Minutes
Forney City Council
Tuesday, June 16, 2020
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

The general public can view the meeting live on our video stream at
https://www.forneytx.gov/803/Watch-Meetings. If you wish to address the Council on
any subject or in open forum at this meeting, you are required to email
dbrooks@forneytx.gov no later than Tuesday, June 16, 2020, by 3:00 p.m. You must
provide your name and telephone number and state which item(s) you wish to speak on.
You will be provided a telephone number and meeting ID which you must dial into 15
minutes prior to the scheduled meeting start time. Due to technical restrictions, those
who fail to dial into the meeting at the prescribed time may forfeit their ability to speak
at said meeting.

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:34 p.m. Present were Mayor Mary Penn, Mayor
Pro Tem Shaun Myers and Council Members Robbie Powers, Kevin Moon, Derald Cooper and
David Johnson. Council Member Mike Thomas was absent. Also present was City Manager
Tony Carson.

II. INVOCATION – COUNCIL MEMBER ROBBIE POWERS

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the June 2, 2020, City Council
   meeting.

Mayor Penn asked if Council had any changes to the minutes. There being no changes, Mayor
Penn called for a motion. Council Member Moon made a motion to approve the Minutes of the
June 2, 2020 City Council meeting and Council Member Johnson seconded the motion. The
motion passed by a vote of 6 ayes and 1 absent [Thomas].

IV. 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 awarding a contract to H&H Electrical
   Contractors, INC for the Electrical Improvements at Pump Station
   No. 2, and all related issues.

2. Consider approval of a final plat for 7-Eleven, located northeast of
   the intersection of North Gateway Blvd and North F.M. 548.

3. Consider approval of a preliminary plat for the FTW5 Addition,
   located northeast of County Road 212 and west of S. Gateway
   Boulevard.
4. Consider approval of a final plat for the FTW5 Addition, located northeast of County Road 212 and west of S. Gateway Boulevard.

5. Consider approval of a replat of Forney High School Addition, located at 1800 College Avenue.


7. Consider approval of the acceptance of public improvements for the Diamond Creek Estates Phase 3 development.

8. Consider approval of the acceptance of public improvements for the Villages of Fox Hollow Phase 2A development.

9. Consider approval of a Resolution authorizing the City Manager to execute a contract with the Kaufman County Election Administrator for the November 3, 2020, General Election and Special Election, which were postponed from May 2, 2020.

Mayor Penn announced that several people had requested to speak only if there was Council discussion on certain Consent Agenda Items. She called for David Watts to speak, but he was not available.

Mayor Penn asked Council if they wanted to pull any items from the Consent Agenda for discussion. No items were pulled, so Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the entire Consent Agenda and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Thomas].

V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing and discuss and consider approval of an Ordinance to rezone 79.362 acres of land from Agricultural District to Planned Development District with a base zoning district designated as Light Industrial. The property is situated in the S. Smith Survey, Abstract No. 450, located northeast of County Road 212 and west of S. Gateway Boulevard in the City of Forney. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. Mr. Jonathan Stites, representing the property owner, requests approval of a rezoning for 79.362 acres of property located northeast of County Road 212 and west of S. Gateway Boulevard. The purpose of the rezoning is to establish a planned development district, identified as Project Hummingbird/FTW5, with standards for light industrial development of a distribution center.

Current Standards:
The 79.362-acre property is currently vacant and undeveloped. The property is zoned within the Agricultural District, but the zoning application proposes to rezone the property to a Planned
Development. The Goodyear distribution center is located to the north and the Amazon distribution center is located to the east. Agricultural zoned property borders to the south.

Rezoning Request:
The requested zoning intends to replace the existing Agricultural zoning with a planned development that would incorporate a base zoning district of Light Industrial. The development standards list the permitted uses as being distribution center, outside storage (including vehicle and trailer storage), and exterior hydrogen cell fuel tanks (as shown on the site plan). The site plan shows the design for a 1,077,416 square foot distribution center. The site plan shows a substantial amount of parking and loading areas, with the following:

- Car Parking: 964 spaces
- ADA Car Parking: 18 spaces
- ADA Van Parking: 4 spaces
- Motorcycle Parking: 16 spaces
- Box Truck Loading: 125 spaces
- Truck Parking: 389 spaces

The north side of the site provides the vehicle parking and the office building space. Truck loading and parking is focused on the west and south sides of the building. The site provides a direct connection to S. Gateway Boulevard and to Akron Way, extended with this project. The site plan is designed in accordance with the proposed plan development standards, which are being considered with this zoning request. The proposed standards allow for a building height up to 60 feet (site plan shows 45 feet, 9 inches) and the elevation plan complies with national building code.

The landscaping plan does provide the required quantity of trees, and street trees are provided along all three major street frontages. The screening exhibit shows a concrete wall on the west and south sides of the property. Proposed signage areas are designed in accordance with the proposed planned development standards.

Staff has reviewed the traffic impact analysis and does not have major concerns. The site will have regular truck traffic, which will be routed to and from the Gateway Bridge connection to U.S. Highway 80.

The development standards state specifically that truck stacking along the westernmost private drive will not extend beyond the planned development overlay district boundary and obstruct traffic along Akron Way.

Notification of the zoning request was published in the Forney Messenger Newspaper and was mailed to adjacent property owners in accordance with zoning requirements. Staff has not received any public response.

Comprehensive Plan:
The Future Land Use Map, provided within the 2016 Comprehensive Plan, identifies the property as being split between townhome/multi-family residential and having no designation. These classifications are provided to assist with zoning consideration.

On June 4, 2020, the Planning and Zoning Commission voted 6-0 to recommend approval.
Council Member Johnson asked about the flow of traffic for the trucks. Morgan stated they will be routed to and from the Gateway Bridge connection to U.S. Highway 80.

Mayor Penn opened the floor to anyone who wished to address the Council at this time. No one wished to speak, so Mayor Penn closed the open forum session.

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

**ORDINANCE NO. 20-27**

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 79.362-ACRE TRACT OF LAND SITUATED IN THE S. SMITH SURVEY, ABSTRACT NO. 450, CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, FROM AG-

AGRICULTURAL DISTRICT TO PD-PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS LI-LIGHT INDUSTRIAL 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 6 ayes and 1 absent [Thomas].

VI DISCUSSION / ACTION ITEMS

1. Discuss and consider approval of a site plan for the FTW5 Addition, located northeast of County Road 212 and west of S. Gateway Boulevard.

Community Development Director Morgan discussed the background of this item. Mr. Jonathan Stites, representing the property owner, requests approval of a site plan for 79.362 acres of property located northeast of County Road 212 and west of S. Gateway Boulevard. The purpose of the request is to establish the site design for a distribution center.

Current Standards:
The 79.362-acre property is currently vacant and undeveloped. The property is zoned within the Agricultural District, but the zoning application proposes to rezone the property to a Planned Development. The Goodyear distribution center is located to the north and the Amazon distribution center is located to the east. Agricultural zoned property borders to the south.

Site Plan:
The requested zoning for this property intends to replace the existing Agricultural zoning with a planned development that incorporates a base zoning district of Light Industrial. The development standards state the permitted uses as being distribution center, outside storage (including vehicle and trailer storage), and exterior hydrogen cell fuel tanks (as shown on the site plan). The site plan shows the design for a 1,077,416 square foot distribution center. The site plan shows a substantial amount of parking and loading areas, with the following:

<table>
<thead>
<tr>
<th>Parking Type</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Parking</td>
<td>964 spaces</td>
</tr>
<tr>
<td>ADA Car Parking</td>
<td>18 spaces</td>
</tr>
<tr>
<td>ADA Van Parking</td>
<td>4 spaces</td>
</tr>
<tr>
<td>Motorcycle Parking</td>
<td>16 spaces</td>
</tr>
</tbody>
</table>
Box Truck Loading 125 spaces
Truck Parking 389 spaces

The north side of the site provides the vehicle parking and the office building space. Truck loading and parking is focused on the west and south sides of the building.

The site provides a direct connection to S. Gateway Boulevard and to Akron Way, extended with this project. The site plan is designed in accordance with the proposed plan development standards, which are being considered with this zoning request. The proposed standards allow for a building height up to 60 feet (site plan shows 45 feet, 9 inches) and the elevation plan complies with national building code.

The landscaping plan does provide the required quantity of trees, and street trees are provided along all three major street frontages. The screening exhibit shows a concrete wall on the west and south sides of the property. Proposed signage areas are designed in accordance with the proposed planned development standards.

Staff has reviewed the traffic impact analysis and does not have major concerns. The site will have regular truck traffic, which will be routed to and from the Gateway Bridge connection to U.S. Highway 80. The development standards state specifically that truck stacking along the westernmost private drive will not extend beyond the planned development overlay district boundary and obstruct traffic along Akron Way.

On June 4, 2020, the Planning and Zoning Commission voted 6-0 to recommend approval.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the site plan and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Thomas].

2. Discuss and consider cancelling the July 7, 2020, regularly scheduled meeting of the City Council.

City Manager Carson discussed this item. Mr. Carson stated that he had talked with Staff regarding this cancellation and that there is no city business that would be adversely affected by it. Mayor Penn called for a motion. Council Member Powers made a motion to cancel the July 7, 2020 City Council meeting and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Thomas].

3. Discuss and consider action related to the Declaration of State of Disaster and Public Health Emergency, and all related issues.

City Manager Carson discussed this item and asked Kyle Rouvaldt to discuss the Splash Pad. Rouvaldt advised that they found the leak and it was fixed and that the Splash Pad is available to open. Council decided to go ahead and have it open. Carson advised that it would take a few days to get it opened up and we will get Zach to put it out on social media when it is open.

City Attorney Thatcher stated that at the Governor's Press conference this afternoon, that the Governor had stated that there is an upturn in the number of Covid cases. Be sure to maintain social distancing and wear masks. Thatcher stated it is important that we lean to cope as a society. Stay home, wear masks and practice social distancing, especially with upcoming events.
VII. OPEN FORUM/CITIZEN COMMENTS

This is the public’s opportunity to address the City Council on any matter related to the City. In accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss, consider, or take action on matters not listed on the agenda. The City Council will receive citizen comments on non-agenda items, 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.

One person had signed up to speak in open forum, but he was not available tonight. There being no one to speak, Mayor Penn closed the open forum session.

VIII. 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 announced that there will be two Music in the Park events, one this coming Friday (Memphis Soul) and one the following Friday (Bad Moon Rising). They will be held in the Amphitheater and food will be available inside the Amphitheater.

We will also be holding an event on July 4th at Community Park. The fireworks show will be at 9:30 p.m.

Carson also announced that Trace Adkins will perform live at the Spellman Amphitheater on September 26, 2020.

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 Johnson stated that it has been a trying time. He is excited about our first big concert – Trace Adkins.

Council Member Cooper stated he is excited about the concerts. He thanked city employees for all their hard work.

Council Member Moon had no comments.

Council Member Powers thanked staff for all they do.

Mayor Pro Tem Myers stated he is also excited about Trace Adkins coming to Forney. He thanked Amazon for coming to Forney — that is about 800-1000 jobs. He thanked Council and staff for their hard work. He wished everyone a nice month. See you in late July.

Mayor Penn stated she is also excited about the concerts and the July 4th event; the additional summer concerts; and the FTW5 addition. There is vigil tonight for the 2 girls who were murdered. She stated we are all grieving and thanked everyone for their prayers. We are all there for each other.
There being no further business to come before the Council, Mayor Penn called for a motion to adjourn at 7:03 p.m. Council Member Johnson made a motion to adjourn the meeting and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Thomas].


ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary