Minutes
Forney City Council
Tuesday, May 5, 2020
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 dbrooks@forneytx.gov no later than Tuesday, May 5, 2020, by 3:00 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.

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 Mike Thomas, Robbie Powers, Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony Carson.

II. INVOCATION – COUNCIL MEMBER DAVID JOHNSON

III. APPROVAL OF MINUTES

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

Mayor Penn asked if Council had any changes to the Minutes. Mayor Pro Tem Myers stated that the motion and second for Action Item No. 5 had been left out of the Minutes. Mayor Penn then asked for a motion to approve the Minutes. Council Member Moon made a motion to approve the Minutes with the revision requested and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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 quarterly investment report ending 03/31/20.

2. Consider approval of a revised site plan for the Forney ISD Administration Building, located northwest of the intersection of College Avenue and S Bois D'Arc Street.

3. Consider approval of the acceptance of public improvements for the Villages of Fox Hollow Phase 5B development.

4. Consider approval of the authorization to allow staff to seek bids for the electrical improvements for Pump Station No. 2, and all related issues.
5. Consider approval of two supplement agreements for street lighting service with Oncor.

6. Consider approval to allow staff to seek bids for the drainage improvements for Forney Fire Station No. 2, and all related issues.

Mayor Penn asked if Council wanted to pull any items for discussion. No items were pulled, so Mayor Penn called for motion. Council Member Johnson made a motion to approve the Consent Agenda and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

V. DISCUSSION ONLY ITEMS

1. Discuss and review the effects of the City of Forney Ordinance No. 18-46 regarding the youth curfew on the community.

Police Chief Lunt discussed this item. Since 2018, there have been 8 calls. 2 formal actions were taken; no action was taken on 3 calls; and 2 verbal warnings were issued and the juveniles were released to their parents. At least two of the juveniles were residents of Forney and after review of the cases, most of the juveniles were Forney residents. Council told Chief Lunt to bring this back in 2021 to renew the curfew.

VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Public Hearing on the proposed annexation of approximately 201.764 acres of land (KCAD Property IDs 12976 and 10892) owned by Royse World Land, LP and discussion and possible action on an Ordinance approving the annexation and proposed service plan or agreement.

City Attorney Jon Thatcher discussed this item. The City of Forney received a petition for annexation from Royse World, LP for two large tracts of land on the eastern side of Forney's corporate boundaries. The two tracts are on either side of Helms Trail just south of Highway 80. The two tracts include an approximate 93.14 acres (KCAD Property ID 12976) and 108.624 acres (KCAD Property ID 10892). The property is adjacent to the city limits on the western side of Property ID 12976.

The proposed annexation is pursuant to Subchapter C-3 of Chapter 43 of the Texas Local Government Code. One public hearing is required prior to the consideration of any ordinance approving the annexation.

Public utilities as well as the County and the School District have been provided with notice of the public hearing for the proposed annexation. Additionally, the City has put together an agreement pursuant to Section 43.0672 of the Texas Local Government Code proposing the services and schedule to be provided to the property upon annexation.

Following the public hearing, the City Council may consider action on the proposed ordinance to approve the annexation and formally approve the agreement with Royse World Land, LP on the service plan.

Mayor Penn asked if Council had any technical questions. There were no questions. Mayor Penn opened the public hearing, but no one asked to speak. Mayor Penn closed the public hearing.
There were no Council questions, so Mayor Penn called for a motion. Council Member Powers made a motion to approve the Ordinance and Council Member Cooper seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 20-25**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN OR AGREEMENT.

The motion passed unanimously by a vote of 7 ayes and 0 nays.

**VII. DISCUSSION / ACTION ITEMS**

1. Discuss and Consider a Resolution awarding the proposal for RFP 2020-003 for Outside Plant Optical Fiber Backbone Infrastructure to GTI authorizing the execution of all necessary documents.

IT Director Neil Cardwell discussed this item. This item is to award GTI with the contract for the Outside Fiber plant installation. The project was budgeted for in the FY2020 CIP fund and the response from GTI is within the budgeted amount. This will connect City Hall, Public Works, Community Development, Fire Station 1, Animal Shelter, Community Park Office, Community Parks Maintenance, Spellman Amphitheater, and the Police Department with buried fiber.

Our current network infrastructure is an aging consumer grade wireless system and it lacks the bandwidth and stability for the growing needs of the technology of the City. This is an investment that will last the city decades. Construction can begin quickly after the final agreement is signed by the City Manager, staff expects the project to be complete by the end of August 2020.

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

2. Discuss and consider action related to the Declaration of State of Disaster and Public Health Emergency, and all related issues.

City Manager Carson stated that Staff is seeking direction from the Council on opening Parks and City Hall and other City buildings. After discussion, it was decided to keep everything closed for two more weeks. This item will be on the next agenda for discussion.

**VIII. 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.

Mayor Penn opened the floor to anyone who wished to address the Council. No one requested to speak, so Mayor Penn closed the open forum session.
IX. 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 had no comments.

X. COUNCIL COMMENTS

PURSUANT TO SECTION 551.0415 TEX. GOVT 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 Thomas had no comments.

Mayor Pro Tem Myers had no comments.

Council Member Powers thanked Staff for doing all they do to get information to the citizens.

Council Member Cooper had no comments.

Council Member Johnson thanked Staff for all their work. It is a trying time and our Staff has done an excellent job. Kudos to Tony and Staff.

Council Member Moon thanked Staff, Tony and Chief Lunt for all their work.

Mayor Penn stated that it was one year ago that she was elected Mayor. She wants to thank each member of the Council for all their great contributions, for their service to the community and for making such a great team. The following events have happened this past year and she is looking forward to the next year and the exciting things we have coming up. Again, thank you!

- Expansion of Downtown Events, Brews on Bois D'Arc, New Years Eve Ball Drop that 10,000 people attended downtown.
- Agreement with a Professional Management Company to bring high level entertainment to the Spellman Amphitheater.
- Added a Downtown Music System.
- Updating City facilities.
- Expansion of Parking at Sub Courthouse.
- Beginning Construction of the Gateway Sewer Project that will open up land for development.
- Completed Trailhouse and Reeder Road.
- Renegotiated Gateway Agreement that lowered the interest rate from 12% to 6%.
- Goodyear Distribution Center will be opening soon.
- Amazon Fulfillment Center with a planned opening of October 2020.
Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551 of the Texas Government Code, Section 551.071 and asked for a motion. Council Member Johnson made a motion to adjourn into Executive Session at 7:19 p.m. and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

XI. 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:

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):

1. PUC Docket No. 46662; SOAH Docket No. 473-17-4964.WS – Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing the decision by North Texas Municipal Water District Affecting Wholesale Water Rates.

a. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS – Petition of High Point Water Supply Corporation, Talty Special Utility District and Markout Water Supply Corporation appealing the decision by the City of Forney Affecting Wholesale Water Rates.

b. 2020 Special Events contract terms and conditions

c. 2020 Special Events contract terms and conditions

XII. 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 8:13 p.m. Mayor Penn called for a motion to adjourn out of Executive Session at that time. Council Member Moon made a motion to adjourn out of Executive Session and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Penn asked if there was any action to be taken as a result of Executive Session. There being no action to be taken, Mayor Penn called for a motion to adjourn the meeting at 8:13 p.m. Mayor Pro Tem Myers made a motion to adjourn at and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Passed and approved by the City Council of the City of Forney, Texas, this 19 day of May, 2020.

ATTÉST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary