

**Minutes
Forney City Council
Tuesday, February 5, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126**

I. CALL TO ORDER

Mayor Wilson called the meeting to order at 6:30 p.m. Present were Mayor Rick Wilson, Mayor Pro Tem Mary Penn and Council Members Mike Thomas, Shaun Myers, Robbie Powers, Kevin Moon and David Johnson. Also present was City Manager Tony Carson.

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

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation from iChoosr - Group Purchasing Texas Power Switch.

Daniel Wilkinson of iChoosr gave a presentation regarding their program to help citizens get lower electric rates. iChoosr would negotiate to get the lower price and the citizen would sign up for one year. Friends and family of the local citizen (whether they live in Forney or not) are also eligible to sign up for this lower electric rate. Coops and municipals cannot participate. City Manager Carson will research this program and bring the information back to the Council.

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 Wilson opened the floor to anyone in the audience who wished to address the Council on any subject not on tonight's agenda. The following person came forward:

Crystal Cloyd

6800 Bishop Road

Plano, Texas 75024

Ms. Cloyd is the Marketing Leader for Raising Cane's. She stated that the new Cane's in Forney will be hiring 67-70 people. The Grand Opening date is still to be determined.

V. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the January 22, 2019 City Council meeting.

Mayor Wilson asked if Council had any changes to the Minutes. There were no changes to be made, so Mayor Wilson called for a motion. Council Member Myers made a motion to approve the Minutes and Mayor Pro Tem Penn seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Thomas].

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54 **VI. CONSENT AGENDA**

55 [The items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted in one motion.
56 There will be no separate discussion of these items unless requested by a Council Member.]
57

- 58 1. **Consider approval of a Resolution approving the Police Department**
59 **request for approval of the 2019 annual contract for wrecker services in**
60 **the City.**
61
62 2. **Consider approval of a resolution to change signature cards for the**
63 **American National Bank account and CD.**
64
65 3. **Consider approval of the Quarterly Investment Report ending 12/31/18.**
66
67 4. **Consider approval of and acceptance of the Public Improvements for**
68 **Raising Cane's Commercial Development.**
69
70 5. **Consider approval of a Resolution setting the date, time and place for**
71 **public hearings on a proposed involuntary annexation of a 250.5942 acre**
72 **tract of land owned by Kate Pinson McKellar Estate, et al., situated in the**
73 **John Gregg Survey, Abstract No. 171, Kaufman County, Texas, KCAD**
74 **Property ID No. 6471.**
75
76 6. **Consider approval of a Resolution setting the date, time and place for**
77 **public hearings on a proposed involuntary annexation of a 44.308 acre**
78 **tract of land owned by Sharon A. Riggs, situated in the John Gregg**
79 **Survey, Abstract No. 171, Kaufman County, Texas, KCAD Property ID**
80 **No. 6414.**
81
82 7. **Consider approval of a Resolution setting the date, time and place for**
83 **public hearings on a proposed involuntary annexation of a 45.00 acre**
84 **tract of land owned by TRBP Limited, situated in the John Gregg Survey,**
85 **Abstract No. 171, Kaufman County, Texas, KCAD Property ID No.**
86 **196884.**
87
88 8. **Consider approval of a Resolution setting the date, time and place for**
89 **public hearings on a proposed involuntary annexation of a 5.00 acre**
90 **tract of land owned by John D. Gibson & Sarita K. French, situated in the**
91 **John Gregg Survey, Abstract No. 171, Kaufman County, Texas, KCAD**
92 **Property ID No. 6583.**
93
94 9. **Consider approval of a Resolution setting the date, time and place for**
95 **public hearings on a proposed involuntary annexation of a 7.304 acre**
96 **tract of land owned by John D. Gibson & Sarita K. French, situated in the**
97 **John Gregg Survey, Abstract No. 171, Kaufman County, Texas, KCAD**
98 **Property ID No. 6582.**
99

100 Mayor Wilson asked if Council wished to pull any items from the Consent Agenda for discussion.
101 Council Member Moon requested that Consent Agenda No. 1 be pulled. Mayor Wilson called for a
102 motion on the remain items (Consent Agenda Items Nos. 2 through 9). Mayor Pro Tem Penn made
103 a motion to approve Consent Agenda Items Nos. 2 through 9 and Council Member Johnson
104 seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
105

Council Member Moon asked Police Chief Sherwin if there are any other companies in the city. Sherwin advised that they must have a yard in the city. Sherwin advised that they went out to bid twice and only Busters submitted a bid. When asked about the difference when an apartment complex calls a towing service to remove cars or if you have Busters remove car, Sherwin advised that when the City has a car towed, it is usually from an accident and it is considered a non-consent tow. When an apartment complex requests a tow, it is a private agreement with a third party and the City cannot regulate who they use.

There being no further discussion, Mayor Wilson called for a motion on Consent Agenda Item No. 1. Mayor Pro Tem Penn made a motion to approve Consent Agenda Item No. 1 and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VII. DISCUSSION / ACTION ITEMS

1. Vision 2025 -- Goals and Initiatives

City Manager Carson stated that he has met with all departments to discuss timelines and goals as a result of the November 2018 work session and the departments are working on these items.

2. Discuss and consider approval of an Ordinance amending the Code of Ordinances, Article 8.08, entitled "Abandoned and Junked Motor Vehicles," and Article 12.04, entitled "Parking," to regulate the parking of commercial vehicles. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. The ordinance provides for the regulation of commercial vehicle parking. Staff has received several complaints about the proliferation of commercial vehicles parked in nonresidential districts. The ordinance proposes restrictions while allowing necessary exceptions for such parking.

Chief Sherwin stated that he thought that warnings and being shown where they can park should be sufficient for now.

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

CITY OF FORNEY, TEXAS ORDINANCE NO.

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 8.08, "ABANDONED AND JUNKED MOTOR VEHICLES," BY AMENDING THE DEFINITION OF ABANDONED MOTOR VEHICLE AND BY AMENDING ARTICLE 12.04, "PARKING," BY ADDING SECTION 12.04.007, ENTITLED "COMMERCIAL VEHICLE PARKING IN NON-RESIDENTIAL DISTRICTS"; PROVIDING A PENALTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

3. Discuss and consider approval of an Ordinance amending the FY 2018-19 Budget to transfer \$275,000 from the Utility Fund to the Utility CIP fund for the Weaver Lift Station replacement project. [Read Ordinance Caption]

Finance Director Deborah Woodham discussed the background of this item. This City Council approved a contract for the replacement of the Weaver Lift Station at the January 8, 2019, meeting. The project was originally budgeted as a maintenance and rehabilitation item for the lift station. It was later changed to a replacement of the lift station thus making it a CIP project. This Ordinance transfers the budgeted funds from the Utility operating fund to the Utility CIP fund.

Mayor Wilson called for a motion. Council Member Myers made a motion to approve the Ordinance and Council Member Powers seconded the motion. The Ordinance caption was read as follows:

**CITY OF FORNEY, TEXAS
ORDINANCE NO.**

**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 FUNDS FROM EDC FUND BALANCE TO EDC
PROJECT EXPENSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING
ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

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

VIII. CITY MANAGER'S REPORT

City Manager Carson had several items:

1. The roof at City Hall is being repaired. The repairs will also include the windows and some building joist. Construction time will be about 3 weeks.

2. The North Texas Municipal Water District is changing the disinfectant that they use and that will be between March 1 and April 1.

3. The National Weather Service will be offering free training at the Kaufman Fire Station.

Council Member Johnson asked about the painting of the crosswalks – will it include the north side of downtown near the railroad tracks? Carson advised it will be included. Right now, our Public Works guys are working with the equipment to be sure that when they do the painting that it will be perfect.

Mayor Pro Tem Penn asked about the lighting of the plaques that are around our building. Carson stated he would check into that.

IX. COUNCIL COMMENTS

Council Member Johnson thanked everyone for coming out. He welcomed Mike to the Council and wished him luck as he takes on another endeavor. He thanked Staff regarding the truck parking solution.

Mayor Pro Tem Penn welcomed Mike and stated she is excited about Raising Cane's.

Council Member Moon welcomed Mike and thanked everyone for being here tonight.

Council Member Powers welcomed Mike.

Council Member Myers thanked Staff for their hard work and welcomed Mike to the Council.

Council Member Thomas thanked the Council for this opportunity to serve the community and stated he looks forward to working with everyone.

Mayor Wilson stated that the Forney High School cheerleaders did well at Nationals. The grand opening of the Forney Learning Academy was a good event. He welcomed Cane's to the community. God Bless.

Mayor Wilson stated that Council would now adjourn into Executive Session and asked for a motion to adjourn into Executive Session under Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.074 and 551.087. Council Member Johnson made a motion to adjourn into Executive Session at 7:37 p.m. and Mayor Pro Tem Penn 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, Sections 551.071, 551.072, 551.073, 551.074, 551.076 and 551.087. Executive Session may be held, under these exceptions, at the end of the Regular Meeting or at any time during the meeting that a need arises for the Council to seek advice from the City Attorney's Office as to the posted subject matter of this City Council meeting.

XI. TAKE ANY ACTION NECESSARY AS A RESULT OF EXECUTIVE SESSION

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. Commercial Development; southeast corner of the intersection of Highway 80 and FM 548.
- b. Vintage Meadows, Limited Purpose Annexation
- c. Devonshire, Wastewater Service Agreement
- d. Personnel Policies; Overtime Benefits
- e. Amended Master Consolidated Interlocal Agreement Between the City of Forney and the Forney Independent School District
- f. Growth Management Plan

2. Deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Government Code.

- a. Amendment to the 4th Correction of Deed Without Warranty and Partial Release of Right of Reverter between the City and the FEDC.

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

- a. Assistant City Manager

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265 **4. Discuss or deliberate regarding commercial or financial information that**
266 **the governmental body has received from a business prospect that the**
267 **governmental body seeks to have locate, stay, or expand in or near the**
268 **territory of the governmental body and with which the governmental**
269 **body is conducting economic development negotiations, or to deliberate**
270 **the offer of a financial or other incentive to a business prospect (Tex.**
271 **Gov't Code Section 551.087):**
272

273 a. Project Eagle
274

275 Council returned to Chambers at 9:38 p.m. Mayor Wilson called for a motion to adjourn out of
276 Executive Session at that time. Council Member Moon made a motion to adjourn out of Executive
277 Session and Council Member Thomas seconded the motion. The motion passed unanimously by a
278 vote of 7 ayes and 0 nays.
279

280 Mayor Wilson asked if Council had any action to be taken as a result of Executive Session. The
281 following actions were taken:
282

283 Council Member Johnson made a motion to authorize the City Manager to execute an amendment
284 to the 4th Correction of Deed Without Warranty and Partial Release of Right of Reverter between the
285 City and the FEDC. Council Member Moon seconded the motion. The motion passed unanimously
286 by a vote of 7 ayes and 0 nays.
287

288 Mayor Pro Tem Penn made a motion to authorize the City Manager to provide notice to the School
289 District to terminate the Master Consolidated Interlocal Agreement between the City of Forney and
290 the Forney Independent School District. Council Member Johnson seconded the motion. The
291 motion passed unanimously by a vote of 7 ayes and 0 nays.
292

293 Council Member Thomas made a motion to authorize the City Manager to execute a Separation
294 Agreement and General Release with Wendle Medford. Council Member Myers seconded the
295 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
296

297 There being no further business to come before the Council, Mayor Wilson adjourned the meeting
298 at 9:40 p.m.
299

300 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS,**
301 **this _____ day of _____, 2019.**
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303
304
305 **ATTEST:**

Rick Wilson, Mayor

306
307
308 _____
309 **Dorothy Brooks, City Secretary**
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