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**Minutes**  
**Forney City Council**  
**Tuesday, January 17, 2023**  
**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 – MAYOR AMANDA LEWIS**

**III. APPROVAL OF MINUTES**

**1. Consider approval of the Minutes of the December 6, 2022, City Council meeting.**

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

**2. Consider approval of the Minutes of the December 13, 2022, Special City Council meeting.**

Mayor Lewis asked if Council had any changes to the minutes. There being no changes, Mayor Lewis called for a motion. Council Member Traylor made a motion to approve the Minutes of the December 13, 2022, City Council meeting and Mayor Pro Tem Schlensker seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [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. The following person came forward to address the Council:

Dianne Hall  
4002 Autumnwood Lane  
Heartland, Texas 75126

Ms. Hall stated that although she does not live in the city limits, that she does shop here. She would like to be able to obtain a card for the City's online library.

There being no one further to address the Council, Mayor Lewis closed the open forum session.

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**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 preliminary plat for Gateway 80 Station located north of the County Road 212 and South Gateway Boulevard intersection.**
2. **Consider approval of a final plat for Gateway 80 Station, located north of the County Road 212 and South Gateway Boulevard intersection.**
3. **Consider approval of a preliminary plat for the South Forney Addition, located south of U.S. Highway 80, east of S. Gateway Boulevard and north of Akron Way.**
4. **Consider approval of a preliminary plat for the Victory Shops Forney East Addition, located on the east side of N. F.M. 548, north of the Mustang Crossing Planned Development.**
5. **Consider approval of a revised site plan for Mt. Zion Baptist Church, located at 500 Mesquite Street.**
6. **Consider approval of a revised site plan for Rhea Intermediate School, located at 250 Monitor Boulevard.**
7. **Consider approval of a site plan for the South Forney Addition, located south of U.S. Highway 80, east of S. Gateway Boulevard and north of Akron Way.**
8. **Consider approval of the acceptance of public improvements for the CHC Retail project.**
9. **Consider approval of the acceptance of public improvements for the Ridgecrest Center Lot SR Retail Project.**
10. **Consider a Resolution awarding a contract to Home Run Construction, LLC for the Animal Shelter Parking Lot Addition Project, and all related issues.**
11. **Consider approval of a Resolution ordering the General Election for May 6, 2023 and take any action necessary. [Comenta y considerar la aprobaci3n de una Resoluci3n que ordena la Elecci3n General el 6 de mayo de 2023, y tomar las medidas necesarias.]**

Mayor Lewis asked if Council wanted to pull any of the Consent Agenda Items for discussion. Mayor Pro Tem Schlensker requested that Consent Agenda Item # 10 be pulled. Mayor Lewis asked for a motion on the remaining Consent Agenda Items # 1-9 and #11. Council Member Chambers made a motion to approve Consent Agenda Items # 1-9 and #11 and Council Member Primous seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

106 Assistant City Manager Karl Zook discussed Consent Agenda Item # 10 regarding the contract to  
107 Home Run Construction for the Animal Shelter Parking Lot Addition project. This project will not  
108 interfere with any future project regarding a bridge over 80. Mayor Lewis called for a motion.  
109 Mayor Pro Tem Schlensker made a motion to approve Consent Agenda Item # 10 and Council  
110 Member Primous seconded the motion. The motion passed unanimously by a vote of 7 ayes and  
111 0 nays.

112  
113 **VI. PUBLIC HEARING ITEMS**

114  
115 **1. Hold a public hearing and discuss and consider approval of an**  
116 **Ordinance approving a conditional use permit for a building to be**  
117 **constructed at a height greater than thirty-six feet (36') on property**  
118 **located on the east side of N. F.M. 548, north of the Mustang**  
119 **Crossing Planned Development.**

120  
121 Community Development Director Peter Morgan discussed this item. Mr. Tony Ramji requests  
122 approval of a conditional use permit. The purpose of the request is to allow for an office building  
123 to be constructed at a height greater than thirty-six feet (36').

124  
125 The entire property consists of 6.2 acres of vacant land zoned in the Light Industrial District. The  
126 Mustang Crossing planned development, including the AMC movie theater, is located to the  
127 south.

128  
129 The site plan proposes a daycare use for lot 5 and an office use for lot 6. Each of the uses is  
130 permitted by right within the Light Industrial District. The applicant is also requesting approval of  
131 a conditional use permit for lot 6 since the main building exceeds thirty-six feet (36') in height. The  
132 proposed office property, lot 6, consists of 1.438 acres of property. The main structure is 14,000  
133 square feet and features parking at ground level with the main structure built above the parking.  
134 The requested height of the main structure is fifty-two feet (52'). The exterior construction  
135 materials will meet the adopted 2021 ICC standards.

136  
137 Staff provided notice of the public hearing in accordance with zoning requirements. Staff has not  
138 received any public comment. On January 5, 2023, the Planning and Zoning Commission voted  
139 to recommend approval.

140  
141 Mayor Lewis opened the public hearing at 6:40 p.m. No one came forward to address the Council  
142 on this item, so Mayor Lewis closed the public hearing at 6:40 p.m.

143  
144 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the  
145 Ordinance and Council Member Primous seconded the motion. The Ordinance caption was read  
146 as follows:

147  
148 **ORDINANCE NO. 23-01**

149  
150 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**  
151 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**  
152 **ZONING FROM LIGHT INDUSTRIAL DISTRICT (LI) USES TO LIGHT INDUSTRIAL DISTRICT (LI)**  
153 **USES WITH A CONDITIONAL USE PERMIT (CUP) FOR A BUILDING WITH A HEIGHT GREATER**  
154 **THAN THIRTY-SIX FEET (36') TO BE CONSTRUCTED ON 1.438 ACRES OF LAND, IN THE CITY**  
155 **OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT**  
156 **NO. 203, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING**  
157 **ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**  
158 **PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR**  
159 **PUBLICATION AND AN EFFECTIVE DATE.**

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

162

163 **2. Hold a public hearing and discuss and consider a replat for Mt. Zion**  
164 **Baptist Church, located at 500 Mesquite Street.**

165

166 Community Development Director Peter Morgan discussed this item. Simon Engineering,  
167 representing the property owner, requests approval of the replat for the Mt. Zion Baptist Church.  
168 The purpose of the replat is to establish easements necessary for the development of an  
169 additional building on the church property.

170

171 The property is currently vacant and undeveloped. The property consists of 1.11 acres of land  
172 located in the SF-6, Single Family Residential zoning district. A Church use is permitted by right  
173 at this location.

174

175 The replat consists of one (1) lot on 1.11 acres of property. The plat is designed in compliance  
176 with the City of Forney Comprehensive Zoning Ordinance and the City of Forney Subdivision  
177 Ordinance. On January 5, 2023, the Planning and Zoning Commission voted to recommend  
178 approval.

179

180 Mayor Lewis opened the public hearing at 6:43 p.m. No one came forward to address the Council,  
181 so Mayor Lewis closed the public hearing at 6:43 p.m.

182

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

186

187 **VII. DISCUSSION / ACTION ITEMS**

188

189 **1. Presentation for Forney Fire Station No. 2 Building & Site**  
190 **Assessment.**

191

192 Helena Jenkins of Eikon stated that a multi-disciplined team of licensed professionals with EIKON  
193 performed a site and building evaluation of the City of Forney's Fire Station No. 2. The categories  
194 they observed included Texas Accessibility Standards (TAS), Crawl Space, Mechanical Unit  
195 Performance, Plumbing and Site Drainage, and Electrical. They found that Fire Station No. 2 is  
196 currently not in compliance with the TAS. They also found issues in the crawl space, the  
197 mechanical unit performance, plumbing / site drainage, and electrical. The repairs will cost \$1.5  
198 million, which will be included in the \$6.7 million for construction of a new building.

199

200 **2. Consider approval for the grant application for additional police**  
201 **personnel. The Forney Police Department is seeking City Council**  
202 **approval to apply for a grant via the U.S. Department of Justice -**  
203 **Office of Community Oriented Policing Services (COPS). The grant**  
204 **stipulates a 25% cash match to each police officer (2) position**  
205 **annually and an absorption of each position after 36 months.**

206

207 Police Chief White discussed the grant which is for two additional police personnel. Mayor Lewis  
208 called for a motion. Council Member Traylor made a motion to authorize Chief White to file for  
209 the grant and Council Member Roberson seconded the motion. The motion passed unanimously  
210 by a vote of 7 ayes and 0 nays.

211

212 **3. Discuss and consider approval of a Resolution accepting a grant**  
213 **funding from the Criminal Justice Division of the Office of the**  
214 **Governor, Public Safety Office. The grant funds agencies seeking**  
215 **to equip their officers with bullet-resistant shields.**

216  
217 Police Chief Carrie White discussed this item. The grant is for funds to equip our patrol fleet with  
218 bullet-resistant shields. This is a result of the Uvalde incident. Council Member Traylor made a  
219 motion to approve the Resolution and Council Member Chambers seconded the motion. The  
220 motion passed unanimously by a vote of 7 ayes and 0 nays.

221  
222 **4. Discuss and consider approval of a Site Plan for the Victory Shops**  
223 **Forney East Addition, lot 5 and lot 6, located on the east side of N.**  
224 **F.M. 548, north of the Mustang Crossing Planned Development.**

225  
226 Community Development Director Peter Morgan discussed this item. Mr. Tony Ramji requests  
227 approval of a site plan. The purpose of the request is to establish the site design for lot 5 and lot  
228 6 of the Victory Shops Forney East Addition.

229  
230 The entire property consists of 6.2 acres of vacant land zoned in the Light Industrial District. The  
231 Mustang Crossing planned development, including the AMC movie theater, is located to the  
232 south.

233  
234 The site plan proposes a daycare use for lot 5 and an office use for lot 6. Each of the uses is  
235 permitted by right within the Light Industrial District. The applicant is also requesting approval of  
236 a conditional use permit for lot 6 since the main building exceeds thirty-six feet (36') in height. The  
237 proposed daycare property, lot 5, consists of 1.388 acres of property. The main structure is 12,490  
238 square feet. The exterior construction materials will meet the adopted 2021 ICC standards.  
239 Adequate parking is provided for the drop off and pick up of children. The proposed office property,  
240 lot 6, consists of 1.438 acres of property. The main structure is 14,000 square feet and features  
241 parking at ground level with the main structure built above the parking. The exterior construction  
242 materials will meet the adopted 2021 ICC standards. On January 5, 2023, the Planning and  
243 Zoning Commission voted to recommend approval.

244  
245 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the site  
246 plan and Council Member Roberson seconded the motion. The motion passed unanimously by  
247 a vote of 7 ayes and 0 nays.

248  
249 **5. Discuss and consider action regarding a Resolution approving an**  
250 **Interlocal Agreement between the City of Forney and the Board of**  
251 **Trustees of the Forney Independent School District for the**  
252 **widening of Ranch Roach from 740 FM to just north of Innovation**  
253 **Boulevard.**

254  
255 Assistant City Manager Karl Zook discussed this item. It has been determined that a segment of  
256 Ranch Road from FM 740 to just north of Innovation Boulevard will be widened from a two-lane  
257 street to a four-lane street, all within the City's right-of-way. Forney ISD shall be responsible to  
258 construct, or cause to be constructed, the expansion as set forth in the construction plans and  
259 drawings to be prepared by the City's engineer. The City will be responsible for all costs and  
260 expenses for the City's engineer. The total construction cost, including the fees for Forney ISD's  
261 construction manager-agent, is to be determined at the time Forney ISD puts the project out for  
262 procurement. The City represents and warrants that costs for the project are within the City's  
263 current budget and funds have been set aside for this project. The City hereby agrees to waive

264 any and all permitting and planning fees for the project, and if not waived, the City is responsible  
265 for reimbursing Forney ISD for said costs.

266  
267 Upon completion of the project, the City will be responsible for all future improvements, repairs,  
268 and maintenance to said portion of Ranch Road, as it is a City road.

269  
270 Galagher Construction will do the construction. The bid will let in March and the road is due to be  
271 complete by August.

272  
273 Council Member Traylor made a motion to approve the Resolution approving the Interlocal  
274 Agreement and Mayor Pro Tem Schlensker seconded the motion. The motion passed  
275 unanimously by a vote of 7 ayes and 0 nays.

276  
277 **6. Discuss and consider action regarding a Resolution authorizing**  
278 **continued participation with the Steering Committee of Cities**  
279 **served by Oncer and authorizing the payment of the 2023**  
280 **membership dues to fund regulatory and related activities related**  
281 **to the Oncer Electric Delivery Company, LLC.**

282  
283 City Attorney Jennifer Smith Barnes discussed the background of this item. This is an annual  
284 assessment. Mayor Lewis called for a motion. Council Member Primous made a motion to  
285 approve the Resolution and Council Member Roberson seconded the motion. The motion passed  
286 unanimously by a vote of 7 ayes and 0 nays.

287  
288 **VIII. CITY MANAGER'S REPORT**  
289 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
290 FUTURE LEGISLATIVE ACTIVITIES, AND OTHE RELATED MATTERS FOR POSSIBLE ACTION,  
291 INCLUDING THE FOLLOWING:

292  
293 Last week the Forney Police Department began certifying all their police officers as Mental Health  
294 Peace Officers through the Texas Commission on Law Enforcement. Officers will attend intensive  
295 training in crisis intervention and first aid to certify them through the state. The certification is not  
296 mandatory for them, but it is an extra step to help provide a better service for those in our  
297 community suffering from crises.

298  
299 Public Works Director Kyle Groves is working on establishing a cleanup crew to do trash pickup  
300 along highway 80.

301  
302 **IX. ANNOUNCEMENT OF COMMUNITY EVENTS**  
303 This section is used to communicate items of community interest, specifically, reminders about  
304 upcoming events organized or sponsored by the government body or other information regarding a  
305 social, ceremonial or community event organized or sponsored by any entity other than the  
306 government body that may be of interest to the citizens of Forney.

307  
308 Mayor Lewis announced that registration for the Adult Softball Spring League is open at  
309 FORNEYTX.GOV. Registration closes on February 20, 2023.

310  
311 Spring Sand Volleyball is open for registration. The deadline to register closes on February 9<sup>th</sup> at  
312 11:59 p.m.

313  
314 Adoptions at our Animal Shelter are half priced at \$35.00. This includes a rabies shot and spay  
315 and neuter.

316  
317

318 Mayor Lewis announced that Council would now go into Executive Session and called for a  
319 motion. Council Member Chambers made a motion to adjourn into Executive Session at 7:19  
320 p.m. and Mayor Pro Tem Schlensker seconded the motion. The motion passed unanimously by  
321 a vote of 7 ayes and 0 nays.

322

323 **X. EXECUTIVE SESSION**

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

327

328 1. Consult with legal counsel regarding pending or contemplated litigation or  
329 a settlement offer and/or matters in which the duty of the attorney to the  
330 governmental body under Texas Disciplinary Rules of Professional  
331 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the  
332 Texas Government Code (Tex. Gov't Code Section 551.071):

333

334 a. Lafdi v. David Holman, et al

335

336 b. NTMWD v. City of Heath, City of Rockwall, and City of Forney

337

338 c. Forney Bellagio update

339

340 d. Landis v. City of Forney

341

342 **XI. RECONVENE INTO REGULAR SESSION**

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

346

347 Council returned to Chambers at 7:41 p.m. Mayor Lewis called for a motion to adjourn out of  
348 Executive Session at 7:41 p.m. Council Member Roberson made a motion to adjourn out of  
349 Executive Session and Mayor Pro Tem Schlensker seconded the motion. The motion passed  
350 unanimously by a vote of 7 ayes and 0 nays.

351

352 There being no action to be taken as a result of Executive Session, Mayor Lewis called for a  
353 motion to adjourn. Council Member Traylor made a motion to adjourn, and Council Member  
354 Chambers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0  
355 nays.

356

357 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**  
358 **TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

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361

362 **ATTEST:**

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364

365 \_\_\_\_\_  
366 **Dorothy Brooks, City Secretary**

\_\_\_\_\_  
**Amanda Lewis, Mayor**