Minutes
Forney City Council
Tuesday, May 7, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

NEWLY ELECTED OFFICIALS TAKE THEIR OATH OF OFFICE

I. CALL TO ORDER
Mayor Pro Tem Penn called the meeting to order at 6:30 p.m. Present were Mayor Pro Tem Mary Penn and Council Members Mike Thomas, Shaun Myers, Robbie Powers, Kevin Moon and David Johnson. Mayor Rick Wilson was absent. Also present was City Manager Tony Carson.

II. INVOCATION / PLEDGE OF ALLEGIANCE – MAYOR PRO TEM MARY PENN

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for Motorcycle Safety and Awareness Month
Mayor Pro Tem Penn read and presented the proclamation to the Gatekeepers and the Patriot Rider groups.

2. Proclamation for National Police Week
Mayor Pro Tem Penn read and presented the proclamation to Police Chief Rob Sherwin and Lt. Todd Eudy, Lt. John Abernathy, Officer James Bain, Officer Jacob Stewart, and Officer Laramie Kennedy.

3. Proclamation for Economic Development Week
Mayor Pro Tem Penn read and presented the proclamation to EDC Director Warren Ketteman, Stewart McGregor and Mary Wilson.

4. Proclamation for the 50th Anniversary of Municipal Clerks Week
Mayor Pro Tem Penn read the proclamation which was presented to City Secretary Dorothy Brooks by the entire Council.

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 Pro Tem Penn 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:
51 Mr. John Daniel
52 130 Cedar Street
53 Forney, Texas 75126
54 Mr. Daniel complained of parking on Cedar Street by the a/c repair business. It is
55 blocking two-way traffic. He also talked about code issues and other issues in the
56 area.
57 There being no one further to address the Council, Mayor Pro Tem Penn closed the open forum
58 session.
59 Mayor Pro Tem Penn announced that the swearing-in ceremony did not take place because we are
60 waiting on the final confirmation of votes from the County.
61 V. APPROVAL OF MINUTES
62 1. Consider approval of the Minutes from the April 16, 2019, City Council
63 meeting.
64 Mayor Pro Tem Penn asked if Council had any changes to the Minutes. There being no changes,
65 Mayor Pro Tem Penn called for a motion. Council Member Moon made a motion to approve the
66 Minutes from the April 16, 2019, City Council meeting and Council Member Johnson seconded the
67 motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].
68 VI. CONSENT AGENDA
69 [The items on the Consent Agenda are considered to be self-explanatory by the Council and will
70 be enacted in one motion. There will be no separate discussion of these items unless requested
71 by a Council Member.]
72 1. Consider approval of the quarterly investment report ending 3/31/19.
73 2. Consider approval of the project acceptance for the Aimee Street
74 Sanitary Sewer Improvements Project.
75 Mayor Pro Tem Penn asked if Council wished to pull any Consent Agenda Item for discussion. No
76 items were pulled, so Mayor Pro Tem Penn called for a motion. Council Member Johnson made a
77 motion to approve the Consent Agenda and Council Member Myers seconded the motion. The
78 motion passed by a vote of 6 ayes and 1 absent [Wilson].
79 VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS
80 1. Hold a public hearing and discuss and consider approval of an
81 Ordinance to amend the Meadow Ridge Planned Development to allow
82 for amended residential standards for 18.3997 acres of property. The
83 property is located north of N. Gateway Boulevard and south of Reeder
84 Lane. [Read Ordinance Caption]
85 Mayor Pro Tem Penn called for a motion to open the public hearing. Council Member Moon made a
86 motion to open the public hearing at 6:58 p.m. and Council Member Myers seconded the motion.
87 The motion passed by a vote of 6 ayes and 1 absent [Wilson].
88 Community Development Director Peter Morgan discussed the background of this item. Mr. Jason
89 Flory, P.E., representing the property owner, requests approval of an amendment to Planned
90 Development Ordinance No. 13-04. The purpose of the amendment is to establish the concept plan
91 and design standards for a new residential development.
Current Standards:
The property is currently vacant and undeveloped, consisting of 18.399 acres of land zoned within Planned Development 13-04. The property currently allows for several uses, including but not limited to multi-family residential and single-family detached.

Amendment Request:
The proposed development standards specify a cottage style residential neighborhood with MF-15 base zoning. The request is for single-story detached residential homes that will be maintained as one overall lot, with the individual homes being leased.

The concept plan shows the following unit counts:

a. One-bedroom unit (two per building): 60 units (637 sq. ft./unit)
b. Two-bedroom unit: 81 units (960 sq. ft./unit)
c. Three-bedroom unit: 68 units (1,236 sq. ft./unit)

The layout of the site is similar to a multi-family development. Gated access is provided at two points, from North Gateway Boulevard and a private side street. A leasing center is shown at the front entrance, adjacent to an amenity area, which includes a pool, spa, and barbeque island. A main drive circles the interior of the development, providing access and parking for all units. Parking includes open parking, covered parking, and garage parking. Exterior construction materials on the color elevations show a high percentage of fiberboard siding. The planned development currently states that at least 75% of exterior materials shall consist of brick, hardiplank or cement board fiber board, stucco, decorative CMU, and/or stone. The applicant is proposing to remove stucco as an allowed material, but is requesting to maintain the other materials and required percentage.

The applicant is also proposing a change to the fencing requirements.

a. Fencing along Gateway Boulevard shall be 4’ masonry fence with 2’ wrought iron on top of the masonry.
b. Fencing along the Private Street shall be 6’ wrought iron fence.
c. Remainder of the perimeter fence shall be 6’ board-on-board fence.

On March 20, 2019, the City of Forney Parks and Recreation Board considered the request for compliance with parkland dedication requirements. The project proposes 209 residential units. The units are classified as multi-family for the calculation, which results in a requirement of a 3.27-acre land dedication OR a payment of $91,960 of fees in lieu of land. Payment of the $34,276 park development fee is also required.

The Parks and Recreation Board recommends acceptance of the fees in lieu of a land dedication.

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

1. Preliminary and Final Plats
2. Traffic Impact Analysis
3. Civil Plans
4. Building Plans (staff approved)

Accessibility:
The property provides direct access to N. Gateway Boulevard.

Public Notification:
Public hearing notification was published in the Forney Messenger newspaper and was mailed to adjacent property owners. Staff did not receive any public response.
Recommendation:
The Planning and Zoning Commission considered the request on April 4, 2019. The Commission voted unanimously to recommend approval.

The applicant's representative Brian Griffith was available to answer any questions that the Council might have and discussed the layout and amenities of the community.

Mayor Pro Tem Penn called for a motion to close the public hearing. Council Member Thomas made a motion to close the public hearing at 7:15 p.m. and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

Mayor Pro Tem Penn called for a motion. Council Member Powers made a motion to approve the Ordinance to amend the Meadow Ridge Planned Development to allow for amended residential standards for 18.3997 acres of property and Council Member Thomas seconded the motion. The ordinance caption was read as follows:

**ORDINANCE NO. 19-17**

**AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY AMENDING THE DEVELOPMENT STANDARDS AND PERMITTED USES OF ORDINANCE NO. 13-04, BY ADDING DEVELOPMENT STANDARDS AND A CONCEPT PLAN FOR 18.3997 ACRES OF LAND REGULATED BY ORDINANCE NO. 13-04; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

The motion passed by a vote of 6 ayes and 1 absent [Wilson].

**VIII. DISCUSSION / ACTION ITEMS**

1. Vision 2025 -- Goals and Initiatives

City Manager Carson stated that all departments are on schedule per the goals set out.

2. Discuss and consider approval of an Ordinance rezoning 108.2 acres of land from the Mixed-Use District to a Planned Development District with single-family, multi-family and commercial uses. The property is located south of the U.S. Highway 80 and F.M. 460 intersection in the City of Forney. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. The Planning and Zoning Commission voted in favor of approval of this request. It was tabled at the meeting held on April 16, 2019. Mayor Pro Tem Penn opened the floor to Brad Watson, Senior Director of Community Affairs of Vistra, the parent company of Luminant, 6555 Sierra Drive, Irving, Texas 75039. Mr. Watson stated why Luminant is against this development. Luminant must have a reliable water source. They researched moving the water lines and it is approximately $4M to just move the lines. This does not include any cost for the purchase of land/easements. Additionally, he does not believe that the Corps of Engineers would approve this. The applicant's representative, Pete Flower, 3333 Welborn #240, Dallas, Texas 75219, discussed the background of their request.

Mr. Flowers stated that he had contacted North Texas Municipal Water District and was told that a repair of the 30" water line would only take about 24 hours.
Mayor Pro Tem Penn opened the floor to Peter Rosenberg, 105 Darcie Lane in Skyline Estates. Mr. Rosenberg is against the project.

Council Member Johnson stated that he has an issue with the small residential lots in this development and cannot support it.

Council Member Thomas stated that Sheriff Beavers had found there to be no political corruption in this matter. Thomas stated that his vote will never be for sale.

Mayor Pro Tem Penn called for a motion. Council Member Powers made a motion to approve the Ordinance and Council Member Myers seconded the motion. The ordinance caption was read as follows:

**ORDINANCE NO. 19-15**

**AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 108.2 ACRES CURRENTLY ZONED MU – MIXED USE DISTRICT, IN THE I. JONES SURVEY, ABSTRACT NO. 257, AND THE J. GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, TO PD – PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH BASE ZONING DISTRICTS DESIGNATED AS SF-6 – SINGLE FAMILY RESIDENTIAL DISTRICT, MF-15 – MULTI FAMILY RESIDENTIAL DISTRICT, SF-PH – PATIO HOME DISTRICT AND GR- GENERAL RETAIL DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

The motion passed by a vote of 5 ayes; 1 nay [Johnson] and 1 absent [Wilson].

3. Discuss and consider approval of a Resolution awarding the contracts for construction and related services for the city hall security upgrade project.

IT Director Neil Cardwell discussed the background of this item. The Resolution will allow the City Manager to execute the agreements with the three contractors for the City Hall security upgrades project. Using previously created plans GFC will construct the Utility Billing area to have two secure transaction windows with communications equipment.

Cingl Communications will replace the aging network cable in the building to provide the paths for the access control and communications equipment, this will as well improve overall network stability at City Hall.

Knight Security will install the Access control equipment at City Hall, this will extend the current system used at the PD into the City Hall building and allow the extension into other city buildings if the projects resources can be extended into those areas.

GFC: $38,931.75 (Buy Board Vendor)  
Cingl Communications: $24,372.18 (Lowest of 3)  
Knight Security: $39,400 - $44,200 (For City Hall Only) other sites to be done if project funds will allow, vendor is DIR
Mayor Pro Tem Penn called for a motion. Council Member Myers made a motion to approve the Resolution and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

4. Discuss and consider approval of an Ordinance annexing an approximate 44.308 acres, 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, generally located on FM 460, south of FM 740.

City Attorney Thatcher stated that Action Items 4, 5 and 6 could be grouped together. He stated that he needs to discuss these items with Council in Executive Session. Any action will be taken after Executive Session.

5. Discuss and consider approval of an Ordinance annexing an approximate 5.00 acres, 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, generally located on FM 740, east of FM 460.

6. Discuss and consider approval of an Ordinance annexing an approximate 7.304 acres, 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, generally located on FM 740, east of FM 460.

7. Discuss and consider approval of a Resolution awarding a contract to SAR and Associates, LLC for the construction services of the Lady Liberty Monument Relocation Project, and all related issues.

CIP Manager Candy McQuiston discussed the background of this item. Statue and flag poles. The approved project site is located in the TxDOT Right of Way (ROW) on the eastbound Frontage Road of US 80 and FM 688 as you enter Forney from the west. On March 19, 2019, City Council approved an action item to allow staff to seek bid proposals for the construction of this project. The request for proposals was published in the Forney Messenger, City of Forney website, and Civcast Bid System (Bid Management & Online Bidding for civil engineers and government agencies). Qualified bids were received until April 5, 2019, for the construction of the Lady Liberty Monument.

There was a total of two qualified bidders out of the three contractors who responded to the request for the project. SAR and Associates, LLC, out of Kaufman, TX with a cost of $194,150 submitted the lowest bid with a timeframe of 75 calendar days.

The bid amount exceeded the estimated construction cost amount for the project. Several of the contractors interested in the project confirmed that some of the increases was due to the construction in the TxDOT ROW and due to the small size of the project. Also, some of the additional cost to the project was due to some crucial items needed for the project that was later discovered during design and planning.

Estimated Project Cost - $345,000
Approved funding source – Community Betterment Fund (Luminant Contribution)

Staff recommends the approval of the contract with SAR and Associates, LLC in the amount of $194,150 for this project.
Mayor Pro Tem Penn called for a motion. Council Member Johnson made a motion to approve the Resolution and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

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.

1. TxDOT will hold a meeting regarding the proposed widening of FM548 on May 28, 2019.
2. The Downtown Farmers Market will be this Saturday from 9:00 a.m. to 2:00 p.m.
3. Movies and Music in the Park begins this week.
4. The Splash Pad will open on May 24 and will be open daily from 10:00 a.m. to 8:00 p.m.
5. There will be a ribbon cutting for the new Mural at 11:00 a.m. on Thursday.

Council Member Myers asked Chief Sherwin if there were any incidents during the corn hole tournament. Sherwin advised that there were no incidents.

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 congratulated all those elected. He is glad election season is over. He congratulated Mary for being Forney's first woman mayor.

Council Member Myers congratulated everyone. Myers stated that the meetings will be different. He is happy to be back and is looking forward to the next two years. He thanked everyone for coming out tonight.

Council Member Powers congratulated everyone and gave special congratulations to Mary for being the first woman mayor. Ms. Powers asked that everyone continue to keep the family of Dan Chambliss in their prayers. He was a big part of this community and he is going to be missed. Happy Teacher's Week - this was her daughter's first year as a teacher. It is also National Nurses Week. We are going to be positive in our decisions going forward.

Council Member Moon stated that this is a great group and congratulated everyone who was elected. He told everyone to let the Council hear from them. We are here to help everybody. Mr. Moon also asked that the Chambliss Family be kept in everyone's prayers.

Council Member Johnson congratulated Mary on her historic election and thanked everyone for voting for him. Congrats to all. He already feels a difference in the air. He thanked staff for all that they do. It keeps getting better. Keep up the good work.

Council Member Thomas told staff that they do appreciate them. Council is kick-starting and we are going to work with you.
Mayor Pro Tem Penn stated she is excited and humbled by the voters putting her in this position. We are going to have some exciting things. She announced that Rick Wilson's brother passed away late last week. We have a lot of business/challenges coming up.

Mayor Pro Tem Penn announced that Council would now go into Executive Session and asked for a motion. Council Member Moon made a motion to go into Executive Session at 8:26 p.m. and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson]. City Attorney Thatcher clarified the motion stating that Council would adjourn into Executive Session under Chapter 551, Sec. 551.071 of the Texas Government Code, to discuss Action Items 4, 5 and 6.

Council returned to Chambers at 8:49 p.m. Mayor Pro Tem Penn called for a motion to adjourn out of Executive Session at that time. Council Member Johnson made a motion to adjourn out of Executive Session and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

Mayor Pro Tem Penn asked if Council had any action to be take as a result of Executive Session. Council Member Moon made a motion to table Action Items 4, 5 and 6 to the next meeting and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

There being no further business to come before the Council, Mayor Pro Tem Penn called for a motion to adjourn at 8:49 p.m. Council Member Thomas made the motion and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 24th day of May, 2019.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary