

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**Minutes
Forney City Council
Tuesday, March 16, 2021
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126**

The general public can view the meeting live on our video stream at <https://www.forneytx.gov/803/Watch-Meetings>. If you wish to address the Council on any subject or in open forum at this meeting, you are required to email registration@forneytx.gov no later than Tuesday, March 16, 2021, by 1:00 p.m. You must provide your name and telephone number and state which item(s) you wish to speak on. You will be provided a telephone number and meeting ID which you must dial into 15 minutes prior to the scheduled meeting start time. Due to technical restrictions, those who fail to dial into the meeting at the prescribed time may forfeit their ability to speak at said meeting.

15
16

I. CALL TO ORDER

17 Mayor Penn called the meeting to order at 6:34 p.m. Present were Mayor Mary Penn,
18 Mayor Pro Tem Shaun Myers and Council Members James Traylor, Robbie Powers,
19 Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony
20 Carson.

21
22
23

II. INVOCATION – COUNCIL MEMBER DAVID JOHNSON

24
25

III. PROCLAMATIONS / PRESENTATIONS

26
27
28

1. Proclamation honoring Pearls by the Lake, An Official Interest Group of Alpha Kappa Alpha Sorority, Inc.®

29 Mayor Penn stated that this Proclamation will be presented at a future date when our
30 meetings are no longer virtual.

31
32
33

IV. APPROVAL OF MINUTES

34
35
36

1. Consider approval of the Minutes of the February 23, 2021, City Council meeting.

37 Mayor Penn asked if Council had any changes to the Minutes. There being no changes,
38 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
39 Minutes of the February 23, 2021, City Council meeting and Council Member Moon
40 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

41
42
43
44

2. Consider approval of the Minutes of the February 26, 2021, Special City Council meeting.

45 Mayor Penn asked if Council had any changes to the Minutes. There being no changes,
46 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the
47 Minutes of the February 26, 2021, City Council meeting and Council Member Powers
48 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
49

50 **3. Consider approval of the Minutes of the March 2, 2021, City**
51 **Council meeting.**

52
53 Mayor Penn asked if Council had any changes to the Minutes. There being no changes,
54 Mayor Penn called for a motion. Council Member Moon made a motion to approve the
55 Minutes of the March 2, 2021, City Council meeting and Council Member Cooper
56 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
57

58 **V. CONSENT AGENDA**

59 The items on the Consent Agenda are considered to be self-explanatory by the Council and will
60 be enacted in one motion. There will be no separate discussion of these items unless requested
61 by a Council Member.
62

- 63 **1. Consider a Resolution authorizing continued participation with**
64 **the Steering Committee of Cities served by Oncor and**
65 **authorizing the payment of 2021 membership dues to fund**
66 **regulatory and related activities related to the Oncor Electric**
67 **Delivery Company, LLC.**
68
69 **2. Consider a Resolution setting a date, time and place for a public**
70 **hearing on the proposed annexation of an approximate 21.073**
71 **acres located on County Road 212, in the Absolom Hyer Survey,**
72 **Abstract 203 owned by Platform 80-20, LP.**
73
74 **3. Consider approval of the Stillwater One Addition Preliminary**
75 **Plat. The property is located south of U.S. Highway 80 and west**
76 **of County Road 212.**
77
78 **4. Consider approval of the Stillwater One Addition Final Plat. The**
79 **property is located south of U.S. Highway 80 and west of County**
80 **Road 212.**
81
82 **5. Consider approval of the Stillwater Site Plan. The property is**
83 **located south of U.S. Highway 80 and west of County Road 212.**
84
85 **6. Consider approval of the HSW Addition Final Plat, located east**
86 **of S. Gateway Boulevard and south of Akron Way.**
87
88 **7. Consider approval of a revised preliminary plat for Overland**
89 **Grove.**
90
91 **8. Consider approval of a final plat for Fox Hollow Phase 2B,**
92 **located west of F.M. 1641 and south of Monitor Boulevard.**
93
94 **9. Consider approval of a preliminary plat for Windmill Farms**
95 **Phase 6B.**
96

97 Mayor Penn asked if Council wanted to pull any of the Consent Agenda items for
98 discussion. No items were pulled, so Mayor Penn called for a motion. Mayor Pro Tem
99 Myers made a motion to approve the entire Consent Agenda and Council Member
100 Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and
101 0 nays.
102

103 VI. DISCUSSION / ACTION ITEMS

104
105 Mayor Penn stated she wanted to take Discussion/Action Item No. 3 out of order.
106

107 3. Update on our warning system.

108
109 City Manager Tony Carson gave a brief update about the system. We currently have
110 sirens on York, Ridge and Church Streets. With the growth on the south side, those
111 sirens can't cover the areas. In the 2 ½ years that he has been here, he has never heard
112 the sirens. The system is currently in a degraded state. By all estimates, the system is
113 10-15 years old. Testing shows that the sirens will test fine sometimes and fail
114 sometimes. In 2020 the PD and IT Departments were looking at ways to repair, replace
115 or consider new technology. Due to Covid, any recommendations for the Capital
116 Improvement Projects were put on hold. In 2 ½ years I have not received any emails
117 pertaining to the system nor was I informed by any Director or Chief that the citizens were
118 put at risk. In 2018 Everbridge was put into effect. During the budget process for 2022
119 IT, PD and Fire will present a CIP project stating cost and solutions for replacement or
120 expanding the sirens to cover the entire City or enhancements to the digital system. We
121 have followed the standard practice for systems that have reached end of life.
122

123 Mayor Penn stated she wanted to discuss and take action now. The number 1 priority is
124 our citizens. Mayor Penn demanded that City Manager Carson resign.
125

126 Mayor Pro Tem Myers stated that we have Everbridge and we need to do this at budget
127 time.
128

129 Council Member Traylor asked if the outdoor system could be repaired. Chief Lunt
130 advised that they got an estimate in early 2020 to replace the siren at the cost of \$25,000.
131 Traylor asked if this is a vital function to notify people outdoors. Chief Lunt stated yes.
132 Council Member Traylor asked how much money we have in surplus. City Manager
133 Carson stated we have \$5 million in surplus. Traylor stated we have enough money to
134 replace the siren.
135

136 Council Member Powers stated that we need to move forward with Everbridge and get
137 our seniors added. We talked about the sirens during the budget process and feels that
138 Council Member Traylor is attacking the Council.
139

140 City Manager Carson stated that he had never been told that there was an emergency or
141 that we put anyone at risk. Chief Lunt stated that they discussed this. He did not put it
142 on paper and send to Mr. Carson. Mr. Carson said he would notify the Council.
143

144 Council Member Powers stated she thinks Mary is wrong in how she is handling this.
145 Mayor Penn stated that someone needs to be held accountable and wants this on a future
146 agenda.

147
148 **1. Overview of the Public Works and Engineering Departments'**
149 **current and future plans.**

150
151 City Engineer Karl Zook gave a presentation on the Engineering Department.

152
153 **The Engineering Team is:**

154
155 City Engineer – Karl Zook, PE
156 Sr Civil Engineer – John Casey, PE, CFM
157 CIP Manager – Candy McQuiston
158 Sr Construction Inspector – Kyran Hayes
159 Construction Inspector – Bryan Hipp
160 Construction Inspector – Jules Corder

161
162 **Mission Statement** – To ensure all new infrastructure is designed and constructed so
163 the City of Forney is able to provide safe & reliable roads, water, storm sewer and
164 sanitary sewer to the citizens it serves.

165
166 **Engineering Responsibilities:**

- 167
168 **1. Enforce Design Standards**
169 **a. Review Development Plans**
170 **b. Construction Inspections**
171 **2. Floodplain Administration**
172 **3. Coordinate with Federal, State and County Transportation**
173 **Departments**
174 **4. Capital Improvement Program**
175 **5. Coordinate with Public Works and Community Development**
176 **6. Development Review Committee Meetings**

177
178 **Civil Projects Plan Review**

179 FY 2020 there were 61
180 FY 2021 there are currently 37 (already over half for the total of last year).

181
182 **Growth Plan**

- 183
184 **1. Enhance Online Development Process**
185 **2. Improve GIS Record Drawing Storage**
186 **3. CIP Software Integration**
187 **4. Finalize Water, Sewer and Roadway Impact Fees**
188 **5. Increase Coordination with County Bond Projects**
189 **6. Staff Development/Training**

190

191 Assistant Public Works Director Kyle Groves gave a presentation on the Public Works
192 Department.

193

194 **All of PW – Current Status**

195

196 1. Established a consistent uniform dress code w/ identifying logo on
197 all hats, shirts, and jackets

198

199 2. Bought PPE and set use of PPE standards

200

201 3. Made vehicle/equipment pre-trip inspection logs and set standards
202 for checking equipment

203

204 4. Implemented vehicle, equipment, and building maintenance
205 standards

206

207 5. Staff Development/Training (minimal due to COVID)

208

209 6. Bought and implemented the use of advanced warning signs for job
210 sites

211

212 7. Winter Storm of 2021

213

214 **All of PW – The Future**

215

216 1. Buy and implement the use of traffic control devices for job sites in
217 accordance with the MUTCD.

218

219 2. Staff Development/Training

220

- Work Zone Safety and Qualified Flagger

221

- Confined Space

222

- Trenching and shoring

223

- CDLs

224

- Various certifications and licenses specific to the different
225 departments (such as water and wastewater licenses)

226

- Cross-training (between departments)

227

228

229 **Street Dept. – Current Status**

230

231 1. Winter Storm of 2021

232

233 2. Started to perform minor stormwater repairs, such as removing
234 sediment from ditches and replacing crushed culverts

235

236 3. Medium size asphalt repairs

237

- Pinson access road right turn lane

- Reeder Rd at intersection with Hwy 80 service road

- 238
239
240
241
242
243
4. Performed striping in the Downtown area
 5. Performed beautification and grounds maintenance work before the establishment of a grounds crew

244 **Street Dept. – The Future**

- 245
246
247
248
249
250
251
252
253
254
255
1. Start performing small concrete repairs in-house
 2. Start a stormwater program that will allow us to address stormwater needs on a regular basis
 3. Continue training and education on signs, markings, and signals
 4. Ultimately making the transition into a true Street Dept. that is able to perform a majority of the small to medium size jobs.

256 **Water Dept. – Current Status**

- 257
258
259
260
261
262
263
264
265
266
267
268
269
270
1. Established annual maintenance procedures for all stations
 - This includes tanks (both ground and elevated), pumps and motors, generators, and the facility in general
 2. Started the process of performing electrical, and pump improvements at PS2
 3. Worked to get back to being TCEQ compliant
 4. Finished the construction of and put into operation:
 - 5MG ground storage tank at PS2
 - South Tower – 750,000 gallon elevated storage tank

271 **Water Dept. – The Future**

- 272
273
274
275
276
277
278
279
280
281
282
283
1. Update SCADA (already in progress)
 2. Finish making improvements to stations
 3. Start a fire hydrant and valve maintenance program
 4. Implement a valve installation program
 5. Continue to make updates and changes to GIS maps as they are currently inaccurate and outdated

284

285

Sewer Dept. – Current Status

286

287

- 1. Established annual maintenance procedures for all stations
 - This includes wet wells and floats, pumps and motors, generators, and the facility in general

288

289

290

291

- 2. Replaced 2 bad pumps at Grayhawk lift station (which will become spares/backups once the new station goes online)

292

293

294

- 3. Finished the construction of and put into operation the Gateway lift station, and continued with the build of the Mustang Creek lift station (new Grayhawk station)

295

296

297

298

- 4. Performed Raven coating of manholes leading into Irish Ridge lift station

299

300

301

- 5. Completed the Trailhouse sanitary sewer project

302

303

Sewer Dept. – The Future

304

305

- 1. Update SCADA (already in progress)

306

307

- 2. Make final improvements to stations (odor control and fall protection)

308

309

310

- 3. Perform various tasks to help with I & I (inflow and infiltration)

311

- Raven coat manholes
- Grout manholes with Quikrete or hydraulic concrete
- Cap open cleanouts
- CIPP (cured-in-place pipe) and open cut rehab

312

313

314

315

316

Council Member Powers asked about the different colored fire hydrants. Groves stated that other water systems have different colors. He is not sure about the difference in the water lines and stated he would get the information to her.

317

318

319

320

Council Member Johnson thanked him for the report. He would like to see 40 people. You need more personnel and equipment. CMOM is mandated by the federal government.

321

322

323

324

2. Overview of the Community Development Department's current and future plans.

325

326

327

Community Development Director Peter Morgan gave a presentation on the Community Development Department. There are three departments that fall under Community Development – Neighborhood Services, Planning, and Building Inspections.

328

329

330

331 **Neighborhood Services**

- 332
- 333 1. Purpose: to ensure life-safety and quality of life through the
- 334 enforcement of City codes and ordinances.
- 335
- 336 2. Primary tasks:
- 337 • High grass and weeds
 - 338 • Junk vehicle
 - 339 • Cleanliness of premises
 - 340 • Bandit signs
- 341
- 342 3. There is 1 staff member.
- 343
- 344 4. Upcoming:
- 345 • Mowing season
 - 346 • Software upgrades
 - 347 • Beautification opportunities
- 348

349 **Planning**

- 350
- 351 1. Purpose: to provide professional advice and technical expertise to
- 352 elected officials, boards and commissions, city departments, and
- 353 citizens to assist in the development and growth of the community.
- 354
- 355 2. Primary tasks:
- 356 • Guide applicants through the development process
 - 357 • Provide technical reviews of development plans
 - 358 • Oversee the development review committee
 - 359 • Communicate with citizens and property owners
- 360
- 361 3. There are 2 staff members.
- 362
- 363 4. Upcoming
- 364 • Zoning Ordinance amendments
 - 365 • Comprehensive Plan update
- 366

367 **Building Inspections**

- 368
- 369 1. Purpose: to ensure life-safety in the built environment through timely,
- 370 ethical, collaborative and transparent processes to achieve
- 371 compliance with all local and State building codes.
- 372
- 373 2. Primary tasks:
- 374 • Review building plans
 - 375 • Issue building permits
 - 376 • Conduct inspections to ensure compliance with safety
- 377 regulations

378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423

3. There are 6 staff members.
4. Upcoming:
 - Software upgrades
 - Digital Plan Review

Council Member Powers stated that it is amazing to hear we are going to have double the number of permits. Council Member Johnson stated he is glad that we don't have to rely on third-party vendors. Mayor Pro Tem Myers thanked Peter for all he does. The video was awesome.

4. **Discuss and consider approval of a preliminary plat for the Bellagio Addition, located southeast of Forney High School and south of F.M. 741, and east of F.M. 741 and Lakemont Drive.**

Community Development Director Peter Morgan discussed this item. Mr. David Schnurbusch, representing the property owner, requests approval of a preliminary plat for 349.09 total acres of land. The purpose of the plat is to establish the lot lines and easements necessary for the development of the Bellagio Planned Development.

Current Standards:

The property is zoned within the Bellagio Planned Development, which was established with City Council zoning approval on January 19, 2021.

Preliminary Plat:

The preliminary plat complies with the planned development requirements. The planned development established five different base zoning tracts for the entire property. For the purposes of this preliminary plat, the zoning development conditions detail the tracts as:

- A. Area A – Single-Family-6 (SF-6) District
 - Minimum lot area: 5,000 sq. ft.
- B. Area B – Single-Family-6 (SF-6) District
 - Minimum lot area: 6,250 sq. ft.
- C. Area C – Single-Family-6 (SF-6) District
 - Minimum lot area: 7,750 sq. ft.
- D. Tract D – Mixed Use (MU) District and Multi-Family (MF-15) District
- E. Area E – Multi-Family (MF-15) District

424 The plat is consistent with meeting the minimum lot sizes required. The plat contains
425 1,113 residential lots, 25 open space lots, and 2 future development lots.
426

427 **Accessibility:**

428 The property provides direct access to F.M. 741 at multiple locations. Connectivity is also
429 provided to adjacent properties.
430

431 **Future Requirements:**

432 If approved, future development of the property will require approval of:
433

- 434 1. Final Plat
- 435 2. Traffic Impact Analysis
- 436 3. Site Plan(s)
- 437 4. Civil Plans
- 438 5. Building Plans (staff approved)
439

440 **Recommendation:**

441 On March 4, 2021, the Planning and Zoning Commission did not take action to approve
442 or disapprove the request. Commissioner Helm and Commissioner Bingham stated
443 opposition to the plat, based on the layout and the lot sizes. The applicant stated that the
444 plat complies with the approved zoning. A motion to deny the plat failed by a 2-2 vote and
445 then a motion to table the request was approved by a 4-0 vote.
446

447 According to Chapter 212 of the Texas Local Government Code a plat is considered
448 approved unless it is disapproved. Following the Planning and Zoning Commission
449 meeting, the applicant notified staff that they will not approve any extension to the required
450 plat consideration timeframe (30 days from the filing date of February 8). As a result, the
451 plat did not have time to go to the next Planning and Zoning Commission meeting and it
452 was required to be placed on the agenda for this City Council meeting.
453

454 Mayor Penn stated that there is no legal reason not to pass this. Mayor Pro Tem Myers
455 asked if the Planning and Zoning Commission had received any training. We need to do
456 this. Mr. Morgan stated that he and City Attorney Jon Thatcher had offered to work with
457 them. Two emails were sent and it was mentioned at the last meeting.
458

459 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
460 preliminary plat and Council Member Cooper seconded the motion. The motion passed
461 unanimously by a vote of 7 ayes and 0 nays.
462

- 463 5. **Discuss and consider approval of a Resolution approving the**
464 **professional services agreement with Del Carmen Consulting**
465 **LLC for consulting services related to racial profiling data and**
466 **reporting.**
467

468 Police Chief Mica Lunt discussed this item. To be fully transparent and thorough the
469 Forney Police Department obtained the services of Dr. Alex del Carmen. Dr. del Carmen
470 is an internationally renowned criminologist, who specializes in racial profiling and racial

471 profiling audits of law enforcement agencies. Dr. del Carmen analyzed Forney Police
472 Department's racial profiling/bias-based policing data for 2020 and provided a complete
473 analysis and report. This agreement is to continue working with Dr. del Carmen in the
474 future. Specifically, if approved, Dr. del Carmen will:

- 475
- 476 1. Complete the annual racial profiling report (due March 1 of each
477 year).
- 478 2. Conduct four quarterly audits (performed remotely to ensure and
479 certify that the racial profiling data is accurate, as required by the
480 Sandra Bland Act).
- 481 3. Conduct a search analysis (compares contraband hit ratio with
482 national statistics), as required by the Sandra Bland Act.
- 483 4. Provide ongoing consulting during the term of the Agreement.
- 484

485 The attached agreement is for the upcoming fiscal year in the amount of \$7,850.00 and
486 is set to renew annually unless notice is provided by either the City of Forney or Del
487 Carmen Consulting. Funds for these services will be requested in the budget processed
488 by the Forney Police Department's Seizure Fund if not approved in the budget. Chief
489 Lunt has not looked at any other vendors, since the State named him the top criminologist.

490
491 Mayor Penn stated that the following person had signed up to speak on this item:

492
493 Nikki Chandler

494 Park Trails Neighborhood agrees with this Agreement and it will be beneficial.

495
496 Mayor Pro Tem Myers wants to make sure that it is as transparent as possible. Mayor
497 Pro Tem Myers stated that he does not want an automatic renewal in the contract. City
498 Attorney Thatcher stated he can make that change.

499
500 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the
501 Resolution with the elimination of the automatic renewal language and Council Member
502 Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and
503 0 nays.

- 504
- 505 6. **Discuss and consider a Resolution approving a Management**
506 **Agreement by and between the Fox Hollow Public Improvement**
507 **District No. 1, initially through the authority of the City Council**
508 **of the City of Forney, Texas, and Neighborhood Management,**
509 **Inc. for the management the public improvement district known**
510 **as the Maintenance PID.**
- 511

512 City Attorney Jon Thatcher discussed this item. The City Council has recently taken
513 action to amend the bylaws of the Maintenance PID of Fox Hollow to clearly identify the
514 fiscal year for the PID and clarify the election process and timing for the Board of Directors
515 of the PID Board.

517 The original bylaws for the Board of Directors of the Fox Hollow Public Improvement
518 District No. 1 (Maintenance PID) was approved by both the original Board of Directors
519 and the City Council for the City of Forney on November 16, 2004. The original Board
520 included the developer's group for the residential subdivision.

521
522 The PID's petition provides that the Board of Directors shall evolve over time and as the
523 subdivision develops, giving more representation to the individual property owners within
524 the District. Currently, there is not an active sitting Board of Directors for the District.

525
526 The Board's membership after 75% development of the subdivision shall consist of 5
527 members, 4 of which are residential home owners within the District, while the 5th
528 member is to be representative of the commercial areas within the District. The new
529 Board of Directors will be selected at the next annual meeting that would be held during
530 the third quarter of the newly defined fiscal year, being April – June 2021.

531
532 Currently, Neighborhood Management has provided management services to the PID to
533 review invoices for the ongoing maintenance of the common areas for the subdivision.
534 Under the proposed agreement, Neighborhood Management will assist the PID in the
535 annual Board meetings and annual election of Board members.

536
537 In accordance with the Board bylaws and enabling authority, the Board has the authority
538 to propose the annual budget and assessment rates to the City Council for approval.
539 Further, they have the authority to approve all expenditures of PID funds in an amount
540 less than \$25,000. All expenditures more than \$25,000 are to be approved by the City
541 Council.

542
543 The management fee is \$8,400 per year, paid in monthly installments through the
544 Maintenance PID funds. The Agreement contains an annual escalator of no more than
545 4% per year. Additionally, for any project in excess of \$5,000, the management company
546 shall be paid 10% of the project costs, not to exceed \$2,000, unless otherwise approve
547 by the Board, to cover the administrative and management labor associated with the
548 individual projects.

549
550 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the
551 Resolution and Council Member Cooper seconded the motion. The motion passed
552 unanimously by a vote of 7 ayes and 0 nays.

553
554 Council took a break at 8:28 p.m. Mayor Penn called the meeting back to order at 8:36
555 p.m.

556
557 **7. Discuss and consider action on the open meeting practices**
558 **for the City Council and the individual boards and**
559 **commissions and the use of masks and social distancing**
560 **practices within City facilities.**

561
562 City Attorney Jon Thatcher discussed this item. The Governor's Executive Order GA-34
563 authorizes a city to require masks, social distancing, and other appropriate pandemic

564 mitigation measures. Expressly stated, a city has the same authority as a private
565 business to require specific mitigation measures, such as requiring the use of a mask.
566

567 Effective, March 10, 2021, the City no longer has the authority to require certain practices
568 such as the authority to require city residents or businesses to adhere to pandemic
569 mitigation measures including business closures, occupancy limits, or mask mandates.
570 It is the decision of the individual businesses or other establishments to decide whether
571 to require employees or its patrons to follow additional hygiene measures, including mask
572 wearing.

573
574 The Governor has continued to suspend certain rules related to the Texas Open Meetings
575 Act. This allows the Boards and Commissions of the City to continue to meet virtually
576 should the City choose to do so.

577
578 Council Member Powers stated she prefers to stay virtual at this time. Not enough people
579 have been vaccinated.

580
581 Council Member Myers dittoed Robbie. Two P&Z members prefer Zoom. We need to
582 think about our Staff.

583
584 Council Member Moon dittoed Robbie and Shaun.

585
586 Council Member Cooper stated that we need to stay on virtual for at a couple of months.

587
588 Council Member Johnson stated he could go either way. If we do open up, EVERYONE
589 has to wear a mask and socially distance. We need to be very restrictive.

590
591 Council Member Traylor stated he agrees with everyone. We need to address people
592 coming to City facilities – believes a mask is ok for City facilities.

593
594 Mayor Penn would like to open up, but it must be restrictive. She stated she called the
595 boards and that they want to open up.

596
597 City Attorney Thatcher stated we can keep this as a rolling agenda item.

598
599 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to stay with Zoom
600 and require masks inside City facilities and Council Member Powers seconded the
601 motion. The motion passed by a vote of 6 ayes and 1 nay [Penn].

602
603 **8. Discuss and consider an appointment to the North Texas**
604 **Municipal Water District Board.**

605
606 City Secretary Dorothy Brooks discussed this item. On March 1st she received a letter
607 from the NTMWD giving their official notification that Darrell Grooms' current term as a
608 NTMWD Board member will expire on May 31, 2021. Ms. Brooks stated she talked to
609 Mr. Carson about the notification and was later asked to put the appointment on this
610 agenda for Council's consideration.

611
612 Council Member Johnson stated we need to be sure we have someone there with the
613 best interest of Forney. We need Grooms and he whole-heartedly supports him.
614

615 Council Member Traylor stated he wanted to personally thank Mr. Grooms for his service.
616 He asked Shannon Lunt to speak about her experience. It was noted the Ms. Lunt is
617 Police Chief Lunt's spouse.
618

619 Mayor Penn wants to offer the opportunity to other people. Mayor Penn called for a
620 motion. Council Member Powers made a motion to reappoint Darrell Grooms to the North
621 Texas Municipal Water District Board and Council Member Moon seconded the motion.
622 The motion passed by a vote of 5 ayes and 2 nays [Traylor and Penn].
623

624 **9. Discuss and consider making appointments to the Bond**
625 **Committee.**
626

627 Council discussed the appointments to the Bond Committee. Council Member Moon
628 made a motion to appoint the following persons to the Bond Committee and Council
629 Member Cooper seconded the motion.
630

631 Michael Rudowski
632 Jimmy Walker
633 Edward (Nate) Dettmer
634 Mario Luna
635 Clayton Haughey
636 JD Ferguson
637 Mandy Hood
638 Brandi Westmoreland
639 Chad Carpenter
640 Leonard J. Fortuna
641

642 The motion passed unanimously by a vote of 7 ayes and 0 nays. Council Member Powers
643 and Council Member Traylor volunteered to serve on the Committee.
644

645 **VII. OPEN FORUM/CITIZEN COMMENTS**

646 This is the public's opportunity to address the City Council on any matter related to the City. In
647 accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss,
648 consider, or take action on matters not listed on the agenda. The City Council will receive citizen
649 comments on non-agenda items, and if necessary, may refer the matter to City staff for research,
650 resolution or referral to Council on a future agenda. As described in the City's Public Meeting
651 Procedures, comments will be limited to three (3) minutes.
652

653 No one signed up to speak during Open Forum.
654

655 **VIII. CITY MANAGER'S REPORT**

656 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
657 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE**
658 **ACTION, INCLUDING THE FOLLOWING:**
659

660 City Manager Carson announced that the Easter Egg Hunt will take place on April 3 from
661 10 a.m. to 1 p.m. It will take place on the Softball Fields at Community Park. C-Life
662 Church is a partner for this event and Dairy Queen has also donated to the event. Zach
663 Smith and Megan Killingsworth have done a good job.
664

665 Finance Director Deborah Woodham stated that with regard to the Ice event, the average
666 increase was less than 600 gallons. Summerhaven had a major event and we wrote off
667 approximately \$11,000. She believes that if we adjust our minimum gallons by 2000, we
668 will be able to give about \$17 back to the citizens. Council was in agreement on taking
669 this action.
670

671 There was a question about the Trailhouse Road light fixtures. Karl Zook stated he would
672 check with Candy.
673

674 Neil Cardwell stated that it would be at least another eight weeks for the light poles at Fox
675 Hollow to be here.
676

677 **IX. COUNCIL COMMENTS**

678 **PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE**
679 **A REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE**
680 **GOVERNING BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF**
681 **COMMUNITY INTEREST INCLUDE:**
682

683 Council Member Johnson had no comments.
684

685 Council Member Cooper stated the meme he posted on Facebook wasn't about the City
686 nor was it political. He posts to be funny or make people think.
687

688 Council Member Moon had no comments.
689

690 Council Member Powers told everyone to stay safe.
691

692 Mayor Pro Tem Myers asked about the Trace Adkins concert. City Manager Carson
693 stated it was rescheduled to July 29, 2021.
694

695 Council Member Traylor had no comments.
696

697 Mayor Penn welcomed the members of the Bond Committee and stated they would be
698 meeting on the 2nd and 4th Tuesdays. Mayor Penn stated that Jesse Wood (a longtime
699 former employee) had passed away and that his funeral is this coming Saturday.
700

701 Mayor Penn announced that Council will now adjourn into Executive Session under
702 Chapter 551, Texas Government Code, Sections 551.071 and 551.074, and ask for a
703 motion. Mayor Pro Tem Myers made a motion to adjourn into Executive Session at 9:32
704 p.m. and Council Member Cooper seconded the motion. The motion passed unanimously
705 by a vote of 7 ayes and 0 nays.
706

707 **X. EXECUTIVE SESSION**

708 PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE,
709 THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO
710 DISCUSS THE FOLLOWING:

- 711
- 712 1. Consult with legal counsel regarding pending or contemplated
713 litigation or a settlement offer and/or matters in which the duty of the
714 attorney to the governmental body under Texas Disciplinary Rules of
715 Professional Conduct of the State Bar of Texas clearly conflicts with
716 Chapter 551 of the Texas Government Code (Tex. Gov't Code
717 Section 551.071):
- 718
- 719 a. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS
720 – Petition of High Point Water Supply Corporation, Talty
721 Special Utility District and Markout Water Supply Corporation
722 Appealing the Decision by the City of Forney Affecting
723 Wholesale Water Rates.
- 724
- 725 b. Formal Grievance Against the City Manager.
- 726
- 727 2. Deliberate the appointment, employment, evaluation, reassignment,
728 duties, discipline, or dismissal of a public officer or employee (Tex.
729 Gov't Code 551.074):
- 730
- 731 a. City Attorney
732 b. City Manager

733

734 **XI. RECONVENE INTO REGULAR SESSION**

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

738

739 Mayor Penn called for a motion to adjourn out of Executive Session at 10:10 p.m. Council
740 Member Johnson made a motion to adjourn out of Executive Session and Council
741 Member Powers seconded the motion. The motion passed unanimously by a vote of 7
742 ayes and 0 nays.

743

744 Mayor Penn asked if there was any action to be taken as a result of Executive Session.
745 Council Member Powers made a motion authorizing the City Attorney to obtain Special
746 Counsel and Mayor Pro Tem Myers seconded the motion. The motion passed
747 unanimously by a vote of 7 ayes and 0 nays.

748

749 With regard to the grievance against the City Manager, Mayor Pro Tem Myers made a
750 motion to accept the findings of the City Attorney and for him to notify the Complainant.
751 Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and
752 1 nay [Penn].

753

754
755 There being no further business to come before the Council, Mayor Penn called for a
756 motion to adjourn the meeting at 10:12 p.m. Mayor Pro Tem Myers made a motion to
757 adjourn and Council Member Moon seconded the motion. The motion passed
758 unanimously by a vote of 7 ayes and 0 nays.
759

760 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
761 **TEXAS, this 6 day of April, 2021.**
762

763
764
765 **ATTEST:** 
766 **Mary Penn, Mayor**

767
768 
769 **Dorothy Brooks, City Secretary**

