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**Minutes  
Forney City Council  
Tuesday, December 7, 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, Robbie Powers, Sarah Salgado and Jason Roberson. There is a vacancy in Place 5. Also present was Interim City Manager Charles Daniels.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCIL MEMBER SARAH SALGADO**

Bishop Jason White of The Church of Jesus Christ of Latter-Day Saints gave the invocation.

**III. PROCLAMATIONS / PRESENTATIONS**

**1. Special Recognition**

Mayor Lewis read a special Certificate of Recognition for Jon Thatcher. Jon is leaving the city to work elsewhere. Jon was presented a special Christmas basket of items and all the Council spoke about his leaving and how he will be missed.

Mayor Lewis stated that there are three people that report to the Council, the City Attorney, the City Manager and the City Secretary. She presented the City Manager and the City Secretary with special Christmas baskets.

**IV. APPROVAL OF MINUTES**

**1. Consider approval of the Minutes of the November 16, 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 Roberson made a motion to approve the Minutes of the November 16, 2021, City Council meeting and Council Member Chambers 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 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.

No one signed up to speak during open forum, so Mayor Lewis closed the open forum session.

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**VI. DISCUSSION / ACTION ITEMS**

**1. Discuss and consider a Resolution to award insurance benefits for the employees of the City of Forney and authorizing the City Manager to execute the contract documents. Presentation from HUB International**

HR Director Jamie Holbert introduced Andrew Wicker from HUB International. Mr. Wicker gave a power point presentation on the proposed insurance coverages. Mayor Lewis called for a motion. Council Member Chambers made a motion to approve the Resolution awarding insurance benefits and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

**2. Discuss and consider possible action regarding a proposed work plan from Weaver for Phase 2 of the forensic audit engagement for the City of Forney.**

City Attorney Jon Thatcher discussed the background of this item. At a special City Council meeting on September 23, 2021, the City Council directed the Weaver firm to commence Phase 1 of the forensic audit with specific parameters as to what was to be included in the analysis. Weaver has concluded Phase 1 and has prepared a presentation and work plan for a proposed Phase 2. Travis Kasner came forward to present the plan for the proposed Phase 2. Kasner introduced his associates Alan Nelson and Kyle Webb. Kasner discussed Weaver’s fees and expenses and stated that they will be dependent on various factors including the scope of work that we are ultimately asked to perform, the quality and form of the information that we receive (e.g., electronic v. hard copy documents), as well as the observations and findings developed throughout the engagement. Should the scope of work change, Weaver will discuss the changes with the City and obtain express consent prior to proceeding with any additional work. Kasner stated that they will make every effort to complete the engagement in an efficient and cost-effective manner and will maintain detailed records of our billed time and fees. They are currently available to immediately allocate resources to this matter should they be authorized to proceed with Phase 2. Kasner stated that while it is difficult to project their fees with certainty, a proposed fee estimate for Phase 2 for each scope of work was provided as follows:

Proposed Work Plan – Phase 2

Phase 2 – Review and Analysis

Review and Examination of 30 Contracts Selected for Further Review

Review and Examination of City Purchases with CRF Funds

Estimated Hours: 260 – 325

Estimated Fees: \$65,000 - \$81,250

Phase 2 – Documentation and Reporting

Report Presentation

Estimated Hours: 60 – 70

Estimated Fees: \$15,000 - \$17,500

Total for Phase 2

Estimated Hours: 320 – 395

Estimated Fees: \$80,000 - \$98,750

103 The timetable for completion of Phase 2 is 3 to 4 months.

104  
105 After Council discussion, Mayor Lewis called for a motion. Council Member Roberson made a  
106 motion to go forward with Phase 2 and staff was instructed to prepare a letter agreement for a  
107 cost not to exceed \$80,000. Council Member Salgado seconded the motion. The motion passed  
108 by a vote of 4 ayes [Chambers, Lewis, Salgado and Roberson], 2 nays [Traylor and Powers], and  
109 1 vacancy.

110  
111 **3. Discuss and consider accepting the resignation of Council Member**  
112 **Derald Cooper for Place 5, declaring a vacancy and considering any**  
113 **action pursuant to the authority of the City of Forney Home Rule**  
114 **Charter Section 3.05 to fill the vacancy.**  
115

116 City Attorney Thatcher discussed this item. On November 29, 2021, Council Member Derald  
117 Cooper submitted his resignation from the City Council, Place 5 to City Administration. The  
118 position will be declared vacant following the Council's action to accept the resignation. A vacancy  
119 for a position on the City Council shall be filled by a majority vote of the remaining Council  
120 members, for the unexpired term only pursuant to Section 3.05 of the City of Forney Home Rule  
121 Charter. The Council must act within 30 days to make such an appointment. The unexpired term  
122 for Place 5 shall run until May 2022.

123  
124 Mayor Lewis called for a motion. Council Member Chambers made a motion to accept  
125 Mr. Cooper's resignation and Council Member Powers seconded the motion. The motion passed  
126 by a vote of 6 ayes and 1 vacancy.

127  
128 Council Member Powers made a motion to appoint Zahnd Schlensker to fill the Place 5 vacancy  
129 for the unexpired term and Council Member Traylor seconded the motion. The motion passed by  
130 a vote of 6 ayes and 1 vacancy.

131  
132 **4. Discuss and consider an Ordinance amending Article 1.08 of the City**  
133 **of Forney Code of Ordinances regarding the structure and**  
134 **organization of the Forney Economic Development Corporation and**  
135 **all related issues.**  
136

137 Assistant City Attorney Jenni Barnes Smith discussed this item. During a joint meeting of the City  
138 Council and the Forney Economic Development Corporation Board of Directors held on October  
139 21, 2021, there were discussions regarding the current organization of the FEDC, including the  
140 Executive Director and FEDC support staff. Currently, the FEDC director and department staff  
141 are City of Forney employees.

142  
143 At the Council meeting held on November 16, 2021, the City Council directed staff to prepare an  
144 ordinance amending Article 1.08 of the Code of Ordinances that would restructure the FEDC  
145 department as a separate department from the city workforce. If approved by the City Council,  
146 the City and the FEDC will need to have an agreement in place for any City services and/or  
147 benefits provided to the FEDC.

148  
149 After lengthy discussion, Mayor Lewis called for a motion. Council Member Salgado made a  
150 motion to approve the Ordinance, with the amendment that there be 3 EDC Board Members and  
151 2 Council Members for the interview process for an EDC Director and they will provide a  
152 recommendation to the corporation's board of directors. Council Member Roberson seconded  
153 the motion. The motion passed by a vote of 4 ayes [Powers, Lewis, Salgado and Roberson], 2  
154 nays [Chambers and Traylor] and 1 vacancy.

155 The Ordinance caption was read as follows:

156  
157 **ORDINANCE NO. 21-37**  
158

159 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.08**  
160 **“ECONOMIC DEVELOPMENT,” OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY,**  
161 **TEXAS, BY AMENDING PERTINENT SECTIONS OF THE ARTICLE REGARDING THE**  
162 **ORGANIZATION OF THE EXECUTIVE DIRECTOR AND STAFF; PROVIDING A SAVINGS**  
163 **CLAUSE; PROVIDING A REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN**  
164 **EFFECTIVE DATE.**

165  
166 **5. Discuss and consider action on a Resolution approving an**  
167 **expenditure under Section 501.073 Texas Local Government Code**  
168 **and the First Amendment to the Economic Incentive and Performance**  
169 **Agreement between the Forney Economic Development Corporation**  
170 **and Trailhouse Park, LLC.**  
171

172 City Attorney Jon Thatcher and Assistant City Attorney Jenni Smith discussed this item. An  
173 Economic Incentive and Performance Agreement between the FEDC and Trailhouse Park, LLC  
174 was approved at the FEDC’s regular meeting on August 13, 2020, and subsequently by the City  
175 Council at the Forney City Council meeting on August 18, 2020.

176  
177 The economic development project covers an approximate 38 acres located at the northwest  
178 corner of the intersection of Trailhouse Road and the north service road of Highway 80. As part  
179 of the Agreement, the developer is responsible for the construction of the necessary infrastructure  
180 and a minimum of 25,000 square feet of commercial space on the property. A First Amendment  
181 to the Economic Incentive and Performance Agreement between the FEDC and Trailhouse Park,  
182 LLC was approved at the FEDC’s regular meeting on November 11, 2021, following a request  
183 from the developer. The City must approve any expenditure of FEDC funds pursuant to Section  
184 501.073 Texas Local Government Code before any grant is made. The amendment makes a  
185 change to the reimbursement schedule by allowing the maximum amount of the program grant to  
186 be paid in the fiscal year in which the request for the improvements is made under the remaining  
187 terms and conditions of the agreement rather than extend the obligation over multiple years. The  
188 total amount of the grant to be paid this year is \$2.050 million. The FEDC has appropriated the  
189 necessary funds for the project within their budget.

190  
191 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the  
192 Resolution and Council Member Salgado seconded the motion. The motion passed by a vote of  
193 6 ayes, 0 nays and 1 vacancy.

194  
195 **6. Discuss and consider any action on a presentation and report from**  
196 **the 2021 Bond Committee regarding a possible Bond Referendum for**  
197 **future City projects.**  
198

199 City Attorney Jon Thatcher introduced Nate Dettmer, who is Vice Chair of the Bond Committee.  
200 Mr. Dettmer listed the Committee Members: Chairman Mario Luna, Vice Chairman Nate Dettmer,  
201 City Council Member Robbie Powers, City Council Member Jason Roberson, JD Ferguson,  
202 Mandy Hood, Brandi Westmoreland, Chad Carpenter, Clayton Haughey and Lisa King.  
203 Mr. Dettmer gave a presentation on their findings. There were 724 responses to the survey they  
204 sent out. The highest positive rating was for new Roads & Sewer services. There are three  
205 possible packages: Package A: Public Safety Facilities at a recommended construction budget  
206 of \$38,700,000.00; Package B: Community Facilities – Parks & Recreation at a recommended  
207 construction budget of \$150,350,000.00; and Package C: Streets and Infrastructure at a  
208 recommended construction budget of \$21,800,000.00. The potential effect on the tax rate is

209 \$0.3550 – for an annual impact on \$100,000 taxable value of \$355.00, or \$29.58 per month on  
210 \$100,000 of taxable value.

211  
212 The following person came forward to address the Council on this item:

213  
214 Flower Escamilla  
215 135 Paige Lane  
216 Forney, Texas 75126

217 Ms. Escamilla thanked WRA and the Bond Committee for their hard work. She  
218 believes having a library is important. She brought attention to the fact that WRA  
219 helped build the Ellen Brooks Library.

220  
221 No action was taken by the Council.

222  
223 **7. Discuss and consider a Resolution approving a Development**  
224 **Agreement between the City of Forney and Holt Lunsford**  
225 **Commercial Investments, LLC for the development of an**  
226 **approximate 126 acres of land located at the intersection of Helms**  
227 **Trail and Akron Way/Sage Hill Parkway.**

228  
229 City Attorney Thatcher discussed this item. Holt Lunsford Commercial Investment, LLC is  
230 proposing to develop approximately 126 acres located south of the intersection of Helms Trail  
231 and Akron Way. Approximately 18 of these acres are located outside of the City limits in the City's  
232 ETJ. Holt desires to develop the property constructing one or more structures for light industrial  
233 uses such as warehouse or distribution centers. Currently, the City does not have land use control  
234 or authority over the property that is not located in the city limits. Holt further desires to petition  
235 the City for the annexation of their property to be included in the city limits. The development  
236 agreement proposes that the property will be developed for the aforementioned uses, following  
237 the initiation of annexation of the property and approval of the necessary zoning to allow the uses  
238 contemplated in the development agreement. The development would be subject to wastewater  
239 and roadway impact fees and other required development fees. The property is currently within  
240 the Talty SUD. As a result, the City would not be the retail provider of water services. The  
241 proposed development agreement contemplates a planned development with light industrial as  
242 the base zoning. Should the City Council approve the proposed development agreement, the  
243 Council will have an opportunity to consider Holt's petition for annexation to be conducted during  
244 the month of January concurrently with their zoning application for the property.

245  
246 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the  
247 Resolution and Council Member Powers seconded the motion. The motion passed by a vote of  
248 6 ayes and 1 vacancy.

249  
250 **8. Discuss and consider a Resolution setting a date, time and place**  
251 **for a public hearing on the proposed annexation of an approximate**  
252 **18.388 acres located in the Lewis Pearce Survey on Helms Trail, near**  
253 **the intersection of Helms Trail and Akron Way/Sage Hill Parkway.**

254  
255 City Attorney Thatcher discussed this item. As previously discussed, approximately 18.388 acres  
256 of the property is located outside of the city limits, but in the City's ETJ. The property is located  
257 on the south side of Helms Trail near the intersection of Helms Trail and Akron Way. Holt desires  
258 to develop the property constructing one or more structures for warehouse or distribution center  
259 buildings. The development agreement provides that the property owners would petition the City  
260 for annexation, pursuant to the City's authority under Chapter 43 of the Texas Local Government

261 Code. The Resolution calls for the public hearing to be held during the City's regular Council  
262 meeting on January 18, 2022. Following the public hearing, the Council may consider adopting  
263 the annexation ordinance.

264  
265 Mayor Lewis called for a motion. Mayor Pro Tem Traylor made a motion to approve the  
266 Resolution and Council Member Salgado seconded the motion. The motion passed by a vote of  
267 6 ayes and 1 vacancy.

268  
269 **9. Discuss and consider board and commission appointments:**  
270 **Economic Development Corporation and Planning and Zoning**  
271 **Commission; name Council liaison for the Parks Board.**  
272

273 Mayor Lewis stated that we had openings on our EDC Board and on the Planning Zoning  
274 Commission, both being a Member 6 position. Mayor Lewis called for nominations for the Member  
275 6 position on the EDC Board. Mayor Pro Tem Traylor nominated John Hunt, Mayor Lewis  
276 nominated Nicole Carpenter and Council Member Salgado nominated Mike Ellison. Mayor Lewis  
277 made a motion to appoint Nicole Carpenter to the Place 6 position and Council Member Salgado  
278 seconded the motion. The motion failed by a vote of 3 ayes [Lewis, Chambers and Salgado] and  
279 3 nays [Traylor, Roberson and Powers].

280  
281 Council Member Chambers made a motion to appoint Mike Ellison to the Place 6 position and  
282 Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes, 1 nay  
283 [Powers], and 1 vacancy.

284  
285 Mayor Lewis called for nominations for the Member 6 position on the Planning and Zoning  
286 Commission. Council Member Roberson nominated Karen Badgley. There being no other  
287 nominations, Mayor Lewis called for a motion. Council Member Roberson made a motion to  
288 appoint Karen Badgley to the Member 6 position on the Planning and Zoning Commission and  
289 Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1  
290 vacancy.

291  
292 **10. Discuss and consider possible action Rules of Procedure for the**  
293 **City Council.**  
294

295 This item was pulled from consideration.  
296

297 **VII. CITY MANAGER'S REPORT**  
298 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
299 FUTURE LEGISLATIVE ACTIVITIES, ANO OTHER RELATED MATTERS FOR POSSIBLE  
300 ACTION, INCLUDING THE FOLLOWING:

301  
302 Interim City Manager Daniels congratulated the Parks and Recreation Department for holding two  
303 successful events last week. The Bell Park Tree Lighting and Christmas on Main were both very  
304 well attended, and we were happy to see so many people come out and enjoy themselves.

305  
306 Next week, on Tuesday, December 14, 2021, the Bowman Group will host a community listening  
307 and feedback sessions to assist with the Police Chief search. Flyers are on the table in the back.  
308 Mr. Daniels handed each council member a flyer with the times of the various sessions.  
309

310 The employee holiday luncheon (Fiesta Christmas) will be held on Wednesday, December 15  
311 from 11:00 a.m. to 1:00 p.m. at the Overland Grove Amenity Center. We will have food, door  
312 prizes, and the Service Award presentations from 12:00 p.m. to 1:00 p.m.  
313

314 **VIII. ANNOUNCEMENT OF COMMUNITY EVENTS**

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

319  
320 Mayor Lewis announced several upcoming events:

321  
322 The Kaufman County District Attorney's Office 2022 Citizens Academy. The Academy starts on  
323 March 22, 2022 and ends on June 28, 2022. Applications will be online soon.

324  
325 Forney Lions Pancake Meal with Santa on Saturday, December 11<sup>th</sup> from 8:00 a.m. to 10:00 a.m.  
326 at Applebees.

327  
328 Antlers and Tutus Fun Run on December 11, 2021, starting at 8:00 a.m. at Griffin Elementary.

329  
330 The Fisd FAMFEST on December 11, 2021 – The Big Pink Volleyball Tournament, to be held at  
331 the Jackson & Rhodes gyms from 10:00 a.m. to 4:00 p.m.

332  
333 Mayor Lewis announced that Council would now adjourn into Executive Session under Chapter  
334 551, Texas Government Code, Sections 551.071 and 551.074 and asked for a motion. Council  
335 Member Chambers made a motion to adjourn into Executive Session at 8:51 p.m. and Mayor Pro  
336 Tem Traylor seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

337  
338 **IX. EXECUTIVE SESSION**

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

- 342
- 343 1. Consult with legal counsel regarding pending or contemplated litigation or  
344 a settlement offer and/or matters in which the duty of the attorney to the  
345 governmental body under Texas Disciplinary Rules of Professional  
346 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the  
347 Texas Government Code (Tex. Gov't Code Section 551.071):  
348
    - 349 a. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS –  
350 Petition of High Point Water Supply Corporation, Talty Special  
351 Utility District and Markout Water Supply Corporation Appealing the  
352 Decision by the City of Forney Affecting Wholesale Water Rates.  
353
    - 354 b. Cause Number 109658-CC2, EQK Bridgeview Plaza, LLC v. City of  
355 Forney, Texas.
    - 356 c. Planned Development with Ridgecrest Road Extension/  
357
  - 358 2. Discuss or deliberate regarding commercial or financial information that the  
359 governmental body has received from a business prospect that the  
360 governmental body seeks to have locate, stay, or expand in or near the  
361 territory of the governmental body and with which the governmental body  
362 is conducting economic development negotiations, or to deliberate the offer  
363 of a financial or other incentive to a business prospect (Tex. Gov't Code  
364 Section 551.087):  
365  
366

- 367 a. City Manager
- 368 b. City Attorney
- 369 c. City Secretary
- 370 d. Municipal Judges

371  
372 **X. RECONVENE INTO REGULAR SESSION**

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

376  
377 Council returned to Chambers at 9:45 p.m. Mayor Lewis called for a motion to adjourn out of  
378 Executive Session at that time. Mayor Pro Tem Traylor made a motion to adjourn out of Executive  
379 Session and Council Member Chambers seconded the motion. The motion passed by a vote of  
380 6 ayes and 1 vacancy.

381  
382 Mayor Lewis asked if there was action to be taken as a result of Executive Session. Council  
383 Member Roberson made a motion to approve the agreement with the city manager, naming  
384 Charles Daniels our permanent City Manager. Council Member Chambers seconded the motion.  
385 The motion passed by a vote of 6 ayes and 1 vacancy.

386  
387 There being no further business to come before the Council, Mayor Lewis called for a motion to  
388 adjourn at 9:47 p.m. Council Member Chambers made a motion to adjourn at 9:47 p.m. and  
389 Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1  
390 vacancy.

391  
392 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**  
393 **TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

394  
395  
396  
397 **ATTEST:**

\_\_\_\_\_  
**Amanda Lewis, Mayor**

398  
399  
400 \_\_\_\_\_  
**Dorothy Brooks, City Secretary**

401