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Minutes
Forney City Council
Tuesday, May 18, 2021
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

Council Member Jason E. Roberson was sworn in by 422nd District Judge Shelton Gibbs. Mayor Amanda Lewis was sworn in by 86th District Judge Casey Blair. Council Member Sarah Salgado was sworn in by 422nd District Judge Shelton Gibbs. Council Member Shaun Myers was sworn in by City Secretary Dorothy Brooks prior to this meeting.

I. CALL TO ORDER

Mayor Lewis called the meeting to order at 6:40 p.m. Present were Mayor Amanda Lewis and Council Members James Traylor, Shaun Myers, Robbie Powers, Sarah Salgado, Derald Cooper and Jason Roberson. Also present was Interim City Manager Charles Daniels.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER DERALD COOPER

Pastor David Griffin gave the invocation. Council Member Cooper led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for National Public Works Week.

Mayor Lewis read the proclamation and presented it to City Engineer Karl Zook and public works crew members Ramiro Quintero, Cody Smith, John Daniels, Chance Earl, Jeff Olson and Louis Harrison. Other members of Public Works/Engineering not able to attend tonight include Kyle Groves, Candy McQuiston, Matt Holcomb, Bryan Hipp, John Casey, Jules Corder, Kyran Hayes, Dean Moore, Jimmy Hickman, Juan Mojica, Eric Thompson Javasky Hartfield, Joe Chavez, Adam Cary, Colton Teel, Jacob Woodward and TJ Bates.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the May 4, 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 Traylor made a motion to approve the Minutes of the May 4, 2021, City Council meeting and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Myers].

2. Consider approval of the Minutes of the May 11, 2021, Special Meeting of the City Council.

Mayor Lewis asked if Council had any changes to the Minutes. There being no changes, Mayor Lewis called for a motion. Council Member Cooper made a motion to approve the Minutes of the May 11, 2021, City Council meeting and Council Member Salgado seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Myers].

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V. 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 a Resolution approving an Agreement for Conceptual Planning Services for updates to the City of Forney parks plans for Community Park and the Northside Park.**
2. **Consider action to reject all bids submitted in response to the City’s request for proposals for Holiday Lighting Displays.**
3. **Consider a Resolution approving an Interlocal Cooperative Agreement with Kaufman County, Texas for assessment collection services for the Villages of Fox Hollow Public Improvement District No. 1.**
4. **Consider approval of a final plat for the Platform 80-20 Addition, located west of the County Road 212 and S. Gateway Boulevard intersection.**
5. **Consider approval of a preliminary plat for Adams Ranch, located northwest of Ranch Road.**
6. **Consider approval of a site plan for Forney Marketplace Lots 5 & 7, located north of U.S. Highway 80 and west of Marketplace Boulevard.**
7. **Consider approval of a site plan for Forney Tract D of the Seefried Addition, located west of Helms Trail and north of Plantation Ridge.**
8. **Consider approval of a preliminary plat for Lot 3, Block A, Kroger Drive North Addition, located northeast of the Trailhouse Boulevard and Kroger Drive intersection.**
9. **Consider approval of a final plat for Lot 3, Block A, Kroger Drive North Addition, located northeast of the Trailhouse Boulevard and Kroger Drive intersection.**
10. **Consider approval of a final plat for Overland Grove Phase 3A, located southwest of Vineyard Way and South F.M. 548.**
11. **Consider approval of the Acceptance of Public Improvements for the Amazon FTW5 project.**
12. **Consider a Resolution to deny the rate change application proposed by CoServ Gas, Ltd. To the Railroad Commission of Texas.**
13. **Consider authorizing staff to seek proposals in response to a request for qualifications for forensic auditing services for the City of Forney.**

103 Mayor Lewis asked if Council wanted to pull any items for discussion. Council Member Roberson
104 stated he wanted to pull Consent Agenda Items No. 2, 5 and 13 for discussion. Mayor Lewis then
105 read the remaining Consent Agenda Items and asked for a motion on the remaining Consent
106 Agenda items (No. 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12). Council Member Traylor made a motion to
107 approve Consent Agenda Items No. 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12 and Council Member
108 Roberson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
109

110 Mayor Lewis asked City Manager Daniels who could speak regarding Consent Agenda Item
111 No. 2. Daniels advised that Neil Cardwell could address this item. Mr. Cardwell stated that the
112 RFP was for the Christmas in the Park 2021 Holiday light display. After receiving some direction
113 and feedback, we put this on the agenda for Council to reject all bids.
114

115 After a lengthy discussion, Council Member Traylor made a motion to approve the rejection of the
116 bids and Council Member Salgado seconded the motion. The motion passed by a vote of 4 ayes
117 [Roberson, Traylor, Salgado and Lewis] and 3 nays [Myers, Powers and Cooper].
118

119 Mayor Lewis asked City Manager Daniels who could speak regarding Consent Agenda Item No.
120 5. Daniels advised that Peter Morgan could address this item. Morgan stated that Mr. Suresh
121 Shridharani requested approval of a preliminary plat for Adams Ranch. The purpose of the plat
122 is to establish the lot lines and easements necessary to develop the property.
123

124 The property is zoned within the Adams Ranch Planned Development, which was approved by
125 City Council on November 19, 2019.
126

127 The 88.435-acre preliminary plat complies with the planned development requirements. The
128 planned development established three different base zoning tracts for the residential section of
129 the property:

- 130 A. Area A – Single-Family-6 (SF-6) District
- 131 • Minimum lot area: 6,800 sq. ft.
- 132
- 133 B. Area B – Single-Family-6 (SF-6) District
- 134 • Minimum lot area: 5,750 sq. ft.
- 135
- 136 C. Area C – SFA (Townhome) District
- 137 • Minimum lot area: 2,250 sq. ft.
- 138
- 139
- 140
- 141
- 142

143 This final plat includes 100 type A lots, 172 type B lots, and 125 type C lots.
144

145 Ranch Road is the primary access point for the property.
146

147 On May 6, 2021, the Planning and Zoning Commission did not take action to approve or
148 disapprove the request. The Commission only had three members available to vote on the
149 request due to absences and a conflict of interest. A quorum of four members is required to be
150 able to take action on a request.
151

152 According to Chapter 212 of the Texas Local Government Code a plat is considered approved
153 unless it is disapproved. Following the Planning and Zoning Commission meeting, the applicant
154 notified staff that they will not approve any extension to the required plat consideration timeframe
155 (30 days from the filing date of April 8). As a result, the plat did not have time to go to the next

156 Planning and Zoning Commission meeting and it was required to be placed on the agenda for
157 this City Council meeting.

158
159 Staff review did determine that the preliminary plat complies with the zoning requirements for the
160 property.

161
162 Mayor Lewis noted that there will be smaller lots and that the property was originally zoned a
163 Planned Development in 2003, and subsequently it was amended in November 2019 to include
164 townhomes and smaller lots. Council Member Roberson stated he just wanted to get up to speed.
165 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the
166 preliminary plat for Adams Ranch and Council Member Myers seconded the motion. The motion
167 passed unanimously by a vote of 7 ayes and 0 nays.

168
169 Mayor Lewis read a statement regarding Consent Agenda Item No. 13, which is to consider
170 authorizing staff to seek proposals in response to a request for qualifications for forensic auditing
171 services for the City of Forney. Mayor Lewis' statement was as follows:

172
173 I'd like to be clear as to the purpose of seeking Requests for Qualification (or "RFQs")
174 from accounting firms for the purpose of selecting a forensic auditor. A forensic audit
175 unlike the yearly audit report is a more in-depth review of our financials. It is a highly-
176 specialized accounting practice to investigate irregularities, certain practices, financial
177 process flow, and general transactions that may otherwise go unnoticed. In other words,
178 this type of audit investigates the flow of funds for the purpose of evaluating the pathways
179 taken and determine if all our transactions are 'above board'.

180
181 The immediate benefit will be increased transparency and improved operational
182 efficiencies. If required, action plans are then implemented to prevent and deter any
183 questionable future transactions. These steps will enhance the finance operations and
184 therefore ensure we have viable and long-term security among our accounting practices.
185 I feel it is in the best interest of all governmental agencies - at all levels - to have this
186 type of audit to review our checks and balances and verify us as a transparent entity.
187 We should take this step to restore the trust within our community and YOU – the citizens
188 who we represent.

189
190 The use of a forensic accountant provides many benefits such as enhancing operational
191 efficiencies, protecting an organization's reputation and best interests, and managing
192 finances with a professionally skeptic mindset. Forensic accountants can also prove
193 essential in the examination of financial processes geared toward identifying solutions
194 or detecting problems that otherwise may go and remain unnoticed. Forensic audits can
195 be used as a deterrent against potential corruption and/or employee misconduct where
196 the results of such engagements can assist management in developing future action
197 plans to help prevent, detect and deter fraud throughout the organization.

198
199 After discussion, Mayor Lewis called for a motion. Council Member Powers made a motion to
200 deny the request to consider authorizing staff to seek proposals in response to a request for
201 qualifications for forensic auditing services for the City of Forney and Council Member Myers
202 seconded the motion. The motion failed by a vote of 3 ayes [Myers, Powers and Cooper] and 4
203 nays [Lewis, Roberson, Salgado and Traylor].

204
205 Thatcher stated that since there has been no approval for this item another motion can be made
206 at this time. Mayor Lewis called for a motion to consider authorizing staff to seek proposals in
207 response to a request for qualifications for forensic auditing services for the City of Forney.
208 Council Member Salgado made a motion to approve authorizing staff to seek proposals in

207 response to a request for qualifications for forensic auditing services for the City of Forney and
208 Council Member Roberson seconded the motion. The motion passed by a vote of 4 ayes [Lewis,
209 Traylor, Salgado and Roberson] and 3 nays [Myers, Powers and Cooper].
210

211 **VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**
212

- 213 **1. Hold a Public Hearing pursuant to Section 372.009, Texas Local**
214 **Government Code, and consider action on a Resolution establishing**
215 **the Bellagio Public Improvement District No. 1 and accepting findings**
216 **on the advisability of the proposed improvements.**
217

218 City Attorney Jon Thatcher discussed the background of this item. In accordance with the Bellagio
219 Development Agreement, the developer has submitted a petition to the City to create the Bellagio
220 Public Improvement District (PID). The City accepted the Petition and called a public hearing to
221 receive testimony and make findings as to the advisability of the creation of the district and the
222 proposed improvements, to be held on May 18, 2021.
223

224 A notice of the public hearing and notice to property owners within the proposed PID area were
225 published in accordance with Chapter 372 of the Texas Local Government Code. This particular
226 item is one of the tasks affiliated with the executed Development Agreement authorized by the
227 City Council at its January 19, 2021, meeting. The creation of the PID is authorized by the Public
228 Improvement District Assessment Act in Chapter 372 of the Texas Local Government Code.
229

230 Mayor Lewis opened the public hearing at 7:30 p.m. No one came forward to address the Council,
231 so Mayor Lewis closed the public hearing at 7:30 p.m. There being no Council discussion, Mayor
232 Lewis called for a motion. Council Member Traylor made a motion to approve the Resolution and
233 Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7
234 ayes and 0 nays.
235

- 236 **2. Hold a public hearing and discuss and consider approval of an**
237 **Ordinance amending the City of Forney Comprehensive Zoning**
238 **Ordinance by providing a definition and use regulations for coffee**
239 **related businesses. [Read Ordinance Caption]**
240

241 Community Development Director Peter Morgan discussed the background of this item. Staff
242 was recently contacted by U.S. Soccii Coffee, a business more commonly known as Kingdom
243 Growers. The company inquired about the Forney zoning regulations for coffee roasting.
244 Following a review of the Forney Zoning Ordinance, staff determined that the use has not yet
245 been defined or regulated.
246

247 The proposed ordinance amends the Zoning Ordinance to provide the following definition for
248 "Coffee Roasting":
249

250 **"COFFEE ROASTING – A facility where coffee may be sorted, roasted, and processed, or**
251 **packaged for use and consumption. The use typically includes a restaurant or coffee shop. Any**
252 **restaurant portion of the use shall provide 1 parking space per 200 square feet. Non-restaurant**
253 **areas of the use shall provide 1 parking space per 1,000 square feet."**
254

255 The ordinance recommends that the use is permitted in the Light Industrial district, but requires
256 the approval of a conditional use permit in the Commercial District and General Retail District.
257

258 Staff recommends the conditional use permit process since there are situations where the use
259 may be concerning to adjacent property owners. The first concern is traffic, as the use typically
260 receives truck delivery of materials. The second concern is the emission of smoke during the
261 coffee roasting process. This smoke does carry coffee aromatics, which is not considered a
262 nuisance odor but may be noticeable. The conditional use permit public hearing process allows
263 for neighboring property owners to be aware of a request and allows for all zoning factors to be
264 considered with each approval.

265
266 On May 6, 2021, the Planning and Zoning Commission voted 4-0 to recommend approval.
267

268 Mayor Lewis opened the public hearing at 7:34 p.m. No one came forward to address the Council,
269 so Mayor Lewis closed the public hearing at 7:34 p.m. There being no Council discussion, Mayor
270 Lewis called for a motion. Council Member Myers made a motion to approve the Ordinance and
271 Council Member Cooper seconded the motion. The Ordinance caption was read as follows:

272
273 **ORDINANCE NO. 21-16**
274

275 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
276 **ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE IV,**
277 **"USE REGULATIONS," SECTION 37, "USE REGULATIONS (CHARTS)," BY ADDING "COFFEE**
278 **ROASTING" AS A TYPE OF LAND USE; BY AMENDING ARTICLE V, "DEVELOPMENT**
279 **STANDARDS," SECTION 49, "DEFINITIONS," BY ADDING A DEFINITION FOR "COFFEE**
280 **ROASTING"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**
281 **PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR**
282 **PUBLICATION AND AN EFFECTIVE DATE.**

283
284 The motion passed unanimously by a vote of 7 ayes and 0 nays.

285
286 **3. Hold a public hearing and discuss and consider approval of an**
287 **Ordinance for a Conditional Use Permit for a food truck to operate at**
288 **205 W. Broad Street. [Read Ordinance Caption]**
289

290 Community Development Director Peter Morgan discussed this item. Mike Thomas requests
291 approval of a Conditional Use Permit. The purpose of the request is to allow for a food truck to
292 operate next to 4-T's Bar-B-Q and Catering at 205 W. Broad Street.

293
294 **Current Standards:**

295 The property is zoned in the General Retail District with the retail building in operation. 4 T's Bar-
296 B-Q and Catering restaurant is located on the north end of the building.

297
298 **Proposed Use:**

299 The applicant requests approval of a food truck to locate adjacent to the north side of the
300 restaurant. The site plan shows that a Kingdom Growers coffee van would be set up behind the
301 gazebo, which is located at Broad Street.

302
303 The request must follow all the food truck regulations approved by City Council on March 2, 2021.
304 The regulations include the following:

- 305
306 1. The food truck/trailer must be located on an improved surface;
307
308 2. The Conditional Use Permit, if approved, shall be valid for 1 year;
309

- 310 3. The food truck/trailer may operate for up to 60 days, followed by a 30 day
311 rest period. This may be repeated throughout the 1 year approval
312 timeframe;
313
314 4. Allowable operating hours are 7:00 a.m. to 10:00 p.m.;
315
316 5. The food truck/trailer shall be removed from the property during non-
317 operation hours;
318
319 6. The food truck/trailer must obtain an annual mobile food establishment
320 permit;
321
322 7. Trash receptacles must be provided; and
323
324 8. Restrooms must be made available at the restaurant.
325

326 The applicant is requesting to operate from 7:00 a.m. to 3:00 p.m. on Tuesday through Saturday.
327 Coffee drinks and pre-baked breads and muffins will be for sale.
328

329 **Accessibility:**

330 The property provides existing access to Broad Street and Pacific Street.
331

332 **Public Input:**

333 Notification of the request was provided in the newspaper and to property owners within two-
334 hundred feet (200') of the property. As of this writing, staff has received no public comment
335 regarding this request.
336

337 **Recommendation:**

338 On May 6, 2021, the Planning and Zoning Commission voted 4-0 to recommend approval.
339

340 Mayor Lewis opened the public hearing at 7:37 p.m. No one came forward to address the Council,
341 so Mayor Lewis closed the public hearing at 7:37 p.m. There being no discussion, Mayor Lewis
342 called for a motion. Council Member Traylor made a motion to approve the Ordinance and
343 Council Member Roberson seconded the motion. The Ordinance caption was read as follows:
344

345 **ORDINANCE NO. 21-17**

346
347 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
348 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**
349 **ZONING FROM GENERAL RETAIL DISTRICT (GR) USES TO GENERAL RETAIL DISTRICT (GR)**
350 **USES WITH A CONDITIONAL USE PERMIT (CUP) FOR FOOD TRUCK/TRAILER, TO OPERATE**
351 **AS A PRIMARY USE ON APPROXIMATELY 0.264 ACRES OF LAND IN THE JOHN GREGG**
352 **SURVEY, ABSTRACT NO. 171, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 205 W.**
353 **BROAD STREET, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE**
354 **WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING**
355 **A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER**
356 **CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN**
357 **EFFECTIVE DATE.**

358
359 The motion passed unanimously by a vote of 7 ayes and 0 nays.
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VII. DISCUSSION / ACTION ITEMS

1. Discuss and consider approval of a final plat for the Bellagio Addition, located southeast of Forney High School and south of F.M. 741.

Community Development Director Peter Morgan discussed this item. Mr. David Schnurbusch, representing the property owner, requests approval of a final plat for phase one of the Bellagio Addition. The purpose of the plat is to establish the lot lines and easements necessary to develop the property.

The property is zoned within the Bellagio Planned Development, which was established with City Council approval on January 19, 2021. The preliminary plat was approved by City Council on March 4, 2021.

The final plat is designed in compliance with the planned development requirements. Phase one includes 337 residential lots and 11 open space lots. The planned development established three different base zoning tracts for the single-family residential section of the property:

- A. Area A – Single-Family-6 (SF-6) District
 - Minimum lot area: 5,000 sq. ft.
- B. Area B – Single-Family-6 (SF-6) District
 - Minimum lot area: 6,250 sq. ft.
- C. Area C – Single-Family-6 (SF-6) District
 - Minimum lot area: 7,750 sq. ft.

The final plat includes 251 lots in area A, 78 lots in Area B, and 8 lots in Area C. The lot table provided on sheet 4 shows that the lots do meet the minimum sizes required for each specific lot area.

One specific request being proposed by this plat is the name of the primary street. The applicant is requesting to rename Monitor Boulevard to Bellagio Parkway within the planned development. The name change of a continuing street must be approved by City Council with this plat approval.

The property provides direct access to F.M. 741 at multiple locations. Connectivity is also provided to the Lakewood Trails subdivision. F.M. 741 is scheduled to be widened by TxDOT in 5-6 years.

A traffic impact analysis was submitted to and reviewed by the Engineering Department. The review resulted in some changes to the right-of-way dedications, which are reflected on this final plat. There are additional minor comments which must be addressed prior to any permits being issued.

On May 6, 2021, the Planning and Zoning Commission did not take action to approve or disapprove the request. The Commission only had three members available to vote on the request due to absences and a conflict of interest. A quorum of four members is required to be able to take action on a request.

413

414 According to Chapter 212 of the Texas Local Government Code a plat is considered approved
415 unless it is disapproved. Following the Planning and Zoning Commission meeting, the applicant
416 notified staff that they will not approve any extension to the required plat consideration timeframe
417 (30 days from the filing date of April 8). As a result, the plat did not have time to go to the next
418 Planning and Zoning Commission meeting and it was required to be placed on the agenda for
419 this City Council meeting.

420

421 Staff review did determine that the final plat complies with the zoning requirements for the
422 property.

423

424 Mayor Lewis called for a motion. Council Member Myers made a motion to approve the final plat
425 and Council Member Cooper seconded the motion. The motion passed unanimously by a vote
426 of 7 ayes and 0 nays.

427

428 **2. Discuss and consider approval of authorized signatories for**
429 **American National Bank account.**

430

431 Finance Director Deborah Woodham discussed this item. American National Bank requires two
432 authorized signatures on each check issued by the City. The current authorized signatories are:

433

434 Mary Penn, Mayor

435 Deborah Woodham, Director of Finance Dorothy Brooks, City Secretary Anthony J. Carson,
436 City Manager

437

438 Both Mary Penn and Anthony Carson should be removed and Amanda Lewis and Charles Daniels
439 should be added.

440

441 Mayor Lewis called for a motion. Council Member Salgado made a motion to approve the
442 authorized signatories and Council Member Roberson seconded the motion. The motion passed
443 unanimously by a vote of 7 ayes and 0 nays.

444

445 **3. Discuss and consider a Resolution of Intent to Establish a City of**
446 **Forney Property Assessed Clean Energy ("PACE") Program, and all**
447 **related actions.**

448

449 City Attorney Thatcher discussed this issue. PACE is an innovative way to finance energy
450 efficiency, water efficiency, and renewable energy upgrades for commercial, industrial, and large
451 multifamily (5 or more units) real property. Property owners who participate in the program repay
452 the financings through a voluntary contractual assessment placed on their property. One of the
453 most notable characteristics of PACE programs is that the financing is attached to the property
454 rather than belonging to an individual. Therefore, when the owner sells the property, the financing
455 may be paid off during the sale, or stay with the property and be transferred to the new owner,
456 who also benefits from the upgrades that were completed.

457

458 PACE financing enables businesses to avoid the upfront costs of energy and water efficiency
459 improvements. PACE financings can be paid over a long period of time while energy costs are
460 simultaneously lower, which typically provides the property owner with immediate net savings.
461 PACE overcomes challenges that have hindered adoption of energy and water efficiency for many
462 property owners. The debts, liabilities and obligations incurred as part of the PACE Program do
463 not constitute debts, liabilities or obligations of City of Forney.

464
465 Participation in this program is voluntary and offers property owners a cost-effective means of
466 making energy and water efficiency improvements to their property. Property owners repay the
467 financing over a period of years reflecting the useful life of the improvements.

468
469 The benefits to the property owner include:

- 470
- 471 A. Helps Lower Electric, Gas and Water Utility Bills
- 472 B. 100% Financing on Hard and Soft Costs
- 473 C. Typically Results in Savings From Day One
- 474 D. Increases Property Value
- 475 E. Results in More Comfortable Buildings and Improved Indoor Air Quality
- 476 F. Lowers Carbon Footprint and Improves the Environment
- 477 G. Provides Long-Term Funding and Results in Immediate Benefit to Cash
- 478 Flow
- 479 H. Offers a Range of Accounting Treatments

480
481 The benefits to the City include:

- 482
- 483 A. Supports Commercial Businesses with No Cost, Liability, or
- 484 Administration to the City
- 485 B. Upgrades the Efficiency and Competitiveness of Existing Building Stock
- 486 C. Helps Attain Energy and Water Efficiency Goals
- 487 D. Increases Commercial Property Values and Improves Tax Base
- 488 E. Creates Jobs for Local Contractors, Manufacturers and Engineering
- 489 Firms

490
491 There is no negative fiscal impact to the City's general fund incurred by consenting to the inclusion
492 of properties within the City limits in the PACE Program. This program is for commercial
493 properties and it can be used on redevelopment. A public hearing will be called for June 1st and
494 documentation is available in the City Secretary's office for review by the public.

495
496 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the
497 Resolution and Council Member Salgado seconded the motion. The motion passed unanimously
498 by a vote of 7 ayes and 0 nays.

499
500 City Manager Daniels stated that we have missed an opportunity with the North Texas Council of
501 Government (NTCOG) and we need to connect with them to be sure we take advantage of any
502 opportunities that will enhance the City.

503
504 **4. Discuss and consider approval of a Resolution authorizing the City**
505 **Manager to execute an encroachment agreement for property located**
506 **within Front Street right-of-way.**

507
508 Community Development Director Peter Morgan discussed this item. Wende Hawthorne
509 requests the approval of an encroachment agreement to allow for a covered parking structure to
510 be constructed into the right-of-way at the rear of 106 S. Bois D'Arc. The structure would consist
511 of metal r-panel (powder-coated black) at a sloped height of twelve feet. It is proposed with four
512 support posts and two of those posts would encroach into the Front Street right-of-way. The
513 posts would be located eight feet from the Front Street pavement and should not impede traffic.

515 If the encroachment agreement is approved the Architectural Review Board would still have to
516 approve the structure based on the Historic Overlay Zone standards.

517
518 Mayor Lewis called for a motion. Council Member Myers made a motion to approve the
519 Resolution and Council Member Cooper seconded the motion. The motion passed unanimously
520 by a vote of 7 ayes and 0 nays.

521
522 **5. Discuss and consider a Resolution to appoint a Mayor Pro Tem for a**
523 **period of one year.**
524

525 City Attorney Thatcher discussed this item. The City Charter provides that the City Council may
526 elect a Mayor Pro Tem from its membership. Section 3.04 of the City Charter states that "The
527 Mayor Pro Tem shall act as Mayor in case of absence or inability of the Mayor to perform the
528 duties of office and in this capacity shall be vested with all of the duties conferred upon the Mayor."
529

530 Mayor Lewis called for a motion. Council Member Cooper made a motion to appoint Council
531 Member Robbie Powers as Mayor Pro Tem and Council Member Myers seconded the motion.
532 The motion failed by a vote of 2 ayes [Cooper and Myers] and 5 nays [Lewis, Powers, Salgado,
533 Traylor and Roberson].

534
535 Mayor Lewis asked if there was another motion. Council Member Salgado made a motion to
536 appoint James Traylor and Council Member Roberson seconded the motion. The motion passed
537 by a vote of 4 ayes [Lewis, Traylor, Roberson and Salgado] and 3 nays [Myers, Powers and
538 Cooper].
539

540 **VIII. OPEN FORUM/CITIZEN COMMENTS**

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

547
548 Mayor Lewis opened the open forum session but no one came forward to address the Council,
549 so Mayor Lewis closed the open forum session.

550 **IX. CITY MANAGER'S REPORT**

551 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
552 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE**
553 **ACTION, INCLUDING THE FOLLOWING:**
554

555
556 City Manager Daniels stated he had three items.
557

558 1. Because of the heavy rains, there is a lot of flooding. Public Works is driving the
559 areas and will remove any debris that might be causing the flooding.
560

561 2. The Fire Department has 8 students starting the clinicals to become a paramedic.
562 The competency test is scheduled for August 16, 2021.
563

564 3. The Parks Department has two events starting, the corn-hole event will have 30
565 teams and the volleyball event will have 10 teams.
566

567 **X. COUNCIL COMMENTS**

568 PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE
569 A REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE
570 GOVERNING BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF
571 COMMUNITY INTEREST INCLUDE:

572
573 Mayor Lewis read the following items that Council can speak on:

- 574 • Expressions of thanks, congratulations, or condolence;
- 575 • Information regarding holiday schedules;
- 576 • An honorary or salutary recognition of a public official, public employee, or other citizen,
577 except that a discussion regarding a change in the status of a person's public office or
578 public employment is not an honorary or salutary recognition for purposes of this
579 subdivision;
- 580 • A reminder about an upcoming event organized or sponsored by the governing body;
- 581 • Information regarding a social, ceremonial, or community event organized or
582 sponsored by an entity other than the governing body that was attended or is scheduled
583 to be attended by a member of the governing body or an official or employee of the
584 municipality; and
- 585 • Announcements involving an imminent threat to the public health and safety of people
586 in the municipality that has arisen after the posting of the agenda.
587

588
589 Council Member Traylor thanked the outgoing Council Members and congratulated the new
590 members.

591
592 Council Member Myers told Staff to keep their heads up and that he stands by them.

593
594 Council Member Powers dittoed Shaun. We thank you for your work. She thanked Shaun and
595 Derald for considering her for mayor pro tem. My work is very busy! To the citizens and City of
596 Forney – it is going to be a trying road ahead. I have my convictions and morals. The City of
597 Forney is home for me. Everyone is important.

598
599 Council Member Salgado stated she is excited to work with Council and Staff. She is impressed
600 with the professionalism.

601
602 Council Member Cooper welcomed all the newbies and will be working with them. He stated he
603 appreciates Staff.

604
605 Council Member Roberson thanked the citizens for putting them here. He thanked Staff. We
606 don't know what we don't know. He is looking forward to working with all the Council Members.
607 He thanked other Councils for their hard work.

608
609 Mayor Lewis asked that a work session be arranged.

610
611 Mayor Lewis then announced that Council would now adjourn into Executive Session under the
612 Open Meetings Act, Chapter 551, Section 551.071 and ask for a motion to do so. Council Member
613 Cooper made a motion to adjourn into Executive Session at 8:06 p.m. and Council Member Myers
614 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

615
616 **XI. EXECUTIVE SESSION**

617 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE,
618 THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO
619 DISCUSS THE FOLLOWING:
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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. 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.

b. Claim by Mica Lunt

**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 9:25 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Council Member Myers made a motion to adjourn out of Executive Session and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Lewis stated that there was no action to be taken as a result of Executive Session.

There being no further business to come before Council, Mayor Lewis called for a motion to adjourn at 9:25 p.m. Council Member Cooper made a motion to adjourn and Council Member Salgado 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 1st day of June, 2021.**

ATTEST:

Dorothy Brooks
Dorothy Brooks, City Secretary

Amanda Lewis
Amanda Lewis, Mayor

