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**Minutes
Forney City Council
Tuesday, December 21, 2021
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126**

Newly appointed Council Member Place 5 takes Oath of Office

Retired Judge Erleigh Wiley gave Zahnd Schlensker the Oath of Office.

I. CALL TO ORDER

Mayor Lewis called the meeting to order at 6:30 p.m. Present were Mayor Amanda Lewis, Mayor Pro Tem James Traylor and Council Members Cecil Chambers, Robbie Powers, Sarah Salgado, Zahnd Schlensker and Jason Roberson. Also present was City Manager Charles Daniels.

Mayor Lewis welcomed Zahnd and Charles.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCIL MEMBER JASON ROBERSON

III. APPROVAL OF MINUTES

1. **Consider approval of the Minutes of the December 7, 2021, City Council meeting.**

Mayor Lewis asked if Council had any changes to the minutes. There being no changes, Mayor Lewis called for a motion. Mayor Pro Tem Traylor made a motion to approve the Minutes of the December 7, 2021, City Council meeting and Council Member Chambers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

IV. 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.

Mayor Lewis opened the open forum, but no one signed up to speak, so the open forum was closed.

V. 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 Resolution appointing a member to the Kaufman County Appraisal District Board of Directors.**
2. **Consider approval to demolish and remove an awning/ covered porch structure at 112 S. Bois D'Arc Street.**
3. **Consider approval of a site plan for the Bellagio Laguna, located south of Forney High School and west of F.M. 741.**

56 Mayor Lewis read the Consent Agenda Items and asked if Council wants to pull an item for
57 discussion. Council Member Powers asked that Consent Agenda Item No. 1 be pulled for
58 discussion. Mayor Lewis called for a motion on the remaining Consent Agenda Items. Council
59 Member Chambers made a motion to approve Consent Agenda Items No. 2 and 3 and Council
60 Member Salgado seconded the motion. The motion passed unanimously by a vote of 7 ayes and
61 0 nays.

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63 **1. Consider approval of a Resolution appointing a member to the**
64 **Kaufman County Appraisal District Board of Directors.**

65

66 City Secretary Brooks stated that we share a board member with the School District and that they
67 appointed Robert Dobbs at their meeting on December 6, 2021. The City ratifies their Resolution.
68 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve Consent
69 Agenda Item No. 1 and Council Member Roberson seconded the motion. The motion passed
70 unanimously by a vote of 7 ayes and 0 nays.

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72 **VI. PUBLIC HEARING ITEMS/ ACTION ON PUBLIC HEARING ITEMS**

73

74 **1. Hold a public hearing and discuss and consider approval of an**
75 **Ordinance approving a conditional use permit for a 'Child Care Center**
76 **(Day Care)' to operate as a primary use on 2.59 acres of land located**
77 **at the southeast intersection of Pinson Road and Ridgecrest Road.**

78 [Read Ordinance Caption]

79

80 Community Development Director Peter Morgan discussed this item. The applicant has
81 requested approval of a Conditional Use Permit. The purpose of the request is to operate a child
82 care center on the property.

83

84 The property is currently vacant and undeveloped. The property consists of 2.59 acres of land
85 zoned within the NS, Neighborhood Service District. The NS, Neighborhood Service district is
86 established to provide areas for limited local neighborhood, low intensity retail and service
87 facilities for the retail sales of goods and services. Child care centers are only allowed with a
88 conditional use permit.

89

90 The proposed child care center facility consists of 11,045 square feet. The applicant is proposing
91 thirty-seven (37) parking spaces and a semicircular drop off lane.

92

93 The operating hours for this facility are 6:30 a.m. to 6:30 p.m. Monday through Friday. The max
94 capacity is 196 kids. The applicant is required to provide screening along the southeastern
95 property line bordering the Mustang Creek drainage area. The applicant is proposing a six-foot
96 (6') masonry screening wall.

97

98 The site plan shows two new driveways to Pinson Road are proposed. No new driveways to
99 Ridgecrest Road are proposed. Notification was provided in the Forney Messenger newspaper
100 and was mailed to property owners within two-hundred feet (200') of the property. Staff has not
101 received any response to the notifications. On December 2, 2021, the Planning and Zoning
102 Commission recommended approval.

103

104 Mayor Lewis opened the public hearing at 6:39 p.m. No one signed up to speak, so Mayor
105 Lewis closed the public hearing at 6:39 p.m. Mayor Lewis called for a motion. Council Member
106 Chambers made a motion to approve the Ordinance and Council Member Schlensker seconded
107 the motion. The Ordinance caption was read as follows:

108

ORDINANCE NO. 21-38

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM NEIGHBORHOOD SERVICE DISTRICT (NS) TO NEIGHBORHOOD SERVICE DISTRICT (NS) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR CHILD CARE CENTER (DAY CARE), TO OPERATE AS A PRIMARY USE ON APPROXIMATELY 2.59 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; 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 unanimously by a vote of 7 ayes and 0 nays.

2. **Hold a public hearing and discuss and consider approval of an Ordinance amending the text of the Kickapoo Trace Planned Development, Ordinance No. 1240, to allow for a self-service automated car wash to operate within the planned development.**
[Read Ordinance Caption)

Community Development Director Peter Morgan discussed this item. The applicant requested approval of an amendment to the Kickapoo Trace Planned Development (Ordinance 1240). The purpose of the request is to allow for a self-service automated car wash to operate within the planned development.

The property is zoned within the Kickapoo Trace Planned Development, which was established with City Council zoning approval on November 6, 2007. The adopting Ordinance (1240) provides the approved uses for the planned development and provides a list of specific prohibited uses. "Car Wash (Self-Service, Automated or Full Service)" is included on the list of prohibited uses.

The applicant is requesting to remove "Car Wash (Self-Service, Automated or Full Service)" from the list of prohibited uses. The site plan exhibit shows a proposed car wash at the southeast corner of South F.M. 548 and F.M. 741. The applicant does accurately state that the current concept plan for the planned development has been stifled by floodplain impacts on the property. Several of the zoning consideration criteria involve the appropriateness of the use in a specific location and if similar development has taken place.

Staff did receive one phone call from a resident in opposition of the request. The resident stated that the primary reason of opposition is that there is currently a car wash in operation across F.M. 741 at the 7-Eleven gasoline service station. There is also a car wash nearby on F.M. 1641. On December 2, 2021, the Planning and Zoning Commission recommended approval of a text amendment to allow "Car Wash (Self-Service, Automated or Full Service)" only with approval of a conditional use permit.

Mr. Jarice Barbee from Beacon Civil Engineering out of Tampa, Florida, representing the applicant, came forward and handed out a Car Wash Windshield Analysis to the Council. Mr. Barbee discussed the project. This is not a "full-service" car wash; however, they will have assistants to help. He stated that a full-service car wash is not in the business plan, but he will talk to the owner about changing the business plan.

Mayor Lewis opened the public hearing at 6:57 p.m., no one signed up to speak, so Mayor Lewis closed the public hearing at 6:57 p.m.

Mayor Pro Tem Traylor made a motion to deny the request and Council Member Schlensker seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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3. **Hold a public hearing and discuss and consider approval of an Ordinance to rezone 11.281 acres of property from Agricultural district to a Planned Development with a base zoning district designated as Light Industrial district. The property is located at the southeast corner of U.S. Highway 80 and County Road 212. [Read Ordinance Caption)**

Community Development Director Peter Morgan discussed this item. The applicant has requested approval to rezone approximately 11.281 acres of land from Agricultural to a Planned Development with a base zoning of Light Industrial. The property is located at the southeast corner of U.S. Highway 80 and County Road 212. The purpose of the rezoning is to establish a planned development district with standards for light industrial development.

The property consists of 11.281 acres of land and is currently zoned in the Agricultural district. The property is currently vacant and undeveloped. Access to the property is provided from County Road 212. Property owned by Smurfit Kappa is located to the west and the Goodyear distribution facility is located to the east.

The requested rezoning replaces the existing Agricultural zoning with a light industrial Planned Development. The primary use is a service center, with a detailed definition provided in the planned development regulations. The planned development conditions are similar to the other nearby light industrial based planned developments (Amazon DDX7, Amazon FTW5, Blue Jay, and Goodyear). The maximum building height is sixty-five feet (65') and truck and tractor trailer open storage is permitted. The Concept Plan shows an Atmos service center with two buildings, each less than 8,000 square feet in area. All access to the site is provided from County Road 212. The majority of remaining zoning standards, including area regulations, must comply with the Zoning Ordinance regulations. The planned development regulations do provide for special sign and landscape requirements. The property provides direct access to County Road 212.

The 2016 Comprehensive Plan designates the property as being suitable for townhome or multi-family residential. Staff is not aware of any discussions that make this a possible use. Staff provided notification of this public hearing to adjacent property owners (within City limits) and the notice was published in the Forney Messenger. Staff did not receive any public comment. On December 2, 2021, the Planning and Zoning Commission recommended approval

Mayor Lewis opened the public hearing at 7:01 p.m. No one signed up to speak, so Mayor Lewis closed the public hearing at 7:01 p.m. Mayor Lewis called for a motion. Council Member Chambers made a motion to approve the Ordinance and Council Member Powers seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 21-39

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM AGRICULTURAL DISTRICT (AG) TO PLANNED DEVELOPMENT DISTRICT (PD) WITH A BASE ZONING DESIGNATED AS LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 11.281 ACRES OF LAND IN THE S. SMITH SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; 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 unanimously by a vote of 7 ayes and 0 nays.

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VII. DISCUSSION/ ACTION ITEMS

- 1. Discuss and consider a Resolution approving the selection of a qualified firm to assist the City in developing appropriate policies and procedures for use of American Rescue Plan Act funds and authorizing the City Manager to negotiate and execute all necessary documents.**

City Manager Charles Daniels discussed this item. On November 2, 2021, The City Council authorized staff to seek proposals through a request for qualifications from qualified firms for professional services to provide expertise in ensuring compliance with federal regulations while maximizing the recovery of and beneficial uses of the ARPA dollars in the local community. The City received responses from seven (7) firms and a staff committee (Deborah Woodham, Kyle Groves, Karl Zook) reviewed the proposals to determine a recommendation. The committee unanimously recommends authorizing the City Manager to negotiate with Baker Tilly US, LLP to assist the City with ARPA funds. We should be able to get applications to local businesses by February 1, 2022.

Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the Resolution and Council Member Roberson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VIII. CITY MANAGER’S REPORT

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

City Manager Daniels offered a mia culpa to the Public Works Department for not recognizing them at the last meeting when he applauded the Parks Department for their work on the special events. The public works crew are hard workers.

The Holiday luncheon for staff was held at Overland Grove Amenity Center on December 15, 2021. Council Members Amanda Lewis, Sarah Salgado and Cecil Chambers were in attendance. The following awards were made: Employee of the Year Mike Benson, Meter Technician; Supervisor of the Year Peter Morgan, Director of Community Development; and Patrick Nyagaka, Facilities.

Community Development has added a new Plans Examiner, Cherish Nieto, who started with the city last week. This is a new position that will allow the department to review all residential and commercial plans in house.

The Forney Fire Department is partnering with Forney ISD to “Get Fired Up For Reading.” This program will encourage students to read with prizes such as a lunch with a firefighter and a ride on a fire truck. More information is available at forneyisd.net.

The City of Forney is bringing back the New Year’s Eve Ball Drop in Downtown Forney. On December 31st, we invite everyone to help us ring in 2022 with a night full of fun festivities capped off by a ball drop. The event will start at 7 p.m.

There will be a Flashlight Candy Cane Hunt this evening at Community Park. Approximately 600 children are registered for this event.

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IX. ANNOUNCEMENT OF COMMUNITY EVENTS

This section is used to communicate items of community interest, specifically, reminders about upcoming events organized or sponsored by the governing body or other information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that may be of interest to the citizens of Forney.

Mayor Lewis stated she had no addition items to announce. Mayor Pro Tem Traylor wished everyone Merry Christmas.

Mayor Lewis announced that Council would now convene into Executive Session under Chapter 551, Texas Government Code, Section 551.072, and call for a motion. Council Member Chambers made a motion to adjourn into Executive Session at 7:10 p.m. and Council Member Roberson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

X. 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 purchase, exchange, lease, or value of real property (Tex. Gov't Code Section 551.072):
 - a. Project King Kong

XI. 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.

Council returned to Chambers at 7:38 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Council Member Chambers made a motion to adjourn out of Executive Session and Council Member Roberson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Lewis stated there was no action to be taken as a result of Executive Session and called for a motion to adjourn. Council Member Chambers made a motion to adjourn at 7:38 p.m. and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this _____ day of _____, 2022.

ATTEST:

Amanda Lewis, Mayor

Dorothy Brooks, City Secretary