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**Minutes
Forney City Council
Tuesday, July 6, 2021
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 James Traylor and Council Members Robbie Powers, Sarah Salgado, Derald Cooper and Jason Roberson. Place 2 is vacant. Also present was Interim City Manager Charles Daniels.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER
ROBBIE POWERS**

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for Parks and Recreation Month.

Mayor Lewis read the Proclamation and presented it to Park employees Ron Brock, Rob Riggs, David Hokett, David Bradshaw, Adrian Guevera, Randy Kennedy and Kyle Rouvaldt. Park employees unable to attend the meeting were Dodie Witt, Jon Urso, Jose Parra and Gilberto Ramos.

Mayor Lewis introduced our new Economic Development Director Lynn Spencer. Ms. Spencer stated she has been here four weeks now and spoke about her family and that she is happy to be here.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the June 15, 2021, City Council meeting.

Mayor Lewis asked if there were any changes to the Minutes. There being no changes, Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the Minutes for the June 15, 2021, City Council meeting and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

2. Consider approval of the Minutes of the June 28, 2021, Special City Council meeting.

Mayor Lewis asked if there were any changes to the Minutes. There being no changes, Mayor Lewis called for a motion. Council Member Cooper made a motion to approve the Minutes for the June 28, 2021, Special City Council meeting and Mayor Pro Tem Traylor seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

V. 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

52 comments on non-agenda items, and if necessary, may refer the matter to City staff for research,
53 resolution or referral to Council on a future agenda. As described in the City's Public Meeting
54 Procedures, comments will be limited to three (3) minutes.
55

56 Mayor Lewis opened the floor to anyone in the audience who wished to address the Council. No
57 one came forward so Mayor Lewis closed the open forum session.
58

59 VI. CONSENT AGENDA

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

- 64 1. **Consider approval of the acceptance of public improvements for the**
65 **Overland Grove Phase 3A - Entry Road project.**
66
- 67 2. **Consider a Resolution approving a Professional Services Agreement**
68 **with Prime Controls, LP to provide consulting and support for SCADA**
69 **System and all related issues.**
70

71 Mayor Lewis asked if Council wanted to pull any of the Consent Agenda items for discussion. No
72 items were pulled. Mayor Lewis read each Consent Agenda Item and called for a motion. Council
73 Member Roberson made a motion to approve the entire Consent Agenda and Council Member
74 Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.
75

76 VII. DISCUSSION / ACTION ITEMS

- 77
- 78 1. **Presentation on drainage related to the new Amazon projects located**
79 **in the Gateway development between HWY 80 and CR 212.**
80

81 City Engineer Karl Zook gave a presentation regarding drainage information related to recent
82 storm events that have resulted in residents of the Highland Prairie subdivision expressing
83 concerns that the new Amazon projects have led to increase runoff in their neighborhood. The
84 presentation included:

- 85
- 86 1.) Design requirements for runoff management
87
- 88 2.) Drainage pre-development
89
- 90 3.) Drainage post-development
91
- 92 4.) Drainage design for Highland Prairie
93
- 94 5.) Construction concerns for Highland Prairie
95

96 The presentation demonstrated what the City's Engineering department evaluated when both
97 Amazon DDX7 and Amazon FTW5 were reviewed for plan approval. The presentation showed
98 the pre and post development drainage information for these buildings. The presentation also
99 had information focusing on a few of the properties in the existing Highland Prairie subdivision
100 that were impacted by the recent rain events. Zook stated that the Amazon buildings were not
101 adversely affecting this area.
102

103 The Highland Prairie subdivision is in the City's EJT, but not in the city limits and we are unable
104 to inspect the property or do any work on the properties.

105
106 The following persons came forward to address the Council on this item:

107
108 Robin Armstrong
109 16022 Prairie Meadows (Lot 21)
110 That channel feeds in from a drainage easement that ultimately comes from the
111 FTW5. What he didn't talk about was the Blue Jay Project, which is adjacent to
112 DDX7. We don't know where they were in May, but we have driven back there
113 and the silk screening is crushed down. We walked that creek easement with a
114 ½" of rain and the water was flowing, it was pouring off the parking lots and roofs
115 down through the concrete into that drainage easement that ultimately all feeds
116 into down into our neighborhood, which he showed that. I just think that the Blue
117 Jay project was left out.

118
119 If you need money, the Hunts are billionaires who profited from all this and could
120 probably throw in something. There are no detention ponds, which we have been
121 told that there are on our side of the Amazon facilities. If there are and they are
122 underground and hidden please let me know if I am incorrect. We have not seen
123 them. We have seen them on the other side to protect the railroad. The report
124 lays blame on the developers, bur with each new build, we get more and more
125 water. Something must be done to protect our neighborhood.

126
127 Tonia Goodwin
128 15066 Plantation Ridge
129 Project Blue Jay is the issue, it is completely cleared land. The culvert at Plantation
130 Ridge and Helms Trail was clogged with debris after the rain event. There is
131 nothing there, except a silk screen, that could have held anything back. What
132 exactly is slowing the water down from that concrete? Where does the drainage
133 go? "Water flows downhill."

134
135 Mayor Lewis stated that we were asked if the Amazon build out adversely affected your
136 neighborhood and that is what we have focused on tonight. Not any of the other new projects.

137
138 Carrie Hornsby
139 16466 Prairie Meadows
140 She has lived there since 2013. This is the first year they have had flooding. Ms.
141 Hornsby had pictures to show regarding various channels and drainage areas.
142 She believes that the flooding is caused by Amazon.

143
144 Crystal Staggs
145 15000 Plantation Ridge
146 Has been unable to live here since the storm. She is insulted that the City and Mr.
147 Zook are telling them that this is not impacting us. It very clearly is. In 15 years,
148 this never happened previously. I can't say that Amazon has directly impacted
149 me. I can say that Akron and Blue Jay are impacting us. They are responsible.
150 There will be more construction that goes on behind my house – and it will be 50
151 feet behind my home – imagine what is going to happen. I don't think the blame
152 falls on the developer. The county has done what they can previously but their
153 hands are tied more so than the city. Now that the city has people in place that

154 are willing to get out here and see what is happening to us and try to actually help
155 us and implement things that can actually benefit us. We have lived here and pay
156 taxes and we are just asking you to recognize our trouble and offer some sort of
157 direction and a solution.

158
159 Leslie Benda
160 12319 N. Emerald Ranch Lane

161 When you solve the problem in Highland Prairie, if you solve that problem, there
162 is going to be another problem. I've lived at that address since 2003. I have never
163 flooded before, but did this May. Four other houses in her neighborhood also
164 flooded. We have an HOA, but it is only a committee. We did dig out and trench
165 out the area between houses. We have resurfaced and brought in dirt and leveled
166 the areas.

167
168 Rusty Armstrong
169 16022 Prairie Meadows

170 We are really asking what is going on. Are the rates on the plans that dropped,
171 have they been measured? Are you checking out Amazon after the construction?
172 Who is responsible for the review? Armstrong stated that on his survey it says it
173 is an easement. Who is responsible for taking care of the easement?

174
175 Mayor Lewis stated that answering Rusty's question, having spoken with the DA's office, yes, it
176 is the homeowners responsibility. I wanted to come in and dig a whole new trench, but we don't
177 legally have that ability. I spoke with a woman from Kaufman County on the phone today. Her
178 name is Pam Corder. She is an environmental liaison and an urban forester. I'm going to meet
179 with her. She actually goes out and finds grants -- that can work with your HOA or a coalition or
180 FEMA, whatever it may be. I haven't investigated which agency can help. But when I spoke with
181 her, she said she hasn't done residential lately, but she can certainly look into finding some
182 funding for them. Mayor Lewis stated she wants to go through the proper channels, through
183 Kaufman County and see if we can get them in touch with you guys to find out if there is some
184 funding that can help. The city had some responsibility for development, but the County can't do
185 as much. I want to stay in contact. The only other suggestion would be if you would vote to annex
186 into the City. City Attorney Thatcher stated that they will pay property and receive the same
187 services offered to current residents. There was a statement that the City and the Hunts should
188 pony up money to fund improvements. There are constitutional limits on what a city can use
189 public dollars for. In this instance it is for private property rights and doesn't serve a public benefit
190 and it is an area outside the city limits. What we can control is for any development we require
191 civil plans to be submitted and we review those and make sure there is not that negative impact.
192 Being in the city would give us a little bit more flexibility in using public funds for public
193 improvements. We cannot make improvements to someone's private property.

194
195 Council Member Salgado asked what are the responsibilities mid-construction for these
196 companies, also tied into what Mr. Armstrong asked about checking on and measuring the flow
197 rate to make sure they are what was approved. How often is that being checked. Mr. Zook stated
198 that they look to be sure that the project was constructed as per the plans. When we do our final
199 inspection, we make sure everything was put in according to the design/plans. The land survey
200 will certify that the elevations were put in correctly. All we can do is make sure that it was
201 constructed as per the design and that it follows what the all the required criteria.

202
203 Mayor Lewis asked if we can go back and review the Blue Jay project. Zook stated that the design
204 is approved and it is a fluid construction site. It is the duty of the contractor to keep the silk fence

205 -- there is a silk fence out there. The design was approved and the construction is an active site.
206 It is the responsibility of the contractor to maintain the silk fence and to make sure the project is
207 constructed pursuant to the approved design/plans.
208

209 Mr. Zook stated that John Casey is a certified flood plain manager and a licensed engineer, the
210 engineer of record is registered engineer, and that he is a licensed engineer.
211

212 Mayor Lewis stated we need to go back and look at the cluster of trees area and find out exactly
213 what is going on and come back and revisit that. In the meantime, we will get someone that can
214 maybe help you clean up your neighborhood so that the next time it rains you are not standing in
215 it.
216

217 **2. Discuss and consider approval of an Ordinance amending the budget**
218 **for fiscal year 2020-2021.** [Read Ordinance Caption]
219

220 Finance Director Deborah Woodham discussed this item. This ordinance will be to approve the
221 Budget Analyst position. It would amend the 2021 budget to go ahead and add that position now.
222 We are looking at a cost of about \$23,000 for the remainder of the fiscal year. This is a position
223 that she had requested for the 2022 budget that we are currently working on. If we bring this
224 position on now, it will give us extra hands for the upcoming forensic audit. I currently have one
225 out on maternity leave and I have a temp in that position. This will also allow upward progression
226 in my department. There are only five of us now, this will make six. We already have somebody
227 picked out for the position and we would move two people up and then hire somebody in to fill the
228 open position. The position would also be responsible for preparing budget reports, monitoring
229 spending, forecasting revenues and preparing the actual budget document. I'm just requesting
230 that I get it a little bit early.
231

232 Council Member Roberson asked for clarification that this position is not just for the audit, but is
233 a position that she already wanted and moving it up will assist with the audit among other things.
234

235 Mayor Pro Tem Traylor asked what the annual salary for that position would be. Woodham stated
236 it would be between \$60,000 and \$80,000.
237

238 Mayor Lewis called for a motion. Council Member Powers made a motion to approve the
239 Ordinance and Council Member Cooper seconded the motion. The Ordinance caption was read
240 as follows:
241

242 **ORDINANCE NO. 21-20**
243

244 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING THE**
245 **BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2020 THROUGH SEPTEMBER**
246 **30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.**
247

248 The motion passed by a vote of 6 ayes and 1 vacancy.
249

250 **3. Discuss and consider approval to purchase equipment from**
251 **unallocated current year funds.**
252

253 Finance Director Deborah Woodham discussed this item. FY21 budget was completed at the
254 start of the Covid pandemic. Directors were asked to maintain their programs at the same level
255 that they had the prior year. No new staffing was allocated, no new equipment was awarded to
256 anyone. However, we did set aside funds in the amount of \$600,000 from our surplus during the

257 FY 21 budget process for the purchase of equipment for general fund departments. These funds
 258 were only to be allocated if revenue was being received as projected. A mid-year review of the
 259 budget revealed that revenues were exceeding budgeted amounts. Woodham recommend
 260 allocating the funds based on departmental requests made during the FY 22 budget process as
 261 detailed below (from her item summary):
 262

1020 - Engineering	
Virtual Project Manager Web Based Platform	\$ 22,000.00
1202 - Police	
Taser (CEW) Conducted Electrical Weapon	\$ 111,090.00
Ballistic Helmets	\$ 9,250.00
Communication Earpiece	\$ 10,327.00
Patrol Vehicle	\$ 85,000.00
Night Vision Safety Equipment	\$ 132,580.00
Total - Police	\$ 348,247.00
1303 - Fire	
i-Plans review table	\$ 20,000.00
Faro handheld scanner	\$ 8,000.00
LP15 Cardiac Monitor/Defibrillator	\$ 61,000.00
LUCAS3 Mechanical Chest Compression System	\$ 14,750.00
Total - Fire	\$ 103,750.00
1506 - Streets	
Sand Spreader	\$ 15,000.00
Sand Spreader #2	\$ 15,000.00
3 Ton Asphalt Roller	\$ 46,000.00
Flashing School Zone Signs	\$ 25,000.00
Total - Streets	\$ 101,000.00
Total Requested	\$ 574,997.00

263 We finished 2020 in September with more revenue than anticipated and had spent less money
 264 than anticipated. That gave us a surplus of funds that carried on into the next year. When you
 265 have that surplus of funds you tend to obligate it for one-time purchases, like equipment and CIP
 266 projects. You don't ever want to take that surplus and put it toward operating expenses by hiring
 267 people because you don't know if you are going to get that again the next year. If revenue was
 268 low, we would have reversed this back into the budget. Because the City is growing, a lot of the
 269 revenue came from permits and sales tax.
 270
 271

272
 273 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the
 274 purchase of equipment from the unallocated current year funds and Council Member Powers
 275 seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.
 276

- 277 **4. Discuss and consider authorizing staff to seek proposals through a**
- 278 **request for qualifications from qualified firms for professional**
- 279 **services to update the City of Forney Comprehensive Plan.**
- 280

281 Community Development Director Peter Morgan discussed this item. Staff requests authorization
282 to release a Request for Qualifications (RFQ) for an update to the Comprehensive Plan. The plan
283 was last updated in 2016 and is outdated in many key sections.

284
285 The Comprehensive Plan provides strategies to encourage economic development, quality
286 residential growth, and general improvement of the quality of life for the City's residents and
287 businesses. The Comprehensive Plan will include but may not be limited to the following project
288 tasks:

- 289
- 290 1. Existing Information Review
 - 291 2. Demographic and Socioeconomics
 - 292 3. Citizen Participation
 - 293 4. Future Land Use
 - 294 5. Growth Management
 - 295 6. Thoroughfare Plan
 - 296 7. Housing Needs
 - 297 8. Economic Development
 - 298 9. Public Safety/Public Facilities
 - 299 10. Downtown Redevelopment/Historic Districts
 - 300 11. U.S. Highway 80 Overlay Zone
 - 301 12. Parks and Open Space
 - 302 13. Implementation
 - 303 14. Completion of the Plan
- 304

305 The development of the plan is a very comprehensive process. During a nine-to-twelve-month
306 process a selected consultant will work under the supervision of staff to gather input from the
307 Planning and Zoning Commission, Economic Development Corporation, and City Council. The
308 process also includes an emphasis on public outreach, with an expected high usage of social
309 media platforms and several in-person meetings where the public is encouraged to attend and
310 provide input. Staff does recommend approval.

311
312 The submittal date will be in September. The last time we did this we gave about 4 weeks for
313 submittals and we had people asked for more time. This is an item that is being requested for
314 the next fiscal year and so it will potentially be granted after October 1st.

315
316 Mayor Lewis called for a motion. Council Member Powers made a motion to for staff to seek
317 proposals through a request for qualifications from qualified firms for professional services to
318 update the City of Forney Comprehensive Plan and Council Member Cooper seconded the
319 motion. The motion passed by a vote of 6 ayes and 1 vacancy.

320
321 **5. Discuss and consider a City Council appointment to the 2021 Bond**
322 **Committee and all related issues.**
323

324 City Attorney Jon Thatcher discussed this item. On December 15, 2020, the City Council
325 approved a Resolution creating the 2021 Bond Committee and outlining the function and the
326 duties of the Committee. It provided the process for making the appointment of City Council and
327 Non-Council persons to the Committee.

328
329 The Council made appointments to the Committee in March of this year and the Committee has
330 been meeting twice per month since that time analyzing the feasibility of a bond election for city
331 projects.

332
333 The Committee consists of 12 members, two of which are City Council members. Mayor Pro Tem
334 Traylor has asked to resign from his seat on the Committee due to time constraints. The Council
335 is tasked with designating a Council Member for the Council spot on the Committee, which action
336 requires a simple majority to make the appointment.
337

338 Generally, the meetings are the 2nd and 4th Tuesday. We will be having a meeting next week.
339 Council Member Roberson volunteered to serve. Mayor Lewis called for a motion. Mayor Pro
340 Tem Traylor made a motion to appoint Jason Roberson to serve on the Bond Committee and
341 Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1
342 vacancy.
343

344 **VIII. CITY MANAGER'S REPORT**
345 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
346 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE**
347 **ACTION, INCLUDING THE FOLLOWING:**
348

349 Interim City Manager Daniels stated he had a few items.
350

- 351 1. Kudos to Kyle and the Parks Department for an excellent July 4th event.
352
- 353 2. Parks will be hosting a number of activities during July. You can see those events on our
354 website. Kyle stated that there will be no food trucks at these events. Any foods trucks that want
355 to be in the City need to get the proper permitting through the Community Development office.
356
- 357 3. The Engineering Department and Public Works are coordinating the removal and replace
358 of clay tile pipe.
359
- 360 4. We are finalizing the remodel of the Community Development/Engineering/Public Works
361 offices.
362
- 363 5. The change to bring mowing services into the City has not worked. I will be moving people
364 into other departments and other changes will be made. I think you will see improvement around
365 the City.
366

367 **IX. ANNOUNCEMENT OF COMMUNITY EVENTS**

368 This section is used to communicate items of community interest, specifically, reminders about
369 upcoming events organized or sponsored by the governing body or other information regarding a
370 social, ceremonial, or community event organized or sponsored by an entity other than the governing
371 body that may be of interest to the citizens of Forney.
372

373 Extreme Water Event, July 10th. More info can be found on our social media and website. There
374 will be an Extreme Water Kickball Event from 6pm to 8:30 pm Kyle has been working with Erica
375 Price on this event.
376

377 The Senior Citizens Center is open – today. They are open from 8:00 am to 2:00 pm. They will
378 be events on Friday.
379

380 Mayor Lewis stated that Council will now adjourn into Executive Session under Chapter 551,
381 Texas Government Code, Section 551.071 and asked for a motion. Council Member Cooper
382 made a motion to adjourn into Executive Session at 8:05 p.m. and Council Member Powers
383 seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

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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. 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.
 - b. Claim by Mica Lunt.

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 8:50 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Council Member Roberson made a motion to adjourn out of Executive Session and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

There being no action to be taken as a result of Executive Session, Mayor Lewis called for a motion to adjourn at 8:51 p.m. Council Member Cooper made a motion to adjourn and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

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

ATTEST: _____
Amanda Lewis, Mayor

Dorothy Brooks, City Secretary