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Minutes
Forney City Council
Tuesday, July 21, 2020
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:31 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members Mike Thomas, Robbie Powers, Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony Carson.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR MARY PENN

Pastor Marty Reid gave the invocation and Mayor Penn led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation of a Proclamation to Connie Claxton.

Mayor Penn read and presented a Proclamation to Connie Claxton for her 50 years with Whataburger.

2. Presentation of a Certificate of Recognition to Jerry Henry and Lowe's.

Mayor Penn read and presented a Certificate of Recognition to Jerry Henry for the donation of face masks to our Police and Fire Departments and for handing out face masks at the July 4th event.

3. Presentation of a Proclamation to Elphaney Dewberry.

Mayor Penn read a Proclamation for Elphaney Dewberry who turned 100 on June 17, 2020. Her nephew, Errol Haynes, and her niece, Deborah Haynes, accepted the proclamation on her behalf.

4. Presentation of a Proclamation for Parks and Recreation Month.

Mayor Penn read and presented a Proclamation for Parks and Recreation Month to Kyle Rouvaldt, David Hokett, Gilberto Ramos, Josh Finch, Randy Kennedy and Rob Riggs of our City Parks Department.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the June 16, 2020, City Council meeting.

Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Minutes of the June 16, 2020, City Council meeting and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Thomas].

51 **2. Consider approval of the Minutes of the June 18, 2020, Special City**
52 **Council meeting.**

53
54 Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor
55 Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Minutes of the
56 June 18, 2020, Special City Council meeting and Council Member Cooper seconded the motion.
57 The motion passed by a vote of 6 ayes and 1 abstain [Thomas].

58
59 **3. Consider approval of the Minutes of the July 1, 2020, Special**
60 **Emergency City Council meeting.**

61
62 Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor
63 Penn called for a motion. Council Member Powers made a motion to approve the Minutes of the
64 July 1, 2020, Special Emergency City Council meeting and Council Member Moon seconded the
65 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

66
67 **V. CONSENT AGENDA**

68 [The items on the Consent Agenda are considered to be self-explanatory by the Council and will be
69 enacted in one motion. There will be no separate discussion of these items unless requested by a
70 Council Member.]

71
72 **1. Consider approval of a Supplement to the Agreement for Street**
73 **Lighting Service regarding Eagle Ridge Phase 4 103 Lots ZG.**

74
75 **2. Consider approval of authorizing a contract for Professional Services**
76 **to Gallagher Construction.**

77
78 **3. Consider approval of a revised preliminary plat for Overland Grove.**

79
80 **4. Consider approval of the acceptance of public improvements for the**
81 **Preserve at Gateway development.**

82
83 **5. Consider authorization to advertise a request for qualifications (RFQ)**
84 **to perform services to complete America's Water Infrastructure Act:**
85 **Risk Assessments and Emergency Response Plans and all related**
86 **issues.**

87
88 **6. Consider approval of a final plat for Travis Ranch South, a residential**
89 **subdivision located west of F.M. 460 and north of U.S. Highway 80 in**
90 **the City of Forney extra-territorial jurisdiction.**

91
92 **7. Consider approval of a final plat for Travis Ranch, Phase 1H, a**
93 **residential subdivision located west of F.M. 740 and north of Lake Ray**
94 **Hubbard Drive in the City of Forney extra-territorial jurisdiction.**

95
96 **8. Consider approval for the project acceptance from the construction of**
97 **the 5 Million Gallon Ground Storage Reservoir Pump Station No. 2**
98 **Project.**

99
100 **9. Consider all matters incident and related to providing for the**
101 **redemption of certain outstanding bonds of the City, including the**
102 **adoption of a resolution pertaining thereto.**

103
104 Mayor Penn made the following announcement:

105
106 IF THERE IS ANYONE IN THE AUDIENCE WHO WANTS TO MAKE A COMMENT ON ANY ITEM ON
107 THE CONSENT AGENDA, PLEASE RAISE YOUR HAND. EACH PERSON WILL BE ASKED TO
108 COME FORWARD INDIVIDUALLY. PLEASE GIVE YOUR NAME AND ADDRESS BEFORE YOU
109 MAKE YOUR COMMENTS.
110

111 No one came forward to address the Council. Mayor Penn asked Council if anyone wished to pull
112 and item for discussion. Mayor Pro Tem Myers asked to pull Consent Agenda Items 4, 7 and 9.
113 Mayor Penn called for a motion to approve the remaining Consent Agenda Items 1, 2, 3, 5, 6 and
114 8. Council Member Moon made a motion to approve Consent Agenda Items 1, 2, 3, 5, 6, and 8
115 and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of
116 7 ayes and 0 nays.

117
118 Regarding Consent Agenda Item No. 4, Mayor Pro Tem Myers asked if all the improvements were
119 okay. City Engineer Karl Zook stated that they are.

120
121 Regarding Consent Agenda Item No. 7, Mayor Pro Tem Myers asked for clarification on there
122 being no parkland dedication for this item. Community Development Director Peter Morgan
123 explained why it was not required.

124
125 Regarding Consent Agenda Item No. 9, Mayor Pro Tem Myers asked Finance Director Deborah
126 Woodham to discuss this item. Ms. Woodham stated that our agreement with TxDOT for the Pass-
127 Through Toll projects guarantees a minimum annual payment of \$2,009,570. The agreement also
128 provides that the payment may be increased, based on traffic counts, up to a maximum of
129 \$4,019,140 annually. Any amount received over the minimum is considered to be an accelerated
130 payment.

131
132 When the bonds were sold in 2008, the City anticipated that the annual payments would have an
133 accelerated portion. The bonds were structured so that some of the bonds would be eligible for
134 early redemption and allow the City to pay off this obligation in a shorter time frame thus
135 recognizing considerable interest savings.

136
137 In September 2012, City Council passed a resolution to commit the accelerated portion of the
138 passthrough payment from TxDOT for early retirement of debt related to the road projects. This
139 year the City again received the maximum amount of \$4,019,140, and will be able to use
140 \$2,005,000 for early bond redemption, saving \$616,312 in interest. The resolution is required in
141 order to satisfy all requirements for the early redemption of \$2,005,000.

142
143 Mayor Pro Tem Myers made a motion to approve Consent Agenda Items No. 4, 7 and 9 and
144 Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7
145 ayes and 0 nays.

146
147 **VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

- 148
149 **1. Hold a public hearing and discuss and consider approval of an**
150 **Ordinance for a Conditional Use Permit for a farmers market to operate**
151 **on the property located at 210 E. Broad Street. [Read Ordinance Caption]**
152

153 Community Development Director Peter Morgan discussed the background of this item.
154 Mr. William Gray requests approval of a Conditional Use Permit for a farmers market to operate at
155

156 210 E. Broad Street. The property is zoned within the General Retail District and was previously
157 used for a farmers market (The Arts Council/Downtown Business Association still maintain the
158 approval to continue their market). Mr. Gray has 37 years of experience with the Dallas Farmers
159 Market. As a Forney resident, Mr. Gray would like to offer fresh produce locally.
160

161 The applicant stated to staff that he requests to operate Friday – Sunday, 8 a.m. to 6:00 p.m. The
162 site plan shows parking adjacent to Cedar Street. Staff notified the applicant that the parking
163 spaces will need to be designated. Restroom access would be provided by the adjacent
164 businesses that front on Broad Street. Mr. Gray is requesting to operate as the sole vendor. If the
165 business does well Mr. Gray would be open to expanding the market. The location proposed by
166 Mr. Gray would not interfere with another market on the opposite side of the property.
167

168 Staff provided public hearing notification to property owners within 200 feet of the request.
169 Notification was also provided in the newspaper. Ms. Kendall Milton spoke in favor of the request
170 at the Planning and Zoning Commission meeting. Ms. Milton also stated that the Arts
171 Council/Downtown Business Association market may return in the future.
172

173 On July 2, 2020, the Planning and Zoning Commission voted 7-0 to recommend approval.
174

175 No one from the public came forward to address the Council. Mayor Penn called for a motion.
176 Council Member Powers made a motion to approve the Ordinance and Council Member Cooper
177 seconded the motion. The Ordinance caption was read as follows:
178

179 **ORDINANCE NO. 20-28**
180

181 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
182 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**
183 **ZONING FROM GENERAL RETAIL DISTRICT (GR) USES TO GENERAL RETAIL DISTRICT (GR)**
184 **USES WITH A CONDITIONAL USE PERMIT (CUP) FOR FARMERS MARKET, TO OPERATE AS A**
185 **PRIMARY USE AT 210 E. BROAD STREET, IN THE CITY OF FORNEY, KAUFMAN COUNTY,**
186 **TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING**
187 **ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**
188 **PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR**
189 **PUBLICATION AND AN EFFECTIVE DATE.**
190

191 The motion passed unanimously by a vote of 7 ayes and 0 nays.
192

- 193 **2. Hold a public hearing and discuss and consider approval of an**
194 **Ordinance rezoning 53.94 acres from Light Industrial district to a mixed**
195 **use Planned Development district with multi-family, office and general**
196 **retail uses. The property is located east of North F.M. 548, south of Don**
197 **T. Cates Drive and is identified by the Kaufman County Appraisal**
198 **District as property id's 7769 and 7770. [Read Ordinance Caption]**
199

200 Community Development Director Peter Morgan discussed the background of this item.
201 Mr. Bhadresh Trivedi requests approval of a rezoning for 53.94 acres of property located east of
202 North F.M. 548 and south of Don T. Cates Boulevard. The AMC movie theatre is located to the
203 south of the property. The Steve Silver furniture warehouse is located to the north. The purpose of
204 the rezoning is to establish a planned development district with multi-family, townhome and mixed
205 use standards.
206

207 **Current Standards:**

208 The 53.94-acre property is currently vacant and undeveloped. The property is zoned within the
209 Light Industrial District, but the zoning application proposes to rezone the property to a Planned
210 Development.

211
212 **Rezoning Request:**

213 The requested zoning intends to replace the existing Light Industrial zoning with a planned
214 development that would incorporate a base zoning district of Mixed Use. The planned development
215 proposes two phases of multi-family, with 520 units on 30 acres of land. 40 townhome units are
216 also proposed. In addition, office and retail areas are located adjacent to North F.M. 548. The
217 approved uses are generally consistent with the Zoning Ordinance approved uses for the pertinent
218 districts. The concept plan shows the following sections:

- 219
- 220 1. Office 1 (North): 2.7 acres, 23,000 square feet
 - 221 2. Office 2 (Central): 8.7 acres, 88,000 square feet
 - 222 3. Retail Area (North Central): 4.3 acres, 25,000 sq. ft. retail, 7,500 sq. ft.
223 restaurant
 - 224 4. Retail Area (West): 4.4 acres, 27,600 sq. ft. retail, 6,400 sq. ft. restaurant
- 225

226 The development standards propose the following phasing:

- 227
- 228 a. Phase 1: 40,000 square feet of retail/office must be constructed and receive a
229 Certificate of Occupancy.
 - 230 b. Phase 2: 320 multi-family units may be constructed following the completion of
231 Phase 1.
 - 232 c. Phase 3: An additional 80,000 square feet of retail/office must be constructed and
233 receive a Certificate of Occupancy prior to the release of Phase 4. The total required
234 retail/office following Phase 3 is 120,000 square feet. A minimum of 50,000 square
235 feet must be retail/commercial.
 - 236 d. Phase 4: 200 additional multi-family units and 40 townhome units may be
237 constructed.
 - 238 e. Phase 5: Any additional office/retail.
- 239

240 The development includes the eastern extension of Ridgecrest Road and has two connections to
241 N. F.M. 548. A traffic impact study has not been submitted for this project. This needs to be
242 completed and approved prior to any development of the property.

243
244 Notification of the zoning request was published in the Forney Messenger Newspaper and was
245 mailed to adjacent property owners in accordance with zoning requirements. Staff has not received
246 any public response.

247
248 **Comprehensive Plan:**

249 The Future Land Use Map, provided within the 2016 Comprehensive Plan, identifies the property
250 as being split between townhome/multi-family residential and having no designation. These
251 classifications are provided to assist with zoning consideration but are not legally binding.

252
253 **Zoning Ordinance Considerations:**

254 The City of Forney Comprehensive Zoning Ordinance provides the following factors for the City
255 Council to consider in making a zoning determination:

- 256
- 257 1. Whether the uses permitted by the proposed change will be appropriate in the
258 immediate area concerned, and their relationship to the general area and to the City
259 as a whole

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2. Whether the proposed change is in accord with any existing or proposed plans for providing public school, streets, water supply, sanitary sewers, and other utilities to the area;
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
6. Any other factors which will substantially affect the public health, safety, morals or general welfare.

Recommendation:

The Zoning Ordinance states that consideration should be made for the rate at which land is being developed in the same zoning classification. Forney has had recent multi-family growth occur with the Emerson development and the Gateway development. Additional multi-family is zoned in the Wellington Ridge development.

On July 2, 2020, the Planning and Zoning Commission voted 7-0 to recommend denial. The Commission was concerned with zoning additional multi-family at that location. Following the Planning and Zoning Commission meeting, the applicant revised the request from 720 multi-family units to 520 multi-family units and 40 townhome units. Ultimate approval of any zoning request which was recommended for denial by the Planning and Zoning Commission will require a three-fourths (3/4) majority vote of the full City Council.

Shawn Kendall, representing the Developer, spoke to the Council regarding the changes made since appearing before the Planning and Zoning Commission. They added townhomes to the development and they will be very high quality and will be purchased, not leased. The Developer, Mr. Bhadresh Trivedi, came forward and advised that the townhomes would be constructed in Phase 4 of the project. The Developer is also planning to give an easement to the City that will provide additional ways for traffic to access the highway. He will cover the cost of the easement. They will be going to Steve Silver to see if he would like to participate in the cost of the easement. The easement will allow Steve Silver drivers to more easily access the highway.

After lengthy Council discussion, Council Member Thomas made a motion to deny the request without prejudice so that they can take the issue back to the Planning and Zoning Commission. Council Member Johnson seconded the motion. The motion to deny without prejudice was approved unanimously by a vote of 7 ayes and 0 nays.

3. **Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit for an All-Terrain Vehicle Dealer/Sales to operate at 10500 E. U.S. Highway 80.** [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. DFW Golf Cart Warehouse, requests approval of a Conditional Use Permit. The purpose of the request is to

313 allow for the distribution and sales of personal electric vehicles as an approved use at 10500 E.
314 U.S. Highway 80.

315
316 **Current Standards:**

317 The property is currently zoned within the Commercial zoning district. 10500 E. U.S. Highway 80
318 consists of a 10,000 square foot structure located on a 50.06-acre lot. The previous use was a
319 clothing, and furniture store. Parking is legal non-conforming shared parking with adjacent
320 businesses.

321
322 **Proposed Use:**

323 As stated in the application letter, DFW Golf Cart Warehouse was established in 2015 in Forney.
324 The business is currently located at 10512 E. U.S. Highway 80 and the applicant is requesting to
325 expand to the adjacent building at 10500 E. U.S. Highway 80. The existing building would remain
326 in operation as a showroom.

327
328 The applicant requests to operate under the zoning classification of All Terrain Vehicle
329 Dealer/Sales. Staff does consider the classification to be compatible with the proposed use.

330
331 **Accessibility:**

332 The property has direct access to the U.S. Highway 80 service road.

333
334 **Notification:**

335 Notification was provided in the newspaper and to property owners within two-hundred feet (200')
336 of the property. As of this writing, staff has received no public comment regarding this request.

337
338 **Future Requirements:**

339 If the request is approved, only a Certificate of Occupancy (staff inspection) will be required for the
340 business to operate.

341
342 **Recommendation:**

343 On July 2, 2020, the Planning and Zoning Commission voted 7-0 to recommend approval.

344
345 There were no public comments on this item. Mayor Penn called for a motion. Council Member
346 Cooper made a motion to approve the Ordinance and Council Member Moon seconded the
347 motion. The Ordinance caption was read as follows:

348
349 **ORDINANCE NO. 20-30**

350
351 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
352 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**
353 **ZONING FROM COMMERCIAL DISTRICT (C) USES TO COMMERCIAL DISTRICT (C) USES WITH**
354 **A CONDITIONAL USE PERMIT (CUP) FOR ALL TERRAIN VEHICLE DEALER/SALES TO**
355 **OPERATE ON PROPERTY IDENTIFIED AS 10500 E. U.S. HIGHWAY 80, IN THE CITY OF**
356 **FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT NO.**
357 **203, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING**
358 **ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**
359 **PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR**
360 **PUBLICATION AND AN EFFECTIVE DATE.**

361
362 The motion passed unanimously by a vote of 7 ayes and 0 nays.

363
364 **VII. DISCUSSION / ACTION ITEMS**

365

366 **1. Discussion and presentation on the launch of the City of Forney E-**
367 **Library.**

368
369 IT Director Neil Cardwell discussed how the E-Library will work and showed a video detailing the
370 instructions for signing up for a "library card." The Council directed Staff to go ahead with this
371 project.

372
373 **2. Discuss and consider approval of an Interlocal Agreement with the**
374 **City of Allen for Technology Mutual Aide.**

375
376 IT Director Neil Cardwell discussed the background of this item. The Interlocal Agreement
377 provides for aid from member if a catastrophe should strike Forney. The initial members are the
378 City of Allen, University Park and the City of Forney. Mayor Penn called for a motion. Mayor Pro
379 Tem Myers made a motion to approve the Interlocal Agreement and Council Member Thomas
380 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

381
382 **3. Discuss and consider a purchase not to exceed \$20,000 with**
383 **HockeyShot, a retailer of specialty hockey training equipment for multi-**
384 **sport tiles.**

385
386 Parks Director Kyle Rouvaldt discussed the background of this item and showed a short video.
387 Rouvaldt stated that in late June, staff met with Neil Conway, the owner of Cleveland Dek Hockey.
388 After several days of discussions with Mr. Conway, and learning more about the sport and
389 operational aspects, staff felt confident that Dek Hockey would be successful in Forney. It was
390 decided that the tennis courts at Mulberry Park would provide a perfect location for the project,
391 since the site already provides much of what is needed in the terms of security fencing, lights,
392 surface and shade structures. The courts themselves are rarely used since the tennis courts at
393 Community Park were built many years ago.

394
395 This item is for the purchase of the necessary flooring from HockeyShot. The flooring will be about
396 100' x 50' and will support Dek Hockey and any further sports projects we would like to pursue in
397 the future. The cost for the flooring will not exceed \$20,000 and staff recommends approval.

398
399 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the purchase
400 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of
401 7 ayes and 0 nays.

402
403 **4. Discuss and consider a purchase not to exceed \$30,000 with Sport**
404 **Resource Group, for a sports containment system.**

405
406 Parks Director Rouvaldt stated that this is for the purchase of the necessary boarding from Sport
407 Resource Group. The boarding will be the same dimensions as the flooring and will also be able to
408 support Dek Hockey, along with any other future sporting endeavors the City proposes. The cost
409 for the flooring will not exceed \$30,000 and staff recommends. Mayor Penn called for a motion.
410 Mayor Pro Tem Myers made a motion to approve the purchase and Council Member Cooper
411 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

412
413 **5. Discuss and consider authorizing the City Manager to issue a**
414 **Request for Proposals for Solid Waste and Recycling Services.**

415
416 Community Development Director Peter Morgan discussed the background of this item. On March
417 1, 2016, the City of Forney entered into a 5-year agreement with Community Waste Disposal for
418

419 solid waste and recycling services. That agreement concludes on February 28, 2021. Staff
420 requests authorization to issue a Request for Proposals for Solid Waste and Recycling Services to
421 provide those services following the conclusion of the current agreement.

422
423 Mayor Penn called for a motion. Council Member Johnson made a motion authorizing the City
424 Manager to issue the RFP and Council Member Moon seconded the motion. The motion passed
425 unanimously by a vote of 7 ayes and 0 nays.

426
427 **6. Discuss and consider an Ordinance amending Chapter 8, Article**
428 **8.09, "Smoking in Public Places," of the City of Forney Code of**
429 **Ordinances to amend the places where smoking is and is not**
430 **prohibited in relation to the City's public parks.**
431

432 City Attorney Jon Thatcher discussed the background of this item. City staff has been in the
433 process of reviewing the City's No Smoking Ordinances, specifically how they relate to the City's
434 public parks. Currently, the City's ordinances prohibit smoking at all public parks, except for its
435 parking lots and sidewalks.

436
437 The proposed Ordinance amends Section 8.09 of the Code of Ordinances, to extend the
438 prohibition on smoking in public parks to include the sidewalks and parking lot areas, only allowing
439 smoking within an enclosed motor vehicle. The definition of smoking was amended earlier this year
440 to include vaping and other similar devices. Staff recommends approval of the Ordinance.

441
442 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the
443 Ordinance and Mayor Pro Tem Myers seconded the motion. The Ordinance caption was read as
444 follows:

445
446 **ORDINANCE NO. 20-29**

447
448 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 8, ARTICLE 8.09,**
449 **"SMOKING IN PUBLIC PLACES," OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY,**
450 **TEXAS, BY AMENDING PERTINENT SECTIONS OF THE ARTICLE PROHIBITING SMOKING IN**
451 **PUBLIC PARKS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING AND**
452 **SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE AND PROVIDING AN EFFECTIVE**
453 **DATE.**
454

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

456
457 **7. Discuss and consider any necessary action on the City's solicitation**
458 **ordinances, and all related issues.**
459

460 City Attorney Jon Thatcher discussed the background of this item. This item has been requested
461 to be placed on the agenda for discussion by the City Council to review the current status of the
462 City's ordinances related to solicitation and peddlers. Thatcher advised that we can only regulate
463 solicitation if it is not regulated by the State, for example people selling security systems and real
464 estate agents. Council made some suggestions as to the length of time of the permit and the fees
465 and the hours of operation. It was noted that solicitors must have a permit with them and show it if
466 asked. Thatcher will research the issue and bring an ordinance back to the Council for their
467 approval.

468
469 **VIII. OPEN FORUM/CITIZEN COMMENTS**

470 This is the public's opportunity to address the City Council on any matter related to
471 the City. In accordance with the Texas Open Meetings Act, Section 551.042, the
472

473 City Council cannot discuss, consider, or take action on matters not listed on the
474 agenda. The City Council will receive citizen comments on non-agenda items, and
475 if necessary, may refer the matter to City staff for research, resolution or referral to
476 Council on a future agenda. As described in the City's Public Meeting Procedures,
477 comments will be limited to three (3) minutes.
478

479 Mayor Penn opened the floor to anyone who wished to address the Council. No one came
480 forward, so Mayor Penn closed the open forum session.

481

482 **IX. CITY MANAGER'S REPORT**

483 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
484 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION**
485 **INCLUDING THE FOLLOWING:**
486

487 This being Parks and Recreation Month, City Manager Carson stated he wanted to acknowledge
488 and congratulate Kyle Rouvaldt. He has been at Parks 8 months and has accomplished a lot:

- 489
- 490 ➤ He has entered into agreements with the different associations and has
 - 491 brought in revenue;
 - 492 ➤ We have held several tournaments in the last couple of months, which
 - 493 brought in approximately \$10,000. These tournaments help our local
 - 494 businesses;
 - 495 ➤ He has help to form a City run Volley Ball Team and he is bringing Dek
 - 496 Hockey to Forney.
- 497

498 **X. COUNCIL COMMENTS**

499 **PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE A**
500 **REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING**
501 **BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT ITEMS OF COMMUNITY INTEREST**
502 **INCLUDE:**
503

504 Council Member Thomas stated he is glad to be back in person. August 2021 will be epic.
505

506 Mayor Pro Tem Myers stated he is glad to be back in person, too. He is thankful for every Kyle is
507 doing; Zach is doing great; Peter did good to get the changes to the proposed development in
508 Public Hearing #2. He extended thanks to Staff and stated he is excited about the E-Library, too.
509

510 Council Member Powers stated she echoes Council Member Thomas and Mayor Pro Tem Myers.
511 She thanked Kyle. She stated her daughter recently had to have neurosurgery to remove a tumor
512 on her brain stem and she is doing well. She extended her condolences to Fred Alexander on the
513 passing of his father.
514

515 Council Member Moon thanked Kyle. To Neil and Shaun, he said hats off the for the Library. He
516 thanked Chief Lunt for all he does – he has a hard job.
517

518 Council Member Cooper said it was bittersweet to be back. Sweet to be here but bitter to have to
519 put on long pants! He thanked Kyle and Neil for what they have done.
520

521 Council Member Johnson stated he appreciates what staff is doing. Good job—Kyle. He told Kyle
522 he should consider bringing in Australian Rules Football – it would be great for Mr. Thomas.
523

524 Mayor Penn asked that everyone keep the Alexander Family in their prayers. Also keep the
525 Runnels Family in your prayers, they have a family member in the hospital with Covid. She
526 thanked Deborah, Jon and Karl and told Tony that we have a good team.
527

528 Mayor Penn announced that Council would now go into Executive Session under Chapter 551,
529 Texas Government Code, Sections 551.071 and 551.087 and asked for a motion. Council
530 Member Moon made a motion to adjourn into Executive Session at 9:12 p.m. and Council Member
531 Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
532

533 **XI. EXECUTIVE SESSION**

534 **PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE**
535 **CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE**
536 **FOLLOWING:**
537

538 **1. Consult with legal counsel regarding pending or contemplated**
539 **litigation or a settlement offer and/or matters in which the duty of the**
540 **attorney to the governmental body under Texas Disciplinary Rules of**
541 **Professional Conduct of the State Bar of Texas clearly conflicts with**
542 **Chapter 551 of the Texas Government Code (Tex. Gov't Code Section**
543 **551.071):**
544

545 **a. PUC Docket No. 46662; SOAH Docket No. 473-17-4964.WS –**
546 **Petition of the Cities of Garland, Mesquite, Plano and**
547 **Richardson Appealing the Decision by North Texas Municipal**
548 **Water District Affecting Wholesale Water Rates.**
549

550 **b. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS –**
551 **Petition of High Point Water Supply Corporation, Talty Special**
552 **Utility District and Markout Water Supply Corporation Appealing**
553 **the Decision by the City of Forney Affecting Wholesale Water**
554 **Rates.**
555

556 **c. Markout W.S.C.**
557

558 **2. Discuss or deliberate regarding commercial or financial information**
559 **that the City has received from a business prospect that the City seeks**
560 **to have locate, stay, or expand in or near the City's corporate limits**
561 **and with which the City is conducting economic development**
562 **negotiations; or deliberate the offer of a financial or other incentive to a**
563 **business prospect.**
564

- 565 **a. Project Pinball**
- 566 **b. Project Trailhouse Park**
- 567 **c. Project Victory**
- 568 **d. Project Hummingbird**
- 569 **e. Project Echols**
570

571 **XII. RECONVENE INTO REGULAR SESSION**

572 **IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL**
573 **RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS**
574 **DISCUSSED IN EXECUTIVE SESSION.**
575

576 Council returned to Chambers at 9:42 p.m. Mayor Penn called for a motion to adjourn out of
577 Executive session at that time. Council Member Moon made a motion to adjourn out of Executive
578 Session and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a
579 vote of 7 ayes and 0 nays.
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There being no further action to come before the Council, Mayor Penn called for a motion to adjourn the meeting. Council Member Powers made a motion to adjourn out of Executive Session and Council Member Johnson 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 _____, 2020.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary