

Council Minutes November 9, 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 9th day of November, 2021 with the following members present:

Michael Boyter
Amy Sabol
Cindy Almendarez
Dan Cogan
Ruth Culver
Rich Steves

Mayor
Mayor Pro Tem
Councilmembers

constituting a quorum.

Councilmember Gagliardi was absent from the meeting.

Staff present included:

Jimmy Stathatos
Bryn Meredith
Michael Wells
Sarah Featherstone
Wendy Hartnett
Don Henderson
Wes Morrison
Andrea Roy
Jeff Williams
Bill Walker
Brandi West

City Manager
City Attorney
City Secretary
Library Youth Services Supervisor
Events Manager
Parks Superintendent
Neighborhood Svcs./Planning Mgr.
Development Director
Police Chief
Fire Chief
Assistant to the City Manager

REGULAR SESSION

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

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Father Balaji Boyalla with St. Michael Catholic Church gave the invocation.

PLEDGE OF ALLEGIANCE

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

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COUNCIL RECOGNITION

- **Presentation of a resolution of the State of Texas House of Representatives commending the Fire Department's response to Hurricane Ida.**

Tera Collum with State Representative Jeff Cason's office presented Fire Chief Bill Walker, Lieutenant Justin Whiteside, Firefighter Tom Harrington, and Apparatus Operator Greg Qualls a copy of the State House of Representative's resolution commending the Fire Department's response to Hurricane Ida.

- **Recognition of the young authors whose short stories were published in the Bedford is All Write and Write of Passage.**

Library Youth Services Supervisor Sarah Featherstone stated submissions for next year's contest are being accepted. She announced the winners from the previous year as follows: Nolive Konan, Caroline Loy, Hannah Vargas, Destyn Reed, Danielle Young, Michaela Branum, Angelica Wilden, Lucinda Lux, and Aubree Eberle.

- **Recognition of the winners of the Musical Collaboration Community Guitar Art Show.**

Mayor Boyter presented certificates of recognition to the following winners of the Musical Collaboration Community Guitar Art Show: Abigail Olstrup – Best Band Tribute; Karen Grizzle – Best Design; Ivan Zayster – Best Use of Recycled Materials; and Hope Pulliam – Best Use of Color.

- **Proclamation recognizing Mission Central on their 25th Anniversary.**

Mayor Boyter read a proclamation recognizing Mission Central on their 25th Anniversary. Executive Director Catherine Hollins and Treasure Ford with Mission Central accepted the proclamation.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of the items on the consent agenda. In response to questions from Council regarding Item #2, City Attorney Bryn Meredith confirmed the City would receive \$94,314 over an 18-year period through the settlement. He stated the funds could only be used to combat the opioid crisis. The City could choose not to participate in the settlement and file suit against the three pharmaceutical companies itself.

Motioned by Councilmember Culver, seconded by Councilmember Almendarez, to approve the following items by consent: 1, 2, 3 and 4.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

1. **Consider approval of the following City Council minutes:**
 - a) **October 26, 2021 regular meeting**

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This item was approved by consent.

- 2. Consider a resolution authorizing the City Manager to execute Global Opioid Settlement documents, and adopting the Texas Term Sheet.**

This item was approved by consent.

- 3. Consider an ordinance abandoning the right-of-way known as portions of Plaza Parkway and Bay Street, located adjacent to 1850 Central Drive, due to the expansion of the property to accommodate the construction of a Chick-fil-A restaurant.**

This item was approved by consent.

- 4. Consider a resolution authorizing the City Manager to enter into a five-year contract with Siemens Industry, Inc. to service and maintain the City's HVAC mechanical, monitoring, and building automation systems in 13 facilities throughout the City in the amount of \$399,243.**

This item was approved by consent.

PERSONS TO BE HEARD

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

- a) Mark Kelcher, 1833 Airport Freeway, Bedford, Texas 76022 – requests to speak to Council regarding a variance regarding the outside paint color at 1833 Airport Freeway.**

Mark Kelcher and Dirk Kelcher, 1833 Airport Freeway, Bedford, Texas 76022 – Dirk Kelcher stated they received a permit for modifications to the building and as cosmetic changes were not needed for the permit, they did not put down that they were painting the building. He discussed nearby buildings that also have bright colors and stated they were unaware of the restrictions on the colors of the building, which had been green prior to painting. They feel like the new colors will traffic to the new business. They are currently waiting for approval to keep or modify the colors in order to open the business. Mark Kelcher stated the inspector told them to go to Council. In response to a question from Council, they confirmed that they are asking for authorization to keep the colors.

Development Director Andrea Roy stated that vibrant colors are prohibited in the Master Highway Corridor Overlay District (MHC) ordinance and therefore, a variance is not an option. The MHC ordinance would have to be amended to allow the colors, which requires public hearings and would take approximately 60 days. She further stated that the MHC requirements have been in place since 2017 and properties that currently have bright colors were in place prior to the adoption of the MHC regulations. City Attorney Bryn Meredith stated the two options were to appeal the administrative decision that the colors were not "earth tone" to the Zoning Board of Adjustment or a textual amendment to the Zoning Ordinance, with the required public hearings. Council was of the consensus not to amend the MHC ordinance to allow the colors. There was further discussion on the possibility of muting the colors currently on the building.

- b) Tricia Evans, 804 McCurry Avenue, Bedford, TX 76022 – requests to speak to Council regarding trash and homeless camping at 2101 Pipeline Road.**

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Tricia Evans, 804 McCurry Avenue, Bedford, TX 76022 – Ms. Evans spoke about the commercial property at 2101 Pipeline Road. She stated she lives across the street from the business, which is a small strip mall. There is no trash receptable outside so when patrons use the business and sit outside in their cars, they leave trash that blows into her and her neighbors' yards. She expects the businesses to keep the neighborhood clean the same as residents are expected to. She discussed late-night noise from people congregating in the parking lot and who also consume alcohol and marijuana. She further discussed safety concerns from men watching her and her child when they are in their yard and a homeless person camping behind the building. She stated there is an elementary and junior high school in the area, with several children walking home from school every day. Council advised Ms. Evans to speak to Neighborhood Services/Planning Manager Wes Morrison, who was in attendance about the issues with the property.

NEW BUSINESS

- 6. Public hearing and consider an ordinance to rezone Lot 4, Block 1 of Bedford Town Center Addition, located at 2248 Central Drive, Bedford, Texas, from Heavy Commercial in the Central Business District Overlay (H/CBD) to Heavy Commercial/Central Business District/Specific Use Permit/Tobacco Products Store, specific to Section 3.2.C(7)x, Tobacco Products Store, allowing for Vapor Maven to operate a smoke shop. The property is generally located at the southeast corner of Bedford Road and Central Drive. (PZ-SUP-2021-067) (Item recommended for approval by the Planning and Zoning Commission by a vote of 3-2-0)**

Neighborhood Services/Planning Manger Wes Morrison presented information regarding this item. He stated the property is located within the Bedford Town Center subdivision and the request is for a specific use permit for a tobacco products store. The property is within the Heavy Commercial and Central Business districts and the applicant wants to lease approximately 1,600 square feet within the existing shopping center. He presented an overview of the surrounding properties. He stated the Planning and Zoning Commission recommended approval of this item by a vote of 3-2 and that staff did not receive any responses from the required notices sent to surrounding properties.

Mayor Boyter opened the public hearing at 6:34 p.m.

Nobody chose to speak during the public hearing.

Alex Woodward, representing Vapor Maven, stated Vapor Maven is the third-largest growing vape company in the nation and are hoping to reach their goal of opening their 200th store within the next few months. They offer candles and cannabidiol (CBD) products in addition to vaping items.

Mayor Boyter closed the public hearing at 6:36 p.m.

In response to a question from Council, Mr. Morrison stated there are approximately eight vape stores in Bedford.

Motioned by Councilmember Culver, seconded by Councilmember Steves, to deny an ordinance to rezone Lot 4, Block 1 of Bedford Town Center Addition, located at 2248 Central Drive, Bedford, Texas, from Heavy Commercial in the Central Business District Overlay (H/CBD) to Heavy Commercial/Central Business District/Specific Use Permit/Tobacco Products Store, specific to Section 3.2.C(7)x, Tobacco Products Store, allowing for Vapor Maven to operate a smoke shop. The property is generally located at the southeast corner of Bedford Road and Central Drive. (PZ-SUP-2021-067)

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Motion approved 6-0-0. Mayor Boyter declared the motion carried.

7. Consider a resolution accepting the nomination by the Bedford Library Foundation to rename the Low Vision Room at the Bedford Public Library the Patricia Dreyer Low Vision Room.

Library Director Maria Redburn presented information regarding this item. She discussed the City's policy for renaming or dedicating City facilities and properties. She stated Ms. Dreyer started volunteering for the Library in 2007 and helped establish the Bedford Library Foundation, which has raised almost \$300,000 since that time. Councilmember Cogan read the nomination letter for Ms. Dreyer from the Library Foundation. There was discussion on Ms. Dreyer's impact on the Library and the City, as well as other organizations, including Arts DFW.

Motioned by Councilmember Cogan, seconded by Mayor Pro Tem Sabol, to approve a resolution accepting the nomination by the Bedford Library Foundation to rename the Low Vision Room at the Bedford Public Library the Patricia Dreyer Low Vision Room.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

8. Consider a resolution approving the construction of a Nancy Lieberman Foundation 'Dream Court' at Central Park and the installation of a concrete slab in the amount of \$56,780.

Parks Superintendent Don Henderson presented information regarding this item. He provided background for the Nancy Lieberman Foundation. He stated the Parks and Recreation Board recommended placing the basketball court where the current sand volleyball court is in Central Park. The site would need to be prepared with a concrete slab at a cost of \$56,780, with the "Dream Court" tiles mounting on top of the concrete. Bedford was recommended as the site for a "Dream Court" by the Colleyville Covenant Church.

In response to questions from Council, Mr. Henderson stated the location of the court was moved from Stormie Jones Park due to grading issues, which increased the costs. He further stated lighting for the court is not a concern at this time and the tile court provided by the Nancy Lieberman Foundation has a value of \$70,000.

Motioned by Councilmember Steves, seconded by Councilmember Almendarez, to approve a resolution approving the construction of a Nancy Lieberman Foundation 'Dream Court' at Central Park and the installation of a concrete slab in the amount of \$56,780.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

9. Consider a resolution of the City Council of Bedford, Texas, casting votes for candidates to serve on the Board of Directors for the Tarrant Appraisal District.

City Manager Jimmy Stathatos presented information regarding this item. He stated each taxing entity has a certain number of votes, based on their tax levy, to cast for the Board of Directors, with Bedford having 25 votes. All votes would be tabulated after December 15, 2021. Mayor Boyter presented a spreadsheet showing the current votes made by the entities and stated approximately 80 percent had already voted, leaving about 1,000 votes remaining to be cast. There was discussion on casting the City's votes for Joseph Ralph (J.R.) Martinez and Jungus Jordan or splitting the City's votes.

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Motioned by Councilmember Cogan, seconded by Councilmember Almendarez, to approve a resolution of the City Council of Bedford, Texas, casting 25 votes for Joseph Ralph (J.R.) Martinez to serve on the Board of Directors for the Tarrant Appraisal District.

Motion approved 5-1-0. Mayor Boyter declared the motion carried.

Voting in favor of the motion: Mayor Boyter, Councilmember Almendarez, Councilmember Cogan, Mayor Pro Tem Sabol, and Councilmember Steves

Voting in opposition to the motion: Councilmember Culver

10. Mayor/Council Member Reports

Mayor Boyter reported on upcoming events, including a Veterans Day fun run at Harris Ryals Park on November 13; a Bedford Christmas event at the Library also on November 13; a Community Affairs Commission business meet-and-greet at the Movie Tavern on November 17; a senior Thanksgiving luncheon at the Library on November 19; the Christmas tree lighting event on December 4; and a Toys-for-Tots drive at the American Legion Post 379 on December 11.

11. City Manager/Staff Reports

City Manager Jimmy Stathatos reported the restaurant and retail survey will be sent to Council on Friday and released publicly the following week. The kickoff of the citizen survey will be week of November 22, 2021.

EXECUTIVE SESSION

- 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:
 - a. Motel 6 located at 3100 Crystal Springs Street.
 - b. Pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford.

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; Section 551.071, consultation with City Attorney, regarding Motel 6 located at 3100 Crystal Springs Street, and pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford, at 7:04 p.m.

Council reconvened from Executive Session at 8:00 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

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

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ADJOURNMENT

Mayor Boyter adjourned the meeting at 8:02 p.m.

ATTEST:

Michael Boyter, Mayor

Michael Wells, City Secretary