

Minutes
Forney City Council
Tuesday, January 22, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

Mayor Wilson called the order at 6:30 p.m. Present were Mayor Rick Wilson, Mayor Pro Tem Mary Penn and Council Members Shaun Myers, Robbie Powers, Kevin Moon and David Johnson. Council Member Cory McGee was absent. Also present was City Manager Tony Carson.

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

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 subject not on tonight's agenda. No one came forward to address the Council, so Mayor Wilson closed the open forum session.

IV. DISCUSSION ONLY ITEMS

1. Thoroughfare Plan Update

Mr. Jody Short with Lee Engineering provided the City Council and Staff with a brief Power Point Presentation regarding the Thoroughfare Plan Overview. The Thoroughfare planning assures development of street system to meet current and future growth. The Thoroughfare Plan will need to be reviewed every five (5) years to ensure that it remains up-to-date and reflective of existing conditions. A few Planned Projects that were mentioned in tonight's meeting were Redbud Drive Reconstruction-in construction phase- Estimated project cost \$5.1 million and Trailhouse Roadway (new construction)-design phase- estimated project cost \$4.4 million. Mr. Short stated that the City of Forney does not control funding or time line of these projects.

Council Member Johnson inquired on if the design would be a curved or flat median. Council Member Myers suggested that he would like to see CR 212 extend to the bridge on Hwy 80 and not just Gateway Blvd. Myers also mentioned that he would like to see Holly Leaf and Regal intersect with Hwy 80 as well.

V. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the January 8, 2019, 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 Myers made a motion to approve the Minutes from the January 8, 2019, City Council Meeting and Mayor Pro Tem Penn seconded the motion. The motion passed by a vote of 4 ayes, 1 abstain [Johnson] and 1 absent [McGee].

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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 approval of a preliminary plat for Victorian Village on Main Street, located northeast of the intersection of E. Main Street and Chestnut Street.**
2. **Consider approval of a final plat for Victorian Village on Main Street, located northeast of the intersection of E. Main Street and Chestnut Street.**
3. **Consider approval of a preliminary plat for the Goodyear Addition, located at the southwest corner of S. Gateway Boulevard and U.S. Highway 80.**
4. **Consider a Resolution awarding a contract to Atkins Brothers for construction services for the Aimee Street Sanitary Services Project, and all related issues.**
5. **Consider a Resolution awarding a contract to Iron T Construction for construction services for repairs at the detention pond north of Highway 80 and east of FM 548, adjacent to Lowe’s Home Improvement store, and all related issues.**
6. **Consider and approve a reduction of the Right-of-Way on Reeder Road.**

Mayor Wilson asked if Council wished to pull any items from the Consent Agenda. No items were pulled, so Mayor Wilson asked for a motion. Mayor Pro Tem Penn made a motion to approve all the Consent Agenda Items and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. **Hold a public hearing and discuss and consider approval of an Ordinance to rezone property from Agricultural District to Planned Development District with a base zoning of General Retail District. The property consists of approximately 5 acres located east of S. F.M. 548 and north of the Grayhawk Planned Development.**

Mayor Wilson called for a motion to open the public hearing. Council Member Johnson made a motion to open the public hearing at 6:46 p.m. and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

Community Development Director Peter Morgan discussed the background of this item. This property was annexed on June 13, 2018 and consists of approximately 5 acres located east of S. F.M. 548 and north of the Grayhawk Planned Development. The property is currently vacant and undeveloped. The purpose of this rezoning request is to change the zoning from Agricultural District to Planned Development District., with a base zoning of General Retail District. On October 4, 2018, the request was first considered at the Planning and Zoning Commission meeting. During the meeting two (2) residents spoke in opposition to the request, stating concerns with traffic, light pollution, noise, and suitability of the use. The Planning and Zoning Commission tabled the item so

107 that staff could propose a Planned Development to the applicant. The Planned Development would
108 be to approve the zoning with specific regulations that would address some of the resident's
109 concerns. The applicant declined to revise the request at that time and requested that the Planning
110 and Zoning Commission then change it to reflect General Retail.

111
112 On November 8, 2018, the Planning and Zoning Commission declined to act on the straight zoning
113 request. The applicant appealed to City Council and on November 20, 2018, the City Council voted
114 6-1 to table the item and recommended a Planned Development.

115
116 The applicant is now requesting the Planned Development. The request includes development
117 standards and a site plan. The development standards include some staff recommended revisions
118 to the base zoning:

- 119
120 1. Permitted uses are only those that are permitted by right within the General Retail
121 District (according to the Comprehensive Zoning Ordinance);
- 122
123 2. Automobile headlight landscape screening is required for parking spaces that face the
124 F.M. 548/Walnut Lane right-of-way;
- 125
126 3. The allowable maximum intensity of light measured at the side and rear property lines
127 shall be 0.25-foot candles;
- 128
129 4. Sidewalks along the front façade shall consist of pavers, decorative stamped or stained
130 concrete, or patterned and color stamped or stained concrete; and
- 131
132 5. Outdoor storage is prohibited.

133
134 The City of Forney Comprehensive Plan was adopted in June 2016. The Future Land Use Map,
135 detailed in Chapter 5 of the Comprehensive Plan, does not provide a future land use for this property
136 since it was previously located outside Forney city limits.

137
138 The City of Forney Comprehensive Zoning Ordinance provides the following factors for the City
139 Council to consider in making a zoning determination:

- 140
141 1. Whether the uses permitted by the proposed change will be appropriate in the
142 immediate area concerned, and their relationship to the general area and to the City as a
143 whole;
- 144
145 2. Whether the proposed change is in accord with any existing or proposed plans for
146 providing public schools, streets, water supply, sanitary sewers, and other utilities to the
147 area;
- 148
149 3. The amount of vacant land currently classified for similar development in the vicinity
150 and elsewhere in the City, and any special circumstances which may take a substantial
151 part of such vacant land unavailable for development;
- 152
153 4. The recent rate at which land is being developed in the same zoning classification as
154 the request, particularly in the vicinity of the proposed change;
- 155
156 5. How other areas designated for similar development will be, or are likely to be, affected
157 if the proposed amendment is approved; and

159 6. Any other factors which will substantially affect the public health, safety, morals or
160 general welfare.

161
162 If the zoning is approved, future development of the property will require approval of:

- 163 1. Site Plan
- 164 2. Preliminary Plat
- 165 3. Final Plat
- 166 4. Building Plans (staff approved)

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168
169 The Planning and Zoning Commission considered the request on January 3, 2019. The Commission
170 voted 7-0 to recommend approval with the following stipulations:

- 171 1. All tree species shall be selected from the Comprehensive Zoning Ordinance
172 approved plant list;
- 173 2. Exterior building materials must be clearly labeled on the building elevation
174 plan;
- 175 3. A traffic impact analysis must be completed and approved prior to final plat
176 approval;
- 177 4. Dense, opaque, landscape screening must be provided between the
178 development and the property line adjacent to the Grayhawk residential
179 subdivision; and
- 180 5. The dumpster must be relocated to the rear northside (opposite) corner of the
181 property.

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188 Mayor Wilson opened the floor to anyone in the audience who wished to speak on this matter. No
189 one from the public came forward to address the Council. Mayor Wilson expressed his concerns with
190 the pump station and asked if it could possibly be relocated. Council Member Johnson expressed
191 his concerns with the gas pipe lines. Peter Morgan stated that he would look into these issues and
192 get back with Council.

193
194 Mayor Wilson called for a motion to adjourn out of public hearing. Council Member Powers made a
195 motion to adjourn out of public hearing at 6:54 p.m. and Council Member Myers seconded the motion.
196 The motion passed by a vote of 6 ayes and 1 absent [McGee].

197
198 Mayor Wilson called for a motion for Public Hearing Item No. 1. Council Member Powers made a
199 motion to approve Public Hearing Item No. 1 with the following stipulations:

- 200 1. All tree species shall be selected from the Comprehensive Zoning Ordinance
201 approved plant list;
- 202 2. Exterior building materials must be clearly labeled on the building elevation
203 plan;
- 204 3. A traffic impact analysis must be completed and approved prior to final plat
205 approval;

- 210 4. Dense, opaque, landscape screening must be provided between the
211 development and the property line adjacent to the Grayhawk residential
212 subdivision; and
213
214 5. The dumpster must be relocated to the rear northside (opposite) corner of the
215 property.
216

217 Council Member Moon seconded the motion. The Ordinance caption was read as follows:

218 CITY OF FORNEY, TEXAS

219 ORDINANCE NO. _____
220

221 AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING
222 ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON
223 APPROXIMATELY 5.00 ACRES OF LAND IN THE M. MUSICK SURVEY, ABSTRACT NO. 312, IN
224 THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, FROM AG – AGRICULTURAL DISTRICT TO
225 PD – PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT
226 DESIGNATED AS GR – GENERAL RETAIL DISTRICT; PROVIDING A SEVERABILITY CLAUSE;
227 PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY
228 CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.
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232 The motion passed by a vote of 6 ayes and 1 absent [McGee].
233

234 **VIII. DISCUSSION / ACTION ITEMS**

235 **1. Vision 2025 - Goals and Initiatives**

236 City Manager Tony Carson stated that there were no additions added to the Vision 2025 - Goals and
237 Initiatives.
238

239 **2. Discuss and consider approval of a site plan for Lakepointe Retail,**
240 **located east of S. F.M. 548 and north of the Grayhawk Planned**
241 **Development.**
242
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245 Community Development Director Peter Morgan spoke on this item. The purpose of this item is to
246 request approval of a site plan to allow for the property to be developed as a general retail multi-
247 tenant center. The zoning is a separate consideration and must be approved in order to consider the
248 site plan for approval. If the zoning and site plan are approved, future development of the property
249 will require approval of:
250

- 251 1. Preliminary Plat
252 2. Final Plat
253 3. Building Plans (staff approved)
254

255 The Planning and Zoning Commission considered the request on January 3, 2019. The Commission
256 voted 7-0 to recommend approval with the following stipulations:
257

- 258 1. All tree species shall be selected from the Comprehensive Zoning Ordinance
259 approved plant list;
260
261 2. Exterior building materials must be clearly labeled on the building elevation
262 plan;
263

- 264 3. A traffic impact analysis must be completed and approved prior to final plat
265 approval;
266
267 4. Dense, opaque, landscape screening must be provided between the
268 development and the property line adjacent to the Grayhawk residential
269 subdivision; and
270
271 5. The dumpster must be relocated to the rear northside (opposite) corner of the
272 property.
273

274 Mayor Wilson called for a motion. Council Member Johnson made a motion to approve the site plan
275 for Lakepoint Retail with the following stipulations:
276

- 277 1. All tree species shall be selected from the Comprehensive Zoning Ordinance
278 approved plant list;
279
280 2. Exterior building materials must be clearly labeled on the building elevation
281 plan;
282
283 3. A traffic impact analysis must be completed and approved prior to final plat
284 approval;
285
286 4. Dense, opaque, landscape screening must be provided between the
287 development and the property line adjacent to the Grayhawk residential
288 subdivision; and
289
290 5. The dumpster must be relocated to the rear northside (opposite) corner of
291 the property.
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293 Mayor Pro Tem Penn seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
294 [McGee].
295

- 296 3. **Discuss and consider appointments to various boards and commissions**
297 **including: Library Board; Board of Adjustments; and TIF Board.**
298

299 City Secretary Dorothy Brooks spoke on this item. The City Charter provides the authority for the
300 City Council to create and establish boards and commissions and make appointments to those
301 boards and commissions. Any appointment made to fill a vacancy shall only be made for the
302 remainder of the current term. We currently have the following vacancies:
303

304 Library Board: Vacancy is due to member resignation
305 Vacancy, Place 2 - Term ends August 31, 2021
306

307 Board of Adjustment: 3 vacancies for Alternate Members
308 Vacancy, Alternate 2 - Term ends June 30, 2020
309 Vacancy, Alternate 3 - Term ends June 30, 2020
310 Vacancy, Alternate 4 - Term ends June 30, 2019
311

312 TIF Board: Neither member wants to be reconsidered for appointment.
313 Vacancy, Member 1 - Term ends December 31, 2020
314 Vacancy, Member 2 - Term ends December 31, 2020
315

316 Mayor Pro Tem Penn made a motion to appoint Monica Fields to the Library Board, Place 2, and
317 Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
318 [McGee].
319

320 Council Member Johnson made a motion to appoint Kathryn Coffman to the Board of Adjustment,
321 Alternate 2, and Council Member Moon seconded the motion. The motion passed by a vote of 6
322 ayes and 1 absent [McGee].
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324 Council Member Powers made a motion to appoint Tiffany Fuqua to the Board of Adjustment,
325 Alternate 3, and Council Member Myers seconded the motion. The motion passed by a vote of 6
326 ayes and 1 absent [McGee].
327

328 Council Member Powers made a motion to appoint Jason Price to the Board of Adjustment, Alternate
329 4, and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1
330 absent [McGee].
331

332 Council Member Johnson made a motion to appoint John Walker to the TIF Board, Member 1, Mayor
333 Pro Tem Penn seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].
334

335 Mayor Wilson made a motion to appoint Ann Lemons to the TIF Board, Member 2, there was no
336 second motion made. Mayor Wilson made a motion to appoint Reef Gillum, Member 2, there was no
337 second motion made. Council Member Moon made a motion to appoint Bobby Fackler to the TIF
338 Board, Member 2, and Council Member Johnson seconded the motion. The motion passed by a vote
339 of 4 ayes, 2 nays [Penn/Myers], and 1 absent [McGee].
340

341 **4. Discuss and consider a Resolution adopting tax abatement guidelines**
342 **and criteria for granting a tax abatement in reinvestment zones for**
343 **economic development.**
344

345 City Attorney Jon Thatcher spoke on this item. Chapter 312 of the Texas Code requires that before
346 a City can participate in tax abatements, it must adopt a resolution setting forth its eligibility to
347 participate in such agreements and establish certain guidelines and criteria governing the
348 designation of reinvestment zones and tax abatement programs prior to granting any future tax
349 abatements.
350

351 The City of Forney had previously adopted a set of guidelines and criteria in January 2017, expiring
352 in January 2019. It is recommended that the City consider approval of the resolution to establish the
353 guidelines and criteria in the event that the city is petitioned to participate in any future tax abatement
354 programs. The resolution is good for a period of two years. The proposed tax abatement guidelines
355 and criteria would expire in January 2021. The proposed guidelines and criteria resemble closely the
356 prior set of guidelines and criteria.
357

358 Mayor Wilson called for a motion. Council Member Johnson made a motion to approve a resolution
359 adopting tax abatement guidelines and criteria for granting a tax abatement in reinvestment zones
360 for economic development and Mayor Pro Tem Penn seconded the motion. The motion passed by
361 a vote of 6 ayes and 1 absent [McGee].
362

363 **5. Discuss and consider action to accept the resignation of Cory McGee,**
364 **Council Member Place 1, declaring the seat vacant, and initiate an**
365 **appointment pursuant to the City of Forney Charter, Section 3.05, and all**
366 **related issues.**
367

368 Mayor Wilson stated that the resignation of Cory McGee, Council Member Place 1, will be discussed
369 in Executive Session. Council Member Myers stated that he would rather discuss Cory's resignation
370 in the council chambers and not in Executive Session. Council Member Johnson recommended that
371 the Council continue to do what they had done in the past and that was to take in applications and
372 hold interviews. Council Member Myers stated that he accepts Council Member McGee's resignation
373 declaring place 1 vacant and nominated Mike Thomas to serve as Council Member, Place 1. Mayor
374 Wilson called for a motion. Council Member Myers made a motion to appoint Mike Thomas to serve
375 as Council Member, Place 1 and Mayor Pro Tem Penn seconded the motion. The motion passed by
376 a vote of 4 ayes and 2 nays [Wilson/Johnson] and 1 absent [McGee].
377

378 IX. CITY MANAGER'S REPORT

379 City Manager Carson had a few things to report.

380 Fisd Learning Academy had their rededication on January 22, 2019.

381 Forney Police Department will begin their Police Academy next week.

382 He introduced our new IT Director, Neil Cardwell.

383 X. COUNCIL COMMENTS

384 Council Member Myers thanked everyone for coming out and welcomed IT Director, Neil Cardwell
385 and Council Member, Place 1 Mike Thomas.

386 Council Member Powers thanked everyone for coming out and welcomed Neil Cardwell and Mike
387 Thomas. Powers also mentioned that the VAC truck looked nice.

388 Council Member Moon thanked everyone for coming out and welcomed Neil Cardwell and Mike
389 Thomas. He also stated that the VAC truck looked nice.

390 Mayor Pro Tem stated that she was excited about the new VAC truck and the Thoroughfare Plan.
391 She welcomed Neil Cardwell and Mike Thomas. She thanked Council Member Cory McGee for his
392 service and stated that he will be missed. Myers - Ditto

393 Council Member Johnson welcomed Neil Cardwell and thanked Council Member Cory McGee for
394 his service on the Council and that he will be missed. He welcomed Mike Thomas to the Council and
395 stated that his vote was not directed towards him, but he would have liked to follow protocol and
396 continued to do what they have done in the past.

397 Mayor Wilson mentioned the rededication of Fisd, and thanked Council Member Cory McGee for
398 his service on the Council. He also expressed how displeased he was with Council regarding how
399 the appointment went on City Council vacancy for Place 1. God Bless.

400 Mayor Wilson advised that Council would now adjourn into Executive Session and asked for a
401 motion. Council Member Myers made a motion to adjourn into Executive Session at 7:25 p.m. and
402 Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
403 [McGee].

404 XI. EXECUTIVE SESSION

405 Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074,
406 551.076 and 551.087. Executive Session may be held, under these exceptions, at the end of the Regular Meeting or at

any time during the meeting that a need arises for the Council to seek advice from the City Attorney's Office as to the posted subject matter of this City Council meeting.

1. **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. **Kaufman County Appraisal District Board of Directors**
 - b. **City Council Place Appointment**
2. **Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code 551.074).**
 - a. **Council Member Cory McGee's Resignation**

Council returned to the Council Chambers at 7:47 p.m. Mayor Wilson asked for a motion to adjourn out of Executive Session at that time. Council Member Myers made a motion to adjourn out of Executive Session and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

XII. TAKE ANY ACTION NECESSARY AS A RESULT OF EXECUTIVE SESSION

Mayor Wilson stated that there was no action to be taken as a result of Executive Session.

There being further business to come before the Council in regular session, Mayor Wilson adjourned the meeting at 7:47 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS,
this 5th day of February, 2019.

ATTEST:

Dorothy Brooks

Dorothy Brooks, City Secretary

Rick Wilson

Rick Wilson, Mayor

