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Minutes
Forney City Council
Tuesday, July 20, 2021
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

Administer the Statement of Elected/Appointed Officer and Official Oath of Office to the Newly appointed Council Member Place 2, Cecil Chambers

Reverend Caleb Turner said a prayer and District Attorney Erleigh Wiley gave Mr. Chambers his Oath of Office.

I. CALL TO ORDER

Mayor Lewis called the meeting to order at 6:30 p.m. Present were Mayor Amanda Lewis, Mayor Pro Tem James Traylor and Council Members Cecil Chambers, Sarah Salgado, Derald Cooper and Jason Roberson. Council Member Robbie Powers was absent. Also present was Deputy City Manager Neil Cardwell.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR AMANDA LEWIS

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the July 6, 2021, City Council Meeting.

Mayor Lewis asked if Council had any changes to the Minutes. Mayor Lewis stated she had the following changes:

- 1) Line 212 - insert (“Blue Jay”) behind the ‘cluster of trees area’ comment.... for clarification.
- 2) Line 213 - Strike out the “In the meantime” sentence, and replace with the following “We’ve established on the Amazon-side of things, but in the meantime, we will get in touch with someone to maybe help clean up your neighborhood, so that the next time it rains you are not standing in it”.

There were no other changes to the Minutes. Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the Minutes of the July 6, 2021, City Council meeting with the requested changes and Mayor Pro Tem Traylor seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Chambers] and 1 absent [Powers].

IV. OPEN FORUM

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 wanted to address the Council. The following person came forward to address the Council:

53
54 Scott Grant
55 121 Velvet Court
56 Forney, Texas 75126

57 Mr. Grant stated he believes that the library should be reopened to the citizens of
58 the city.
59

60 There being no one else to address the Council, Mayor Lewis closed the open forum session.
61

62 **V. CONSENT AGENDA**

63 The items on the Consent Agenda are considered to be self-explanatory by the Council and will be
64 enacted in one motion. There will be no separate discussion of these items unless requested by a
65 Council Member.
66

- 67 1. **Consider approval of the acceptance of public improvements for the**
68 **Forney ISD Rhodes Intermediate School and Jackson Middle School**
69 **project.**
70
- 71 2. **Consider approval of a preliminary plat for the Deen Kubota Display**
72 **Addition, located at 705 W. Broad Street.**
73
- 74 3. **Consider approval of a final plat for the Deen Kubota Display**
75 **Addition, located at 705 W. Broad Street.**
76
- 77 4. **Consider approval of a preliminary plat for the Forster & Giles**
78 **Subdivision, located southwest of the intersection of East U.S.**
79 **Highway 80 frontage road and Pinson Road.**
80
- 81 5. **Consider approval of a final plat for the Forster & Giles Subdivision,**
82 **located southwest of the intersection of East U.S. Highway 80**
83 **frontage road and Pinson Road.**
84
- 85 6. **Consider approval of the Oak Creek final plat, located south of the**
86 **South F.M. 548 and Sycamore Trail intersection.**
87
- 88 7. **Consider approval of a site plan for Dairy Queen, located southwest**
89 **of the intersection of East U.S. Highway 80 frontage and Pinson Road.**
90

91 Mayor Lewis asked if Council wanted to pull any items from the Consent Agenda. Council
92 Member Salgado requested that Consent Agenda Item No. 6 be pulled. Mayor Lewis called for
93 a motion on the remaining Consent Agenda Items No. 1 2, 3, 4, 5 and 7. Mayor Pro Tem Traylor
94 made a motion to approve the remaining Consent Agenda Items and Council Member Salgado
95 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].
96

- 97 6. **Consider approval of the Oak Creek final plat, located south of the**
98 **South F.M. 548 and Sycamore Trail intersection.**
99

100 Council Member Salgado asked what the minimum square footage is for lots. Community
101 Development Director Peter Morgan advised that it depends on the zoning, but normally 7,200
102 SF. The lots for Oak Creek are significantly smaller - 4,950 sq. feet - and with lot widths of 45
103 feet, side yards at 5 feet, and front yards at 20 feet. Mayor Lewis stated that this was approved
104 by a prior Council and we cannot change it. There will be a 3-acre dog park. Mayor Lewis called
105 for a motion. Council Member Cooper made a motion to approve Consent Agenda Items No. 6

106 and Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes
107 and 1 absent {Powers}.

108
109
110 **VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

- 111
112 **1. Hold a public hearing and discuss and consider approval of an**
113 **Ordinance approving a Conditional Use Permit for Heavy Machinery**
114 **Sales and Storage to operate at 705 W. Broad Street.**
115

116 Community Development Director Peter Morgan discussed this item. Eric L. Davis Engineering,
117 representing the property owner, requests approval of a Conditional Use Permit for Heavy
118 Machinery Sales and Storage. The purpose of the request is to expand the existing Kubota
119 dealership business.

120
121 **Current Standards:**

122 The two-acre property is located on the west side of the existing Kubota dealership. A conditional
123 use permit for the existing dealership was approved by City Council on March 20, 2018. The
124 property is zoned Mixed Use district, which permits Heavy Machinery Sales and Storage with
125 approval of a Conditional Use Permit. The use is defined by Section 49 of the City of Forney
126 Comprehensive Zoning Ordinance:

127
128 “119. HEAVY MACHINERY SALES AND STORAGE - A building or open area used for the
129 display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of
130 machines which function together as a unit.”

131
132 **Requested Use:**

133 The applicant requests to expand the current Heavy Machinery Sales and Storage use to an
134 adjacent two acres. An existing building on the two-acre property will be removed and there will
135 not be a building remaining on the property. The site plan shows a display area along the front
136 of the property and a storage area behind a landscaped four-foot (4') berm. The display yard is
137 located outside of the required eighteen-foot (18') landscape buffer and the site plan shows
138 shared access to the U.S. Highway 80 frontage road.

139
140 The landscape plan meets the requirements of the Zoning Ordinance. Trees are provided
141 throughout the property and a landscaped berm screens the storage area in the back of the
142 property.

143
144 **Accessibility:**

145 The property has shared access to the U.S. Highway 80 frontage road.

146
147 **Notification:**

148 Notification was provided in the newspaper and to property owners within two-hundred feet (200')
149 of the property. Staff received one response from an adjacent property owner in support of the
150 request.

151
152 **Recommendation:**

153 On July 1, 2021, the Planning and Zoning Commission voted 5-0 to recommend approval.

154
155 Mayor Lewis called for a motion. Mayor Pro Tem Traylor made a motion to approve the Ordinance
156 approving a Conditional Use Permit for Heavy Machinery Sales and Storage to operate at 705 W.

157 Broad Street and Council Member Roberson seconded the motion. The Ordinance caption was
158 read as follows:

159 **ORDINANCE NO. 21-21**

160 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
161 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**
162 **ZONING FROM MIXED USE DISTRICT USES TO MIXED USE DISTRICT USES WITH A**
163 **CONDITIONAL USE PERMIT (CUP) FOR HEAVY MACHINERY SALES AND STORAGE, FOR**
164 **2.00 ACRES OF PROPERTY COMMONLY KNOWN AS 703 W. BROAD STREET, IN THE CITY**
165 **OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S**
166 **COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY**
167 **CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING**
168 **A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**
169

170
171
172 The motion passed by a vote of 6 ayes and 1 absent [Powers].
173

174
175 **VII. DISCUSSION / ACTION ITEMS**
176

177 **1. Discuss and consider approval of a site plan for Deen Kubota, located**
178 **at 705 West Broad Street.**
179

180 Community Development Director Peter Morgan stated that this is a display and storage site as
181 previously discussed.
182

183 Mayor Lewis called for a motion. Council Member Chambers made a motion to approve the site
184 plan and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes
185 and 1 absent [Powers].
186

187 **2. Discuss and consider the Field Use Agreements for all recreation**
188 **sports at Parks Facilities for calendar year 2022.**
189

190 Parks Director Kyle Rouvaldt discussed this item. During the June 16, 2021, Parks and
191 Recreation Board meeting, the board discussed the 2022 Field Use Agreements. The Field Use
192 Agreements establish a fee structure for sports associations that have a desire to utilize City
193 facilities. To mitigate the impact that competitive recreational play has on parks facilities and
194 equipment, the City assesses a fee to the association based on registration and the use of lights
195 and concession stands requested by each individual Sports Association.
196

197 Currently, the City assesses a \$10 fee, per person, per season to each association.
198

199 The Parks and Recreation Board made the recommendation to maintain the \$10 fee for calendar
200 year 2022.
201

202 Staff recommends approval.
203

204 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the Field
205 Use Agreements and Council Member Chambers seconded the motion. The motion passed by
206 a vote of 6 ayes and 1 absent [Powers].
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3. Discuss and consider all Tournament Agreements for recreation sports at Parks Facilities for calendar year 2022.

Parks Director Kyle Rouvaldt discussed this item. During the June 16, 2021, Parks and Recreation Board meeting, the board discussed the 2022 Tournament Fee Agreements. The Tournament Agreements establish a fee structure for sports associations that have a desire to utilize City facilities, in a single or multi-day tournament setting. To mitigate the impact that tournament play has on parks facilities, equipment and staff, the City assesses a fee to the tournament provider.

Currently, the City has an all-encompassing tournament fee structure for baseball, softball, soccer and kickball. The current structure is \$2,000 and includes the use of up to four fields for a maximum of three days. Additional fields can be requested at an additional cost of \$400 per field per day.

The fee structure for the multi-purpose fields is set at \$200 for a half day and \$400 for a full day.

The Parks Board made the recommendation to maintain the tournament fee structure set for softball and baseball, as well as the half day/full day single field rental for the multi-purpose fields.

The Parks Board also made the recommendation to alter the tournament fee structure for soccer. The Board made the recommendation to set soccer tournament fees of \$135 per field per day with a four-field minimum, to include standard field dimensions determined by the Parks Department, with an option to get a variance from the Parks and Recreation Board.

Staff recommends approval of the softball/baseball fee structure, as well as the multi-purpose half day/full day rentals.

Staff recommends denial of the proposed soccer fee structure. Alternatively, staff recommends approval of a fee structure for soccer tournaments set at 15% of total registration revenue.

After lengthy discussion, Mayor Lewis called for a motion for baseball, softball and kickball. Mayor Pro Tem Traylor made a motion to maintain the fee structure set for softball and baseball, as well as the half day/full day single field rental for the multi-purpose fields and Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

Mayor Lewis called for a motion on the fee structure for soccer tournaments. Council Member Roberson made a motion to approve a fee structure for soccer tournaments set at 15% of total registration revenue, as recommended by staff, and allowing one free tournament per year for each sports organization that has a Facility Agreement with the City and Council Member Salgado seconded the motion. The motion passed by a vote of 4 ayes, 2 nays [Cooper, Traylor] and 1 absent [Powers].

4. Discuss and consider board and commission appointments: Board of Adjustment; Building Standards Commission; and the Planning and Zoning Commission.

Mayor Lewis stated we have four boards that have vacancies.

259
260 Board of Adjustment
261 Member 5
262 Term: 06-30-2023
263 Mayor Lewis asked for nominations. Council Member Roberson nominated Judith Kennedy.
264 Mayor Lewis called for a motion. Council Member Roberson made a motion to appoint Judith
265 Kennedy to the Member 5 position on the Board of Adjustment and Council Member Salgado
266 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

267
268 Board of Adjustment
269 Alternate Member 2
270 Term: 06-30-2022
271 Mayor Lewis called for nominations. Council Member Salgado nominated Rebecca Jacquez.
272 Mayor Lewis called for a motion. Council Member Salgado made a motion to appoint Rebecca
273 Jacquez to the Alternate Member 2 position on the Board of Adjustment and Council Member
274 Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

275
276 Building Standards Commission
277 Member 1
278 Term: 06-30-2023
279 Mayor Lewis called for nominations. Mayor Pro Tem Traylor nominated Donna Glasgow. Mayor
280 Lewis called for a motion. Mayor Pro Tem Traylor made a motion to appoint Donna Glasgow to
281 the Member 1 position on the Building Standards Commission and Council Member Chambers
282 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

283
284 Planning and Zoning Commission
285 Member 2
286 Term: 06-30-2023
287 Mayor Lewis called for nominations. Council Member Cooper nominated Helen Schlenker.
288 Mayor Lewis called for a motion. Council Member Cooper made a motion to appoint Helen
289 Schlenker to the Member 2 position on the Planning and Zoning Commission and Council
290 Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
291 [Powers].

292
293
294 **VIII. CITY MANAGER'S REPORT**

295 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
296 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION,
297 INCLUDING THE FOLLOWING:

298
299 Deputy City Manager Neil Cardwell gave the City Manager's report.

300
301 1. Public Works will begin asphalt repaving work which will include areas on Front Street
302 between Main Street and Elm Street. Part of the scope of work will include the restriping of the
303 park lot behind City Hall. This will take place starting on July 27 and run through August 5.

304
305 2. The Fire Department has 8 members who are one half way through their Field Testing.

306
307 3. The Parks Department will be holding interactive Mad Science Shows on Tuesday at the
308 Spellman Amphitheater. They will also have e-gaming portals opening. More information can be
309 found on our website or on Facebook @ Forney Parks & Events.

311 4. WRA is working on the survey for the Bond Committee. Mail outs will be sent to people
312 on the voting list. It can also be found on a dedicated website. The 15 question survey will be
313 handled via mail-outs (to those on the voting list) and online with a push through social media.
314 Security measures will be in place (e.g. asking for mailing addresses) to help prevent double
315 counting. Surveys will be going out in August, and the time frame is 30-60 days with results
316 coming back in September."

317
318 Mayor Lewis asked who does our mosquito spraying. Cardwell advised that our Public Works
319 Department does it.

320
321 **IX. ANNOUNCEMENTS OF COMMUNITY EVENTS**

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

326
327 Mayor Lewis announced Forney Family Day at the Forney Independent School District on August
328 3, 2021, and encouraged everyone to attend.

329
330 There being no further business to come before the Council, Mayor Lewis called for a motion to
331 adjourn. Council Member Cooper made a motion to adjourn at 7:35 p.m. and Council Member
332 Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

333
334 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
335 **TEXAS, this 3 day of August, 2021.**

336
337
338 
339 **ATTEST:** Amanda Lewis, Mayor

340
341 
342 Dorothy Brooks, City Secretary

