

Council Minutes September 28, 2021

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Regular Session at 6:00 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 28th day of September 2021 with the following members present:

Michael Boyter	Mayor
Dan Cogan	Councilmembers
Ruth Culver	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

Mayor Pro Tem Amy Sabol and Councilmember Almendarez were absent from the meeting.

Staff present included:

Jimmy Stathatos	City Manager
Bryn Meredith	City Attorney
Michael Wells	City Secretary
Wendy Hartnett	Special Events Manager
Meg Jakubik	Strategic Services Manager
Bobby LaPenna	Deputy Police Chief
Wes Morrison	Neighborhood Svcs./Planning Mgr.
Andrea Roy	Development Director
Jeff Williams	Police Chief
Mary Woodward	Library Supervisor

REGULAR SESSION

The Regular Session began at 6:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Councilmember Rich Steves gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledges of Allegiance to the flags of the United States and Texas were given.

COUNCIL RECOGNITION

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- **Employee Service Recognition**

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

Dale Dawson, Community Services - 25 years of service

- **Proclamation recognizing October 2021 as National Domestic Violence Awareness Month in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 2021 as National Domestic Violence Awareness Month in the City of Bedford. Police Chief Jeff Williams and Deputy Police Chief Bobby LaPenna accepted the proclamation.

- **Proclamation recognizing October 2021 as Crime Prevention Month in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 2021 as Crime Prevention Month in the City of Bedford. Police Chief Williams and Deputy Police Chief LaPenna accepted the proclamation.

- **Proclamation recognizing Tuesday, October 5, 2021 as the official day for National Night Out in the City of Bedford.**

Mayor Boyter read a proclamation recognizing Tuesday, October 5, 2021 as the official day for National Night Out in the City of Bedford. Police Chief Williams and Deputy Police Chief LaPenna accepted the proclamation.

- **Proclamation recognizing October 3-9, 2021 as Fire Prevention Week in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 3-9, 2021 as Fire Prevention Week in the City of Bedford.

OPEN FORUM

Tom Culbert, 1925 Charleston Drive, Bedford – Mr. Culbert signed up to speak on Item #3. He discussed the bands playing at the senior dances.

PRESENTATIONS

- **Presentation on the 6Stones Community Powered Revitalization Program.**

Mike Plog with 6Stones presented information on the Community Powered Revitalization (CPR) blitz events held in the fall of 2020 and the spring of 2021, including the number of homes, occupants, volunteers, and volunteer hours, as well as participating groups, and Bedford businesses that supported the events and/or provided in-kind help. He gave an overview of all the work completed in Bedford as part of the events and information on the CPR Program in Bedford since 2009, including the number of homes, volunteer hours, in-kind donations, match money, administrative fees, retail value and return-on-investment. He further presented

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information on the upcoming CPR Fall Blitz. Teresa Grady with 6Stones presented information on other 6Stones programs, including the New Hope Center, Operation Back to School, Night of Hope, the LIGA soccer program, the Momentum mentoring program, and partnerships with their resale stores. There was discussion on the Momentum program and financial household training.

- **Update on the 2021 mosquito control program.**

Interim Street and Drainage Superintendent Chris Techau presented information on Bedford mosquito trap information from April 12, 2021 to the present, including that there were three positive mosquito pools. He further presented information on trap information for Tarrant County as a whole, including that there were 12 positive pools in Colleyville, six in Euless, and six in Hurst. He discussed treatments for mosquitos performed by staff, larviciding, and in-house testing being performed by Tarrant County.

There was discussion on work done by Public Works staff at Stormie Jones Park to reduce the risk of mosquitos, the reasons for not spraying, and that mosquito traps would be left out until November.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of the items on the consent agenda.

Motioned by Councilmember Cogan, seconded by Councilmember Gagliardi, to approve the following items by consent: 1 and 2.

Motion approved 5-0-0. Mayor Boyter declared the motion carried.

- 1. Consider approval of the following City Council minutes:
a) September 14, 2021 regular meeting**

This item was approved by consent.

- 2. Consider a resolution authorizing the City Manager to purchase library print and multimedia materials primarily using the State of Texas SmartBuy contract with various vendors in an amount not to exceed \$225,000.**

This item was approved by consent.

PERSONS TO BE HEARD

- 3. The following individuals requested to speak to the Council under Persons to be Heard:**

- a) J'aime Wiley, Bougie Boozy Bears, 2905 Mustang Drive, Grapevine, TX 76099 - requests to speak to Council regarding the zoning item for Specialty Candy Manufacturing, Packaging and Retail.**

J'aime Wiley, 2905 Mustang Drive, Grapevine, Texas 76099 – Ms. Wiley stated she is the owner and creator of Bougie Boozy Bears, which is the first of its kind in the country, and the recipe for the product is patent-pending. She started the home-based business approximately a year and a half ago and she has made over 650,000 bears by hand. She discussed the process for creating the bears and stated the Texas Alcoholic Beverage Commission considers the bears to be a

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confection. She discussed other products she has, including those for children. She stated she found a location in Bedford at 2700 Tibbets, which has \$80,000 worth of equipment and everything she wants to make and sell the bears. She asked Council for a two-year variance for the property since she has a two-year lease at the location.

b) L.J. Cleaver, 4/Way Investments, Inc., 1229 E. Pleasant Run Rd., Suite 132, DeSoto, TX 75115 - requests to speak to Council regarding PZ Zoning Class-2021-5001.

L.J. Cleaver, 4/Way Investments, Inc., 1229 E. Pleasant Run Rd., Suite 132, DeSoto, Texas 75115 – Mr. Cleaver stated his company handles the management and leasing for the property at 2700 Tibbets. The entire property is approximately 25,000 square feet and is zoned Service Commercial. He discussed the impact of COVID-19 on restaurants, including the former Subway at the location being discussed. He stated that Planning and Zoning did not have a category for everything Ms. Wiley does. The Planning and Zoning Commission recommended her business be classified under Candy and Confectionery Manufacturing and Packaging Facility at their previous meeting, which would only allow the business to go into industrial zoning, thus not allowing her to be in the 2700 Tibbets location. He stated if the item were approved, it would cause him to have to relet a property and put hardship on Ms. Wiley to find a suitable location. He felt she was more of a small-scale boutique production. He asked Council for a possible zoning amendment or special use permit, and to also deny the Planning and Zoning case.

NEW BUSINESS

4. Public hearing and consider an ordinance amending Section 6.4 entitled "Board of Adjustment: Procedure" and Section 6.5 entitled "The Board of Adjustment: Powers and Duties" of the City of Bedford Zoning Ordinance, to allow Building and Standards Commission members to serve as Alternates on the Board of Adjustment, to revise the timeframe for the Board to receive appeals, and to clarify public notice requirements. (PZ-ZONING AMEND-2021-50068)

Neighborhood Services/Planning Manager Wes Morrison presented information regarding this item. He stated the Zoning Ordinance regulates the Zoning Board of Adjustment and their powers, duties, and procedures. The amendments include providing more flexibility in naming alternates to the Board by pulling from members of the Building and Standards Commission; adjusting the timeframe for appeals on administrative decisions from 60 days to 20 days to tie in with the Texas Local Government Code; and to clarify language regarding public notice requirements for variances to mirror that of a zoning change. He stated the Planning and Zoning Commission recommended approval of this item.

There was discussion on procedures for calling alternates to the Zoning Board of Adjustments.

Mayor Boyter opened the public hearing at 6:58 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:59 p.m.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve an ordinance amending Section 6.4 entitled "Board of Adjustment: Procedure" and Section 6.5

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entitled "The Board of Adjustment: Powers and Duties" of the City of Bedford Zoning Ordinance, to allow Building and Standards Commission members to serve as Alternates on the Board of Adjustment, to revise the timeframe for the Board to receive appeals, and to clarify public notice requirements. (PZ-ZONING AMEND-2021-50068)

Motion approved 5-0-0. Mayor Boyter declared the motion carried.

5. Consider an ordinance amending the City of Bedford Code of Ordinance Appendix A - Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

Strategic Services Manager Meg Jakubik presented information regarding this item. She stated staff reviews the Fee Ordinance annually to ensure fees are commiserate with costs and are in line with any changes in state law. Recommended changes include an administrative fee for the abatement of code violations by Neighborhood Services; updated fees charged by the Building Department based on changes in state law and simplifying some of their tables as they move to the OpenGov software; fees for the cleaning and maintenance of "Library of Things" items; revised fees for rentals at the Old Bedford School and including language that they are subject to availability around Senior Center events and ONSTAGE in Bedford; and revisions to pavilion fees and the standardization of fees for Recreation classes.

There was discussion on the cleaning and reprogramming fees for the "Library of Things" items.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve an ordinance amending the City of Bedford Code of Ordinance Appendix A - Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

Motion approved 5-0-0. Mayor Boyter declared the motion carried.

6. Consider a resolution allowing the classification of Specialty Candy Manufacturing, Packaging and Retail to be classified under the category of "Candy and Confectionery Manufacturing and Packaging Facility" specific to Chapter 3. Permitted Uses, Section 3.3 Classification of New and Unlisted Uses of the City of Bedford Zoning Ordinance. (PZ-ZONING CLASS-2021-5001) (Item recommended for approval by the Planning and Zoning Commission by a vote of 4-0-0)

Council adjourned into Executive Session pursuant to Section 551.071, Consultation with Attorney, of the Texas Government Code to discuss this item at 7:04 p.m. Council reconvened from Executive Session at 7:29 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

Development Director Andrea Roy stated the business in question is currently a home-based business that sells alcohol-infused gummy bears at local farmer's markets. The business has manufactured approximately 500,000 bears the last year and a half and is looking to grow the business to 40,000 bears a month. The business is interested in locating within the Service Commercial district. Ms. Roy presented an overview of the process for classifying new and unlisted uses in the City's Zoning Ordinance. She stated staff looked at two zoning classifications, the first being Bakery and Confectionary Shops, which are allowed in the City's commercial districts by right; however, production for off-premise sales are prohibited. Staff and the Planning and Zoning Commission felt the business more aligned with the Candy and

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Confectionary Manufacturing and Packaging Facility use, which is allowed by-right in the Industrial zoning district only. The Planning and Zoning Commission recommended approval of this item by a vote of 4-0-0. She stated that if Council wishes to deny this item, they could further recommend an ordinance amendment or request staff do further research.

City Attorney Bryn Meredith stated Council does not have the authority at the meeting to approve a specific use permit (SUP) and that land use variances are unlawful in Texas. He stated Council could request staff bring a textual amendment to the Zoning Ordinance to extract the particular use as a wholly new use or expand the zoning districts within which Candy and Confectionary Manufacturing and Packaging Facility would be permitted by right or a SUP.

Motioned by Councilmember Culver, seconded by Councilmember Steves, to approve a resolution allowing the classification of Specialty Candy Manufacturing, Packaging and Retail to be classified under the category of "Candy and Confectionery Manufacturing and Packaging Facility" specific to Chapter 3. Permitted Uses, Section 3.3 Classification of New and Unlisted Uses of the City of Bedford Zoning Ordinance. (PZ-ZONING CLASS-2021-5001) (Item recommended for approval by the Planning and Zoning Commission by a vote of 4-0-0)

Motion approved 5-0-0. Mayor Boyter declared the motion carried.

7. Consider a resolution authorizing the City Manager to purchase 65 Taser 7 devices and related accessories from Axon Enterprise, Inc., in the amount of \$201,847.39.

Police Chief Jeff Williams presented information regarding this item, which is to purchase 65 tasers to outfit the entire Police Department paid for through salary savings from unfilled positions. He stated the Department currently has 24 tasers, which are shared amongst the officers. The Taser 7 is the newest device by Axon and integrates with the body and in-car cameras. They are two-shot taser and come with a warning arc and a rechargeable battery. In response to questions from Council, Chief Williams confirmed the current tasers are one-shot devices and would be given to officers in administrative roles and detectives, while the newer ones would be given to front-line officers that deal with the public on a day-to-day basis. There was discussion on modernizing the Police Department, integration of Police equipment, and training on the new tasers.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to purchase 65 Taser 7 devices and related accessories from Axon Enterprise, Inc., in the amount of \$201,847.39.

Motion approved 5-0-0. Mayor Boyter declared the motion carried.

8. Mayor/Council Member Reports

No reports were given.

9. City Manager/Staff Reports

City Manager Jimmy Stathatos reminded everybody about the chalk art contest scheduled for October 2, 2021 at Harris Ryals Park. He reported that he and Communications Director Molly Fox are finalizing the citizen survey that will take place in the fall.

EXECUTIVE SESSION

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- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property - real property for redevelopment purposes.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations - 3600 Harwood Road.
- c) Pursuant to Section 551.071, consultation with City Attorney, regarding Motel 6 located at 3100 Crystal Springs Street.

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - real property for redevelopment purposes; Section 551.087, deliberation regarding economic development negotiations - 3600 Harwood Road; and Section 551.071, consultation with City Attorney, regarding Motel 6 located at 3100 Crystal Springs Street, at 7:46 p.m.

Council reconvened from Executive Session at 7:58 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

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

ADJOURNMENT

Mayor Boyter adjourned the meeting at 7:59 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary