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**Minutes**  
**Forney City Council**  
**Tuesday, February 4, 2020**  
**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 6:30 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members Mike Thomas, Kevin Moon and David Johnson. Council Members Robbie Powers and Derald Cooper were absent. Also present was City Manager Tony Carson. Mayor Penn announced the Council Members Powers and Cooper and City Secretary Brooks were all absent due the flu.

**II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER MIKE THOMAS**

Campus Pastor at Lake Pointe Forney Jeremy Prather gave the invocation and Council Member Thomas led the Pledge of Allegiance.

**III. PROCLAMATIONS / PRESENTATIONS**

**1. Police Commendations**

Police Chief Mica Lunt presented Henry Hicks a Civilian Life Saving Award for pulling a crash survivor from a burning vehicle, which saved the life of that person.

Police Chief Lunt presented Richard Mitchell a Civilian Commendation for assisting a Forney Police Officer with a combative suspect that trying to access one of the officer's weapons.

**2. Pinson Farm Park Presentation**

Park Director Kyle Rouvaldt presented David Chase and Renee Bresson from ArchiTexas who gave the presentation on the Pinson Farm Heritage Park Master Plan. This project is not funded.

**IV. OPEN FORUM/CITIZEN COMMENTS**

This is the public's opportunity to address the City Council on any matter related to the City. Public comments on items listed on the agenda may be deferred until the specific item is brought before the City Council. 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 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.

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on any subject not on the agenda. The following persons came forward to address the Council:

Dan Garner  
710 York Street  
Forney, Texas 75126

Mr. Garner thanked the Council for bringing back Lady Liberty. Mr. Garner then asked that given the fact that there was a break-in at Cici's Pizza, if there were any

52 plans on cutting crime. Mayor Penn advised that the Council could not answer any  
53 questions and advised him to call and talk to the City Manager.

54  
55 Mr. John Daniel

56 Mr. Daniel address the Council as racist and corrupt and accused the City Attorney  
57 as being crooked. He stated this is because they won't meet with people of color.  
58 Mr. Daniel also accused the Mayor and the City Manager of being drunk at the  
59 NYE Ball Drop. He left the event early and did not witness that personally, but he  
60 did receive many calls.

61  
62 There being no one else to address the Council, Mayor Penn closed the open forum session.

63  
64 **V. APPROVAL OF MINUTES**

65  
66 **1. Consider approval of the Minutes of the January 21, 2020, City**  
67 **Council meeting.**

68  
69 Mayor Penn asked if Council had any changes to the Minutes. There being no changes to the  
70 Minutes, Mayor Penn called for a motion. Council Member Moon made a motion to approve the  
71 Minutes and Council Member Johnson seconded the motion. The motion passed by a vote of 5  
72 ayes and 2 absent [Powers and Cooper].

73  
74 **VI. CONSENT AGENDA**

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

78  
79 **1. Consider a Resolution authorizing continued participation with the**  
80 **ATMOS Cities Steering Committee authorizing the payment of**  
81 **membership dues to fund regulatory and related activities related**  
82 **to the Atmos Energy Corporation.**

83  
84 **2. Consider a Resolution approving an updated Interlocal Cooperation**  
85 **Contract between the City of Forney and the Texas Department of**  
86 **Public Safety ("TXDPS"), to implement the provisions of Texas**  
87 **Transportation Code, Chapter 706, related to the Failure to Appear**  
88 **Program for municipal courts.**

89  
90 **3. Consider a Resolution supporting the U.S. Census Bureau 2020.**

91  
92 **4. Consider a Resolution to extend the depository banking contract**  
93 **with American National Bank for a one year term.**

94  
95 **5. Consider Approval to Accept Public Improvements - Gateway Pines**  
96 **Apartments.**

97  
98 **6. Consider Approval to Accept Public Improvements - Reeder Road**  
99 **Extension #3 and Meadow Ridge Farm Sanitary Sewer Extension**  
100 **Phase 1.**

102 Mayor Penn asked if Council wished to pull any items from the Consent Agenda for separate  
103 discussion. Council Member Thomas pulled Consent Agenda Item No. 5. Mayor Penn asked for  
104 a motion on the remaining Consent Agenda Items No. 1-4 and No. 6. Council Member Moon  
105 made a motion to approve Consent Agenda Items No. 1 -4 and No. 6 and Mayor Pro Tem Myers  
106 seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Cooper].  
107

108 Mr. Thomas had a question regarding the information in the Item Summary. City Engineer Karl  
109 Zook apologized for the mistake and stated he would do better. Mayor Penn called for a motion.  
110 Council Member Thomas made a motion to approve Consent Agenda Item No. 5 and Council  
111 Member Johnson seconded the motion. The motion passed by a vote of 5 ayes and 2 absent  
112 [Powers and Cooper].  
113

## 114 **VII. DISCUSSION / ACTION ITEMS**

### 115 **1. Vision 2025 -- Goals and Initiatives**

116 City Manager Carson stated he had no comments at this time.  
117

### 118 **2. Discuss and consider a Resolution restating the appointment of the** 119 **Planning and Zoning Commission as the Capital Improvements** 120 **Advisory Committee and appointing any required ad hoc members** 121 **pursuant to Chapter 395 of the Texas Local Government Code.** 122 123 124

125 City Attorney Jon Thatcher discussed the background of this item. The City Council by ordinance  
126 appointed its Planning and Zoning Commission as the Capital Improvements Advisory Committee  
127 (CIAC) in accordance with Chapter 395 of the Texas Local Government Code. Further, ad hoc  
128 members of the committee must be appointed to ensure proper representation. One of the P & Z  
129 Commission member must be a representative of the real estate, development, or building  
130 industry who is not an employee or official of a political subdivision or governmental entity.  
131 Currently, there is at least one P & Z member who meets this criterion. Additionally, if the impact  
132 fee is to be applied in the extraterritorial jurisdiction of the City, the CIAC must include one  
133 representative from that area. In this instance, the City Council would be required to appoint one  
134 additional member to the CIAC for ETJ representation.  
135

136 The CIAC's purpose is to:

- 137 • Advise and assist the City in adopting the land use assumptions;
- 138 • Review the City's capital improvements plan and file written comments with the  
139 City Council;
- 140 • Monitor and evaluate implementation of the capital improvements plan;
- 141 • File semi-annual reports on the progress of the capital improvements plan and  
142 report to City Council any perceived inequities in implementing or imposing the  
143 impact fees; and
- 144 • Advise he City Council of the need to update or revise the land use assumptions,  
145 capital improvements plan and impact fees.  
146

147 The City shall make available to the CIAC any professional reports with respect to developing and  
148 implementing the capital improvements plan.  
149

150 The CIAC shall follow the Rules of Procedure for City Council and the Boards, Commissions and  
151 Committees of the City of Forney, Texas.  
152

153 Thatcher stated that we will bring this matter back to the next Council meeting for action on  
154 appointing someone in the ETJ to sit on this committee.

155  
156 Mayor Penn called for a motion on the Resolution. Mayor Pro Tem Myers made a motion to  
157 approve the Resolution and Council Member Thomas seconded the motion. The motion passed  
158 by a vote of 5 ayes and 2 absent [Powers and Cooper].

159  
160 **3. Discuss and consider approval of an Ordinance amending Chapter 13**  
161 **“Utilities” of the Code of Ordinances.**

162  
163 Finance Director Deborah Woodham discussed the background of this item. The UB department  
164 policies are slightly different than the current Ordinance. The Code of Ordinances should be  
165 amended to coincide with the current UB policies.

166  
167 Specifically it will:

- 168  
169
  1. Better define weekend hours for reconnections
  - 170 2. Change the sewer averaging to include a fourth month and allow the highest month  
171 to be dropped from the calculation
  - 172 3. Allow the customer deposit to be returned after 36 months of on-time payments
  - 173 4. Clarify when an administrative charge will be applied on the disconnection date
  - 174 5. Allow an administrative charge to be waived once for an account that has been  
175 established for more than three months
  - 176 6. Prevent arrangements being made on disconnection day
  - 177 7. Limit the number of installment agreements to one per rolling 12 month period
  - 178 8. Better define tampering and its consequences

179  
180 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the  
181 Ordinance and Council Member Moon seconded the motion. The Ordinance caption was read  
182 as follows:

183  
184 **ORDINANCE NO. 20-03**  
185  
186 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 13, “UTILITIES”**  
187 **OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE**  
188 **13.02, “RATES, CHARGES AND SERVICE POLICIES,” TO UPDATE CURRENT UTILITY**  
189 **BILLING POLICIES EXEMPTIONS FOR SPECIAL EVENTS; PROVIDING FOR A PENALTY FOR**  
190 **THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND**  
191 **SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR**  
192 **THE PUBLICATION OF THE CAPTION.**

193  
194 The motion passed by a vote of 5 ayes and 2 absent [Powers and Cooper].

195  
196 **VIII. CITY MANAGER’S REPORT**  
197 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE**  
198 **LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION, INCLUDING THE**  
199 **FOLLOWING:**

- 200  
201
  - Department Reports (Fire, Police, Municipal Court, Finance)
  - 202 • Citizen Complaints -- Actions taken or to be taken
  - 203 • Upcoming Special Events
  - 204 • Personnel Changes

- 205 • Commendations
- 206 • Public Works/Streets Projects, Repairs or Construction
- 207 • Park Issues
- 208 • Inspection Issues
- 209 • CIP Projects

210  
211 City Manager Carson stated that he was pleased to report that our Commercial permits that have  
212 been issued so far are the most since 2012. This is a great statistic to show how much we are  
213 growing.

214  
215 **IX. COUNCIL COMMENTS**

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

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

230  
231  
232 Council Member Thomas had no comments.

233  
234 Mayor Pro Tem Myers thanked Staff for their hard work. He thanked the Pinson Farm committee  
235 for their work and he thanked the community for coming out tonight.

236  
237 Council Member Moon thanked Chief Lunt for recognizing the citizens who assisted our police  
238 officers.

239  
240 Council Member Johnson gave kudos to Staff. He appreciates the Pinson Farm committee and  
241 would like so get this project going. He thanked the citizens who assisted our police officers.

242  
243 Mayor Penn thanked Mr. Beeson and his committee. She hopes Tony can help with the citizen  
244 concerns. She thanked everyone for coming out tonight. She thanked Jon for filling in for the  
245 City Secretary.

246  
247 Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551 of  
248 the Texas Government Code and asked for a motion. Council Member Moon made a motion at  
249 7:25 p.m. to go into Executive Session and Council Member Johnson seconded the motion. The  
250 motion passed by a vote of 5 ayes and 2 absent [Powers and Cooper].

251  
252 **X. EXECUTIVE SESSION**

253 **PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY**  
254 **COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE**  
255 **FOLLOWING:**

- 256
- 257 1. Consult with legal counsel regarding pending or contemplated litigation or  
258 a settlement offer and/or matters in which the duty of the attorney to the

259 governmental body under Texas Disciplinary Rules of Professional  
260 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the  
261 Texas Government Code (Tex. Gov't Code Section 551.071):  
262

263 a. Appointments to the Kaufman County Appraisal District  
264 Board.  
265

266 b. Interlocal Agreement with the ISD for police communications  
267 and detention services.  
268

269 c. Reinvestment Zone Number One, City of Forney - Project Plan  
270 and Finance Plan  
271

272 2. Deliberate the appointment, employment, evaluation, reassignment,  
273 duties, discipline, or dismissal of a public officer or employee. (Tex. Gov't  
274 Code Section 551.074):  
275

276 a. Public Information Officer  
277

278 **XI. RECONVENE INTO REGULAR SESSION**  
279

280 Council returned to Chambers at 8:49 p.m. Mayor Penn adjourned the Executive Session at that  
281 time. There being no action to be taken as a result of Executive Session, Mayor Penn adjourned  
282 the meeting at 8:49 p.m.  
283

284 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**  
285 **TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**  
286

287  
288  
289 **ATTEST:**

\_\_\_\_\_  
**Mary Penn, Mayor**

290  
291 \_\_\_\_\_  
292 **Dorothy Brooks, City Secretary**  
293