



# City Council Agenda Item Summary Report

**Meeting Date:** May 1, 2018

**Submitted by:** Candy McQuiston, Interim Director of Public Works

<b>Consent</b>	<b>Public Hearing</b>	<b>Action Item</b> x
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**Item Title:** Discuss and consider approval on an Ordinance amending Ordinance 17-40 transferring Utility CIP Funds to the CIP Project for the construction of the 750,000-gallon elevated storage tank and related water lines. [Read Ordinance]

**How this item ties-in with the City’s Mission, Vision, and Values:** The item will ensure that the City can continue to provide services to the Forney community and to provide a safe environment and quality growth.

**Summary Statement**

**South Elevated Water Storage Facility Project**

This project is to construct a new 750,000-gallon composite elevated storage tank and connecting 12- inch water lines that will be located near the intersection of Pecan Lane and S. Bois d’ Arc. The new capacity is necessary to support the growth in the City and to provide peak hour water demands and fire protection in the City.

[Attachments - Ordinance](#)

Staff is requesting Council approval to transfer \$1,319,388 of funds from the Utility CIP Fund Balance to this project.

**CITY OF FORNEY, TEXAS**

**ORDINANCE NO. 18-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 17-40, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, BY TRANSFERRING UTILITY CIP FUND BALANCE FOR THE SOUTH ELEVATED WATER STORAGE PROJECT; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Forney, Texas ("City"), is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and the Home Rule Charter for the City of Forney, Texas; and

**WHEREAS**, the City is authorized to adopt and implement necessary and reasonable ordinances in the best interest of its citizenry; and

**WHEREAS**, Section 102.010 of the Texas Local Government Code authorizes the governing body of a municipality to make changes in the budget for municipal purposes; and

**WHEREAS**, the City Council of the City of Forney, Texas ("City Council") hereby finds and determines that it is in the best interest of the citizens of the City of Forney to amend the City's FY 2017-18 operating budget to transfer funds from the Utility CIP fund balance to the South Elevated Water Storage project.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, THAT:**

**Section 1. FINDINGS INCORPORATED**

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. AN AMENDMENT OF ORDINANCE NO. 17-40**

The City Council hereby amends Ordinance No. 17-40, which adopted the Fiscal Year 2017-2018 Budget of the City of Forney, as follows:

- a.** Funds in the amount of \$1,319,388 will be transferred from Fund 06 (Utility CIP Fund) Fund to 06-5-0000-5400 Project #158 Item 8158.0.

**Section 3. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4. REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 5. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**ATTEST:**

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**Rick Wilson, Mayor**

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**Dorothy Brooks, TRMC, CMC, City Secretary**

**APPROVED AS TO FORM:**

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**Jon Thatcher, City Attorney**