

**Minutes**  
**Forney City Council**  
**Tuesday, July 10, 2018**  
**6:30 p.m. Regular Meeting**  
**City Hall, 101 E. Main Street, Forney, Texas 75126**

**I. CALL TO ORDER**

Mayor Pro Tem Penn called the meeting to order at 6:30 p.m. Present were Mayor Pro Tem Mary Penn and Council Members Cory McGee, Shaun Myers, Robbie Powers and Kevin Moon. Mayor Rick Wilson was absent. Also present was Interim City Manager Wendle Medford.

**II. INVOCATION / PLEDGE OF ALLEGIANCE – COUNCIL MEMBER CORY MCGEE**

**III. PRESENTATIONS**

**1. Presentation of the GFOA Budget Award**

Mayor Pro Tem Penn presented the GFOA Distinguished Budget Presentation Award to Charity Wilson and Deborah Woodham. The award represents a significant achievement by the City. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation.

**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 Pro Tem Penn opened the floor to anyone in the audience who wished to address the Council on any subject not on tonight's agenda. The following persons came forward to address the Council.

Claude Prewitt  
12126 Helms Trail  
Forney, Texas 75126

Mr. Prewitt stated he is also representing Mr. Ken Tucker. They were sent a developer's agreement in the mail. He talked to City Attorney Thatcher and was advised to seek legal counsel. Mr. Thatcher gave them a 30-day extension to respond. He really needs 90 days to respond and that has to be given by the City Council. Mr. Thatcher advised the Council that this is on the agenda to discuss in executive session.

Ryan Kile  
217 Stanford  
Forney, Texas 75126

Mr. Kile stated that the Booker T. Washington school building has declined over the years and looks like an "old prison" with the boarded up windows and chain

52 link fencing. He is requesting that the Council start an action plan to either save  
53 or demolish it for new development.

54  
55 Council asked Interim City Manager Medford to put this item on the list for further  
56 discussion.

57  
58 **V. APPROVAL OF MINUTES**

59  
60 **1. Consider approval of the Minutes from the June 18, 2018, City Council**  
61 **meeting.**

62  
63 Mayor Pro Tem Penn asked Council if they had any changes to the minutes. There being no  
64 changes, Mayor Pro Tem Penn called for a motion. Council Member Moon made a motion to  
65 approve the Minutes from the June 18, 2018 City Council meeting and Council Member Powers  
66 seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [McGee], and 1 absent  
67 [Wilson].

68  
69 **VI. CONSENT AGENDA**

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

72  
73 **1. Consider approval of a final plat for Gateway Parks Addition, Phase**  
74 **4A, located northeast of the S. Gateway Boulevard and F.M. 1641**  
75 **intersection in the City of Forney, Texas.**

76  
77 **2. Consider approval of a preliminary plat for Lot 3, Block A, Kroger**  
78 **Drive North Addition, located west of F.M. 548 and north of Kroger**  
79 **Drive the City of Forney, Texas.**

80  
81 **3. Consider approval of a final plat for Lot 3, Block A, Kroger Drive North**  
82 **Addition, located west of F.M. 548 and north of Kroger Drive the City**  
83 **of Forney, Texas.**

84  
85 **4. Consider approval of a site plan for Driver's Edge, located northwest**  
86 **of the intersection of Kroger Drive and Marketplace Boulevard in the**  
87 **City of Forney, Texas.**

88  
89 **5. Consider approval of a final plat for The Villages of Fox Hollow Phase**  
90 **5B, located northeast of the Rogers Parkway and Monitor Boulevard**  
91 **intersection in the City of Forney, Texas.**

92  
93 **6. Consider approval of a final plat for Windmill Farms Phase 3E, located**  
94 **south of Reeder Road and east of Iron Gate Boulevard in the City of**  
95 **Forney extra-territorial jurisdiction.**

96  
97 **7. Consider approval of a Resolution approving a Development**  
98 **Agreement between the City of Forney, Texas and Costello**  
99 **Investments, LLC, the owners of a tract of land known as Kaufman**  
100 **CAD Property ID 9534, located on High Country Lane; and being an**  
101 **approximate 108-acre tract of land situated in the M Musick Survey,**  
102 **Abstract 312, Kaufman County, Texas, and authorizing the City**  
103 **Manager to execute same.**

- 105           8.       **Consider approval of a Resolution approving a Development**  
106           **Agreement between the City of Forney, Texas and Delbert and Betty**  
107           **J. McGee, the owners of a tract of land known as Kaufman CAD**  
108           **Property ID 9635, located at 10650 High Country Lane; and being an**  
109           **approximate 41.89-acre tract of land situated in the M Musick Survey,**  
110           **Abstract 312, Kaufman County, Texas, and authorizing the City**  
111           **Manager to execute same.**

112  
113 Mayor Pro Tem Penn asked if Council wished to pull any item from the Consent Agenda for  
114 discussion. No items were pulled, so Mayor Pro Tem Penn called for a motion. Council Member  
115 McGee made a motion to approve the entire Consent Agenda and Council Member Johnson  
116 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

117  
118 **VII.     DISCUSSION / ACTION ITEMS**

- 119  
120           1.       **Discuss and consider approval of an Interlocal Agreement between**  
121           **the City of Forney and the Fisd for the provision of public parking in**  
122           **downtown Forney.**

123  
124 Interim City Manager Wendle Medford discussed the background of this item. Forney  
125 Independent School District is in the process of renovating the Forney Academic Center (FAC) to  
126 accommodate Pre-K programs. Renovations are expected to be complete by August 2018. The  
127 proposed Interlocal Agreement is a Shared Use Agreement for parking on F.A.C. grounds.

128  
129 Based on the proposed Agreement and site plan, the FAC will retain 105 regular parking spaces  
130 and 5 spaces will be designated for handicap parking. The City of Forney will gain 54 regular  
131 parking spaces and 2 handicap spaces for a total of 56 parking spaces which will be utilized for  
132 downtown parking. The site will include ornamental fencing to secure and separate FAC grounds  
133 and public parking.

134  
135 The site improvement to accommodate the additional parking at Forney Academic Center will  
136 cost \$118,570. This work has been competitively procured. The following contractors were  
137 awarded the work:

138  
139 North Texas Contracting       \$50,895 (Concrete work)  
140 The Anchor Group               \$67,675 (Fencing)

141  
142 Both contracts were awarded by Forney Independent School District with the understanding that  
143 the City of Forney would reimburse the school district for the cost. The Interlocal provides for the  
144 City to pay 50% of the overall cost. The FEDC will consider execution of a Performance  
145 Agreement to authorize the expenditure of the remaining 50% of the costs for the benefit of the  
146 downtown project.

147  
148 Dr. Justin Terry, Fisd Superintendent, stated that there will be black ornamental fencing around  
149 the school. Discussion ensued regarding possible use by the City on the weekends or for special  
150 events.

151  
152 After discussion, Mayor Pro Tem Penn called for a motion. Council Member Johnson made a  
153 motion to approve the Interlocal Agreement with the Fisd and Council Member Myers seconded  
154 the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

156           **2. Consider all matters incident and related to providing for the**  
157           **redemption of certain outstanding bonds of the City, including the**  
158           **adoption of a resolution pertaining thereto.**  
159

160 Finance Director Deborah Woodham discussed the background of this item. Our agreement with  
161 TxDOT for the Pass-Through Toll projects guarantees a minimum annual payment of \$2,009,570.  
162 The agreement also provides that the payment may be increased, based on traffic counts, up to  
163 a maximum of \$4,019,140 annually. Any amount received over the minimum is considered to be  
164 an accelerated payment.

165  
166 When the bonds were sold in 2008, the City anticipated that the annual payments would have an  
167 accelerated portion. The bonds were structured so that some of the bonds would be eligible for  
168 early redemption and allow the City to pay off this obligation in a shorter time frame thus  
169 recognizing considerable interest savings.

170  
171 In September 2012, City Council passed a resolution to commit the accelerated portion of the  
172 pass-through payment from TxDOT for early retirement of debt related to the road projects. This  
173 year the City again received the maximum amount of \$4,019,140, and will be able to use  
174 \$2,005,000 for early bond redemption, saving \$631,575 in interest. The resolution is required in  
175 order to satisfy all requirements for the early redemption of \$2,005,000. Overall, the City has  
176 saved over \$6 million dollars in interest.

177  
178 Mayor Pro Tem Penn called for a motion. Council Member Myers made a motion to approve the  
179 Resolution and Council Member McGee seconded the motion. The motion passed by a vote of  
180 6 ayes and 1 absent [Wilson].

181  
182           **3. Discuss and consider a Resolution authorizing a project for economic**  
183           **development of an area located at the southeast intersection of**  
184           **Highway 80 and FM 548 and FM 1641 (2nd Reading).**  
185

186 City Attorney Jon Thatcher discussed the background of this item. The FEDC and the City have  
187 indicated a desire to consider certain economic incentives for the development of the property  
188 located at the southeast corner of the intersection of Highway 80 and FM 548 and FM 1641.  
189

190 Prior to expending any funds by the economic development corporation, the enabling  
191 governmental entity (City Council) must authorize the project with the approval of a resolution  
192 after two readings during a City Council meeting. Additionally, funds cannot be expended towards  
193 a project until the economic development corporation has declared a project and published notice  
194 of the project to the public and allow a 60-day notice period to run.

195  
196 The resolution is being presented for the City Council consideration as a second reading. If  
197 approved, the Project will be successfully declared for economic development purposes.

198  
199 Mayor Pro Tem Penn called for a motion. Council Member McGee made a motion to approve  
200 the Resolution and Council Member Johnson seconded the motion. The Resolution caption was  
201 read as follows:  
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CITY OF FORNEY, TEXAS  
RESOLUTION NO. 18-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS AUTHORIZING A PROJECT FOR ECONOMIC DEVELOPMENT LOCATED IN FORNEY AS SHOWN IN EXHIBIT "A" UNDER CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF ECONOMIC DEVELOPMENT INCENTIVES; AND PROVIDING AN EFFECTIVE DATE.

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

**4. Discuss and consider a Resolution authorizing a list of projects for economic development in the City of Forney, Texas (2nd Reading).**

City Attorney Jon Thatcher discussed the background of this item. The FEDC seeks to declare several projects in anticipation of expending future economic development corporation sales and use tax revenue for economic development purposes.

Prior to expending any funds by the economic development corporation, the enabling governmental entity (City Council) must authorize the project with the approval of a resolution after two readings during a City Council meeting. Additionally, funds cannot be expended towards a project until the economic development corporation has declared a project and published notice of the project to the public and allow a 60-day notice period to run.

The resolution is being presented for the City Council consideration as a second reading. If approved, the items will be successfully declared as projects for economic development purposes.

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

CITY OF FORNEY, TEXAS  
RESOLUTION NO. 18-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS AUTHORIZING VARIOUS PROJECTS FOR ECONOMIC DEVELOPMENT LOCATED IN FORNEY AS SHOWN IN EXHIBIT "A" UNDER CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF ECONOMIC DEVELOPMENT INCENTIVES; AND PROVIDING AN EFFECTIVE DATE.

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

**5. Consider approval of the authorization to allow staff to seek bids for the construction of replacement of sanitary sewer and street replacement at Houston and Austin Street, and all related issues.**

Interim Public Works Director Candy McQuiston discussed the background of this item.

Replacement Sanitary Sewer and Street Replacement for Austin and Houston Streets Project:

This work is part of the normal maintenance and repair program for city-owned sewer lines. The purpose of this project will be to replace the existing clay tile sanitary sewer lines along Austin and Houston Streets and reconstruct the existing pavement sections of both streets. This

256 replacement will aid in the requirements for the CMOM (Capacity, Management, Operations, and  
257 Maintenance) program by reducing inflow and infiltration into the sewer line. A geotechnical study  
258 will be performed, and alternate asphalt paving sections will be evaluated to determine other  
259 feasible construction methods. The cost estimate includes the standard section previously used  
260 by the City to cement stabilize existing base and add 2-inches of hot mix asphalt pavement. When  
261 the project is bid, alternate paving sections will be priced to determine if there are more  
262 economically feasible pavements (varying types and thicknesses of base and asphalt) to  
263 construct. When the project is brought back to City Council to award the project, the alternates  
264 will be included so that if the City Council wishes to include a different type of pavement section,  
265 they can with the project award.

266  
267 Staff is requesting City Council approval to advertise for bids for the project. This maintenance  
268 item has been approved in the Public Works Department FY18 Budget for \$632,000.

269  
270 Mayor Pro Tem Penn called for a motion. Council Member Myers made a motion to allow staff to  
271 seek bids for the construction of replacement of sanitary sewer and street replacement at Houston  
272 and Austin Street, and all related issues, and Council Member Moon seconded the motion. The  
273 motion passed by a vote of 6 ayes and 1 absent [Wilson].

274  
275 **6. Discuss and consider approval of a Resolution accepting a Quitclaim**  
276 **Deed from the State of Texas for a section of FM 740 from Broad Street**  
277 **to College Avenue.**

278  
279 Interim Public Works Director Candy McQuiston discussed the background of this item. The City  
280 indicated an interest to TxDOT in acquiring a portion of FM 740 (South Bois D' Arc Street) from  
281 Broad Street to College Avenue. TxDOT has approved the request and has agreed to remove the  
282 segment from the state highway system. By approving the Resolution, the City accepts the  
283 section of FM 740 from Broad Street to College Avenue.

284  
285 Mayor Pro Tem Penn called for a motion. Council Member McGee made a motion to approve  
286 the Resolution accepting a Quitclaim Deed from the State of Texas for a section of FM 740 from  
287 Broad to College Avenue and Council Member Johnson seconded the motion. The motion passed  
288 by a vote of 6 ayes and 1 absent [Wilson].

289  
290 **7. Discuss and consider approval of an Ordinance setting the speed**  
291 **from 35 mph to 30 mph a portion of S. Bois D' Arc from Broad Street**  
292 **to College Avenue; and determine a solution for pedestrian safety in**  
293 **the area.**

294  
295 Police Chief Sherwin discussed the background of this item. In anticipation of the adoption of  
296 Bois D'Arc from Broad Street to College Avenue, a traffic study was performed. Based on that  
297 study Staff recommends lowering the speed limit on Bois D' Arc from College north to Broad  
298 Street from 35 mph to 30 mph; an Ordinance is attached for your review and approval.

299  
300 An Engineering study by Lee Engineering regarding pedestrian traffic was performed. As a result  
301 of that study, Lee Engineering suggested various solutions for pedestrian safety.

- 302  
303 1. All-way stop @ Main Street and Bois D' Arc Street. Cost \$3,000.00  
304  
305 2. Rectangular Rapid Flashing Beacon @ Main Street and Bois D' Arc Street.  
306 Cost \$20,000.00

- 307  
 308 3. High-Intensity Activated Crosswalk @ Main Street and Bois D' Arc Street.  
 309 Cost \$150,000.00  
 310  
 311 4. Intersection Signalization @ Main Street and Bois D' Arc Street. Cost  
 312 \$250,000.00  
 313

314 Staff recommends installing the Rectangular Rapid Flashing Beacon (RRFB), which costs  
 315 \$20,000, as a solution for pedestrian safety in the area.  
 316

317 After discussion, Mayor Pro Tem Penn called for a motion on the setting the speed limit. Council  
 318 Member Johnson made a motion to approve the Ordinance setting the speed from 35 mph to 30  
 319 mph on a portion of S. Bois D'Arc from Broad Street to College and Council Member Powers  
 320 seconded the motion. The ordinance caption was read as follows:

321 **CITY OF FORNEY, TEXAS**  
 322 **ORDINANCE NO. 18-25**

323 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, ALTERING THE PRIMA FACIE SPEED**  
 324 **LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION**  
 325 **CODE, SECTION 545.356 UPON SOUTH BOIS D'ARC STREET OR PARTS THEREOF, WITHIN**  
 326 **THE INCORPORATE LIMITS OF THE CITY OF FORNEY, AS SET OUT IN THIS ORDINANCE;**  
 327 **AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF**  
 328 **THIS ORDINANCE.**  
 329  
 330

331 The motion passed by a vote of 6 ayes and 1 absent [Wilson].  
 332  
 333

334 Staff will bring back different funding sources for the solution for the pedestrian safety in the area.  
 335

- 336 **8. Discuss and consider approval of the authorization to allow staff to**  
 337 **seek bids for the construction of Redbud Roadway Reconstruction**  
 338 **Project, and all related issues.**  
 339

340 Interim Public Works Director Candy McQuiston discussed the background of this item. The  
 341 project will propose roadway improvements to paving, drainage, and utilities from Pinson Road to  
 342 FM 740.  
 343

<b>CIP Project</b>	<b>Estimated Cost</b>
Design	363,409.68
Construction	3,683,132.39
Material Testing	28,000.00
Atmos Gas Line Relocation with a 15% Contingency	518,405.74
Construction Contingency 25%	920,783.10
<b>Estimated Total Cost</b>	<b>\$5,513,730.91</b>

344

<b>Funding Sources</b>	<b>Approved Funding</b>	<b>Unfunded</b>
<b>Utility Funding</b>		
Utility Funding 2016	1,019,827.00	
Utility CIP Fund Balance 2017	116,506.12	
<b>Total Funded to Date</b>	<b>1,136,333.12</b>	
<b>Required Additional Funding (utility)</b>		<b>77,486.00</b>

<b>Paving and Drainage Funding</b>		
General Fund 2016	474,815.29	
2016 Bond Issue	2,500,000.00	
<b>Total Funding to Date</b>	<b>2,974,815.29</b>	
<b>Required Additional Funding</b>		1,325,096.50
<b>*Overall Total (Requesting Council Approval for unfunded)</b>	<b>\$4,111,148.41</b>	<b>\$1,402,582.50</b>

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The additional unfunded dollars will obligate in the 2019 budget process (with council approval). Staff is requesting City Council approval to advertise for bids for construction for this project.

Ms. McQuiston introduced James Prewitt of Criado & Associates, the Engineer of record. Mr. Prewitt stated that the gas line has been relocated and completed and we are ready to move forward with the construction of improvements. It will be in three phases. McQuiston advised that we would advertise in August for three weeks if approved by Council. We will bring back the bid proposal to Council in September for approval. The project will last approximately 18 months depending on weather.

Fire Chief Rick Townsend spoke about access to the area for fire protection, or fire/sickness calls by our EMS. Council Member Myers asked that the temporary road be as smooth as possible. Council Member Powers stated that it is important to get the information to the citizens and she is looking forward to the completion of the road construction. Council Member Moon asked that McQuiston work with Mr. Medford to be sure that other roads are not torn up during the project.

Mayor Pro Tem Penn called for a motion. Council Member McGee made a motion authorizing staff to seek bids for the construction of Redbud Roadway Reconstruction Project, and all related issues and Council Member Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

**9. Discuss and consider approval of an Ordinance amending the FY 2017-18 Budget to transfer \$120,000 from the CIP Fund to the Utility Fund. [Read Ordinance Caption]**

Finance Director Deborah Woodham discussed the background of this item. On June 19, 2018, the City Council approved a \$120,000 payment to Markout Water Supply Corporation for the purchase of a water line. The funds for the purchase were originally included as a part of the elevated water tower project; however, Markout has requested that their monthly bills be credited \$30,000 for a four-month period. This ordinance is needed to amend the budget to move the allocated funds from the CIP Fund to the Utility Fund.

Mayor Pro Tem Penn called for a motion. Council Member Moon 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. 18-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 17-40, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, BY TRANSFERRING FUNDS FROM THE CIP FUND TO THE UTILITY FUND; 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 [Wilson].

**10. Discuss and consider approval of entry signage for Downtown Forney including but not limited to size, style and proposed locations.**

EDC Director Warren Kettelman discussed the background of this item. In the 2017-18 budget, Forney EDC allocated \$30,000 for “entry signage for Downtown”. EDC engaged the services of Ed Zahra Design to provide “mock ups” of the signage. Attached you will find photos of the mock ups sitting at the three proposed entry locations into downtown. One along Bois D’Arc, one at Pinson and Broad, and one at Broad and Aimee.

Staff has visited with the respective property owners regarding this project and feedback has been positive. Staff is seeking feedback and direction from the Council.

Council had suggestions on the form of the signage. The signage will have a five-inch concrete base. The sign on Pinson will be double sided. There will be a 20-year limited warranty on the paint. Discussion also included lighting, which will be about \$500 for each sign. LED lighting is recommended. Solar lights are a possibility. City Attorney Thatcher stated that we could put together an interlocal agreement with property owners for placement of the signs, if necessary.

Council took no action on this item.

**11. Discuss and consider a recommendation from Forney EDC to allow a percentage of Hotel Occupancy Tax (HOT) generated by new hotels to be used as an incentive for new meeting/convention space.**

EDC Director Warren Kettelman discussed the background of this item. Recently, Council Member Myers approached EDC and Community Development staff regarding additional meeting/convention space in Forney. Staff reviewed the HOT funds legal language contained in Chapter 351 of the Tax Code. EDC staff presented the information to the EDC Board where a positive recommendation was obtained. The EDC Board also recommended that the HOT Funds incentive not exceed 50% of the respective hotel’s property tax obligation.

This incentive would be available to “new” hotel meeting space. Current HOT funds allocation to non-profits would not be affected.

After discussion, it was determined that additional information would be researched and brought back to the Council for discussion. City Attorney Thatcher will work with Warren and Stewart on the legal issues that might arise. No action was taken by the Council on this item.

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**VIII. CITY MANAGER’S REPORT**

Interim City Manager Medford had several items to report.

The Broad Street sanitary sewer project is complete. The Aimee Street water tower now has the logo on it and will be coming back on line soon.

Congratulations go to Michelle Hodge for earning her Code Enforcement Officer 2 license.

The Forney EDC was recognized by the Texas Economic Development Council.

He wants to call a special meeting with the utility districts to be held on July 24.

We are holding prebudget meetings with staff.

Council Member McGee inquired about needed improvements to the city portion of CR 212. Medford advised that we are working on a project that will include that project.

**IX. COUNCIL COMMENTS**

Council Member McGee commended City Staff for the 4<sup>th</sup> of July event. He told everyone to enjoy their summer.

Council Member Myers stated that the 4<sup>th</sup> of July event was great. He congratulated the EDC on their recognition and thanked staff for their hard work.

Council Member Powers stated “Ditto” regarding the fireworks. Kudos to Staff. She thanked the Public Works Department for the mowing they did.

Council Member Moon thanked everyone for coming out tonight. He thanked the Fire Department and Police Department for their part in the 4<sup>th</sup> of July event.

Council Member Johnson had no comments.

Mayor Pro Tem Penn thanked staff regarding the 4<sup>th</sup> of July event. She thanked Ryan Kile for asking about the Booker T. project.

Mayor Pro Tem Penn stated that Council would now adjourn into Executive Session under Chapter 551, Texas Government Code, Sections 551.071 and 551.074 and asked for a motion. Council Member Powers made a motion to adjourn into Executive Session at 8:05 p.m. and Council Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

**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.

483 1. Consult with legal counsel regarding pending or contemplated  
484 litigation or a settlement offer and/or matters in which the duty of the  
485 attorney to the governmental body under Texas Disciplinary Rules of  
486 Professional Conduct of the State Bar of Texas clearly conflicts with  
487 Chapter 551 of the Texas Government Code (Tex. Gov't Code Section  
488 551.071):

- 489 a. Discuss action on Final Plat for Gateway Parks subdivision, phase 7.
- 490 b. Growth Management Plan

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492  
493 2. Deliberate the appointment, employment, evaluation, reassignment,  
494 duties, discipline, or dismissal of a public officer or employee (Tex.  
495 Gov't Code 551.074):

- 496 a. Municipal Court Judge (Presiding and Associate)

497  
498  
499 Council returned to Chambers at 9:55 p.m. Mayor Pro Tem Penn asked for a motion to adjourn  
500 out of Executive Session at that time. Council Member Myers made the motion to adjourn out of  
501 Executive Session and Council Member Powers seconded the motion. The motion passed by a  
502 vote of 6 ayes and 1 absent [Wilson].

503  
504 Mayor Pro Tem Penn asked if there was any action to be taken as a result of Executive Session.  
505 Council Member Johnson made a motion to approve the Final Plat for Gateway Parks subdivision,  
506 phase 7 and Council Member McGee seconded the motion. The motion passed by a vote of 6  
507 ayes and 1 absent [Wilson].

508  
509 Council Member Moon made a motion to appoint Courtney Repka Wortham as Associate  
510 Municipal Judge to fill the vacancy left by Cathy Penn's resignation. Council Member Johnson  
511 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Wilson].

512  
513 There being no further business to come before the Council, Mayor Pro Tem Penn adjourned the  
514 meeting at 9:58 p.m.

515  
516 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**  
517 **TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

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520  
521 \_\_\_\_\_  
522 **Rick Wilson, Mayor**

523 **ATTEST:**

524  
525 \_\_\_\_\_  
526 **Dorothy Brooks, TRMC, CMC, City Secretary**  
527