Minutes
Forney City Council
Tuesday, June 4, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER DAVID JOHNSON

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation by the Forney Independent School District

Dr. Terry, Superintendent of the Forney Independent Schools, presented T-Shirts and Forney Family signs to the Council in appreciation of their support and partnership.

2. Presentation by Community Waste Disposal – 2018 Annual Review

Nicole Roemer, CWD Municipal Coordinator, gave a power point presentation on their 2018 Annual Report highlighting the services they provide to the City. She introduced their new service, which is not part of the current contract with the City -- it is Cart Wash. The cost is $21/First Cart; $9/Each Cart thereafter. Citizens must sign up for this service at CartWash.com and they will be billed separately.

IV. OPEN FORUM/CITIZEN COMMENTS

This is the public’s opportunity to address the City Council on any matter related to the City. However, 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 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 tonight’s agenda. The following persons came forward to address the Council:

Linda Gamble
313 Pinewood Trail
Forney, Texas 75126

Ms. Gamble asked if the City would be holding another green event. She has a lot of shredding that needs to be done and is sure there are other things in the City that need it. She would also like trash pick up two times a week with a once a week recycling. She also stated that she had trees cut to the specified length and they were not removed by CWD.

John Daniels
630 Cedar Street
Forney, Texas 75126

Stated that he had a positive meeting with City Staff and thanked them for meeting with him.
V. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the May 14, 2019, Special City Council Meeting.

2. Consider approval of the Minutes from the May 21, 2019 City Council Meeting.

Mayor Penn asked if Council had any changes to either set of minutes. There being no changes, Mayor Penn called for a motion. Council Member Moon made a motion to approve the May 14, 2019 minutes and the May 21, 2019 minutes and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

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.


2. Consider a resolution authorizing the 60-day notice of termination of the services agreement with Brinson Benefits; authorizing the City Manager to execute an agreement with HUB International to provide employee benefit advisory/patient advocate services.

3. Consider approval of a resolution designating signatories to access a City of Forney safe deposit box located at American National Bank.

4. Consider approval of a resolution to change signature cards for the American National Bank account.

5. Consider approval of the acceptance of public improvements for Holiday Inn Express.

Mayor Penn asked if Council wished to pull any items from the Consent Agenda. Council Member Powers stated she would like to pull Consent Agenda Item No. 4. Mayor Penn asked for a motion to approve the remaining Consent Agenda Items No. 1, 2, 3 and 5. Council Member Moon made a motion to approve Consent Agenda Items No. 1, 2, 3, and 5 and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

Council Member Powers asked Finance Director Deborah Woodham why the American National Bank signature card was being changed. Ms. Woodham stated that it was because of the election, we need to remove Rick Wilson and add Mary Penn to the signature card.

There being no further discussion, Mayor Penn called for a motion. Council Member Powers made a motion to approve Consent Agenda Item No. 3 and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absence.
VII. DISCUSSION / ACTION ITEMS

1. Vision 2025 -- Goals and Initiatives

City Manager Carson stated that the EDC has been working with Eric Davis Engineers for a schematic for Downtown to Chestnut Street. This will be ready by our next council meeting. He will also have the building assessment information for them by the next meeting. Council Member Moon stated he would like to hold the council retreat in November.

2. Discuss and consider a Resolution approving an Interlocal Agreement with Kaufman County for Downtown Public Parking adjacent to the Kaufman County Sub Courthouse located at 200 E. Main Street in Forney, Texas.

City Attorney Jon Thatcher discussed the background of this item. Property located at the corner of Main Street and Center Street adjacent to the Sub Courthouse and owned by Kaufman County is being proposed as a location for additional public downtown parking. The County is willing to offer the City a lease for an initial term of 4 years with optional annual renewals at no cost except for the initial cost of materials to level and improve the lot to be used for public parking. The County will perform the work to lay asphalt in accordance with design engineering standards. The City Council recently approved following a recommendation from the Planning and Zoning Commission to allow an exception to current City standards requiring concrete paving for parking. There are no monetary obligations. The EDC has given money for this project, as well as other departments.

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 by a vote of 6 ayes and 1 vacancy.

3. Discuss and consider an Ordinance amending Chapter 1 and 4 of the City of Forney Code of Ordinances regarding the sale and consumption of alcoholic beverages on certain defined park facilities and other areas within the City of Forney for special events purposes.

City Manager Carson discussed the background of this item. As part of the Vision 2025, the City Council has given direction to staff to look into ways to expand the use of the Spellman Amphitheater for concerts and various events as well as bring more special events to the downtown area. One option for consideration is to allow the sale and consumption of alcoholic beverages at the Spellman Amphitheater and downtown for special events purposes. The proposed ordinance adds an exception to the general prohibition of alcoholic beverages at park facilities to allow for it when it is in conjunction with an approved special event. The City’s Special Events Policies and Procedures will be updated to reflect these changes if approved by the City Council. It is anticipated that any Special Event seeking approval of an event where alcoholic beverages will be sold will receive final approval by the City Manager’s Office. The ordinance also grants authority to the City Manager’s Office to grant variances without the need of public notice or a public hearing to the location restrictions within the City’s Code of Ordinances for the sale and consumption of alcoholic beverages for special events within 300 feet of a church, school or hospital, day care facility of child care facility, for the downtown area of the City.

Mayor Penn called for a motion. Council Member Thomas made a motion to approve the Ordinance and Mayor Pro Tem Myers seconded the motion. The Ordinance caption was read as follows:
CITY OF FORNEY, TEXAS

ORDINANCE NO. 19-24

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS," AND CHAPTER 4, "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, THROUGH THE AMENDMENT OF VARIOUS SECTIONS OF EACH SUCH CHAPTER AS IDENTIFIED MORE PARTICULARLY HEREBELOW REGARDING THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CERTAIN DEFINED PARK FACILITIES AND OTHER AREAS WITHIN THE CITY OF FORNEY FOR SPECIAL EVENTS PURPOSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDNANCE; 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 6 ayes and 1 vacancy.

4. Discuss and consider cancelling the July 2, 2019, regularly scheduled meeting of the City Council.

City Manager Carson discussed the background of this item. Carson stated that it had been brought to his attention that in past years, the City Council meeting falling during the first week of July has been cancelled to allow Council and Staff to spend the 4th of July with family and friends. This year the first meeting of the month falls on July 2, 2019.

The next regularly scheduled meeting is July 16, 2019. Only holding one meeting in July will be sufficient to handle city business.

Mayor Penn called for a motion. Council Member Johnson made a motion to cancel the July 2, 2019, regular meeting of the City Council and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

VIII. CITY MANAGER’S REPORT

City Manager Carson had several items to discuss.

1. From 6:00 p.m. to 8:00 p.m. on June 20 the City of Forney, in partnership with Texas A&M AgriLife Research Extension Office, will offer a FREE gardening class taught by one of the most well-known horticulturists in our area. Topics include soil preparation, garden design and layouts, disease and insect identification, as well as the proper planting times for getting the most production out of your favorite vegetables in the challenging climate of North Texas. More information can be found on our website.

2. Movies and Music in the Park return this week. On Thursday, Nick in the Groove will perform and the movie on Friday night is Christopher Robin.

3. The Forney Arts Council will hold a Wine Walk on Saturday from 6 to 9 p.m. The cost is $25. For more information you can go to their website at www.forneyarts.org.

4. Mr. Carson thanked Richard Curry for being the acting City Manager during his time out for eye surgery.

Council Member Johnson thanked Mr. Carson for getting Good Earth to take care of business. However, they had not set up any traffic control devices and did not wear any protective gear.
– they stepped directly into the lane of traffic without looking. There were no cones, no signage, nothing.

Council Member Myers asked if we were still struggling to get them to do their job. Carson stated yes, we are.

Mayor Penn stated she wanted to have two committees formed. 1. Forney Future and 2 Hall of Honor – for Forney Pioneers.

City Manager Carson suggested getting a small group of citizens to work with Staff and then bring the info back to Council as a whole.

IX. COUNCIL COMMENTS

Council Member Thomas stated that the BBQ Cook-off and the Lee Concert were outstanding. He stated Parks did an awesome job.

Mayor Pro Tem Myers stated he echoed Mr. Thomas. He judged beans, dessert and brisket. He thanked Staff for their work. He thanked City Manager Carson for coming in after his procedure – that is going above and beyond.

Council Member Powers stated she was glad the BBQ Cook-off went off well. She thanked everyone for their well wishes for her grandmother. She wished Tony a speedy recovery. The lights were out last week and she thanked Tony for getting it taken care of.

Council Member Moon stated if you haven’t gone to Music and Movies in the Park, you need to go. It is a good time. He thanked Staff and First Responders for their hard work.

Council Member Johnson thanked Staff, Police, Fire and Parks for putting on the BBQ Cook-off. He regrets that he was unable to attend. He stated he was glad Tony made it in tonight, but he would have loved to have seen Richard Curry in a full suit. He thanked everyone for coming out.

Mayor Penn asked that everyone keep the Blake Edwards family in their prayers. He was murdered last Monday. She told Tony she was glad to see that the surgery went well and hopes he has a speedy recovery. She stated she missed the BBQ Cook-off, but was able to go to the Lee Concert and she thanked Richard Curry for getting her backstage.

Mayor Penn stated that Council would now go into Executive Session under Chapter 551 of the Texas Government Code, Sections 551.071 and 551.087 and asked for a motion. Council Member Powers made a motion to adjourn into Executive Session at 7:25 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.
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. Reinvestment Zone Number One, City of Forney

2. Discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code Section 551.087):
   a. Project Hans Solo
   b. Project Downtown
   c. Project Rodeo
   d. Project area Kroger South
   e. Project area FM 741 and FM 548
   f. Project area SE Hwy 80 and FM 548
   g. ICSC

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 8:29 p.m. Mayor Penn asked for a motion to adjourn out of the Executive Session at that time. Mayor Pro Tem Myers made a motion to adjourn out of Executive Session and Council Member Thomas seconded the motion. The motion passed by a vote of 6 ayes and 1 vacancy.

There being no further business to come before the Council, Mayor Penn called for a motion to adjourn. Council Member Thomas made a motion to adjourn at 8:29 p.m. and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 18 day of June, 2019.

Mary Penn, Mayor

ATTEST:
Dorothy Brooks, City Secretary