

**Minutes
Forney City Council
Tuesday, August 3, 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, Derald Cooper and Jason Roberson. Council Member Sarah Salgado was absent. Also present was Interim City Manager Charles Daniels.

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

Pastor Nick Edwards gave the invocation. Council Member Cooper lead the Pledge of Allegiance.

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the July 20, 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. Mayor Pro Tem Traylor made a motion to approve the Minutes of the July 20, 2021 City Council meeting and Council Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Salgado].

IV. 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 open the floor to anyone in the audience who wanted to address the Council. The following persons came forward:

Linda Gamble
313 Pinewood Trail
Forney, Texas

Ms. Gamble would to see the City bring back the events the CWD did a number of years ago. It included Household Hazardous Waste, electronics, household metal appliances, automobile tires and document shredding. She is specifically interested in the shredding.

Mike Ellison
34 Estate Lane
Forney, Texas

Mr. Ellison stated he had been here about a year. He wanted to know what the vision of the City is – what does new development look like. There is trash everywhere. This would be a great Community Service project. He would volunteer to head it up.

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

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 the quarterly investment report ending 6/30/21.**
2. **Consider approval of the acceptance of public improvements for the C-Life Church project.**
3. **Consider a Resolution approving a Professional Services Agreement with KSA Engineers, Inc. to provide consulting and support for updating the Engineering Design Standards and all related issues.**
4. **Consider all matters incident and related to providing for the redemption of certain outstanding bonds of the City, including the adoption of a resolution pertaining thereto.**

Mayor Lewis read each Consent Agenda Item and then asked Council they wanted to pull any items. Council Member Powers asked for an update regarding Consent Agenda No. 4. Mayor Lewis called for a motion on the remaining Consent Agenda Items – No. 1, 2 and 3. Council Member Cooper made a motion to approve Consent Agenda Items 1, 2, and 3 and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Salgado].

Finance Director Deborah Woodham discussed Consent Agenda Item No. 4. Our agreement with TxDOT for the Pass-Through Toll projects guarantees a minimum annual payment of \$2,009,570. The agreement also provides that the payment may be increased, based on traffic counts, up to a maximum of \$4,019,140 annually. Any amount received over the minimum is considered to be an accelerated payment.

When the bonds were sold in 2008, the City anticipated that the annual payments would have an accelerated portion. The bonds were structured so that some of the bonds would be eligible for early redemption and allow the City to pay off this obligation in a shorter time frame thus recognizing considerable interest savings.

In September 2012, City Council passed a resolution to commit the accelerated portion of the pass-through payment from TxDOT for early retirement of debt related to the road projects. This year the City again received the maximum amount of \$4,019,140, and will be able to use \$2,005,000 for early bond redemption, saving \$915,612 in interest. The resolution is required in order to satisfy all requirements for the early redemption of \$2,005,000.

Mayor Lewis called for a motion. Council Member Powers made a motion to approve Consent Agenda Item No. 4 and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Salgado].

VI. DISCUSSION / ACTION ITEMS

1. **Discuss and consider action on an Ordinance amending Chapter 12 of the Code of Ordinances, "Traffic and Vehicles," by amending**

107 **Section 12.09.12 “Permitted and Restricted” deleting certain required**
108 **equipment for golf carts and slow-moving vehicles as authorized by**
109 **Section 551.4041 of the Texas Transportation Code.**
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111 City Attorney Jon Thatcher discussed this item. This agenda item was requested to be placed on
112 the agenda by Councilmembers Cooper and Powers pursuant to Rules of Procedure.
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114 The City Council approved an Ordinance during its meeting held on October 20, 2020, authorizing
115 the operation of golf carts on city streets within the City of Forney, providing for appropriate
116 regulations related to the operation of such vehicles.
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118 Under state law, a golf cart may be utilized as long as the City has not adopted an ordinance
119 prohibiting the use under the following scenarios:
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- 121 • when operated in a “master planned community”;
- 122 • when operated on a street rated no more than 35 mph and it is operated
123 during the daytime and not more than 2 miles from a golf course;

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125 A City may choose to adopt an ordinance to allow the operation of golf carts under the following:
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- 127 • the vehicle is operated on any public highway in the city that has a posted
128 speed limit of not more than 35 mph;
- 129 • the vehicle is operated on a public highway rated no more than 35 mph for
130 the purpose of retrieving or delivering packages;
- 131 • the vehicle is operated in certain subdivisions and condominiums for the
132 purpose of retrieving or delivering packages;

133
134 The golf cart if operated in a master planned community, it must be marked with a slow-moving
135 vehicle emblem. Under any other authority, the carts must have headlamps, tail lamps, reflectors,
136 a parking brake, mirrors, and a slow-moving vehicle emblem before it may be operated on city
137 streets.
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139 The owner must have liability insurance. And a golf cart must follow the rules of the road. Texas
140 DPS also interprets that an operator of a golf cart on a public highway must be licensed by the
141 State (TX DL).
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143 The adopted ordinance included turn signals and seat belts as required equipment for golf carts
144 and slow moving vehicles. Councilmember Cooper has requested that the ordinance be amended
145 to remove seat belts and turn signals as required equipment. The request is made due to the
146 unavailability and inability to install proper seat belts and turn signal equipment on a golf cart
147 vehicle. Section 551.4041 of the Texas Transportation Code provides that a golf cart operated
148 within a City on a public street with a speed rating of 35 mph or less must have headlights,
149 taillamps, reflectors, parking brake, and mirrors. Seat belts and turn signals are not required by
150 state law.
151

152 The proposed amendment will set the required equipment for golf carts and slow-moving vehicles
153 to the minimum standard as set forth in state law.
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155 Mayor Lewis called for a motion. Council Member Cooper made a motion to approve the
156 Ordinance and Council Member Powers seconded the motion. The Ordinance caption was read
157 as follows:
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ORDINANCE NO. 21-22

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, CHAPTER 12 "TRAFFIC AND VEHICLES," BY AMENDING THE REQUIRED EQUIPMENT FOR GOLF CARTS AND SLOW-MOVING VEHICLES IN ARTICLE 12.09 "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND SLOW-MOVING VEHICLES"; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Salgado].

2. Discuss and consider authorization of a change order for the renovations and building expansion project.

Public Works Director Kyle Groves discussed this item. Groves stated he is here tonight to request additional funding for the renovation and expansion project for Community Development, Engineering, and Public Works Departments. We are requesting an additional \$176,000.38. We are requesting it now because we believe it will save the City money and provide workmanship consistencies since we currently have the people here performing work. We are asking an additional \$81,343.17 towards Public Works Administration, which includes making 1 office and a hallway into 2 offices. The purpose is to help accommodate the 3 new departments and 7 new personnel we took over in July, as well as, the 10 brand new personnel we are looking to add after October 1, 2021. As well as making a new office for the proposed Engineering assistant.

Public Works – Work Shop Area – \$79,967.41. This work includes taking out 2 existing walls and enclosing a shop bay. One wall is being removed to help create a larger area that can fit all of the crew leaders into it. The other wall being removed is the current exterior wall leading into the bay, and the removal of this wall in conjunction with enclosing the bay will open up and provide a break area, which is practically non-existent even at our current staffing levels. The purpose of this work is to create enough space to accommodate all of our new personnel so that they all have the ability to at least fit inside a building.

Community Development and Engineering Area - \$14,689.90. This work includes creating three additional workspaces for future growth.

By adding this additional work, it will not only save time, but it will save money for the City by standardizing the materials and workmanship consistency while the contractor is already mobilized with the current project.

The total change order is \$176,000.38.

Mayor Lewis called for a motion. Mayor Pro Tem Traylor made a motion to approve the change order for the renovations and building expansion project and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Salgado].

3. Discuss and consider authorization of a project to fund the Ground Warning Siren system and related connectivity components.

Deputy City Manager Neil Cardwell discussed this item. Tonight, this Action Item No. 3 is to create the project that is needed to building the ground warning siren system that we have been going over the past couple of months. The project will entail a couple of different facets. First being the purchase of the actual Ground Warning Siren System itself, which is in Item No. 4 being presented tonight. That total is approximately 392,472.80 as it stands today; with 11 sirens

213 proposed. In the project itself, it is understood that as we go through the process of putting up all
214 these towers in different locations, that number could fluctuate, depending on the final number
215 and/or location.

216
217 Preliminary looks based on the vendor's assessment, is that we are going to do very well in being
218 able to put these in the City right-of-way and not have to have an impact on private industry or
219 other government facilities in the City. It could change as we go through the process.

220
221 The aspect of the project is to create a City Wide Fiber Ring. This ring would connect the proposed
222 11 towers together and to the city for activation and control. This ring would also connect all
223 Elevated Tanks, Lift Stations, pump stations, Fire Station #2 and other city assets. This ring is
224 necessary not only for the proposed Ground Warning Siren upgrades, but the upcoming upgrades
225 to the City SCADA system.

226
227 Other purposes this ring will provide is the ability to have security cameras at critical infrastructure
228 sites, become compliant to upcoming regulations regarding security of our SCADA and other
229 critical infrastructure. This ring will also be able to support the growth of the city in the traffic
230 department.

231
232 Recently the city had its very first Street Light, that we maintain, installed on Gateway @ Akron
233 way. It is not a TxDOT light. As we grow it will be able to support communication between street
234 lights for traffic timing, alerting, and other related issues.

235
236 If approved, the next step is to release an RFP for the Fiber Ring, we have estimates of what this
237 project will entail and a basic design. This will be able to be done coterminous with the Ground
238 Warning siren project. It will take time for site selection to be finalized, electrical provided to each
239 location, and then finally fiber connectivity. After the responses are received for the fiber portion
240 of this project, staff would return for approval of that purchase.

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242 Upon completion, the city would have a full fiber "ring," which allows for redundancy of not only
243 the current systems; i.e., if a cut occurs anywhere along the ring traffic just automatically continues
244 in "the other direction," it allows for future growth of the infrastructure of the City to have secured
245 reliable communications within in a much closer reach.

246
247 Staff estimates a timeline of 12-18 months for total completion of the project and all sites including
248 utility sites being online with fiber.

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250 The RFP for the fiber will be released in the coming weeks. When asked about people hacking
251 the system, Cardwell advised that fiber is hard to hack into. The system will be managed by the
252 Police Department and Dispatch.

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254 Mayor Lewis called for a motion. Council Member Roberson made a motion to approve the project
255 and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and
256 1 absent [Salgado].

257
258 **4. Discuss and consider authorization of the purchase of a Ground**
259 **Warning Siren system and authorizing the City Manager to execute a**
260 **contract with ATI systems.**

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262 Deputy City Manager Neil Cardwell discussed this item. This is just a procedural item at this
263 point, now that we have authorized the project. Staff is asking Council to purchase the siren
264 system under the project that was just created.

266 Mayor Lewis called for a motion. Council Member Cooper made a motion to approve the
267 purchase of a Ground Warning Siren system and authorizing the City Manager to execute a
268 contract with ATI Systems and Council Member Powers seconded the motion. The motion
269 passed by a vote of 6 ayes and 1 absent [Salgado].
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271 **VII. CITY MANAGER'S REPORT**

272 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
273 FUTURE LEGISLATIVE ACTIVITIES, AND OTHE RELATED MATTERS FOR POSSIBLE ACTION,
274 INCLUDING THE FOLLOWING:
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276 Interim City Manager Daniels had a few items to discuss.
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278 1. After months of planning, the inaugural Forney Esports League is now live. Those
279 interested, may sign up through the Forney Parks and Recreation Portal on the Mission Control
280 app. For more information, residents can visit forneytx.gov/esports.
281

282 2. Seven Fire Department personnel including the Fire Chief, Fire Marshal, one Investigator,
283 and four Company Officers - have been accepted into professional development classes at the
284 National Fire Academy in Emmitsburg, Maryland for the 21/22 Academic year. Classes range
285 from Executive Chief Officer Development, to Fire and Arson Investigation, and Company Officer
286 Leadership Development. The other two Company Officers will be attending NFA course work in
287 the Company Officer Leadership Development track within the Texas, Oklahoma, Arkansas, and
288 Louisiana region.
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290 3. Several weeks ago, Council Member Roberson, Chief Briggs and I attended a zoom
291 meeting with Ms. Caprice Hawkins, Director of Recruitment for Big Brothers Big Sisters, Lone
292 Star Chapter of Texas. They are interested in reaching out to Forney to establish a chapter here
293 since that process is non-existent. They were looking for mentors to have the initial meeting. I
294 can vouch for the Council Member and Chief. They to plan meet with Fire Department personnel
295 to talk about the program and see if there is any interest in firefighters becoming Big Brothers Big
296 Sisters and later on reach out to other City departments. I think this would be a great start for
297 Forney to establish a chapter here.
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299 4. The city is slated to received 6.7 million in funding from the American Recovery Act. The
300 City will receive these funds in two installments. Ms. Woodham advised me earlier today that we
301 have been approved for the first installment in the amount of \$3,374,349.05. That amount is out
302 there and has been approved and so as soon as some administerial things are cleared with the
303 federal government with some of the recipients, that money will land in Forney for us to begin
304 funding programs. To that end, I wanted to make sure that given the negative publicity last year
305 last year due to the purchase of some things, we want to be sure that both the council and the
306 residents can weigh in on what the money will be spent for. So, Staff has developed a survey
307 that will go out to the citizens here. Zach came up and gave a short presentation on the survey.
308 It is a quick survey, we wanted it to be short. Just 3 questions. What we are receiving and what
309 we are eligible to spend and asking for preferences one way or the other and if both how much
310 on either side. It will go out on social media and the splash screen on our website.
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312 Mr. Daniels stated we want to do this as quickly as possible, but want to be as fair and inclusive
313 as possible. We may take a day or so and get some examples from other cities. Mr. Daniels will
314 get back to the Council on what we come up with to be sure that the respondents are city
315 residents.
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VIII. 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 stated that we now have a Community Garden. It is the first year and Sharing the Love Foundation started this project. It is next to the FISD Administration building at 202 W. College Street. We need sponsors, donors, or if you want to help. We have these kids out there working every weekend to make this a wonderful first year harvest. All of the produce is given to the seniors around town. It is a nice little piece of property and I hope you go out and look at it. Zach will share it for us on the government website, but Sharingthelove.org has all the information on it. It is called the Legacy Garden.

Mayor Lewis announced that Council would now adjourn into Executive Session, pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071 and 551.087 and called for a motion. Council Member Cooper made a motion to adjourn into Executive Session at 7:14 p.m. and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Salgado].

X. 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. Buffalo Creek Interceptor

2. Discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code Section 551.087):
 - a. Project Owl

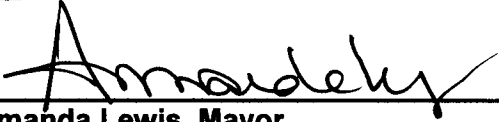
XI. RECONVENE INTO REGULAR SESSION

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

Council returned to Chambers at 8:07 p.m. Mayor Lewis called for a motion to adjourn out of Executive Session at that time. Council Member Cooper made a motion to adjourn out of Executive Session and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Salgado].

371 There being no action to be taken as a result of Executive Session, Mayor Lewis called for a
372 motion to adjourn at 8:07 p.m. Council Member Roberson made a motion to adjourn and Council
373 Member Chambers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
374 [Salgado].
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376 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
377 **TEXAS, this 17 day of August, 2021.**
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381 **Amanda Lewis, Mayor**

382 **ATTEST:**

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384 **Dorothy Brooks, City Secretary**
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