Minutes
Forney City Council
Tuesday, August 4, 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 6:30 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 – COUNCIL MEMBER KEVIN MOON

Pastor Marty Reid gave the invocation and Council Member Moon led the Pledge of Allegiance.

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the July 21, 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 and Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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 then asked if Council wanted to discuss the Consent Agenda Item.

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 Lewis Concrete Restoration Corporation for the Manhole Rehabilitation Project, and all related issues.

Council Member Johnson inquired about the large disparity in the cost between the bidders. City Engineer Karl Zook stated that they had checked all references and that the company had very good references. They take time with their work and have a good product.

Mayor Penn called for a motion. Council Member Johnson 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.
V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing and discuss and consider approval of a replat for the Clements Park Addition, located northwest of the intersection of F.M. 740 and Clements Drive in the City of Forney extra-territorial jurisdiction.

Community Development Director Peter Morgan discussed the background of this request. JPH Land Surveying, representing the property owner, requests approval of the replat for Clements Park Addition. The purpose of the replat is to establish the lots and easements required for the development of a gas station in the City of Forney extra-territorial jurisdiction (ETJ).

Current Standards:
The 9.928 acres-acre property is currently vacant and undeveloped. The property is located outside Forney city limits but inside Forney ETJ. The Subdivision Ordinance is the regulatory document for the property. The original replat (Pecan Grove Estates) was recorded in 1961.

Replat:
The replat consists of two (5) lots on 9.928 acres of property. A TxDOT driveway permit is required prior to site development. If TxDOT requires the driveway location to be changed then a future plat revision may be required. The Planning and Zoning Commission considered the request on July 2, 2020. At that time staff recommended denial of the plat due to concern over compliance with the City of Forney Thoroughfare Plan. The plat did not make any provisions for the realignment of F.M. 460 and F.M 740, into a continuous curve to the northwest and a realigned T intersection as shown on the Thoroughfare Plan. The Planning and Zoning Commission agreed with staff and voted unanimously to recommend denial of the plat.

Following the Planning and Zoning Commission, the applicant agreed to revise the plat to show the Thoroughfare Plan's potential future alignment. This is shown for informational purposes and is not a dedication, reservation, donation, or encumbrance of the land.

Staff recommends approval of the revised replat.

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward. Mayor Penn then closed the public hearing. Mayor Penn called for a motion. Council Member Powers made a motion to approve public hearing number one and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VI. DISCUSSION / ACTION ITEMS


Finance Director Deborah Woodham stated that the City Charter requires that the City Council hold a public hearing and receive public comments on the proposed budget prior to adoption. The proposed date for the public hearing is August 18, 2020. Mayor Penn called for a motion to approve the proposed date. Council Member Powers made a motion to approve the proposed date and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Finance Director Deborah Woodham stated that Staff recommends holding the public hearings for the FY 2020-2021 tax rate on August 18, 2020 and September 1, 2020. Texas Local Government Code requires the City to hold two public hearings when proposing a rate that will exceed the effective tax rate. The City is proposing a tax rate that will exceed the effective rate by approximately 2%. This will announce the first public hearing and allow the public an opportunity to speak prior to adoption of a rate. Staff is proposing a rate of $.56000.

Mayor Penn called for a motion. Council Member Moon made a motion to approve the hearing dates and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

3. Presentation of the proposed FY 2020-2021 Budget.

Deborah Woodham presented the proposed FY 2020-2021 Budget.

4. 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. After discussion, Mayor Pro Tem Myers made a motion to include that the permit hours be from 9:00 a.m. until 30 minutes before sunset and that the permit be for three months and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

5. 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; Park and Recreation Board; and the Planning and Zoning Commission.

At the June 18, 2020, Council did not fill the positions whose terms ended June 30, 2020, for the Building Standards Commission or the HOZ Architectural Review Board. Appointments need to be made to make sure that we have quorums for when the boards meet.

Building Standards Commission – their term of office ends on 6-30-22

Regular Members:
Sandra Carrasco -- reappointed
Jayme Hernandez -- reappointed

Alternate Members:
Rickey Newsome -- reappointed
Terry Jo Pyper -- reappointed
Alternate #4 – Roberto Castaneda
(Term ends 6-30-21)

Mr. Castaneda was appointed to fill the Alternate position that had never been filled before.

HOZ/ARB – their term of office ends on 6-30-22
Christie Conaway -- reappointed
Richard Cunningham -- reappointed
Byron (Andy) Parker was moved to the Member 2 position with a term ending 6-30-21
Norman Habib was appointed to fill the Alternate Member #1 position with a term ending 6-30-2022

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 anyone in the audience who wanted to address the Council. No one came forward, so 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 announced that a pipe burst at the Splash Pad, but it should be fixed and up and running tomorrow.

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 Johnson thanked Staff for their hard work on the budget. We have outstanding Staff and he appreciates what they do. He welcomed Fire Chief Briggs and Assistant Public Works Director Kyle Groves.

Council Member Cooper had no comments.

Council Member Moon stated he echoed Council Member Johnson's statements and thanked Staff for their hard work.

Council Member Powers thanked Staff for their hard work and welcomed Fire Chief Briggs and Assistant Public Works Director Kyle Groves. She asked that everyone please keep the Alexander Family in their prayers.

Mayor Pro Temp Myers thanked Staff for their hard work. He thanked Neil and Zach for their work on the Library. He welcomed Fire Chief Briggs and Assistant Public Works Director Kyle Groves.

Council Member Thomas thanked Staff for their hard work. He stated that the Library site is cool!!

Mayor Penn thanked Staff for their hard work on the budget. She welcomed Fire Chief Briggs and Assistant Public Works Director Kyle Groves. She asked that everyone please keep the Alexander and Stewart families in their prayers.
Mayor Penn announced that Council would now adjourn into Executive Session under Chapter 551, Texas Government Code, Sections 551.071 and 551.074 and call for a motion. Council Member Johnson made a motion to adjourn into Executive Session at 7:21 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. Facility Entertainment Management Agreement for Spellman Amphitheater

2. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Tex. Gov't Code 551.074):
   a. Municipal Court Judge

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 8:23 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.

Council Member Moon made a motion to appoint Ms. Lingerfelter as an Associate Municipal Court Judge for the unexpired term until September 30, 2020, and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
Council Member Johnson made a motion to authorize staff to execute an amendment to the Facility Entertainment Management Agreement for the Spellman Amphitheater and Council Member Thomas seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

XII. ADJOURNMENT

There being no further business to come before the Council, Mayor Penn called for a motion to adjourn the meeting. Mayor Pro Tem Myers made a motion to adjourn the meeting at 8:25 p.m. and Council Member Moon 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 18th day of August, 2020.

ATTEST:  

Mary Penn, Mayor  

Dorothy Brooks, City Secretary