Minutes
Forney City Council
Tuesday, June 18, 2019
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 6:35 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 / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER MIKE THOMAS

IV. PROCLAMATIONS / PRESENTATIONS
1. Presentation by The King’s Fort Chapter, Daughters of the American Revolution
In honor of Flag Day, the King’s Fort Chapter, Daughters of the American Revolution presented the Council with a flag that had been flown over the United States Capitol.

2. Presentation of the Fire Department Life Saving Award
Fire Chief Townsend made the presentation of the Life Saving Award to the “C” Shift Crew for their heroic efforts in saving the life of Keith Brock who had suffered a massive heart attack. The “C” Shift Crew included Brian Leathers, Christian Keith, Dusty Polk, Josh McCreary and Damian Miller.

3. Presentation of Forney BBQ Cook-off & Festival Donations
Special Events Coordinator, Alexa Beasley, presented checks to the Food Pantry and Sharing the Love Foundation, from the funds raised at the 4th Annual Forney BBQ Cook-Off and Festival.

V. 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.

Ms. Margaret Ervie
1007 E. Buffalo
Forney, Texas 75126
Ms. Ervie stated that the area around her property desperately needs cleaned up. She has spoken to Michelle Hodge about this problem.
VI. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the June 4, 2019, City Council meeting.

Mayor Penn asked if Council had any changes to the June 4 Minutes. There being no changes, Mayor Penn called for a motion. Council Member Thomas made a motion to approve the June 4, 2019, City Council Minutes and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Cooper].

2. Consider approval of the Minutes from the June 11, 2019 Special City Council meeting.

Mayor Penn asked if Council had any changes to the June 11 Minutes. There being no changes, Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the June 11, 2019, City Council Minutes and Council Member Thomas seconded the motion. The motion passed by a vote of 5 ayes and 2 abstain [Johnson and Cooper].

VII. 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 a preliminary plat for Caliber Collision, located northeast of the intersection of Broad Street and Regal Drive.

2. Consider approval of a final plat for Caliber Collision, located northeast of the intersection of Broad Street and Regal Drive.

3. Consider approval of a site plan for Caliber Collision, located northeast of the intersection of Broad Street and Regal Drive.

4. Consider approval of a preliminary plat for the Forney Mustang Creek Lift Station, consisting of 2 acres of land out of the Martha Music Survey, Abstract No. 312.

5. Consider approval of a final plat for the Forney Mustang Creek Lift Station, consisting of 2 acres of land out of the Martha Music Survey, Abstract No. 312.

6. Consider approval of a site plan for the Forney Mustang Creek Lift Station.

Mayor Penn asked if Council wished to pull any item from the Consent Agenda for separate discussion. Council Member Thomas asked for a quick clarification on Consent Agenda Item 2. It was clarified that they are only buying 2 acres. Mayor Penn called for a motion. Council Member Moon made a motion to approve the entire Consent Agenda and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
VIII. DISCUSSION / ACTION ITEMS

1. Vision 2025 -- Goals and Initiatives

City Manager Carson stated that pursuant to the November strategic meeting, he is providing the updated Facility Improvement Recommendations.

EDC Director Warren Ketteman made a presentation of the Downtown Expansion Project which runs down Main Street from Bois D'Arc to Chestnut Street. This is a City and personal joint venture. Ermine Acosta and Dan Whalen, Architech, from Eric Davis prepared the presentation.

2. Discuss and consider approval of an Ordinance amending the Code of Ordinances by amending the Master Fee Schedule. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. The Texas Legislature recently enacted House Bill 852 regulating the way building permit fees are charged by cities in Texas. The Bill became law immediately upon its passage and signature by the Governor in May 2019. Cities are no longer allowed to use a valuation-based calculation for residential permit fees. In an attempt to reach quick compliance, staff is presenting a revenue-neutral fee change ordinance. An upcoming study by the University of Texas at Dallas is underway and is anticipated to conclude in late July. The study will assist the City in setting fees for the next fiscal year.

Based on internal calculations, time use assumptions, house sizes, building volumes, and other factors, we are recommending a budget-neutral permit fee rate of $0.95 per square foot for new residential construction and $0.75 per square foot for residential construction additions or alterations. This will replace our progressive rate schedule that charges fees based on home values. Staff recommends approval.

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

ORDINANCE NO. 19-25

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, AS AMENDED, BY AMENDING APPENDIX “A,” ENTITLED “MASTER FEE SCHEDULE,” AS ADOPTED IN THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TO REMOVE CONSIDERATION OF VALUE OF RESIDENTIAL DWELLING AND TO REMOVE CONSIDERATION OF COST OF CONSTRUCTION OR IMPROVING OF RESIDENTIAL DWELLING RELATED TO BUILDING PERMIT AND INSPECTION FEES; ADOPTING BUILDING PERMIT FEES BASED ON SQUARE FOOTAGE OF THE STRUCTURE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION.

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

3. Discuss and consider request for street closures on October 5, 2019 and December 31, 2019 for Downtown Events.

City Council Minutes – June 18, 2019
Page 3
City Manager Carson discussed this item. Staff is requesting street closures for an Octoberfest type event on October 5, 2019 and a New Year’s Eve Ball drop event on December 31, 2019.

Preliminary times for closures are:

- Octoberfest October 5, 2019 10 am – 10 pm
- New Year’s Eve Ball Drop December 31, 2019 5 pm – 1 am

Carson stated he is seeking approval of these events by the Council so that we can go forward with the planning of said events.

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

4. **Discuss and consider board and commission appointments: Animal Adoption Center/Shelter Advisory Committee; Board of Adjustment; Building Standards Commission Board; Economic Development Corporation; Historic Overlay District Architectural Review Board; Library Board; Park and Recreation Board; and the Planning and Zoning Commission; and all related issues.**

After a short Council discussion, the following actions were taken for each board or commission.

**Animal Adoption/Shelter Advisory Committee – Terms ending 06-30-2021**

Council Powers made a motion to reappoint Dr. Lucy Nix as Member 1 and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Powers made a motion to reappoint Mindee Allen as Member 3 and Tina Carter as Member 7 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

**Board of Adjustment – Terms ending 06-30-2021**

Council Member Johnson made a motion to appoint Brian Reese as Member 4, Rick Henrichs and Member 5 and Tiffany Fuqua as Alternate Member 4. Mayor Pro Tem Myers seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

**Building Standards Commission – Terms ending 06-30-2021**

Council Member Powers made a motion to appoint Joe Ferguson as Member 1 and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Powers made a motion to appoint Mark Houston as Member 3 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Thomas made a motion to appoint Randol Klein as Member 5 and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
Economic Development Corporation – Terms ending 06-30-2021
Council Member Powers made a motion to appoint Fred Alexander as Member 2 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Thomas made a motion to table the appointment of anyone to Member 4 at this time and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Myers made a motion to appoint Amanda Lewis as Member 5 and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Johnson made a motion to appoint Scott Burrus as Member 7 and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Historic Overlay District / Architectural Review Board -- Terms ending 06-30-2021
Council Member Powers made a motion to appoint Brian Gladney as Member 1 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Thomas made a motion to appoint Kendall Milton as Member 2, Richard Hansen as Member 3 and Sandy Blair as Alternate Member 2 and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Ellen Brooks West Memorial Library of Forney -- Terms ending 06-30-2021
Council Member Powers made a motion to appoint Kim Boyd to the Place 2 City position and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Parks and Recreation Board -- Terms ending 06-30-2021
Council Member Johnson made a motion to appoint Diana Lawrence as Member 1 and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Cooper made a motion to appoint Clint McNear as Member 3 and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Myers made a motion to appoint Mario Luna as Member 5 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Powers made a motion to appoint Toby Daniels as Member 7 and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Council Member Thomas made a motion to appoint Edward Dettmer as Member 4, with a term ending June 30, 2020, and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
Planning and Zoning Commission -- Terms ending 06-30-2021
Council Member Thomas made a motion to appoint Cecil Chambers as Member 2 and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Myers made a motion to appoint Casey Bingham as Member 5 and Council Member Moon seconded the motion. The motion passed by a vote of 5 ayes and 2 nays [Johnson and Powers].

Council Member Thomas made a motion to appoint Anthony Shimkus as Member 7 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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 stated that TxDOT will be holding public hearings on the proposed road improvements. They are on 6-27-19 in Mesquite and 7-11-19 at Forney Life Church.

The Independence Day celebration will be on Saturday, June 29, 2019, at Community Park.

There will be a ground breaking ceremony on June 28, 2018, for Trailhouse Road.

Carson stated that he drove around with Michelle Hodge (our Code Enforcement Officer) and there has been an increase in Code enforcement. 16 junk vehicles have been removed; violations were written on Buffalo (19), Pine (2) and Aimee (9).

Council Member Johnson thanked Carson for his conversation with Good Earth. They were working on 741/548 recently and had cones and had a vehicle set up to block traffic.

Mayor Pro Tem Myers asked about the light at Gateway/548. Candy McQuiston stated that the right turn lane will need to be completed first, then the signal will be installed.

Mayor Penn stated that she has asked that a Forney Future Committee be formed and a Forney Hall of Fame Committee be formed. There needs to be council members on them.

X. 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 Thomas welcomed Mr. Cooper.

Mayor Pro Tem Myers welcomed Mr. Cooper. He thanked everyone for coming out tonight and he thanked Staff for all that they do.

Council Member Powers welcomed Mr. Cooper. She congratulated the people appointed to the various boards and commissions tonight. She congratulated the Fire Department Crew for their award and she thanked the Police Department for nominating them.
Council Member Moon welcomed Mr. Cooper.

Council Member Cooper thanked everyone for the appointment and stated his looking forward to being on the team.

Council Member Johnson welcomed Mr. Cooper and told him to be in shorts for the roadway groundbreaking. He stated he was looking forward to working with him. He thanked Staff for all that they do.

Mayor Penn welcomed Mr. Cooper. She asked that everyone keep Chad Jones Family in their prayers. He had a heart attack. She thanked the Fire Department and Police Department for all their help when the lightning struck her house. She thanked all her friends and the Council for their help and support during this difficult time.

Mayor Penn stated that Council would now adjourn into Executive Session under Sections 551.071 and 551.074, Chapter 551 of the Texas Government Code, and asked for a motion. Mayor Pro Tem Myers made a motion to adjourn into Executive Session at 7:51 p.m. and Council Member Johnson 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:**

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. Pump Station 2, Crescent Contractors

   d. Compromise Settlement and Release Agreement between City of Forney and South Forney, LLC for Sanitary Sewer Improvements.
2. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code 551.074):
   a. Police Chief

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 9:02 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 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 Thomas made a motion to approve a Compromise Settlement and Release Agreement Between the City of Forney and South Forney, LLC for Sanitary Sewer Improvements and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, Mayor Penn called for a motion to adjourn. Mayor Pro Tem Myers made a motion to adjourn 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 16th day of July, 2019.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary