

**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.

52 Mayor Wilson asked Council if they had any changes to the Minutes. There being no changes,
53 Mayor Wilson called for a motion. Council Member Myers made a motion to approve the Minutes
54 from the December 4, 2018, City Council meeting and Mayor Pro Tem Penn seconded the motion.
55 The motion passed by a vote of 5 ayes, 1 abstain [Johnson] and 1 absent [McGee].
56

57 VI. CONSENT AGENDA

58 [The items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted in one
59 motion. There will be no separate discussion of these items unless requested by a Council Member.]
60

- 61 1. Consider approval of a Resolution ordering the General Election for
62 May 4, 2019, and take any action necessary. [Comenta y considerer la
63 aprobación de una Resolución que ordena la Elección General el 4 de
64 mayo de 2019, y tomar las medidas necesarias.]
65
- 66 2. Consider approval of a site plan for Goodyear, located at the
67 southwest corner of S. Gateway Boulevard and U.S. Highway 80.
68
- 69 3. Consider approval of a final plat for Gateway Parks Addition, Phase
70 4B, located northwest of the intersection of S. Gateway Boulevard and
71 Holly Creek Road.
72
- 73 4. Consider a Resolution awarding a contract to Patterson Professional
74 Services, LLC for construction services for the Weaver Lift Station
75 Project, and all related issues.
76
- 77 5. Consider approval of and acceptance of the Public Improvements for
78 Park Trails Phase 3.
79
- 80 6. Consider approval of and acceptance of the Public Improvements for
81 Victory at Forney.
82

83 Mayor Wilson asked if Council wished to pull any items from the Consent Agenda. No items were
84 pulled, so Mayor Wilson asked for a motion. Mayor Pro Tem Penn made a motion to approve all
85 the Consent Agenda Items and Council Member Myers seconded the motion. The motion passed
86 by a vote of 6 ayes and 1 absent [McGee].
87

88 VII. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

- 89 1. Hold a public hearing and discuss and consider approval of an
90 Ordinance to zone property from Agricultural District to Planned
91 Development District with single-family residential base zoning. The
92 property consists of approximately 348.82 acres of land located south
93 of Forney High School, on the south, east, and west sides of F.M. 741.
94 [Read Ordinance Caption]
95
96

97 Mayor Wilson called for a motion to open the public hearing. Council Member Moon made a
98 motion to open the public hearing at 6:45 p.m. and Council Member Johnson seconded the
99 motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].
100

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

103 approximately 348.82 acres of property located east of Forney High School, adjacent to F.M. 741.
104 The purpose of the rezoning is to establish the approval necessary to design a new single-family
105 residential subdivision.
106

107 **Current Standards:**

108 The property consists of 348.82 acres of land. 246.02 acres is located within city limits and is
109 zoned in the Agricultural District. 102.8 acres is located outside Forney city limits, inside Forney
110 extra-territorial jurisdiction (ETJ). The property within the ETJ will be considered for voluntary
111 annexation if the Planning and Zoning Commission and City Council support the single-family
112 residential zoning request. The property is currently vacant and undeveloped. There are no
113 current driveway connections to the property. The property is bordered by Forney High School to
114 the north and the Lakewood Trails single family residential subdivision to the west. On the south
115 side of F.M. 741 the property is bordered by residential homes and a church. Staff is unaware of
116 any previous zoning requests involving the property.
117

118 The Planning and Zoning Commission considered the request on December 6, 2018. During
119 public comment Mr. Joe Dan McBeth spoke in opposition of the request. Commissioner Shimkus
120 made a motion to deny the zoning request due to an abundance of residential development in
121 surrounding areas, an increase in traffic that the development would cause, and the limited
122 availability of land in Forney. The motion passed by a 6-0 vote. A supermajority vote of City
123 Council is required to overturn the Planning and Zoning Commission recommendation.
124

125 Mr. Pat Atkins stated that he wants the direction of the council and would like for them to send it
126 back to the Planning and Zoning Commission for reconsideration. Mr. Atkins discussed the plans
127 for the property and showed a concept plan.
128

129 Mayor Wilson opened the floor to anyone in the audience who wished to comment on this matter,
130 but no one came forward to address the Council. Council Member Johnson asked why he is
131 proposing residential. Atkins stated that retail would be challenging. There are no major roads
132 to the property and it is surrounded by residential. "Big Box" retail is gone because of Amazon.
133 This is a 10-12 year project.
134

135 Mayor Wilson called for a motion to adjourn out of the public hearing. Mayor Pro Tem Penn made
136 a motion to adjourn out of the public hearing at 7:41 p.m. and Council Member Moon seconded
137 the motion. The motion passed by a vote of 6 ayes and 1 absent [McGee].
138

139 Mr. Atkins stated he was pulling this item and Action Item No. 2. He will rework his proposals to
140 include the blended mixed use that was discussed and work with Staff and the Planning and
141 Zoning Commission.
142

- 143 **2. Hold a public hearing and discuss and consider approval of an**
144 **Ordinance to zone property to Planned Development District with**
145 **single-family residential base zoning. The property consists of**
146 **approximately 124.716 acres of land located north of High Country**
147 **Lane and southwest of the Lakewood Trails subdivision in the City of**
148 **Forney ETJ. [Read Ordinance Caption]**
149

150 Pulled by applicant.
151

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

256 the school district providing notice of the proposed annexation and notice of the public hearings.
257 Notice of the public hearings was also published on the City's web page and in the Forney
258 Messenger in accordance with state law.
259

260 Two public hearings were held on November 6, 2018 and November 20, 2018. The City Council
261 can consider an ordinance to approve the annexation no earlier than 20 days after the second
262 public hearing. Upon approval of the ordinance, the annexation will be initiated and final. City staff
263 would then provide notices to all required parties including federal and state agencies.
264

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

268
269 **CITY OF FORNEY, TEXAS**
270

271 **ORDINANCE NO. 19-04**
272

273 **AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF**
274 **FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID**
275 **CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY**
276 **LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS**
277 **AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE**
278 **ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A**
279 **SERVICE PLAN.**
280

281 The motion passed by a vote of 6 ayes and 1 absent [McGee].
282

283 Action Item No. 7 was discussed at this time.
284

- 285 **7. Discuss and consider approval of an Ordinance annexing an**
286 **approximate 51.431 acres, owned by Whaley Investments, Ltd.,**
287 **situated in the A. Hyer Survey, Abstract No. 203, Kaufman County,**
288 **Texas, Kaufman CAD Property ID 7865, generally located on FM 741**
289 **adjacent to the southern boundary of the city limits. [Read Ordinance**
290 **Caption]**
291

292 City Attorney Thatcher discussed this item. Annexation is governed by Chapter 43 of the Texas
293 Local Government Code and sets forth a carefully defined process for annexation. It is highly
294 prescriptive regarding notifications, publication, timing of public hearings and action. On October
295 16, 2018, the City Council approved a resolution setting the public hearings and authorizing staff
296 to propose a development agreement to the landowner and all other action required by state law.
297 At this time, the landowner has chosen not to accept a development agreement with the City.
298

299 Notices were sent to the landowner and all public carriers of utilities and the school district
300 providing notice of the proposed annexation and notice of the public hearings. Notice of the public
301 hearings was also published on the City's web page and in the Forney Messenger in accordance
302 with state law.
303

304 Two public hearings were held on November 6, 2018 and November 20, 2018. The City Council
305 can consider an ordinance to approve the annexation no earlier than 20 days after the second
306 public hearing. Upon approval of the ordinance, the annexation will be initiated and final. City staff
307 would then provide notices to all required parties including federal and state agencies.
308

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

312
313 CITY OF FORNEY, TEXAS

314
315 ORDINANCE NO. 19-05

316
317 AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF
318 FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID
319 CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY
320 LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS
321 AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE
322 ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A
323 SERVICE PLAN.

324
325 The motion passed by a vote of 6 ayes and 1 absent [McGee].

- 326
327 **6. Discuss and consider approval of an Ordinance annexing an**
328 **approximate 48.717 acres, owned by Helen M. Whaley, situated in the**
329 **A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, Kaufman**
330 **CAD Property ID 7810, generally located on FM 741 adjacent to the**
331 **southern boundary of the city limits. [Read Ordinance Caption]**
332

333 City Attorney Thatcher discussed the background of this item. Annexation is governed by Chapter
334 43 of the Texas Local Government Code and sets forth a carefully defined process for annexation.
335 It is highly prescriptive regarding notifications, publication, timing of public hearings and action.
336

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

341
342 Notices were sent to the landowner and all public carriers of utilities and the school district
343 providing notice of the proposed annexation and notice of the public hearings. Notice of the public
344 hearings was also published on the City's web page and in the Forney Messenger in accordance
345 with state law. Two public hearings were held on November 6, 2018 and November 20, 2018.
346 The City Council can consider an ordinance to approve the annexation no earlier than 20 days
347 after the second public hearing.
348

349 Upon approval of the ordinance, the annexation will be initiated and final. City staff would then
350 provide notices to all required parties including federal and state agencies.
351

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

354
355 CITY OF FORNEY, TEXAS

356
357 ORDINANCE NO. 19-06

358
359 AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF
360 FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID
361 CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY
362 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.

413 The required 60-day notice for this project expired on December 25, 2018. Forney EDC has
414 received no public feedback per this notice.
415

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

419
420 CITY OF FORNEY, TEXAS

421
422 ORDINANCE NO. 19-07

423
424 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING
425 ORDINANCE NO. 18-38, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL
426 BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING
427 SEPTEMBER 30, 2019, BY TRANSFERRING FUNDS FROM EDC FUND BALANCE TO EDC
428 PROJECT EXPENSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL
429 CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.
430

431 The motion passed by a vote of 6 ayes and 1 absent [McGee].
432

433 **IX. CITY MANAGER'S REPORT**
434

435 City Manager Carson had several things to report.
436

- 437 1. The website has been re-designed.
438
- 439 2. He congratulated Chief Townsend on the Toy Drive. They collected and distributed 550
440 toys.
441
- 442 3. Forney on Ice had approximately 6100 skaters this year. A little bit down from last year.
443 Movies in the Park and Concerts in the Park will be starting soon.
444
- 445 4. The electronic cross walks are installed. He thanked Candy and Public Works for their
446 work on this.
447
- 448 5. Because of tax acts, ATMOS will refund customers. It will be just a few dollars to each
449 account.
450

451 Mayor Wilson stated that we should add a representative for us to the Kaufman County Appraisal
452 District.
453

454 Mayor Pro Tem Penn thanked Mr. Carson for putting together the event to feed the needy in our
455 area. Carson advised that approximately 250 people went through the line and they helped an
456 additional 50-60 families. He thanked Staff for all their help.
457

458 **X. COUNCIL COMMENTS**
459

460 Council Member Johnson thanked everyone for coming out tonight. He is looking forwarding to
461 all the new opportunities the new year holds. We need to be proactive with the Legislature this
462 year – they are anti-local government. They are being very hypocritical.
463

464 Mayor Pro Tem Penn thanked everyone for coming out tonight.
465

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

468
469 Council Member Powers thanked everyone for being here and wished everyone a Happy New
470 Year. There are great opportunities for 2019. She wished her grandmother Happy Birthday. She
471 stated her pastor, Dee Turner, gave the invocation at the opening day of the Legislature.
472

473 Council Member Myers agreed with Kevin, Mary and Robbie, that there are a lot of things on the
474 horizon. He thanked Staff for helping the citizens.
475

476 Mayor Wilson thanked the Staff for all their hard work on the activities during the holidays. He
477 reminded everyone that the kids are back in school. God Bless.
478

479 Mayor Wilson advised that Council would now adjourn into Executive Session and asked for a
480 motion. Mayor Pro Tem Penn made a motion to adjourn into Executive Session at 8:26 p.m. and
481 Council Member Johnson seconded the motion. The motion passed by a vote of 6 ayes and 1
482 absent [McGee].
483

484 XI. EXECUTIVE SESSION

485 *Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073,*
486 *551.074, 551.076 and 551.087. Executive Session may be held, under these exceptions, at the end of the Regular*
487 *Meeting or at any time during the meeting that a need arises for the Council to seek advice from the City Attorney's*
488 *Office as to the posted subject matter of this City Council meeting.*
489

- 490 1. Consult with legal counsel regarding pending or contemplated litigation or
491 a settlement offer and/or matters in which the duty of the attorney to the
492 governmental body under Texas Disciplinary Rules of Professional
493 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
494 Texas Government Code (Tex. Gov't Code Section 551.071):
495
 - 496 a. Soah Docket No. 471-17-4964.WS; PUC Docket No. 46662--Pet.
497 of Plano, et al.
 - 498 b. PUC Docket No. 47814--Pet. of Talty SUD, et al.
- 500 2. Discuss or deliberate regarding commercial or financial information that the
501 governmental body has received from a business prospect that the
502 governmental body seeks to have locate, stay, or expand in or near the
503 territory of the governmental body and with which the governmental body
504 is conducting economic development negotiations, or to deliberate the offer
505 of a financial or other incentive to a business prospect (Tex. Gov't Code
506 Section 551.087):
507
 - 508 a. Project Eagle
 - 509 b. Project Falcon
 - 510 c. Economic Development Project -- Kroger South

511
512
513
514 Council returned to the Council Chambers at 9:35 p.m. Mayor Wilson asked for a motion to
515 adjourn out of Executive Session at that time. Mayor Pro Tem Penn made a motion to adjourn
516 out of Executive Session and Council Member Myers seconded the motion. The motion passed
517 by a vote of 6 ayes and 1 absent [McGee].

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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 22nd day of January, 2019.

ATTEST:



Rick Wilson, Mayor



Dorothy Brooks, City Secretary

