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Minutes
Forney City Council
Tuesday, August 17, 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 Cecil Chambers, Sarah Salgado, Derald Cooper and Jason Roberson. Council Member Powers was absent. Also present was Interim City Manager Charles Daniels.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER SARAH SALGADO

III. APPROVAL OF MINUTES

- 1. Consider approval of the Minutes of the August 3, 2021, City Council meeting.**

Mayor Lewis asked if Council had any changes to the Minutes. There being no changes, Mayor Lewis called for a motion. Council Member Chambers made a motion to approve the Minutes of the August 3, 2021, City Council meeting and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

Council Member Powers joined the meeting at this time.

IV. 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.

Mayor Lewis opened the floor to anyone in the audience who wished to address the Council. The following persons came forward to address the Council:

Tracy Tamez
101 Kelli Drive
Forney, Texas 75126

Ms. Tamez stated she is asking for help for land that is located at Hwy 80 and Lover's Lane. It is highly infested with copperhead snakes, rats and brush piles. Tamez stated that her dog has bitten three times in their backyard. She has reached out to Michelle Hodge and she has been very helpful and has talked to Ms. Yandell about these issues. She has gone to the Forney site and asked if there is a mowing schedule, but has not had a response. There is also a tree pushing on Ms. Tamez' fence and has roots pushing through it. Ms. Yandell had her attorney send Ms. Tamez a letter stating she was no longer allowed on her property. Because of that she is unable to replace her fence at this time.

54 Pete Rosenberg
55 105 Darcie
56 Forney, Texas 75126
57 Mr. Rosenberg stated that the Planning and Zoning Commission did an awesome
58 job and didn't let a developer do a snow job. We are getting overdeveloped here
59 with homes. We need more police and fire support. Stop the six plats that are on
60 the agenda tonight. Help us keep our city employees. There is too much criminal
61 activity. We need Kaufman County's mutual aid.

62
63 Robert Greene
64 105 Virginia Street
65 Forney, Texas 75126
66 Mr. Greene spoke against the Buffalo Reserve Addition that has been proposed.
67 Developers need to give concrete evidence in writing about what they are actually
68 going to build. Do not do away with the 20,000 SF lots. None of the surrounding
69 roads are proposed for two years.

70
71 Katheryn Spiller
72 1041 Ellis Way
73 Forney, Texas 75126
74 Ms. Spiller stated that yesterday she started her freshman year at Forney High.
75 This summer she and her family went to Colorado. While were there we could
76 help but notice how clean their towns are. That Forney has too much litter,
77 specifically plastic bags. In Colorado, a law was passed that will ban all plastic
78 bags in Colorado. Currently, towns in Colorado are charging for plastic bags.
79 Forney should do this.

80
81 **V. CONSENT AGENDA**

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

- 85
86 **1. Consider approval of a preliminary plat for Gateway Phase 4, located**
87 **east of North F.M. 548 and south of North Gateway Boulevard.**
- 88
89 **2. Consider approval of a preliminary plat for Governor's Lots No. 2,**
90 **located north of Clements Drive and west of Lake Ray Hubbard**
91 **Drive.**
- 92
93 **3. Consider approval of a preliminary plat for Park Trails, Phase 5.**
- 94
95 **4. Consider approval of a preliminary plat for the Basic Addition,**
96 **located west of the intersection of S. Gateway Boulevard and**
97 **County Road 212.**
- 98
99 **5. Consider approval of a final plat for the Basic Addition, located west**
100 **of the intersection of S. Gateway Boulevard and County Road 212.**
- 101
102 **6. Consider approval of a revised site plan for RideNow Powersports,**
103 **located at 117 E. U.S. Highway 80.**

105
106 **7. Consider a Resolution approving a negotiated settlement between**
107 **the Atmos Cities Steering Committee (ACSC) and ATMOS Energy**
108 **Corp., Mid-Tex Division regarding the 2021 Rate Review Mechanism**
109 **Filing.**
110

111 Mayor Lewis read each Consent Agenda Item and asked Council if they wanted to pull any items
112 for discussion. Council Member Roberson stated he would like to pull Consent Agenda Item No.
113 1 and Mayor Lewis stated she would like to pull Consent Agenda Item No. 7. Mayor Lewis called
114 for a vote on the remaining Consent Agenda Items Nos. 2, 3, 4, 5 and 6. Council Member Salgado
115 made a motion to approve Consent Agenda Items Nos. 2, 3, 4, 5 and 6 and Council Member
116 Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
117

118 Mayor Lewis stated with regard to Consent Agenda No. 1, that she has asked Mr. Morgan to
119 come explain for the public about this project because it is a multi-family use project. Mr. Morgan
120 stated that this is a preliminary plat for Gateway Phase 4. Currently, there are three multi-family
121 phases that have been built. This is the fourth proposed phase.
122

123 It is a 13.765-acre property is currently vacant and undeveloped. The property is zoned within
124 the Meadow Ridge Farm Planned Development. The zoning for this property was established
125 back in February 2013. That is when the approval for the multi-family use was permitted within
126 that planned development. An amendment was approved in September 2018. This amendment
127 set limits on the number of units that could be built at one time.
128

129 Ordinance 18-35 set the following limits for the Planned Development:
130

- 131 1. The total number of residential dwelling units is 5,000.
- 132 2. Out of the 5,000 total units the maximum number of multi-family units is
133 3,250.
- 134 3. The City shall not issue permits for more than 650 individual multi-family
135 residential units within any 2-year timeframe.
136

137 The Planned Development currently contains the following projects inside of the 2 year limit:
138

- 139 1. Gateway Multi-Family Phase 3 - 330 units – permit issued 9/1/2019.
- 140 2. Avilla Oakridge – 229 units – permit issued 10/1/2020.
141

142 The Gateway Multi-Family Phase 3 permit hits two years on September 1, making room under
143 the 650- unit limit for the next project to receive a building permit after that date. It will be October
144 2022 before they can forward with a request for more multi-family.
145

146 The developer is responsible for paying fees-in-lieu of a land dedication and park development
147 fees totaling \$199,320. This payment is required before a final plat may be recorded.
148

149 The property does have direct access to N. Gateway Boulevard. On August 5, 2021, the Planning
150 & Zoning Commission did unanimously recommend approval.
151

152 Mayor Lewis stated she wanted to clarify this item because there has been a lot of angst regarding
153 future development. When undeveloped land is rezoned that is when the Council can approve or
154 deny any planned developments. Is that correct? Morgan stated that was correct. If the plat
155 complies with the zoning already in place, then the plat should be approved. Mayor Lewis stated,
156 “so we have to catch it at the beginning. If everything has already gone through, we cannot legally
157 change it, and say no you cannot do that.” Morgan stated that is correct. Mayor Lewis stated

158 that we need to be more diligent and that is where the Comp Plan will come in place. It is about
159 future land use and what we have that is undeveloped and what and where we want things to be.
160 So, things that have been zoned by prior Councils we cannot change. Morgan stated that the
161 Comp Plan process is going to kick off soon. The RFQ has been released and the future land
162 use map is one of the main components of that update. Mayor Lewis stated she hopes that
163 clarifies to the public what we can and can't do at this point.

164
165 Mayor Lewis stated that they would move on to Consent Agenda Item No. 7. She stated she
166 pulled this because it is going to directly affect residents' utilities. She asked City Attorney
167 Thatcher to give a brief recap of the settlement agreement. Then we will call for a vote on Consent
168 Agenda Items. No. 1 and No. 7.

169
170 City Attorney Jon Thatcher stated that essentially what we are looking at is that whenever the
171 public utilities, including Atmos, are looking to recoup capital investments based on increased
172 capital costs, etc. They can submit rate modification requests. The City of Forney is part of a
173 coalition of about 170 other cities in this area in the State of Texas, and we work with Atmos as
174 well as the Railroad Commission, in order to go through that rate request. We have been very
175 successful being able to negotiate settlements out of those requests, in order to make sure that
176 they take into account the depreciation of certain assets, increased revenues and other things so
177 that it is a true number with regard to being able to recover their increased costs.

178
179 As we have seen, earlier this year with the winter storm, there are going to be a lot of increased
180 capital needs for these utilities. We anticipate that we are going to see not only this request, but
181 others in the future.

182
183 For this request, the Executive Committee recommended a settlement at \$22.78 million. The
184 Effective Date for new rates is December 1, 2021. The impact of the settlement on average
185 residential rates is an increase of \$1.28 on a monthly basis, or 2.2 percent. The increase for
186 average commercial usage will be \$4.03 or 1.61 percent.

187
188 Mayor Lewis called for a motion on Consent Agenda Items No. 1 and 7. Council Member
189 Roberson made a motion to approve Consent Agenda Items No. 1 and 7 and Mayor Pro Tem
190 Traylor seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

191
192 **VI. DISCUSSION / ACTION ITEMS**

193
194 **1. Presentation of the proposed FY 2021-2022 Budget.**

195
196 Finance Director Deborah Woodham presented the proposed FY 2021-2022 budget.
197 Ms. Woodham stated that we were able to grant all department requests. We have had record
198 building, record growth, record sales tax – this last month we had the highest sales tax collection
199 for one month that we have ever had in the history of Forney. We expect to finish the year with
200 about \$16 million in our Fund Balance. Ms. Woodham went on to discuss each section of the
201 budget. We are recommending a tax rate of \$0.501069 for tax year 2021, FY 2022. No action
202 was taken on this item.

203
204 **2. Discuss and consider approval of a Resolution calling for a budget**
205 **public hearing on September 7, 2021.**
206

207 Finance Director Deborah Woodham stated that the City Charter requires that the City Council
208 hold a public hearing and receive public comments on the proposed budget prior to adoption. We
209 will be doing that on September 7, 2021. Mayor Lewis called for a motion. Mayor Pro Tem

210 Traylor made a motion to approve the Resolution and Council Member Roberson seconded the
211 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

212
213 **3. Discuss and consider approval of a Resolution to adopt the 2021 tax**
214 **rate at the September 7, 2021 City Council meeting.**

215
216 Finance Director Deborah Woodham stated that the City Council is required to take a record vote
217 on the recommended tax rate of \$0.501069 for tax year 2021, FY 2022 to be included in the
218 "Notice of Meeting to Vote on Tax Rate." The Notice is required to be published both on the City
219 website and in the newspaper of record. City Attorney Thatcher stated that Council will only be
220 voting on the proposed tax rate.

221
222 Mayor Lewis called for a motion to approve the Resolution to adopt the tax rate at the September
223 7, 2021, meeting. Mayor Pro Tem Traylor made a motion to approve the Resolution and Council
224 Member Chambers seconded the motion. The motion passed unanimously by a vote of 7 ayes
225 and 0 nays.

226
227 City Secretary Brooks stated the vote was Traylor/for; Chambers/for; Powers/for; Lewis/for;
228 Salgado/for; Cooper/for; and Roberson/for.

229
230 **4. Discuss future special events for the remainder of 2021 and related**
231 **equipment.**

232
233 Interim City Manager Charles Daniels presented this item. Mr. Daniels stated that this particular
234 item came up at either his first or his second meeting. It was a very vigorous discussion among
235 Council Members about the future of special events to be held in the city. It is true that the item
236 was brought forward without any discussions with Council beforehand and there was confusion
237 about the direction we were going. We want the Council tonight to discuss the future of special
238 events in the city. What types of events, whether you want to continue with the events at all or
239 some modified version of that. In addition to discussion about the events, there was some
240 equipment associated with events that was purchased a couple years ago that we need a decision
241 on. I am going to have Neil Cardwell come up and talk a little bit about what events are planned,
242 what is involved with staging those events, and a little bit about the equipment.

243
244 Neil Cardwell stated that the special events remaining this year are:

245
246 Brews on Bois D'Arc
247 Trails of Treats
248 New Year's Ball Drop
249 Christmas in the Park – There will be no ice skating this year as it is not cost effective and
250 safety/security were a staff concern as well. This event will also have a tree lighting. We have
251 two trams that were purchased for Christmas light viewing. Those trams cost the city \$127,000.
252 A storage building costing \$15,000 was built to house the trams.

253
254 The most attended event is the 4th of July, where approximately 20,000 to 22,000 people attend.

255
256 Council went through each of the items listed:

257
258 Christmas in the Park is budgeted at \$40,000. Mayor Lewis stated that this does not include the
259 holiday light display because the RFP's were previously rejected. This Christmas in the Park
260 event is being proposed as a return to the previous program with the lighting of the tree, having
261 vendor booths, etc. Council will allow staff to budget for this event at their discretion. Council

262 approved this event. Another item along with this, are the trams at the cost of \$127,000. Those
263 were for a plan that is not occurring. Council Member Salgado made a motion to sell the trams
264 and Mayor Lewis seconded the motion. The motion failed by a vote of 2 ayes [Lewis/Salgado]
265 and 4 nays [Traylor/Chambers/Powers/Cooper/Roberson]. The trams will be kept in storage until
266 needed.

267
268 Independence Day. Council approved this event.

269
270 Spellman Concert Series. Kyle Rouvaldt stated that in 2020, we would have acts and concerts
271 on Thursday and movies on Friday. The concert series were not well attended. The movies were
272 better attended. Council kept this in the budget for next year.

273
274 Veterans' Day. This event is held at the Amphitheater with JROTC's from both high schools. This
275 event was approved.

276
277 Movies in the Park. This event was approved.

278
279 Trail of Treats. This event was approved.

280
281 Brews on Bois D'Arc. Council Member Salgado made a motion to remove this as a City
282 sponsored event and Mayor Lewis seconded the motion. Staff advised that Enos would like to
283 hold the event. Council Member Salgado retracted her motion. Mayor Pro Tem Traylor made a
284 motion to keep this as a City sponsored event with the caveat that Staff will be talking with Enos
285 about hosting the event. Council Member Powers seconded the motion. The motion passed by
286 a vote of 5 ayes [Traylor/Chambers/Powers/Cooper/Roberson] and 2 nays [Lewis/Salgado].

287
288 New Year's Eve Ball Drop. Council Member Cooper made a motion to approve and Council
289 Member Powers seconded the motion. The motion passed by a vote of 5 ayes
290 [Traylor/Chambers/Powers/Cooper/Roberson] and 2 nays [Lewis/Salgado].

291
292 Festival on Main. This is a concept-only event. The City is looking to have once a quarter events
293 downtown. This first festival would be a bazaar-type event with local vendors selling items, with
294 an added music component - as events with music do very well. It would occur in the springtime
295 in downtown. Mayor Lewis stated these types of events would be mutually-beneficial if the City
296 could partner with nonprofits/ churches and other partners. Neil Caldwell said building
297 relationships and partnerships is something the City could really look into. The event was
298 approved.

299
300 **VII. CITY MANAGER'S REPORT**

301 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
302 FUTURE LEGISLATIVE ACTIVITIES, AND OTHE RELATED MATTERS FOR POSSIBLE ACTION,
303 INCLUDING THE FOLLOWING:

304
305 Interim City Manager Charles Daniels reported as follows.

306
307 About three weeks ago, I was part of the Interview Committee, consisting of Jon Thatcher, Charles
308 Daniels, Todd Eudy, Joe Dan McBeth and Margaret Wright, interview six candidates for HR
309 Director position. It was unanimously decided that Jamie Holbert was right for the position. She
310 is coming from Waxahachie. Mr. Daniels called Ms. Holbert forward. Ms. Holbert stated that she
311 moved here last year and can't wait to get started. The Council welcomed her.

312
313 In the next two weeks, the city should be receiving its first half of the Coronavirus Local Fiscal
314 Recovery Fund grant of over 3 million dollars. Residents are being asked to provide feedback on

315 how the city should best utilize these funds. A short survey is available on the city's social media
316 channels and at forneytx.gov. We should have results of that survey on September 7, 2021.
317

318 The City invites local neighborhoods to participate in National Night Out on October 5th. National
319 Night Out is an annual community-building campaign that promotes community partnerships and
320 neighborhood camaraderie. Neighborhood representatives can find more information and fill out
321 the participation form at forneytx.gov/nationalnightout. The Police Department and Fire
322 Department will be involved.
323

324 On Thursday, August 19, asphalt repair and restriping will begin on County Road 212. A majority
325 of the asphalt repair will be done between Kiest Dr. and Highland Prairie Ct. This project should
326 be completed on August 25th, weather permitting.
327

328 Chief Eudy stated that there have been a number of complaints about people turning left at Broad
329 and FM 548. There is no left turn allowed there. He will have officers there and signage placed
330 so people will not turn left there.
331

332 **VIII. ANNOUNCEMENT OF COMMUNITY EVENTS**

333 This section is used to communicate items of community interest, specifically, reminders about
334 upcoming events organized or sponsored by the government body or other information regarding a
335 social, ceremonial or community event organized or sponsored by any entity other than the
336 government body that may be of interest to the citizens of Forney.
337

338 Mayor Lewis announced that there will be fund raiser for Lone Star Casa on August 28, 2021, at
339 the Texas Gun Ranch. We will have it on our social media or you can go to
340 lonestarcasa.org/events.
341

342 The City was represented by several staff members who welcomed our kids back to school. Every
343 school had different groups welcoming our kids. Thank you, staff. The Fisd has a video of that
344 event if you want to see the first day of school recap.
345

346 Mayor Lewis announced that Council would now adjourn into Executive Session, pursuant to the
347 Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072 and
348 551.087 and called for a motion. Council Member Cooper made a motion to adjourn into
349 Executive Session at 8:38 p.m. and Council Member Salgado seconded the motion. The motion
350 passed unanimously by a vote of 7 ayes and 0 nays.
351

352 **X. EXECUTIVE SESSION**

353 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE
354 CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS
355 THE FOLLOWING:
356

- 357 1. Consult with legal counsel regarding pending or contemplated litigation or
358 a settlement offer and/or matters in which the duty of the attorney to the
359 governmental body under Texas Disciplinary Rules of Professional
360 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
361 Texas Government Code (Tex. Gov't Code Section 551.071):
 - 363 a. Windmill Farms Preliminary and Final Plats, Phases 4D-2 and 4D-3.
 - 364 b. Chapter 212, Subchapter E, Texas Local Government Code –
365 Moratorium on Property Development.
- 366 2. Deliberate the purchase, exchange, lease, or value of real property. (Tex.
367 Gov't Code Section 551.072)
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- a. Project Scuba
- b. Project Closet

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 Owl

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 9:36 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Mayor Pro Tem Traylor made a motion to adjourn out of Executive Session and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no action to be taken as a result of Executive Session, Mayor Lewis called for a motion to adjourn at 9:36 p.m. Council Member Roberson made a motion to adjourn and Council Member Chambers 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 _____, 2021.

ATTEST:

Amanda Lewis, Mayor

Dorothy Brooks, City Secretary