

**Minutes
Forney City Council
Tuesday, February 19, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126**

I. CALL TO ORDER

Mayor Wilson called the meeting to order at 6:31 p.m. Present were Mayor Rick Wilson, Mayor Pro Tem Mary Penn and Council Members Mike Thomas, Shaun Myers, Robbie Powers, Kevin Moon and David Johnson. Also present was City Manager Tony Carson.

II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER MIKE THOMAS

Byron Milligan the Youth Pastor at Lakepointe Church Forney gave the invocation and Council Member Thomas led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation to Cory McGee

The Council presented a commemorative pocket watch to Mr. McGee and thanked him for his time and service to the community.

IV. OPEN FORUM/CITIZEN COMMENTS

This is the public's opportunity to address the City Council on any matter related to the City. However, in accordance with the Texas Open Meetings Act, Section 551.041, the City Council cannot discuss, consider, or take action on matters not listed on the agenda. The City Council will receive citizen comments, and if necessary, may refer the matter to City staff for research, resolution or referral to Council on a future agenda. As described in the City's Public Meeting Procedures, comments will be limited to three (3) minutes.

Mayor Wilson opened the floor to anyone in the audience who wished to address the Council on any subject not on tonight's agenda. The following person came forward and addressed the Council:

Laurie Cox
22 Estate Lane

Forney, Texas 75126

Ms. Cox stated that sewage has backed up into their home. TML denied her claim and she wants the city to help her with this.

V. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the February 5, 2019 City Council Meeting.

Mayor Wilson asked if Council had any changes to the Minutes. There being no changes, Mayor Wilson called for a motion. Council Member Myers made a motion to approve the Minutes from the February 5, 2019, meeting and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

52
53 **VI. CONSENT AGENDA**

54 [The items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted in one motion.
55 There will be no separate discussion of these items unless requested by a Council Member.]
56

- 57 1. **Consider a Resolution to extend the depository banking contract with**
58 **American National Bank for a one-year term.**
59
60 2. **Consider approval of the authorization to allow staff to seek bids for the**
61 **construction of the West Broad Street Sanitary Sewer Improvements**
62 **Project, and all related issues.**
63
64 3. **Consider approval of a site plan for Breeze-In Gas Station and Car Wash,**
65 **located north of Don T. Cates Drive and east of North F.M. 548.**
66
67 4. **Consider approval of a site plan for Golden Chick, located southwest of**
68 **the intersection of North F.M. 548 and Ridgecrest Road.**
69
70 5. **Consider approval of a preliminary plat for Travis Ranch, Phase 1H, a**
71 **residential subdivision located west of F.M. 740 and north of Lake Ray**
72 **Hubbard Drive in the City of Forney, Texas, extra-territorial jurisdiction.**
73
74 6. **Consider approval of a preliminary plat for Lot L and Lot M, Block B,**
75 **Forney Marketplace Addition, located north of U.S. Highway 80 and west**
76 **of Marketplace Boulevard.**
77
78 7. **Consider approval of a final plat for Lot L and Lot M, Block B, Forney**
79 **Marketplace Addition, located north of U.S. Highway 80 and west of**
80 **Marketplace Boulevard.**
81

82 Mayor Wilson pulled Consent Agenda No. 5 and called for a motion on the remaining Consent
83 Agenda Items. Council Member Thomas made a motion to approve Consent Agenda Items 1
84 through 4 and Consent Agenda Items 6 and 7. Council Member Moon seconded the motion and the
85 motion passed unanimously by a vote of 7 ayes and 0 nays.
86

87 Community Development Director Peter Morgan discussed Consent Agenda No. 5. This property is
88 located in the ETJ. The Planning and Zoning Commission recommended approval. Morgan advised
89 that TxDOT did approve the Traffic Impact Analysis and made them add turn lanes. Mayor Wilson
90 stated that the area is too crowded, but we do not have the zoning authority to control this. The City
91 can only accept and review plats. Mayor Wilson called for a motion. Mayor Pro Tem Penn made a
92 motion to approve Consent Agenda Item No. 5 and Council Member Myers seconded the motion.
93 The motion passed by a vote of 6 ayes and 1 nay [Wilson].
94

95
96 **VII. DISCUSSION / ACTION ITEMS**

- 97
98 1. **Vision 2025 -- Goals and Initiatives**
99

100 City Manager Carson advised that there was nothing to discuss.
101
102

103 **2. Discuss and consider approval adopting the Proposed Thoroughfare**
104 **Plan.**

105
106 City Manager Carson gave the update on the Proposed Thoroughfare Plan. The only change from
107 our last meeting is on page 7, figure 2. Jody Short of Lee Engineering was present to answer any
108 questions. Council Member Moon asked how often we review the Thoroughfare Plan. Mr. Short
109 advised that because of our growth, that we should review it in a 5 year time frame. He stated we
110 could amend it at any time. Mayor Wilson stated he wants a public hearing on this at our next
111 meeting. Council took no action on this item.

112
113 **3. Discuss and consider approval of a site plan for Platinum Collision,**
114 **located north of U.S. Highway 80 and east of Mustang Boulevard.**

115
116 Community Development Director Peter Morgan discussed the background of this item. Kelsie Lynn,
117 representing the property owner, requests approval of a site plan for Platinum Collision. The purpose
118 of the request is to establish the site design for the development of a car collision repair center.

119
120 **Current Standards:**

121 To the west of the property is the existing car collision repair center. To the north of the property is
122 the North Mustang Business Park. To the east of the property is Winslow's Custom Buildings. The
123 request to rezone this property from GR, General Retail District to C, Commercial District was
124 approved by City Council on November 20, 2018. The zoning of the property permits car collision
125 centers which is defined as major automobile repair by Section 49, Definitions, of the City of Forney
126 Compressive Zoning Ordinance:

127
128 **26. AUTOMOBILE REPAIR, MAJOR** - General repair or reconditioning of engines,
129 air-conditioning systems and transmissions for motor vehicles; wrecker service;
130 **collision repair services including body, frame or fender straightening or repair;**
131 customizing; painting; vehicle steam cleaning; undercoating and rust proofing; those
132 uses listed under "Automobile Repair, Minor"; and other similar uses.

133
134 **Site Plan:**

135 The site plan shows that the proposed building is 14,264 square feet. The zoning ordinance
136 states that non-residential buildings need to have a minimum of 90% masonry construction,
137 more-or-less equally distributed around all sides of the building. The building elevation plan
138 displays a front elevation that consists of 100% masonry and the side and rear facades are 100%
139 metal siding. The applicant is requesting a variance to request to use alternative materials per
140 City of Forney Zoning Ordinance 42.2 (F):

- 141
142 1. *All written requests for alternative exterior building materials (including roof*
143 *pitch and materials) shall be clearly noted and described in detail on a color*
144 *façade plan that is submitted along with the site plan (for multi-family, single-*
145 *family attached and non-residential structures only). The City may require*
146 *submission of an actual sample(s) of the proposed exterior finish material(s)*
147 *along with the façade plan and the site plan.*
148
149 2. *The Planning & Zoning Commission may recommend, and the City Council*
150 *may approve, an alternative exterior construction material(s) if it is determined*
151 *to be equivalent or better than the exterior materials otherwise required by this*
152 *Subsection and by the City's Building Code as part of the site plan approval*
153 *process.*
154

3. *Consideration for exceptions to the above exterior construction requirements shall be based only upon the following:*

- (1) Architectural design, creativity and innovation;*
- (2) Compatibility with surrounding structures;*
- (3) Relative ease of maintenance of the material(s);*
- (4) Long-term durability and weather-resistance of the material(s); and*
- (5) Long-term stability in property value due to the high quality of the material(s)*

The site plan displays thirty-one (31) parking spaces. The site plan shows access to the East Highway 80 frontage will be shared with the existing car collision repair center.

The landscape plan meets the requirements of the zoning ordinance. Trees are provided throughout the property and plantings are provided. Any signage shown will require a separate review and permit.

Recommendation:

On February 7, 2019, the City of Forney Planning and Zoning Commission voted 6-0 to recommend approval with the stipulation that masonry exterior construction materials are added to both side facades. The masonry materials must be provided from grade elevation to five feet (5') above the grade elevation.

Mayor Wilson called for a motion. Council Member Powers made a motion to approve the site plan for Platinum Collision with the conditions and stipulations per the site plan and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

4. Discuss and consider approval of a final plat for Eagle Ridge, Phase 4, located southeast of the intersection of Ridgecrest Road and Longhorn Lane.

Community Development Director Peter Morgan discussed the background of this item. Mr. James Harrington, representing the property owner, requests approval of a final plat for Eagle Ridge, Phase 4. The final plat consists of 39.885 acres of land located southeast of the intersection of Ridgecrest Drive and Longhorn Lane. The purpose of the request is to establish the necessary boundary and easements for single-family residential development of the property.

Current Standards:

The 39.885-acre property is currently vacant and undeveloped. The property is part of the Eagle Ridge single-family residential subdivision, located south of Ridgecrest Road. This property is zoned within the Hamblen Estates Planned Development.

The Eagle Ridge subdivision operates under the rights granted by the Hamblen Estates planned development ordinance and a preliminary plat that was approved by City Council on October 21, 2008.

The approved preliminary plat allows for a park land dedication of 4.07 acres adjacent to Mustang Creek. The applicant previously submitted a plat that did not match the layout or park dedication of the preliminary plat. City Council did not approve that plat layout.

208
209 **Final Plat:**

210 The final plat shows a proposed park land dedication of 7.28 acres and 8.88 acres of H.O.A. open
211 space. The plat includes the relocation of an Atmos gas easement, as shown on the plat. The gas
212 easement was previously shown to go through the center of the subdivision. The revisions result in
213 a total of 103 single-family lots in Phase 4 and a total of 251 single-family lots for the entire Eagle
214 Ridge subdivision, with an average lot area of 7,882.23 square feet.

215
216 **Accessibility:**

217 The plat shows one new connection to Ridgecrest Drive from Eagle Ridge Road. Two connections
218 are made to the existing phases east of the property.

219
220 **Future Requirements:**

221 If the final plat is approved, future development of the property will require approval of:

222
223 1. Building Plans (staff approved)

224
225 **Recommendation:**

226 On January 16, 2019, the City of Forney Parks and Recreation Board considered the park land
227 dedication for the plat. The Board recommends the payment of \$1,200/lot in lieu of any land
228 dedication and changing the ownership and maintenance of any open space on the plat from the
229 City to the HOA. The applicant was agreeable to this recommendation.

230
231 On February 7, 2019, the City of Forney Planning and Zoning Commission voted 6-0 to recommend
232 approval of the plat with the same stipulations as the Parks and Recreation Board. This includes the
233 payment of \$1,200/lot in lieu of any land dedication and all open space on the plat being owned and
234 maintained by the HOA.

235
236 Mayor Wilson called for a motion. Council Member Johnson made a motion to approve the final plat
237 with the stipulations listed and Mayor Pro Tem Penn seconded the motion. The motion passed
238 unanimously by a vote of 7 ayes and 0 nays.

239
240 **5. Discuss and take action on an Interlocal Agreement with Kaufman**
241 **County for road maintenance, enhancements, repairs, and other**
242 **projects located within the City of Forney.**
243

244 City Attorney Jon Thatcher discussed the background of this item. Kaufman County has the ability
245 to assist the City of Forney in performing various road maintenance, enhancements, repairs and
246 other projects within the City of Forney. However, before the County can commit to such assistance,
247 there must be an agreement between the City and the County providing for the procedure of initiating
248 such projects.

249
250 The proposed agreement affords the City the opportunity to submit requests for service on projects
251 to the County. The County will send submit a cost estimate for the work and if accepted by the City,
252 the City will place the estimated funds in escrow with the County. Once the work is performed and
253 accepted by the City, the funds will be released to the County.

254
255 This item is not specific to any specific projects, but anticipates future requests by the City to the
256 County for assistance.
257

Mayor Wilson called for a motion. Mayor Pro Tem Penn made a motion to approve the Interlocal Agreement with Kaufman County and Council Member Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

6. Discuss and take action on a request from the City of Melissa to become a member city of the Regional Wastewater System and the Upper East Fork Interceptor System operated by the North Texas Municipal Water District.

City Attorney Thatcher discussed the background of this item. The City of Melissa is requesting to become a member of the Regional Wastewater System and the Upper East Fork Interceptor System operated by the NTMWD. The City of Forney is currently a member of these systems. Melissa is currently a customer of the systems and pays a 20% surcharge on their usage. NTMWD will hold a public hearing on March 1, 2019 at 11:00 a.m. at the NTMWD Administration Building, 501 E. Brown St., Wylie, Texas. NTMWD is requesting that the City of Forney provide a response regarding any support or otherwise for the City of Melissa's request.

Council Member Moon left the Council Chambers.

Mayor Wilson called for a motion. Council Member Powers made a motion to send a letter to the North Texas Municipal Water District to allow the City of Melissa to become a member city of the Regional Wastewater System and the Upper East Fork Interceptor System operated by the North Texas Municipal Water District. Mayor Pro Tem Penn seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Moon].

Council Member Moon returned to the Council Chambers.

7. Discuss and consider approval of an Ordinance amending the Forney EDC 2018-19 Fiscal Year budget to transfer \$7,800 from the EDC Fund Balance to the Professional Services line item.

EDC Director Warren Ketteman discussed the background of this item. The Forney EDC Board of Directors met on Wednesday, February 13, 2019 and approved funds in the amount of \$7,800 for professional services from Eric L. Davis Engineering. The Board considered two proposals but selected Eric L. Davis Engineering as the qualified, lower cost proposal. Their work will be to provide "Visual Reimaging of Main Street Design between Center Street and Chestnut Street in downtown Forney, Texas." This work is in response to City Council direction as per the Council Planning Retreat held on Saturday, November 17, 2018. This reimaging work will provide the "vision" to serve as a guide to assist in the future redevelopment of Main Street from downtown to Chestnut Street. Total budget amendment request is \$7,800.

Mayor Wilson called for a motion. Council Member Johnson made a motion to approve an Ordinance amending the Forney EDC 2018-2019 Fiscal Year budget to transfer \$7,800 from the EDC Fund Balance to the Professional Services line item and Mayor Pro Tem Penn seconded the motion. The ordinance caption was read as follows:

**CITY OF FORNEY, TEXAS
ORDINANCE NO. 19-11**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 18-38, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY TRANSFERRING FUNDS FROM EDC FUND BALANCE TO EDC

311 **PROFESSIONAL SERVICES; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL**
312 **CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

313
314 The motion passed unanimously by a vote of 7 ayes and 0 nays.

315
316 **8. Discuss and consider appointments to various boards and commissions**
317 **including: Planning and Zoning Commission, TIF Board, HOZ/ARB, and**
318 **Building and Standards.**

319
320 City Secretary Brooks discussed the background of this item. The following motions and votes were
321 taken:

322
323 **Building Standards Commission**

324 Council Member Powers made a motion to appoint Paul Anderson to the Building and Standards
325 Commission, Member 1, with a term ending June 30, 2019 and Mayor Pro Tem Penn seconded the
326 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

327
328 **Planning and Zoning Commission**

329 Mayor Wilson made a motion to appoint Kathryn Coffman to the Planning and Zoning Commission,
330 Member 6, with a term ending June 30, 2020, and Council Member Johnson seconded the motion.
331 The motion failed by a vote of 2 ayes and 5 nays [Thomas, Myers, Powers, Moon and Penn].

332
333 Council Member Moon made a motion to appoint James Traylor to the Planning and Zoning
334 Commission, Member 6, with a term ending June 30, 2020, and Mayor Pro Tem Penn seconded the
335 motion. The motion passed by a vote of 6 ayes and 1 nay [Wilson].

336
337 **HOZ/ARB**

338 Council Member Johnson made a motion to appoint Andy Parker to the HOZ/ARB, Member 2, with
339 a term ending June 30, 2019 and Mayor Wilson seconded the motion. The motion failed by a vote
340 of 2 ayes and 5 nays [Thomas, Myers, Powers, Moon and Penn].

341
342 Council Member Myers made a motion to appoint James Hatley to the HOZ/ARB, Member 2, with a
343 term ending June 30, 2019 and Council Member Moon seconded the motion. The motion passed
344 unanimously by a vote of 7 ayes and 0 nays.

345
346 **TIF Board**

347 Mayor Wilson made a motion to appoint Ann Lemons to the TIF Board, Member 2, with a term ending
348 December 31, 2020. There was no second.

349
350 Mayor Pro Tem Penn made a motion to appoint Russell Calhoun to the TIF Board, Member 2, with
351 a term ending December 31, 2020 and Council Member Moon seconded the motion. The motion
352 passed by a vote of 6 ayes and 1 nay [Wilson].

353
354 **VIII. CITY MANAGER'S REPORT**

355 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE
356 ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION, INCLUDING THE FOLLOWING:

357
358 City Manager Carson had several items.

359
360 1. Municipal Court Warrant Round-Up will be March 1st.

361
362 2. K-9 Trials will be held on February 23-24, 2019.

3. FISD will be holding their Special Olympics on April 18th.

4. The Parks Department will be hosting Positive Coaching Seminars at FHS on 2/21 and on 2/23 at NFHS.

5. Mr. Carson introduced Karl Zook our new City Engineer. Mr. Carson stated that Mr. Zook had already made some good changes.

IX. COUNCIL COMMENTS

PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE A REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF COMMUNITY INTEREST INCLUDE:

Council Member Thomas thanked Cory McGee for his service.

Council Member Myers thanked Cory McGee for his service, and he thanked Peter and his staff for their hard work. He thanked Warren Kettelman and his staff for their hard work.

Council Member Powers thanked Cory McGee for his service. She thanked Peter for working with the developers. She thanked Warren for his hard work. She also thanked everyone who wants to serve.

Council Member Moon thanked Cory McGee for his service. He stated Cory did a fantastic job. He thanked Marty Reid for inviting him to his church. He thanked everyone for coming out tonight.

Mayor Pro Tem Penn thanked staff for their hard work. She thanked Tony for all he does. She welcomed Karl Zook. She and Shaun participated in the Donkey Basketball Fund Raiser. The ROTC Military Ball was beautiful.

Council Member Johnson thanked everyone for coming out tonight. He brought attention to the sewer project on West Broad. This will open up acreage for development. He thanked Cory for his service.

Mayor Wilson thanked Cory for his service. He thanked the FISD and ROTC for a great event. The AFJROTC Military Ball promotes great young adults/cadets. They do make our community better.

Mayor Wilson stated that from now on all executive session items will be on the agenda as an open item with all backup documentation before any discussion will take place in executive session.

Mayor Wilson stated there would be no executive session tonight and adjourned the meeting at 7:41 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS,
this _____ day of _____, 2019.

ATTEST:

Rick Wilson, Mayor

Dorothy Brooks, City Secretary