

12. **Present and seek Council direction on the Cost/Benefit Analyses for RFID-based library technology.**

Maria Redburn, Library Manager, presented information and sought Council direction on the Cost/Benefit Analyses for RFID-based library technology and generally fielded questions by Council. A power point presentation was provided to Council and will be on file in the City Secretary's Office.

The Council provided a consensus to Ms. Redburn to move forward with the RFID process and she indicated she will continue to look for cost savings where it can be found.

COUNCIL MEMBER REPORTS

13. a) **Mayor Jim Story**
 - **Ribbon Cuttings**
 - **Meals on Wheels**
 - **Mayor's Super Bowl Committee**

Mayor Jim Story acknowledged several ribbon cuttings to include the La Quinta, Sopranos Pizza, Big Shots, Jerry Wells of Farmers Insurance and Dr. Rob Vasquez Chiropractic Practice. The Mayor participated in the delivery of Meals on Wheels last week. He believes this is a great organization and he encouraged everyone to participate if they have the time. Finally, the Mayor attended the Mayor's Super

Bowl Committee in Arlington, which is a committee set up by the Super Bowl Committee to promote all the cities within the DFW area.

14. 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.)

There was no Executive Session held during tonight's meeting.

OPEN FORUM

Holly Hendrickson, 1804 Glenbrook Court, Bedford, TX – Ms. Hendrickson is a Bedford resident who has had kids in the HEB ISD. She is not now nor has she ever been an employee of the HEB ISD or any other school district. She has reviewed the minutes and watched the DVD's of prior meetings, as well as attended the past couple of meetings in order to get caught up on the issues surrounding the Daytime Curfew Ordinance. She is dismayed that the Council has been accused of being in collusion with the school district and that truancy numbers provided were in question. Ms. Hendrickson indicated she read a website where the school district was accused of packing its docket with their own administrators to speak at a recent council meeting. She stated that it was her that called the HEB ISD to come and speak in an effort to make them aware that there was great opposition to the Curfew Ordinance, and that if anyone has been guilty of packing the docket to speak at meetings it is solely the group opposed to the Curfew Ordinance. Just because those who are in favor of the Ordinance are not at the meetings packing the docket does not mean there is not strong support for the Ordinance, because there is. She is also baffled as to why this issue is being protested as a liberty issue; if this is really the issue why has a 10 year nighttime ordinance never been questioned. Ms. Hendrickson expressed that she is appalled at hearing Mr. Parnell viciously impugn the integrity of Police Chief David Flory. She can't believe a parent would make such an attack on the Police Chief; and, based on that attack there is no wonder why these children are scared of the Police. The children are learning to be scared from their parents because they take their cues from their parents. She supports the Council's decision in favor of the Daytime Curfew Ordinance and she defends the decision they have made.

Greg Knapp, 4021 Oak Leaf Lane, Bedford, TX – Mr. Knapp indicated that the Curfew Ordinance is not just opposed by homeschoolers. He stated that the schools have not done their job and now they are pushing the cure onto others to solve their problems. He stated that those who attended the Council meeting and recently came to speak from HEB ISD didn't even have enough respect to stay and listen to people express their concerns about the Curfew Ordinance. He feels this Ordinance strips the rights and freedoms of the people of Bedford and he would like to see the Ordinance rescinded.

Dave Gebhart, 625 Merrill Drive, Bedford, TX – Mr. Gebhart expressed concern about how the Mayor and Council are reacting to this situation in that this is the forum for residents to interact with Council and now Council will not respond under persons to be heard. This concerns him when they have shut down. He is also troubled that even after empirical data has been presented as factual that Council still will not reconsider rescinding the Daytime Curfew Ordinance.

Bill Ellis, 1004 Monterrey Street, Bedford, TX – Mr. Ellis wants to get an organization and program going to support the people who oppose the Curfew Ordinance. This program should exist with the 10 cities around Bedford that are within a 5 mile radius. He thinks the Council has a lot of help with their attorney and manager, but what do the people who come to speak have in the way of help. If all these cities could get together as a group and pull resources then they could better find solutions to the curfew problem.

Roger Fisher, 2600 Woodson Circle, Bedford, TX – Mr. Fisher stated that emotions are high and opinions are solidified on the issue regarding the Daytime Curfew Ordinance, and that is fine. However, the one thing that cannot happen is for false accusations to fly across the room and for those accusations to go

Council Minutes March 24, 2009

unanswered. He said it was plain wrong to insinuate anything sinister regarding Chief Flory and his wife's employment with regard to the HEB ISD. Mr. Fisher said it was defamatory, without merit, without facts and without evidence that these accusations were made and he wanted to ensure that was clear and on the record.

Daniel Cutforth, 3012 Pilgrim Place, Bedford, TX – Mr. Cutforth feels this is a poor Ordinance and is poorly instituted. He would like the Council to continue to look into hidden costs of this Ordinance that are unforeseen. He would like to see this Ordinance repealed.

ADJOURNMENT

Mayor Story adjourned the meeting at 10:26 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary