Newly Appointed Council Member James Traylor takes Oath of Office

District Judge Casey Blair gave James Traylor the Oath of Office for the position of Place 1 on the City Council.

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:31 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members James Traylor, Kevin Moon, Derald Cooper and David Johnson. Council Member Robbie Powers was absent. Also present was City Manager Tony Carson.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER DAVID JOHNSON

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the August 18, 2020, 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 from the August 18, 2020, City Council Meeting and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain and 1 absent [Powers].

Mayor Penn made the following announcement:

IF THERE IS ANYONE IN THE AUDIENCE WHO WANTS TO MAKE A COMMENT ON ANY ITEM ON THE CONSENT AGENDA, PLEASE RAISE YOUR HAND. EACH PERSON WILL BE ASKED TO COME FORWARD INDIVIDUALLY. PLEASE GIVE YOUR NAME AND ADDRESS BEFORE YOU MAKE YOUR COMMENTS.

No one raised their hand or came forward to address the Council.

IV. 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 the Acceptance of Public Improvements for the Amazon DDX7 Project.

2. Consider Approval of the Acceptance of Public Improvements for the Caliber Collision project.

3. Consider Approval of the Acceptance of Public Improvements for the Deen Kubota project.
4. Consider Approval of the Acceptance of Public Improvements for the Eagle Ridge Phase IV project.

5. Consider Approval of the Acceptance of Public Improvements for the Firestone project.

6. Consider Approval of the Acceptance of Public Improvements for the Kroger North Drive Addition project.

7. Consider a Resolution approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and ATMOS Energy Corp., Mid-Tex Division regarding the 2020 Rate Review Mechanism Filing.

8. Consider approval of a Resolution to authorize the City Manager to execute an agreement with AAA Greenleaf Landscaping for a period of Two Months for landscape and mowing in the Fox Hollow PID.

9. Consider authorizing city staff to seek Request for Proposals (RFP) for Fox Hollow PID landscape and site maintenance.

10. Consider approval of a resolution authorizing a wireline crossing agreement between the City and Union Pacific Railroad Company.

Mayor Penn asked if Council wanted to pull any item for discussion. No items were pulled. Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the entire Consent Agenda and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

V. DISCUSSION / ACTION ITEMS

1. Discuss and consider board and commission appointments: Planning and Zoning Commission.

Mayor Penn asked if Council had anyone they would like to consider for the opening on the Planning and Zoning Commission. Mayor Pro Tem Myers made a motion to appointment Bennie Jones to the unexpired term on the Planning & Zoning Commission and Council Member Traylor seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

VI. OPEN FORUM/CITIZEN COMMENTS

This is the public's opportunity to address the City Council on any matter related to the City. In accordance with the Texas Open Meetings Act, Section 551.042, 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.

The Mayor asked if anyone from the audience who wished to address the Council in open forum. No one came forward, so Mayor Penn closed the open forum session.
VII. CITY MANAGER’S REPORT

The City Manager will discuss current city activities, upcoming meetings, future legislative activities, and other related matters for possible action, including the following:

City Manager Carson stated that five of the projects approved on the Consent Agenda tonight represent $31 million in investments in Forney. He thanked the Building Standards Commission, Community Development, Fire and Engineering for all their hard work on these projects.

VIII. COUNCIL COMMENTS

Pursuant to Section 551.0415 Tex. Gov’t Code, City Council Members may make a report about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

Council Member Johnson thanked staff for everything. We have a rock-solid staff – it is the best ever. Kudos to Tony.

Council Member Cooper thanked staff for the light week and welcomed James.

Council Member Moon welcomed James.

Mayor Pro Tem Myers stated he echoes Tony and David. Our staff is great, which gives us a great advantage. He congratulated James and welcomed him. He told everyone to have a good night.

Council Member Traylor stated that he met with Tony, Zach and Dorothy. Thanks to all. Mike will be missed – James stated he had big shoes to fill.

Mayor Penn welcomed James. Kudos to staff. There have been no complaints. We have a council that is respectful of each other and we work well together. She thanked the Police Department for foiling the crime this week – it was fast and efficient. She is appreciative that they are keeping us safe. She thanked Chief Lunt. She stated she feels safe and we want our kids to stay safe and feel safe. She stated that Tony is doing a good job.

Mayor Penn announced that Council would now adjourn into Executive Session under Chapter 551, Texas Government Code, Section 551.071 and called for a motion. Council Member Johnson made a motion to adjourn into Executive Session at 6:42 p.m. and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

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):


c. Landscape Maintenance Agreement with AAA Greenleaf Landscaping – Fox Hollow Public Improvement District No. 1.

X. RECONVENE INTO REGULAR SESSION

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

Council returned to Chambers at 7:30 p.m. Mayor Penn called for a motion to adjourn out of Executive Session at that time. Council Member Johnson made a motion to adjourn out of Executive Session and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

Mayor Penn asked if there was any action to be taken as a result of Executive Session. Council Member Johnson made a motion to authorize the City Manager to negotiate and execute all necessary settlement agreements for PUC Docket Number 46662, subject to City Attorney approval and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

Council Member Moon made a motion to approve a Settlement Agreement and Release between the City of Forney, Texas and AA Greenleaf Landscaping and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

There being nothing further to come before the Council, Mayor Penn called for a motion to adjourn. Mayor Pro Tem Myers made a motion to adjourn the meeting at 7:32 p.m. and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this ______ day of ____________________, 2020.

ATTEST:  Mary Penn, Mayor

Dorothy Brooks, City Secretary