

Minutes
Forney City Council
Tuesday, November 5, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:32 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members Mike Thomas, Robbie Powers, Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony Carson.

II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER SHAUN MYERS

Pastor Marty Reid of Trinity Family Church gave the invocation and Mayor Pro Tem Myers led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation to the Forney Food Pantry

Mayor Penn presented a check in the amount of \$842.34 to the Forney Food Pantry. The funds were raised during the Softball with the Mayor event, which was sponsored by Raising Caine and Big Jays was the t-shirt sponsor. Donors included Holiday Inn, Forney Messenger, Racetrac, Farm Bureau, Brookshire's, Boxing Gym, Krogers, Crumbzz, Enos, American National Bank, 4Ts BBQ, and Chick Fil A. Mayor Penn announced that the Food Pantry's refrigerator/freezer has gone out and that they lost a lot of food and if you can help them, please do.

2. Municipal Courts Week Proclamation

Mayor Penn read the proclamation and presented it to Municipal Court Staff: Jessica Spain, Presiding Municipal Judge, Sandra Bray, Municipal Court Clerk, Jennifer Clark, Sr. Deputy Court Clerk, Julie Lankford, Deputy Court Clerk, Jon Thatcher, City Attorney, and Police Officers: Det. Michael Clay, Sgt. Curtis Billings and Officer Mark Inmon (was not present).

IV. OPEN FORUM/CITIZEN COMMENTS

This is the public's opportunity to address the City Council on any matter related to the City. However, in accordance with the Texas Open Meetings Act, Section 551.041, the City Council cannot discuss, consider, or take action on matters not listed on the agenda. The City Council will receive citizen comments, 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 Penn opened the floor to anyone in the audience who wished to address the Council on any subject not on tonight's agenda, and asked that they complete a Citizen Comment Form. Mayor Penn also announced that if someone wanted to address the Council on any agenda item, that they need to complete a Citizen Comment Form. The following persons came forward to address the Council:

50
51 John Daniel
52 630 Cedar Street
53 Forney, Texas 75126
54 Has seen some progress in his neighborhood. Rick and his boys have been
55 cleaning the drains. Rick said they would hit them hard and we should see some
56 real progress. He received a call from Bob Hall's office and was advised that Tony
57 said he would meet with him. He stated that Mike and David stood up for Tony.

58
59 Marty Reid
60 100 Boles
61 Forney, Texas 75126
62 Mr. Reid stated that he was reminded about the parable when Jesus healed many
63 people, but only one person came back to say thank you. Mr. Reid stated he had
64 trouble with trucks running up in his yard. Tony and the previous Police Chief
65 came out to see what the issue was and solved the issue quickly. I want to say
66 how much I appreciate them.

67
68 There being no one else to address the Council, Mayor Penn closed the open forum session.

69
70 **V. APPROVAL OF MINUTES**

71
72 **1. Consider approval of the Minutes of the October 15, 2019, City**
73 **Council meeting.**

74
75 Mayor Penn asked Council if they had any changes to the Minutes. There being no changes,
76 Mayor Penn called for a motion. Council Member Powers made a motion to approve the October
77 15, 2019 Minutes and Council Member Johnson seconded the motion. The motion passed
78 unanimously by a vote of 7 ayes and 0 nays.

79
80 **VI. CONSENT AGENDA**

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

83
84 **1. Consider approval of the project acceptance for the Downtown Mill &**
85 **Overlay Project.**

86
87 Mayor Penn asked if Council wanted to discuss the one item on the Consent Agenda. Council
88 Member Johnson thanked Staff – it was an excellent bid and under budget. Council Member
89 Moon stated that it looks great. There being no further comments, Mayor Penn called for a motion.
90 Council Member Johnson made a motion to approve the Consent Agenda and Council Member
91 Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

92
93 **VII. DISCUSSION / ACTION ITEMS**

94
95 **1. Discuss and consider taking action on a Resolution awarding a**
96 **contract for HVAC System Upgrades at City Hall to GFC**
97 **Contracting and authorizing the City Manager to execute a contract**
98 **for services.**

99

100 Neil Cardwell, Facilities Manager, discussed the background of this item. The Resolution will
101 allow the City Manager to execute the agreements with GFC Contracting for the replacement of
102 all 7 HVAC units at City Hall and the associated thermostats. Current HVAC System installs are
103 from 1993 and 2001, all units are showing signs of wear and are costly to repair as they are the
104 old R-22 style of refrigerant. The replacement will include both the inside Air Handler / Coil
105 Assembly with new roof mounted Carrier 14-16 SEER Heat Pumps with Gas supplemental heat.
106 This also includes replacing up to 5 damper assembly's that are non-functional in the current
107 system. Total Project Cost \$94,429.00.

108

109 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the
110 Resolution and Council Member Moon seconded the motion. The motion passed unanimously
111 by a vote of 7 ayes and 0 nays.

112

113 **2. Discuss and consider a Resolution awarding a contract with Master**
114 **Turf Products to overhaul two softball / baseball fields and take any**
115 **action necessary.**

116

117 Parks Director Richard Curry discussed the background of this item. All baseball and softball
118 fields at Community Park and Mulberry Park currently have Diamond Pro infield conditioner on
119 the fields. This product was the most common product on sports fields ten years ago. Master Turf
120 Products has a clay and conditioner mix that absorbs water at a rate that is superior to Diamond
121 Pro making the fields playable much sooner after a rain event. The product is also much less
122 abrasive than Diamond Pro. It has become the "go to" product in the Metroplex. Fisd, Plano
123 Parks and Recreation and many others are using Master Turf Products on their fields.

124

125 Parks proposes to completely resurface one field at Forney Community Park (girl's softball) and
126 one field at Mulberry Park (boy's baseball) as a test for the Master Turf Product. This new project
127 would remove old material, replace with Master Turf Products, to include:

128

- 129 Complete resurfacing infields with MasterSeal Infield Mix (4 – 6")
- 130 Adding MasterSeal Infield Conditioner
- 131 Installation of Clay bricks around home plate and batter's boxes
- 132 Installation of Clay bricks in front of pitcher's rubbers
- 133 Laser grading the infields for proper drainage

134

135 The amount to rework the two fields for this proposed project is not to exceed \$ 37,314.

136

137 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
138 Resolution and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by
139 a vote of 7 ayes and 0 nays.

140

141 **3. Discuss and consider action on an Ordinance amending the Rules of**
142 **Procedure for the City Council and the Boards, Commissions and**
143 **Committees of the City of Forney, Texas.**

144

145 City Attorney Jon Thatcher discussed the background of this item. Section 3.10 of the City's
146 Charter states that the Council shall determine its own rules of order and business. The Council
147 has a set of Rules of Procedure for the City Council and the Boards, Commissions and
148 Committees of the City of Forney to provide for a set of rules to standardize procedure for public
149 meetings. Staff has received comments from Council Members that the procedure for calling

150 public hearings is overly cumbersome and would like to simplify the process while maintaining
151 order. Currently, the process of calling a public hearing requires the Mayor or the chairman of
152 the governing board to call the item, engage a staff presentation and ask technical questions. At
153 this point, a motion is sought to open the public hearing requiring a majority vote to open the
154 public hearing. Comments are requested from the public. Once the comments are concluded, a
155 separate motion and vote are needed to close the public hearing. Once the public hearing is
156 closed, the Council may begin deliberations and consider a motion on the specific item requiring
157 a third motion and vote. The proposed ordinance removes the requirement of calling for motions
158 to open and close the public hearing, but rather delegates this action to the Mayor or other
159 chairman of the governing body to perform.

160
161 If approved, the Rules will be amended to allow for action on the item itself rather than the
162 additional procedural steps as well.

163
164 Thatcher advised that Council Member Thomas asked that a statement be included that would
165 allow the Council the option to override the Mayor's action if they deemed it necessary. The
166 following language will be added to Section 4.6 Public Hearings:

167
168 *The authority of the Mayor to open and close public hearings shall not be without*
169 *limitation and may be subject to other Council Actions as set forth in these Rules.*

170
171 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Ordinance
172 amending the Rules of Procedure for the City Council and the Boards, Commissions and
173 Committees with the additional language and Council Member Cooper seconded the motion. The
174 Ordinance caption was read as follows:

175
176 **ORDINANCE NO. 19-50**

177
178 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING ARTICLE 4, "AGENDA**
179 **ORDER" OF THE RULES OF PROCEDURE FOR THE CITY COUNCIL AND THE BOARDS,**
180 **COMMISSIONS AND COMMITTEES OF THE CITY OF FORNEY, TEXAS, ADOPTED PURSUANT**
181 **TO SECTION 3.10 OF THE CITY OF FORNEY CODE OF ORDINANCES; PROVIDING SAVINGS,**
182 **REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

183
184 The motion passed unanimously by a vote of 7 ayes and 0 nays.

185
186 **4. Discuss and consider appointments to various boards and**
187 **commissions.**

188
189 City Secretary Dorothy Brooks discussed the background of this item. Brooks advised that we
190 currently have the following vacancies:

191
192 **Animal Shelter Advisory Committee**
193 Vacancy, Member 5 – Term ends June 30, 2020

194
195 **Board of Adjustment**
196 Vacancy, Alternate Member 2 – Term ends June 30, 2020

197
198 **Building and Standards Commission**
199 Vacancy, Alternate Member 4 -- Term ends June 30, 2021

200
201 Mayor Penn called for nominations for the Animal Shelter Advisory Committee. Council Member

202 Powers made a motion to appoint Kimberley Wiggins and Council Member Moon seconded the
203 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

204
205 Mayor Penn called for nominations for the Board of Adjustment. No nominations were made and
206 no action was taken at this.

207
208 Mayor Penn called for a motion for nominations for the Building Standards Commission. Council
209 Member Thomas made a motion to appoint Terry Pyper to the Building Standards Commission
210 and Council Member Moon seconded the motion. The motion passed unanimously by a vote of
211 7 ayes and 0 nays.

212
213 **VIII. CITY MANAGER'S REPORT**
214 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE
215 LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION, INCLUDING THE
216 FOLLOWING:

217
218 City Manager Carson announced that the Forney Economic Development Corporation would hold
219 a reception celebrating their 25th year on Thursday, November 14, 2019, at 6:30 p.m.

220
221 Carson also announced that the Sharing the Love Foundation is hosting a Veterans Day
222 celebration in addition to their annual Turkey Trax event. This will be at Forney Community Park.

223
224 **IX. COUNCIL COMMENTS**
225 PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE A REPORT ABOUT
226 ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING BODY WITHOUT HAVING GIVEN
227 NOTICE OF THE REPORT. ITEMS OF COMMUNITY INTEREST INCLUDE:

228
229 Council Member Thomas had no comments.

230
231 Mayor Pro Tem Myers stated that Trail of Treats was awesome. He has not seen any complaints
232 about it on social media. Myers thanked everyone for coming out tonight.

233
234 Council Member Powers thanked the Food Pantry for their great work. She also thanked the
235 Municipal Court staff for their hard work.

236
237 Council Member Moon thanked the Food Pantry for what they do. He asked that everyone keep
238 the Tyler and Davis families in their prayers due to deaths in the families.

239
240 Council Member Cooper had no comments.

241
242 Council Member Johnson thanked Staff for all they do. Trail of Treats was a good event. There
243 were 14,000 people in attendance. Kudos to Richard and Alexa.

244
245 Mayor Penn thanked everyone for their participation in Softball with the Mayor. Forney really
246 shines when there is a need. She reminded everyone about the Food Pantry's refrigerator going
247 out and to please help if you can. Trail of Treats was great. There was a sense of community
248 that made the event unique and special. Thanks to all Veterans. Her dad served in Korea and
249 Vietnam.

250

251 Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551 of
252 the Texas Government Code, Section 551.071 and asked for a motion at 7:20 p.m. Council
253 Member Johnson made a motion to adjourn into Executive Session and Mayor Pro Tem Myers
254 second the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

255
256 **X. EXECUTIVE SESSION**

257 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY COUNCIL
258 WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:
259

- 260 1. Consult with legal counsel regarding pending or contemplated litigation or
261 a settlement offer and/or matters in which the duty of the attorney to the
262 governmental body under Texas Disciplinary Rules of Professional
263 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
264 Texas Government Code (Tex. Gov't Code Section 551.071):
265
266 a. Victorian Village
267 b. Amended (#1) Master Consolidated Interlocal Agreement
268 Between the City of Forney and the Forney Independent School
269 District.

270
271 **XI. RECONVENE INTO REGULAR SESSION**

272 IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL RECONVENE
273 INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.
274

275 Council returned to Chambers at 8:08 p.m. Mayor Penn called for a motion to adjourn out of
276 Executive Session at 8:09 p.m. Council Member Johnson made a motion to adjourn out of
277 Executive Session and Mayor Pro Tem Myers seconded the motion. The motion passed
278 unanimously by a vote of 7 ayes and 0 nays.

279
280 There being no action to be taken as a result of Executive Session, Mayor Penn called for a
281 motion to adjourn the meeting at 8:10 p.m. Council Member Powers made a motion to adjourn
282 and Council Member Thomas seconded the motion. The motion passed unanimously by a vote
283 of 7 ayes and 0 nays.

284
285 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
286 **TEXAS, this _____ day of _____, 2019.**

287
288
289
290 **ATTEST:**

Mary Penn, Mayor

291
292
293
294 _____
Dorothy Brooks, City Secretary

295