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Minutes
Forney City Council
Tuesday, September 21, 2021
6:30 p.m. Regular Meeting
Council Chambers
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

Mayor Lewis called the meeting to order at 6:33 p.m. Present were Mayor Amanda Lewis, Mayor Pro Tem James Traylor and Council Members Cecil Chambers, Robbie Powers, Sarah Salgado, Derald Cooper and Jason Roberson. Also present was Interim City Manager Charles Daniels.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM JAMES TRAYLOR

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for Constitution Week

Mayor Lewis read the proclamation and presented it to the King's Fort Chapter NSDAR representatives Nancy Holland, Regent, Charlene Orr, Vice Regent, Alice Hogue, Gwenda Aber, and Stacy Browning.

2. Proclamation for National IT Professionals Day

Mayor Lewis read the proclamation and presented it to the City's IT employees Stephen Williamson, Taylor Killingsworth, Preston Jensen, Jason Brenner, and Tracy Rosalies.

3. Presentation by Flock Safety

Interim Police Chief Todd Eudy stated that he asked Jasmine Norton of Flock Safety to come speak with the Council regarding license plate reader cameras. The surrounding HOA's, Mud Districts and Special Utility Districts have purchased these cameras. Windmill Farms has 30 of these cameras, Travis Ranch has 30 and Devonshire has 12. Chief Eudy stated he had talked to Jason Johnson and Sheriff Beavers and they said they have had some substantial benefits from the cameras. They are a crime deterrent and can provide leads for detectives.

Jasmine Norton of Flock Safety gave a short presentation. ALPR technology gives real time alerts when stolen or wanted vehicles enter your City or your community. As clearance rates increase, crime rates decrease. The cameras are stationary and act as a deterrent. This technology is for license plate recognition. It gathers objective evidence and facts about vehicles, not people. Alerts police of wanted vehicles and is used to solve crime. It adheres to all state laws. This is not facial recognition software and it is not used for immigration or traffic enforcement. The data automatically deletes every 30 days.

IV. APROVAL OF MINUTES

1. Consider approval of the Minutes of the August 30, 2021, City Council meeting.

52 Mayor Lewis asked if Council had any changes to the Minutes. There being no changes, Mayor
53 Lewis called for a motion. Council Member Roberson made a motion to approve Minutes of the
54 August 30, 2021, Special City Council meeting and Council Member Salgado seconded the
55 motion. The motion passed unanimously by a vote of 6 ayes and 1 abstain [Chambers].

56
57 **2. Consider approval of the Minutes of the September 7, 2021, City**
58 **Council meeting.**
59

60 Mayor Lewis asked if Council had any changes to the Minutes. There being no changes, Mayor
61 Lewis called for a motion. Council Member Cooper made a motion to approve Minutes of the
62 September 7, 2021, City Council meeting and Council Member Salgado seconded the motion.
63 The motion passed unanimously by a vote of 6 ayes and 1 abstain [Chambers].
64

65 **V. OPEN FORUM/CITIZEN COMMENTS**

66 This is the public's opportunity to address the City Council on any matter related to the City. In
67 accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss,
68 consider, or take action on matters not listed on the agenda. The City Council will receive citizen
69 comments on non-agenda items, and if necessary, may refer the matter to City staff for research,
70 resolution, or referral to Council on a future agenda. As described in the City's Public Meeting
71 Procedures, comments will be limited to three (3) minutes.
72

73 Mayor Lewis opened the floor to anyone in the audience who wanted to address the Council. The
74 following person came forward to address the Council:
75

76 Mike Ellison
77 34 Estate Lane
78 Forney, Texas 75126

79 Mr. Ellison stated that we need a comprehensive plan. We do not need more
80 homes. Safety is a big issue, especially around the new schools at Pinson and
81 Ridgecrest.
82

83 Mayor Lewis advised that we are working on a comprehensive plan and should have something
84 in November.
85

86 There being no one else to address the Council, Mayor Lewis closed the open forum session.
87

88 **VI. CONSENT AGENDA**

89 The items on the Consent Agenda are considered to be self-explanatory by the Council and will be
90 enacted in one motion. There will be no separate discussion of these items unless requested by a
91 Council Member.
92

- 93 **1. Consider approval of a final plat for Brookville Estates, Phase 2.**
94
95 **2. Consider approval of a final plat for Governor's Lots No. 2, located**
96 **north of Clements Drive and west of Lake Ray Hubbard Drive.**
97
98 **3. Consider approval of a revised site plan for Shafer Plaza, located**
99 **northwest of the intersection of East U.S. Highway 80 and**
100 **Marketplace Boulevard.**
101
102 **4. Consider approval of a site plan for the Forney ISD Keith Bell**
103 **Opportunity Central, located at the northeast corner of Innovation**
104 **Boulevard and Inspiration Way.**
105

106 **5. Consider approval of a site plan for the Wildwood Apartments,**
107 **located north of E. U.S. Highway 80 and west of Trailhouse Lane.**

108
109 **6. Consider a Resolution approving the 2021 Annual Update to the**
110 **Service and Assessment Plan and Assessment Rolls for The Villages**
111 **of Fox Hollow Public Improvement District No. 1 (Capital PID)**
112 **including the collection of the 2021 annual installments.**
113

114 Mayor Lewis read each Consent Agenda Item asked if Council wanted to pull any of the items for
115 discussion. Mayor Pro Tem Traylor stated he wanted to pull Consent Item No. 4. Mayor Lewis
116 called for a motion on the remaining Consent Agenda Items No.'s 1, 2, 3, 5 and 6. Council
117 Member Chambers made a motion to approve Consent Agenda Items No.'s 1, 2, 3, 5 and 6 and
118 Council Member Salgado seconded the motion. The motion passed unanimously by a vote of 7
119 ayes and 0 nays.

120
121 **4. Consider approval of a site plan for the Forney ISD Keith Bell**
122 **Opportunity Central, located at the northeast corner of Innovation**
123 **Boulevard and Inspiration Way.**
124

125 Community Development Director Peter Morgan came forward and discussed the background of
126 Consent Agenda Item No. 4. The OC, as described by the FIRD, is a multipurpose education
127 facility which offers a unique selection of spaces to serve many purposes and functions for Forney
128 ISD and the community. The 3-story building will include high school and higher education
129 classrooms serving approximately 2000 students, a 400-student pre-kindergarten center, a fine
130 arts complex, business and retail partnership opportunities, and a 6,000-seat multipurpose venue.
131 The facilities uses will be arranged to maximize the flexibility and use of each space for various
132 learning opportunities, activities, and events.

133
134 The 114-acre property is currently vacant and undeveloped. The facility is proposed to go north
135 of the new Jackson Middle School and Rhodes Intermediate School and is northeast of the new
136 Forney ISD Aquatics Center. It is a multi-purpose building with a building area of 193,539 square
137 feet and a total building area of 504,021 square feet.

138
139 The City of Forney Board of Adjustment (BOA) approved two variance requests on August 24,
140 2021. Based on Zoning Ordinance section 38.6, the facility requires a total of 3,151 parking
141 spaces. Forney ISD requested a variance to that requirement. The 6,000-seat gymnasium is not
142 intended for daytime use while the rest of the building operates during normal hours. For this
143 reason, the applicant requested that the minimum required parking spaces be set at 2,000 total
144 spaces. The BOA approved the variance.

145
146 Forney ISD also requested a variance to the landscape standards provided in Zoning Ordinance
147 section 39.6.D. A variance was requested for security reasons. The ISD requested to still provide
148 the required number of trees but proposed placing them around the perimeter of the parking areas
149 and elsewhere on the site, in lieu of landscape islands within each of the parking areas. The ISD
150 stated that the use of trees and landscape islands in the center of parking lots provides obstacles
151 for camera coverage and physical supervision. The BOA approved the variance.

152
153 On September 2, 2021, the Planning and Zoning Commission voted 3 to 2 to recommend
154 approval.
155

156 Mayor Pro Tem Traylor stated he was concerned when he received a letter this afternoon from
157 the Fisd's attorney stating that someone was going to vote no on this request. Safety is an issue.
158 Justin Terry, Fisd Superintendent, spoke regarding the safety measures they have in place.
159

160 After lengthy discussion, Mayor Lewis called for a motion. Council Member Roberson made a
161 motion to approve Consent Agenda No. 4 and Council Member Chambers seconded the motion.
162 The motion passed by a vote of 6 ayes and 1 nay [Powers].
163

164 **VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

- 165
- 166 **1. Conduct a public hearing, consider and act upon an ordinance**
167 **levying special assessments against the assessable property within**
168 **the "Fox Hollow Public Improvement District No. 1" (Maintenance PID)**
169 **and approving the final update to the Service and Assessment Plan,**
170 **pursuant to the provisions of Chapter 372 of the Texas Local**
171 **Government Code. The PID contains approximately 813.605 acres of**
172 **land generally located southeast of FM 548 between FM 1641 and FM**
173 **741 (Fox Hollow).**

174

175 City Attorney Jon Thatcher discussed this item. Thatcher stated that the Council previously
176 approved a Resolution approving the 2021 Annual Update to the Service and Assessment Plan
177 and Assessment Rolls for The Villages of Fox Hollow Public Improvement District No. 1 (Capital
178 PID), including the collection of the 2021 annual installments. The City must review annually a 5
179 year plan, assessment roll, and budget for the PID. Additionally, because this PID was created
180 for maintenance costs it must call a public hearing to receive public comments prior to approving
181 the levy of any special assessments and accepting a service and assessment plan. Because the
182 Maintenance PID funds maintenance only projects, the assessments levied are done annually to
183 cover the budgeted expenses. The HOA dues only cover the amenity center and the swimming
184 pool facility. The proposed levy is \$0.12 per \$100 valuation, which is the same rate that was
185 levied in previous years. These assessments are collected through the Kaufman County Tax
186 Collector's Office. Following the Public Hearing, the Council will have the opportunity to consider
187 adopting an ordinance approving the Final Service and Assessment Plan and levy assessments
188 against the assessable property within the District.
189

190 When asked, City Secretary Brooks advised that no one had signed up to speak during the public
191 hearing. Mayor Lewis opened and closed the public hearing at 6:14 p.m. Mayor Lewis then called
192 for a motion. Mayor Pro Tem Traylor made a motion to approve the Ordinance and Council
193 Member Cooper seconded the motion. The Ordinance caption was read as follows:
194

195 **ORDINANCE NO. 21-31**

196

197 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS APPROVING A**
198 **SERVICE AND ASSESSMENT PLAN AND AN ASSESSMENT ROLL FOR THE FOX HOLLOW**
199 **PUBLIC IMPROVEMENT DISTRICT NO. 1; MAKING A FINDING OF SPECIAL BENEFIT TO THE**
200 **PROPERTY WITHIN THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY**
201 **WITHIN THE DISTRICT; ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR**
202 **ASSESSMENTS TO BE PAID IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL**
203 **GOVERNMENT CODE, AS AMENDED; SPECIFYING THE METHOD AND THE AMOUNT OF**
204 **PAYMENT; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS;**
205 **PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**
206

207 The motion passed unanimously by a vote of 7 ayes and 0 nays.
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VIII. DISCUSSION / ACTION ITEMS

- 1. Discuss and consider a Resolution approving a Developer Participation Agreement with Meadow Ridge Farm, LP for the construction of certain utility and road improvements for Reeder Road North from Gateway Boulevard to the City of Forney corporate limits.**

City Attorney Jon Thatcher discussed this item. Reeder Road is a project eligible for reimbursement through the Reinvestment Zone Number One, Forney, Texas (“TIRZ”). Developers within the TIRZ have previously realigned Reeder Road South of the Gateway Boulevard intersection to the North Service Road of Highway 80. The Developers want to begin improvements on Reeder Road North to Windmill Farms. Only the portion of the Roadway improvements that are within the city limits and within the TIRZ are eligible for reimbursement through the TIRZ. The proposed Developer Participation Agreement between the City of Forney and Meadow Ridge Farm, LP allows the Developer to move forward with the construction of the public improvement. Such action is exempt from the competitive bidding laws of the State in Chapter 252 of the Texas Local Government Code. The City is not participating in the funding of the project, but the improvements are eligible for reimbursement through the TIRZ once completed. The developer will design and construct the project in accordance with the City’s design standards and the improvements are subject to City inspection and acceptance.

Mayor Lewis called for a motion. Council Member Chambers made a motion to approve the Resolution and Council Member Salgado seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 2. Consideration of an appeal to the City’s Parkland Dedication determination associated with Windmill Farms Preliminary and Final Plats, Phases 4D-2 and 4D-3, in accordance with Section 212.904 of the Texas Local Government Code.**

City Attorney Thatcher stated that he had spoken with a representative of the developer and they have requested this item be postponed until the next meeting. No action was taken by the Council.

IX. CITY MANAGER’S REPORT

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

Interim City Manager Charles Daniels stated he had a few items to report.

Trail of Treats is back. From 3 to 6 p.m. on October 30 at Community Park, the City will host our annual Trail of Treats. The event is free and will include activities for the entire family. Businesses can apply to have a booth at this event at forneytx.gov/trailoftreats. We currently have about 41 businesses who have claimed a booth and we would like to have 60.

The Parks and Recreation Department, with help from the Franco Tennis Academy and the United States Tennis Association will be hosting a social tennis league beginning October 7th! This tennis “social league” is for both beginners and experienced tennis players. More information is available at forneytx.gov/tennis.

262 The Forney Economic Development Corporation, Forney Chamber of Commerce, and Workforce
263 Solutions invite all local business to participate in a community job fair. The job fair will take place
264 at the Best Western on October 28, 2021, from 10 am - 2 pm. More information is available at
265 forneytexasedc.org.

266
267 Council Member Roberson asked Mr. Daniels if he knew what the employment rate is here in
268 Forney. Mr. Daniels stated he did not, but he had spoken with Lynn Spencer about the job fair
269 and they are expecting a good turnout.

270
271 Council Member Chambers gave thanks to all of Mr. Daniels' staff – Finance, Community
272 Development, Police, Fire, IT, Parks and Recreation and Public Works for all their hard work and
273 helping to keep Forney a safe place. He asked about the Police Officer who had been injured in
274 the line of duty. Chief Eudy stated that the officer had surgery on the torn tendon in his hand and
275 is due back to work on light duty in three days and that they are looking forward to having him
276 back.

277
278 **X. ANNOUNCEMENT OF COMMUNITY EVENTS**
279 This section is used to communicate items of community interest, specifically, reminders about
280 upcoming events organized or sponsored by the government body or other information regarding a
281 social, ceremonial or community event organized or sponsored by any entity other than the
282 government body that may be of interest to the citizens of Forney.

283
284 Forney High School is having their homecoming parade this Saturday at 9:00 a.m. and it will follow
285 the same route as it has in the past. St. Martin's Carnival is also this Saturday after the parade.

286
287 The Lion's Club will be hosting a Doggie / Human Fun Run on October 9, 2021.

288
289 More information on these events can be found on their social media sites.

290
291 Mayor Lewis stated that the Council would now adjourn into Executive Session under Chapter
292 551, Texas Government Code, Section 551.071 and called for a motion. Council Member
293 Roberson made a motion to adjourn into Executive Session at 7:13 p.m. and Mayor Pro Tem
294 Traylor seconded the motion.

295
296 **XI. EXECUTIVE SESSION**
297 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE
298 CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS
299 THE FOLLOWING:

300
301 **1.** Consult with legal counsel regarding pending or contemplated litigation or
302 a settlement offer and/or matters in which the duty of the attorney to the
303 governmental body under Texas Disciplinary Rules of Professional
304 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
305 Texas Government Code (Tex. Gov't Code Section 551.071):

306
307 a. Windmill Farms Preliminary and Final Plats, Phases 4D-2 and 4D-
308 3.

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310 b. EEOC Charge No. 450-2020-04724, Ivey, Marquis v. City of
311 Forney.

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XII. 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 7:42 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 Salgado seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

There being no further business to come before the Council, Mayor Lewis called for a motion to adjourn at 7:42 p.m. Mayor Pro Tem Traylor 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