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

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I. CALL TO ORDER

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Mayor Lewis called the meeting to order at 6:30 p.m. Present were Mayor Amanda Lewis and Council Members Cecil Chambers, Robbie Powers, Sarah Salgado and Jason Roberson. Mayor Pro Tem James Traylor was absent. Also present was Interim City Manager Charles Daniels.

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

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III. PROCLAMATIONS/ PRESENTATIONS

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1. 150th Anniversary Resolution from the State

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Keith Bell, State Representative District 4, presented a Resolution from the State in honor of Forney's 150th Anniversary.

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2. Municipal Courts Week Proclamation Documents

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Mayor Lewis read and presented the proclamation to Municipal Court staff – Jon Thatcher, City Attorney; Jennifer Smith-Barnes, Assistant City Attorney; Jennifer Clark - Senior Dept Clerk; Deborah Woodham, Finance Director; Associate Judge Maranatha Lingerfelt; Judge Jessica Spain; Sandra Bray – Court Administrator; Det. Michael Clay, court bailiff; and Corp. James Carter court bailiff. Deputy Court Clerk Julie Lankford was unable to attend the meeting.

IV. APPROVAL OF MINUTES

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

Mayor Lewis asked if Council had any changes to the Minutes. There being no changes, Mayor Lewis asked for a motion. Council Member Chambers made a motion to approve the Minutes of the October 19, 2021, City Council meeting and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

2. Consider approval of the Minutes of the October 21, 2021, Joint Meeting of the City Council and the EDC Board.

Mayor Lewis asked if Council had any changes to the Minutes. There being no changes, Mayor Lewis asked for a motion. Council Member Chambers made a motion to approve the Minutes of the October 21, 2021, Joint Meeting of the City Council and the EDC Board and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

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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 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 open forum session and asked if anyone had signed up to speak. City Secretary Brooks advised that no one had signed up to speak. Mayor Lewis then closed the open forum session.

VI. 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 09/30/21.**
- 2. Consider accepting a bicycle rack donation from the Forney Lions Club and the Forney Downtown Business Association and direct staff to install the bicycle racks.**
- 3. Consider authorizing staff to seek proposals through a request for qualifications from qualified firms for American Rescue Plan Act consultant services.**
- 4. Consider approval of a Resolution approving the Electric Reliability Council of Texas, Inc. Membership Application and Agreement for Membership Year 2022 and authorizing the City Manager to take all necessary action.**

Mayor Lewis asked if Council wanted to pull any of the Consent Agenda items. Council Member Powers stated she wanted to pull Consent Agenda Item No. 3. Mayor Lewis called for a motion to approve Consent Agenda Items 1, 2 and 4. Council Member Roberson made a motion to approve Consent Agenda Items 1, 2 and 4 and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

Finance Director Deborah Woodham discussed Consent Agenda Item No. 3. As part of the American Rescue Plan Act of 2021 (ARPA), the City anticipates receiving approximately \$6.7 million in additional funds to address local needs generated by the COVID-19 pandemic. The City is seeking a professional consulting firm to provide expertise in ensuring compliance with federal regulations while maximizing the recovery of and beneficial uses of the ARPA dollars in the local community. The funds must be spent by 2023. The cost of the consultant would be paid for by the funds.

Mayor Lewis called for a motion. Council Member Powers made a motion to approve the Resolution and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

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106 **VII. DISCUSSION/ ACTION ITEMS**
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- 108 1. **Discuss and consider a Resolution approving a Development**
109 **Agreement between the City of Forney and Platform 80-20, LP for**
110 **the development of an approximate 40.565 acres of land situated**
111 **southwest of additional property owned by Platform 80-20, located**
112 **south of the intersection of CR 212 and Akron Way.**
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114 City Attorney Jon Thatcher discussed this item. In December 2020, the City Council approved a
115 development agreement with Platform 80-20, LP for the full development of approximately 60
116 acres on CR 212. The Agreement was amended in April 2021 to modify the development
117 regulations. The developer for Platform 80-20, LP now proposes to develop an additional
118 40.565 acres in a similar manner with a proposed development agreement that is similar to that
119 which was previously approved. The property is located directed southwest adjacent to the
120 property on CR 212. The intent is to create a “next phase” of the original development concept.
121 Currently, the City does not have land use control or authority over the property as it is located
122 outside of the City’s corporate boundaries. Platform desires to petition the City for the
123 annexation of all of the 40.565 acres. The development agreement proposes that the property
124 will be developed following the initiation of annexation of the property and approval of the
125 necessary zoning of a planned development with a base zoning classification of light industrial
126 to allow the uses contemplated in the development agreement. The development would be
127 subject to wastewater and roadway impact fees and other required development fees. The
128 property is currently within the Talty SUD. As a result, the City would not be the retail provider of
129 water services.
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131 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the
132 Resolution and Council Member Roberson seconded the motion. The motion passed by a vote
133 of 6 ayes and 1 absent [Traylor].
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135 **VIII. CITY MANAGER’S REPORT**

136 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
137 FUTURE LEGISLATIVE ACTIVITIES, AND OTHE RELATED MATTERS FOR POSSIBLE
138 ACTION, INCLUDING THE FOLLOWING:
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140 The city has recently held several success events. On October 28th, the EDC hosted a job fair at
141 the Forney Best Western. There were over 38 businesses and 140 attendees. Congrats to
142 Lynn and Mary on a successful event.
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144 On Saturday October 30th, the city and CWD saw a great turnout at the free paper shredding
145 event. There was nearly 4,000 pounds of paper shredded. The city is planning on having
146 another paper shredding event in the spring.
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148 Later that day, the city hosted its annual Trail of Treats. There was a great turnout as thousands
149 of people showed up to participate.
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151 A request for proposals was issued and committee members Jamie Holbert, Jon Thatcher,
152 Derek Briggs and Deborah Woodham chose the Bowman Group to do the Police Chief search.
153 A contract will be brought to the Council for approve on November 16, 2021.
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155 There will be a Town Hall meeting on November 10, 2021, from 6:30 p.m. to 8:00 p.m. It will be
156 held at the North Forney High School Auditorium. Questions can be emailed to our City
157 Secretary at dbrooks@forneytx.gov and they will be read and answered during the Town Hall

158 meeting.

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161 **IX. ANNOUNCEMENT OF COMMUNITY EVENTS**

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

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167 Again, the Town Hall meeting will be on November 10, 2021, from 6:30 p.m. to 8:00 p.m.

169 Carter Blood Care is having a blood drive at Soulman's BBQ on Friday, November 12th from 1-
170 6 pm. Anyone can sign up to give blood at www.carterbloodcare.org/soulmans-bar-b-que/.

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172 The next downtown Farmer's Market will be November 13th at the Cotton Gin from 10 - 3 pm.
173 Vendors can register at DowntownForneyMarket.com.

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175 Mayor Lewis stated that Council would now adjourn into Executive Session under Chapter 551
176 of the Open Meetings Act, Sections 551.071 and 551.072 and asked for a motion. Council
177 Member Chambers made a motion to adjourn into Executive Session at 6:58 p.m. and Council
178 Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
179 [Traylor].

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181 **X. EXECUTIVE SESSION**

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

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

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a. Global Opioid Settlement.

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b. Windmill Farms Preliminary and Final Plats, Phases 40-2 and
40-3; Appeal of determination of Parkland Dedication and Park
Development Fees.

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c. 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.

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d. Facility Entertainment Management Agreement.

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- 206 **2.** Deliberate the purchase, exchange, lease, or value of real property.
207 (Tex. Gov't Code Section 551.072):

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a. Project King Kong

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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 8:32 p.m. Mayor Lewis called for a motion to adjourn the Executive Session at that time. Council Member Roberson made a motion to adjourn out of Executive Session and Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

As a result of Executive Session, Mayor Lewis made a motion that the City Council for the City of Forney deny EQK’s appeal and affirm the Director’s decision concerning the required assessment of fees in lieu of parkland dedication and park development fees for the proposed development of the property and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

There being no further business to come before the Council, Mayor Lewis called for a motion to adjourn at 8:33 p.m. Council Member Chambers made the motion to adjourn and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Traylor].

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