AGENDA
FORNEY CITY COUNCIL
Tuesday, August 6, 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 6:34 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members Mike Thomas, Kevin Moon, Derald Cooper and David Johnson. Council Member Robbie Powers was absent. Also present was City Manager Tony Carson.

II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER ROBBIE POWERS

Mayor Penn asked for a moment of silence in honor of the victims of the El Paso and Dayton shootings. She then gave the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

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.

Mayoral Penn opened the floor to anyone in the audience who wished to address the Council. No one came forward, so Mayor Penn closed the open forum session.

V. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the July 9, 2019, 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 Moon made a motion to approve the Minutes from the July 9, 2019, City Council meeting and Council Member Cooper seconded the motion. The Motion passed by a vote of 6 ayes and 1 absent [Powers].

2. Consider approval of the Minutes from the July 16, 2019, 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 from the July 16, 2019, City Council meeting and Council Member Thomas seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

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.]
1. Consider approval of the quarterly investment report ending 6/30/19.

2. Consider approval of a Resolution setting the date, time and place for public hearings on a proposed Strategic Partnership Agreement between the City of Forney and Kaufman County Fresh Water Supply District No. 6 and the voluntary annexation for limited purposes of collecting sales tax on a tract of land consisting of 34.263 acres, situated in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, KCAD Property ID No. 9714.

3. Consider a Resolution approving an Interlocal Agreement between the City of Forney and North Central Texas Emergency Communications District (NCT9-1-1) for the provision of 9-1-1 services.

Mayor Penn asked if Council wished to pull an item for discussion. No items were pulled, so Mayor Penn called for a motion. Council Member Moon made a motion to approve the entire Consent Agenda and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

VII. DISCUSSION / ACTION ITEMS

1. Vision 2025 -- Goals and Initiatives

City Manager Carson stated he had nothing to report.

2. Discuss and consider approval of the 2019 Certified Tax Roll.

Finance Director Deborah Woodham discussed the background of this item and gave a brief presentation on the proposed 2019-2029 budget. There will be a tax rate decrease of $0.04. Mayor Penn called for a motion to consider approval of the 2019 Certified Tax Roll. Council Member Thomas made a motion to approve the 2019 Certified Tax Roll and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].


Finance Director Woodham discussed the background of this item. Mayor Penn announced that there will be a public hearing on August 20, 2019 for the fiscal year 2019-2020 proposed budget.


Finance Director Woodham discussed the background of this item. Mayor Penn announced that there will be public hearings on August 20, 2019 and on September 3, 2019, for the fiscal year 2019-2020 proposed tax rate.

5. Discuss and consider an early starting time for the October 1, 2019, City Council meeting so Council Members can participate in National Night Out events.
City Manager Carson discussed the background of this item. Mayor Penn called for a motion. Council Member Thomas made a motion to start the October 1, 2019, City Council meeting at 5:30 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

6. Discuss, consider and give staff direction regarding a review of the City of Forney Charter and appointment of a Charter Review Commission pursuant to Section 11.15, City of Forney Charter.

City Attorney Jon Thatcher discussed the background of this item. The City of Forney Charter is subject for review at the direction of the City Council or upon the proper petition of the citizens of Forney. The City’s charter was approved in 1997. It has not been amended since its inception.

Sections 11.14 and 11.15 of the City’s Code of Ordinance and Chapter 9 of the Texas Local Government Code regulate the process for amending the City’s Charter. Section 11.14 states, “Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas as presently enacted or hereafter amended.”

Pursuant to Section 11.15 of the Charter, the City Council may appoint a Charter Commission of ten members at any time to study the current City Charter and recommend changes, if any. Commission members shall not have been appointed more than six months.

Individual Council Members have expressed interest in conducting a Charter review. This agenda item allows for discussion and seeks Council direction regarding appointments to the 2019 Charter Commission. Staff seeks direction including, but not limited to the following:

- The number, if any, of Council Members that will be appointed to the Commission
- Soliciting citizen applications to serve on the Commission
- Citizen applicant interviews

Below is a proposed schedule of events related to the Charter Review:

September 3, 2019 – The Council will consider a Resolution appointing members to the Charter Review Commission and issuing the Commission’s charge.

January 21, 2020 – The Charter Review Commission will present the Council with a summary of recommended Charter Amendments, for review and discussion. The Council will determine which items, if any, to place before the voters in the May 2020 election. Once the items are determined, ballot language will be prepared.

February 4, 2020 – The City Council will consider ordering the Charter Amendment Election to be held in May 2020 and approve ballot language.

Council determined that it would like to have three Council Members serving on the Commission and that each Council Member would appoint one person to the Commission, for a total of 10 members.

7. Discuss and consider approval of an Ordinance amending the FY 2018-19 Budget to transfer $60,000 from the Utility CIP Fund balance
Finance Director Deborah Woodham discussed the background of this item. Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Ordinance and Mayor Pro Tem Myers seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 19-30**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 18-38, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY TRANSFERRING $60,000 FROM THE UTILITY CIP FUND BALANCE TO CONSTRUCT A PUBLIC WORKS GARAGE, PROJECT #189; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Powers].

8. **Discuss and consider approval of an Ordinance amending the FY 2018-19 Budget to transfer $1,070,392 from the Utility CIP Fund balance to establish Project #185 for clay tile pipe lining.** [Read Ordinance Caption]

Finance Director Woodham discussed the background of this item. Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Ordinance and Council Member Johnson seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 19-31**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 18-38, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY TRANSFERRING $1,070,392 FROM THE UTILITY CIP FUND BALANCE FOR CLAY TILE PIPE LINING, PROJECT #185; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent.

9. **Discuss and consider approval of the authorization to allow staff to seek bids for the maintenance of the existing clay tile sanitary sewer lines, and all related issues.**

Public Works Director Rick Sailler discussed the background of this item. This work is part of the normal maintenance and repair program for city-owned sewer lines. Approximately 10,000 feet of Sanitary Sewer pipelines will be lined using Cured-in-Place Pipe technology, effectively installing new PVC pipe inside of the existing Vitrified Clay Pipe (VCP). Service laterals will be lined if needed and feasible. The CIPP has a service life of 50-60 years, similar to newly installed PVC pipe. The capacity of the host pipe is only reduced negligibly, having no adverse effects on the performance ability of the existing pipe.

The proposed project area is within the Old Forney district, generally north of Broad Street and south of US-80; a section in Downtown area along Bois d'Arc, and one street in Pinson Estates.
The work to be performed includes cleaning and closed-circuit televised (CCTV) inspections prior and post-installation. There is a possibility that some point repairs may be needed at various locations; therefore, we intend to set aside $100,000 for this work from the estimated Project Cost of $1,070,392.

This maintenance will aid in the requirements for the CMOM (Capacity, Management, Operations, and Maintenance) program by reducing inflow and infiltration into the sewer line.

This project is currently approved in the FY 2019 Public Works budget for $1,070,392. After discussion with City Staff and the City Engineer, it was decided that due to the scope of work being purposed to the existing clay tile pipe that this project should be moved from the operating budget into the capital improvement program budget.

Staff is recommending that this project and is requesting approval to advertise for bids for the project.

Mayor Penn called for a motion. Council Member Johnson made a motion to allow staff to seek bids and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

10. Discuss and consider approval of Bid Advertisement for Alcohol Beverage Services at Special Events.

Special Events Coordinator Alex Beasley discussed the background of this item. At the request of the City Manager, staff is requesting the approval of bid advertisement for alcohol beverage services at Special Events.

The City is seeking proposals from firms with proven experience and expertise, per the stipulations outlined in the RFP, for alcohol beverage sales at the following events:

- Independence Day Celebration 2020
- Summer Music in the Park Series 2020 – estimated 6 concerts
- Spellman Amphitheater Ticket Concerts 2020 – estimated 3 concerts
- Additional events as scheduled by the city, upon mutual consent

Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to go out for bids and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

VIII. CITY MANAGER’S REPORT

In partnership with the Kaufman County Master Gardeners Association, the City of Forney will be hosting a rainwater harvesting class, where participants can build their own rain barrel on August 22 at 6:30 p.m. at City Hall. In this hands-on session, participants will have the opportunity to see a rain barrel constructed, then construct one of their own. The cost to attend the class is $50, which covers the instructions and materials. Those interested MUST pre-register.

The City is looking for people to sign up to have a Candy Station at the Trail of Treats event scheduled for October 26, 2019. Mayor Penn stated she would like for there to be a booth for the Council to hand out candy.
Mr. Carson thanked the Public Works Department for all the hard work they have done downtown. Downtown is looking good.

Mr. Carson also thanked EDC Director Warren Ketteman for the Sno Cones for Staff.

Council Member Johnson stated that Market Place Boulevard @ Krogers needs to be restriped. Public Works Director Rick Sailler stated that he would check this out.

IX. COUNCIL COMMENTS

Council Member Thomas expressed his condolences to Council Member Powers and her family. He told Staff that they did a good job and thanked the public for coming out tonight.

Mayor Pro Tem Myers "Dittoed" Council Member Thomas' statements. He thanked the FISD for inviting him to the Lunch and Convocation today.

Council Member Moon said his prayers are with Robbie. He thanked Staff and stated he appreciated their hard work.

Council Member Cooper thanked the IT staff for their help and asked for prayers for Council Member Powers' family.

Council Member Johnson stated that his thoughts and prayers are with Robbie and her family. He thanked staff for their hard work and stated that they did a good job on the budget.

Mayor Penn stated she is excited about the budget and the 4¢ decrease. She is very appreciative of how they streamlined the budget. Please keep Robbie in your prayers. The milkshake event was a success and fun. She like the camaraderie. There were about 200 people who showed up for it. Please be careful and watch for the kids returning to school. She asked that everyone please keep El Paso and Dayton in their prayers. She thanked the public for coming out.

Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551 of the Texas Government Code, Sections 551.071 and 551.072 and asked for a motion. Council Member Thomas made a motion to adjourn into Executive Session at 7:42 p.m. and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

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. PUC Docket No. 46662; SOAH Docket No. 473-17-4964.WS – Petition of the Cities of Garland, Mesquite, Plano and Richardson

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Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates.


c. Interlocal Agreement for Facilities Use Between the City of Forney and the Forney ISD.

d. Emergency Services District No. 6.

2. Deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code Section 551.072):

a. Interlocal Agreement for Facilities Use Between the City of Forney and the Forney ISD.

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 8:46 p.m. Mayor Penn called 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 Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

There was no action to be taken as a result of Executive Session. Mayor Penn called for a motion to adjourn. Mayor Pro Tem Myers made a motion to adjourn at 8:47 p.m. and Council Member Thomas seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 20 day of August, 2019.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary