

AGENDA
FORNEY CITY COUNCIL
Tuesday, August 18, 2020
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

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

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the August 4, 2020, City Council meeting.

Documents:

[08-04-20 minutes.pdf](#)

IV. 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 06/30/20.

Documents:

[Item Summary-Quarterly Investment Report Q3.pdf](#)
[Forney Quarterly 2020-06.pdf](#)

2. Consider authorizing the City Manager to execute a Streetlight Maintenance Authorization for LED Replacements.

Documents:

[Item Summary -- Streetlight Maintenance Authorization for LED Replacements.pdf](#)
[Street Light Maintenance.pdf](#)

3. Consider approval for the City acceptance for the demolition services at 702 E. Main Street.

Documents:

[Item Summary - Project Acceptance Demolition of 702 E Main Street CIP 110.pdf](#)

4. Consider approval of a final plat for the Avery Addition, located at the southeast corner of F.M. 548 and F.M. 741.

Documents:

[Item Summary-Avery Final Plat.pdf](#)
[Exhibit-Avery Final Plat.pdf](#)

5. Consider approval of a right of way final plat for Akron Way.

Documents:

[Item Summary-Akron Way.pdf](#)
[Exhibit-Akron Way.pdf](#)

6. Consider approval of a right of way final plat for Sage Hill Parkway.

Documents:

[Item Summary-Sage Hill Parkway.pdf](#)
[Exhibit-Sage Hill Parkway.pdf](#)

7. Consider approval of a right-of-way final plat for Sierra Parkway, Akron Way and Sage Hill Parkway.

Documents:

[Item Summary-Sierra Parkway.pdf](#)
[Exhibit-Sierra Parkway.pdf](#)

8. Consider approval of a site plan for City Park Storage at 110 Justice Center Drive.

Documents:

[Item Summary-City Storage.pdf](#)
[Exhibits-City Storage.pdf](#)

9. Consider approval of a Resolution of the City of Forney, authorizing the City Manager to execute a Professional Services agreement with TCAP and Gexa Energy.

Documents:

[Item Summary -- TCAP.pdf](#)
[D20200806 TCAP Resolution.pdf](#)
[Exhibit A PSA.pdf](#)
[Exhibit B CESA.pdf](#)
[SHP explanation.pdf](#)

V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing on the proposed budget for fiscal year 2020-2021 and take any action necessary. This budget will raise more total property taxes than last year's budget by \$720,154 or 7.50%, and of that \$4645,668 is tax revenue to be raised from new property added to the tax roll this year.
2. Hold a public hearing on proposed tax rate.
3. Hold a public hearing and discuss and consider approval of a replat of the Intex Addition Replat, Lot 1A, Block 1.

Documents:

[Item Summary-Intex Addition Replat.pdf](#)

[Exhibit-Intex Addition Replat.pdf](#)

4. Hold a public hearing and discuss and consider approval of an Ordinance to rezone 49.498 acres of land from Mixed Use district to a Planned Development with Mixed Use underlying zoning. The property is located south of W. U.S. Highway 80 and west of the W. U.S. Highway 80 and W. Broad Street intersection. [Read Ordinance Caption]

Documents:

[Item Summary-Project Liberty PD.pdf](#)
[Exhibits-Project Liberty PD.pdf](#)

5. Hold a public hearing and discuss and consider approval of an Ordinance to rezone 108.2 acres of land from Planned Development (Ordinance 19-15) to a Planned Development with Light Industrial and General Retail underlying zoning. The property is located southwest of the U.S. Highway 80 and Clements Drive (F.M. 460) intersection. [Read Ordinance Caption]

Documents:

[Item Summary-Wellington Ridge PD.pdf](#)
[Exhibits-Wellington Ridge PD.pdf](#)

6. Hold a public hearing and discuss and consider approval of an Ordinance to rezone 38.526 acres of land from Commercial district and General Retail district to a Planned Development Overlay District with base zoning districts designated as Commercial District and MF-15 District. The property is located north of E. U.S. Highway 80 and west of Trailhouse Lane. [Read Ordinance Caption]

Documents:

[Item Summary-Trailhouse Park PD.pdf](#)
[Exhibits-Trailhouse Park PD.pdf](#)

7. Hold a public hearing and discuss and consider approval of an Ordinance amending the City of Forney Comprehensive Zoning Ordinance by amending fence regulations. [Read Ordinance Caption]

Documents:

[Item Summary-Fence Amendment.pdf](#)
[Exhibit-Fence Amendment.pdf](#)

VI. DISCUSSION / ACTION ITEMS

1. Discuss and consider approval of the 2020 Certified Tax Roll.

Documents:

[Item Summary-2020 Certified Tax Roll.pdf](#)
[Summary of Certified Roll.pdf](#)

2. Discuss and consider an Ordinance amending Chapter 4, Article 4.05, "Peddlers and Solicitors," of the City of Forney Code of Ordinances to amend the duration of a permit and the hours when peddling is not permitted. [Read Ordinance Caption]

Documents:

[Item Summary - Peddlers and Solicitors Ordinance Amendment.pdf](#)
[Ordinance - Amending Article 4.05 Peddler and Solicitors.pdf](#)

3. Discuss and consider action on a Resolution approving an expenditure under Section 501.073 Texas Local Government Code and a Performance Agreement between the Forney Economic Development Corporation and Trailhouse Park, LLC.

Documents:

[Item Summary - Resolution approving FEDC Performance Agreement Trailhouse Park LLC.pdf](#)
[Resolution - Approving Performance Agreement Trailhouse Park LLC.pdf](#)
[ECONOMIC Incentive and Performance AGREEMENT - FEDC and Trailhouse Park LLC Final.pdf](#)

4. Discuss and consider action on a Resolution approving a Development Agreement between the City of Forney and Trailhouse Park, LLC.

Documents:

[Item Summary - Resolution approving Development Agreement Trailhouse Park LLC.pdf](#)
[Resolution Approving Development Agreement - Trailhouse Park.pdf](#)
[D20200814 Development Agreement Trailhouse Park.pdf](#)

5. Discuss and consider action on a Resolution approving an expenditure under Section 501.073 Texas Local Government Code and a Performance Agreement between the Forney Economic Development Corporation and Victory at Forney, LLC.

Documents:

[Item Summary - Resolution approving FEDC Performance Agreement Victory at Forney LLC.pdf](#)
[Resolution - Approving Performance Agreement Victory at Forney LLC.pdf](#)
[ECONOMIC Incentive and Performance AGREEMENT - FEDC and Victory at Forney.pdf](#)

VII. 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.

VIII. CITY MANAGER'S REPORT

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

- Department Reports (Fire, Police, Municipal Court, Finance)
- Citizen Complaints -- Actions taken or to be taken
- Upcoming Special Events
- Personnel Changes
- Commendations
- Public Works/Streets Projects, Repairs or Construction

- Park Issues
- Inspection Issues
- CIP Projects

Documents:

[2020 City Hall Report.pdf](#)
[Municipal Court Report 8-10-20.pdf](#)

IX. COUNCIL COMMENTS

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

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

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. PUC Docket No. 46662; SOAH Docket No. 473-17-4964.WS – Petition of the Cities of Garland, Mesquite, Plano and Richardson Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates.
 - b. 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.
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. Council Member Place 1 – appointment to fill vacancy.
3. Discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City's corporate limits and with which the City is conducting economic

development negotiations; or deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code 551.087):

- a. Chapter 380 Agreement for Project Victory.

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.

XII. ADJOURNMENT

In addition to any executive session already listed above, the City Council of the City of Forney reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code for the following purposes:

Section 551.071 -- Consultation with Attorney

Section 551.072 -- Deliberations regarding Real Property

Section 551.073 -- Deliberation regarding Prospective Gift

Section 551.074 -- Personnel Matters

Section 551.076 -- Deliberations regarding Security Devices

Section 551.087 -- Deliberations regarding Economic Development Negotiations

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed session portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144 (c) and the meeting is conducted by all participants in reliance on this opinion.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 972-564-7302 or FAX 972-564-7349 for further information. Braille is not available.

I, Dorothy Brooks, City Secretary for the City of Forney, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 14th day of August, 2020, at 5:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.