

Minutes
Forney City Council
Tuesday, October 20, 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 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 ROBBIE POWERS

Mayor Penn gave the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation of the GFOA Budget Award.

Mayor Penn presented the GFOA Award to Charity Wilson and stated that this award represents a significant achievement by the City of Forney. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the City had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document;
- a financial plan;
- an operations guide; and
- a communications guide

This is the 12th year that the City has received this award.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the October 6, 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 Traylor made a motion to approve the Minutes of the October 6, 2020, City Council meeting and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes 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.

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V. 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 acceptance of COVID-19 Project federal grant.**
2. **Consider a resolution authorizing the authorizing the City Manager to execute all necessary grant applications; accepting grant funds from the coronavirus relief fund; authorizing expenditure of grant funds towards covid-19.**
3. **Consider approval of a final plat for Ryhn Addition, located north of Don T. Cates Drive and east of North F.M. 548.**
4. **Consider approval of a revised site plan for the Community Development and Public Works Offices, located at 101 E. Aimee Street.**
5. **Consider approval of a site plan for the Public Works Storage, located south of the intersection of Kaufman Street and Mesquite Street.**
6. **Consider a Resolution approving a Professional Services Agreement with Freese and Nichols, Inc. to provide services for the 2020 Roadway Impact Fee Study, and all related issues.**

Mayor Penn announced that Consent Agenda No. 1 had been pulled. She then asked if Council wanted to pull any items for discussion. No items were pulled for discussion so Mayor Penn called for a Motion on Consent Agenda Items 2 through 6. Council Member Moon made a motion to approve Consent Agenda Items 2 through 6 and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. **Hold a public hearing and discuss and consider approval of an Ordinance amending the Brookville Estates Planned Development (Ordinances 1066 and 1137) by amending the development standards and concept plan for Phase 2. [Read Ordinance Caption]**

Community Development Director Peter Morgan discussed this item. Mr. Craig Smiley, representing the owner, requests approval of an amendment to the Brookville Estates Planned Development. The purpose of the amendment is to revise the standards and concept plan for the development of Phase 2 of the single-family residential subdivision.

Current Standards: The property consists of 43.875 acres of land in the Brookville Estates single-family residential subdivision. The existing Planned Development (PD) zoning was approved by City Council on December 3, 2002, with the approval of Ordinance No. 1066. The PD currently has a base zoning of SF- 10, with 303 total residential lots allowed at build out. The minimum lot area is currently 7,200 square feet and the average lot area is 8,991 square feet. The developed phase one of the subdivision provides an average lot area of 8,577 square feet. Phase 2 would have to provide an average lot area of approximately 9,400 square feet to comply with the existing PD standards. The property to the northwest is currently being developed as a Forney ISD Middle/Intermediate Campus. The property to the northeast is the Adams Ranch single-family residential subdivision. Rezoning Request: A rezoning request was initially considered and recommended for denial at the

107 August 6, 2020, City Council meeting. Following that meeting the applicant revised the request as
108 currently proposed. The proposed development standards include SF-8 as the base zoning district,
109 with a minimum lot area of 7,400 square feet and an average lot area of 8,500 square feet. At least
110 seventy-five percent (75%) of the lots are now proposed to be over 8,000 square feet. The proposed
111 minimum floor area per dwelling unit is 1,800 square feet, with at least thirty percent (30%) of the
112 dwelling units required to have a minimum of two-thousand (2,000) square feet. Ordinance 1066
113 currently requires a minimum house size of 1,500 square feet, but requires no less than twenty
114 percent (20%) of homes to have a floor area less than 1,800 square feet. At least twenty percent
115 (20%) of the total homes must have a floor area greater than 2,000 square feet and at least an
116 additional ten percent (10%) of the homes must have a floor area greater than 2,200 square feet.
117 The applicant proposes to satisfy park dedication requirements through the payment of park land
118 dedication fees. The applicant is requesting that any fees collected should be used in the following
119 nearby park areas: Heritage Hill Park, Mustang Creek Park, and the Park Trails greenspace. An
120 additional item discussed at the Planning and Zoning Commission meeting was a trail along the HOA
121 easement, which travels diagonally across the center of the subdivision. The PD requires that a trail
122 is provided if the utility company is agreeable. The applicant has been discussing the placement of
123 a trail with Atmos Energy and it is anticipated that an encroachment agreement will soon be
124 completed.

125
126 **Accessibility:** The concept plan shows that the property has a direct connection to F.M. 740, across
127 from Heritage Hill Drive.

128
129 **Public Notification:** Staff provided notification of the request in the Forney Messenger newspaper
130 and mailed notices to adjacent property owners. Staff received one response from a citizen opposed
131 to the amendment due to the requested decrease in lot area. Recommendation: On October 8, 2020,
132 the Planning and Zoning Commission voted 5-1 (Chambers) to recommend approval.

133
134 Mayor Penn asked if anyone from the audience wanted to address the Council. Mr. Quint
135 Richardson, 10950 Research, Frisco, Texas, came forward to discuss the project. The lot size will
136 be smaller, but the houses will be larger. They do not yet have any builders. It will be 18 months
137 before homes start being built. City Manager Carson stated that they should not be designating the
138 use of the funds paid in lieu of a park. City Attorney Thatcher suggested that Council discuss this
139 matter in Executive Session.

140
141 **UPDATE: Action to be taken as a result of Executive Session:** Council Member Traylor made
142 a motion to approve this item without conditions on the fees in lieu of parkland dedication and park
143 development. Mayor Pro Tem Myers seconded the motion. The Ordinance Caption was read as
144 follows:

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146 **ORDINANCE NO. 20-44**
147
148 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING**
149 **ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY AMENDING EXISTING PLANNED**
150 **DEVELOPMENT ORDINANCE NO. 1066, TO AMEND THE PLANNED DEVELOPMENT**
151 **STANDARDS AND CONCEPT PLAN ON APPROXIMATELY 43.875 ACRES IN THE J. LOPEZ**
152 **SURVEY, ABSTRACT NO. 286, IN THE CITY OF FORNEY, KAUFMAN COUNTY; PROVIDING A**
153 **SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE;**
154 **PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE**
155 **DATE.**

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157 The motion passed by a vote of 6 ayes and 1 absent [Powers].
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160 **2. Hold a public hearing and discuss and consider approval of an**
161 **Ordinance for a Conditional Use Permit for Auto Repair (Major) to**
162 **operate at 12549 Reeder Road. [Read Ordinance Caption]**
163

164 Community Development Director Peter Morgan discussed this item. Dr. Dentless LLC, requests
165 approval of a Conditional Use Permit. The purpose of the request is to allow a paintless dent repair
166 facility as an approved use at 12549 Reeder Road.
167

168 **Current Standards:** The property is currently zoned within the Commercial zoning district. 12549
169 Reeder Road consists of a 1,216 square foot structure located on a 50.06-acre lot. The previous use
170 was storage. Parking is legal non-conforming shared parking with adjacent businesses. Proposed
171 Use: As stated in the application letter, Dr. Dentless LLC would like to operate a paintless dent repair
172 facility at 12549 Reeder Road. The applicant requests to operate under the zoning classification of
173 major auto repair. The Zoning Ordinance provides the following use definition: "AUTOMOBILE
174 REPAIR, MAJOR - General repair or reconditioning of engines, air-conditioning systems and
175 transmissions for motor vehicles; wrecker service; collision repair services including body, frame or
176 fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust
177 proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses." The proposed
178 business repairs hail damage, door dings and minor dents through a process of pushing the metal
179 back in to shape. The applicant has stated that he would not engage in any hazardous processes.
180 There will be no filling, sanding, grinding or replacement of automotive panels and no repainting of
181 the vehicle. The applicant has stated that typically the process of paintless dent repair is completed
182 in one day and that no vehicle will be parked outside overnight. Because there are limited tools
183 needed to perform the job, outside storage of any kind will not be necessary. If issued a Conditional
184 Use Permit (CUP), City Council has the authority to remove the CUP if the applicant were to abuse
185 their outdoor storage privileges or create any future code enforcement issues.
186

187 **Accessibility:** The property has direct access to the Reeder Road.
188

189 **Public Notification:** Notification was provided in the newspaper and to property owners within two-
190 hundred feet (200') of the property. As of this writing, staff has received no public comment regarding
191 this request.
192

193 **Future Requirements:** If the request is approved, a Certificate of Occupancy (staff inspection) will
194 be required for the business to operate.
195

196 **Recommendation:** On October 8, 2020, the Planning and Zoning Commission voted 6-0 to
197 recommend approval.
198

199 Mayor Penn asked if anyone in the audience wanted to address the Council on this item. The
200 following person came forward to address the Council:
201

202 Eric Henderson
203 2447 West Alamosa

204 Mr. Henderson stated he has been doing this type of work for 22 years. There will be
205 no outside storage and there are no chemicals. There is room for 3 vehicles inside.
206

207 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Ordinance
208 and Council Member Johnson seconded the motion. The Ordinance caption was read as follows:
209

ORDINANCE NO. 20-45

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM COMMERCIAL DISTRICT (C) USES TO COMMERCIAL DISTRICT (C) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR AUTO REPAIR (MAJOR) TO OPERATE ON PROPERTY IDENTIFIED AS 12549 REEDER ROAD, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Powers].

- 3. Hold a public hearing and discuss and consider approval of an Ordinance rezoning 38.7 acres from Planned Development No. 1031 to a single-family residential Planned Development. The property is located south of S. F.M. 548 and Sycamore Trail. [Read Ordinance Caption]**

Community Development Director Peter Morgan discussed this item. Mr. Jim Wills, representing the property owner, requests approval to rezone 38.7 acres from the Trails of Chestnut Meadow Planned Development to a new Planned Development identified as Oak Creek. The purpose of the rezoning is to establish the zoning for a single-family residential subdivision. The application letter states that due to the site constraints and engineering difficulties (flood plain, power lines, gas easement, and sewer easement) the site could not yield the remaining 191 lots (under current zoning). The request proposes a forty-five-foot (45') lot width with 117 lots.

Current Standards: The property consists of 38.7 acres of land in the Trails of Chestnut Meadow single-family residential subdivision. The existing Planned Development (PD) zoning was approved by City Council on May 1, 2001, with the approval of Ordinance No. 1031. The PD allows for 1,150 total residential lots. 103 of those lots were proposed to be developed with Phase VI on the land involved with this request. The minimum lot area is currently 8,000 square feet and the minimum dwelling size ranges from 1,500 to 2,000 sq. ft. The minimum lot width is sixty feet (60'). Rezoning Request: The requested rezoning proposes using SF-6 as the base zoning, with the following notable development standards:

1. The minimum lot area is 4,950 square feet.
2. The minimum dwelling unit size is 1,800 square feet.
3. The minimum lot width is forty-five feet (45').
4. The minimum side yard is five feet (5').
5. The front yard setback is twenty feet (20'). A front-facing garage must have a front yard setback of twenty-five feet (25').
6. Fences shall be a maximum height of six feet (6').
7. A dog park will be constructed and dedicated to the City of Forney with the final plat. The dog park will include separate small dog and large dog play areas, seating, and dog wash stations. The applicant is proposing that the dog park dedication will satisfy park land dedication requirements and will be completed by a development agreement.

265 **Accessibility:** The Concept Plan provides two access connections to S. F.M. 548.

266

267 **Public Notification:** Staff provided notification of the request in the Forney Messenger newspaper
268 and mailed notices to adjacent property owners. Staff received one email in opposition of the request
269 due to increased traffic and home size.

270

271 **Recommendation:** On October 8, 2020, the Planning and Zoning Commission voted 5-0 (Holler
272 abstained) to recommend approval.

273

274 Mayor Penn asked if anyone in the audience wanted to address the Council regarding this item. The
275 following person came forward:

276

277 Darrell Grooms
278 308 S. Center
279 Forney, Texas 75126

280

281 Mr. Grooms stated that they will have smaller lots with larger houses. They do have
282 a Development Agreement and the houses will cost from \$240,000 – up. This is not
283 a rental community. The dog park is in the development and so is masonry. They
284 should start building within 30 days after the recording of the final plats. There will be
285 117 homes built in this area. The dog park will be in the first phase.

286

287 Council Member Johnson stated that we are diversifying our stock. City Engineer Karl Zook stated
288 that once the homes are built we can request that TXDOT do another Traffic Impact Study.

289

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

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293 **ORDINANCE NO. 20-46**

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295 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING**
296 **ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON**
297 **APPROXIMATELY 38.7202 ACRES OF LAND IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN**
298 **THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, FROM PD – PLANNED DEVELOPMENT**
299 **OVERLAY DISTRICT (TRAILS OF CHESTNUT MEADOW) TO PD – PLANNED DEVELOPMENT**
300 **OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS SF-6 – SINGLE-FAMILY**
301 **RESIDENTIAL-6 DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS**
302 **CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND**
303 **PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

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305 The motion passed by a vote of 6 ayes and 1 absent [Powers].

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- 307 **4. Hold a public hearing to receive public comment regarding the land use**
308 **assumptions and capital improvements plan related to the update of the**
309 **water and sanitary sewer impact fees for the city of Forney and consider**
310 **action to determine whether to amend the plan.**

311

312 Richard Dormier of Freeman Millican discussed this item. Dormier stated that they have met with
313 the Advisory Committee for water and sewer impact fees three times and have summarized the
314 following information for this update.

315

316 In our first meeting, the Committee determined the following:

317

- 318 1. The current Comprehensive Land Use Plan is valid and will be used to guide
319 the growth needs in undeveloped areas.

- 320 2. A growth rate of 5% compounded annually was selected resulting in an
321 average of 482 new single-family residences per year for a total of 4,820 new
322 homes in the planning period.
323
324 3. We are anticipating a 50/50 split for purposes of determining water needs
325 assuming one-half of the new homes will be located outside the City service
326 area.
327
328 4. A single service area was chosen for the study including the city limits and
329 ETJ.
330

331 Figures 1 and 2 show the proposed water and sanitary sewer impact fee projects for the 10-year
332 planning period. The plan includes holdover projects from the previous impact fee study; recoupment
333 projects for construction in the past 5 years that serves new connections but was not included in the
334 last CIP; and new projects identified as necessary for development in the next 10 years.
335

336 After receiving public input, the City Council will be asked to determine if the proposed CIP should
337 be modified by adding or removing proposed projects.
338

339 The next public hearing will be in January and will be brought back to Council for approval in
340 February.
341

342 Mayor Penn asked if anyone in the audience wished to address the Council on this item, but no one
343 came forward. Mayor Penn called for a motion. Council Member Johnson made a motion to approve
344 this item and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes
345 and 1 absent [Powers].
346

347 VII. DISCUSSION / ACTION ITEMS 348

- 349 1. **Discuss and consider all matters incident and related to the issuance
350 and sale of "City of Forney, Texas, General Obligation Refunding Bonds,
351 Series 2020", including the adoption of an ordinance authorizing the
352 issuance of such bonds. [Read Ordinance Caption]**
353

354 Finance Director Deborah Woodham discussed the background of this item. Woodham stated that
355 she brings good news tonight. The City's financial advisors, Hilltop Securities, periodically review
356 our outstanding bond debt to determine if refinancing eligible bond series will be financially beneficial
357 to the City. They have recommended that we refinance a portion of the 2011 CO and GO Refunding
358 issue in order to lower the interest rate from 4.10% to approximately 1.3%. The refunding will save
359 the City approximately \$1,043,000.
360

361 Mayor Penn called for a motion. Council Member Moon made a motion to approve the Ordinance
362 and Council Member Cooper seconded the motion. The Ordinance caption was read as follows:
363

364 ORDINANCE NO. 20-43 365

366 **AN ORDINANCE authorizing the issuance of "CITY OF FORNEY, TEXAS, GENERAL OBLIGATION
367 REFUNDING BOND, SERIES 2020"; specifying the terms and features of said bond; levying a
368 continuing direct annual ad valorem tax for the payment of said bond; providing for the
369 redemption of the obligations being refunded; and resolving other matters incident and related
370 to the issuance, sale, payment and delivery of said bond, including the approval and execution
371 of a Paying Agent/Registrar Agreement, a Purchase Agreement and an Escrow Agreement; and
372 providing an effective date.**
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374 The motion passed by a vote of 6 ayes and 1 absent [Powers].

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2. Discuss and consider approval of an Ordinance amending the budget for fiscal year 2020-2021. [Read Ordinance Caption]

This item was pulled and will be placed on a future agenda.

3. Discuss and consider action on a Resolution approving a Development Agreement between the City of Forney and Jackrabbit Fund 1, LLC.

City Attorney Jon Thatcher discussed this item. Jackrabbit Fund 1, LLC is the owner/developer for the proposed residential development, Oak Creek, located off of FM 548, south of FM 741. The proposed development agreement is being considered at the same Council meeting as the proposed planned development zoning request.

The agreement proposes to dedicate to the City for the use of the public, a dog park consisting of two fenced areas (for large and small breed dogs) with gate access and related amenities including parking. The owner/developer will receive credit towards the assessed park and park development fees required from the residential development. The City will be responsible for the maintenance of the dog park facility once it is constructed, dedicated and accepted.

The agreement additionally, provides for certain development standards not otherwise allowed by zoning or other another ordinance. These include certain masonry standards for the residential construction including 100% on the front elevations, 80% on the sides, and 50% on the rear except for those homes that back up to FM 548, which shall have 100% masonry on the rear elevations.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Resolution and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

4. Discuss and consider action on an Ordinance amending Chapter 12 of the Code of Ordinances, "Traffic and Vehicles," by adding Article 12.09 containing regulations for "Golf Carts, Neighborhood Electric Vehicles and Slow-Moving Vehicles." [Read Ordinance Caption]

City Attorney Jon Thatcher discussed this item. During the City Council meeting held on October 6, 2020, the Council directed staff to prepare an ordinance authorizing the operation of golf carts on city streets within the City of Forney, providing for appropriate regulations related to the operation of such vehicles.

Currently, the City of Forney does not have any adopted ordinances that regulate the use of golf carts. Under state law, a golf cart may be utilized as long as the City has not adopted an ordinance prohibiting the use under the following scenarios:

- when operated in a "master planned community";
- when operated on a street rated no more than 35 mph and it is operated during the daytime and not more than 2 miles from a golf course;

A City may choose to adopt an ordinance to allow the operation of golf carts under the following:

- operated on any public highway in the city that has a posted speed limit of not more than 35 mph;
- operated on a public highway rated no more than 35 mph for the purpose of retrieving or delivering packages;

481
482 Chasitee Albertie
483 1502 Tavistock Road
484 Forney, Texas 75126

485 Made the following statement: I would not want anybody representing my community
486 that represents through a platform of hatred. I'm a member of the African-American
487 community here in Forney and if you feel disrespected or demeaned in any way,
488 shape, or form the council members have created a public forum for us specifically to
489 come and express our concerns to open ears. We just sat and listen to a man tell us
490 that our city Council members do not care about our city and do not care to make
491 changes or upgrading our city for the benefit of its citizens; yet we just sat and listened
492 to them discuss all of the new developments and establishments that they are working
493 on implementing and establishing to make our city better to the benefit the citizens of
494 Forney. I as a member of the African-American community would also like to take this
495 time to encourage members of our community no matter what to come and express
496 your concerns, issues, or praises to be heard by our lovely city council members.
497

498 There being no one else to speak, Mayor Penn closed the open forum session.
499

500 **IX. CITY MANAGER'S REPORT**

501 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
502 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION,**
503 **INCLUDING THE FOLLOWING:**
504

505 City Manager Carson congratulated Deborah Woodham and Charity Wilson on receiving the GFOA
506 Award. It is very difficult achieve, and they have been doing it for 12 years. Carson thanked Kyle
507 Rouvaldt for his work on getting Deck Hockey in Forney. He even helped to install the court.
508

509 Council Member Johnson asked about the lights on the Downtown buildings. Stephen Williamson
510 from IT stated that we are working with vendors now to alleviate the problem. It will take one or two
511 months to complete. Council Member Johnson stated that the lights enhance Downtown.
512

513 Council Member Moon asked if there were any more complaints about the music in Downtown.
514 Carson advised that they turned down the sound by the Spellman Museum.
515

516 City Manager Carson stated that the lines for the Texas flag and the Lady Liberty is under repair.
517

518 **X. COUNCIL COMMENTS**

519 **PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE A**
520 **REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING**
521 **BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF COMMUNITY INTEREST**
522 **INCLUDE:**
523

524 Council Member Traylor stated that Forney is a great place to call home. He thanked Chasitee for
525 speaking.
526

527 Mayor Pro Tem Myers thanked Chasitee for speaking – she is impressive. He thanked everyone for
528 coming tonight. He thanked Finance for their hard work. With regard to employees playing
529 basketball – they do it on their lunch hour and he has no issues with it. Myers stated that we added
530 an amenity (the dog park) and he is thrilled that the developer is paying for it. He wished everyone
531 a good night.
532

533 Council Member Moon had no comments.
534

535 Council Member Cooper thanked everyone for welcoming him and that he plans on being back. He
536 does not take being on the Council for granted. He thanked Chasitee for speaking.

537
538 Council Member Johnson "dittoed" everyone. Unfortunately, there is always negativity. It is
539 unfortunate. Thanks for coming out. We are glad the small businesses are here. He thanked
540 Finance for their hard work. He told Karl he was sorry he had to work with TxDOT. He thanked Staff
541 for their hard work.

542
543 Mayor Penn stated she has been on Council for 12 years and Council started discussing dog parks
544 at least 8 years ago. It is awesome that the developer is going to pay for it. She thanked Charity
545 and Deborah on the GFOA award and stated she is really excited about saving \$1,000,000. She
546 thanked Staff for their hard work. Mayor Penn then read the following statement:

547
548 In accordance with Section 551.042 of the Texas Government Code, the following is
549 a statement of factual information given in response to certain inquiries that have been
550 made during the open forum of this and other recent Council meetings.

551
552 Several assertions and statements have been made about me as the Mayor, as well
553 as other Council members and City staff. Such statements have included allegations
554 of improper conduct and have publicly challenged my character. While the
555 Constitution protects speech from government intrusion, it does not protect false
556 statements made with actual malice. This includes blatantly false statements that are
557 only made to defame me or any other Council member or City employees.

558
559 The fact is, that these statements and any referenced "complaints," are false,
560 baseless, without merit, complete lies and have the sole purpose of causing harm to
561 the City of Forney.

562
563 The City of Forney works for the benefit of the public as a whole, rather than the
564 unreasonable demands of a single individual. As Mayor, I will continue represent the
565 interests of the City to the best of my ability and respectfully reject any claims to the
566 contrary.

567
568 Mayor Penn announced that Council will now adjourn into Executive Session under Chapter 551,
569 Texas Government Code, Sections 551.071 and 551.087 and called for a motion.

570
571 Mayor Pro Tem Myers made a motion to adjourn into Executive Session at 8:10 p.m. and Council
572 Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

573
574 **XI. EXECUTIVE SESSION**

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

578
579 **1. Consult with legal counsel regarding pending or contemplated litigation**
580 **or a settlement offer and/or matters in which the duty of the attorney to**
581 **the governmental body under Texas Disciplinary Rules of Professional**
582 **Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of**
583 **the Texas Government Code (Tex. Gov't Code Section 551.071):**

- 584
585 **a. Markout Water Supply**
586 **b. Madison Grayhawk**
587

