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

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

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

V. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the January 21, 2020, City Council meeting.

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

VI. 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 a Resolution authorizing continued participation with the ATMOS Cities Steering Committee authorizing the payment of membership dues to fund regulatory and related activities related to the Atmos Energy Corporation.

2. Consider a Resolution approving an updated Interlocal Cooperation Contract between the City of Forney and the Texas Department of Public Safety (“TXDPS”), to implement the provisions of Texas Transportation Code, Chapter 706, related to the Failure to Appear Program for municipal courts.

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

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

5. Consider Approval to Accept Public Improvements - Gateway Pines Apartments.

6. Consider Approval to Accept Public Improvements - Reeder Road Extension #3 and Meadow Ridge Farm Sanitary Sewer Extension Phase 1.
Mayor Penn asked if Council wished to pull any items from the Consent Agenda for separate discussion. Council Member Thomas pulled Consent Agenda Item No. 5. Mayor Penn asked for a motion on the remaining Consent Agenda Items No. 1-4 and No. 6. Council Member Moon made a motion to approve Consent Agenda Items No. 1-4 and No. 6 and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Cooper].

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

VII. DISCUSSION / ACTION ITEMS

1. Vision 2025 -- Goals and Initiatives

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

2. Discuss and consider a Resolution restating the appointment of the Planning and Zoning Commission as the Capital Improvements Advisory Committee and appointing any required ad hoc members pursuant to Chapter 395 of the Texas Local Government Code.

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

The CIAC’s purpose is to:

• Advise and assist the City in adopting the land use assumptions;
• Review the City’s capital improvements plan and file written comments with the City Council;
• Monitor and evaluate implementation of the capital improvements plan;
• File semi-annual reports on the progress of the capital improvements plan and report to City Council any perceived inequities in implementing or imposing the impact fees; and
• Advise the City Council of the need to update or revise the land use assumptions, capital improvements plan and impact fees.

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

The CIAC shall follow the Rules of Procedure for City Council and the Boards, Commissions and Committees of the City of Forney, Texas.
Thatcher stated that we will bring this matter back to the next Council meeting for action on appointing someone in the ETJ to sit on this committee.

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

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

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

Specifically it will:

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

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

ORDINANCE NO. 20-03

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 13, “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 13.02, “RATES, CHARGES AND SERVICE POLICIES,” TO UPDATE CURRENT UTILITY BILLING POLICIES EXEMPTIONS FOR SPECIAL EVENTS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION.

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

VIII. 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:

• Department Reports (Fire, Police, Municipal Court, Finance)
• Citizen Complaints -- Actions taken or to be taken
• Upcoming Special Events
• Personnel Changes
IX. 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:

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

Council Member Thomas had no comments.

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

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

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

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

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

X. 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. Appointments to the Kaufman County Appraisal District Board.

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

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

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

a. Public Information Officer

XI. RECONVENE INTO REGULAR SESSION

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 18th day of February, 2020.

Mary Penn, Mayor

ATTEST:

Dorothy Brooks, City Secretary