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**Minutes
Forney City Council
Tuesday, March 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 6:30 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 ROBBIE POWERS

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation of Annual Audit.

Paul O'Leary of Pattillo, Brown & Hill discussed the findings for the Certified Annual Financial Report. They gave a clear, unmodified audit, which is the highest they can give. The City is in excellent finance shape.

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. No one came forward, so Mayor Wilson closed the open forum session.

V. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the March 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. Mayor Pro Tem Penn made a motion to approve the Minutes from the March 5, 2019 City Council meeting and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Wilson].

VI. CONSENT AGENDA

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

1. Consider a Resolution authorizing continued participation with the ATMOS Cities Steering Committee authorizing the payment of membership dues to fund regulatory and related activities related to the Atmos Energy Corporation.

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2. Consider approval of a Resolution authorizing the City Manager to execute a contract with AT&T Communications for establishing new phone service.
3. Consider approval of a Resolution authorizing the renewal of the Professional Services Agreement between the City of Forney and Stone Creek Veterinary Hospital for veterinary services.
4. Consider approval of a preliminary plat for Forney Marketplace Addition, Block 1, Lot 1 and Lot 2, located northwest of the intersection of East U.S. Highway 80 and Marketplace Boulevard.
5. Consider approval of a preliminary plat for Gateway Phase 4, Block D, Lot 1, located east of North F.M. 548 and south of North Gateway Boulevard.
6. Consider approval of a site plan for Gateway Phase 4, Block D, Lot 1, located east of F.M. 548 and south of North Gateway Boulevard.
7. Consider approval of a site plan for Panera Bakery Cafe, located northwest of the intersection of East U.S. Highway 80 and Marketplace Boulevard.
8. Consider approval of a site plan for the Larke Lopez Hair Salon, located at 112 Trinity Street.
9. Consider approval of the authorization to allow staff to seek bids for the construction of the Lady Liberty Monument Relocation Project, and all related issues.

Mayor Wilson asked if Council wished to pull an item from the Consent Agenda. No items were pulled, so Mayor Wilson called for a motion. Council Member Myers made a motion to approve the entire Consent Agenda and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VII. PUBLIC HEARING ITEMS/ ACTION ON PUBLIC HEARING ITEMS

1. 1st Public Hearing regarding the annexation of an approximate 250.5942 acre tract of land owned by Kate Pinson McKellar Estate, et al., situated in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, Kaufman CAD Property ID 6471, located at OS FM 740, south of Dalview Drive.
2. 1st Public Hearing regarding the annexation of an approximate 44.308 acre tract of land owned by Sharon A. Riggs and Linda C. Martin, situated in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, Kaufman CAD Property ID 6414, located at O FM 460, south of the intersection of FM 740 and FM 460.

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- 3. **1st Public Hearing regarding the annexation of an approximate 45.00 acre tract of land owned by TRBP Limited, situated in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, Kaufman CAD Property ID 196884, located at the end of West Trinity Street.**

- 4. **1st Public Hearing regarding the annexation of an approximate 5.00 acre tract of land owned by John D. Gibson and Sarita K. French, situated in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, Kaufman CAD Property ID 6583, located at O FM 740, south of the intersection of FM 740 and FM 460.**

- 5. **1st Public Hearing regarding the annexation of an approximate 7.304 acre tract of land owned by John D. Gibson and Sarita K. French, situated in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, Kaufman CAD Property ID 6582, located at O FM 740, south of the intersection of FM 740 and FM 460.**

Mayor Wilson asked for a motion to open the public hearings on Public Hearing items No. 1 through 5. Council Member Powers made a motion to open the public hearings at 6:49 p.m. and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays. City Attorney Thatcher discussed these items and stated that no action was necessary tonight. Mayor Wilson opened the floor to anyone in the audience who wished to address the Council. Thatcher requested that they state which public hearing item they are discussing. The following person came forward to address the Council:

John D. Gibson
14033 Patterson
Forney, Texas 75126
Mr. Gibson stated that he was addressing public hearing items 4 and 5. Mr. Gibson stated that he did not wish to be annexed.

There being no one further to address the Council, Mayor Wilson called for a motion to close the public hearings. Council Member Johnson made a motion to close the public hearings at 6:54 p.m. and Council Member Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

No action was taken on public hearing items no. 1 through 5.

- 6. **Hold a public hearing and discuss and consider an Ordinance amending the City of Forney Thoroughfare Plan and Map to amend the roadway classifications and cross sections, add certain new roadway segments, and re-designate or reclassify and realign certain roadway segments. [Read Ordinance Caption]**

Mayor Wilson called for a motion to open the public hearing. Mayor Pro Tem Penn made a motion to open the public hearing at 6:55 p.m. and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

152
153 Jody Short with Lee Engineering stated that there had been one change since the last meeting
154 and that was to move a connection to Oak Street.

155
156 Mayor Wilson opened the floor for public comments, but no one came forward to address the
157 Council. Mayor Wilson then called for a motion to close the public hearing. Council Member
158 Powers made a motion to close the public hearing at 6:58 p.m. and Council Member Myers
159 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
160

161 Mayor Wilson called for a motion on this item. Council Member Thomas made a motion to
162 approve the Ordinance with the changes discussed tonight and Council Member Myers seconded
163 the motion. The Ordinance caption was read as follows:

164
165 **CITY OF FORNEY, TEXAS**

166
167 **ORDINANCE NO. 19-13**

168
169 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CITY OF FORNEY**
170 **THOROUGHFARE PLAN AND MAP TO AMEND THE ROADWAY CLASSIFICATIONS AND**
171 **CROSS SECTIONS, ADD CERTAIN NEW ROADWAY SEGMENTS, AND RE-DESIGNATE OR**
172 **RECLASSIFY AND REALIGN CERTAIN ROADWAY SEGMENTS AS SHOWN IN EXHIBIT "A";**
173 **PROVIDING FUTURE DEVELOPMENT CONSIDERATIONS AND RESTRICTIONS; FINDING ALL**
174 **MEETINGS HAVE BEEN HELD IN COMPLIANCE WITH STATE LAW; PROVIDING A**
175 **SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN**
176 **EFFECTIVE DATE.**
177

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

- 179
180 **7. Hold a public hearing and discuss and consider approval of an**
181 **Ordinance amending the City of Forney Comprehensive Zoning**
182 **Ordinance by amending Section 38, "Off Street Parking and**
183 **Loading Requirements," to provide an exception to concrete**
184 **paving requirements. [Read Ordinance Caption]**
185

186 Mayor Wilson called for a motion to open the public hearing. Council Member Johnson made a
187 motion to open the public hearing at 7:00 p.m. and Mayor Pro Tem Penn seconded the motion.
188 The motion passed unanimously by a vote of 7 ayes and 0 nays.
189

190 Community Development Director Peter Morgan discussed the background of this item. City staff
191 requests approval of an amendment to the City of Forney Comprehensive Zoning Ordinance. The
192 purpose of the request is to allow for an applicant to request an asphalt exception to the concrete
193 paving requirements. This amendment is supported by the Kaufman County Commissioner and
194 the City of Forney Economic Development Corporation. The exception could potentially provide
195 the ability for public parking to be added at a lower cost than concrete and would be beneficial to
196 areas such as Downtown Forney, which have limited parking availability.
197

198 The Ordinance contains considerations that are intended to limit the availability of the exception.
199 City Council is provided the following considerations to assist with deciding future requests:
200

- 201 **1. There is a need for additional parking in the immediate area.**
202 **2. The granting of a waiver is beneficial to adjacent property owners.**
203 **3. The granting of a waiver is in the long-term interest of the City, as**
204 **determined by City Council.**

- 205 4. Consideration of the City Engineer recommendation and compliance with
206 any applicable Engineering Design Standard regulations.
207

208 Staff recommends approval of the Ordinance.
209

210 Mayor Wilson opened the floor for public comments and the following person came forward to
211 address the Council:
212

213 Donna Spillers
214 215 S. Bois D'Arc
215 Forney, Texas 75126

216 Ms. Spillers spoke in favor of the asphalt paving. She wants more parking for
217 Downtown.
218

219 There being no one further to address the Council, Mayor Wilson called for a motion to adjourn
220 out of the public hearing. Mayor Pro Tem Penn made a motion to adjourn out the public hearing
221 at 7:07 and Council Member Johnson seconded the motion. The motion passed unanimously by
222 a vote of 7 ayes and 0 nays.
223

224 Mayor Wilson called for a motion on the item. Council Member Myers made a motion to approve
225 the Ordinance and Mayor Pro Tem Penn seconded the motion. The Ordinance caption was read
226 as follows:
227

228 CITY OF FORNEY, TEXAS
229

230 ORDINANCE NO. 19-14
231

232 AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE
233 ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE V,
234 "DEVELOPMENT STANDARDS," SECTION 38, "OFF-STREET PARKING AND LOADING
235 REQUIREMENTS," BY AMENDING NONRESIDENTIAL AND MF DISTRICTS SPECIAL OFF-
236 STREET PARKING PROVISIONS TO PROVIDE FOR AN EXCEPTION TO THE REQUIRED USE
237 OF CONCRETE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;
238 PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR
239 PUBLICATION AND AN EFFECTIVE DATE.
240

241 The motion passed unanimously by a vote of 7 ayes and 0 nays.
242

- 243 8. Hold a public hearing and discuss and consider approval of an
244 Ordinance rezoning 108.2 acres of land from the Mixed-Use
245 District to a Planned Development District with single-family,
246 multi-family and commercial uses. The property is located south
247 of the U.S. Highway 80 and F.M. 460 intersection in the City of
248 Forney. [Read Ordinance Caption]
249

250 Mayor Wilson called for a motion to open the public hearing. Council Member Powers made a
251 motion to open the public hearing at 7:08 p.m. and Council Member Thomas seconded the motion.
252 The motion passed unanimously by a vote of 7 ayes and 0 nays.
253

254 Community Development Director Peter Morgan discussed the background of this item. Mr. Pete
255 Flowers requests approval of a rezoning of approximately 108.3 acres of property located south
256 of U.S. Highway 80, adjacent to the western city limits boundary of the City of Forney. The purpose
257 of the rezoning is to establish a planned development district with standards for residential and

258 non-residential development.

259
260 **Current Standards:**

261 The property consists of 108.2 acres of land and is zoned within the Mixed Use District. 57.279
262 acres of the property was annexed into the City of Forney at the March 17, 2015, City Council
263 meeting. The entire property was zoned as Mixed Use at that same meeting. The property is
264 currently vacant and undeveloped. Access to the property is provided by the U.S. Highway
265 80/F.M. 460 intersection.

266
267 **Rezoning Request:**

268 The requested rezoning request is to replace the existing Mixed Use District zoning with a Planned
269 Development that would incorporate a mix of uses. The concept plan provides the geographical
270 location of five different base zoning tracts for the entire 108.2 acres. The development standards
271 detail the tracts as:

- 272
273 A. Tract A1 – Single-Family Detached is the permitted use, with Single-
274 Family-6 (SF-6) District as the base zoning district, except for the minimum
275 lot width and the minimum Lot Area.
276
277 B. Tract A2 – Single-Family Detached is the permitted use, with Single-
278 Family-6 (SF-6) District as the base zoning
279
280 C. Tract B – Multi-Family is the permitted use, with Multi-Family-15 (MF-15)
281 District as the base zoning district.
282
283 D. Tract C -- The uses listed on the General Retail (GR) District,
284 Neighborhood Services (NS) District and Office (O) District tables
285 contained within the attached Schedule of Uses shall be permitted by right
286 on this Tract.
287
288 E. Tract D – The uses listed on the General Retail (GR) District, Neighborhood
289 Services (NS) District and Office (O) District tables contained within the
290 attached Schedule of Uses shall be permitted by right on this Tract.
291
292 F. Tract E – Single-Family Detached is the permitted use, with (SF-PH)-Patio
293 Home District as the base zoning district.
294

295 The two non-residential tracts consist of 10.80 total acres located at the U.S. Highway 80/F.M.
296 460 intersection. The multi-family tract total 17.3 total acres, also located near U.S. Highway 80.
297 The single family tract totals 79.3 acres of land and is setback from the highway.
298

299 The number of total dwelling units within the property shall not exceed 567 units. Single-family
300 regulations in the Tract A1 area allow for a minimum lot area of 6,000 square feet and may
301 account for a maximum of 131 single-family residential units. Lots within the tract shall have a
302 minimum lot width of fifty feet (50').
303

304 Single-family regulations in the Tract A2 area allow for a minimum lot area of 7,700 square feet
305 and may account for a maximum of 100 single-family residential units.
306

307 Single-family regulations in the Tract E area allow for a minimum of 4,500 square feet and may
308 account for a maximum of seventy-seven (77) single-family residential units. This area shall be

309 age restricted to those persons 52 years and older.

310
311 Multi-family regulations in the Tract B area shall follow the MF-15 standards, with a minimum floor
312 area per dwelling unit of seven-hundred and twenty-five (725) square feet.

313
314 The remaining tracts must conform to the non-residential sections of the Zoning Ordinance. Non-
315 residential and multi-family uses have parking, landscaping, lighting and architectural
316 requirements specified in the development standards and permitted uses. The permitted uses list
317 includes many uses from the General Retail, Neighborhood Service, and Office District allowed
318 uses found in the City of Forney Comprehensive Plan. Staff has removed many of the higher
319 intensity uses that would not be appropriate for a new planned development district. Exterior
320 materials permitted throughout the Planned Development shall be brick, stone, glass and
321 hardiplank. Each exterior façade of the buildings shall be at least ninety percent (90%) brick,
322 decorative CMU (burnished or split face) and/or stone. Materials that staff does not consider to
323 be lasting, durable products (such as stucco and EIFS) were excluded from the list of approved
324 materials.

325
326 **Accessibility:**

327 The property provides direct access to U.S. Highway 80 with one existing roadway and a future
328 proposed roadway. A traffic impact analysis must be approved prior to a final plat being approved
329 by TxDOT or the City.

330
331 **Future Requirements:**

332 If approved, future development of the property will require approval of:

- 333 1. Preliminary and Final Plats
334 2. Traffic Impact Analysis
335 3. Site Plans
336 4. Civil Plans
337 5. Building Plans (staff approved)

338
339 **Parks and Recreation Board:**

340 On February 20, 2019, The City of Forney Parks and Recreation Board considered the Planned
341 Development for compliance with park land dedication requirements. Based on the City of Forney
342 Code of Ordinances, 308 single-family units and 259 multi-family units result in a requirement of
343 16.36 acres of land or a \$633,220 fee-in-lieu of a land dedication. At the Parks and Recreation
344 Board meeting the property owner proposed a dedication of approximately 345 acres of land to
345 the City of Forney. The majority of the land is located outside City of Forney jurisdiction and is
346 located inside the 100-year floodplain. The Parks and Recreation Board voted to recommend
347 acceptance of the 345 acres of land for City purposes. An aerial of the 345 acres is attached with
348 the exhibits.

349
350 **Recommendation:**

351 The Planning and Zoning Commission considered the request on March 7, 2019. The
352 Commission voted 4 (Chambers, Holler, Shimkus, Traylor) to 3 (Cunningham, Wilcoxson, Wilkins)
353 to recommend approval. Several Commissioners stated concern for suitability of the use and the
354 lot sizes. Several other Commissioners specifically stated that they understood the concerns but
355 it was not enough for them to oppose the request. During public hearing representatives of the
356 Forney power plant spoke in opposition.

357
358 Mayor Wilson opened the floor for public comments. The following person came forward to
359 address the Council:

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Brad Watson
6555 Sierra Drive
Irving, Texas 75039

Mr. Watson stated he is a senior Director on the Vistra Board – the parent company of Luminant. They do not like the high number of single family homes. Luminant operates 24 hours a day and they are concerned about the complaints that the new homeowners would have. Additionally, they are extremely concerned about the potential loss of water supply should one of the pipelines across the property be damaged.

There being no one further to address the Council, Mayor Wilson called for a motion to close the public hearing. Mayor Pro Tem Penn made a motion to close the public hearing at 7:34 p.m. and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Thomas asked if they had a redundant water supply in case of emergencies such as that. Mr. Watson stated that they do not have a redundant water supply, all they have is a pond, which only provides a three-day water supply.

Eddie Eckert, Civil Engineer for the developer stated that there are ways to move lines as necessary. They will take this concern seriously. There is a natural buffer of the flood plain and several thousand feet between the development and the Luminant plant. Pete Flowers, the developer, stated that they started discussing this development with staff in 2015 and have been working with city planners since then. They are not able to do a 100+ acre commercial development at this time.

Mayor Wilson called for a motion. Council Member Johnson made a motion to deny this request. The motion failed for lack of a second. Council Member Thomas made a motion to table this item to the Council meeting scheduled for April 16, 2019, and Mayor Pro Tem Penn seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

9. **Hold a public hearing and discuss and consider approval of an Ordinance granting a waiver of the 300-foot spacing requirement between a business selling alcoholic beverages and a school, in order to allow a special event, with alcoholic beverage consumption, to take place outside on Elm Street, adjacent to Eno's Pizza Tavern at 215 S. Bois D'Arc Street. [Read Ordinance Caption]**

Mayor Wilson called for a motion to open the public hearing. Council Member Johnson made a motion to open the public hearing at 7:40 p.m. and Mayor Pro Tem Penn seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Community Development Director Peter Morgan discussed the background of this item. Mr. Shane Spillers, owner of Eno's Pizza Tavern, requests approval of an Ordinance granting a waiver to serve alcohol for a special event on Elm Street. The purpose of the request is for Eno's Pizza Tavern to host a cornhole tournament downtown for approximately 30 to 40 teams. The event would be set up on Elm Street, directly adjacent to Eno's Pizza Tavern at 215 S. Bois D'Arc Street. The special event set up would include a street closure on Elm Street from S. Bois D'Arc Street to the entrance of the rear parking lot of the sub-courthouse. If approved, Mr. Spillers would

411 obtain the appropriate TABC permit to allow beer and wine to be served outside during the event.
412 Eno's Pizza Tavern would also have one tent outside for the beer and wine service.
413

414 The projected date for the special event is April 27, 2019, from 10:00 a.m. to 7:00 p.m. Approval
415 of the Ordinance would only grant a waiver for one event to take place. They received no
416 comments in opposition.
417

418 Mayor Wilson opened the floor for public comments. The following person came forward to
419 address the Council:
420

421 Ms. Donna Spillers

422 Ms. Spillers stated that they are trying to create energy in the Downtown and that
423 people like things to do. They believe that the corn-hole tournament will create
424 that energy.
425

426 City Manager Carson stated that for any event where alcohol is served, that we must have our
427 own police there for security purposes.
428

429 Mayor Wilson called for a motion on this item. Council Member Powers made a motion to approve
430 the Ordinance with the stipulation that they pay for one of our police officers to be there and
431 Council Member Thomas seconded the motion. The Ordinance caption was read as follows:
432

433 CITY OF FORNEY, TEXAS
434 ORDINANCE NO. 19-16
435

436 AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, GRANTING A REQUEST FOR A WAIVER
437 OR MODIFICATION OF THE 300-FOOT SPACING REQUIREMENT BETWEEN A PLACE OF
438 BUSINESS SELLING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AND A
439 CHURCH, PUBLIC OR PRIVATE SCHOOL, CHILD CARE CENTER, OR HOSPITAL, AND A
440 VARIANCE TO SECTION 8.01.004(b)(2)(C) OF THE CITY OF FORNEY CODE OF ORDINANCES
441 FOR AN ENO'S PIZZA TAVERN SPECIAL EVENT AT PROPERTIES LOCATED WITHIN THE
442 CENTRAL BUSINESS DISTRICT IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS;
443 PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A
444 REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION
445 AND AN EFFECTIVE DATE.
446

447 The motion passed unanimously by a vote of 7 ayes and 0 nays.
448

449 **VIII. DISCUSSION / ACTION ITEMS**
450

451 **1. Vision 2025 - Goals and Initiatives**
452

453 City Manager Carson stated there is nothing new to report.
454

455 **2. Discuss and consider approval of a request for an exception to the**
456 **paving requirements for off- street parking areas in non-**
457 **residential districts. The request is for property located west of the**
458 **intersection of S. Center Street and E. Main Street.**
459

460 Community Development Director Peter Morgan discussed the background of this item. City staff
461 requests approval of an exception to the concrete paving requirements provided in Section 38.3
462 of the City of Forney Comprehensive Zoning Ordinance. Section 38.3(C) states that all off-street
463 parking, maneuvering, loading and storage areas shall be paved with concrete paving. The

464 purpose of the request is to allow the City to partner with Kaufman County to construct an asphalt
465 public parking lot west of the intersection of S. Center Street and E. Main Street.
466

467 Over one year ago, the City of Forney and Forney EDC partnered on an improvement project in
468 downtown. The project included roadway improvements, new sidewalks, drainage and parking
469 realignment. As part of this effort, several downtown parking spaces were eliminated. As
470 downtown continued to grow more vibrant, the City and EDC once again partnered to secure
471 additional parking through an agreement with Forney ISD. The ISD agreed to provide public
472 parking on their property located at Trinity Street and S. Bois D'Arc Street. The additional parking
473 helped but did not eliminate the need for more parking.
474

475 County Commissioner Skeet Phillips has also worked with the City to provide parking. Mr. Phillips
476 provided the use of parking spaces located behind the Kaufman County Sub-courthouse, and is
477 now working with City Manager Tony Carson and EDC Director Warren Kettelman to provide a
478 long-term solution. Mr. Phillips is amenable to allowing public parking to be constructed on
479 Kaufman County property located east of the Sub-courthouse. Eric Davis Engineering supplied
480 the engineered exhibit free of charge and the proposed asphalt parking lot design shows 72
481 parking spaces. City Manager Carson and EDC Director Kettelman have offered City and EDC
482 financial support pending authorization from the City Council and the EDC Board of Directors.
483

484 City Council is provided the following Zoning Ordinance considerations to assist with deciding on
485 concrete exception requests:
486

- 487 1. There is a need for additional parking in the immediate area.
- 488 2. The granting of a waiver is beneficial to adjacent property owners.
- 489 3. The granting of a waiver is in the long-term interest of the City, as
490 determined by City Council.
- 491 4. Consideration of the City Engineer recommendation and compliance with
492 any applicable Engineering Design Standard regulations.
493

494 Staff recommends approval of the exception.
495

496 Mayor Wilson called for a motion on this item. Council Member Johnson made a motion to
497 approve this item and Council Member Myers seconded the motion. The motion passed
498 unanimously by a vote of 7 ayes and 0 nays.
499

500 Mayor Wilson stated that items 3, 4, and 5 below would be discussed in Executive Session.
501

- 502 3. **Deliberate the appointment, employment, evaluation, reassignment,
503 duties, discipline, or dismissal of a public officer or employee (Tex.
504 Gov't Code 551.074):**
505

506 **a. Presiding Municipal Court Judge**
507

- 508 4. **Consult with legal counsel regarding pending or contemplated
509 litigation or a settlement offer and/or matters in which the duty of the
510 attorney to the governmental body under Texas Disciplinary Rules of
511 Professional Conduct of the State Bar of Texas clearly conflicts with
512 Chapter 551 of the Texas Government Code (Tex. Gov't Code Section
513 551.071):**
514

- a. **Don and Laurie Cox, 22 Estate Lane – Claim for Damages**
- b. **Growth Management Plan**

Mayor Pro Tem Penn made a motion to authorize the City Manager to execute a Compromise Settlement Agreement with Don and Laurie Cox at 22 Estate Lane and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 5. **Discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code Section 551.087):**

- a. **Project Tammy Faye**
- b. **Forney Marketplace, LLC**

IX. CITY MANAGER'S REPORT

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

City Manager Carson had several items to report.

- 1. He thanked Peter Morgan and Chief Sherwin on their work regarding the truck parking. They have gotten warnings and tickets out there. This is working. Peter Morgan advised that the businesses were given signs for posting this afternoon.
- 2. There will be a ribbon cutting for the Goodyear Distribution Center on Friday, March 22, 2019, at 9:00 a.m.
- 3. Raising Cane's will have a grand opening on Tuesday, March 26, 2019.
- 4. He thanked Rick and Staff regarding the white stripes in the cross walks. He thanked Candy for her hard work in overseeing the installation of the LED lights in Downtown. It has been a long process.

Council Member Johnson stated he is glad to see the striping. Mr. Carson stated that all the areas have now been striped. Council Member Johnson stated he thought reflective paint would be great. Public Works Director Rick Sailer stated that he would look into it.

X. 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 had no comments.

Council Member Myers is looking forward to the grand opening of Cane's and the ribbon cutting for the Goodyear distribution center. He asked everyone to keep the Bashaw Family in their thoughts.

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568 Council Member Powers stated is piggy-backing off Myers' comments. She is very pleased with
569 how downtown is looking.
570

571 Council Member Moon stated that this Council has done a lot, but they could not have done it
572 without Staff. He asked that everyone please keep the family of Lauren Cook in their thoughts
573 and prayers.
574

575 Mayor Pro Tem Penn thanked Deborah, and her team and Tony for managing our money.
576

577 Council Member Johnson stated that everyone else pretty much covered everything. He asked
578 that we keep his wife in our prayers – she is having knee replacement surgery in the morning.
579

580 Mayor Wilson announced that one of Police Officers, Pedro Moreno, will be singing the National
581 Anthem at the Texas Rangers Game on March 30. God Bless.
582

583 Mayor Wilson announced that Council would now adjourn into Executive Session under Chapter
584 551, Texas Government Code, Sections 551.071, 551.074 and 551.087 and asked for a motion.
585 Mayor Pro Tem Penn made a motion to adjourn into Executive Session at 8:01 p.m. and Council
586 Member Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and
587 0 nays.
588

589 **XI. EXECUTIVE SESSION**

590 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY
591 COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE
592 FOLLOWING:
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- 594 1. Deliberate the appointment, employment, evaluation, reassignment,
595 duties, discipline, or dismissal of a public officer or employee (Tex. Gov't
596 Code 551.074):
597

598 a. Presiding Municipal Court Judge
599

- 600 2. Consult with legal counsel regarding pending or contemplated litigation or
601 a settlement offer and/or matters in which the duty of the attorney to the
602 governmental body under Texas Disciplinary Rules of Professional
603 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
604 Texas Government Code (Tex. Gov't Code Section 551.071):
605

606 a. Don and Laurie Cox, 22 Estate Lane – Claim for Damages
607 b. Growth Management Plan
608

- 609 3. Discuss or deliberate regarding commercial or financial information that
610 the governmental body has received from a business prospect that the
611 governmental body seeks to have locate, stay, or expand in or near the
612 territory of the governmental body and with which the governmental body
613 is conducting economic development negotiations, or to deliberate the offer
614 of a financial or other incentive to a business prospect (Tex. Gov't Code
615 Section 551.087):
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617 a. Project Tammy Faye
618 b. Forney Marketplace, LLC

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XII. RECONVENE INTO REGULAR SESSION

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.

Council returned to Chambers at 8:55 p.m. Mayor Wilson called for a motion to adjourn out of Executive Session at that time. Mayor Pro Tem Penn made a motion to adjourn out of Executive Session and Council Member Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Wilson stated that any action to be taken, would be taken under Discussion/Action Items 3, 4 and 5 see action taken above.

There being no further business to come before the Council, Mayor Wilson adjourned the meeting at 8:56 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 2nd day of April, 2019.

ATTEST:


Dorothy Brooks, City Secretary


Rick Wilson, Mayor

