

**Minutes  
Forney City Council  
Tuesday, January 8, 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 Shaun Myers, Robbie Powers, Kevin Moon, and David Johnson. Council Member Cory McGee was absent. Also present was City Manager Tony Carson.

**II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER KEVIN MOON**

Mayor Pro Tem Mary Penn gave the invocation and Council Member Moon led the Pledge of Allegiance.

**III. 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. No one came forward to address the Council, so Mayor Wilson closed the open forum session.

**IV. DISCUSSION ONLY ITEMS**

**1. Potential 2019 City events.**

City Manager Carson asked Mayor Pro Tem Penn and Council Member Myers to discuss their trip to Berlin, Maryland, and Ocean City, Maryland, to see Berlin's New Years Ball Drop and the Festival of Lights in Ocean City. In Berlin for the ball drop on New Year' Eve, they make it a family event by having a ball drop at 6:00 p.m. for the kids and the Midnight ball drop for adults. The Festival of Lights has been active for a number of years and it grows each year. It is very extensive and much more expensive than what we could do our first year, if we decide that is something we want to do. If we do decide to try to do a Festival of Lights, we need to start planning for it now. These events would make Forney a destination city. City Manager Carson will put a workshop together. Festival of Lights has a website and you can see the ball drop on You Tube.

**V. APPROVAL OF MINUTES**

**1. Consider approval of the Minutes from the December 4, 2018, City Council Meeting.**

Mayor Wilson asked Council if they had any changes to the Minutes. There being no changes, Mayor Wilson called for a motion. Council Member Myers made a motion to approve the Minutes from the December 4, 2018, City Council meeting and Mayor Pro Tem Penn seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Johnson] and 1 absent [McGee].

## **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 a Resolution ordering the General Election for May 4, 2019, and take any action necessary. [Comenta y considerer la aprobación de una Resolución que ordena la Elección General el 4 de mayo de 2019, y tomar las medidas necesarias.]**
2. **Consider approval of a site plan for Goodyear, located at the southwest corner of S. Gateway Boulevard and U.S. Highway 80.**
3. **Consider approval of a final plat for Gateway Parks Addition, Phase 4B, located northwest of the intersection of S. Gateway Boulevard and Holly Creek Road.**
4. **Consider a Resolution awarding a contract to Patterson Professional Services, LLC for construction services for the Weaver Lift Station Project, and all related issues.**
5. **Consider approval of and acceptance of the Public Improvements for Park Trails Phase 3.**
6. **Consider approval of and acceptance of the Public Improvements for Victory at Forney.**

Mayor Wilson asked if Council wished to pull any items from the Consent Agenda. No items were pulled, so Mayor Wilson asked for a motion. Mayor Pro Tem Penn made a motion to approve all the Consent Agenda Items and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

## **VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

1. **Hold a public hearing and discuss and consider approval of an Ordinance to zone property from Agricultural District to Planned Development District with single-family residential base zoning. The property consists of approximately 348.82 acres of land located south of Forney High School, on the south, east, and west sides of F.M. 741. [Read Ordinance Caption]**

Mayor Wilson called for a motion to open the public hearing. Council Member Moon made a motion to open the public hearing at 6:45 p.m. and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

Community Development Director Peter Morgan discussed the background of this request. Mr. Pat Atkins, representing the property owner, requests approval of a zoning and rezoning for

approximately 348.82 acres of property located east of Forney High School, adjacent to F.M. 741. The purpose of the rezoning is to establish the approval necessary to design a new single-family residential subdivision.

**Current Standards:**

The property consists of 348.82 acres of land. 246.02 acres is located within city limits and is zoned in the Agricultural District. 102.8 acres is located outside Forney city limits, inside Forney extra-territorial jurisdiction (ETJ). The property within the ETJ will be considered for voluntary annexation if the Planning and Zoning Commission and City Council support the single-family residential zoning request. The property is currently vacant and undeveloped. There are no current driveway connections to the property. The property is bordered by Forney High School to the north and the Lakewood Trails single family residential subdivision to the west. On the south side of F.M. 741 the property is bordered by residential homes and a church. Staff is unaware of any previous zoning requests involving the property.

The Planning and Zoning Commission considered the request on December 6, 2018. During public comment Mr. Joe Dan McBeth spoke in opposition of the request. Commissioner Shimkus made a motion to deny the zoning request due to an abundance of residential development in surrounding areas, an increase in traffic that the development would cause, and the limited availability of land in Forney. The motion passed by a 6-0 vote. A supermajority vote of City Council is required to overturn the Planning and Zoning Commission recommendation.

Mr. Pat Atkins stated that he wants the direction of the council and would like for them to send it back to the Planning and Zoning Commission for reconsideration. Mr. Atkins discussed the plans for the property and showed a concept plan.

Mayor Wilson opened the floor to anyone in the audience who wished to comment on this matter, but no one came forward to address the Council. Council Member Johnson asked why he is proposing residential. Atkins stated that retail would be challenging. There are no major roads to the property and it is surrounded by residential. "Big Box" retail is gone because of Amazon. This is a 10-12 year project.

Mayor Wilson called for a motion to adjourn out of the public hearing. Mayor Pro Tem Penn made a motion to adjourn out of the public hearing at 7:41 p.m. and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

Mr. Atkins stated he was pulling this item and Action Item No. 2. He will rework his proposals to include the blended mixed use that was discussed and work with Staff and the Planning and Zoning Commission.

- 2. Hold a public hearing and discuss and consider approval of an Ordinance to zone property to Planned Development District with single-family residential base zoning. The property consists of approximately 124.716 acres of land located north of High Country Lane and southwest of the Lakewood Trails subdivision in the City of Forney ETJ. [Read Ordinance Caption]**

Pulled by applicant.

152  
153 **VIII. DISCUSSION / ACTION ITEMS**

154  
155 **1. Vision 2025 -- Goals/Initiatives**

156  
157 City Manager Carson advised that we will be presenting the results from the work session that  
158 was held in November in the near future.

159  
160 **2. Discuss and consider approval of the authorization to allow staff to**  
161 **seek construction bids for the Trailhouse Roadway Project, and all**  
162 **related issues.**

163  
164 CIP Manager Candy McQuiston discussed the background of this item. This project will complete  
165 construction of Trailhouse Road from Kroger Dr. to the Hwy. 80 access road. The roadway will  
166 transition from a 4-lane divided road at Kroger Dr. to a 3-lane road with striped turn lane south of  
167 Kroger to Hwy. 80. Completion of the project will relieve traffic on Marketplace Blvd. and will also  
168 facilitate development of farmland between Kroger and Hwy. 80. The project will be constructed  
169 in two phases. The first phase will include all of the paving for Trailhouse Road, a box culvert for  
170 drainage along Hwy. 80 to a tributary of Mustang Creek required for construction of Trailhouse  
171 Road, an extension of an existing 8-inch water line at Kroger along Trailhouse Road to Hwy. 80,  
172 construction of a new 12-inch water line along Hwy. 80, and construction of the onsite portion of  
173 an 18-inch sanitary sewer line along Hwy. 80.

174  
175 The second phase of the project will be installation of the offsite portion of the 18-inch sanitary  
176 sewer line. If approved on January 8, 2019, Phase 1 the project is scheduled to be substantially  
177 complete September 30, 2019. The second phase completing the offsite sewer is expected to  
178 require an additional 4 months to substantially complete (February 1, 2020).

179  
180 Estimated Project Cost for both Phases - \$4,375,000

181 Funding Source – Roadway, Water, and Wastewater Impact Fees

182 Approved Funding \$3.4 million

183 Estimated Additional Funding Needed = \$950,000

184 *(If the project is approved, the additional funding needed would come back before City Council*  
185 *for approval during the award process of for the construction contract).*

186 Staff is requesting City Council approval to advertise for bids for construction of the Trailhouse  
187 Roadway Project to include associated water line, storm sewer, and sanitary sewer  
188 improvements.

189  
190 This item was pulled to discuss in Executive Session.

191  
192 Action taken as a result of Executive Session: Mayor Wilson called for a motion on this item.  
193 Mayor Pro Tem Penn made a motion to approve this item and Council Member Moon seconded  
194 the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

195  
196 **3. Discuss and consider approval of a market adjustment for**  
197 **Community Waste Disposal for the solid waste collection and**  
198 **recycling services agreement.**

199  
200 Finance Director Deborah Woodham discussed this item. The contract allows for an annual  
201 adjustment of up to 5%. We did allow for an increase of 5% in the budget. This request is for a  
202 bit more than that, but we can absorb that increase.

203  
204 Mayor Wilson called for a motion. Mayor Pro Tem Penn made a motion to approve the market  
205 adjustment and Council Member Powers seconded the motion. The motion passed by a vote of  
206 6 ayes and 1 absent [McGee].

207  
208 **4. Discuss and consider an ordinance amending the Code of**  
209 **Ordinances, Article 12.05, "Truck Routes" to amend the designated**  
210 **truck routes for commercial motor vehicles. [Read Ordinance**  
211 **Caption]**  
212

213 Police Chief Rob Sherwin discussed the background of this item. Chief Sherwin stated that based  
214 on a City Council request, they did research on truck routes in the City. They found that the last  
215 update was done in 2003. The Police Department is requesting an update to the Code of  
216 Ordinances at this time.

217  
218 Mary Hayes, 404 E. Aimee, Forney, Texas, stated that they have had trucks come down, or try to  
219 come down Aimee. The street is too short and in one case, the truck over turned.

220  
221 Mayor Wilson called for a motion. Council Member Johnson made a motion to approve the  
222 Ordinance and Mayor Pro Tem Penn seconded the motion. The Ordinance caption was read as  
223 follows:

224  
225 **CITY OF FORNEY, TEXAS**  
226

227 **ORDINANCE NO. 19-03**  
228

229 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES**  
230 **OF THE CITY OF FORNEY, AS AMENDED, BY AMENDING ARTICLE 12.05, ENTITLED "TRUCK**  
231 **ROUTES," AS ADOPTED IN CHAPTER 12 "TRAFFIC AND VEHICLES"; PROVIDING FOR**  
232 **UNLAWFUL ACTS AND EXEMPTIONS TO THE REGULATIONS; PROVIDING FOR THE**  
233 **NOTIFICATION OF THE TRUCK ROUTES BY THE INSTALLATION OF SIGNS AND MARKERS**  
234 **TO REGULATE COMMERCIAL TRUCKS IN THE CITY OF FORNEY; PROVIDING FOR A**  
235 **PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING,**  
236 **SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND**  
237 **PROVIDING FOR THE PUBLICATION OF THE CAPTION.**  
238

239 The motion passed by a vote of 6 ayes and 1 absent [McGee].  
240

241 **5. Discuss and consider approval of an Ordinance annexing an**  
242 **approximate 29.224 acres, owned by Pacific & Pinson, situated in the**  
243 **J. Lopez Survey, Abstract No. 286, Kaufman County, Texas, Kaufman**  
244 **CAD Property ID 9187, generally located on the north side of FM 740,**  
245 **east of Clements Drive. [Read Ordinance Caption]**  
246

247 City Attorney Jon Thatcher discussed the background of this item. This is an involuntary  
248 annexation. Annexation is governed by Chapter 43 of the Texas Local Government Code and  
249 sets forth a carefully defined process for annexation. It is highly prescriptive regarding  
250 notifications, publication, timing of public hearings and action.

251  
252 On October 16, 2018, the City Council approved a resolution setting the public hearings and  
253 authorizing staff to propose a development agreement to the landowner and all other action  
254 required by state law. At this time, the landowner has chosen not to accept a development  
255 agreement with the City. Notices were sent to the landowner and all public carriers of utilities and

the school district providing notice of the proposed annexation and notice of the public hearings. Notice of the public hearings was also published on the City's web page and in the Forney Messenger in accordance with state law.

Two public hearings were held on November 6, 2018 and November 20, 2018. The City Council can consider an ordinance to approve the annexation no earlier than 20 days after the second public hearing. Upon approval of the ordinance, the annexation will be initiated and final. City staff would then provide notices to all required parties including federal and state agencies.

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

**CITY OF FORNEY, TEXAS**

**ORDINANCE NO. 19-04**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.**

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

Action Item No. 7 was discussed at this time.

- 7. Discuss and consider approval of an Ordinance annexing an approximate 51.431 acres, owned by Whaley Investments, Ltd., situated in the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, Kaufman CAD Property ID 7865, generally located on FM 741 adjacent to the southern boundary of the city limits. [Read Ordinance Caption]**

City Attorney Thatcher discussed this item. Annexation is governed by Chapter 43 of the Texas Local Government Code and sets forth a carefully defined process for annexation. It is highly prescriptive regarding notifications, publication, timing of public hearings and action. On October 16, 2018, the City Council approved a resolution setting the public hearings and authorizing staff to propose a development agreement to the landowner and all other action required by state law. At this time, the landowner has chosen not to accept a development agreement with the City.

Notices were sent to the landowner and all public carriers of utilities and the school district providing notice of the proposed annexation and notice of the public hearings. Notice of the public hearings was also published on the City's web page and in the Forney Messenger in accordance with state law.

Two public hearings were held on November 6, 2018 and November 20, 2018. The City Council can consider an ordinance to approve the annexation no earlier than 20 days after the second public hearing. Upon approval of the ordinance, the annexation will be initiated and final. City staff would then provide notices to all required parties including federal and state agencies.

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

**CITY OF FORNEY, TEXAS**

**ORDINANCE NO. 19-05**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.**

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

- 6. Discuss and consider approval of an Ordinance annexing an approximate 48.717 acres, owned by Helen M. Whaley, situated in the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, Kaufman CAD Property ID 7810, generally located on FM 741 adjacent to the southern boundary of the city limits. [Read Ordinance Caption]**

City Attorney Thatcher discussed the background of this item. Annexation is governed by Chapter 43 of the Texas Local Government Code and sets forth a carefully defined process for annexation. It is highly prescriptive regarding notifications, publication, timing of public hearings and action.

On October 16, 2018, the City Council approved a resolution setting the public hearings and authorizing staff to propose a development agreement to the landowner and all other action required by state law. At this time, the landowner has chosen not to accept a development agreement with the City.

Notices were sent to the landowner and all public carriers of utilities and the school district providing notice of the proposed annexation and notice of the public hearings. Notice of the public hearings was also published on the City's web page and in the Forney Messenger in accordance with state law. Two public hearings were held on November 6, 2018 and November 20, 2018. The City Council can consider an ordinance to approve the annexation no earlier than 20 days after the second public hearing.

Upon approval of the ordinance, the annexation will be initiated and final. City staff would then provide notices to all required parties including federal and state agencies.

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

**CITY OF FORNEY, TEXAS**

**ORDINANCE NO. 19-06**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS**

363 AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE  
364 ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A  
365 SERVICE PLAN.  
366

367 The motion passed by a vote of 6 ayes and 1 absent [McGee].  
368

369 **8. Discuss and consider approval of a Resolution supporting the**  
370 **continuation of Chapter 312 Tax Abatements for Economic**  
371 **Development.**  
372

373 EDC Director Warren Kettelman discussed the background of this item. Chapter 312 of the Texas  
374 Tax Code allows cities and counties in Texas to provide property tax abatement in support of  
375 economic development. Tax abatements under this statute are limited to a total of ten years in  
376 length and 100% abatement for that ten-year period. Cities and counties can choose to participate  
377 with tax abatements or may select not to participate. Cities and counties can craft their own tax  
378 abatement policies as long as those abatements don't conflict with the statute or exceed the ten-  
379 year limit or the 100% maximum abatement amount.  
380

381 Chapter 312 is one of the most effective Economic Development tools and will expire on  
382 September 1, 2019 unless the State Legislature takes action this session. The Forney EDC Board  
383 of Directors met in regular session on December 12, 2018 and voted unanimously in support of a  
384 Resolution supporting the continuation of this important economic development tool.  
385

386 Mayor Wilson called for a motion. Council Member Moon made a motion to approve the  
387 Resolution and Mayor Pro Tem Penn seconded the motion. The motion passed by a vote of 6  
388 ayes and 1 absent [McGee].  
389

390 **9. Discuss and consider approval of an Ordinance amending the 2018-**  
391 **19 Fiscal Year Budget transferring \$50,649 from the EDC Fund**  
392 **Balance to the EDC Project Expense line item in support of an**  
393 **economic development incentive to Deen Kubota for their new**  
394 **facility.**  
395

396 EDC Director Warren Kettelman discussed the background of this item. Mr. Jeff Deen, owner of  
397 Deen Kubota located on West Broad Street, approached the Forney EDC Board asking for  
398 support of his expansion. Mr. Deen completed the FEDC Incentive Application and provided it to  
399 EDC staff. That application is attached. On October 11, 2018, the EDC Board met in regular  
400 session to discuss several items. One of which was the application from Mr. Deen. Following an  
401 Executive Session, the Board reconvened in Open Session and approved a financial incentive,  
402 pending Council approval, in the amount of \$50,649. This amount consists of \$38,649 for sewer  
403 infrastructure (as provided by Mr. Deen in his incentive application) and \$1500 per job for 8 new  
404 jobs to be created - \$12,000.  
405

406 The EDC Board was supportive of this incentive due to the Board's participation in providing a  
407 sewer collection line in this same area to serve several different properties including Mr. Deen's.  
408 Currently, the properties and businesses in this area operate with their own on-site septic  
409 systems.  
410

411 The Forney EDC did provide Public Notice of this proposed project in the Forney Messenger in  
412 October.



The required 60-day notice for this project expired on December 25, 2018. Forney EDC has received no public feedback per this notice.

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. 19-07**

**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 by a vote of 6 ayes and 1 absent [McGee].

**IX. CITY MANAGER'S REPORT**

City Manager Carson had several things to report.

1. The website has been re-designed.
2. He congratulated Chief Townsend on the Toy Drive. They collected and distributed 550 toys.
3. Forney on Ice had approximately 6100 skaters this year. A little bit down from last year. Movies in the Park and Concerts in the Park will be starting soon.
4. The electronic cross walks are installed. He thanked Candy and Public Works for their work on this.
5. Because of tax acts, ATMOS will refund customers. It will be just a few dollars to each account.

Mayor Wilson stated that we should add a representative for us to the Kaufman County Appraisal District.

Mayor Pro Tem Penn thanked Mr. Carson for putting together the event to feed the needy in our area. Carson advised that approximately 250 people went through the line and they helped an additional 50-60 families. He thanked Staff for all their help.

**X. COUNCIL COMMENTS**

Council Member Johnson thanked everyone for coming out tonight. He is looking forward to all the new opportunities the new year holds. We need to be proactive with the Legislature this year – they are anti-local government. They are being very hypocritical.

Mayor Pro Tem Penn thanked everyone for coming out tonight.

Council Member Moon wished everyone a Happy New Year. He stated he is thankful that Tony is here.

Council Member Powers thanked everyone for being here and wished everyone a Happy New Year. There are great opportunities for 2019. She wished her grandmother Happy Birthday. She stated her pastor, Dee Turner, gave the invocation at the opening day of the Legislature.

Council Member Myers agreed with Kevin, Mary and Robbie, that there are a lot of things on the horizon. He thanked Staff for helping the citizens.

Mayor Wilson thanked the Staff for all their hard work on the activities during the holidays. He reminded everyone that the kids are back in school. God Bless.

Mayor Wilson advised that Council would now adjourn into Executive Session and asked for a motion. Mayor Pro Tem Penn made a motion to adjourn into Executive Session at 8:26 p.m. and Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

## **XI. 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.*

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. Soah Docket No. 471-17-4964.WS; PUC Docket No. 46662--Pet. of Plano, et al.
  - b. PUC Docket No. 47814--Pet. of Talty SUD, et al.
2. Discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code Section 551.087):
  - a. Project Eagle
  - b. Project Falcon
  - c. Economic Development Project -- Kroger South

Council returned to the Council Chambers at 9:35 p.m. Mayor Wilson asked for a motion to adjourn out of Executive Session at that time. Mayor Pro Tem Penn made a motion to adjourn out of Executive Session and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].

**XIII. TAKE ANY ACTION NECESSARY AS A RESULT OF EXECUTIVE SESSION**

Council took action on Action Item No. 2 as shown above.

There being no further action to be taken in regular session, Mayor Wilson adjourned the meeting at 9:36 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,  
TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**ATTEST:**

\_\_\_\_\_  
**Rick Wilson, Mayor**

\_\_\_\_\_  
**Dorothy Brooks, City Secretary**