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MINUTES
Forney City Council
Tuesday, April 18, 2023
6:30 p.m. Regular 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, Cecil Chambers, Sandi Primous, Sarah Salgado and Daniel Efthimiou. Also present was City Manager Charles Daniels.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – Council Member Sarah Salgado

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the April 4, 2023, City Council meeting.

Mayor Lewis asked if Council had any changes to the Minutes of the April 4, 2023, City Council meeting. Mayor Lewis identified the following changes:

- Line 229: The Draft Minutes revision should say, “*vacancies that occur in the Council, or the Mayor, must be filled at a special election unless a general election that would fill the vacant place is scheduled to occur within 120 days after the vacancy occurred; any vacancies within 120 days or less be filled by appointment by City Council.*”
- Line 282: Correct the motion was “*to appoint the City Attorney as the official parliamentarian.*”

With those changes, Mayor Lewis called for a motion. Mayor Pro Tem Schlensker moved to approve the Minutes of the April 4, 2023, City Council meeting as corrected. Council Member Primous 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 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. 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.

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1. **Consider a Resolution approving a Professional Services Agreement with Pierce- Murray Land Solutions, LLC, to provide consulting services to prepare a drainage study to address drainage improvements near the intersection of Estate Lane and FM 740.**
 2. **Consider approval of a final plat for Gateway Parks Phase 4C.**
 3. **Consider approval of a preliminary plat for Don Valk Self Storage Addition, located northwest of the intersection of Farm-to- Market Road 740 and Farm-to-Market Road 460 in the Forney ETJ.**
 4. **Consider approval of a final plat for Don Valk Self Storage Addition, located northeast of the intersection of Farm-to-Market Road 740 and Farm-to-Market Road 460 in the Forney ETJ.**
 5. **Consider approval of a final plat for the Trailhouse Park Hampton Addition, located north of U.S. Highway 80 and west of Trailhouse Lane.**
 6. **Consider approval of a final plat for Johnson Elementary School, located southwest of Vineyard Way and South F.M. 548.**
 7. **Consider approval of a final plat for Willett Elementary School, located southwest of Honey Creek Road and South Gateway Boulevard.**

74 Mayor Lewis read the Consent Agenda Items and asked whether Council wanted to pull any
75 items for discussion. No items were pulled. Mayor Lewis called for a motion. Council Member
76 Traylor moved to approve Consent Agenda Items 1 through 7. Mayor Pro Tem Schlenker
77 seconded the motion.

78
79 The motion passed unanimously by a vote of 7 ayes and 0 nays.

80
81 **VI. PUBLIC HEARING ITEMS/ACTION ON PUBLIC HEARING ITEMS**

- 82
83 **1. Hold a public hearing and discuss and consider approval of an Ordinance for**
84 **a conditional use permit to allow a food truck to operate at 907 E. Broad Street.**
85 [Read Ordinance Caption]

86
87 Director of Community Development Peter Morgan discussed this item. Jesus Herrera requests
88 approval of a Conditional Use Permit. The purpose of the request is to allow for a food truck to
89 operate next to the SkinSense Medispa and Salon business located at 907 E. Broad Street.

90
91 The property is zoned in the General Retail District. The zoning regulations require approval of
92 a conditional use permit for a food truck to operate on the property.

93
94 The applicant requests approval of a food truck to be located adjacent to the main building.
95 The site plan shows that the food truck would be set up on the west side of the property. The
96 request must follow all the regulations approved by Council on March 2, 2021. The regulations
97 include the following:

- 98 1. The food truck/trailer must be located on an improved surface;
99 2. The Conditional Use Permit, if approved, shall be valid for 1 year;
100 3. The food truck/trailer may operate for up to 60 days, followed by a 30-day rest period. This
101 may be repeated throughout the 1-year approval timeframe;
102 4. Allowable operating hours are 7:00 a.m. to 10:00 p.m.;
103 5. The food truck/trailer shall be removed from the property during non-operation hours,
104 unless otherwise approved with the conditional use permit. The applicant is requesting to
105 leave the trailer set up overnight;
106 6. The food truck/trailer must obtain an annual mobile food establishment permit;
107 7. Trash receptacles must be provided; and
108 8. Restrooms must be made available at the restaurant.

109

110 The applicant anticipates operating during the following hours:

111

- 112 • Thursday: 4-8 pm
- 113 • Friday: 4-8 pm
- 114 • Saturday: 11am-9 pm
- 115 • Sunday: 12-6 pm

116

117 The food truck offers the following types of food: Quesadillas, enchiladas, tamales, pupusas,
118 wings, elotes, fruit, chips and queso, guacamole, burrito, quesadillas, breakfast tacos.

119

120 Zoning Ordinance Considerations: When considering applications for a Conditional Use
121 Permit, Section 34b of the City of Forney Zoning Ordinance provides the following
122 considerations for the City Council:

- 123 1. The proposed use at the specified location is consistent with the goals, objectives and
124 policies contained in the adopted Comprehensive Plan;
- 125 2. The proposed use is consistent with the general purpose and intent of the applicable zoning
126 district regulations;
- 127 3. The proposed use meets all supplemental standards specifically applicable to the use as
128 set forth in Article V of this Ordinance;
- 129 4. The proposed use is compatible with and preserves the character and integrity of adjacent
130 development and neighborhoods and, as required by the particular circumstances, includes
131 improvements or modifications either on-site or within the public rights-of-way to mitigate
132 development-related adverse impacts, including but not limited to:
 - 133 a. Adequate ingress and egress to property and proposed structures thereon with
134 particular reference to vehicular and pedestrian safety and convenience, and access in
135 case of fire;
 - 136 b. Off-street parking and loading areas;
 - 137 c. Refuse and service areas;
 - 138 d. Utilities with reference to location, availability, and compatibility;
 - 139 e. Screening and buffering, features to minimize visual impacts, and/or setbacks from
140 adjacent uses;
 - 141 f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic
142 safety, economic effect, and compatibility and harmony with properties in the district;
 - 143 g. Required yards and open space;

- 144 h. Height and bulk of structures;
145 i. Hours of operation;
146 j. Exterior construction material and building design; and
147 k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions
148 to control traffic flow or divert traffic as may be needed to reduce or eliminate
149 development generated traffic on neighborhood streets.
150 5. The proposed use is not materially detrimental to public health, safety, convenience and
151 welfare, or results in material damage or prejudice to other property in the vicinity.
152

153 Accessibility: The property provides existing access to Broad Street.

154
155 Notification: Notification was provided in the newspaper and to property owners within two-
156 hundred feet (200') of the property. As of this writing, staff received one response. The Forney
157 Economic Development Corporation owns nearby property and is in favor of the request.
158

159 Mayor Lewis opened the public hearing at 6.36 p.m. No one came forward to address the
160 Council. Mayor Lewis closed the public hearing at 6:36 p.m.
161

162 Mayor Lewis called for a motion. Mayor Pro Tem Schlensker moved to approve the Ordinance.
163 Council Member Salgado seconded the motion. The Ordinance caption was read as follows:
164

165 **ORDINANCE NO. 23-08**
166

167 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING**
168 **ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM**
169 **GENERAL RETAIL DISTRICT (GR) USES TO GENERAL RETAIL DISTRICT (GR) USES WITH A**
170 **CONDITIONAL USE PERMIT (CUP) FOR FOOD TRUCK/TRAILER, TO OPERATE AS A PRIMARY USE**
171 **ON APPROXIMATELY 1.81 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171,**
172 **WHICH PROPERTY IS MORE COMMONLY KNOWN AS 907 E. BROAD STREET, IN THE CITY OF**
173 **FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE**
174 **MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A**
175 **SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND**
176 **PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**
177

178 The motion passed unanimously by a vote of 7 ayes and 0 nays.
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180 **VII. DISCUSSION/ACTION ITEMS**
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182 **1. Discuss and consider approval of a Resolution accepting grant funding for the**
183 **Police Department Body- Worn Camera (BWC) Program.**
184

185 Grants Coordinator, Nicholas Nix, presented this item. The Office of the Governor has accepted
186 the Forney Police Department's application for funding to provide officers with body-worn
187 cameras. The grant will provide over \$37,743.75 with a 25% match by the City for \$12,581.25,
188 for a Total Project Budget of \$50,325.00.
189

190 The Forney Police Department is seeking the approval of the City Council to approve the
191 resolution to accept the funding for this vital piece of public safety equipment.
192

193 Mayor Lewis called for a motion. Council Member Traylor moved to approve the Resolution
194 accepting grant funding for the Police Department Body- Worn Camera (BWC) Program.
195 Council Member Salgado seconded the motion. The motion passed unanimously by a vote of 7
196 ayes and 0 nays.

197 **2. Discuss and consider approval of a Resolution accepting grant funding**
198 **for Police Department Rifle-Resistant Body Armor.**
199

200 Grants Coordinator, Nicholas Nix, presented this item. The Office of the Governor has
201 accepted the Forney Police Department's application for funding to provide officers with
202 Rifle-Resistant Body Armor. The grant will provide \$17,213.15. There is no matching
203 amount required. The Total Project Budget is \$17,213.15.

204 The Forney Police Department is seeking the approval of the City Council to approve the
205 resolution to accept the funding for this vital piece of public safety equipment.
206

207 Mayor Lewis called for a motion. Council Member Traylor moved to approve the Resolution
208 accepting grant funding for Police Department Rifle-Resistant Body Armor. Council Member
209 Chambers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0
210 nays.
211

212 **3. Discuss and consider a Resolution approving the selection of a qualified firm**
213 **to assist the City in a new Parks and Open Spaces Master Plan and authorizing**
214 **the City Manager to negotiate and execute all necessary documents.**
215

216 Parks Director, Kyle Rouvaldt, presented this item. On February 7, 2023, the City Council
217 authorized staff to seek proposals through a request for qualifications from qualified firms for
218 professional services to update the Parks and Open Spaces Master Plan.
219

220 The City received responses from four (4) firms and a staff committee (Kyle Rouvaldt, Deborah
221 Woodham, Peter Morgan) reviewed and ranked the proposals to determine a recommendation.
222 The committee ranked the proposals in the following order:
223

- 224 1. Parkhill
- 225 2. Brandstetter Carroll Inc.
- 226 3. Dunaway
- 227 4. MHS Planning and Design LLC.
228

229 Staff unanimously recommended authorizing the City Manager to negotiate with Parkhill to
230 assist the City in an update to the Parks and Open Spaces Master Plan.
231

232 Mayor Lewis called for a motion. Council Member Traylor moved to approve a Resolution
233 approving the selection of a qualified firm to assist the City in a new Parks and Open Spaces
234 Master Plan and authorizing the City Manager to negotiate and execute all necessary
235 documents. Council Member Primous seconded the motion. The motion passed unanimously
236 by a vote of 7 ayes 0 nays.
237

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

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

- 242 • Department Reports (Fire, Police, Municipal Court, Finance)
- 243 • Citizen Complaints – Actions taken or to be taken
- 244 • Upcoming Special Events
- 245 • Personnel Changes
- 246 • Commendations

- 247 • Public Works/Street Projects, Repairs or Construction
- 248 • Park Issues
- 249 • Inspection Issues
- 250 • CIP Projects

251
252 The Elm Street Drainage project was recently completed. This was a collaboration of Engineering
253 and Public Works working with TX-DOT and Freeman-Millican Inc., as the design civil
254 engineering consultant to address a longstanding drainage issue at the Elm Street intersection
255 with the US 80 east bound frontage road.

256
257 This Friday, city offices will briefly close from 11 a.m. to 2 p.m. for an employee appreciation
258 picnic to recognize and thank hardworking employees for their dedication and service to the
259 community. Regular office hours will resume after 2 p.m.

260
261 **IX. ANNOUNCEMENT OF COMMUNITY EVENTS**

262 This section is used to communicate items of community interest, specifically, reminders about
263 upcoming events organized or sponsored by the governing body or other information regarding a social,
264 ceremonial, or community event organized or sponsored by an entity other than the governing body that
265 may be of interest to the citizens of Forney.
266

267 Mayor Lewis made the following announcements:

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269 1. Mayor Lewis announced that Friday April 28th there will be a Movie At The Park
270 featuring the movie, Toy Story. The movie will begin at dusk.
- 271 2. Mayor Lewis announced on Saturday April 29th will be the Forney Wine and Arts
272 festival hosted with the Forney Arts Council. The event will be held from 12:00p.m.
273 to 5:00 p.m.
- 274 3. Lastly Mayor Lewis announced the 35th annual civic auction hosted by the Forney
275 Chamber of Commerce. The event will be on April 29 from 5:00p.m. to 10p.m.
276 Additional information will be available online.
- 277 4. Council Member Traylor wanted to give a shoutout to Chief White and the Forney
278 Police Department regarding an encounter with an officer the other day when it was
279 late at night and his vehicle was pulled off to the side. He had a very pleasant
280 interaction with the officer who didn't know who he was. The interaction was very
281 refreshing and is pleased to say he lives in the City.

282
283 Mayor Lewis announced that Council would now go into Executive Session under Chapter
284 551, Texas Government Code, Sections 551.072 and 551.074 and called for a motion.
285 Mayor Pro Tem Schlensker moved to adjourn into Executive Session at 6:54 p.m. Council
286 member Salgado seconded the motion. The motion passed unanimously by a vote of 7
287 ayes and 0 nays.

288
289 **X. 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 appointment, employment, evaluation, reassignment, duties,**
295 **discipline, or dismissal of public officer or employee (Tex. Gov't Code**
296 **551.074):**

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- a. **City Manager**
- b. **City Secretary**
- c. **Assistant City Secretary**

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 8:05 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Council member Traylor moved to adjourn out of Executive Session. Council Member Salgado seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no action to be taken during the Executive Session, Mayor Lewis called for a motion to adjourn at 8:05 p.m. Council Member Traylor moved to adjourn. Council Member Chambers 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 _____, 2023.

ATTEST:

Amanda Lewis, Mayor

Rosa Rios, City Secretary