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Minutes
Forney City Council
Tuesday, December 13, 2022
6:30 p.m. Special Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

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.

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

III. APPROVAL OF MINUTES

1. **Consider approval of the Minutes of the November 15, 2022, City Council meeting.**
2. **Consider approval of the Minutes of the November 21, 2022, Special City Council meeting**

Mayor Lewis asked if Council had any changes to the Minutes of the November 15, 2022, City Council meeting. There being no changes, Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the Minutes of the November 15, 2022, City Council meeting. Mayor Pro Tem Schlensker seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

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 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.

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 final plat for the SAG Addition, located northeast of the intersection of South F.M. 548 and F.M. 741.**
2. **Consider approval of a preliminary plat for the Forney Carwash Addition, located west of S. F.M. 548 and east of Forney Community Park**

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3. **Consider approval of a preliminary plat for the Forney Retail Land Addition, located northeast of the intersection of South F.M. 548 and F.M. 741.**
 4. **Consider approval of a revised site plan for Chick-fil-A.**
 5. **Consider approval of a revised site plan for Forney High School.**
 6. **Consider approval of a site plan for Ed Wilson Elementary School, located northeast of the intersection for Hillside Drive and Innovation Boulevard.**
 7. **Consider approval of a site plan for Forney ER, located northeast of the intersection of South F.M. 548 and F.M. 741.**
 8. **Consider approval of a site plan for HTeaO, located southeast of the S. F.M. 548 and F.M. 741 intersection.**
 9. **Consider approval of a site plan for the Forney Carwash Addition, located west of S. F.M. 548 and east of Forney Community Park.**

75 Mayor Lewis read the Consent Agenda Items and Asked if Council wanted to pull any items for
76 discussion. Consent agenda item number 4 was pulled. Mayor Lewis called for a motion to
77 approve the Consent Agenda items 1 through 3 and 5 through 9. Council Member Salgado
78 made a motion to approve the Consent Agenda items 1 through 3 and 5 through 9. Council
79 Member Primous seconded the motion. The motion passed unanimously by a vote of 6 ayes
80 and 1absent [Chambers].

81
82 Community Development Director Peter Morgan came forward to discuss Consent Agenda item
83 No. 4. Mr. Bryan Burger, representing the property owner, requests approval of a revised site
84 plan for Chick-fil-A. The purpose of the request is to establish the site design for a permanent
85 order lane canopy.

86
87 Current Standards: The existing building is located on 1.1286-acres of property. This property is
88 zoned within the Mustang Crossing planned development. The planned development zoning
89 was established by Ordinance 1090, adopted by City Council on November 18, 2003. The
90 applicant currently uses a temporary white canopy on the east side of the restaurant.

91
92 Site Plan: The Zoning Ordinance sets the parking ratio for a restaurant at one (1) parking space
93 per one hundred Page 2 (100) square feet of gross floor area. Since the building is 4,649
94 square feet, 46 parking spaces are required. The site currently has 46 parking spaces. On
95 September 13, 2022. The Board of Adjustment approved a variance to the City of Forney
96 parking regulations that allows the applicant to remove 6 parking spaces to the establish a
97 permanent order lane canopy on the east side of the restaurant. The canopy design includes
98 menu boards, fans, and heaters to help restaurant staff.

99
100 Future Requirements: If the site plan is approved, future development of the property will require
101 approval of: 1. Building Plans (staff approved).

102
103 Recommendation: On December 1, 2022, the Planning and Zoning Commission recommended
104 approval.

105

106 Mayor Lewis called for motion to approve consent item number 4. Mayor Pro Tem Schlensker
107 made a motion to approve consent item number 4 approval of a revised site plane for Chick-fil-
108 A. Council Member Salgado seconded the motion.

109
110 The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

111
112 **VI. PUBLIC HEARING ITEMS/ACTION ON PUBLIC HEARING ITEMS**

- 113
114 **1. Hold a public hearing and discuss and consider approval of an**
115 **Ordinance approving a conditional use permit to allow ‘Tire Auto**
116 **Repair’ to operate as an approved use at 110 Industrial Drive. [Read**
117 **Ordinance Caption]**
118

119 Director of Community Development, Peter Morgan, discussed this item. Mr. Travis Rilat
120 requests approval of a conditional use permit. The purpose of the request is to allow for a ‘Tire
121 Auto Repair’ use to operate at 110 Industrial Drive. The 0.45-acre property is currently zoned
122 within the Commercial zoning district. The adjacent properties are located in the north mustang
123 business park planned development.

124
125 The Commercial zoning requires a conditional use permit for the requested use. The proposed
126 business is currently located within the business park at 218 and 220 Industrial Drive. The
127 conditional use permit is needed to relocate the business to a larger building at 110 Industrial
128 Drive. All Star Wheel Repair operates as an aluminum wheel repair business. The business
129 picks up the wheels from customers and repairs them at the Industrial Drive business location.

130
131 Staff provided notification of the request to adjacent property owners. Staff also published
132 notification of the request in the Forney Messenger newspaper. Staff has not received any
133 public comment concerning this request. On December 1, 2022, the Planning and Zoning
134 Commission recommended approval.

135
136 Mayor Lewis opened the public hearing at 6:38 p.m. No one came forward to address the
137 Council, so Mayor Lewis closed the public hearing at 6:38p.m.

138
139 Mayor Lewis called for a motion. Council Member Traylor made a motion to approve the
140 Ordinance. Council Member Roberson seconded the motion. The Ordinance caption was read
141 as follows:

142
143 **ORDINANCE NO. 22-58**
144

145 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
146 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**
147 **ZONING FROM COMMERCIAL DISTRICT (C) USES TO COMMERCIAL DISTRICT (C) USES**
148 **WITH A CONDITIONAL USE PERMIT (CUP) FOR TIRE AUTO REPAIR TO OPERATE ON 0.76**
149 **ACRES OF LAND AT 110 INDUSTRIAL DRIVE, IN THE CITY OF FORNEY, KAUFMAN**
150 **COUNTY, TEXAS, LOCATED IN THE J. GREGG SURVEY, ABSTRACT NO. 171, IN**
151 **ACCORDANCE WITH THE CITY’S COMPREHENSIVE MASTER PLAN AND ZONING**
152 **ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**
153 **PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING**
154 **FOR PUBLICATION AND AN EFFECTIVE DATE.**
155

156 The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

157 **VII. DISCUSSION/ACTION ITEMS**

- 158
159 **1. Discuss and consider a Resolution approving a Development**
160 **Agreement between the City of Forney and 38 ON 1641, LP for the**

161 **development of an approximate 37.8064 acres of land located on FM**
162 **1641.**

163
164 City Attorney, Jenni Barnes Smith, presented this item. 38 ON 1641, LP has approximately
165 37.8064 acres of land in the City's ETJ. The property is located on the northeast side of FM
166 1641 between Monitor Blvd. and Gateway Blvd. 38 ON 1641, LP desires to develop their
167 property constructing one or more structures for warehouse or distribution center buildings and
168 general retail.

169
170 Currently, the City does not have land use control or authority over the property that is not
171 located in the city limits. 38 ON 1641, LP further desires to petition the City for the annexation of
172 all of their property not currently in the city limits. The development agreement proposes that the
173 property will be developed for the a forementioned uses, following the initiation of annexation of
174 the property and approval of the necessary zoning to allow the uses contemplated in the
175 development agreement.

176
177 The development would be subject to wastewater and roadway impact fees and other required
178 development fees. The property is currently within the Talty SUD. However, 38 ON 1641, LP
179 may seek to decertify the property from Talty's CCN and the City would be the retail provider of
180 water services.

181
182 The proposed development agreement contemplates a light industrial zoning with a few
183 additional regulations that are set forth in the agreement as Exhibit B. Included in these
184 additional regulations is a prohibition of parking or "stacking" on FM 1641 of any commercial
185 vehicles.

186
187 Should the City Council approve the proposed development agreement, 38 ON 1641 will submit
188 a petition for annexation to be conducted during the month of February concurrently with their
189 zoning application for the property.

190
191 Tyler Wood from Intrepid Equity spoke to council that the current development agreement is
192 presented as industrial use with allowance of commercial use as well. Their intent with that is to
193 remain flexible with their tenants and space in the city. The goal is to accommodate users that
194 want to move to Forney whether it's an expansion within or new development.

195
196 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the
197 Resolution approving a Development Agreement between the City of Forney and 38 ON 1641,
198 LP for the development of an approximate 37.8064 acres of land located of FM 1641. Council
199 Member Traylor seconded the motion. The motion passed unanimously by a vote of 5 ayes and
200 1 nay [Tarylor] 1 absent [Chambers].

201
202 **2. Discuss and consider approval of revision to the Ordinance for the**
203 **Fire Department Civil Service Add-On Pay.**

204
205 Director of Human Resources, Jamie Holbert, presented this item. This ordinance has been
206 revised to add Fire Investigator position assignment pay. This pay has been added due to the
207 changes that occurred when we implemented Civil Service. The Firefighters working in the Fire
208 Marshal's Office were being paid at the Paramedic pay grade; however, with the implementation
209 of Civil Service, we no longer have that pay grade available. Therefore, the assignment pay has
210 been added to compensate employees for the additional arson investigation duties.

212 The ordinance establishes the special pay types for the Fire Department as required by Chapter
213 143 of the Texas Local Government Code pertaining to Civil Service, providing this ordinance
214 be cumulative, providing for severability, governmental immunity, injunctions, and providing for
215 an effective date.

216
217 Per Chapter 143 of the Texas Local Government Code, all Firefighters must be paid based on
218 years of service. Therefore, Paramedic/Investigator pay was removed from the pay plan and
219 designated as an add-on pay.

220
221 Per Chapter 143, all additional pay must be approved by Council through an ordinance.

222
223
224 Mayor Lewis called for a motion. Council Member Traylor made a motion to approve the
225 Ordinance for the Fire Department Civil Service Add-On Pay. Mayor Pro Tem Schlensker
226 seconded the motion.

227

228 **ORDINANCE NO. 22-59**

229

230 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO 22-39,**
231 **AUTHORIZING ASSIGNMENT AND CERTIFICATION PAY FOR CERTAIN FIREFIGHTERS**
232 **WHO PERFORM SPECIALIZED FUNCTIONS IN THE FIRE DEPARTMENT**
233

234

The motion passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

235

- 236 **3. Discuss and consider approval of a Resolution authorizing the filing**
237 **of eminent domain proceedings for the purpose of acquiring right-**
238 **of-way and easements for the use by the city for the construction**
239 **and maintenance of the extension of Ridgecrest Road and for other**
240 **public purposes permitted by law.**

241

242 Assistant City Manager, Karl Zook, presented this item. Mr. Zook wanted to hold on this item
243 until executive session, following executive session they will take action on number three.

244

245 Mayor Lewis stated that no action will be taken till they come out of executive session.

246

- 247 **4. Discuss and consider a Resolution consenting to annexation of**
248 **certain land into Las Lomas Municipal Utility District No. 4A**
249 **Kaufman County.**

250

251 Mayor Lewis stated that as a council they already discussed this a voted through, but the title
252 was incorrect.

253

254 City Attorney, Jenni Barnes Smith, presented this item. Mrs. Smith explained that there was a
255 typo. The MUD was presented as 4B when it supposed to be listed as 4A. They refiled the
256 petition with the correct name for Las Lomas to go through the annexation.

257

258 Mayor Lewis called for a motion. Mayor Pro Tem Schlensker made a motion to resend the
259 previous annexation of certain land into Las Lomas Municipal Utility District 4B and present it as
260 4A. Council Member Salgado seconded the motion. The motion passed unanimously by a vote
261 of 6ayes and 1 absent [Chambers].

262

- 263 **5. Discuss and consider a Resolution setting a date, time, and place**
264 **for a public hearing on the proposed annexation of approximately**
265 **50.796 acres of land, situated in the L. Pearce Survey, Abstract No.**

266 **373, Kaufman County, Texas, located on Helms Trail, owned by the**
267 **Claude and Gene Prewitt Trust.**
268

269 This action item was pulled from the agenda and no action was taken by the City Council.
270

271 **VIII. CITY MANAGER'S REPORT**

272 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
273 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE
274 ACTION, INCLUDING THE FOLLOWING:
275

- 276 • Department Reports (Fire, Police, Municipal Court, Finance)
- 277 • Citizen Complaints – Actions taken or to be taken
- 278 • Upcoming Special Events
- 279 • Personnel Changes
- 280 • Commendations
- 281 • Public Works/Street Projects, Repairs or Construction
- 282 • Park Issues
- 283 • Inspection Issues
- 284 • CIP Projects
- 285

286 On December 15th and 16th, Forney Parks and Recreation is hosting an Evening with the Rat
287 Pack, a Rat Pack tribute band, at the Spellman Amphitheater. The concerts will begin at 7 p.m.
288 and are free for everyone to attend.
289

290 The City of Forney is once again hosting the New Year's Eve Ball Drop in Downtown Forney.
291 On December 31st, we invite the community to help us ring in 2023 with a night full of fun
292 festivities capped off by a ball drop. For more information, visit
293 forneytx.gov/NewYearsEveBallDrop.
294

295 The Forney Fire Department is pleased to announce the kick-off of their annual "Get Fired Up
296 for Reading" contest. In partnership with the Forney ISD, the Forney Education Foundation,
297 and Walmart, this reading contest highlights the importance of reading as an integral part of
298 learning. Students compete for prizes for the most minutes read in each grade level.
299

300 Last year participants completed just over 1.5 million minutes of reading in just over two
301 months as part of the program. This year's goal is to push that total over the 2 million minutes
302 read mark! Grand Prize winners from each elementary campus receive a new bicycle, provided
303 by Walmart, and a ride to school on a Forney Fire Truck. Older students are provided gift cards
304 from the Forney Education Foundation. The contest begins on January 9th and ends on March
305 10th, 2023.
306

307 Deputy Chief Holcomb gave update and overview of outdoor warning system. The City of
308 Forney put in 12 new sirens this year. The sirens are set up through the commander one
309 program where then there are parameters that are set up within. As soon as the National
310 Weather Service enters a tornado warning the sirens will automatically turn on.
311

312 At the City Park there is another parameter that is set up for severe weather. As soon as the
313 National Weather Service enters severe weather warning then it will set off just that one and its
314 voice only. This is to allow people walking the trails or playing sports to know that severe
315 weather is moving into that area and take immediate cover. The other day when we had severe
316 weather the siren at the park only went off the rest of the sirens did not go off since they only
317 issued a tornado watch. The first part of next year the siren at the park will have lightning
318 detection added to it. Once the parameters detect lightning then it will voice everyone at the

319 park that there is lightening in the area. It will also have a strobe light for people who are
320 hearing impaired.

321
322 With the new system it will automatically shut down the splash pad once lightening is detected.
323 The old system they would send out a teletype to dispatch, which then could take a couple of
324 minutes till the sirens would go off, but the new systems once there is a tornado warning it will
325 automatically go off.

326
327 **IX. ANNOUNCEMENT OF COMMUNITY EVENTS**

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

332
333 Mayor Lewis made the following announcements:

- 334
335 1. On Thursday, December 15, 2022, REACH Child Placing Agency in Kaufman
336 County will partner with our law enforcements to holiday shopping for over
337 100 kids in Kaufman County.
338
339 2. Mayor Lewis and Council at this time presented and Christmas gifts to City
340 Manager, City Attorney, and City Secretary.

341
342 Mayor Lewis announced that Council would now go into Executive Session under Chapter 551,
343 Texas Government Code, Sections 551.072 and 551.074 and called for a motion. Council
344 member Roberson made a motion to adjourn into Executive Session at 7:12 p.m. Council
345 member Traylor seconded the motion. The motion passed unanimously by a vote of 6 ayes and
346 1 absent [Chambers].

347
348 **X. EXECUTIVE SESSION**

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

- 352
353 1. Pursuant to Section 551.071, Texas Government Code- consultation with
354 the City's attorneys to seek advice on the following matters
355
356 a. eminent domain action for the acquisition of real property for the
357 construction and maintenance of the extension of Ridgecrest
358 Road and for other public purposes permitted by law; and
359

360 **XI. RECONVENE INTO REGULAR SESSION**

361 IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL
362 WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS
363 DISCUSSED IN EXECUTIVE SESSION.

364
365 Council returned to Chambers at 7:27 p.m. Mayor Lewis called for a motion to adjourn out of
366 Executive Session at that time. Council member Salgado made a motion to adjourn out of
367 Executive Session, Mayor Pro Tem Schlensker seconded the motion. The motion passed
368 unanimously by a vote of 6 ayes and 1 absent [Chambers].

369
370 Mayor Lewis asked if there was any action to be taken as a result of Executive Session. Council
371 member Traylor made the motion to reconsider action item number three. Mayor Pro Tem
372 Schlensker seconded the motion.

373

374 Mayor Lewis motioned to approve the Resolution. I move that the City Council of the City of
375 Forney authorize the use of the power of eminent domain to acquire the real property described
376 in a Resolution as presented, specifically:

- 377
- 378 • a 53,016 square foot (1.2171 acre) Right-of-Way (Exhibit A) on property
379 situated in the Samuel Smith Survey, Abstract 40, City of Forney,
380 Kaufman County, Texas, and being part of Tract 2 in the deed recorded in
381 Instrument 2009-00001523, Official Public Records, Kaufman County,
382 Texas;
- 383 • a 661 square foot (0.0152 acre) Right-of-Way (Exhibit B) on property
384 situated in the Samuel Smith Survey, Abstract 40, City of Forney,
385 Kaufman County, Texas, and being part of the Save and Except Parcel 2
386 in Instrument 2018-0029740, Official Public Records, Kaufman County,
387 Texas;
- 388 • a 10,866 square foot (0.2494 acre) [Tract 1] and a 12,281 square foot
389 (0.2819 acre) [Tract 2] Temporary Construction Easement (Exhibit C) on
390 property situated in the Samuel Smith Survey, Abstract No. 450, City of
391 Forney, Kaufman County, Texas, and being part of Tract w recorded in
392 Instrument 2009-00001523, Official Public Records, Kaufman County,
393 Texas; and
- 394 • a 937 square foot (0.0215 acre) Temporary Construction Easement
395 (Exhibit D) on property situated in the Samuel Smith Survey, Abstract 40,
396 City of Forney, Kaufman County, Texas, and being part of the Save and
397 Except Parcel 2 in Instrument 2018-0029740, Official Public Records,
398 Kaufman County, Texas,

399
400 for the public use of the construction and maintenance of the extension of Ridgecrest Road, and
401 I further move to adopt a Resolution as presented.

402
403 Mayor Lewis made the motion to approve the Resolution authorizing the filing of eminent
404 domain proceedings for the purpose of acquiring right-of-way and easements for use by the city
405 for the construction and maintenance of the extension of Ridgecrest Road and for other public
406 purposes permitted by law. Mayor Pro Tem Schlensker seconded the motion. The motion
407 passed unanimously by a vote of 6 ayes and 1 absent [Chambers].

408
409 **XII. ADJOURNMENT**

410
411 There being no further business to come before the Council, Mayor Lewis called for a motion to
412 adjourn at 7:31 p.m. Council Member Traylor made a motion to adjourn. Mayor Pro Tem
413 Schlensker seconded the motion. The motion passed unanimously by a vote of 6 ayes and 1
414 absent [Chambers].

415
416 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
417 **TEXAS, this _____ day of _____, 2023.**

418
419
420
421 **ATTEST:** _____ **Amanda Lewis, Mayor**
422
423 _____

424 **Dorothy Brooks, City Secretary**
425