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Minutes
Special City Council Meeting
6:00 p.m. Friday, February 26, 2021
City Hall, 101 Main Street, Forney, Texas 75126
Via Zoom Video Conference Call

7 The general public can view the meeting live on the video stream on the City's website at
8 <https://forneytx.gov/803/Watch-Meetings>.
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10 **I. CALL TO ORDER**
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12 Mayor Penn called the meeting to order at 6:00 p.m. Present were Mayor Mary Penn,
13 Mayor Pro Tem Shaun Myers and Council Members James Traylor, Robbie Powers,
14 Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony
15 Carson and City Attorney Jon Thatcher. Mayor Penn asked for a moment of silence in
16 honor of Pastor Jimmy Pritchard who recently passed away.
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18 Mayor Penn called for a motion to adjourn into Executive Session at 6:01 p.m., pursuant
19 to Chapter 551 of the Texas Government Code, Section 551.071. Council Member Moon
20 made the motion to adjourn into Executive Session and Council Member Johnson
21 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
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23 **II. EXECUTIVE SESSION**
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25 **Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code,**
26 **the City Council will recess into Executive Session (closed meeting) to**
27 **discuss the following:**
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- 29 1. Consult with legal counsel regarding pending or contemplated
30 litigation or a settlement offer and/or matters in which the duty
31 of the attorney to the governmental body under Texas
32 Disciplinary Rules of Professional Conduct of the State Bar of
33 Texas clearly conflicts with Chapter 551 of the Texas
34 Government Code (Tex. Gov't Code Section 551.071):
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- 36 a. Section 7.04, City of Forney Personnel Policy Manual
37 – Formal Grievance filed by Chief Lunt on February 21,
38 2021.
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40 **III. RECONVENE INTO REGULAR SESSION**
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42 **In Accordance with Texas Government Code, Chapter 551, the City**
43 **Council will reconvene into Regular Session to consider action, if any,**
44 **on matters discussed in Executive Session.**
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46 Mayor Penn called for a motion to adjourn out of Executive Session at 9:02 p.m. Mayor
47 Pro Tem Myers made a motion to adjourn out of Executive Session and Council Member
48 Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0
49 nays.

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51 The following action was taken as a result of Executive Session:

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53 Council Member Traylor made a motion to accept the immediate resignation of Mr.
54 Carson. Council Member Johnson seconded the motion. Mayor Penn opened the floor
55 for discussion. Council Member Traylor stated that given the events of the past week that
56 he had lost confidence in Mr. Carson. Mayor Pro Tem Myers and Council Members
57 Powers had no comments. Council Member Moon stated that everyone's time is
58 important and we know that it's not always convenient to watch these meetings. He stated
59 that they work really hard up here and he knows that they know that. We face extreme
60 difficult decisions each time we have to make them. We know that 50% of you guys are
61 going to hate us and the other 50 are going to probably like us. The decisions that we
62 make are not made lightly. With the protocols we have to follow, City statutes to uphold,
63 and rules regarding day-to-day operations, just like any other company, I'd like everyone
64 to understand, I'm sure you do, that we do what we feel best in the interest of the City.
65 Mayor Penn stated that is has been a tough week for the citizens and the City and made
66 a lengthy statement, which stated part:

67
68 To the citizens of Forney, I want to offer my sincere apology for the behavioral
69 trends and the negative culture that has been put on display. You deserve
70 better. My main goal from day 1 as your mayor has been to work hard to bring
71 us together, not divide us.

72
73 All Mr. Carson asked from the council and myself was that we support his
74 decisions as city manager. While that seemed to be a reasonable request to
75 agree to, I find it very difficult to support his decisions when he has clearly
76 displayed that he is not supportive of his own directors' decisions. Mr. Carson
77 gave direction to Public Works to continuously treat the Luminous Power Plant,
78 which is private property. It is not clear to me the difference in treating the
79 power plant versus the decision Chief Lunt made, as our Emergency
80 Management Coordinator, to instruct public works to clear Walmart, Kroger,
81 and Brookshires, also private property and considered critical infrastructure
82 within the National Infrastructure Protection Plan. Mr. Carson's management
83 style is one where he chooses to embrace rank, giving overruling direct orders
84 as opposed to trusting his leaders to make the choices that are best for our
85 city's safety and security. The fact is you cannot receive what you are not
86 willing to give. In my opinion, this is the area where he has failed in his
87 management of the city.

88
89 After diligent thought, consideration, and prayer, I respectfully request for Mr.
90 Carson to make the right decision and immediately submit his resignation as
91 Forney's city manager.

92
93 Mayor Penn called for the vote on the motion. The motion failed by a vote of 3 ayes
94 [Penn/Traylor/Johnson] and 4 nays [Myers/Cooper/Powers/Moon].

95

96 Mayor Pro Tem Myers then made a motion to approve the findings of the city attorney, in
97 accordance with the formal grievance process, and to authorize the attorney to provide
98 those findings to Lunt. Council Member Cooper seconded the motion. The motion
99 passed by a vote of 4 ayes [Myers/Cooper/Powers/Moon] and 3 nays
100 [Penn/Traylor/Johnson].

101
102 There being no further business to come before the Council, Mayor Penn called for a
103 motion to adjourn. Mayor Pro Tem Myers made a motion to adjourn the meeting at 9:10
104 p.m. and Council Member Johnson seconded the motion. The motion passed
105 unanimously by a vote of 7 ayes and 0 nays.

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107 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
108 **TEXAS, this _____ day of _____, 2021.**

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113 **ATTEST:** **Mary Penn, Mayor**
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115 **Dorothy Brooks, City Secretary**
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