Minutes  
Forney City Council  
Tuesday, June 2, 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, June 2, 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 6:35 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 – MAYOR PRO TEM SHAUN MYERS

Cheri Akers of Community Life Church gave the invocation.

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the May 19, 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. Mayor Pro Tem Myers made a motion to approve the Minutes of the May 19, 2020 City Council meeting and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Thomas].

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 a Resolution awarding a contract to Tex-Pro Construction, LLC for the Sidewalk Improvements Project, and all related issues.

2. Consider a Resolution awarding a contract to Estrada Concrete Company, LLC, for the Streets Improvements Project and all related issues.

3. Consider authorization to advertise a request for qualifications (RFQ) to update the Roadway Impact Fee Study.

4. Consider approval of the acceptance of public improvements for the
Meadow Ridge Farm Sanitary Sewer Phase IV project

5. Consider approval of advertising a Request for Qualifications (RFQ) for the City Storage Buildings project.

The following persons requested to speak about items on the Consent Agenda:

Cameron Adkins – Mr. Adkins requested that the Council reconsider spending any funds for Consent Agenda Items 1, 2, and 5, due to the unemployment caused by the Covid-19 pandemic.

James Watts – Mr. Watts is against the expenditure of funds regarding Consent Agenda Items 1, 2, and 5. He stated we need to be conservative, we should not raise property taxes.

David Watts – Mr. Watts is against the expenditure of funds regarding Consent Agenda Items 1, 2 and 5. He considers it an extensive amount of purchasing.

Mayor Penn asked if Council wanted to pull an item for discussion. Council Member Johnson asked why the bid by Estrada Concrete Company for the street improvement project was so much lower than the other bids. He does not want to get into a situation where we start having a lot of change orders. City Engineer Karl Zook stated that they did research on Estrada and they will be watched. They are a reputable company. It was noted that if we do not do the projects now, that it will cost more in the future. City Manager Carson advised that our revenues are exceeding our expectations.

Mayor Pro Tem Myers made a motion to approve the entire Consent Agenda and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing on an Ordinance and discuss and consider and any necessary action amending Ordinance 08-1290 to approve the Second Amended and Restated Project Plan and Reinvestment Zone Financing Plan and the addition of an approximate 240 acres to the TIRZ.

City Attorney Jon Thatcher discussed the background of this item. The City Council acted to approve the First Amended and Restated Project Plan and Reinvestment Zone Finance Plan on September 3, 2019, which updated the TIRZ structure, amending the TIRZ boundaries, extending the term for an additional 3 years, and include Reeder Road as a reimbursable project.

The Second Amended and Restated Project Plan and Reinvestment Zone Financing Plan is proposed to provide the following amendments to the TIRZ:

- The TIRZ Boundaries will be enlarged to include an additional approximate 240 acres of land
- owned by the developers on the eastern side of the TIRZ south of Highway 80 near Helms Trail.
- This property was recently annexed by the City upon the petition of the property owners.
- Akron Way will be added as an eligible project cost;
Other Notes:

- The County is not included in the participation of the Zone expansion;
- The City's participation rate in the Zone will remain at 85% of its tax rate.
- No change to the duration of the Zone.

Mayor Penn opened the public hearing, but no one requested to speak to the Council. Mayor Penn closed the open forum. There being no Council discussion, Mayor Penn called for a motion. Council Member Moon made a motion to approve the Ordinance and Council Member Cooper seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 20-26

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE 08-1290 BY WHICH THE CITY CREATED REINVESTMENT ZONE NUMBER ONE, CITY OF FORNEY TO EXPAND THE BOUNDARIES OF THE ZONE, AND APPROVING THE SECOND AMENDED AND RESTATED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN; PROVIDING FOR A SAVINGS, SEVERABILITY AND REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

VI. DISCUSSION / ACTION ITEMS

1. Discuss and consider a Resolution approving the Second Amendment to Owner Reimbursement Agreement between Meadow Ridge Farm, LP, the City of Forney and Reinvestment Zone Number One, City of Forney.

City Attorney Thatcher discussed this item. The Owner Reimbursement Agreement and its amendments between the City, Reinvestment Zone Number One and Meadow Ridge Farms LP (approved on December 17, 2010) is proposed to be amended as follows:

- The TIRZ Boundaries will be enlarged to include additional land (approximately 240 acres) owned by the developers east of the TIRZ, generally located south of Highway 80 at Helms Trail.
- Akron Way will be added as an eligible project cost

The City's participation rate in the zone will remain at 85% of its tax rate. The County will not participate in the funding of the new area.

On May 18, 2020, the TIRZ Board approved the Second Amendment to the Agreement unanimously.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Resolution and Council Member Moon 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 Tony Carson stated that staff is seeking direction from the Council as to whether or not to go forward with the July 4th event.

Mr. David Watts requested to speak on this item. Mr. Watts is disappointed that the Council meetings are not open to the public. He wants it done by the next meeting on 6/16. He would like to see the July 4th event go forward.

Council Member Mike Thomas made a motion directing Staff to proceed with the planning for the July 4th event. Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to the splash pad, Council was advised that it is not working at this time. Additionally, at this time the Governor has not opened up splash pads, there is only a percentage of people allowed at a time and social distancing is required. Council decided to wait to open the splash pad and discuss it at the next council meeting.

VII. 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 those persons who had requested to speak at this time.

James Watts – Mr. Watts stated they should revisit what they put on the Consent Agenda. Council should be willing to provide answers without prompting. The City Council meetings should be reopened because it is too hard for some citizens to call in.

David Watts – Mr. Watts stated the Consent Agenda is not really consent or self-explanatory – large amounts of money were spent. The issue is whether to spend now. You should not. Be careful. Think more critically.

Cameron Adkins – Stated he is an IT professional at the Dallas Museum of Art. He seconds the things said by the others and yes, we need to open the meetings back up.

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

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:

City Manager Carson stated we are up 9% over the same time the State was showing a decrease. Mr. Carson welcomed Chief Derek Briggs, our new Fire Chief. He started on Monday.
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:

Council Member Mike Thomas stated that he appreciates the comments. He does not take this lightly. He researches stuff and does his homework and knows that most of the Council does the same thing. The public can educate themselves. The agenda is posted on Fridays and has all the backup information for the individual items. He appreciates the citizens and knows things are tough. We will open the meetings back up to the public in July. He is looking forward to the next 10 years — good economics.

Mayor Pro Tem Myers stated “Ditto” to Council Member Thomas’ statements. He stated he trusts that they all do their homework. We don’t just show up and say yes or no. He thanked the citizens for their concerns and comments. He welcomed Chief Briggs. He thanked staff – Deborah for her input – staff does a great job. He thanked Chief Lunt, Jon Thatcher and Tony Carson for their work.

Council Member Powers stated she is praying for our community, but also nationally. She thanked Chief Lunt for his post regarding the murder of Mr. Floyd. She thanked Staff, our citizens and stated she is excited about July 4th. She is going to be off that day and is really excited about being able to attend the event.

Council Member Moon thanked Mike and Shaun for saying it all correctly. He thanked the gentlemen who spoke tonight and told them to feel free to call him. He welcomed our new Fire Chief. He is looking forward to July 4th.

Council Member Cooper said he echoes everyone. It has been a long spring. He also welcomed Chief Briggs.

Council Member Johnson stated he also echoes everyone’s statements. Last month he would have recognized 48 years in public service. He is looking forward to talking to Chief Briggs.

Mayor Penn stated she appreciates the citizens. She welcomed Chief Briggs and is looking forward to the July 4th celebration. She is praying for our country and for family of George Floyd. On Thursday she is having a prayer for peace at the Amphitheater at 7:30 p.m. and welcomed everyone to attend. She expressed peace, love and hope for all. She stated that T. J. Hamm died in a tragic accident and asked for prayers for his family. She also asked for prayers for her mother.

Mayor Penn read the following: “Earlier this evening I signed a Declaration of Local Disaster, pursuant to the authority in Section 418.018 of the Texas Government Code, to address the issues facing our country related to the death of George Perry Floyd in Minneapolis. I understand and acknowledge the desire of many individuals, including citizens of the City of Forney to participate in peaceful demonstrations. To ensure the safe of those who seek to participate in these demonstrations and the residents and businesses in the City, I am initiating a nighttime curfew for the downtown commercial areas of the City to begin on Friday, Jun 5, 2020 at 7:00 p.m. Copies of the Declaration will be provided to those within the affected area as well as on the City’s website. Such decisions are not made lightly, but with the safety of the public in mind. Thank you.”
Mayor Penn announced that Council would now adjourn into Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.074 and 551.087 and asked for a motion. Council Member Johnson made a motion to adjourn into Executive Session at 7:50 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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):
   c. Markout W.S.C.
   d. Spellman Theater Management Agreement.

2. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
   a. Water Meter Technician

3. Discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City’s corporate limits and with which the City is conducting economic development negotiations; or deliberate the offer of a financial or other incentive to a business prospect.
   a. Project CP
   b. Project Trailhouse Park
   c. Project Victory
   d. Project Hummingbird
XI. 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 9:47 p.m. Mayor Penn asked for a motion to adjourn out of Executive Session at that time. Council Member Johnson made a motion to adjourn out of Executive Session and Council Member Powers 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. Council Member Moon made a motion stating: "I move to authorize and direct the City Manager and our City Attorney to negotiate definitive agreements, including a settlement agreement and an amendment to our current Amendatory Contract with the North Texas Municipal Water District, to be presented to this Council at a later date for the final approval, as discussed in Closed Session.” Mayor Pro Tem Myers 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 16th day of June, 2020.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary

City of Forney, Texas