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**Minutes**  
**Forney City Council**  
**Tuesday, May 3, 2022**  
**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 6:30 p.m. Present was Mayor Amanda Lewis, Mayor Pro Tem James Hatley and Council Members Cecil Chambers, Robbie Powers, Sarah Salgado, Zahnd Schlensker and Jason Roberson. Also present was City Manager Charles Daniels.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER CECIL CHAMBERS**

Council Member Chambers introduced Pastor Thomas Fitzgerald from Eastside Church of Christ, who gave the invocation. Council Member Chambers led the Pledge of Allegiance.

**III. PROCLAMATIONS / PRESENTATIONS**

**1. Proclamation for Motorcycle Safety Awareness Month.**

No one was available to present the proclamation to, so Mayor Lewis read the proclamation from the dais.

**IV. APPROVAL OF MINUTES**

**1. Consider approval of the Minutes of the March 31, 2022, Special City Council meeting.**

Mayor Lewis asked if Council has 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 March 31, 2022, Special City Council meeting and Council Member Schlensker seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

**2. Consider approval of the Minutes of the April 19, 2022, City Council meeting.**

Mayor Lewis asked if Council has 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 April 19, 2022, City Council meeting and Council Member Schlensker seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

**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, but no one came forward to address the Council. Mayor Lewis closed the open forum session.

55 **VI. CONSENT AGENDA**

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

- 59
- 60 **1. Consider approval of the acceptance of public improvements for the**
  - 61 **Gateway Infrastructure Phase IV project.**
  - 62
  - 63 **2. Consider a Resolution approving a contract with EIKON Consulting**
  - 64 **Group, LLC. to provide consulting and design services for Fire**
  - 65 **Station No. 2 Expansion/Renovations - CIP 225 project and all related**
  - 66 **issues.**
  - 67
  - 68 **3. Consider approval of a revised site plan for 607 East Main Street.**
  - 69

70 Mayor Lewis read each Consent Agenda item and asked if Council wanted to pull any items for  
71 discussion. Council Member Roberson asked that Consent Agenda Item No. 2 be pulled. Mayor  
72 Lewis called for a motion on the remaining Consent Agenda items. Council Member Roberson  
73 made a motion to approve Consent Agenda items number 1 and 3 and Council Member Salgado  
74 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

75

76 Council Member Roberson stated he pulled Consent Agenda item No. 2 because there were no  
77 bids. City Engineer Karl Zook explained that you do not have to go out for bid on a Professional  
78 Services Agreement. Mayor Lewis called for a motion. Council Member Powers made a motion  
79 to approve Consent Agenda No. 2 and Council Member Salgado seconded the motion. The  
80 motion passed unanimously by a vote of 7 ayes and 0 nays.

81

82 **VII. PUBLIC HEARING ITEMS**

- 83
- 84 **1. Hold a public hearing and discuss and consider approval of an**
  - 85 **Ordinance to adopt the completed Roadway Impact Fee Study Update**
  - 86 **and to update the roadway impact fee rates. [Read Ordinance Caption]**
  - 87

88 There were technical issues with the zoom call and Mayor Pro Tem Traylor made a motion to  
89 table this item to later in the meeting. Council Member Roberson seconded the motion and the  
90 motion passed unanimously by a vote of 7 ayes and 0 nays.

91

92 City Attorney Jenni Smith Barnes requested that Action Item No. 2 be addressed at this time.

93

94 **DISCUSSION / ACTION ITEMS**

- 95
- 96 **2. Discuss and consider a Resolution approving a Development**
  - 97 **Agreement between the City of Forney and Blue Ladder Holdings,**
  - 98 **LLC for the development of certain improvements to be made to**
  - 99 **Pinson Road at US Highway 80 service road within the City of Forney.**
  - 100

101 City Attorney Barnes discussed this item. On March 1, 2022, a public hearing was held and City  
102 Council discussed Blue Ladder Holdings, LLC's request to rezone 46.463 acres of property from  
103 a Planned Development with a base zoning district designated as Mixed-Use District to a new  
104 Planned Development with a base zoning district designated as Mixed Use District. The property  
105 is located south of U.S. Highway 80 and west of W. Broad Street. City Council and the Planning  
106 and Zoning Commission expressed concern for the lack of truck turnaround space onto US  
107 Highway 80 service road. City Council voted to table any action on the request to rezone pending

108 preparation of a development agreement to make certain improvements to Pinson Road and at  
109 US Highway 80 service road.

110  
111 The development agreement states that if City Council approves the zoning request, Blue Ladder  
112 Holdings, LLC will escrow one hundred sixty-three thousand fifty-two dollars (\$163,052.00) (the  
113 “Escrow Funds”) for the purpose of constructing the Pinson Road Improvements. The City will  
114 undertake all work associated with the Pinson Road Improvements. Should the final cost of  
115 constructing the Pinson Road Improvements be greater than the amount in escrow, the Blue  
116 Ladder Holdings, LLC. will bear all costs associated with any such increase, up to a maximum of  
117 eighty-one thousand five hundred twenty-six dollars (\$81,526.00), which represents fifty percent  
118 (50%) of the escrowed amount. Should the final cost of constructing the Pinson Road  
119 Improvements be less than the amounts, the City may retain any excess without refund to Blue  
120 Ladder Holdings, LLC.

121  
122 The proposed Resolution approves the Development Agreement.

123  
124 Mayor Lewis called for a motion. Mayor Lewis made a motion to deny the approval of the  
125 Resolution and Council Member Roberson seconded the motion. The motion passed by a vote  
126 of 5 ayes and 2 nays [Traylor and Powers].

127  
128 Council then returned to Public Hearing No. 2.

129  
130 **PUBLIC HEARING ITEMS**

131  
132 **2. Hold a public hearing and discuss and consider approval of an**  
133 **Ordinance to rezone 46.463 acres of property from a Planned**  
134 **Development with a base zoning district designated as Mixed Use**  
135 **District to a new Planned Development with a base zoning district**  
136 **designated as Mixed Use District. The property is located south of**  
137 **U.S. Highway 80 and west of W. Broad Street. [Read Ordinance Caption]**  
138

139 Community Development Director Peter Morgan discussed this item. Exeter Property Group  
140 requests approval of a rezoning of approximately 46.463 acres of property located south of W.  
141 U.S. Highway 80 and west of the W. U.S. Highway 80 and W. Broad Street intersection. The  
142 purpose of the rezoning is to establish a mixed use planned development district.

143  
144 The property consists of 46.463 acres of land and is zoned within the Project Liberty (Blue Ladder)  
145 Planned Development. The property is currently vacant and undeveloped. Access to the property  
146 is provided by the U.S. Highway 80 service road. The property was previously rezoned at the  
147 August 18, 2020, City Council meeting. That rezoning request established a data center as its  
148 primary use.

149  
150 On January 6, 2022, the Planning and Zoning Commission voted to recommend denial. The  
151 Commission stated concerns for traffic associated with the proposal. There is not a logical  
152 turnaround area for trucks to head west on U.S. Highway 80. On March 3, 2022, the City Council  
153 voted 5 ayes to 2 nays (Chambers and Roberson) to table the request pending the preparation  
154 and review of a development agreement. That development agreement has been denied by the  
155 Council, so this request is no longer tied to a development agreement. Because this request was  
156 denied by the Planning and Zoning Commission, a super majority of the Council is required to  
157 pass this Ordinance.

158

159 The developer came forward to address the Council. There would be a daily 1% increase (16  
160 more trucks crossing the bridge) in truck traffic. The land is really only suitable for distribution.  
161 They only have interest from a distribution company.

162  
163 Mayor Lewis opened the public hearing at 7:05 p.m. No one came forward to address the Council,  
164 so Mayor Lewis closed the public hearing at 7:05 p.m.

165  
166 Mayor Lewis called for a motion. Council Member Roberson made a motion to deny the rezone  
167 and Council Member Salgado seconded the motion. The motion passed by a vote of 5 ayes and  
168 2 nays [Traylor and Powers].

## 169 170 **VIII. DISCUSSION / ACTION ITEMS**

### 171 172 **1. Presentation by Civil Service Attorney, Julia Gannaway with Ross** 173 **Gannaway Clifton, PLLC.**

174  
175 Human Resources Director Jamie Holbert introduced Julia Gannaway. Ms. Gannaway gave a  
176 PowerPoint presentation that included the following information:

#### 177 178 IF ADOPTED:

- 179 • Three-member Civil Service Commission appointed
- 180 • Commission administers civil service system
- 181 • Limited powers and duties
- 182 • Commission does not manage the Police or Fire Departments
- 183 • **Must be implemented by October 31, 2022**
- 184 • Once adopted, hard to repeal

#### 185 186 187 MATTERS IN WHICH CSC NOT INVOLVED

- 188 • Appointment and removal of the Police and Fire Chiefs – City Manager appoints &  
189 Council confirms
- 190 • Number of employees and the number in each rank – City Council
- 191 • Day-to-day operations of Police/Fire Departments - Chiefs
- 192 • Department rules - Chiefs
- 193 • Assignment of personnel - Chiefs
- 194 • Pay or benefits – City Manager and City Council (budget)

#### 195 196 197 HIRING

- 198 • Set by state law
- 199 • Age limitations – no one older than 45 for PD; 35 for FD
- 200 • All employees start at entry level salary, even if have police or fire experience in another  
201 city
- 202 • Hiring strictly from eligibility list created in rank order by written examination score and  
203 passing a physical agility test
- 204 • No scored interviews (only pass/fail)
- 205 • Rule of Three – City Manager appoints highest score, but can bypass for valid reason  
206 (disqualifiers adopted by CSC)
- 207 • One year (18 months in academy if adopted by Rule) - the probationary period cannot  
208 be extended
- 209 • No part-time employees

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212 PROMOTIONS

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- Entire test must be in writing and graded immediately after examination
- Limits on who can apply to take the promotional examination; eligibility to take test is based only on years with department
- May only promote from within the department – no lateral hires even if no internal candidate is qualified
- Prior experience, educational achievement, state peace officer/fire fighter certification level, supervisor’s evaluation, and military service do not matter
- Written examination + seniority points = determines who promoted
- No interviews or other assessment factors
- Chief can pass over number one – *but only for good reason*
- Bypassed candidate has right of appeal hearing before CSC or hearing examiner
- Eligibility list is in existence for one year after the date on which written examination is given

227  
228 DISCIPLINE

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- Causes for temporary or indefinite suspension as listed in TLGC §143.051; Local Rules, Department policies and City policies may provide other reasons which are consistent with Chapter 143
- Statute of limitations for suspensions: 180-day rule – Chief may only suspend indefinitely (termination) or temporarily within 180 days from date misconduct occurs (unless criminal)
- Allows appeals to CSC or hearing examiner – employee has choice
- Police officer/fire fighter can appeal CSC decision to District Court
- City or police officer/fire fighter can appeal hearing examiner decision to District Court
- Chiefs may only recommend a demotion; employee is demoted only after full appeal to either CSC or hearing examiner

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242 CIVIL SERVICE BENEFITS

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- Sick leave – unlimited accumulation
- Pay out of 90 “days” at termination for any reason
- Vacation – 15 “days” after one year; City defines carry over
- Leaves of absence for political purposes
- Military leave bank – City requirement
- Line of duty illness or injury – one year at full pay “commensurate with the nature of the line of duty injury/illness”
- Injured employees on temporary disability with no cap on duration §143.073
- Involvement of CSC in determination of employee fitness for duty

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254 COMPENSATION COVERED BY CIVIL SERVICE

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Same base salary for employees in the same rank/classification

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Only certain “optional” add-on pay that Council may adopt:

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- Longevity or Seniority pay
- Educational incentive pay
- Assignment pay
- Certification pay
- Shift differential pay

265 • Fitness incentive pay

266

267 No merit or performance-based pay

268

## 269 COSTS OF CIVIL SERVICE

270

- 271 • Costs of purchasing written examinations for entry level and promotional tests
- 272 • Costs of providing study materials for employees to study for promotional examinations
- 273 • Civil Service Director – not just a “secretary”
- 274 • Additional costs for Civil Service Director to maintain civil service files – storage
- 275 • Robust appeal procedures may increase legal fees and other costs (e.g., hearing
- 276 examiners, court reporters, etc.)

277

## 278 MISCONCEPTIONS ABOUT CIVIL SERVICE

279

- 280 • Does not guarantee raises – there is no discussion of amount of pay
- 281 • Does not allow for merit pay or pay for performance
- 282 • Does not address or mandate departmental policies
- 283 • Does not discuss employee retention; currently, the City has greater flexibility to address
- 284 hiring and retention
- 285 • Does not grant more retirement benefits than other City employees
- 286 • Does not allow or prohibit employee associations
- 287 • Does not require investigations prior to discipline

288

289 No action was taken by the Council on this matter.

290

291 **2. Discuss and consider a Resolution approving a Development**  
292 **Agreement between the City of Forney and Blue Ladder Holdings,**  
293 **LLC for the development of certain improvements to be made to**  
294 **Pinson Road at US Highway 80 service road within the City of Forney.**

295

296 See above.

297

298 **3. Discuss and consider approval of an Ordinance amending the Forney**  
299 **EDC budget for fiscal year 2022. [Read Ordinance Caption]**

300

301 City Attorney Jenni Barnes Smith discussed this item. The Forney EDC is considered a  
302 component unit of the City of Forney and is included in the annual City budget. The EDC Board  
303 approved two revised budget items at their regular meeting on March 17, 2021 and it is Exhibit A  
304 of this Ordinance. The adjustments are \$2,572,726.00 for EDC Project Expense and  
305 \$1,502,000.00 for Building Capital Purchase.

306

307 Mayor Pro Tem Traylor made a motion to deny and Council Member Chambers seconded the  
308 motion. After discussion, this motion was withdrawn. Council Member Salgado made a motion  
309 to table until further documentation on detail behind the \$900,000 improvements to the new EDC  
310 building could be presented and Council Member Schlensker seconded the motion. The motion  
311 passed unanimously by a vote of 7 ayes and 0 nays.

312

313 **4. Discuss and consider board and commission appointments: North**  
314 **Texas Municipal Water District Board and interview each applicant.**

315

316 Mayor Lewis discussed this item. John Carr came forward to discuss what NTMWD does. The  
317 original member cities are Farmersville, Forney, Garland, McKinney, Mesquite, Plano, Princeton,

318 Rockwall, Royse City and Wylie. The City of Richardson, the City of Allen and the City of Frisco  
319 joined later. The NTMWD is authorized to acquire, treat, and distribute potable water, and to  
320 collect, treat and dispose of wastes, both liquid and solid, in order to reduce pollution, conserve  
321 and develop the natural resources of Texas. In the last year there were 127 meetings that took  
322 place.

323  
324 Mayor Lewis thanked Mr. Carr for speaking to them and called for a motion. Council Member  
325 Chambers made a motion to re-appoint Mr. Carr to the NTMWD Board and Council Member  
326 Schlensker seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0  
327 nays.

## 328 **5. Weaver Forensic Audit -- Presentation and submission of draft report.**

330  
331 Travis Casner with Weaver Tidwell came forward and presented a PowerPoint Summary of the  
332 Forensic Audit Report, which included:

333  
334 Phase 2 Scope of Work

335  
336 ➤ **December 7, 2021:** Presented proposed Phase 2 work plan and fee estimate to Council  
337 (approved by Council)

338  
339 ➤ **Approved Scope of Work for Phase 2:**  
340 ➤ Review of 30 purchases over \$50,000 for FY2019 – FY2021  
341 ➤ Review of Coronavirus Relief Fund (CRF) grant and expenditures

342  
343 Work Performed During Phase 2

344  
345 ➤ Conducted interviews with City employees from various departments  
346 ➤ Reviewed City's Purchasing Manual approved in 2018  
347 ➤ Reviewed audited financial statements and budget documents for FY2019 – FY2021  
348 ➤ Reviewed purchasing and procurement documentation for 30 purchases to be reviewed  
349 during Phase 2:  
350 ➤ RFP/RFQ solicitations, bid/proposal submissions, etc.  
351 ➤ Purchasing documents (invoices, contracts, etc.)  
352 ➤ Researched vendors and contractors using LexisNexis database  
353 ➤ Researched facility entertainment management agreements for other cities  
354 ➤ Reviewed over 110,000 email records for two former City employees to obtain  
355 information relevant to scope of work  
356 ➤ Reviewed documentation in support of CRF expenditures:  
357 ➤ Communications with TDEM (including Terms & Conditions)  
358 ➤ CRF Spending Plan documentation  
359 ➤ Purchasing documentation for CRF expenditures

360  
361 Review of Purchases over \$50,000

362  
363 Evaluation of Competitive Bidding Practices

364  
365 ➤ For **29 of 30** purchases reviewed, Weaver confirmed that the City adhered to  
366 competitive bidding requirements;  
367 ➤ For **1** purchase reviewed, the City did not obtain quotes from multiple vendors (or  
368 purchase through a cooperative)  
369 ➤ Purchase pertained to the operation of seasonal ice rink for 3<sup>rd</sup> Annual Forney on  
370 Ice in 2019

- 371                   ➤ City obtained quotes from multiple vendors in 2017 for 1<sup>st</sup> Annual Forney on Ice  
372                   (used same vendor in subsequent years)  
373

374 Evaluation of Bid Notice / Advertisement Practices  
375

- 376                   ➤ **16 of 30** purchases reviewed utilized RFP or RFQ for competitive bidding methodology.  
377                   ➤ For **5 of 16** RFPs/RFQs, City failed to post a bid notice in local newspaper (i.e., Forney  
378                   Messenger).  
379

380 Evaluation of City Council Approval of Purchases  
381

- 382                   ➤ For **27 of 30** purchases reviewed, we identified an agenda item and resolution approved  
383                   by City Council.  
384                   ➤ For **2 of 30** purchases reviewed, purchase amount was approved by Council during  
385                   budget adoption process.  
386                       ➤ Purchase description and amount included in the budget, vendor not included  
387                       (both pertained to Fire Department).  
388                   ➤ For **1 of 30** purchases reviewed, purchase was discussed in budget approved by  
389                   Council at a high level.  
390                       ➤ Purchase amount or vendor not explicitly approved by Council.  
391

392 Evaluation of Contracts and Purchase Orders  
393

- 394                   ➤ **6 of 30** purchases had a Purchase Order but not a contract.  
395                   ➤ **11 of 30** purchases had a contract but not a Purchase Order.  
396

397 Communications with Vendors Prior to RFP/RFQ  
398

- 399                   ➤ For **3 of 30** purchases reviewed, the City had in-depth discussions with vendors prior to  
400                   issuance of RFP / RFQ.  
401

402 Bid Tabulations / Scoring Evaluations Unavailable  
403

- 404                   ➤ For **2 of 30** purchases reviewed, we were unable to locate information in support of  
405                   aggregated scores provided to Council (e.g., panelist score sheets, etc.).  
406                   ➤ RFQ for Construction Manager Agent for construction of City storage buildings (June  
407                   2020).  
408                   ➤ RFP for Ground Warning Siren (April 2021).  
409

410 Analysis of Facility Entertainment Mgmt. Agreement  
411

- 412                   ➤ Proposed budget presented to Council in August 2019 included \$200,000 in funds for  
413                   major concerts (*budget approved by Council on September 17, 2019*).  
414                   ➤ Former City Manager contacted vendor on September 7, 2019.  
415                   ➤ RFQ for management of Spellman Amphitheater issued on October 21, 2019 (only one  
416                   respondent).  
417                   ➤ Final contract included 5-year term, annual management fee of \$190,000, and rebate to  
418                   City of \$1 per ticket sold.  
419                       ➤ \$1 rebate estimated to be \$25,000/year (\$165,000 deficit).  
420                       ➤ \$1 rebate estimated to be 2% - 3.5% of ticket sales.  
421

422 Section B: Coronavirus Relief Fund (CRF) Expenditures  
423



424 Timeline of City's Application for CRF Grant

- 425
- 426 ➤ **May 11, 2020:** TDEM released CRF Terms and Conditions and allocation amounts (City
  - 427 signed an acknowledged on May 27).
  - 428 ➤ Terms and Conditions did not allow reimbursement of expenditures already
  - 429 included in current budget.
  - 430 ➤ City began planning for the utilization of CRF grant in early September 2020 (after email
  - 431 from Police Chief).
  - 432 ➤ **September 2, 2020:** City submitted application to receive advanced portion of CRF
  - 433 grant.
  - 434 ➤ City had 2.5 months to prepare CRF Spending Plan and 3.5 months to submit
  - 435 documentation for reimbursement.
  - 436

437 Formulation of CRF Spending Plan

- 438
- 439 ➤ Informal staff committee formed in September 2020 to review guidelines and formulate
  - 440 CRF Spending Plan.
  - 441 ➤ **September 8, 2020:** Former Deputy City Manager emailed Fire Chief and former Police
  - 442 Chief to request cost and justification information for proposed purchases under CRF
  - 443 grant.
  - 444 ➤ Police and Fire Departments prepared list of equipment, including justifications for how
  - 445 each item meets CRF guidelines.
  - 446 ➤ Items included technology equipment and software, communication devices, medical
  - 447 equipment, and gym equipment, among other items.
  - 448

449 TDEM Deadlines / Guidelines for CRF Grant Evolved

- 450
- 451 ➤ **October 2, 2020:** TDEM informed City of requirement to submit CRF Spending Plan by
  - 452 **November 13, 2020.**
  - 453 ➤ TDEM also informed the City that documentation for reimbursement to be
  - 454 submitted by **December 15, 2020.**
  - 455 ➤ TDEM's Terms and Conditions (May 2020) only required expenses to be incurred prior
  - 456 to December 31, 2020.
  - 457 ➤ **October 29, 2020:** TDEM issued updated guidance that expenditures already included
  - 458 in the budget were eligible for reimbursement under CRF grant (to the extent used
  - 459 differently than anticipated).
  - 460

461 Vehicles Added to CRF Spending Plan

- 462
- 463 ➤ **October 13, 2020:** Discussion of eligibility and justification for vehicle purchases under
  - 464 CRF grant between former Deputy City Manager and former Police Chief.
  - 465 ➤ **October 15, 2020:** Former Deputy City Manager emailed local auto dealerships to
  - 466 purchase 22 vehicles for the "2021 White Fleet Purchase."
  - 467 ➤ City purchased 22 vehicles for a total of \$664,059.
  - 468 ➤ 9 vehicles on October 29, 2020.
  - 469 ➤ 5 vehicles on November 3, 2020.
  - 470 ➤ 7 vehicles on November 19, 2020 (1 on Dec. 30, 2020).
  - 471

472 Submission of CRF Spending Plan to TDEM

- 473
- 474 ➤ **November 9, 2020:** Initial CRF Spending Plan submitted by the City included
  - 475 equipment requested by Police/Fire Departments and 22 vehicles.

- 476 ➤ **November 11, 2020:** TDEM contacted City to request a meeting to obtain clarity on  
477 items included in the CRF Spending Plan.  
478 ➤ **November 13, 2020:** City met with TDEM/Horne, who recommended that vehicles and  
479 equipment in CRF Spending Plan be replaced with eligible payroll expenses for public  
480 health and safety personnel.  
481 ➤ Following the meeting, City submitted revised and final CRF Spending Plan for  
482 \$1,395,405 for eligible payroll expenses.  
483 ➤ **November 19, 2020:** TDEM acknowledged receipt of CRF Spending Plan submitted on  
484 November 13, 2020, and City confirmed that it was the official CRF Spending Plan.  
485 ➤ **December 14, 2020:** City submitted documentation to TDEM for reimbursement of  
486 eligible payroll expenses included in CRF Spending Plan.  
487 ➤ **May 3, 2021:** TDEM provided the City a Notice of Closeout for payments to the City  
488 under CRF grant.  
489

#### 490 Summary of Findings

- 491  
492 ➤ Initial CRF Spending Plan included equipment and vehicles.  
493 ➤ TDEM neither accepted / rejected initial CRF Spending Plan.  
494 ➤ CRF Spending Plan revised based on TDEM's recommendation to replace equipment  
495 and vehicles with payroll expenditures.  
496 ➤ TDEM accepted and approved Revised CRF Spending Plan.  
497 ➤ Funds received under CRF grant for reimbursement of eligible payroll expenditures used  
498 to offset purchases of vehicle and equipment included in initial CRF Spending Plan.  
499

#### 500 Recommendations

- 501  
502 A. Hiring of Purchasing Agent position  
503 B. Implement key aspects of a centralized purchasing process  
504 C. Require contracts and purchase orders for certain purchases  
505 D. Utilize competitive bidding process to obtain best value  
506 E. Ensure compliance with grants prior to purchase  
507 F. Standardize grant management process  
508 G. Implement process for securing electronic devices for departing employees  
509 H. Implement policy related to use of third-party applications  
510 I. Implement a documented records retention policy  
511 J. Utilize Incode 10 to implement electronic requisition process  
512 K. Consider consolidation of document management systems  
513

514 No action was taken by Council.  
515

#### 516 **IX. CITY MANAGER'S REPORT**

517 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
518 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION,  
519 INCLUDING THE FOLLOWING:  
520

521 City Manager Charles Daniels stated that the poles for the warning system should be installed in  
522 early June.  
523

524 In preparation for the Wine and Arts Festival this Saturday, Main Street will be closed on Friday  
525 night starting at 6:00 p.m.  
526

527 We have recently hired our new purchasing manager for our Finance Department. Rose Castillo  
528 has recently joined the city and will be working on implementing a purchasing program for city  
529 staff. We are excited to have her.

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**X. ANNOUNCEMENT OF COMMUNITY EVENTS**

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

Mayor Lewis announced that there will be a First Responders and Families Appreciation Night on May 24-25, 2022, at the Gateway Parks Amenity Center from 6pm to 9pm. All first responders and their families are invited.

The Kaufman County-Wide Job Fair will be held on Friday, May 6, 2022, from 11 am to 7 pm at the Kaufman Civil Center at 607 E. Fair Street, Kaufman, Texas.

Mayor Lewis announced that Council would now go into Executive Session under Chapter 551, Texas Government Code, Sections 551.051 and 551.074 and asked for a motion. Council Member Chambers made a motion to adjourn into Executive Session at 8:36 p.m. and Council Member Schlensker seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

**XI. 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. ATI Systems demand.**

2. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code Section 551.074):

**a. City Attorney**

**b. City Secretary**

**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 9:34 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 Roberson 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.

Mayor Lewis announced that Council would now consider Public Hearing No. 1. Mr. Eddie Haas from Freese & Nichols remoted in to give the update on this item.

585 1. **Hold a public hearing and discuss and consider approval of an**  
586 **Ordinance to adopt the completed Roadway Impact Fee Study Update**  
587 **and to update the roadway impact fee rates.** [Read Ordinance Caption]  
588

589 City Engineer Karl Zook discussed this issue. Forney currently charges impact fees to developers  
590 as a means to fund construction of offsite capital improvements necessary to serve new  
591 development. Chapter 395 of the Texas Local Government Code dictates the process  
592 municipalities must follow to adopt and revise the impact fees they charge. Therefore,  
593 municipalities are required to reassess their development impact fees every five years. The City  
594 last reviewed and adopted development impact fees in 2013. To reassess these fees this year,  
595 the City established a Capital Improvement Advisory Committee (CIAC) and hired consultant  
596 Freese and Nichols to perform an impact fee study update. As a final part of this process, the  
597 City is required to hold a public hearing to allow for community input on the fees before adoption  
598 of the study. The notice to the public for the public hearing tonight included information on the  
599 availability of the report in the City Secretary's office and no comments were received.  
600

601 Mr. Haas stated that the CIAC and Freese and Nichols met on March 3, 2022. At that meeting,  
602 the Committee recommended forwarding the report to City Council for their consideration. In  
603 summary, the report assumptions are as follows: • Land Use Assumptions and associated  
604 population and employment growth forecasts over the ten-year planning period 2021-2031; • The  
605 impact fee Capital Improvements Plan, and the calculated cost per service unit for each service  
606 area for roads; and • The calculated maximum collection rate per service unit and infrastructure  
607 type. The CIAC also recommended adopting the recommended roadway impact fee rates of  
608 \$692.00 per service unit in Service Area A and \$643.00 per service unit in Service Area B.  
609

610 Mayor Lewis called for a motion. Council Member Chambers made a motion to approve the  
611 Ordinance and Mayor Pro Tem Traylor seconded the motion. The Ordinance caption was read  
612 as follows:

613 **ORDINANCE NO. 22-19**

614  
615 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING**  
616 **CHAPTER 10, ARTICLE 10.03, SECTION 10.03.011 OF THE CODE OF ORDINANCES OF THE**  
617 **CITY OF FORNEY, TEXAS, ENTITLED "ROADWAY FACILITIES IMPACT FEES," BY UPDATING**  
618 **THE IMPACT FEES FOR ROADWAY FACILITIES BASED UPON AN AMENDED LAND USE**  
619 **ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN; PROVIDING A SEVERABILITY**  
620 **CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO**  
621 **TAKE IMMEDIATE EFFECT.**  
622

623  
624 The motion passed unanimously by a vote of 7 ayes and 0 nays.  
625

626 There being no further business to come before the Council, Mayor Lewis called for a motion to  
627 adjourn. Council Member Chambers made a motion to adjourn at 9:46 p.m. and Council Member  
628 Schlenker seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0  
629 nays.  
630

631 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**  
632 **TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**  
633

634  
635  
636 **ATTEST:**

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

637  
638  
639 \_\_\_\_\_  
**Dorothy Brooks, City Secretary**