

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 28th day of April 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
Shanae Jennings	City Secretary
John Kubala	Director of Public Works
Maria Redburn	Library Manager
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 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: Item(s): 4 with amendments as noted below to the minutes, as well as 9, 10 and 11.

- **Discussion and seek input from the City Council on the Bedford Boys Ranch Master Plan.**

James Hughes, Parks and Recreation Director and Mark C. Hatchel, Vice President of Kimley-Horn and Associates, presented information to Council about the Re-Master Plan for the Bedford Boys Ranch and generally fielded questions.

Mr. Hatchel discussed the needs of the City regarding the Re-Master Plan, which includes park areas, shade within those areas, play areas, trails and walking spaces, amphitheaters, athletic facilities, etc. Kimley-Horn has met with the Parks and Recreation staff, the Parks and Recreation Board as well as

senior staff to discuss these issues. Mr. Hatchel welcomed feedback and input from the Council regarding what was presented and what has been done regarding the Re-Master Plan to date.

**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 551.074, Annual performance evaluation of the City Manager. \*\*\*Item requested by Mayor Story**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.074, Annual performance evaluation of the City Manager, at approximately 6:21 p.m.

Council reconvened from Executive Session at approximately 7:13 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 7:19 p.m.

**INVOCATION (Pastor Bayard Pratt, Martin Methodist Church)**

Pastor Bayard Pratt of Martin Methodist Church gave tonight's invocation

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilman Brown, seconded by Councilman Champney to approve the following item(s) by consent: Item(s): 4 with amendments as noted below to the minutes, as well as 9, 10 and 11.

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

**COUNCIL RECOGNITION**

1. **Proclamation proclaiming April 28, 2009 as Doubletake Dance Studio Day.**

Mayor Story read and presented a proclamation proclaiming April 28, 2009 as Doubletake Dance Studio Day.

2. **Proclamation proclaiming May 3 – May 9, 2009 as Municipal Clerks Week.**

Mayor Story read and presented a proclamation proclaiming May 3 – May 9, 2009 as Municipal Clerks

Week.

**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 Daytime Curfew.**

Brandon Moore, 816 Warwick Street, Bedford, TX – Mr. Moore is concerned that there are defenses to prosecution rather than exceptions to prosecution. He feels the Daytime Curfew Ordinance has divided the citizens and that it has been detrimental to the City of Bedford. Mr. Moore is also concerned that there has been a “veil of personal attacks” cited as the reason for prohibiting freedom of speech towards or of Council members or staff. He feels it is unconscionable to hide behind this veil of personal attacks when those who are against this Ordinance should be able to speak their mind in any manner necessary.

- b) Caryn Moore, 816 Warwick Street, Bedford, TX 76022 – Requested to speak to the Council regarding the Daytime Curfew.**

Caryn Moore, 816 Warwick Street, Bedford, TX – Ms. Moore expressed her feelings of how important she believes it is to rescind the Daytime Curfew Ordinance. She feels there is a mixing of definitions of the law regarding this Ordinance and that it legislates the boundaries of parents to raise their children.

- c) Jackie Parnell 1231 Latigo Lane, Flower Mound, TX 75022 – Requested to speak to the Council regarding the Daytime Curfew.**

Jackie Parnell was unable to attend tonight’s meeting and called in advance to make the City aware of this.

**APPROVAL OF THE MINUTES**

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

- a) April 14, 2009 regular meeting**

This item was approved by consent subject to adding the press release into the April 14, 2009 minutes under Item 15, which Dr. Turner read regarding the Daytime Curfew Ordinance, and subject to indicating that Dr. Turner left the meeting at approximately 10:45 p.m.

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

**OLD BUSINESS**

**5. Presentation from Oncor Electric Delivery on Energy Efficiency.**

Ms. Andrea Sanders and Mr. Price Robertson of Oncor Electric Delivery presented information to the Council regarding energy efficiency programs. Oncor has committed an additional \$100 million for energy efficiency programs over 5 years. The funds are not recoverable in rates and they are implemented under the same guidelines as statutory programs are implemented. These programs reduced over 635 MW of peak demand and saved approximately 1.5 million MWhs. There was CO2 reduction equal to removing over 236,000 cars from Texas highways. And statewide, Oncor has saved approximately 58%

of the kW and 50% of the kWh and accounted for approximately 59% of the total funds spent on energy efficiency. Mr. Robertson fielded any questions that Council had for him.

**NEW BUSINESS**

- 6. Public hearing and consider and act upon an ordinance to rezone property known as Lot A, Block 15, Stonegate Addition from Light Commercial/Specific Use Permit/Gasoline Service Station with Convenience Store to Amended Light Commercial/Specific Use Permit/Gasoline Service Station with Convenience Store. The property is generally located south State Highway 183 and east of Brown Trail. (Z-188).**

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

Mayor Story opened the public hearing at 8:21 p.m.

No one elected to speak at tonight's public hearing.

Mayor Story closed the public hearing at 8:21 p.m.

Motioned by Councilman Champney, seconded by Councilman Turner to approve an ordinance to rezone property know as Lot A, Block 15, Stonegate Addition from Light Commercial/Specific Use Permit/Gasoline Service Station with Convenience Store to Amended Light Commercial/Specific use Permit/Gasoline Service Station with Convenience Store. (Z-188)

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

- 7. Public hearing to consider designating a certain area of the City as Reinvestment Zone No. 4.**

Bill Syblon, Development Director, presented the proposed Reinvestment Zone No. 4 to Council and generally fielded questions.

Mayor Story opened the public hearing at 8:24 p.m.

No one elected to speak at tonight's public hearing.

Mayor Story closed the public hearing at 8:24 p.m.

Action regarding this item will be taken below.

- 8. Consider and act upon an ordinance creating Reinvestment Zone No. 4 in the City of Bedford.**

Motioned by Councilman Savage, seconded by Councilman Brown to approve an ordinance to create Reinvestment Zone No. 4 in the City of Bedford.

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

- 9. Consider a resolution adopting the City of Bedford Identity Theft Prevention Policy in accordance with a recent amendment to the Fair and Accurate Credit Transaction Act of 2003.**

This item was approved by consent.

- 10. Consider a resolution accepting the revised and updated sponsorship policy and renaming it to “Naming, Sponsorship and Donation Policy”.**

This item was approved by consent.

- 11. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with RKM Utilities Services, Inc. for the Shady Brook Addition and Commerce Place Water Distribution System Improvements Program in the amount of \$654,208.30.**

This item was approved by consent.

- 12. Consider a resolution to nominate an individual to fill a vacancy on the Tarrant Appraisal District Board of Directors.**

No action was taken on this item.

- 13. Review and possible action regarding the Senior Board configuration. \*\*\*Item requested by Councilman Savage.**

Councilman Savage requested that this item be placed on the agenda for discussion. He indicated that in October the new Senior Center in Hurst will open and the Bedford Hurst Senior Center will cease to be the Bedford Hurst Senior Center; therefore, the composition of the Board of Directors which currently is comprised of members from both cities will need to change to an all Bedford Board. Mr. Savage would like to know how the Council would like to address this issue.

Mr. Savage suggested that the current alternate member become a full term Board member and then allow the Board to operate with only five members until January. At that time appointments can be made and two additional members can be added to make the board a total of seven members.

Council directed staff to bring an Ordinance back to Council reflecting that the new composition of the Bedford Senior Center Board of Directors will be seven full time members beginning in December when all Board and Commission appointments are conducted, and that the Senior Center Board appointments be made in December consistent with all other Board and Commission appointments. Council agreed at tonight’s meeting to allow the board to function as a five member board until January without further action.

- 14. Review and possible action regarding the fire lane at the Senior Center. \*\*\*Item requested by Councilman Savage.**

Councilman Savage requested that this item be placed on the agenda for discussion. Mr. Savage indicated there was an accident at the Senior Center where it was difficult to get an ambulance into the Center due to how the horseshoe in front of the Center is comprised. Fire Marshall Kirt White indicated they could look into making that a fire lane.

Council directed staff to move forward with looking into creating a fire lane at the Senior Center in front of the building.

**COUNCIL MEMBER REPORTS**

- 15. a) Mayor Jim Story**
- Inform citizens of toll tag requirement

Mayor Story informed the public that the North Texas Tollway Authority (NTTA) is going to an all-electronic tolling system as of June 1, 2009; therefore, those who would like to utilize tolls can order them through the NTTA. These tags will be usable throughout the state of Texas.

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

There was no action necessary as a result of tonight's Executive Session.

**OPEN FORUM**

Jim Davisson, 1612 Arbor Crest Drive, Bedford, TX – Mr. Davisson indicated that he feels the data that will come forward as a result of the Curfew Ordinance will be positive data as the months move forward. He also indicated he doesn't feel the opposition will be satisfied with any results, no matter the data or no matter what is proposed. He is supportive of the Curfew Ordinance and the decision the Council has made to support it and he believes it will yield great results by keeping kids in school.

Holly Hendrickson, 1804 Glenbrook Court, Bedford, TX – Ms. Hendrickson said she loves Ronald Reagan because he is so quotable and she would like to quote one of his sayings: "there you go again." She indicated that it has been stated that the Council has not listened to the issue regarding the Curfew Ordinance and she wanted to point out that it has been on the agenda no less than four times and voted on no less than twice. There have been a handful of families that have spoken against the curfew and only one family that she is aware of actually has children within the district. She finds it disheartening to discredit the school district and she continues to support Council and their decision to support the Curfew Ordinance.

Dorothy McWhorter, 1600 Martha Drive, Bedford, TX – Ms. McWhorter indicated that the Charter exists to regulate the City. At the prior Council meeting the presiding officer read some of the written rules of procedure as they pertain to speakers within a meeting. She discussed how the presiding officer is tasked with ensuring the speakers are not slanderous; however, she pointed out that slanderous is a particularly subjective definition and wanted to know how discussion can take place if the presiding officer declares something slanderous. Additionally, if someone were slanderous the presiding officer, per the Charter, can only tell the City Manager how to handle a situation; they cannot tell a staff member what can and can't be done during a meeting.

Bill Ellis, 1004 Monterrey Street, Bedford, TX – Ms. Ellis is concerned that the Curfew Ordinance has been established, and, since it has been established he knows nothing can be done to change it right now. This leads him to be concerned with things such as the Library and the Bedford Boys Ranch and their future development.

Brandon Moore, 816 Warwick Street, Bedford, TX – Mr. Moore indicated that he wanted to clarify that 39 people have spoken out against the Daytime Curfew Ordinance and 10 have spoken for it, which is almost a 4:1 ration in opposition to the Ordinance. This is why those against the curfew continue to speak against it.

Sharon Lasley, 3705 Cobblestone Court, Bedford, TX – Ms. Lasley indicated she is against the Daytime Curfew Ordinance. She recognizes this has been brought up on numerous occasions and she agrees to disagree with the Council at this time. She believes Bedford should strive to be a City that supports all forms of education, both private and public.

Clara Ortiz, 3812 Comanche Trail, Bedford, TX – Ms. Ortiz indicated she has recently heard of this Ordinance regarding the curfew. Her daughter missed school to visit a college in New York and the school called to inform her that he child was absent. It was a miscommunication that she wasn't called in as absent, but she was thankful for the parent/school communication as a result of the incident and

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believes the school is on top of this issue. She doesn't want the police involved in this issue. She was however glad the school was involved.

Robert Cozak, 733 Henson Drive, Hurst, TX – Mr. Cozak suggested posting signs to warn people about this Ordinance so that if individuals live in a neighboring city drive through Bedford they can be made aware of the ordinance. There are signs warning of red light cameras as well as no cell phone use within school zones; therefore, if possible, it would be great to consider posting signs regarding this ordinance. He is in opposition to the ordinance.

**ADJOURNMENT**

Mayor Story adjourned the meeting at 9:06 p.m.

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Jim Story, Mayor

ATTEST:

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Shanae Jennings, City Secretary