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Minutes
Forney City Council
Tuesday, April 17, 2018
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, Council Members Cory McGee, Shaun Myers, Robbie Powers and David Johnson. Council Member Kevin Moon and Mayor Pro Tem Mary Penn were absent. Also present was Interim City Manager Wendle Medford.

II. INVOCATION / PLEDGE OF ALLEGIANCE – Mayor Rick Wilson

Ms. Judy Kennedy from the Mustang Creek Community Church gave the invocation and Mayor Rick Wilson led the Pledge of Allegiance.

III. 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 matter. The following persons came forward to address the Council.

Mr. Pat Adams
2500 Chantilly Court
Heath, Texas 75032

Mr. Adams discussed the land development issues on the Gateway Project. He is requesting that the city renegotiate the agreement, he expressed his concerns about tax payers and his opposing viewpoints regarding this project.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the March 20, 2018, City Council meeting.

Mayor Wilson asked Council if they had any changes to the Minutes. There being no changes, Mayor Wilson called for a motion. Council Member Johnson made a motion to approve the Minutes and Council Member Powers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Moon and Penn].

2. Consider approval of the Minutes from the March 27, 2018 Special Workshop with TxDOT.

Mayor Wilson asked Council if they 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

52 and Council Member Johnson seconded the motion. The motion passed by a vote of 4 ayes and
53 1 abstention [McGee].

54
55 **3. Consider approval of the Minutes from the April 3, 2018 City Council**
56 **meeting.**

57
58 Mayor Wilson asked Council if they had any changes to the Minutes. There being no
59 changes, Mayor Wilson called for a motion. Council Member McGee made a motion to
60 approve the Minutes and Council Member Myers seconded the motion. The motion
61 passed by a vote of 5 ayes and 2 absent [Moon and Penn].

62
63 **V. CONSENT AGENDA**

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

- 66
67 **1. Consider approval of the acceptance of public improvements for**
68 **Eagle Ridge Phase 3.**
69
70 **2. Consider approval of the site plan for Primrose School, located west**
71 **of Reeder Lane and north of Whaley Drive.**
72
73 **3. Consider approval of a revised site plan for the Kroger Drive North**
74 **Addition, located north of Kroger Drive and west of F.M. 548 in the**
75 **City of Forney, Texas.**
76
77 **4. Consider approval of an awning at 203 and 205 N. Bois D'Arc Street**
78 **in the City of Forney, Texas.**

79
80 Mayor Wilson asked if Council would like to pull any items listed on the Consent Agenda. There
81 being no items to pull, Mayor Wilson called for a motion. Council Member Johnson made a motion
82 to approve the Consent Agenda and Council Member McGee seconded the motion. The motion
83 passed by a vote of 5 ayes and 2 absent [Moon and Penn].

84
85 **VI. PUBLIC HEARING / ACTION ON PUBLIC HEARING ITEMS**

- 86
87 **1. Hold a public hearing and discuss and consider approval of an**
88 **Ordinance amending the City of Forney Comprehensive Zoning**
89 **Ordinance to amend the zoning designation for self-storage uses.**

90
91 Mayor Wilson called for a motion to go into a public hearing at 6:40 p.m. Council Member Powers
92 made a motion to open the public hearing and Council Member McGee seconded the motion.
93 The motion passed by a vote of 5 ayes and 2 absent [Moon and Penn].

94
95 Peter Morgan, Director of Community Development, discussed the background of this item. He
96 discussed how Self-storage facilities provide minimal economic impact and the purpose of the
97 amendment how it is to remove self-storage/mini-warehouse as a use that is permitted by the
98 right in the Light-Industrial district and with a Conditional Use Permit in Commercial and Mixed-
99 Use, and to only allow it as permitted with the approval of a Conditional Use Permit in the Light-
100 Industrial zoning district.

102 Morgan then stated that the amendment does not prohibit the use, it does allow Planning and
103 Zoning Commission and City Council to use the Conditional Use Permit approval process to
104 consider specific requests on a case by case basis.

105
106 On March 8, 2018 the Economic Development Corporation recommended approval and on April
107 5, 2018 the Planning and Zoning Commission recommended approval by a 7-0 vote.

108
109 There being no comments from the public, Mayor Wilson called for a motion to close the public
110 hearing at 6:42 p.m. Council Member Myers made a motion to close the public hearing and
111 Council Member McGee seconded the motion. The motion passed by a vote of 5 ayes and 2
112 absent [Moon and Penn].

113
114 Mayor Wilson then entertained a motion to approve the amended Conditional Use Permit. Council
115 Member McGee made a motion to approve and Council Member Johnson seconded the motion.
116 The ordinance caption was read as follows:

117
118 **ORDINANCE NO. _____**

119
120 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
121 **ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE IV,**
122 **"USE REGULATIONS," SECTION 37, "USE REGULATIONS (CHARTS)," BY AMENDING THE**
123 **MINIWAREHOUSE/SELF STORAGE ZONING DISTRICT DESIGNATIONS; PROVIDING A**
124 **SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER**
125 **CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN**
126 **EFFECTIVE DATE.**

127
128 The motion passed by a vote of 5 ayes and 2 absent [Moon and Penn].

- 129
130 **2. Hold a public hearing and discuss and consider approval of an**
131 **Ordinance rezoning 1 acre of property from Agricultural district to**
132 **Commercial district. The property is located north of Don T. Cates**
133 **Drive and east of N. F.M. 548**

134
135 Mayor Rick Wilson called for a motion to go into public hearing at 6:44 p.m. Council Member
136 McGee made a motion to go into a public hearing and Council Member Myers seconded the
137 motion. The motion passed by a vote of 5 ayes and 2 absent [Moon and Penn].

138
139 Peter Morgan, Director of Community Development, discussed the background of this item. He
140 gave a brief overview of the current standards and the rezoning request. He stated that the
141 rezoning request of 1 acre is to change from agricultural to commercial and that the intent is to
142 remodel the property to be used as a convenience store including gasoline sales and a car wash.
143 He also mentioned that if the property is rezoned, a site plan would need to be approved by City
144 Council prior to any use occupying the property.

145
146 There being no comments from the public, Mayor Wilson called for a motion to go out of public
147 hearing at 6:49 p.m. Council Member Johnson made a motion to go out of public hearing and
148 Council Member Myers seconded the motion. The motion passed with 5 ayes and 2 absent [Moon
149 and Penn].

150
151 Mayor Wilson called for a motion on this item. Council Member Myers made a motion to approve
152 the Rezoning Ordinance and Council Member McGee seconded the motion. The Ordinance
153 caption was read as follows:

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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY APPROVING THE ZONING ON APPROXIMATELY 1.00 ACRE OF LAND SITUATED IN THE S. SMITH SURVEY, ABSTRACT NO. 450, FROM AG-AGRICULTURAL DISTRICT TO C- COMMERCIAL 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 and 2 absent [Moon and Penn].

VII. DISCUSSION / ACTION ITEMS

1. Discuss and consider approval of an ordinance changing the speed limits on FM 548 within the City of Forney.

Police Chief Rob Sherwin gave a brief overview on the speed zone study of F.M. 548 within the city limits of Forney that was completed by the Texas Department of Transportation (TxDOT).

The Texas Department of Transportation (TxDOT) recommends changing the speed limits in four (4) zones within the city in order to proceed with the changing of the speed limits, TxDOT requires a signed city ordinance matching the zones on the speed study.

Mayor Wilson called for a motion. Council Member McGee made a motion to approve this item and Council Member Johnson seconded the motion. The ordinance caption was read as follows:

ORDINANCE NO. 18-____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON FM 548 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF FORNEY, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE.

The motion passed by a vote of 5 ayes and 2 absent [Moon and Penn].

2. Discuss and consider a Resolution approving a Professional Services Agreement for Wastewater System Hydraulic Model with Burgess & Niple, Inc., and all related issues.

Candy McQuiston, Capital Improvements Manager (CIP) gave a brief overview on this item and requested approval to enter into a Professional Services Agreement with Burgess & Niple Inc., to perform the Capacity, Management, Operation, and Maintenance (CMOM) monitoring and modeling of the City of Forney’s sewer system as required by the CMOM agreement with both Texas Commission on Environmental Quality (TCEQ) and North Texas Municipal Water District (NTMWD). The Professional Services Agreement has been reviewed and approved by Legal. The funding for this item was approved in the approved FY 2018 Public Works Budget. The City will only be invoiced for the work performed on this project.

Burgess & Niple associates Lee Certa and Michelle Lax provided a presentation to Council and Staff. Council Member Johnson is in support of this item and mentioned that it is essential that we deliberate and expressed his concerns about cost increase and the lack of good positive integrity of wastewater.

209 Staff recommends the approval of this agreement not to exceed the amount of \$450,008.00 for
210 the above-referenced project

211
212 Mayor Wilson called for a motion on this item. Council Member Johnson made a motion to
213 approve the Professional Services Agreement for Wastewater System Hydraulic Model with
214 Burgess & Niple Inc., and all related issues and Council Member Myers seconded the motion.

215
216 The motion passed unanimously by a vote of 5 ayes and 0 nays.

217
218 **3. Discuss and consider Schrickel, Rollins and Associates Proposal for**
219 **professional services and take any action necessary.**

220
221 Richard Curry, Director of Parks and Recreation discussed this item. Curry reminded the Council
222 that this was a recent discussion at the Council Retreat in Frisco. Curry spoke about the graphic
223 depiction of proposed park facilities for the newly dedicated property on the North side of town
224 and went over the changes it would mean to Forney Community Park and the future of Mulberry
225 Park. Curry mentioned that they did ask for citizen's input on the parks plan for both active and
226 passive parks. The next step would be to provide conceptual drawings in accordance with the
227 Parks, Recreation and Open Spaces plan for sustainable and continuous growth.

228
229 Staff recommends approval of this proposal. The Parks Board voted unanimously (4-0) to approve
230 the Basic Professional Services Package.

231
232 Council Member Myers inquired on if ideas for the parks are needed now or when the concept
233 plan is accepted and would like to get the Synergy Group for Fisd involved. Council Member
234 McGee inquired on the park survey and a cost estimate of an aquatic center or event center to
235 host indoor concerts, graduation, trade shows, venues and convention center. Council Member
236 McGee also requested a workshop to get the public/citizen input.

237
238 Mayor Wilson called for a motion on this item. Council Member Powers made a motion to approve
239 Schrickel, Rollins and Associates Proposal for professional services and Council Member McGee
240 seconded the motion.

241
242 The motion passed by a vote of 5 ayes and 2 absent [Moon and Penn].

243
244 **4. Consider approval of a preliminary plat for Trinity Crossing, a**
245 **residential subdivision located west of F.M. 460 and south of F.M. 740**
246 **in the City of Forney, Texas, extra-territorial jurisdiction.**

247
248 Peter Morgan, Director of Community Development gave a brief overview of this item. Matthew
249 Lee, representing the property owner, requests approval of a preliminary plat for Trinity Crossing.
250 The purpose of the preliminary plat is to establish the lots and easements required for the
251 development of a residential subdivision in the City of Forney extra-territorial jurisdiction (ETJ).

252
253 On March 1, 2018, the Planning and Zoning Commission recommended approval by a 5 to 2
254 (Lemons, Carr) vote. This item was tabled at the March 20, 2018, City Council meeting. Staff
255 contacted TxDOT to discuss the traffic impact analysis. All phases of this specific development
256 were considered during the TIA approval, but TxDOT policy does not require consideration of the
257 surrounding developments.

258

259 Council Member McGee asked if the ETJ meets the stone and mortar brick requirements. Peter
260 Morgan stated that no zoning standards follow due to the ETJ located outside the city limits.
261 Council Member McGee inquired on a traffic light being placed at the intersection of Clements
262 and 460. Mayor Wilson addressed his concerns with TxDOT, traffic concerns and no room for
263 police/fire trucks. This is a safety concern and there is no public benefit to this.
264

265 Mayor Wilson called for a motion on this item. Council Member Myers made a motion to approve
266 the preliminary plat for Trinity Crossing and Council Member Powers seconded the motion.
267

268 The motion passed by a vote of 3 ayes, 2 nays [Wilson, McGee] and 2 absent [Moon and Penn].
269

270 **5. Discuss and consider approval of a final plat for Gateway Parks**
271 **Addition, Phase 7, located southwest of the County Road 212 and**
272 **Helms Trail (County Road 211) intersection in the City of Forney,**
273 **Texas.**
274

275 The Developer had requested that this item be pulled.
276

277 **VIII. CITY MANAGER'S REPORT**

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

281
282 Interim City Manager Wendle Medford announced the following:

283
284 May 1st City Council Meeting will start at 5:30 p.m.
285

286 The construction project on Redbud Lane for the testing of gas lines should be complete in 2018.
287

288 The Aimee Street Water Tower contract has begun, and contractors will be working on the
289 weekends.
290

291 **Upcoming Special Events:**

292
293 Movies in the Park.
294

295 **IX. COUNCIL COMMENTS**

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

299
300 Council Member McGee had no comments.
301

302 Council Member Myers thanked everyone for coming out and asked that we keep Mayor Pro Tem
303 Mary Penn in our prayers. She had a death in the family.
304

305 Council Member Powers thanked everyone for coming out tonight. She has been spending some
306 time with the Sharing the Love Foundation and requested if everyone could reach out and donate
307 to the foundation that would be great.
308

309 Mayor Wilson thanked everyone for coming out and expressed his appreciation for the citizen
310 input. He also mentioned the Chamber Auction on April 28th.

311
312 Council Member Johnson thanked everyone for coming out. He thanked Staff for their hard work.
313
314 There being no further business to come before the Council, Mayor Wilson adjourned the meeting
315 at 8:11 p.m.
316

317 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
318 **TEXAS, this _____ day of _____, 2018.**

319
320
321
322 **_____**
Rick Wilson, Mayor

323 **ATTEST:**
324
325 **_____**
326 **Dorothy Brooks, TRMC, CMC, City Secretary**
327