

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 4:30 p.m., and regular session at 6:30 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 13th day of October 2009 with the following members present:

Jim Story	Mayor
Roy Turner	Council Members
Chris Brown	
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
David Flory	Police Chief
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	Managing Director of Community Services

WORK SESSION

Mayor Story called the work session to order at 4:30 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: 2, 7, 8, 9, 10, 11, 13, 14, 15 and 16.

- **Presentation and discussion of the draft Bedford Boys Ranch Master Plan.**

James Hughes, Deputy Director of Parks and Recreation, presented an update to the Parks Master Plan to Council and generally fielded questions.

A copy of the Power Point presentation is available upon request at the City Secretary's Office.

Mark Hatchel, VP Kimley-Horn and Associates, Inc., provided an overview to Council regarding changes made to the Master Plan as a result of information received through stakeholder meetings as well as

input from City Staff and Boards/Commissions. Mr. Hatchel would like to receive input from Council regarding their thoughts on the Master Plan.

Council's concerns and comments revolved around wanting to ensure that staff is asking for amenities that will actually be used as well as ensuring that there are enough of the amenities that are heavily utilized. Additionally, there was some concern about phasing the plan in over 10 years because Council wants to ensure the price of the phase-in does not increase with the inflation of each year.

Councilman Brown requested that staff look into the daycare center land that is for sale in that area.

- **Present new building overview, budget status and review Guaranteed Maximum Price process for the new Bedford Public Library.**

Maria Redburn, Library Manager, William Hidell of Hidell and Associates Architects and Brad Archer of Harrison, Walker and Harper presented information to the Council regarding an overview, budget status and review of the Guaranteed Maximum Pricing for the new Bedford Public Library and generally fielded questions. A copy of the Power Point presentation is available upon request at the City Secretary's Office.

Discussion items included the color palettes for tiles, fixtures, and carpets and how those colors separate sections of the Library. Also discussed was the furniture, reflective ceilings, decorative colored glass walls, play walls, toddler zones, young adult and teen spaces, story time and discovery room, children's area, computer lab, automated book sorting room, quiet reading room and a world globe area.

Beverly Queen discussed some funding mechanisms for the Library and how to make up for the \$2 million shortfall needed for the Library.

Council directed staff to use the reserve funds for the shortfall on the Library and then to come up with a method to refill the reserve.

Council also agreed with moving forward with wind turbines as a source of energy.

Council convened into Executive Session following this item and will come back and move straight into the regular meeting. They will finish the next work session item following the regular session.

- **Discussion regarding Council calendars and Council meeting schedules for November and December.**

City Manager Beverly Queen discussed the following council meeting calendar and meeting schedules:

Christmas Tree Lighting is on Tuesday, December 1 this year. Following a short discussion, the Council elected to hold board and commission interviews following the tree lighting ceremony.

Because of the Christmas holiday, Council decided to move the second meeting in December up one week; therefore, the meeting that would normally be held on December 22, 2009 will be held on December 15, 2009.

Council also decided on a November 11, 2009 work session to discuss rebranding efforts. The time will be announced at a later date.

EXECUTIVE SESSION

To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. seq. Texas Government Code, to discuss the following:

a) **Section 551.071, 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:**

- **Amendments to the Comprehensive Land Use Plan.**
- **Zoning Case Z-196 to rezone property known as Tract AR, Block 60, Mayfair Addition from Heavy Commercial to MD-4, Medium-Density Single-Family Attached District. The property is generally located south of Harwood Road and west of Brown Trial.**

b) **Section 551.087, Deliberation regarding economic development negotiations relative to the Bedford Forum Addition block 2 lots 1RA and 2R.**

c) **Section 551.087, Deliberation regarding economic development negotiations relative to the Texas American Bankshares Addition Block 1 Lot 1R.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, 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: Amendments to the Comprehensive Land Use Plan and Zoning Case Z-196 to rezone property known as Tract AR, Block 60, Mayfair Addition from Heavy Commercial to MD-4, Medium-Density Single-Family Attached District. The property is generally located south of Harwood Road and west of Brown Trial; Section 551.087, Deliberation regarding economic development negotiations relative to the Bedford Forum Addition block 2 lots 1RA and 2R; and Section 551.087, Deliberation regarding economic development negotiations relative to the Texas American Bankshares Addition Block 1 Lot 1R at approximately 6:35 p.m.

Council reconvened from Executive Session at approximately 6:51 p.m.

Council did not finish discussing all Executive Session items; therefore they convened back into Executive Session following the last item on the agenda at approximately 8:58 p.m.

Council reconvened from Executive Session at approximately 9:26 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 6:52 p.m.

INVOCATION (Pastor John Lutz, New Life Bible Church)

Pastor John Lutz of New Life Bible Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Karen Kersey, 1209 Shady Lane, Bedford, TX – Ms. Kersey requested to speak about the Boys Ranch Master Plan. She expressed concern about creating a drive connecting Shady Lane to Lakeview at the south end of the park. She is concerned about traffic, safety and due to the elevation of the apartments there is already erosion problems with water coming down those two streets and she does not want to see it get worse. She hopes inquiries are made to the residents regarding their thoughts before any final decisions are made.

Robert Robinson, 1404 Shady Lane, Bedford, TX – Mr. Robinson requested to speak regarding item #8. He witnessed an incident where a puppy dog wasn't rescued and could have died. Because of the animal laws at the time there was nothing that could be done while he suffered in a vehicle. This disturbed him and because of that law he wants to see if an ordinance can be created to allow an officer to break into a vehicle to save it.

Police Chief David Flory spoke and indicated that the ordinance passed tonight allows for an officer to break into a vehicle to rescue an animal if it is locked in a vehicle.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Brown to approve the following item(s) by consent: Item(s): 2, 7, 8, 9, 10 (contingent upon a contract being negotiated within the next 30 days), 11, 13, 14, 15 and 16.

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) **Deborah Chaney, 3053 Richwood Circle, Bedford, TX 76021 – Requested to speak to the Council in conjunction with Jeff Coben (2907 Tangle Oaks Court, Bedford, TX 76021) to discuss a fund raising project that the Bedford Citizens Police Academy Alumni Association is undertaking called Self Aid/ Buddy Aid.**

Jeff Coben, 2907 Tangle Oaks Court, Bedford, TX 76021 – Mr. Coben educated the Council and residents of a program called Self Aid/Buddy Aid; it is a program that offers an intensive eight hour training course for lifesaving skills for police officers and costs \$175 per officer to attend. The City does not have funding to send officers to this training; therefore, funds are being raised for this purpose. Mr. Coben was proud to present Police Chief David Flory with a check for \$4,025 in order to send 23 officers to Self Aid/Buddy Aid. The money was donated in the following manner: \$1750 from the Citizens Police Academy Alumni Association, \$525 from the Ft. Worth Credit Union, \$500 from Kaner Medical Group and \$1,250 from Deborah and Ralph Chaney.

- b) **Sam Callesen, Glenbrook HOA President, 1808 Glenbrook Drive, Bedford, TX 76021 – Requested to speak to the Council regarding an announcement in the water bill that those who drive through Glenbrook during Christmas can drop off canned goods in a collection box at the entrance of the neighborhood.**

Sam Callesen, Glenbrook HOA President, 1808 Glenbrook Drive, Bedford, TX 76021 – Mr. Callesen stated that for the last 15 years his neighborhood puts on a Christmas display. This year they would like to partner with a local charity called 6 Stones Mission Network which provides food to individuals within the HEB area. They would like to ask people who tour the neighborhood to donate canned food during their tours. He requested that the City partner with their HOA, inquired as to whether the HOA could put up some temporary signage and if other HOA's could partner with their HOA to gather food.

Mayor Story requested that staff get back to Mr. Callesen regarding some of his questions.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

a) September 22, 2009 regular meeting

This item was approved by consent.

OLD BUSINESS

3. Public hearing to consider an ordinance amending the City of Bedford Comprehensive Land Use Plan.

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

Mayor Story opened the public hearing at 7:28 p.m.

Annette Benacheck, Joshua, Texas – Ms. Benacheck said she is here on behalf of the applicant. This is to change from a heavy commercial use to a residential use. She indicated it is an appropriate transitional use and she is requesting that they approve it.

John Norris, 400 Elisha Drive, Bedford, TX – Mr. Norris is speaking for the neighborhood that this development is being proposed within and he asked that those that were present whom he represents to please stand up. Approximately 70 people stood up. He indicated that they were not aware there was a comprehensive land use plan to get involved with at the time the zoning case came up before the Planning and Zoning Commission. The neighborhood is not in favor of this Comprehensive Land Use plan change and he is voicing his opposition for himself and the entire neighborhood.

Mike Alturk, 3011 Saint Martin Drive, Mansfield, TX – Mr. Alturk is the developer and he wanted to clarify the location of the site and direction the buildings face versus the direction the residential developments face.

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

Motioned by Councilman Brown to deny an ordinance amending the City of Bedford Comprehensive Land Use Plan. Following this he rescinded his motion.

Motioned by Councilman Brown, seconded by Councilman Champney to deny an ordinance amending the City of Bedford Comprehensive Land Use Plan.

Motion approved 7-0-0. Mayor Story declared the motion approved. The motion was to deny the amendment to the Comprehensive Land Use Plan; therefore, legal counsel stated that item number 4 will have to reflect a vote of no because it is based on the need that the Comprehensive Land Use Plan be amended.

Annette Benacheck, Joshua, Texas – Ms. Benacheck withdrew the application for Zoning Case Z-196, which is the next item.

4. Public hearing to consider an ordinance to rezone property known as Tract AR, Block 60, Mayfair Addition from Heavy Commercial to MD-4, Medium-Density Single-Family Attached District. The property is generally located south of Harwood Road and west of Brown Trail. (Z-196)

Due to the withdrawal of this case by Ms. Benacheck, who represents the applicant, there is no need to continue a public hearing on the case. There is also no need for action to be taken on the case due to the zoning request being withdrawn.

NEW BUSINESS

- 5. Public hearing to consider an ordinance to rezone property known as Lot 2, Block 4, Bedford Forum Addition, Suite 200 from Planned Unit Development to Amended Planned Unit Development/Church. The property is generally located north State Highway 183 and east of State Highway 121. (Z-198)**

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

Mayor Story opened the public hearing at 7:48 p.m.

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

Mayor Story closed the public hearing at 7:48 p.m.

Motioned by Councilwoman Nail, seconded by Councilman Turner to approve an ordinance to rezone property known as Lot 2, Block 4, Bedford Forum Addition, Suite 200 from Planned Unit Development to Amended Planned Unit Development/Church.

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

- 6. Public hearing to consider an ordinance to rezone property known as Abstract 71, Tract 3B2, Thomas Beedy Survey, from Planned Unit Development to Amended Planned Unit Development/Hotel. The property is generally located south L. Don Dodson and east of Central. (Z-199)**

The developer for this project has requested that this public hearing and ordinance be tabled until the October 27, 2009 meeting. Because a public hearing notice was published in the newspaper the public hearing on this item must be opened tonight; however, it will be left open until October 27, 2009 for those who wish to speak on it at that time as well.

Mayor Story opened the public hearing at 7:50 p.m.

Mayor Story left the public hearing open until the October 27, 2009 meeting.

Motioned by Councilman Champney, seconded by Councilman Fisher to continue a public hearing to rezone a property known as Abstract 71, Tract 3B2, Thomas Beedy Survey, from Planned Unit Development to Amended Planned Unit Development/Hotel to the October 27, 2009 meeting.

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

- 7. Consider an ordinance amending Chapter 70 – Law Enforcement, Article I of the City of Bedford Code of Ordinances by amending Section 70-1, setting out the purposes and intent of the ordinance and by adding Section 70-2, providing for recognition of the police department, the chief and its officers; providing for certification of officers; providing for appointment of the police chief and responsibilities; providing for authority and duty of police officers; providing a severability clause and providing an effective date.**

This item was approved by consent.

- 8. Consider an ordinance amending Chapter 18 – Animals, Article V of the City of Bedford Code of Ordinances by repealing it in its entirety and replacing it with a new Chapter 18 – Animals, Article V, providing a penalty clause, severability clause and declaring an effective date.**

This item was approved by consent.

- 9. Consider an ordinance of the City Council of the City of Bedford, Texas amending the Bedford Code of Ordinances by amending Chapter 126, by adding section 126-170 “Release of Impounded Vehicles to Lienholders”; repealing conflicting ordinances; providing a penalty; providing a severability clause; declaring an emergency and providing an effective date.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a contract with Brazos Technology to purchase seven electronic ticket writers and all necessary hardware and software in the amount of \$39,669 through the City of Frisco contract.**

This item was approved by consent contingent upon a contract being negotiated within the next 30 days.

- 11. Consider a resolution authorizing Amendment No.1 to the Solid Waste Contract with Allied Waste Services regarding annual rate increase notification requests.**

This item was approved by consent.

- 12. Consider a resolution accepting Harrison, Walker & Harper’s Guaranteed Maximum Price of \$5,633,844 for the construction of the future Bedford Public Library.**

Motioned by Councilman Champney, seconded by Councilwoman Nail to approve a resolution accepting Harrison, Walker and Harper’s Guaranteed Maximum Price of \$5,633,844 for the construction of the future Bedford Public Library.

The motion was amended by Councilman Champney and seconded by Councilwoman Nail to add the add alternate of landscaping in the amount of \$136,262 to the Guaranteed Maximum Price.

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

Councilman Fisher abstained due to a possible conflict of interest as his company has bid on the paint job for the new Library.

- 13. Consider a resolution authorizing the City Manager or her designee to enter into a professional services contract with Moak Surveyors, Inc. in the amount of \$16,200 for surveying on Patti Drive, Merrill Drive and King Drive.**

This item was approved by consent.

- 14. Consider a resolution authorizing the City Manager to enter into Change Order #1 with Stable & Winn, Inc. in the amount of \$48,267.40 for the repair of concrete panels on Cheeksparger Road.**

This item was approved by consent.

- 15. Consider a resolution authorizing the Public Works Director to request financial assistance from the Texas Water Development Board (TWDB); authorizing the filing of an application for assistance; and making certain findings in connection therewith.**

This item was approved by consent.

- 16. Consider a resolution authorizing the City Manager to extend the existing software maintenance contract with New World Systems in the amount of \$92,149.**

This item was approved by consent.

17. Council member reports

a) Mayor Story – U.S. Census Update and Komen Race for the Cure.

Mayor Story – The Mayor reported that the Komen Race for the Cure is reaching out to individual cities to see if they wanted to support the cause while marketing the City of Bedford by flying a flag with our logo on it or handing out pencils with our logo on it, etc. Christy Hernandez from the U.S. Census is asking the City to participate in the Census update so that there is an accurate census. They have asked that we link the Census website to our City website, talk about it amongst our citizens and put it in our newsletter. The beautification awards will be given out on October 24, 2009.

Ray Champney thanked everyone for their participation and donations to the Library and Police Department.

Roger Fisher announced that the City is currently receiving applications for Boards and Commissions and encouraged everyone to apply. They are due to the City Secretary's Office by Friday, October 30, 2009.

Roy Turner reminded citizens that there will be a shred day on October 17, 2009 from 9 am – 11 am in the morning and that all residents should feel free to participate.

The Council moved back to work session at this time to discuss meeting schedules.

18. City Manager/Staff Reports

City Manager Beverly Queen had no report at tonight's meeting.

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

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

ADJOURNMENT

Mayor Story adjourned the meeting at 9:26 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary