Minutes
Forney City Council
Tuesday, July 21, 2020
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 6:31 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 AND PLEDGE OF ALLEGIANCE – MAYOR MARY PENN

Pastor Marty Reid gave the invocation and Mayor Penn led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation of a Proclamation to Connie Claxton.

Mayor Penn read and presented a Proclamation to Connie Claxton for her 50 years with Whataburger.

2. Presentation of a Certificate of Recognition to Jerry Henry and Lowe’s.

Mayor Penn read and presented a Certificate of Recognition to Jerry Henry for the donation of face masks to our Police and Fire Departments and for handing out face masks at the July 4th event.

3. Presentation of a Proclamation to Elphaney Dewberry.

Mayor Penn read a Proclamation for Elphaney Dewberry who turned 100 on June 17, 2020. Her nephew, Errol Haynes, and her niece, Deborah Haynes, accepted the proclamation on her behalf.

4. Presentation of a Proclamation for Parks and Recreation Month.

Mayor Penn read and presented a Proclamation for Parks and Recreation Month to Kyle Rouvaldt, David Hokett, Gilberto Ramos, Josh Finch, Randy Kennedy and Rob Riggs of our City Parks Department.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the June 16, 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. Council Member Johnson made a motion to approve the Minutes of the June 16, 2020, City Council meeting and Council Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Thomas].
2. Consider approval of the Minutes of the June 18, 2020, Special 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 June 18, 2020, Special City Council meeting and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Thomas].

3. Consider approval of the Minutes of the July 1, 2020, Special Emergency City Council meeting.

Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor Penn called for a motion. Council Member Powers made a motion to approve the Minutes of the July 1, 2020, Special Emergency City Council meeting and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

V. 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 Supplement to the Agreement for Street Lighting Service regarding Eagle Ridge Phase 4 103 Lots ZG.

2. Consider approval of authorizing a contract for Professional Services to Gallagher Construction.

3. Consider approval of a revised preliminary plat for Overland Grove.

4. Consider approval of the acceptance of public improvements for the Preserve at Gateway development.

5. Consider authorization to advertise a request for qualifications (RFQ) to perform services to complete America's Water Infrastructure Act: Risk Assessments and Emergency Response Plans and all related issues.

6. Consider approval of a final plat for Travis Ranch South, a residential subdivision located west of F.M. 460 and north of U.S. Highway 80 in the City of Forney extra-territorial jurisdiction.

7. Consider approval of a final plat for Travis Ranch, Phase 1H, a residential subdivision located west of F.M. 740 and north of Lake Ray Hubbard Drive in the City of Forney extra-territorial jurisdiction.

8. Consider approval for the project acceptance from the construction of the 5 Million Gallon Ground Storage Reservoir Pump Station No. 2 Project.

9. Consider all matters incident and related to providing for the redemption of certain outstanding bonds of the City, including the adoption of a resolution pertaining thereto.
Mayor Penn made the following announcement:

IF THERE IS ANYONE IN THE AUDIENCE WHO WANTS TO MAKE A COMMENT ON ANY ITEM ON THE CONSENT AGENDA, PLEASE RAISE YOUR HAND. EACH PERSON WILL BE ASKED TO COME FORWARD INDIVIDUALLY. PLEASE GIVE YOUR NAME AND ADDRESS BEFORE YOU MAKE YOUR COMMENTS.

No one came forward to address the Council. Mayor Penn asked Council if anyone wished to pull and item for discussion. Mayor Pro Tem Myers asked to pull Consent Agenda Items 4, 7 and 9. Mayor Penn called for a motion to approve the remaining Consent Agenda Items 1, 2, 3, 5, 6 and 8. Council Member Moon made a motion to approve Consent Agenda Items 1, 2, 3, 5, 6, and 8 and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Regarding Consent Agenda Item No. 4, Mayor Pro Tem Myers asked if all the improvements were okay. City Engineer Karl Zook stated that they are.

Regarding Consent Agenda Item No. 7, Mayor Pro Tem Myers asked for clarification on there being no parkland dedication for this item. Community Development Director Peter Morgan explained why it was not required.

Regarding Consent Agenda Item No. 9, Mayor Pro Tem Myers asked Finance Director Deborah Woodham to discuss this item. Ms. Woodham stated that our agreement with TxDOT for the Pass-Through Toll projects guarantees a minimum annual payment of $2,009,570. The agreement also provides that the payment may be increased, based on traffic counts, up to a maximum of $4,019,140 annually. Any amount received over the minimum is considered to be an accelerated payment.

When the bonds were sold in 2008, the City anticipated that the annual payments would have an accelerated portion. The bonds were structured so that some of the bonds would be eligible for early redemption and allow the City to pay off this obligation in a shorter time frame thus recognizing considerable interest savings.

In September 2012, City Council passed a resolution to commit the accelerated portion of the passthrough payment from TxDOT for early retirement of debt related to the road projects. This year the City again received the maximum amount of $4,019,140, and will be able to use $2,005,000 for early bond redemption, saving $616,312 in interest. The resolution is required in order to satisfy all requirements for the early redemption of $2,005,000.

Mayor Pro Tem Myers made a motion to approve Consent Agenda Items No. 4, 7 and 9 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit for a farmers market to operate on the property located at 210 E. Broad Street. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. Mr. William Gray requests approval of a Conditional Use Permit for a farmers market to operate at 210 E. Broad Street. The property is zoned within the General Retail District and was previously used for a farmers market (The Arts Council/Downtown Business Association still maintain the approval to continue
their market). Mr. Gray has 37 years of experience with the Dallas Farmers Market. As a Forney resident, Mr. Gray would like to offer fresh produce locally.

The applicant stated to staff that he requests to operate Friday – Sunday, 8 a.m. to 6:00 p.m. The site plan shows parking adjacent to Cedar Street. Staff notified the applicant that the parking spaces will need to be designated. Restroom access would be provided by the adjacent businesses that front on Broad Street. Mr. Gray is requesting to operate as the sole vendor. If the business does well Mr. Gray would be open to expanding the market. The location proposed by Mr. Gray would not interfere with another market on the opposite side of the property.

Staff provided public hearing notification to property owners within 200 feet of the request. Notification was also provided in the newspaper. Ms. Kendall Milton spoke in favor of the request at the Planning and Zoning Commission meeting. Ms. Milton also stated that the Arts Council/Downtown Business Association market may return in the future.

On July 2, 2020, the Planning and Zoning Commission voted 7-0 to recommend approval.

No one from the public came forward to address the Council. 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. 20-28**

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM GENERAL RETAIL DISTRICT (GR) USES TO GENERAL RETAIL DISTRICT (GR) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR FARMERS MARKET, TO OPERATE AS A PRIMARY USE AT 210 E. BROAD STREET, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY’S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

2. **Hold a public hearing and discuss and consider approval of an Ordinance rezoning 53.94 acres from Light Industrial district to a mixed use Planned Development district with multi-family, office and general retail uses.** The property is located east of North F.M. 548, south of Don T. Cates Drive and is identified by the Kaufman County Appraisal District as property id’s 7769 and 7770. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. Mr. Bhadresh Trivedi requests approval of a rezoning for 53.94 acres of property located east of North F.M. 548 and south of Don T. Cates Boulevard. The AMC movie theatre is located to the south of the property. The Steve Silver furniture warehouse is located to the north. The purpose of the rezoning is to establish a planned development district with multi-family, townhome and mixed use standards.

**Current Standards:**

The 53.94-acre property is currently vacant and undeveloped. The property is zoned within the Light Industrial District, but the zoning application proposes to rezone the property to a Planned Development.
Rezoning Request:
The requested zoning intends to replace the existing Light Industrial zoning with a planned development that would incorporate a base zoning district of Mixed Use. The planned development proposes two phases of multi-family, with 520 units on 30 acres of land. 40 townhome units are also proposed. In addition, office and retail areas are located adjacent to North F.M. 548. The approved uses are generally consistent with the Zoning Ordinance approved uses for the pertinent districts. The concept plan shows the following sections:

1. Office 1 (North): 2.7 acres, 23,000 square feet
2. Office 2 (Central): 8.7 acres, 88,000 square feet
3. Retail Area (North Central): 4.3 acres, 25,000 sq. ft. retail, 7,500 sq. ft. restaurant
4. Retail Area (West): 4.4 acres, 27,600 sq. ft. retail, 6,400 sq. ft. restaurant

The development standards propose the following phasing:

a. Phase 1: 40,000 square feet of retail/office must be constructed and receive a Certificate of Occupancy.
b. Phase 2: 320 multi-family units may be constructed following the completion of Phase 1.
c. Phase 3: An additional 80,000 square feet of retail/office must be constructed and receive a Certificate of Occupancy prior to the release of Phase 4. The total required retail/office following Phase 3 is 120,000 square feet. A minimum of 50,000 square feet must be retail/commercial.
d. Phase 4: 200 additional multi-family units and 40 townhome units may be constructed.
e. Phase 5: Any additional office/retail.

The development includes the eastern extension of Ridgecrest Road and has two connections to N. F.M. 548. A traffic impact study has not been submitted for this project. This needs to be completed and approved prior to any development of the property.

Notification of the zoning request was published in the Forney Messenger Newspaper and was mailed to adjacent property owners in accordance with zoning requirements. Staff has not received any public response.

Comprehensive Plan:
The Future Land Use Map, provided within the 2016 Comprehensive Plan, identifies the property as being split between townhome/multi-family residential and having no designation. These classifications are provided to assist with zoning consideration but are not legally binding.

Zoning Ordinance Considerations:
The City of Forney Comprehensive Zoning Ordinance provides the following factors for the City Council to consider in making a zoning determination:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole
2. Whether the proposed change is in accord with any existing or proposed plans for providing public school, streets, water supply, sanitary sewers, and other utilities to the area;
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and

6. Any other factors which will substantially affect the public health, safety, morals or general welfare.

**Recommendation:**

The Zoning Ordinance states that consideration should be made for the rate at which land is being developed in the same zoning classification. Forney has had recent multi-family growth occur with the Emerson development and the Gateway development. Additional multi-family is zoned in the Wellington Ridge development.

On July 2, 2020, the Planning and Zoning Commission voted 7-0 to recommend denial. The Commission was concerned with zoning additional multi-family at that location. Following the Planning and Zoning Commission meeting, the applicant revised the request from 720 multi-family units to 520 multi-family units and 40 townhome units. Ultimate approval of any zoning request which was recommended for denial by the Planning and Zoning Commission will require a three-fourths (3/4) majority vote of the full City Council.

John Kendall, representing the Developer, spoke to the Council regarding the changes made since appearing before the Planning and Zoning Commission. They added townhomes to the development and they will be very high quality and will be purchased, not leased. The Developer, Mr. Bhadresh Trivedi, came forward and advised that the townhomes would be constructed in Phase 4 of the project. The Developer is also planning to give an easement to the City that will provide additional ways for traffic to access the highway. He will cover the cost of the easement. They will be going to Steve Silver to see if he would like to participate in the cost of the easement. The easement will allow Steve Silver drivers to more easily access the highway.

After lengthy Council discussion, Council Member Thomas made a motion to deny the request without prejudice so that they can take the issue back to the Planning and Zoning Commission. Council Member Johnson seconded the motion. The motion to deny without prejudice was approved unanimously by a vote of 7 ayes and 0 nays.

3. **Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit for an All-Terrain Vehicle Dealer/Sales to operate at 10500 E. U.S. Highway 80.** [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. DFW Golf Cart Warehouse, requests approval of a Conditional Use Permit. The purpose of the request is to allow for the distribution and sales of personal electric vehicles as an approved use at 10500 E. U.S. Highway 80.
Current Standards:
The property is currently zoned within the Commercial zoning district. 10500 E. U.S. Highway 80 consists of a 10,000 square foot structure located on a 50.06-acre lot. The previous use was a clothing, and furniture store. Parking is legal non-conforming shared parking with adjacent businesses.

Proposed Use:
As stated in the application letter, DFW Golf Cart Warehouse was established in 2015 in Forney. The business is currently located at 10512 E. U.S. Highway 80 and the applicant is requesting to expand to the adjacent building at 10500 E. U.S. Highway 80. The existing building would remain in operation as a showroom.

The applicant requests to operate under the zoning classification of All Terrain Vehicle Dealer/Sales. Staff does consider the classification to be compatible with the proposed use.

Accessibility:
The property has direct access to the U.S. Highway 80 service road.

Notification:
Notification was provided in the newspaper and to property owners within two-hundred feet (200') of the property. As of this writing, staff has received no public comment regarding this request.

Future Requirements:
If the request is approved, only a Certificate of Occupancy (staff inspection) will be required for the business to operate.

Recommendation:
On July 2, 2020, the Planning and Zoning Commission voted 7-0 to recommend approval.

There were no public comments on this item. Mayor Penn called for a motion. Council Member Cooper made a motion to approve the Ordinance and Council Member Moon seconded the motion.

The Ordinance caption was read as follows:

ORDINANCE NO. 20-30

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM COMMERCIAL DISTRICT (C) USES TO COMMERCIAL DISTRICT (C) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR ALL TERRAIN VEHICLE DEALER/SALES TO OPERATE ON PROPERTY IDENTIFIED AS 10500 E. U.S. HIGHWAY 80, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN ACCORDANCE WITH THE CITY’S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

VII. DISCUSSION / ACTION ITEMS

1. Discussion and presentation on the launch of the City of Forney E-Library.
IT Director Neil Cardwell discussed how the E-Library will work and showed a video detailing the instructions for signing up for a “library card.” The Council directed Staff to go ahead with this project.

2. Discuss and consider approval of an Interlocal Agreement with the City of Allen for Technology Mutual Aide.

IT Director Neil Cardwell discussed the background of this item. The Interlocal Agreement provides for aid from member if a catastrophe should strike Forney. The initial members are the City of Allen, University Park and the City of Forney. Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Interlocal Agreement and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

3. Discuss and consider a purchase not to exceed $20,000 with HockeyShot, a retailer of specialty hockey training equipment for multi-sport tiles.

Parks Director Kyle Rouvaldt discussed the background of this item and showed a short video. Rouvaldt stated that in late June, staff met with Neil Conway, the owner of Cleveland Dek Hockey. After several days of discussions with Mr. Conway, and learning more about the sport and operational aspects, staff felt confident that Dek Hockey would be successful in Forney. It was decided that the tennis courts at Mulberry Park would provide a perfect location for the project, since the site already provides much of what is needed in the terms of security fencing, lights, surface and shade structures. The courts themselves are rarely used since the tennis courts at Community Park were built many years ago.

This item is for the purchase of the necessary flooring from HockeyShot. The flooring will be about 100’ x 50’ and will support Dek Hockey and any further sports projects we would like to pursue in the future. The cost for the flooring will not exceed $20,000 and staff recommends approval.

Mayor Penn called for a motion. Council Member Thomas made a motion to approve the purchase and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

4. Discuss and consider a purchase not to exceed $30,000 with Sport Resource Group, for a sports containment system.

Parks Director Rouvaldt stated that this is for the purchase of the necessary boarding from Sport Resource Group. The boarding will be the same dimensions as the flooring and will also be able to support Dek Hockey, along with any other future sporting endeavors the City proposes. The cost for the flooring will not exceed $30,000 and staff recommends. Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the purchase and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

5. Discuss and consider authorizing the City Manager to issue a Request for Proposals for Solid Waste and Recycling Services.

Community Development Director Peter Morgan discussed the background of this item. On March 1, 2016, the City of Forney entered into a 5-year agreement with Community Waste Disposal for solid waste and recycling services. That agreement concludes on February 28, 2021. Staff requests authorization to issue a Request for Proposals for Solid Waste and Recycling Services to provide those services following the conclusion of the current agreement.
Mayor Penn called for a motion. Council Member Johnson made a motion authorizing the City Manager to issue the RFP and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

6. **Discuss and consider an Ordinance amending Chapter 8, Article 8.09, "Smoking in Public Places," of the City of Forney Code of Ordinances to amend the places where smoking is and is not prohibited in relation to the City's public parks.**

City Attorney Jon Thatcher discussed the background of this item. City staff has been in the process of reviewing the City's No Smoking Ordinances, specifically how they relate to the City's public parks. Currently, the City's ordinances prohibit smoking at all public parks, except for its parking lots and sidewalks.

The proposed Ordinance amends Section 8.09 of the Code of Ordinances, to extend the prohibition on smoking in public parks to include the sidewalks and parking lot areas, only allowing smoking within an enclosed motor vehicle. The definition of smoking was amended earlier this year to include vaping and other similar devices. Staff recommends approval of the Ordinance.

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:

**ORDINANCE NO. 20-29**

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 8, ARTICLE 8.09, "SMOKING IN PUBLIC PLACES," OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING PERTINENT SECTIONS OF THE ARTICLE PROHIBITING SMOKING IN PUBLIC PARKS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

7. **Discuss and consider any necessary action on the City's solicitation ordinances, and all related issues.**

City Attorney Jon Thatcher discussed the background of this item. This item has been requested to be placed on the agenda for discussion by the City Council to review the current status of the City's ordinances related to solicitation and peddlers. Thatcher advised that we can only regulate solicitation if it is not regulated by the State, for example people selling security systems and real estate agents. Council made some suggestions as to the length of time of the permit and the fees and the hours of operation. It was noted that solicitors must have a permit with them and show it if asked. Thatcher will research the issue and bring an ordinance back to the Council for their approval.

**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 came forward, 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:

This being Parks and Recreation Month, City Manager Carson stated he wanted to acknowledge and congratulate Kyle Rouvaldt. He has been at Parks 8 months and has accomplished a lot:

- He has entered into agreements with the different associations and has brought in revenue;
- We have held several tournaments in the last couple of months, which brought in approximately $10,000. These tournaments help our local businesses;
- He has help to form a City run Volley Ball Team and he is bringing Dek Hockey to Forney.

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 stated he is glad to be back in person. August 2021 will be epic.

Mayor Pro Tem Myers stated he is glad to be back in person, too. He is thankful for every Kyle is doing; Zach is doing great; Peter did good to get the changes to the proposed development in Public Hearing #2. He extended thanks to Staff and stated he is excited about the E-Library, too.

Council Member Powers stated she echoes Council Member Thomas and Mayor Pro Tem Myers. She thanked Kyle. She stated her daughter recently had to have neurosurgery to remove a tumor on her brain stem and she is doing well. She extended her condolences to Fred Alexander on the passing of his father.

Council Member Moon thanked Kyle. To Neil and Shaun, he said hats off the for the Library. He thanked Chief Lunt for all he does – he has a hard job.

Council Member Cooper said it was bittersweet to be back. Sweet to be here but bitter to have to put on long pants! He thanked Kyle and Neil for what they have done.

Council Member Johnson stated he appreciates what staff is doing. Good job—Kyle. He told Kyle he should consider bringing in Australian Rules Football – it would be great for Mr. Thomas.

Mayor Penn asked that everyone keep the Alexander Family in their prayers. Also keep the Runnels Family in your prayers, they have a family member in the hospital with Covid. She thanked Deborah, Jon and Karl and told Tony that we have a good team.

Mayor Penn announced that Council would now go into Executive Session under Chapter 551, Texas Government Code, Sections 551.071 and 551.087 and asked for a motion. Council Member Moon
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. Markout W.S.C.

2. 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 Pinball
   b. Project Trailhouse Park
   c. Project Victory
   d. Project Hummingbird
   e. Project Echols

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 9:42 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 Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
There being no further action to come before the Council, Mayor Penn called for a motion to adjourn the meeting. Council Member Powers 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 4th day of August, 2020.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary

City of Forney
Texas