

**AGENDA**  
**FORNEY CITY COUNCIL**  
**Tuesday, March 19, 2019**  
**6:30 p.m. Regular Meeting**  
City Hall, 101 E. Main Street, Forney, Texas 75126  
**AMENDED**

**I. CALL TO ORDER**

**II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER ROBBIE POWERS**

**III. PROCLAMATIONS / PRESENTATIONS**

1. Presentation of Annual Audit.

Documents:

[Item Summary CAFR Presentation.pdf](#)  
[Comprehensive Annual Financial Report 2018.pdf](#)  
[Required Communication with Governance 2018.pdf](#)

**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.

**V. APPROVAL OF MINUTES**

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

Documents:

[03-05-19 MINUTES.pdf](#)

**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.

Documents:

[D20190311 2019 ACSC Membership Resolution Summary Form.pdf](#)  
[D20190311 ACSC Membership 2019 Resolution.pdf](#)  
[2019 ACSC Invoice-Forney.pdf](#)  
[2019 MASTER ACSC List of Cities 178 Total \(2019.01.29\).pdf](#)  
[ACSC 2018 Year End Review.pdf](#)

2. Consider approval of a Resolution authorizing the City Manager to execute a contract

with AT&T Communications for establishing new phone service.

Documents:

[ATT 7237413.pdf](#)  
[ATT 7237414.pdf](#)  
[City of Forney IP Flex DIR vs. Non DIR Comparison - 250M w IP Flex.pdf](#)  
[ITEM SUMMARY - ATT CONTRACT.pdf](#)  
[Signature Page 7237415.pdf](#)

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.

Documents:

[Item Summary -- 2019 Stone Creek Professional Services Contract Summary Report.pdf](#)  
[D20190304 Resolution Renewing Vet Services Agreement.pdf](#)  
[stone creek vet hospital professional services agreement.pdf](#)

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.

Documents:

[Item Summary-Forney Marketplace Preliminary Plat.pdf](#)  
[Exhibit-Forney Marketplace Preliminary Plat.pdf](#)

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.

Documents:

[Item Summary-Gateway Phase 4 Preliminary Plat.pdf](#)  
[Exhibit-Gateway Phase 4 Preliminary Plat.pdf](#)

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.

Documents:

[Item Summary-Gateway Phase 4 Site Plan.pdf](#)  
[Exhibits-Gateway Phase 4 Site Plan.pdf](#)

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.

Documents:

[Item Summary-Panera Site Plan.pdf](#)  
[Exhibits-Panera Site Plan.pdf](#)

8. Consider approval of a site plan for the Larke Lopez Hair Salon, located at 112 Trinity Street.

Documents:

[Item Summary-112 Trinity Street Site Plan.pdf](#)  
[Exhibits-112 Trinity Street Site Plan.pdf](#)

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.

Documents:

[Item Summary - Lady Liberty Project 03.19.209.pdf](#)  
[Project Scope and Schedule.pdf](#)  
[Location Site Exhibit.pdf](#)  
[Lady Liberty Design Concept.pdf](#)  
[Cost Estimate Update by RAD 03.13.2019.pdf](#)

## **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 0 S FM 740, south of Dalview Drive.

Documents:

[D20190312 Annexation 1st Public Hearing Summary Form - 250.5942 Acres Kate Pinson McKellar Estate et al.pdf](#)  
[Map 6471a.pdf](#)  
[Map 6471b.pdf](#)

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 0 FM 460, south of the intersection of FM 740 and FM 460.

Documents:

[D20190312 Annexation 1st Public Hearing Summary Form - 44.308 Acres Riggs.pdf](#)  
[Map 6414.pdf](#)

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.

Documents:

[D20190312 Annexation 1st Public Hearing Summary Form - 45.00 Acres TRBP Limited.pdf](#)  
[Map 196884.pdf](#)

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 0 FM 740, south of the intersection of FM 740 and FM 460.

Documents:

[D20190312 Annexation 1st Public Hearing Summary Form - 5.00 Acres John Gibson.pdf](#)  
[Map 6583.pdf](#)

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 0 FM 740, south of the intersection of FM 740 and FM 460.

Documents:

[D20190312 Annexation 1st Public Hearing Summary Form - 7.304 Acres John Gibson.pdf](#)  
[Map 6582.pdf](#)

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]

Documents:

[Item Summary - Public Hearing Thoroughfare Plan 03.19.2019.pdf](#)  
[Ordinance - Thoroughfare Plan\\_Legal Review.pdf](#)  
[03.15.2019 Forney Thoroughfare Plan Report- DRAFT.pdf](#)  
[03.15.2019 Proposed Thoroughfare Plan ANSI E Size1.pdf](#)

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

Documents:

[Item Summary-Concrete Exception.pdf](#)  
[Exhibit-Concrete Exception.pdf](#)

8. Hold a public hearing and 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]

Documents:

[Item Summary-Wellington Ridge PD.pdf](#)  
[Exhibits-Wellington Ridge PD.pdf](#)

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]

Documents:

## VIII. DISCUSSION / ACTION ITEMS

### 1. Vision 2025 -- Goals and Initiatives

Documents:

[City of Forney Goals and Initiatives\\_v2.pdf](#)

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

Documents:

[Item Summary-City Exception.pdf](#)  
[Exhibit-City Exception.pdf](#)

### 3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code 551.074):

a. Presiding Municipal Court Judge

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

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

### 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:**

- Department Reports (Fire, Police, Municipal Court, Finance)
- Citizen Complaints -- Actions taken or to be taken
- Upcoming Special Events
- Personnel Changes
- Commendations
- Public Works/Streets Projects, Repairs or Construction
- Park Issues
- Inspection Issues
- CIP Projects

Documents:

[municipal rpt 3-11-19.pdf](#)

## **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:**

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

## **XI. EXECUTIVE SESSION**

**PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:**

1. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code 551.074):
  - a. Presiding Municipal Court Judge
2. Consult with legal counsel regarding pending or contemplated litigation or a settlement offer and/or matters in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code (Tex. Gov't Code Section 551.071):
  - a. Don and Laurie Cox, 22 Estate Lane - Claim for Damages
  - b. Growth Management Plan
3. 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

## **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.**

## **XIII. ADJOURNMENT**

In addition to any executive session already listed above, the City Council of the City of Forney reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized the Texas Government Code for the following purposes:

Section 551.071 – Consultation with Attorney  
Section 551.072 – Deliberations regarding Real Property  
Section 551.073 – Deliberation regarding Prospective Gift  
Section 551.074 – Personnel Matters  
Section 551.076 – Deliberations regarding Security Devices  
Section 551.087 – Deliberations regarding Economic Development Negotiations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 972-564-7302 or FAX 972-564-7349 for further information. Braille is not available.

I, Dorothy Brooks, City Secretary for the City of Forney, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 15th day of March, 2017, at 5:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.