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Minutes
Forney City Council
Tuesday, November 19, 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 ROBBIE POWERS

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for Small Business Saturday

Mayor Penn read the proclamation and presented it to Kendall Milton from the Spellman Museum who also represented the Downtown Business Association.

2. Presentation of the GFOA Certificate of Achievement for Excellence in Financial Reporting.

Mayor Penn stated that the Certificate of Achievement in Financial Reporting has been awarded to the City of Forney by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. This is the 22nd year that the City has received this award. Mayor Penn presented the award to Finance Director Deborah Woodham and Assistant Finance Director Charity Wilson.

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. The following person came forward:

John Daniel
630 Cedar Street
Forney, Texas 75126

Mr. Daniel made complaints against City Manager Carson alleging that because Mr. Carson will not meet with him, that he is being racist. He stated that the council should meet with him without Mr. Carson. He stated that he wants curbs and gutters and the streets repaired in Old Forney now.

No one else came forward to address the Council, so Mayor Penn closed the open forum session.

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V. APPROVAL OF MINUTES

- 1. Consider approval of the Minutes of the November 5, 2019, City Council meeting.**

Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor Penn called for a motion. Council Member Moon made a motion to approve the Minutes and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VI. 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 confirming the reappointment of Robert Dobbs to the Kaufman County Appraisal District Board by the Forney Independent School District.**
- 2. Consider approval of a Resolution to Amend the Designation of the Authorized Official On the Rifle Resistant Body Armor Grant.**
- 3. Consider Approval to Accept Public Improvements - American National Bank.**
- 4. Consider a Resolution authorizing the creation of an employee benefits trust.**
- 5. Consider a Resolution to award insurance benefits for the employees of the City of Forney and authorizing the City Manager to execute the contract documents.**
- 6. Consider approval of advertising a Request for Qualifications (RFQ) - Architectural Services for City Facilities Expansions**
- 7. Consider approval of a final plat for Forney Daycare Addition, located east of the F.M. 741 and Monitor Boulevard intersection.**
- 8. Consider approval of a final plat for Trinity Crossing Phase 5B, located south of F.M. 740 and west of F.M. 460.**
- 9. Consider approval of a final plat for Trinity Crossing Phase 5C, located south of F.M. 740 and east of North F.M. 548.**
- 10. Consider approval of a preliminary plat for Ryhn Addition, located north of Don T. Cates Drive and east of North F.M. 548.**
- 11. Consider approval of a site plan for McDonald's, located east of the F.M. 1641 and F.M. 548 intersection.**

103 **12. Consider approval of the authorization to allow staff to seek**
104 **construction bids for the Trailhouse Roadway Project, Phase Two and**
105 **all related issues.**
106

107 Mayor Penn asked if anyone on the Council would like to pull an item for discussion. Council
108 Member Thomas stated he would like to pull Consent Agenda Item No. 1 and Council Member
109 Johnson stated he would like to pull Consent Agenda Item No. 5. Mayor Penn then called for a
110 motion on the remaining Consent Agenda Items. Council Member Thomas made a motion to
111 approve Consent Agenda Items 2, 3, 4 and 6 through 12. Council Member Johnson seconded
112 the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
113

114 With regard to Consent Agenda No. 1, Council Member Thomas stated that he was concerned
115 with the language in the FISD's resolution stating the City of Forney was a non-voting entity. He
116 is concerned about the procedure for appointing someone and would like to see if we can alternate
117 with the FISD on making the appointment, especially since the demographics in the County have
118 changed. Council Member Thomas made a motion to table this item until our next meeting and
119 Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7
120 ayes and 0 nays.
121

122 With regard to Consent Agenda No. 2, Council Member Johnson asked if there any changes in
123 coverage since the rates went down. Finance Director Deborah Woodham stated no. That the
124 rate reduction was due to hiring a new broker to negotiate our rates. Mayor Penn called for a
125 motion. Council Member Johnson made a motion to approve Consent Agenda Item No. 2 and
126 Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7
127 ayes and 0 nays.
128

129 **VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**
130

131 **1. Hold a public hearing and discuss and consider approval of an**
132 **Ordinance amending the City of Forney Comprehensive Zoning**
133 **Ordinance by creating a zoning classification and definition for a**
134 **winery use. [Read Ordinance Caption]**
135

136 Community Development Director Peter Morgan discussed the background of this item. Ms. Staci
137 Webb requests approval of an Ordinance amending the Zoning Ordinance by adding a new
138 zoning use of 'winery'. The application letter states that Ms. Webb's business, Vintage Cork 917,
139 holds a winery permit from TABC and they are interested in locating in Forney. Staff researched
140 TABC code and similar municipal regulations. Staff proposes the following definition:
141

142 **"WINERY** – The manufacturing, bottling, labeling and packaging of wine containing not more than
143 24 percent alcohol by volume from grapes, fruits and berries grown on premise or imported, and
144 to include the manufacturing and importation of fruit brandy for fortifying purposes only. Wine
145 sales may be to holders of wholesaler's permits, winery permits, or wine bottlers permits. Retail
146 sales to ultimate consumers in unbroken packages for off-premise consumption may not exceed
147 an amount of 35,000 gallons annually. A winery may include the following accessory uses: a
148 tasting room to dispense wine for on-premise consumption, restaurants and retail sales area of
149 wine for off-premise consumption. A winery permit must be obtained from TABC and all TABC
150 regulations must be adhered to at all times."
151

152 In addition, the proposed ordinance adds a zoning district classification for a winery. Section 37.2
153 of the Zoning Ordinance does not currently list winery as a use. The proposed amendment allows

154 a winery to operate as a use permitted by right within the Light Industrial district or with a
155 conditional use permit within the General Retail, Central Business District, Commercial, and
156 Mixed-Use zoning districts.

157
158 On October 29, 2019, the Planning and Zoning Commission recommended approval by a 6-0
159 vote.

160
161 Mayor Penn opened the public hearing at 7:08 p.m. Mayor Penn opened the floor to anyone in
162 the audience who want to address the Council on this item. The following person came forward:

163
164 Ms. Stacey Webb, the applicant
165 Ms. Webb stated she wants to come and put in a Winery in Downtown Forney.
166 She has not yet found a building, but is still looking.

167
168 There being no else to address the Council, Mayor Penn closed the public hearing at 7:10 p.m.

169
170 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Ordinance
171 and Council Member Cooper seconded the motion. The Ordinance caption was read as follows:

172
173 **ORDINANCE NO. 19-51**

174
175 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
176 **ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE IV,**
177 **“USE REGULATIONS,” SECTION 37, “USE REGULATIONS (CHARTS),” BY ADDING WINERY;**
178 **BY AMENDING ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 49, “DEFINITIONS,”**
179 **ADDING A DEFINITION FOR WINERY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A**
180 **SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE;**
181 **AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

182
183 The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 184
185 **2. Hold a public hearing and discuss and consider approval of an**
186 **Ordinance changing the zoning for the Adams Ranch Planned**
187 **Development, consisting of 88.4 acres of property located west of**
188 **Ranch Road and north of the Brookville Estates Planned**
189 **Development. The requested zoning includes a planned development**
190 **with single-family residential, townhome, and non-residential uses.**
191 [Read Ordinance Caption]

192
193 Community Development Director Peter Morgan discussed the background of this item. Mr. Craig
194 Smiley P.E., representing the property owner, requests approval of an amendment to the Adams
195 Ranch planned development ordinance no. 1094. The purpose of the amendment is to amend
196 the approved uses, development standards and concept plan.

197
198 The property is currently vacant and undeveloped. The area includes 88.4 acres of land zoned
199 within the Adams Ranch planned development (ordinance 1094), which was approved by Forney
200 City Council on December 16, 2003. Ordinance 1094 established the following standards related
201 to the current request:

- 202
203 1. SF-11 base zoning
204 2. 249 lots
205 3. 25-foot front yard setback

- 206 4. 10,560 sq. ft. average lot size
- 207 5. Lot size range of 8,400 sq. ft – 12,000 sq. ft.
- 208 6. Home size range of 1,500 sq. ft. – 2,200 sq. ft.
- 209

210 The property is bordered by the Brookville Estates single-family residential subdivision to the
211 south. The property to the west has been identified as a future school site.

212
213 On October 29, 2019, the Planning and Zoning Commission recommended approval by a 6-0
214 vote, with the following stipulations:

- 215
- 216 1. Area D has a base zoning of NS – Neighborhood Service District;
- 217 2. Child care center is an approved use within Area D;
- 218 3. Front facing garages must have a minimum setback of 25-feet; and
- 219 4. Screening is required for the houses abutting both Ranch Road and Street 'A'.
- 220

221 The applicant amended the request to comply with each stipulation. The Ordinance documents
222 reflect those changes.

223
224 Staff maintains a recommendation to require a minimum 5-foot sidewalk width adjacent to Ranch
225 Road and Street 'A'. Staff also recommends raising the minimum floor area per dwelling unit.

226
227 Mayor Penn opened the public hearing at 7:18 p.m. The following person came forward to
228 address the Council:

229
230 Mr. Gary Crawford
231 904 Bermuda
232 Forney, Texas
233 Is new to the area and wanted to know if we have a transportation plan. It is hard
234 to get around Forney, especially in rush hour traffic.

235
236 Mr. Crawford was advised that we do have a City Thoroughfare Plan and a there is a County
237 Transportation Plan.

238
239 Mr. Craig Smiley, representing the Developer came forward to answer any
240 questions that the Council might have.

241
242 Mayor Penn closed the public hearing at 7:37 p.m. After Council discussion, Mayor Penn called
243 for a motion. Council Member Thomas made a motion to approve the Ordinance with the following
244 additional stipulations (1) all structures will be a minimum of 1800 SF to a maximum of 2500 SF
245 and (2) the interior side walk along Street A will be five (5) foot. Mayor Pro Tem Myers seconded
246 the motion. The Ordinance caption was read as follows:

247
248 **ORDINANCE NO. 19-52**

249
250 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
251 **ZONING ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON**
252 **APPROXIMATELY 88.4 ACRES CURRENTLY ZONED PD – PLANNED DEVELOPMENT**
253 **OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS SF-11 – SINGLE**
254 **FAMILY RESIDENTIAL DISTRICT, IN THE J. LOPEZ SURVEY, ABSTRACT NO. 286, IN THE**
255 **CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, TO PD – PLANNED DEVELOPMENT**
256 **OVERLAY DISTRICT, WITH BASE ZONING DISTRICTS DESIGNATED AS SF-6 – SINGLE**
257 **FAMILY RESIDENTIAL DISTRICT, SFA – SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT**
258 **(TOWNHOMES), AND NS – NEIGHBORHOOD SERVICE DISTRICT; PROVIDING A**

259 SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER
260 CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN
261 EFFECTIVE DATE.

262
263 The motion passed by a vote of 6 ayes and 1 nay [Johnson].
264

265 **VIII. DISCUSSION / ACTION ITEMS**
266

- 267 1. **Discuss and consider an Ordinance amending Chapter 3, Article 3.08**
268 **of the Code of Ordinances by adding Division 4, “Network Nodes and**
269 **Node Support Poles” to regulate the physical use, occupancy and**
270 **maintenance of City rights-of-way by wireless network providers.**
271

272 City Attorney Jon Thatcher discussed the background of this item. Mr. Thatcher stated that this
273 item and Action Item #2 are connected. The Texas Legislature approved Senate Bill 1004 in 2017
274 relating to the installation of wireless network nodes and node supporting poles within city right-
275 of-way. The Bill established fees the City could charge for the deployment of network nodes and
276 poles in the city right-of-way. This Ordinance would amend the Code of Ordinances, Chapter 3,
277 Article 3.08 by adding Division 4 to help the City comply with Texas Senate Bill 1004 and set
278 standards, fees and design criteria that must be followed for companies that plan to install wireless
279 nodes in the city right-of-way.
280

281 This ordinance will regulate the design criteria, physical use, occupancy and maintenance
282 requirements for the use of the city right-of-way by wireless network providers by describing the
283 purpose, providing the definition, requiring compliance with the City Wireless Service (small cell)
284 Design Manual and applicable codes for the poles pursuant to Chapter 284 of the Texas Local
285 Government Code. The ordinance also provides city procedures for applications for permits,
286 establishing time periods for approval of permit applications, provides application fees and annual
287 public right-of-way rental rates, provides restriction on placement of network nodes and node
288 support poles in municipal parks, residential areas, historic districts and design districts, and
289 provides indemnity for the City.
290

291 The following person came forward to address the Council on this item:
292

293 Mr. Audrey Coleman
294 T-Mobile Representative

295 Mr. Coleman stated he would like for the Council to table this matter until his
296 company has more time to review the documents.
297

298 Mayor Penn called for a motion. Council Member Powers made a motion to approve the
299 Ordinance and Council Member Johnson seconded the motion. The Ordinance caption was read
300 as follows:

301
302 **ORDINANCE NO. 19-53**
303

304 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 3, ARTICLE 3.08**
305 **OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY ADDING DIVISION 4,**
306 **“NETWORK NODES AND NODE SUPPORT POLES,” TO REGULATE THE PHYSICAL USE,**
307 **OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK**
308 **PROVIDERS; PROVIDING A PENALTY CLAUSE; PROVIDING SAVINGS, REPEALING AND**
309 **SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**
310

311 The motion passed by a vote of 6 ayes and 1 nay [Moon].

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2. Discuss and consider action on the adoption of the Design Manual by the City of Forney, Texas for the Installation of Network Nodes and Node Support Poles (Wireless Service Small Cells) pursuant to Texas Local Government Code, Chapter 284.

City Attorney Thatcher stated this is the Design Manual referenced in Action Item #1. Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Design Manual and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

3. Discuss and consider approval of an Ordinance amending the Code of Ordinances and Subdivision Ordinance to amend the review procedures for parkland dedication or parkland dedication fees.

Community Development Director Peter Morgan discussed the background of this item. Morgan stated that this is being brought to the Council at their request. The Code of Ordinances of the City of Forney and the Subdivision Ordinance provide requirements for the review and consideration of parkland dedication and parkland dedication fees. The process currently requires action to be taken by the City of Forney Parks and Recreation Board. In an effort to streamline the process and avoid any delay that could be caused by an additional meeting, the proposed ordinance transfers the review and recommendation responsibilities to City staff.

City staff would consider the same criteria when determining a recommendation and the ultimate approval or denial of a parkland dedication or fees request would still be made by City Council.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Ordinance and Council Member Moon seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 19-54

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 10, ARTICLE 10.02 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, SECTION 4.4 OF EXHIBIT A, SUBDIVISION ORDINANCE, "PARKLAND DEDICATION," TO AMEND THE REVIEW PROCEDURES FOR PARKLAND DEDICATION OR PARKLAND DEDICATION FEES; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

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

4. Discuss and consider a Resolution approving a Landscape Maintenance Agreement for services on Gateway Boulevard between the City of Forney and South Forney, LLC.

City Attorney Jon Thatcher discussed the background of this item. The developers for the different phases of the Gateway development, upon completion of Gateway Boulevard, have been maintaining the landscaping installed within the medians of the thoroughfare. The proposed agreement would transfer maintenance services for the landscaping within the medians of the public roadways to the City. The developers would continue maintenance responsibilities for landscaping of the entry features of their specific developments as well as share in the cost of

363 irrigation of the landscaping on the areas near the Gateway Parks South subdivision. Staff
364 recommends approval of the Resolution.

365
366 Mayor Penn called for a motion. Council Member Powers made a motion to approve the
367 Resolution and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by
368 a vote of 7 ayes and 0 nays.

369
370 **5. Discuss and consider approval of an Ordinance amending the Forney**
371 **EDC 2019-20 Fiscal Year budget to transfer \$36,258 from the EDC**
372 **Fund Balance to the EDC Project Expense line item.**
373

374 EDC Director Warren Kettman discussed the background of this item. The Forney EDC Board
375 of Directors met on Thursday, September 12, 2019 and approved funds in the amount of \$36,258.
376 These funds were in support of Laramie Investments and their project at FM 548 and Marketplace
377 Drive. Laramie Investments has over \$3M involved in the project at this point. They were earlier
378 informed that “sanitary sewer is adjacent to the property” to allow for an easy connection. This
379 was not the case. The sanitary sewer connection was located “in the middle of the street” which
380 required additional construction and costs. Mr. Garrett Inman, Laramie Investments, approached
381 the Forney EDC asking for assistance to offset these unplanned additional costs. The Board
382 agreed. This incentive amount equates to a little more than 1% of the total development costs of
383 this project.

384
385 The required legal notice was published in the Forney Messenger for the required sixty (60) days,
386 which ends today, November 19, 2019. This new retail building, with underground detention, will
387 consist of 8,200 square feet featuring a “Smoothie King” and “Super Cuts”. Additional spaces will
388 house a nail salon, an ice cream retailer and health-related retailer.

389
390 Total budget amendment/incentive request is \$36,258. Staff recommends approval.

391
392 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the
393 Ordinance and Council Member Cooper seconded the motion. The Ordinance caption was read
394 as follows:

395
396 **ORDINANCE NO. 19-55**
397

398 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING**
399 **ORDINANCE NO. 19-42, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL**
400 **BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING**
401 **SEPTEMBER 30, 2020, BY TRANSFERRING FUNDS FROM EDC FUND BALANCE TO EDC**
402 **PROJECT EXPENSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL**
403 **CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

404
405 The motion passed unanimously by a vote of 7 ayes and 0 nays.

406
407 **6. Discuss and consider approval of the 2019 Water Conservation Plan**
408 **and Ordinance.**
409

410 Public Works Director Rick Sailer discussed the background of this item. The 2019 Water
411 Conservation Plan was developed and written in cooperation with North Texas Municipal Water
412 District, our water provider and who the City of Forney is a Charter Member. The Plan was written
413 and developed to provide the City citizens, businesses, and City staff a guidance tool to conserve
414 our most precious resource- WATER. The Plan includes guidelines for landscape irrigation,

415 methods for public education and goals for water use reduction which are attainable by
416 implementing the Plan. Conserving water will enable our financial resources to be applied toward
417 infrastructure upgrades and improvements, which are highly needed, rather than investing in
418 additional larger capacity infrastructure which could be delayed or not required if conservation
419 practices were utilized. Staff recommends approval of the 2019 Water Conservation Plan.
420

421 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
422 Ordinance and Council Member Moon seconded the motion. The Ordinance caption was read
423 as follows:

424 **ORDINANCE NO. 19-56**

427 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, ADOPTING A WATER CONSERVATION**
428 **PLAN TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES**
429 **AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE**
430 **PROVISIONS OF THE WATER CONSERVATION PLAN; PROVIDING SAVINGS, REPEALING**
431 **AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**
432

433 The motion passed unanimously by a vote of 7 ayes and 0 nays.
434

435 **IX. CITY MANAGER'S REPORT**
436

437 City Manager Carson announced that TxDOT would be holding public hearing on the I-20 PH 7
438 improvements on November 21, 2019, at the Forney High School Cafeteria. Carson stated that
439 we are only 9 days away from Thanksgiving. He thanked the Police Department, Community
440 Development and Public Works for their hard work in getting rid of "bandit" signs.
441

442 Carson thanked Charity Wilson for her hard work on the Christmas decorations that can be seen
443 around town. She is instrumental in making Forney a Hallmark Christmas City.
444

445 Mayor Penn stated she wanted to thank Public Works for the Christmas decorations, too.
446

447 Carson presented the plaque from the Sharing the Love Foundation for the Council's help
448 regarding the contributions to Turkey Trax.
449

450 City Attorney Thatcher stated that he wanted the public to know that our City Staff and Officials
451 know that we are held to a higher standard. When individuals start slinging accusations, we have
452 to go the high road and hold our comments. The accusations made tonight were made without
453 merit, are baseless, and were made in a very disingenuous manner. If people are watching online,
454 we want to be sure that they know that we don't hire people who are racists or show other
455 discriminatory patterns.
456

457 **X. COUNCIL COMMENTS**
458

459 Council Member Thomas stated that he concurred with Mr. Thatcher 100%.
460

461 Mayor Pro Tem Myers thanked Jon and agrees as well. If he thought any of our Staff or any
462 Council member was that way, he would speak up. He thanked Staff, Tony and those in
463 leadership for the work they do for the City. He thanked Tony for recognizing Charity.
464

465 Council Member Powers stated she is glad to be here tonight. She thanked Jon for what he said.
466 As a person of color, she understands and that there is still racism even in 2019. She wishes the

467 speaker knew the reason why that area is the way it is. She is happy to see the progress that
468 Forney has made. We are all human and she wishes the speaker could understand. She asked
469 for prayers for the families involved in the recent shootings.

470
471 Council Member Moon thanked Jon for his comments. If he thought the speaker's comments had
472 any merit, he would raise his hand. Tony does a great job.

473
474 Council Member Cooper congratulated the EDC for 25 years well done. He told Tony he did a
475 good job.

476
477 Council Member Johnson stated he appreciated what Ms. Powers said. It would be very
478 expensive to try to bring that area up to today's standards.

479
480 Mayor Penn stated that the speaker evidently has not gone around town...there are numerous
481 streets that need repair. She is pleased with how the Council is moving forward – Staff, too. We
482 are a team and we are working together. She is grateful to Staff and the Council. Be careful of
483 the kids when they get out of school. The people of Forney have come together and donated the
484 food necessary for the Food Pantry. Happy Thanksgiving.

485
486 Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551,
487 Texas Government Code, Section 551.071 and called for a motion. Council Member Johnson
488 made a motion to adjourn into Executive Session at 8:45 p.m. and Council Member Powers
489 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

490
491 **XI. EXECUTIVE SESSION**
492 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY COUNCIL
493 WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:

494
495 **1. Consult with legal counsel regarding pending or contemplated**
496 **litigation or a settlement offer and/or matters in which the duty of the**
497 **attorney to the governmental body under Texas Disciplinary Rules of**
498 **Professional Conduct of the State Bar of Texas clearly conflicts with**
499 **Chapter 551 of the Texas Government Code (Tex. Gov't Code Section**
500 **551.071):**

501
502 **a. Amended (#1) Master Consolidated Interlocal Agreement**
503 **Between the City of Forney and the Forney Independent**
504 **School District.**

505
506 **XII. RECONVENE INTO REGULAR SESSION**
507 IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL RECONVENE
508 INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.

509
510 Council returned to Chambers at 9:28 p.m. Mayor Penn called for a motion to adjourn out of
511 Executive Session at that time. Council Member Cooper made a motion to adjourn out of
512 Executive Session and Mayor Pro Tem Myers seconded the motion. The motion passed
513 unanimously by a vote of 7 ayes and 0 nays.

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There being no action to be taken as a result of Executive Session, Mayor Penn called for a motion to adjourn the meeting at 9:29 p.m. Council Member Thomas made a motion to adjourn the meeting and Council Member Powers 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 _____ day of _____, 2019.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary