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

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

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

1. Permitted uses are only those that are permitted by right within the General Retail District (according to the Comprehensive Zoning Ordinance);

2. Automobile headlight landscape screening is required for parking spaces that face the F.M. 548/Walnut Lane right-of-way;

3. The allowable maximum intensity of light measured at the side and rear property lines shall be 0.25-foot candles;

4. Sidewalks along the front façade shall consist of pavers, decorative stamped or stained concrete, or patterned and color stamped or stained concrete; and

5. Outdoor storage is prohibited.

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

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

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may take a substantial part of such vacant land unavailable for development;

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
6. Any other factors which will substantially affect the public health, safety, morals or general welfare.

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

1. Site Plan
2. Preliminary Plat
3. Final Plat
4. Building Plans (staff approved)

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

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

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

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

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

1. All tree species shall be selected from the Comprehensive Zoning Ordinance approved plant list;
2. Exterior building materials must be clearly labeled on the building elevation plan;
3. A traffic impact analysis must be completed and approved prior to final plat approval;
4. Dense, opaque, landscape screening must be provided between the development and the property line adjacent to the Grayhawk residential subdivision; and

5. The dumpster must be relocated to the rear northside (opposite) corner of the property.

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

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

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 5.00 ACRES OF LAND IN THE M. MUSICK SURVEY, ABSTRACT NO. 312, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, FROM AG – AGRICULTURAL DISTRICT TO PD – PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS 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 6 ayes and 1 absent [McGee].

VIII. DISCUSSION / ACTION ITEMS

1. Vision 2025 - Goals and Initiatives

City Manager Tony Carson stated that there were no additions added to the Vision 2025 - Goals and initiatives.

2. Discuss and consider approval of a site plan for Lakepointe Retail, located east of S. F.M. 548 and north of the Grayhawk Planned Development.

Community Development Director Peter Morgan spoke on this item. The purpose of this item is to request approval of a site plan to allow for the property to be developed as a general retail multi-tenant center. The zoning is a separate consideration and must be approved in order to consider the site plan for approval. If the zoning and site plan are approved, future development of the property will require approval of:

1. Preliminary Plat
2. Final Plat
3. Building Plans (staff approved)

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

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

4. Dense, opaque, landscape screening must be provided between the development and the property line adjacent to the Grayhawk residential subdivision; and

5. The dumpster must be relocated to the rear northside (opposite) corner of the property.

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

1. All tree species shall be selected from the Comprehensive Zoning Ordinance approved plant list;

2. Exterior building materials must be clearly labeled on the building elevation plan;

3. A traffic impact analysis must be completed and approved prior to final plat approval;

4. Dense, opaque, landscape screening must be provided between the development and the property line adjacent to the Grayhawk residential subdivision; and

5. The dumpster must be relocated to the rear northside (opposite) corner of the property.

Mayor Pro Temp Penn seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

3. Discuss and consider appointments to various boards and commissions including: Library Board; Board of Adjustments; and TIF Board.

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

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

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

TIF Board: Neither member wants to be reconsidered for appointment.
Vacancy, Member 1 - Term ends December 31, 2020
Vacancy, Member 2 - Term ends December 31, 2020
Mayor Pro Tem Penn made a motion to appoint Monica Fields to the Library Board, Place 2, and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

Council Member Johnson made a motion to appoint Kathryn Coffman to the Board of Adjustment, Alternate 2, and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

Council Member Powers made a motion to appoint Tiffany Fuqua to the Board of Adjustment, Alternate 3, and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

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

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

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

4. Discuss and consider a Resolution adopting tax abatement guidelines and criteria for granting a tax abatement in reinvestment zones for economic development.

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

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

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

5. Discuss and consider action to accept the resignation of Cory McGee, Council Member Place 1, declaring the seat vacant, and initiate an appointment pursuant to the City of Forney Charter, Section 3.05, and all related issues.
Mayor Wilson stated that the resignation of Cory McGee, Council Member Place 1, will be discussed in Executive Session. Council Member Myers stated that he would rather discuss Cory’s resignation in the council chambers and not in Executive Session. Council Member Johnson recommended that the Council continue to do what they had done in the past and that was to take in applications and hold interviews. Council Member Myers stated that he accepts Council Member McGee’s resignation declaring place 1 vacant and nominated Mike Thomas to serve as Council Member, Place 1. Mayor Wilson called for a motion. Council Member Myers made a motion to appoint Mike Thomas to serve as Council Member, Place 1 and Mayor Pro Tem Penn seconded the motion. The motion passed by a vote of 4 ayes and 2 nays [Wilson/Johnson] and 1 absent [McGee].

IX. CITY MANAGER’S REPORT

City Manager Carson had a few things to report.

FISD Learning Academy had their rededication on January 22, 2019.

Forney Police Department will begin their Police Academy next week.

He introduced our new IT Director, Neil Cardwell.

X. COUNCIL COMMENTS

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

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

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

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

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

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

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

XI. EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 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, City Secretary

Rick Wilson, Mayor

CITY OF FORNEY
TEXAS