

AGENDA  
FORNEY CITY COUNCIL  
Tuesday, April 6, 2021  
**6:30 p.m. Regular Meeting**  
City Hall, 101 E. Main Street, Forney, Texas 75126

The general public can view the meeting live on our video stream at <https://www.forneytx.gov/803/Watch-Meetings>. If you wish to address the Council on any subject or in open forum at this meeting, you are required to email **[email protected]** no later than **Tuesday, April 6, 2021, by 1:00 p.m.** You must provide your name and telephone number and state which item(s) you wish to speak on. You will be provided a telephone number and meeting ID which you must dial into 15 minutes prior to the scheduled meeting start time. Due to technical restrictions, those who fail to dial into the meeting at the prescribed time may forfeit their ability to speak at said meeting.

**I. CALL TO ORDER**

**II. INVOCATION – COUNCIL MEMBER JAMES TRAYLOR**

**III. APPROVAL OF MINUTES**

1. Consider approval of the Minutes of the March 16, 2021, City Council meeting.

Documents:

[03-16-21 City Council Minutes.pdf](#)

**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 of assignment of investment advisory agreement to Meeder Public Funds, Inc.

Documents:

[Item Summary-Assignment of Investment Advisory Agreement.pdf](#)  
[Patterson contract assignment.pdf](#)

2. Consider approval of the acceptance of public improvements for the Gateway Infrastructure Phase III project.

Documents:

[Item Summary - Gateway Infrastructure Phase III.pdf](#)  
[City of Forney Acceptance Letter - Gateway Infrastructure Phase III.pdf](#)

3. Consider action to authorize staff to apply for grant funding for Ballistic Vests and related PPE from the Firehouse Subs Public Safety Foundation.

Documents:

[Agenda Item.pdf](#)

4. Consider a Resolution awarding an Annual Price Agreement for Concrete Maintenance to MB Construction, INC, and Summit Paving, LLC, and all related issues.

Documents:

[Item Summary - 2021 Annual Street Improvements Award Contract Concrete Work.pdf](#)  
[Resolution - Concrete Maintenance and Repair Services - MB Concrete Construction Inc. and Summit Paving LLC.pdf](#)  
[Bid Summary City of Forney Concrete Maintenance and Repair Final.pdf](#)

## **V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

1. Public Hearing on the proposed annexation of approximately 21.073 acres of land located in the Absolom Hyer Survey, Abstract 203 on County Road 212, owned by Platform 80-20, LP and discussion and possible action on an Ordinance approving the annexation.

Documents:

[Summary Form - Annexation Public Hearing and Ordinance Platform 80-20 LP 21.073 acres.pdf](#)  
[Ordinance - Annexation 21.073 acres Platform 80-20 LP.pdf](#)  
[Petition for Annexation.pdf](#)  
[Map Exhibit.pdf](#)

## **VI. DISCUSSION / ACTION ITEMS**

1. Discuss and consider a Resolution approving an Amendment to the Development Agreement between the City of Forney and Platform 80-20, LP for the development of an approximate 60 acres of land located on CR 212.

Documents:

[Summary Form - Resolution - Amendment to Development Agreement Platform 80-20 LP.pdf](#)  
[Resolution - Amendment to Development Agreement Platform 80-20 LP.pdf](#)  
[First Amendment to Development Agreement.pdf](#)

2. Discuss and consider a Resolution awarding a contract with Franco Tennis Academy for tennis league and instruction services.

Documents:

[City of Forney RFQ - Tennis League and Lesson Services.pdf](#)  
[Resolution for Tennis League and Instruction Services.pdf](#)  
[Tennis League and Instruction Services Item Summary.pdf](#)  
[Forney Tennis Program Proposal.pdf](#)  
[Program Marketing Proposal.pdf](#)

3. Discuss and consider a Resolution approving a Public Improvement District Consulting Services Agreement for PID Administration services for the Public Improvement District related to the Bellagio Laguna Azure project; and authorize the City Manager to execute a contract for services.

Documents:

[Summary Form - PID Consulting Services Agreement.pdf](#)  
[Resolution - Agreement for Consulting Services - DTA.pdf](#)  
[Proposed Contract - DTA PID Consulting Services Agreement.pdf](#)  
[City of Forney PID Formation and Admin 3-25-21.pdf](#)

4. Discuss and consider a Resolution of Intent to Establish a City of Forney Property Assessed Clean Energy ("PACE") Program, and all related actions.

Documents:

[Summary Form - Resolution of Intent to Estbalish PACE Program.pdf](#)  
[Resolution - Intent to Establish PACE Program.pdf](#)  
[City Limits.pdf](#)  
[Program Report Exhibit 2 - Owner Contract - City of Forney.pdf](#)  
[Program Report Exhibit 3 - Lender Contract - City of Forney.pdf](#)  
[Program Report Exhibit 4 - Notice of Contractual Assessment - City of Forney.pdf](#)

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

Documents:

[Item Summary - Resolution approving FEDC Performance Agreement Best Massage Ever - 2nd.pdf](#)  
[Resolution - Economic Incentive and Performance Agreement Best Massage Ever, LLC - 2nd.pdf](#)  
[Best Massage Ever Spa Letter.pdf](#)

6. Discuss and consider board and commission appointments: Board of Adjustment; Park and Recreation Board; and the TIF Board.

Documents:

[Item Summary -- Board Appointments to fill vacancies april 6 2021.pdf](#)

7. Discuss and consider action on the open meeting practices for the City Council and the individual boards and commissions.
8. Overview of the Finance/HR/Court/Utilities Departments current and future plans.
9. Overview of the Fire Department current and future plans.
10. Update on our warning system.

## **VII. 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.

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

**THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS**

**FOR POSSIBLE ACTION, INCLUDING THE FOLLOWING:**

- Department Reports (Fire, Police, Municipal Court, Finance)
- Citizen Complaints -- Actions taken or to be taken
- Upcoming Special Events
- Personnel Changes
- Commendations
- Public Works/Streets Projects, Repairs or Construction
- Park Issues
- Inspection Issues
- CIP Projects

**IX. COUNCIL COMMENTS**

**PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE A REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF COMMUNITY INTEREST INCLUDE:**

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

**X. EXECUTIVE SESSION**

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

1. Consult with legal counsel regarding pending or contemplated litigation or a settlement offer and/or matters in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code (Tex. Gov't Code Section 551.071):
  - a. EEOC Charge No. 450-2020-04724, Ivey, Marquis v. City of Forney
  - b. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS – Petition of High Point Water Supply Corporation, Talty Special Utility District and Markout Water Supply Corporation Appealing the Decision by the City of Forney Affecting Wholesale Water Rates.
2. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code 551.074):
  - a. City Manager

3. Discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code Section 551.087):
  - a. Project Victory – Chapter 380 Agreement

## **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.**

## **XII. ADJOURNMENT**

In addition to any executive session already listed above, the City Council of the City of Forney reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code for the following purposes:

Section 551.071 -- Consultation with Attorney  
Section 551.072 -- Deliberations regarding Real Property  
Section 551.073 -- Deliberation regarding Prospective Gift  
Section 551.074 -- Personnel Matters  
Section 551.076 -- Deliberations regarding Security Devices  
Section 551.087 -- Deliberations regarding Economic Development Negotiations

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed session portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144 (c) and the meeting is conducted by all participants in reliance on this opinion.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 972-564-7302 or FAX 972-564-7349 for further information. Braille is not available.

I, Dorothy Brooks, City Secretary for the City of Forney, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 1st day of April, 2021, at 5:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.