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

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I. CALL TO ORDER

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

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II. INVOCATION AND PLEDGE OF ALLEGIANCE – Nick Edwards

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III. 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.

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Mayor Lewis opened the floor to anyone in the audience who wished to address the Council. No one had submitted a Council Comment Form and there was not anyone who asked to speak, so Mayor Lewis closed the open forum session.

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IV. 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 for Staff to move forward with the project for repairing and improving the roadway and drainage at Elm Street and the US Hwy 80 Eastbound Service Road.**
2. **Consider a Resolution approving a Professional Services Agreement with Birkhoff, Hendricks & Carter, L.L.P. to provide consulting and design services for Sanitary Sewer Relief Line Project and all the related issues.**

Mayor Lewis read the Consent Agenda Items and asked if Council wanted to pull any items for discussion. No items were pulled, so Mayor Lewis called for a motion to approve the Consent Agenda. Council Member Traylor made a motion to approve the Consent Agenda. Mayor Pro Tem Schlensker seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

V. DISCUSSION / ACTION ITEMS

1. **Discuss and consider action on a Resolution approving an expenditure under Section 501.070 Texas Local Government Code and an Economic Incentive and Performance Agreement between the Forney Economic Development Corporation and Forney Tire Service.**

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55 Director of Economic Development, Lynn Spencer, discussed this item. An Economic Incentive
56 and Performance Agreement between the FEDC and Forney Tire Service was approved at the
57 FEDC's regular meeting on July 14, 2022. The City must approve any expenditure of FEDC
58 funds pursuant to Section 501.073 Texas Local Government Code before any grant is made.
59 The owners will be responsible for improvements to Forney Tire Service according to the
60 requirements of the Downtown Façade/Interior Incentive.

61
62 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the
63 Resolution approving an expenditure under Section 501.070 Texas Local Government Code
64 and an Economic Incentive and Performance Agreement between the Forney Economic
65 Development Corporation and Forney Tire Service. Council Member Traylor seconded the
66 motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

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68 **2. Discuss and consider action on a Resolution approving an**
69 **expenditure under Section 501.073 Texas Local Government Code**
70 **and an Economic Incentive and Performance Agreement between**
71 **the Forney Economic Development Corporation and Skinsense**
72 **Med Spa McKinney.**
73

74 Director of Economic Development, Lynn Spencer discussed this item. An Economic Incentive
75 and Performance Agreement between the FEDC and Skinsense Med Spa McKinney was
76 approved at the FEDC's regular meeting on October 13, 2022. The City must approve any
77 expenditure of FEDC funds pursuant to Section 501.073 Texas Local Government Code before
78 any grant is made. The owner will be responsible for improvements to Skinsense Med Spa
79 McKinney according to the requirements of the Downtown Façade/Interior Incentive. In the
80 Economic Development Corporation has allocated \$100,000 for redevelopment grants in their
81 budget. This grant was up to \$25,000.

82
83 Mayor Lewis called for a motion. Council Member Traylor made a motion to approve a
84 Resolution approving an expenditure under Section 501.073 Texas Local Government Code
85 and Economic Incentive and Performance Agreement between the Forney Economic
86 Development Corporation and Skinesense Med Spa McKinney. Council Member Salgado
87 seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent
88 [Chambers].

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90 **3. Discuss and consider action on a Resolution approving an**
91 **expenditure under Section 501.073 Texas Local Government and**
92 **an Amended Performance Agreement between the Forney**
93 **Economic Development Corporation and Edward Jones.**
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95 Director of Economic Development, Lynn Spencer, discussed this item. A Performance
96 Agreement between the FEDC and Edward Jones was approved at the FEDC's regular meeting
97 on July 14, 2022. The City must approve any expenditure of FEDC funds pursuant to Section
98 501.073 Texas Local Government Code before any grant is made. The Owners will be
99 responsible for improvements to Edward Jones according to the requirements of the Downtown
100 Façade/Interior Incentive. This incentive was from last year and the incentive amount was up to
101 \$20,000.
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Mayor Lewis called for a motion. Council Member Roberson made a motion to approve a Resolution approving the expenditure under Section 501.073 Texas Local Government and an Amended Performance Agreement between the Forney Economic Development Corporation and Edward Jones. Council Member Primous seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

4. Discuss and consider action on a Resolution approving an expenditure under Section 501.073 Texas Local Government Code and an Amended Performance Agreement between the Forney Economic Development Corporation and Nav- Central.

Director of Economic Development, Lynn Spencer, discussed this item. A Performance Agreement between the FEDC and Nav-Central was approved at the FEDC’s regular meeting on May 12, 2022. The City must approve any expenditure of FEDC funds pursuant to Section 501.073 Texas Local Government Code before any grant is made. Nav-Central will be responsible for the construction of a new parking lot to support a minimum of 35,000 square feet of office space and creating 100 full-time employment positions. This expenditure was up to \$100,000.

Mayor Lewis called for a motion. Council Member Traylor made a motion to approve a Resolution approving the expenditure under Section 501.073 Texas Local Government and an Amended Performance Agreement between the Forney Economic Development Corporation and Nav-Central. Council Member Roberson seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

5. Discuss and consider action on a Resolution approving an expenditure under Section 501.073 Texas Local Government Code and an Amended Performance Agreement between the Forney Economic Development Corporation and The Point Forney, LLC.

Director of Economic Development, Lynn Spencer, discussed this item. A Performance Agreement between the FEDC and The Point Forney, LLC was approved at the FEDC’s regular meeting on October 13, 2022. The City must approve any expenditure of FEDC funds pursuant to Section 501.073 Texas Local Government Code before any grant is made. The developer will be responsible for the construction of the necessary infrastructure and a minimum of 15,000 square feet of restaurant space.

Mayor Lewis called for a motion. Council Member Salgado made a motion to approve a Resolution approving Section 501.073 Texas Local Government Code and an Amended Performance Agreement between the Forney Economic Development Corporation and The Point Forney, LLC. Council Member Primous seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers]

6. Discuss and consider action on a Resolution approving an expenditure under Section 501.073 Texas Local Government Code and the purchase of the property at 210 S. Bois D’ Arc.

Director of Economic Development, Lynn Spencer, discussed this item. The purchase of the 2,500 square foot property at 210 S. Bois D’Arc was approved at the FEDC’s regular meeting on November 10, 2022. The City must approve any expenditure of FEDC funds pursuant to

155 Section 501.073 Texas Local Government Code before any expenditure is made. This is the
156 new purchase of the Economic Development building that will be the new home for them. There
157 are places for meetings to be held there as well. The purchase of the building was \$450,000.
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159 Mayor Lewis called for a motion. Council Member Traylor made a motion to approve a
160 Resolution approving an expenditure under Section 501.073 Texas Local Government Code
161 and the purchase of the property at 210 S. Bois D' Arc. Council member Roberson seconded
162 the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers]
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164 **7. Discuss and consider action on a Resolution approving an**
165 **expenditure under Section 501.073 Texas Local Government Code**
166 **and the purchase of the property at 103 E. Elm Street.**
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168 The purchase of the 0.1435-acre property at 103 E. Elm Street was approved at the FEDC's
169 regular meeting on October 13, 2022. The City must approve any expenditure of FEDC funds
170 pursuant to Section 501.073 Texas Local Government Code before any expenditure is made.
171 This was the previous property that the Economic Development purchase for their
172 administrative building. The building is now going for a restaurant concept for that to happen
173 they need to move utilities lines. Economic Development needed to buy 103 E. Elm Street for
174 that to happen. The purchase was \$160,000.
175

176 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve an
177 expenditure under Section 501.073 Texas Local Government Code and the purchase of the
178 property at 103 E. Elm Street. Council Member Primous seconded the motion. The motion
179 passed unanimously by a vote of 6 ayes and 1 absent [Chambers]
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181 **8. Discuss and consider an Ordinance amending the Chapter 3**
182 **Business Regulations, Article 3.1600 Flood Damage Prevention**
183 **Regulations. [read Ordinance Caption]**
184

185 City Engineer, John Casey, discussed this item. The Federal Emergency Management Agency
186 (FEMA) is updating the Flood Insurance Study (FIS) and the accompanying Flood Insurance
187 Rate Maps (FIRM) for Kaufman County, which includes the City of Forney. These mapping
188 changes will be effective on January 12, 2023. FEMA also required the City to update its flood
189 ordinance to properly emphasize that all the standards specified in 44 CFR Part 60.3(d) of the
190 National Flood Insurance Program (NFIP) regulations are enacted in a legally enforceable
191 document.
192

193 The ordinance amendment also includes the addition of a requirement to minimize the loss of
194 valley storage within the 1% annual chance (100 year) floodplain. The intent of this requirement
195 is to ensure that the conveyance area of the floodplain is more closely maintained by floodplain
196 revisions.
197

198 Approval of this ordinance will ensure the City meets its obligation with the Flood Insurance
199 Rate Maps and other FEMA requirements related to Flood Plain Management Practices.
200

201 Mayor Lewis called for a motion. Council Member Traylor made a motion to approve and
202 Ordinance amending Chapter 3 Business Regulations, Article 3.1600 Flood Damage Prevention
203 Regulations. Mayor Pro Tem Schlensker seconded the motion. The Ordinance caption was read
204 as follows:
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206
207 **ORDINANCE NO. 22-57**
208

209 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING THE**
210 **CODE OF ORDINANCES OF THE CITY OF FORNEY, AS PREVIOUSLY AMENDED, IN**
211 **CHAPTER 3 BUSINESS REGULATIONS, ARTICLE 3.1600 FLOOD DAMAGE PREVENTION**
212 **REGULATIONS, BY REPEALING ARTICLE 3.1600 IN ITS ENTIRETY AND REPLACING IT**
213 **WITH A NEW ARTICLE 3.1600 FLOOD DAMAGE PREVENTION REGULATIONS; PROVIDING**
214 **A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER**
215 **CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN**
216 **EFFECTIVE DATE.**
217

218 The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers]
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220 **9. Discuss and consider action to cancel the Regular City Council**
221 **Meeting set for December 20, 2022, at 6:30p.m. and to schedule a**
222 **Special City Council Meeting on December 13, 2022, at 6:30p.m.**
223

224 City Manager, Charles W. Daniels, discussed this item. The reason for the rescheduling of the
225 meeting is the Community Development department has several items that are time sensitive,
226 and these items need to be move up to an earlier date.
227

228 Mayor Lewis called for a motion. Council Member Schlensker made a motion to approve the
229 action to cancel the Regular City Council Meeting set for December 20, 2022, at 6:30 p.m. and
230 to schedule a Special City Council Meeting on December 13, 2022, at 6:30 p.m. Council
231 Member Traylor seconded the motion. The motion passed unanimously by a vote of 6 ayes and
232 1 absent [Chambers]
233

234 **VI- CITY MANAGER'S REPORT**

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

- 238 • Department Reports (Fire, Police, Municipal Court, Finance)
- 239 • Citizen Complaints – Actions taken or to be taken
- 240 • Upcoming Special Events
- 241 • Personnel Changes
- 242 • Commendations
- 243 • Public Works/Street Projects, Repairs or Construction
- 244 • Park Issues
- 245 • Inspection Issues
- 246 • CIP Projects
- 247

248 Last week, Forney Parks and Recreation hosted the Bell Park Tree lighting and Christmas on
249 Main in Downtown Forney. The events had a great turnout, and we appreciate everyone
250 attending as well as city staff for making these events possible.
251

252 The Street Dept. installed “No Parking” signs along the East side of North bound Gateway at
253 the intersection with FM 1641. These were installed due to concerns about traffic and potential
254 accidents due to people parking too close to FM 1641 on Gateway Blvd when utilizing the
255 athletic fields at this location.
256

257 The Street Dept. also installed “No Student Drop Off or Pick Up” signs on Monitor at Rhea
258 Intermediate School. These were installed due to concerns about traffic and general student
259 safety during school drop off and pick up times at this location.
260

261 Deputy Chief Eudy has been accepted into the FBI National Academy for Law Enforcement
262 Executives. Deputy Chief Eudy is scheduled to begin his 10-week course of studies at
263 Quantico, Virginia on January 7th. Deputy Chief Eudy will be attending the academy with over
264 200 law enforcement executives from around the world. This is an excellent opportunity and
265 the first time the Forney Police Department has sent an executive to this prestigious school.
266 Best of luck to Deputy Chief Eudy!
267

268 **VII. ANNOUNCEMENT OF COMMUNITY EVENTS**

269 This section is used to communicate items of community interest, specifically, reminders about
270 upcoming events organized or sponsored by the governing body or other information regarding a
271 social, ceremonial, or community event organized or sponsored by an entity other than the governing
272 body that may be of interest to the citizens of Forney.
273

274 Mayor Lewis made the following announcements:

- 275
- 276 1. The Forney Legacy Project Holiday Blitz will take place December 10,
277 2022, at the new Johnson Elementary School, 103 Walnut Lane from
278 9:00 a.m. to 4:00 p.m.
- 279
- 280 2. Mr. Roberson stated that there are still trees for sale at the Boy Scout lot
281 off Hwy 80.
282

283 Mayor Lewis announced that Council would now go into Executive Session under Chapter 551,
284 Texas Government Code, Sections 551.072 and 551.074 and called for a motion. Council
285 member Traylor made a motion to adjourn into Executive Session at 6:59 p.m. Council Member
286 Salgado seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1
287 absent [Chambers].
288

289 **VIII. EXECUTIVE SESSION**

290 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY
291 COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE
292 FOLLOWING:
293

- 294 1. Deliberate the purchase, exchange, lease, or value of real property.
295 (Tex. Gov't Code Section 551.072):
296
297 a. Vacant land between Center St. and College St.
298

299 **IX. RECONVENE INTO REGULAR SESSION**

300 IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL
301 RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED
302 IN EXECUTIVE SESSION.
303

304 Council returned to Chambers at 7:18 p.m. Mayor Lewis called for a motion to adjourn out of
305 Executive Session at that time. Mayor Pro Tem Schlensker made a motion to adjourn out of
306 Executive Session. Council Member Traylor seconded the motion. The motion passed
307 unanimously by a vote of 6 ayes and 1 absent [Chambers].
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309 No action was taken as a result of Executive Session.
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X. ADJOURNMENT

There being no further business to come before the Council, Mayor Lewis called for a motion to adjourn at 7:18 p.m. Mayor Pro Tem Schlensker made a motion to adjourn. Council Member Primous seconded the motion. The motion passed unanimously by a vote of 6 ayes to 1 absent [Chambers].

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,
TEXAS, this _____ day of _____, 2023.**

ATTEST:

Amanda Lewis, Mayor

Dorothy Brooks, City Secretary