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Minutes
Forney City Council
Tuesday, February 2, 2021
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

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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 dbrooks@forneytx.gov no later than Tuesday, February 2, 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.

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I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:34 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members James Traylor, Robbie Powers, Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony Carson.

II. INVOCATION – COUNCIL MEMBER ROBBIE POWERS

III. PROCLAMATIONS / PRESENTATIONS

1. Black History Month Proclamation

Mayor Penn read the proclamation.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the January 19, 2021, City Council meeting.

Mayor Penn asked if Council had any changes to the Minutes. There were no changes, so Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Minutes of the January 19, 2021, City Council meeting and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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 the quarterly investment report ending 12/31/20.

2. Consider a Resolution authorizing continued participation with the ATMOS Cities Steering Committee authorizing the payment of membership dues for 2021 to fund regulatory and related activities related to the Atmos Energy Corporation.

3. Consider approval of a resolution approving the arbitrage rebate compliance agreement with Hilltop Securities.

4. Consider Approval of the Acceptance of Public Improvements for the McDonald's Forney project.

57 Mayor Penn asked if Council wanted to pull any items for discussion. No items were pulled, so Mayor
58 Penn called for a motion. Council Member Traylor made a motion to approve the entire Consent
59 Agenda and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote
60 of 7 ayes and 0 nays.

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62 **VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**
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- 64 1. **Public Hearing on the proposed annexation of approximately 4.28 acres**
65 **of land located in the Absolom Hyer Survey, Abstract 203, in Kaufman**
66 **County, Texas, at 8092 S FM 741, owned by Bellagio Laguna Azure, LLC**
67 **and discussion and possible action on an Ordinance approving the**
68 **annexation.**

69
70 City Attorney Jon Thatcher discussed this item. The City of Forney received a petition for annexation
71 from Bellagio Laguna Azure, LLC for an approximate 4.28 acres of land at 8092 FM 741. The petition
72 was part of the Development Agreement approved by the City Council on January 19, 2021. The
73 property is part of a proposed development for mixed residential uses, some commercial/retail uses
74 and the laguna amenity. The property considered for annexation is adjacent to the city limits on the
75 southeastern side of the property.

76
77 The proposed annexation is pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government
78 Code. One public hearing is required prior to the consideration of any ordinance approving the
79 annexation.

80
81 Public utilities as well as the County and the School District have been provided with notice of the
82 public hearing for the proposed annexation. Additionally, the City has qualified that the aforementioned
83 development meets the requirements in Section 43.0672 of the Texas Local Government Code
84 proposing the services and schedule to be provided to the property upon annexation.

85
86 Following the public hearing, the City Council may consider action on the proposed ordinance to
87 approve the annexation.

88
89 Mayor Penn opened the public hearing, but no one signed up to speak on this item, so Mayor Penn
90 closed the public hearing. Mayor Penn then called for a motion. Council Member Powers made a
91 motion to approve the Ordinance and Council Member Moon seconded the motion. The Ordinance
92 caption was read as follows:

93
94 **ORDINANCE NO. 21-11**
95

96 **AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF**
97 **FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID**
98 **CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY**
99 **LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS**
100 **AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE**
101 **ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A**
102 **SERVICE PLAN OR AGREEMENT.**

103
104 The motion passed unanimously by a vote of 7 ayes and 0 nays.

105
106 **VII. DISCUSSION / ACTION ITEMS**
107

- 108 1. **Discuss and consider action on a Resolution approving an expenditure**
109 **under Section 501.073 Texas Local Government Code and a Performance**
110 **Agreement between the Forney Economic Development Corporation and**
111 **French Quarter Daiquiris LLC, DBA French Quarter Bistro.**
112

113 City Attorney Thatcher discussed this item. A Performance Agreement between the FEDC and French
114 Quarter Daiquiris LLC, DBA French Quarter Bistro was approved at the FEDC's regular meeting on
115 January 14, 2021. The City must approve any expenditure of FEDC funds pursuant to Section 501.073
116 Texas Local Government Code before any grant is made.

117
118 The economic development project covers the use and development of 1,600 square feet of restaurant
119 space located at 51 N. FM 548, Suite 209 in the Shoppes at Forney Crossing.

120
121 The applicant will be responsible for obtaining a Certificate of Occupancy from the City for a minimum
122 of 1,600 gross square feet of restaurant space on the property. The applicant will also be responsible
123 for employing and maintaining a minimum of eight (8) full-time equivalent employment positions.

124
125 This business will be located next to Palios. They will receive two payments of \$6,000 for a total of
126 \$12,000. Documentation will have to be provided to prove the 8 full time jobs.

127
128 No one signed up to speak on this item, so Mayor Penn called for a motion. Mayor Pro Tem Myers
129 made a motion to approve the Resolution and Council Member Johnson seconded the motion. The
130 motion passed unanimously by a vote of 7 ayes and 0 nays.

131

132 **VIII. OPEN FORUM/CITIZEN COMMENTS**

133 This is the public's opportunity to address the City Council on any matter related to the City. In
134 accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss,
135 consider, or take action on matters not listed on the agenda. The City Council will receive citizen
136 comments on non-agenda items, and if necessary, may refer the matter to City staff for research,
137 resolution or referral to Council on a future agenda. As described in the City's Public Meeting
138 Procedures, comments will be limited to three (3) minutes.

139
140 No one signed up to speak in Open Forum.

141

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

143 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
144 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE
145 ACTION, INCLUDING THE FOLLOWING:

146

147 City Manager Carson had nothing to report tonight. Mayor Penn asked for an update on the Bond
148 Committee. City Secretary Brooks advised that we have 17 applicants and we will continue posting
149 on social media for the next couple of weeks. Documentation will be provided to the Council prior to
150 the March 2, 2021, City Council meeting, at which time the Council will discuss this matter.

151
152 Mayor Penn stated that this is the City's sesquicentennial (150th) anniversary and we will have
153 something on July 4th to celebrate it. Mayor Penn stated she has asked that department goals be put
154 on the next agenda.

155
156 Council Member Johnson asked if there was an update on the quiet zone. City Manager Carson
157 stated that Representative Lance Gooden has reached out. It has gone to Washington and we are
158 waiting on comments. We will continue to reach out.

159

160 **X. COUNCIL COMMENTS**

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

165

166 Council had no comments tonight. Mayor Penn thanked everyone for watching.

167

168 Mayor Penn stated that Council would now adjourn into Executive Session pursuant to Chapter 551,
169 Texas Government Code, Section 551.074 and asked for a motion. Council Member Moon made a
170 motion to adjourn into Executive Session at 6:59 p.m. and Council Member Powers seconded the
171 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

172

173 **XI. EXECUTIVE SESSION**

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

177

- 178 1. **Deliberate the appointment, employment, evaluation, reassignment,**
179 **duties, discipline, or dismissal of a public officer or employee (Tex. Gov't**
180 **Code 551.074):**

181

- 182 a. **City Secretary**

183

184 **XII. RECONVENE INTO REGULAR SESSION**

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

188

189 Mayor Penn called for a motion to adjourn out of Executive Session at 7:56 p.m. Council Member
190 Moon made a motion to adjourn out of Executive Session and Council Member Johnson seconded
191 the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

192

193 There was no action taken as a result of Executive Session.

194

195 There being no further business to come before the Council, Mayor Penn called for a motion to adjourn
196 the meeting. Council Member Traylor made a motion to adjourn the meeting at 7:56 p.m. and Mayor
197 Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0
198 nays.

199

200 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS,**
201 **this _____ day of _____, 2021.**

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204

205 **ATTEST:**

Mary Penn, Mayor

206

207

Dorothy Brooks, City Secretary

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