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**Minutes**  
**Forney City Council**  
**Tuesday, September 6, 2022**  
**6:30 p.m. Regular Meeting**  
**Council Chambers**  
**City Hall, 101 E. Main Street, Forney, Texas 75126**

**I. CALL TO ORDER**

Mayor Lewis called the meeting to order at 6:33 p.m. Present were Mayor Amanda Lewis, Mayor Pro Tem Zahnd Schlensker and Council Members James Traylor, Cecil Chambers, Sandi Primous, Sarah Salgado and Jason Roberson. Also present was City Manager Charles Daniels.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER SANDI PRIMOUS**

Reverend Detrick Herron gave the invocation and Council Member Primous led the Pledge of Allegiance.

**III. PROCLAMATIONS / PRESENTATIONS**

**1. Proclamation for National Payroll Week**

Mayor Lewis read the National Payroll Week Proclamation and presented it to Niki Heidelberg of our Finance Department.

**IV. APPROVAL OF MINUTES**

**1. Consider approval of the Minutes of the August 11, 2022, Special Joint Meeting with the EDC.**

Mayor Lewis asked if Council had any changes to the August 11, 2022, minutes. There being no changes, Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the Minutes of the August 11, 2022, Special Joint Meeting with the EDC and Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Primous].

**2. Consider approval of the Minutes of the August 16, 2022, City Council meeting.**

Mayor Lewis asked if Council had any changes to the August 16, 2022, minutes. There being no changes, Mayor Lewis called for a motion. Council Member Traylor made a motion to approve the Minutes of the August 16, 2022, City Council meeting and Council Member Chambers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

**V. 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.

54 Mayor Lewis opened the floor to anyone in the audience who wished to address the Council. The  
55 following person came forward:

56  
57 Kim Dockery  
58 812 Lemmon Lane  
59 Forney, Texas 75126

60 Ms. Dockery talked about the drowning of a small child at the community pool in  
61 her subdivision – Overland Grove. While the police officers arrived quickly, it took  
62 10 minutes for the ambulance to get there. She had several questions like where  
63 the call landed – was it in our dispatch? Why it took so long for the ambulance to  
64 get there, etc.

65  
66 **VI. CONSENT AGENDA**

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

- 70  
71 **1. Consider approval of a Resolution authorizing the City Manager to**  
72 **execute a contract with the Kaufman County Election Administrator**  
73 **for the November 8, 2022, Special Election for the bonds.**  
74  
75 **2. Consider approval of a Resolution to make Chief Carrie White the**  
76 **Authorized Official for the “CV20 PY21 Coronavirus Supplemental**  
77 **Funding (CESF)” grant.**  
78  
79 **3. Consider approval of the acceptance of public improvements for the**  
80 **FISD Aquatics Center & Inspiration Way Southbound Lanes (Phase 1**  
81 **– South of Innovation).**  
82  
83 **4. Consider approval of the acceptance of public improvements for**  
84 **the Legendary Electric project.**

85  
86 Mayor Lewis read the Consent Agenda Items and asked if Council wanted to pull any items for  
87 discussion. No items were pulled, so Mayor Lewis called for a motion to approve the Consent  
88 Agenda. Council Member Traylor made a motion to approve the Consent Agenda and Council  
89 Member Salgado seconded the motion. The motion passed unanimously by a vote of 7 ayes and  
90 0 nays.

91  
92 **VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

- 93  
94 **1. Hold a public hearing on the proposed budget for fiscal year 2022-**  
95 **2023 and take any action necessary. This budget will raise more total**  
96 **property taxes than last year’s budget by \$1,180,503 or 10.15%, and**  
97 **100% of that amount is tax revenue to be raised from new property**  
98 **added to the tax roll this year.**  
99

100 Finance Director Deborah Woodham stated that this is an overview of the presentation that was  
101 presented at our last meeting.

102  
103 Mayor Lewis opened the public hearing at 6:51 p.m. No one came forward to address the Council,  
104 so Mayor Lewis closed the public hearing at 6:52 p.m.

105

106 City Manager Daniels stated that he wanted to assure the City Council and the public that we  
107 want to have enough first responders. We will be staffing a detention officer the first quarter of  
108 October.

109  
110 No Council action was taken at this time.

111  
112 **2. Hold a public hearing and discuss and consider approval of an**  
113 **Ordinance approving a conditional use permit to allow a full-service**  
114 **car wash with self-service options to operate on 1.76 acres of**  
115 **property located west of S. F.M. 548 and east of Forney Community**  
116 **Park.**

117  
118 Community Development Director Peter Morgan advised that he had received a telephone call  
119 from the applicant this afternoon. They have a family emergency and asked that this item be  
120 tabled until the next meeting.

121  
122 Council Member Traylor made a motion to table this time until the next meeting, which is  
123 September 20, 2022. Mayor Pro Tem Schlensker seconded the motion. The motion passed  
124 unanimously by a vote of 7 ayes and 0 nays.

125  
126 **3. Hold a Public Hearing on the proposed annexation of**  
127 **approximately 76.01 acres of land situated in the John Gregg**  
128 **Survey, Abstract No. 171, Kaufman County, Texas, located on US**  
129 **Highway 80, owned by La Frontera Holdings, LLC.**

130  
131 City Attorney Jennifer Barnes Smith discussed this item. This is the first public hearing on the  
132 proposed annexation of Luminant a/k/a La Frontera Holdings, LLC.

133  
134 Mayor Lewis opened the public hearing at 6:53 p.m. No one came forward to address the Council,  
135 so Mayor Lewis closed the public hearing at 6:54 p.m.

136  
137 No action was taken by Council at this time.

138  
139 **VIII. DISCUSSION / ACTION ITEMS**

140  
141 **1. Discuss and consider approval of an Ordinance amending the budget**  
142 **for Fiscal Year 2021-2022. READ ORDINANCE CAPTION**

143  
144 Finance Director Deborah Woodham stated that this ordinance will amend the current budget.

145  
146 City Manager Daniels stated that he wanted to assure the City Council and public that to have the  
147 appropriate number of first responders is a priority; and due to the timing of the arrival of the new  
148 Chief, he has approved a staffing study that will pinpoint the exact number of officers needed  
149 going forward. In addition, Mr. Daniels stated there is a noted lack of full coverage in the detention  
150 area, and in the first quarter of the next fiscal year, the City should have the sales tax revenue to  
151 be able to hire additional detention officers.

152  
153 Mayor Pro Tem Schlensker made a request to use \$21,000 out the current Council budget for the  
154 purchase of equipment for the Police Department. The funding will go toward one ballistic shield  
155 and four police bicycles to include outfitting and training the officers for police bicycle operations.

156 Mayor Lewis called for a motion to approve the Ordinance amending the budget for fiscal year  
157 2021-2022. Mayor Pro Tem Schlensker made a motion to approve the Ordinance and Council  
158 Member Chambers seconded the motion. The Ordinance caption was read as follows:

159  
160 **ORDINANCE NO. 22-31**

161  
162 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING**  
163 **THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH**  
164 **SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.**  
165

166 The motion passed unanimously by a vote of 7 ayes and 0 nays.

167  
168 **2. Discuss and consider approval of an Ordinance adopting the annual**  
169 **budget for Fiscal Year 2022-2023. READ ORDINANCE CAPTION**  
170

171 Finance Director Woodham stated that this Ordinance is to adopt the annual budget for fiscal year  
172 2022-2023. Mayor Lewis called for a motion. Council Member Traylor made a motion to approve  
173 the Ordinance adopting the annual budget for fiscal year 2022-2023 and Mayor Pro Tem  
174 Schlensker seconded the motion. The Ordinance caption was read as follows:

175  
176 **ORDINANCE NO. 22-32**  
177

178 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, APPROVING**  
179 **AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING**  
180 **OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, AND MAKING APPROPRIATIONS**  
181 **FOR EACH FUND AND DEPARTMENT; PROVIDING THAT EXPENDITURES FOR SAID**  
182 **FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; REPEALING**  
183 **CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE;**  
184 **AND PROVIDING FOR AN EFFECTIVE DATE.**  
185

186 The motion passed unanimously by a vote of 7 ayes and 0 nays.

187  
188 **3. Discuss and consider action on an Ordinance to ratify the Property**  
189 **Tax Revenue increase in the Fiscal Year 2022-2023 Budget as a**  
190 **result of the City receiving more revenues from property taxes**  
191 **than the previous fiscal year. READ ORDINANCE CAPTION**  
192

193 Finance Director Woodham stated that the Texas Legislature passed H.B. 3195, relating in part  
194 to "truth-in-taxation disclosure, and requires the City Council to ratify by a separate vote when  
195 there is an increase to the property tax revenues in the proposed budget as compared to the  
196 previous year. The City's 2022-2023 Budget has an increase in property tax revenues as  
197 compared to the previous year.

198  
199 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the  
200 Ordinance ratifying the Property Tax Revenue increase and Council Member Primous seconded  
201 the motion. The Ordinance caption was read as follows:

202  
203 **ORDINANCE NO. 22-33**  
204

205 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, RATIFYING THE**  
206 **PROPERTY TAX INCREASE IN THE 2022-2023 BUDGET AS A RESULT OF THE CITY RECEIVING**  
207 **MORE REVENUES FROM PROPERTY TAXES IN THE 2022-2023 BUDGET THAN IN THE**  
208 **PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.**  
209

210 The motion passed unanimously by a vote of 7 ayes and 0 nays.  
211

212 **4. Discuss and consider approval of an Ordinance levying ad**  
213 **valorem taxes for Fiscal Year 2022-2023 and take any action**  
214 **necessary. READ ORDINANCE CAPTION**  
215

216 Finance Director Woodham stated that this Ordinance levies the ad valorem taxes for fiscal year  
217 2022-2023. The rate is \$0.434551. Mayor Lewis called for a motion. Council Member Chambers  
218 made a motion to approve the Ordinance levying ad valorem taxes for fiscal year 2022-2023 and  
219 Council Member Roberson seconded the motion. The Ordinance caption was read as follows:

220  
221 **ORDINANCE NO. 22-34**  
222

223 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, FIXING AND**  
224 **LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING ON OCTOBER**  
225 **1, 2022, AND ENDING ON SEPTEMBER 30, 2023, AND FOR EACH FISCAL YEAR THEREAFTER**  
226 **UNTIL OTHERWISE PROVIDED, AT A RATE OF \$0.434551 PER ONE HUNDRED DOLLARS**  
227 **(\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE**  
228 **LIMITS OF THE CITY AS OF JANUARY 1, 2022; DIRECTING THE ASSESSMENT THEREOF TO**  
229 **PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN**  
230 **INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR**  
231 **DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A**  
232 **PENALTY FOR COLLECTION COSTS OF DELINQUENT TAXES; ACCEPTING AND ADOPTING**  
233 **THE 2022 TAX ROLL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND**  
234 **SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**  
235

236 The motion passed unanimously by a vote of 7 ayes and 0 nays.  
237

238 **5. Discuss and consider approval of an Ordinance amending the**  
239 **Code of Ordinances by amending the Master Fee Schedule to**  
240 **reflect changes to certain fees and miscellaneous permits. READ**  
241 **ORDINANCE CAPTION**  
242

243 Finance Director Woodham discussed this item. This Ordinance is to amend the Master Fee  
244 Schedule to reflect changes to certain fees and miscellaneous permits. Mayor Lewis called for a  
245 motion. Council Member Traylor made a motion to approve the Ordinance and Mayor Pro Tem  
246 Schlensker seconded the motion. The Ordinance caption was read as follows:

247  
248 **ORDINANCE NO. 22-35**  
249

250 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES**  
251 **OF THE CITY OF FORNEY, AS AMENDED, BY AMENDING APPENDIX "A," ENTITLED**  
252 **"MASTER FEE SCHEDULE," AS ADOPTED IN SECTION 1.07.031 MASTER FEE SCHEDULE**  
253 **OF THE CODE OF ORDINANCES, BY AMENDING PERTINENT SECTIONS; PROVIDING FOR A**  
254 **PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE;**  
255 **PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING**  
256 **FOR THE PUBLICATION OF THE CAPTION.**  
257

258 The motion passed unanimously by a vote of 7 ayes and 0 nays.  
259

260 **6. Discuss and consider a resolution setting a date, time and place for a**  
261 **second public hearing on the proposed annexation of approximately**  
262 **76.02 acres of land situated in the John Gregg Survey, Abstract No.**  
263 **171, Kaufman County, Texas, located on US Highway 80, owned by La**  
264 **Frontera Holdings, LLC.**  
265

266 City Attorney Jennifer Barnes Smith discussed this item. The Resolution is to set the date, time  
267 and place for the seconded public hearing on the proposed annexation of La Frontera Holdings,  
268 LLC. The public hearing will be held on October 4, 2022.

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

**7. Discuss a voluntary annexation request submitted by Good Luck Exxon, Inc. and expansion of the City of Forney ETJ.**

City Attorney Jennifer Smith Barnes discussed this item. Good Luck Exxon, Inc., through its owner representative, Mr. Salim Lakhani, has petitioned the City to annex the property located at 13960 FM 548, 13980 FM 548, and 14000 FM 548 (Samuel Smith HRS, Tract 125.02) at the corner of FM 548 and Reeder Lane, which is not located inside the Forney city limits and ETJ. The 4.58- acre property is currently zoned and developed commercial with sixteen retail, office, and restaurant spaces which are not up to city code standards. Under the Texas Local Government Code Section 43.014, “a municipality may annex area only in its extraterritorial jurisdiction unless the municipality owns the area.” To annex the property, the City must first pass an ordinance to extend the ETJ that include the 4.58-acre property. City staff seeks direction regarding the expansion of the City’s ETJ.

Mr. Lakhani came forward and stated that he will bring everything up to City Code. He will pay all costs. He stated he needs sewer within 90 days. After a lengthy Council discussion, Mayor Pro Tem Schlensker made a motion to direct staff to review all construction plans regarding being sure that everything is up-to-date and during this time, start the process to schedule annexation hearings. Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Salgado].

**IX. 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:

- 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

On Tuesday September 13th, the City of Forney will be hosting an open house to discuss the upcoming bond referendum. The open house will begin at 6:30 here at city hall. For more information about the bond, residents can visit [forney2022bond.com](http://forney2022bond.com).

On September 24<sup>th</sup>, the city will be hosting Brews on Bois D’ Arc in Downtown Forney from 1 to 6 p.m. This event will feature several breweries, food vendors, and live music. For more information, visit [forneytx.gov/brewsonboisdarc](http://forneytx.gov/brewsonboisdarc).

Daniels announced that the employees had voted on the Christmas Holidays and chose Friday, December 23, 2022 and Monday, December 26, 2022, the City will be closed on those days.

321 Assistant City Manager Karl Zook stated that we need a Library/Community Center/Senior Center  
322 charette and requested that each Council Member nominate someone by September 20, 2022. Zach  
323 will also put this information on the website.  
324

325 **X. ANNOUNCEMENT OF COMMUNITY EVENTS**

326 This section is used to communicate items of community interest, specifically, reminders about  
327 upcoming events organized or sponsored by the government body or other information regarding a  
328 social, ceremonial or community event organized or sponsored by any entity other than the  
329 government body that may be of interest to the citizens of Forney.  
330

331 Mayor Lewis announced that there is still time to sign up to be a vendor for the Trail of Treats.  
332

333 On Saturday, November 12, 2022, there will be a Veterans Day 5K run benefitting the United Way  
334 of Kaufman County. To register online visit: [www.edsregistration.com/events/339](http://www.edsregistration.com/events/339).  
335

336 On Tuesday, September 13, 2022, at 6:30 p.m., there will be a ForneyBond2022 open house in  
337 the Council Chambers at City Hall.  
338

339 Mayor Lewis announced that Council would now go into Executive Session under Chapter 551,  
340 Texas Government Code, Sections 551.051, 551.074 and 551.087 and called for a motion.  
341 Council Member Traylor made a motion to adjourn into Executive Session at 7:34 p.m. and Mayor  
342 Pro Tem Schlensker seconded the motion. The motion passed unanimously by a vote of 7 ayes  
343 and 0 nays.  
344

345 **XI. EXECUTIVE SESSION**

346 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE  
347 CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS  
348 THE FOLLOWING:  
349

350 1. Consult with legal counsel regarding pending or contemplated litigation or  
351 a settlement offer and/or matters in which the duty of the attorney to the  
352 governmental body under Texas Disciplinary Rules of Professional  
353 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the  
354 Texas Government Code (Tex. Govt Code Section 551.071):  
355

356 a. Talty and Highpoint Water Agreement.  
357

358 2. Deliberate the appointment, employment, evaluation, reassignment,  
359 duties, discipline, or dismissal of a public officer or employee (Tex. Gov't  
360 Code 551.074):  
361

362 a. City Manager

363 b. Interim City Secretary  
364

365 3. Discuss or deliberate regarding commercial or financial information that the  
366 governmental body has received from a business prospect that the  
367 governmental body seeks to have locate, stay, or expand in or near the  
368 territory of the governmental body and with which the governmental body  
369 is conducting economic development negotiations, or to deliberate the offer  
370 of a financial or other incentive to a business prospect (Tex. Gov't Code  
371 Section 551.087):  
372

373 a. Project Clifford  
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**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.

Council returned to Chambers at 8:09 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Council Member Traylor made a motion to adjourn out of Executive Session and Council Member Chambers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no action to be taken as a result of Executive Session, Mayor Lewis called for a motion to adjourn the meeting at 8:10 p.m. Council Member Chambers made a motion to adjourn the meeting and Council Member Traylor 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**