

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 14th day of July 2009 with the following members present:

Jim Story	Mayor
Roy Turner	Mayor Pro Tem
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Lori Nail	
Roy Savage	

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
Bill Syblon	Development Director
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: 10, 11, 12, 13, 14 and 16.

### **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:

- **Section 551.071, Consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.**
- **Section 551.071, Consultation with City Attorney regarding pending or contemplated litigation - Bedford Hospitality Investments, LLP.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, Consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments, and Consultation with City Attorney regarding pending or contemplated litigation - Bedford Hospitality Investments, LLP at approximately 6:12 p.m.

Council reconvened from Executive Session at approximately 6:58 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**

Pastor Ronald O'Guinn of Sonset Noblesse Christian Ministries 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 Fisher to approve the following item(s) by consent: Item(s): 10, 11, 12, 13, 14 and 16.

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

### **COUNCIL RECOGNITION**

#### **1. Presentation of the Texas Municipal Library Director's Association Achievement of Excellence Award for 2008 to the Bedford Public Library.**

Kerry McGeath, President of the Texas Municipal Library Director's Association and Deputy Director of Community Services in Southlake presented the TMLDA for 2008 to Maria Redburn and the Bedford Public Library for their demonstration of service excellence. Bedford Library was one of 20 libraries to receive this award out of 565 in the state. Maria Redburn then presented the award to her Library Advisory Board and all the people that provide community support and assistance in order to make the Library a success.

#### **2. Presentation of the Regional Cooperation Award to the Cities of Bedford, Euless and Hurst by the North Central Texas Council of Governments.**

Faye Beaulieu, United Way of Tarrant County, presented the Regional Cooperation Award to the Cities of Bedford, Euless and Hurst by the North Central Texas Council of Governments in recognition of local governments which promote coordination and cooperation to solve regional problems.

**APPROVAL OF THE MINUTES**

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

- a) **June 23, 2009 work session**
- b) **June 23, 2009 regular meeting**
- c) **June 27, 2009 work session**

Motioned by Councilman Brown, seconded by Councilman Turner to approve the minutes of the June 23, 2009 work session meeting minutes.

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

Councilwoman Nail abstained due to being absent at this meeting.

Motioned by Councilman Champney, seconded by Councilman Fisher to approve the minutes of the June 23, 2009 regular session meeting minutes.

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

Motioned by Councilman Turner, seconded by Councilman Fisher to approve the minutes of the June 27, 2009 work session meeting minutes.

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

**OLD BUSINESS**

**4. Consider appointment of a Council liaison as a voting member to the NCTCOG. \*\*\*Item requested by Councilman Champney**

Councilman Champney requested that this item be placed on the agenda.

Mr. Champney requested that he be removed as the liaison and voting member to the NCTCOG and that Roger Fisher be appointed as the voting member.

Motioned by Councilman Champney, seconded by Councilman Turner to remove Councilman Champney as a liaison and voting member to the NCTCOG and appoint Roger Fisher as the NCTCOG voting member.

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

**NEW BUSINESS**

**5. Public hearing and consider and act upon an ordinance to rezone property known as Lot 2A1, Harwood Village Shopping Center Addition, Ste. O from Heavy Commercial to Heavy Commercial/Specific Use Permit/ Secondhand, Rummage and Used Furniture Stores and Moving, Transfer and Storage Companies. The property is generally located south of Harwood Road and west of Brown Trail. (Z-192)**

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

Mayor Story opened the public hearing at 7:21 p.m.

No one spoke during this public hearing.

Mayor Story closed the public hearing at 7:21 p.m.

Motioned by Councilman Brown, seconded by Councilwoman Nail to deny an ordinance to rezone a property known as Lot 2A1, Harwood Village Shopping Center Addition, Ste. O from Heavy Commercial to heavy commercial/Specific Use Permit/Secondhand, Rummage and Used Furniture Stores and Moving, Transfer and Storage Companies.

Motion approved 6-1-0. Mayor Story declared the motion carried. The motion to deny was approved.

Councilman Fisher voted in opposition of the motion.

**6. Public hearing and consider and act upon an ordinance to rezone property known as Lot 2RB, Block 1, Bedford Meadows Shopping Center Addition, Suite 470 from Heavy Commercial/Specific Use Permit/Daycare to Amended Heavy Commercial/Specific Use Permit/Daycare. The property is generally located south of Harwood Road and east of Central Drive. (Z-194)**

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

Mayor Story opened the public hearing at 7:30 p.m.

No one spoke during this public hearing.

Mayor Story closed the public hearing at 7:30 p.m.

Motioned by Councilman Champney, seconded by Councilwoman Nail to approve an ordinance to rezone a property known as Lot 2RB, Block 1, Bedford Meadows Shopping Center Addition, Suite 470 from Heavy Commercial/Specific Use Permit/Daycare to Amended Heavy Commercial/Specific Use Permit/Daycare.

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

**7. Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning Ordinance, Section 5.2A General Provisions, Subsection (10). (Carports)**

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

Mayor Story opened the public hearing at 7:38 p.m.

No one spoke during this public hearing.

Mayor Story closed the public hearing at 7:38 p.m.

Motioned by Councilman Savage, seconded by Councilman Turner to approve an ordinance amending the City of Bedford Zoning Ordinance, Section 5.2A General Provisions, Subsection (10) Carports.

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

**8. Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning Ordinance, Section 6.1.E Certificates of Occupancy.**

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

Mayor Story opened the public hearing at 7:49 p.m.

No one spoke during this public hearing.

Mayor Story closed the public hearing at 7:49 p.m.

Motioned by Councilman Fisher, seconded by Councilman Savage to approve an ordinance amending the City of Bedford Zoning Ordinance, Section 6.1.E Certificates of Occupancy.

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

**9. Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions; and Section 5.10 Temporary Uses and Special Events.**

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

Mayor Story opened the public hearing at 7:54 p.m.

Dave Gebhart, 625 Merrill Drive, Bedford – Mr. Gebhart expressed that he finds it difficult to provide feedback on items such as this when he is unsure how to find the information to review. It was expressed to Mr. Gebhart that this information is available in the Library for review on the same day it reaches Council, which is the Thursday prior to the Tuesday Council meeting.

Mayor Story closed the public hearing at 7:57 p.m.

Motioned by Councilwoman Nail, seconded by Councilman Champney to approve an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions; and Section 5.10 Temporary Uses and Special Events.

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

**10. Consider a resolution authorizing the City Manager to enter into a contract with U.S. Metering & Technology for City water meter reading services in the amount of \$.90 per meter.**

This item was approved by consent.

**11. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Stabile & Winn, Inc. for the Cindy Lane and Woodland Terrace Paving Improvements in the amount of \$217,335.70.**

This item was approved by consent.

**12. Consider a resolution accepting a water line easement for Lot 1, Block 1, Reliant Rehab Hospital Addition.**

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to enter into an amended/renegotiated contract with Intermedix, Inc. of Houston, Texas for EMS billing and accounting services to reduce the costs of service fees from 12.8% to 10%.**

This item was approved by consent.

- 14. Consider a resolution accepting a “Policy for Naming/Renaming or Dedicating City Facilities and Property”.**

This item was approved by consent.

- 15. Consider a resolution amending the Council Rules of Procedure, Section 11 Creation of Committees, Boards and Commissions, Item 11.3 – Term Limits; Section 12 Citizens Rights, Item 12.3 – Open Forum; and Section 13 Items of Community Interest, Item 13.1 – Council Member Reports and City Manager/Staff Reports.**

Motioned by Councilman Turner, seconded by Councilman Champney to approve a resolution amending the Council Rules of Procedure, Section 11 Creation of Committees, Boards and Commissions, Item 11.3 – Term Limits; Section 12 Citizen Rights, Item 12.3 – Open Forum; and Section 13 Items of Community Interest, Item 13.1 – Council Member Reports and City Manager/Staff Reports, subject to removing Section 11.3 which eliminates term limits overall for board and commission members and subject to modifying Section 12.3 of Open Forum, allowing for an extension to the 30 minutes provided for Open Forum at a majority vote of the Council.

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

- 16. Consider a resolution of the City Council of Bedford, Texas, authorizing the City Manager to enter into a Memorandum of Understanding with the cities of Fort Worth, Arlington, Azle, Bedford, Benbrook, Crowley, Euless, Everman, Forest Hill, Grapevine, Haltom City, Hurst, Keller, Kennedale, Lake Worth, Mansfield, North Richland Hills, Richland Hills, Saginaw, White Settlement, Watauga and the County of Tarrant, Texas, for the Justice Assistance Grant (JAG) Recovery Act Funding.**

This item was approved by consent.

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

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

### **OPEN FORUM**

Dave Gebhart, 625 Merrill Drive, Bedford – Mr. Gebhart feels the Council has curtailed the ability of the residents to speak and the Council is filibustering the public with their new Open Forum guidelines.

Deborah Chaney, 3053 Ridgewood Circle, Bedford – Ms. Chaney thanked Council for eliminating the term limits on Boards and Commissions. She was also glad to see Council member reports returning to the agenda in some form or fashion. Ms. Chaney feels the change to Open Forum was a good change. She was glad to see she could now talk about items on the current agenda. She also has the opportunity to talk on items not on the agenda under Persons to Be Heard, so both sides of her interest are covered. She indicated it was the quality of what someone says, not the length in which one speaks, that makes what someone says at the podium important. The ability for people to say the same thing over and over and over again in almost verbatim fashion gets tiresome and she is supportive of all the changes.

**Council Minutes July 14, 2009**

Rich Wilshire, President of OnStage in Bedford – Mr. Wilshire wanted to announce to Council that they were recognized and voted as WFAA’s “Best of” for theater groups in 2009 for North Texas.

Brandon Moore, 816 Warwick Street, Bedford – Mr. Moore agreed with what Mr. Gebhart said regarding Open Forum. He indicated he searched for the Council Rules of Order and Procedure on the City’s website but he could not find them in order to read them. He requested they be made available to the public so that the public can read it. He also indicated he would have liked to have seen a public hearing be conducted regarding Open Forum before it was actually changed.

Bill Ellis, 1004 Monterrey Street, Bedford – Mr. Ellis indicted he agrees with Mr. Gebhart and Mr. Moore. He does not agree with a 30 minute limit to Open Forum. His sewer backed up in June and he contacted the City who told him to call a plumber. Instead, he rented an auger from Home Depot for \$25.00 which showed the backup was not on his end. The City then had six employees come out for two hours and using a TV camera they determined that it was across the street. A week later it backed up again and the City then sent out two guys for about 10 minutes. Why does a citizen have to call a plumber when the City can take care of it in about 10 minutes? He feels the City needs to communicate to citizens better about what to do in cases such as this.

Bob Conlin, 3425 Scenic Hills Drive, Bedford – Mr. Conlin re-read his comments from a prior meeting indicating that what he said had not been accurately written. He said he was not opposed to the Daytime Curfew Ordinance but that he does not support the Curfew Ordinance as written. If the Ordinance had the word “exemption” in it instead of “defense to prosecution” and if it said that a minor could be out with a parent he would support the Daytime Curfew Ordinance. Mr. Conlin also played a sound bite from a radio interview that was recorded in which Police Chief David Flory spoke about the Daytime Curfew Ordinance and in the interview he stated that private school and home school children are exempt from this ordinance. Mr. Conlin said he would like to believe that the Chief misspoke and made an honest mistake when he used the word exemption during his interview and he would like to see the word exemption added to the Ordinance. He is also against any restrictions to freedom of speech and opposes the changes made to Open Forum.

Brandon Moore, 816 Warwick Street, Bedford – Mr. Moore indicated he would like to know when the Daytime Curfew Ordinance will be on the agenda and it was answered that it will be on the next agenda on July 28, 2009.

**ADJOURNMENT**

Mayor Story adjourned the meeting at 9:02 p.m.

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Jim Story, Mayor

ATTEST:

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Shanae Jennings, City Secretary