

Minutes
Forney City Council
Tuesday, December 3, 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 – MAYOR MARY PENN

III. 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 persons came forward to address the Council:

James Traylor
123 Stone Street
Forney, Texas 75126

Mr. Traylor talked about the new Facilities Agreement with the City. The new fee structure is not a bad thing. On Saturday they had 1300 – 1500 kiddos, ages 3 – 17 show up to play soccer. He has 25 children on his teams – he personally pays registration fees for several of those kids – they are from inside and outside city limits. Forney Soccer Association is a non-profit – they spent \$10,000 in goals for Forney Community Park – in the future can they partner with COF for cost. He understands that change happens. We want to be partners with the COF.

John Daniel
630 Cedar Street
Forney, Texas 75126

Met with the City Attorney this afternoon. I think he is a good man. We have a lot of work to do in Old Forney. We need an agenda about what is going to be done. Rick said he would repave Aimee and Cedar. Streets and drains are death traps. This really isn't your fault. City Hall is going to be sued when someone slides off into the sewer drains. We need curbs and sidewalks. He wants the complaint he filed against the City Manager to stay until we see something going on in our community. We have a lot of work to do and we need to do it soon.

IV. APPROVAL OF MINUTES

- 1. Consider approval of the Minutes of the November 19, 2019, City Council meeting.**

52
53 Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor
54 Penn called for a motion. Council Member Thomas made a motion to approve the Minutes and
55 Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7
56 ayes and 0 nays.

57
58 Council Member Thomas asked to pull Consent Agenda Item No. 2 for discussion.

59
60 **V. CONSENT AGENDA**

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

63
64 **1. Consider a Resolution to authorize the City Manager to amend the**
65 **City's contribution to dependent care coverage for City employees.**
66

67 Mayor Penn called for a motion on Consent Agenda Item No. 1. Mayor Pro Tem Myers made a
68 motion to approve Consent Agenda Item No. 1 and Council Member Cooper seconded the
69 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

70
71 **2. Consider a Resolution authorizing City Manager to execute Field**
72 **Use Agreements for Recreation Sports at City Parks facilities for**
73 **calendar year 2020, establishing a fee structure.**
74

75 Mayor Penn called for public comment on this item. The following persons came forward to
76 address the Council:

77
78 John Traylor
79 123 Stone Street
80 Forney, Texas 75126

81 Mr. Traylor came forward to conclude his statement. He stated that they do not
82 want to leave any child behind. They want a seat at the table regarding the Facility
83 Use Agreements. They can amend their fee structure. He stated that they want
84 to be our advocate.

85
86 Council Member Thomas stated that the City will start taking care of things – this was not done in
87 the past. City Manager Carson stated that there will be changes that should be positive to the
88 Associations. The lighting fees will not change – they procedure will change.

89
90 Cheryl Mason
91 15133 Plantation Ridge
92 Ms. Mason stated that their board was blind-sided. There was no “heads-up.”
93 They are going to pass the cost on to their players. She wants the money the City
94 collects to be put back into the Parks.

95
96 Mayor Pro Tem Myers stated that the lack of communication on the fee structure was due to items
97 that came up. Please contact him in the future. Mayor Penn stated that she appreciates what
98 our Parks do. She is looking for open communication and wants this to be a smooth transition.
99 There being no further discussion, Mayor Penn called for a motion on Consent Agenda Item No.
100 2. Council Member Thomas made a motion to approve Consent Agenda Item No. 2 and Mayor
101 Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and
102 0 nays.

103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151

VI. DISCUSSION / ACTION ITEMS

- 1. Discuss and consider approval on an Ordinance amending Ordinance 19-42 transferring CIP Funds to the CIP Project to install textured pavement featuring the City Logo in the downtown area. [Read Ordinance]**

Candy McQuiston discussed this item. We are proposing to install a decorative textured pattern of the City’s logo into the pavement at the intersection of Bois d’ Arc Street and Main Street. The proposed work would be done at night to not disrupt traffic. The recommended contractor (Paveway Systems) is the same who did the color patterned crosswalks in the downtown area.

Recommended funding source – CIP fund balance for \$8,500. Staff is requesting Council approval to transfer \$8,500 of funds from the CIP Fund Balance and approval to move forward with this project.

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

ORDINANCE NO. 19-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 19-42, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, BY TRANSFERRING FUNDS FROM CIP FUND BALANCE FOR THE FORNEY CITY LOGO PROJECT AT BOIS D ARC AND MAIN STREET; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

- 2. Discuss and consider approval of a Resolution confirming the reappointment of Robert Dobbs to the Kaufman County Appraisal District Board by the Forney Independent School District. [Tabled at the 11-19-19 meeting]**

City Attorney Jon Thatcher discussed the background of this item. The matter was tabled at the last meeting until we could research why the appointment is made in the manner that it has been. Council Member Thomas stated that he had talked to Robert Dobbs and that Dobbs agrees that the process needs to be changed. There can be up to 13 members on the Board, currently there are only 7.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Resolution confirming the reappointment of Robert Dobbs and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202

VII. CITY MANAGER’S REPORT

City Manager Carson stated he had a few items.

1. The downtown tree lighting will be on Thursday (Dec. 4) at 6:30 p.m. at Bell Park.
2. Forney on Ice is back and will be here until January 5, 2020.
3. Christmas in the Park is Saturday (Dec. 7), from Noon until 8:00 p.m.
4. The dedication ceremony for Lady Liberty is Saturday (Dec. 7) at 10:30 a.m. Parking will be at the Methodist Church and there will be a shuttle to the site.

VIII. COUNCIL COMMENTS

Council Member Thomas stated that it is beginning to look a lot like Christmas.

Mayor Pro Tem Myers stated that everything looks great.

Council Member Powers thanked staff for all their hard work.

Council Member Moon stated “Ditto”.

Council Member Cooper thanked Staff for their hard work.

Council Member Johnson had no comments.

Mayor Penn said she had no comments and wished everyone a Happy Holiday.

Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551, Texas Government Code, Section 551.071 and asked for a motion. Mayor Pro Tem Myers made a motion to adjourn into Executive Session at 7:11 p.m. and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

IX. 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. **Amended (#1) Master Interlocal Agreement with the Forney ISD**
 - b. **PUC Docket No. 46662; SOAH Docket No. 473-17-4964.WS – Petition of the Cities of Garland, Mesquite, Plano and**

203 Richardson Appealing the Decision by North Texas Municipal
204 Water District Affecting Wholesale Water Rates.

205
206 c. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS –
207 Petition of High Point Water Supply Corporation, Talty Special
208 Utility District and Markout Water Supply Corporation
209 Appealing the Decision by the City of Forney Affecting
210 Wholesale Water Rates.

211
212 d. Victorian Village

213
214 e. Amended and Restated Wholesale Water Contract with
215 Kaufman County Fresh Water Supply District No. 1A.
216

217 X. RECONVENE INTO REGULAR SESSION

218
219 Council returned to Chambers at 8:10 p.m. Mayor Penn called for a motion to adjourn out of
220 Executive Session at that time. Council Member Moon made a motion to adjourn out of Executive
221 Session and Council Member Powers seconded the motion. The motion passed unanimously by
222 a vote of 7 ayes and 0 nays.

223
224 There being no further action to come before the Council, Mayor Penn called for a motion to
225 adjourn. Mayor Pro Tem Myers made a motion to adjourn at 8:10 p.m. and Council Member
226 Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
227

228 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,
229 TEXAS, this _____ day of _____, 2019.

230

231

232

233 ATTEST:

Mary Penn, Mayor

234

235

236

Dorothy Brooks, City Secretary

237

238