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Minutes
Forney City Council
Tuesday, December 17, 2019
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:31 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members Mike Thomas, Robbie Powers, Kevin Moon, Derald Cooper and David Johnson. Also present was City Manager Tony Carson.

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

Pastor Nick Edwards gave the invocation and Council Member Kevin Moon led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

There were no presentations or proclamations.

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 Penn opened the floor to anyone in the audience who wished to address the Council. The following persons came forward to address the Council:

Chris Lawless
370 E. Tripp Road
Sunnyvale, Texas 75182

Mr. Lawless works with Trinity Capitol Bank in Sunnyvale and stated that they will soon be opening a branch here in Forney.

John Daniel
630 Cedar Street
Forney, Texas 75126

Mr. Daniel continued his accusations that the City Manager and City Council are racist. He stated that he had met with the Kaufman County District Attorney regarding corruption and racism exhibited at Forney City Hall. He stated he was going to release a national press release so the Texas Attorney General's office can take over from the Kaufman County District Attorney's office.

City Attorney Thatcher stated that he had spoken with the DA's office and that they stated that there are no issues that require investigation.

There being no one further to address the Council, Mayor Penn closed the open forum session.

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V. APPROVAL OF MINUTES

- 1. **Consider approval of the Minutes of the December 3, 2019, City Council meeting.**

Mayor asked Council if they had any changes to the Minutes. Council Member Myers stated that he had one change. In Open Forum it showed that James Traylor spoke, but that it was John Traylor speaking on the Consent Agenda Item. It needs to be changed to James Traylor. No other changes were made, so Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the December 3, 2019 Minutes with the change requested. Council Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VI. CONSENT AGENDA

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

- 1. **Consider approval of the quarterly investment report ending 9/30/19.**
- 2. **Consider approval of a final plat for New Horizons Addition, located east of the F.M. 1641 and F.M. 548 intersection.**
- 3. **Consider approval of a site plan for Chipotle, located southeast of the intersection of East U.S. Highway 80 and F.M. 548.**
- 4. **Consider approval of the DDX7 Addition preliminary plat, consisting of 50.541 acres located south of U.S. Highway 80 and east of S. Gateway Boulevard.**
- 5. **Consider approval of the DDX7 Addition final plat, consisting of 50.541 acres located south of U.S. Highway 80 and east of S. Gateway Boulevard.**
- 6. **Consider approval of a preliminary plat for the Trinity Capital Bank Addition, located northeast of the intersection of F.M. 741 and Interstate Highway 20.**
- 7. **Consider Approval to Accept Public Improvements - Gateway Parks 3 & 6.**
- 8. **Consider approval of a Resolution to Renew the Wrecker/Towing Service Agreement Between the City of Forney and Buster's Automotive for 2020.**

Mayor Penn asked if Council wished to pull an item for discussion. No items were pulled, so Mayor Penn called for a motion. Council Member Thomas made a motion to approve the Consent Agenda and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

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- 1. Hold a public hearing and discuss and consider approval of an Ordinance amending the City of Forney Comprehensive Zoning Ordinance and Subdivision Ordinance by amending the procedures for land development applications. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. Staff requests approval of an ordinance amending the City of Forney Subdivision Ordinance and the City of Forney Comprehensive Zoning Ordinance. The purpose of the request is to comply with House Bill 3167.

The Texas Legislature passed House Bill 3167 earlier this year. Governor Abbott signed the Bill on June 14, 2019, with an effective date of September 1, 2019. HB 3167 makes numerous changes to the site plan and subdivision platting approval process. The Texas House Land and Resource Management Committee Report states that concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some subdivisions circumvent statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application. HB 3167 seeks to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

Although City of Forney procedures already comply with the new written law, this amending ordinance provides written clarification of the requirements for the Subdivision Ordinance and Zoning Ordinance. The primary change is to set a 30-day limit for certain applications to be considered by the Planning and Zoning Commission and then by City Council (within an additional 30 days). The amendment also specifies the procedures for plan review by staff.

Recommendation: On December 2, 2019, the Planning and Zoning Commission unanimously recommended approval.

City Attorney Jon Thatcher advised that this does add procedures that will have to be followed. We have to document and abide by a very strict timeline.

Mayor Penn opened the public hearing at 6:41 p.m. No one came forward to address the Council, so Mayor Penn closed the public hearing at 6:41 p.m. There were no Council comments. Mayor Penn called for a motion. Council Member Thomas made a motion to approve the Ordinance and Council Member Johnson seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 19-58

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 10, ARTICLE 10.02 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, PERTINENT SECTIONS OF EXHIBIT A, SUBDIVISION ORDINANCE AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, TO COMPLY WITH HB 3167 PASSED BY THE 86TH LEGISLATURE OF THE STATE OF TEXAS; AMENDING THE CITY'S APPROVAL PROCEDURE FOR LAND DEVELOPMENT APPLICATIONS; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

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

206 **3. Hold a public hearing and discuss and consider approval of an**
207 **Ordinance rezoning 50.541 acres from Agricultural District to Planned**
208 **Development District with a base zoning of Light Industrial District.**
209 **The property is located south of U.S. Highway 80 and east of S.**
210 **Gateway Boulevard. [Read Ordinance Caption]**
211

212 Community Development Director Peter Morgan discussed the background of this item.
213 Mr. Jonathan Stiles, representing the property owner, requests approval of a rezoning for 50.541
214 acres of property located south of U.S. Highway 80 and east of S. Gateway Boulevard. The
215 purpose of the rezoning is to establish a planned development district with standards for light
216 industrial development of a distribution center.
217

218 Current Standards: The 50.541-acre property is currently vacant and undeveloped. The property
219 is zoned within the Agricultural District, but a zoning application has been submitted to rezone the
220 property to a Planned Development. The Goodyear distribution center is located to the west.
221 Agricultural zoned properties border to the north and south.
222

223 Rezoning Request: The requested zoning intends to replace the existing Agricultural zoning with
224 a planned development that would incorporate a base zoning district of Light Industrial. The
225 development standards include distribution center and outside storage, including vehicle storage,
226 as additional approved uses. The concept plan shows the design for a 186,821 square foot
227 warehouse building, with a 13,000 square foot support area and a 26,676 square foot outside
228 rack staging area. The property provides a substantial amount of parking and loading areas.
229 There are parking and staging areas provided for associates, vans and box trucks. The north and
230 south elevations show van loading areas, and the east elevation shows truck delivery bays. A
231 canopy extends on each side of the building to provide van loading areas. The site provides a
232 direct connection to S. Gateway Boulevard and to Akron Way, extended with this project. The site
233 plan is designed in accordance with the proposed plan development standards, which are being
234 considered with this zoning request. The proposed standards allow for a building height up to 60
235 feet (site plan shows 48 feet) and allow for open storage up to 40 percent of the total lot area. The
236 landscaping plan does provide the required quantity of trees, and some plantings have been
237 relocated to other areas of the property separate from the parking and storage areas. The
238 proposed building materials (tilt wall and metal) do comply with State requirements for exterior
239 construction materials. Proposed signage areas are designed in accordance with the proposed
240 planned development standards. Notification of the zoning request was published in the Forney
241 Messenger Newspaper and was mailed to adjacent property owners. Staff has not received any
242 public response.
243

244 Comprehensive Plan: The future land use map, provided within the 2016 Comprehensive Plan,
245 identifies the property as being split between retail regional and townhome/multi-family residential.
246 The future land use map is provided to assist with zoning consideration but is not legally binding.
247

248 Recommendation: On December 2, 2019, the Planning and Zoning Commission unanimously
249 recommended approval.
250

251 Mayor Penn opened the public hearing at 6:55 p.m. No one came forward to address the Council,
252 so Mayor Penn closed the public hearing at 6:56 p.m. Mayor Penn called for a motion. Mayor
253 Pro Tem Myers made a motion to approve the Ordinance and Council Member Johnson seconded
254 the motion. The Ordinance caption was read as follows:
255

ORDINANCE NO. 19-61

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 50.541 ACRES OF LAND IN THE S. SMITH SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, FROM AG –AGRICULTURAL DISTRICT TO PD – PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS LI – LIGHT INDUSTRIAL DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

VIII. DISCUSSION / ACTION ITEMS

1. Vision 2025 – Goals and Initiatives

Mayor Pro Tem Myers stated that he requested that this item be placed on the agenda. We have a lot of projects that will need to be discussed – parks, library, etc. We are going to need to do a bond. The cost to run a library is around \$1 million. He stated he is just putting out here for now.

Mayor Penn suggested that we hold a work shop or a retreat. City Manager Carson stated he would check on dates in January.

2. Discuss and consider approval of the DDX7 Addition site plan, consisting of 50.541 acres located south of U.S. Highway 80 and east of S. Gateway Boulevard.

Community Development Director Peter Morgan discussed the background of this item. He stated is related to the zoning request. Mr. Jonathan Stiles, representing the property owner, requests approval of a rezoning for 50.541 acres of property located south of U.S. Highway 80 and east of S. Gateway Boulevard. The purpose of the rezoning is to establish a planned development district with standards for light industrial development of a distribution center.

Current Standards: The 50.541-acre property is currently vacant and undeveloped. The property is zoned within the Agricultural District, but a zoning application has been submitted to rezone the property to a Planned Development. The Goodyear distribution center is located to the west. Agricultural zoned properties border to the north and south.

Site Plan: The site plan shows the design for a 186,821 square foot warehouse building, with a 13,000 square foot support area and a 26,676 square foot outside rack staging area. The property provides a substantial amount of parking and loading areas. There are parking and staging areas provided for associates, vans and box trucks. The north and south elevations show van loading areas, and the east elevation shows truck delivery bays. A canopy extends on each side of the building to provide van loading areas. The site provides a direct connection to S. Gateway Boulevard and to Akron Way, extended with this project. The site plan is designed in accordance with the proposed plan development standards, which are being considered with the zoning request for the property. The proposed standards allow for a building height up to 60 feet (site plan shows 48 feet) and allow for open storage up to 40 percent of the total lot area.

307
308 The landscaping plan does provide the required quantity of trees, and some plantings have been
309 relocated to other areas of the property separate from the parking and storage areas. The
310 proposed building materials (tilt wall and metal) do comply with State requirements for exterior
311 construction materials.

312
313 Proposed signage areas are designed in accordance with the proposed planned development
314 standards.

315
316 Recommendation: On December 2, 2019, the Planning and Zoning Commission unanimously
317 recommended approval.

318
319 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the site
320 plan and Council Member Cooper seconded the motion. The motion passed unanimously by a
321 vote of 7 ayes and 0 nays.

322
323 **3. Discuss and consider approval of a revised site plan for Brainiac's**
324 **Learning Academy, located at 109 E. U.S. Highway 80.**
325

326 Community Development Director Peter Morgan discussed the background of this item.
327 Brainiac's Learning Academy requests approval of a revised site plan for 109 E. U.S. Highway
328 80. The purpose of the request is to approve the site plan with an exception to the drop off and
329 pick up area requirements for a child care center use.

330
331 Current Standards: The site plan for the existing multitenant retail center (Plantation Plaza) was
332 approved by the Planning and Zoning Commission on February 1, 2007. The property consists of
333 0.591 acres of land zoned within the General Retail District and is located directly west of Alfredo's
334 Steakhouse. Proposed Use: The proposed child care center consists of 4,444 square feet and is
335 located in the existing multitenant retail center. Standard parking space requirements are met,
336 but an exception is requested for the drop off and pick up area requirements. The Zoning
337 Ordinance requires a semi-circular drop off lane with stacking spaces for child care facilities. The
338 applicant is requesting an exception to the semi-circular drop off lane. The applicant prefers that
339 only parking spaces are used instead of any drive-thru lanes for child pick up and drop off. The
340 applicant also proposes to install a 357.5 square foot outdoor play area on the southwestern part
341 of the building. No additional changes to the site are proposed. Accessibility: The property
342 includes an existing fire lane with a connection to N. McGraw Street and the U.S. Highway 80
343 service road.

344
345 Recommendation: On December 2, 2019, the Planning and Zoning Commission unanimously
346 recommended approval.

347
348 The applicant, Tyson Banks of 104 Cowboy Drive, Forney, Texas, came forward to answer any
349 questions the Council might have. There was a question about the drop off requirements that Mr.
350 Banks was able to answer. The requested drop off and pick up requirements are safer for the
351 children.

352
353 Mayor Penn called for a motion. Council Member Moon made a motion to approve the site plan
354 and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously by a vote of
355 7 ayes and 0 nays.

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3. Discuss and consider taking action on a Resolution awarding a contract amendment for new Public Safety Software to Tyler Technologies and authorizing the City Manager to execute a contract for services.

IT Director Neil Cardwell discussed the background of this item. This Resolution will allow the purchase of a new public safety software suite from Tyler Technologies to replace and consolidate the current suite of software used by police and fire within the City. This new software suite will allow the public safety departments to better communicate and share information with each other in daily operations as well as in an emergency situation. The current software suite(s) do not allow dispatch to see the current location of any fire apparatus within the city and is unable to dispatch calls directly to the FD. Each department has their own records management and dispatch software. Both departments purchased the current software years ago and before much of the growth the city has experienced putting us at a point where our needs have outgrown the current ability of the software to provide. Technology oversaw a process of bringing in several "Tier 1" vendors for the Police and Fire departments to receive demonstrations. The main goals of the departments where being able to share information from each department, have a system that is mobile friendly, and one that can grow with Forney in the future and "talk" to all of our other systems. Tyler Technologies New World platform was selected by the Fire and Police Departments as the best fit for the city and the goals. If approved the project will take approx. 12-18 months to complete. Funding is to be provided from the CIP Fund Balance which currently has an unallocated total of \$1,054,000.00 which will leave us at our standard balance reserve of over \$400,000. A project fund of \$600,000 is being requested for the project. Current costs from Tyler is at \$582,477 with an annual Recurring fee of \$66,087 starting Year 2 of project completion.

Police Chief Mica Lunt and Fire Chief Rick Townsend and Assistant Fire Chief Phillip Pyle and Fire Marshal John Holcomb were present to respond to any questions. Police Chief Lunt discussed how the Police Department would use the new software. This software will bring the City to where we need to be. If you call dispatch on your cell phone, they well know where you are. Mayor Penn asked how much money is left in the CIP Fund Balance once we pay for this software. Finance Director Deborah Woodham stated it would leave approximately \$400,000 in the fund.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Resolution and Council Member Powers seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

4. Discuss and consider approval of an Ordinance amending the 2019-20 Fiscal Year budget to transfer \$120,000 from the EDC Fund Balance to the EDC Project Expense line item.

EDC Director Warren Ketteman discussed the background of this item. The Forney EDC Board of Directors met on Thursday, September 12, 2019 and approved funds in the amount of \$120,000.00. These funds were approved to secure a Deed of Trust on property located at the northeast corner of Chestnut and Main Streets related to the Victorian Village project. The Forney Economic Development Corporation is in the process of taking over the property. City Attorney Jon Thatcher advised that it will be an amount "not to exceed."

406
407 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the
408 Ordinance and Mayor Pro Tem Myers seconded the motion. The Ordinance caption was read as
409 follows:

410 **ORDINANCE NO. 19-60**

411 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING**
412 **ORDINANCE NO. 19-42, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL**
413 **BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING**
414 **SEPTEMBER 30, 2020, BY TRANSFERRING FUNDS FROM EDC FUND BALANCE TO EDC**
415 **PROJECT EXPENSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL**
416 **CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

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418
419
420 The motion passed unanimously by a vote of 7 ayes and 0 nays.

421
422 **6. Discuss and consider a Resolution approving a Facility**
423 **Entertainment Management Agreement regarding management of**
424 **events at the Spellman Amphitheater between the City of Forney and**
425 **JAC Management Group Forney, LLC.**

426
427 City Manager Tony Carson discussed the background of this item. In November 2018, the City
428 Council discussed at its visioning workshop how to maximize the potential of the Spellman
429 Amphitheater. It was stated that the Council's desire was to utilize the facility for more concerts
430 and similar events. Staff published an RFQ seeking firms interested in managing the venue to
431 schedule bigger named acts to perform at the venue managing the booking, promotion, events,
432 tickets, and concessions. The City received one response from JAC Management Group.
433 Representatives from JAC have visited Forney and toured the venue. The proposed agreement
434 was negotiated by City staff and JAC personnel in an effort to bring about Council's vision for the
435 amphitheater. The agreement provides that the City will provide \$190,000 per year to JAC
436 Management Group for an initial term of five years, wherein JAC will be responsible for scheduling
437 a minimum of five concerts per year at the amphitheater during the first two years and seven
438 concerts per year for years 3-5. The City will receive \$1.00 per ticket sold by JAC during the term
439 of the agreement. JAC will be responsible for all costs associated with the booking and promotion
440 as well as ticket sales and concessions. The City will continue to schedule and manage all City
441 events at the amphitheater including movies in the park and the summer concerts

442
443 Mayor Penn called for a motion. Council Member Thomas made a motion to approve the
444 Resolution and Council Member Johnson seconded the motion. The motion passed unanimously
445 by a vote of 7 ayes and 0 nays.

446
447 **7. Discuss and consider a Resolution approving an Amendment to the**
448 **Amended and Restated Wholesale Water Contract with Kaufman**
449 **County Fresh Water Supply District No. 1-A.**

450
451 City Attorney Jon Thatcher discussed the background of this item. The Kaufman County Fresh
452 Water Supply District No. 1-A (Windmill Farms) has requested an amendment to the current
453 Amended and Restated Wholesale Water Contract to allow them to sell water outside of their
454 district boundaries. Developers of two tracts of land known as Walden Ponds West and East
455 located on FM 548 in Dallas extra territorial jurisdiction desire to tie into the water system from
456 Windmill Farms. Walden Ponds East has decertified from High Point SUD's CCN and Walden
457 Ponds West is in the process of seeking decertification from High Point. The amendment is

458 contingent upon the final decertification of Walden Ponds West. The proposed amendment to the
459 agreement allows Windmill Farms to sell water under the City's wholesale contract to areas
460 outside of its district boundaries. Additionally, the amendment changes the rate study basis that
461 a City may perform to review its current wholesale customer rates from a utility basis to a cash
462 needs basis. The water provided by Windmill Farms to the properties outside of its district
463 boundaries will be required to be metered separately and billed by the City at a 63% differential
464 rate equal to the rates charged to other wholesale customers. At this time, there is sufficient
465 capacity for Windmill Farms to serve the additional tracts.

466
467 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
468 Resolution and Council Member Powers seconded the motion. The motion passed unanimously
469 by a vote of 7 ayes and 0 nays.

470 **IX. CITY MANAGER'S REPORT**

471
472
473 City Manager Carson stated that City offices will be closed on December 24 and 25 for the
474 Christmas holiday. Since Christmas falls on a normal trash day, CWD will be picking up trash on
475 December 26.

476
477 The New Year's Eve Ball Drop is fast approaching. Construction on the ball drop will start later
478 this week. The event will start at 6:30 p.m. on New Year's Eve and there will be a lot to do.

479
480 Council Member Moon thanked Tony and Staff for putting this together.

481
482 Mayor Pro Tem Myers asked if the street survey was mailed out or only online. Carson advised
483 that it was only online.

484 **X. COUNCIL COMMENTS**

485
486
487 Council Member Johnson extended a very Merry Christmas and Happy New Year to everyone.
488 We are going to have a great event on New Year's Eve.

489
490 Council Member Cooper thanked Staff for all their hard work.

491
492 Council Member Moon thanked Tony and Staff for their hard work. He hopes everyone comes
493 out to the Ball Drop.

494
495 Council Member Powers wished everyone Merry Christmas and Happy New Year. She asked
496 that everyone please check on their elderly neighbors and family members.

497
498 Mayor Pro Tem Myers stated he is looking forward to the Ball Drop and hopes everyone comes
499 out. He is looking forward to 2020. He thanked Staff for their hard work.

500
501 Council Member Thomas thanked Staff for what they do and what they are going to do. What we
502 have planned is more than what has happened in 35 years. He thanked everyone for what they
503 are doing for our citizens. He wished everyone Merry Christmas and Happy New Year.

504
505 Mayor Penn thanked Staff and stated she is proud to be mayor. She thanked the Council for their
506 volunteer hours. She gave special recognition to Council Member Robbie Powers for serving 14
507 years on the Council.

508

509 Mayor Penn stated that Council would now adjourn into Executive Session under Chapter 551,
510 Texas Government Code, Section 551.071 and asked for a motion. Council Member Moon made
511 a motion to adjourn into Executive Session at 7:49 p.m. and Mayor Pro Tem Myers seconded the
512 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

513
514 **XI. EXECUTIVE SESSION**

515 **PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, THE CITY**
516 **COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:**

- 517
518 1. Consult with legal counsel regarding pending or contemplated litigation or
519 a settlement offer and/or matters in which the duty of the attorney to the
520 governmental body under Texas Disciplinary Rules of Professional
521 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
522 Texas Government Code (Tex. Gov't Code Section 551.071):
- 523
 - 524 a. PUC Docket No. 46662; SOAH Docket No. 473-17-4964.WS –
525 Petition of the Cities of Garland, Mesquite, Plano and Richardson
526 Appealing the Decision by North Texas Municipal Water District
527 Affecting Wholesale Water Rates.
 - 528
 - 529 b. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS –
530 Petition of High Point Water Supply Corporation, Talty Special
531 Utility District and Markout Water Supply Corporation Appealing
532 the Decision by the City of Forney Affecting Wholesale Water
533 Rates.
 - 534
 - 535 c. Victorian Village
 - 536

537 **XII. RECONVENE INTO REGULAR SESSION**

538
539 Council returned to Chambers at 8:14 p.m. Mayor Penn called for a motion to adjourn out of
540 Executive Session at that time. Council Member Moon made a motion to adjourn out of Executive
541 Session and Council Member Powers seconded the motion. The motion passed unanimously by
542 a vote of 7 ayes and 0 nays.

543
544 Mayor Penn stated there was no action to be taken as a result of Executive Session and called
545 for a motion to adjourn the meeting. Council Member Moon made a motion to adjourn the meeting
546 at 8:15 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed unanimously
547 by a vote of 7 ayes and 0 nays.

548
549 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
550 **TEXAS, this _____ day of _____, 2019.**

551
552
553
554 **ATTEST:**

Mary Penn, Mayor

555
556
557
558 _____
559 **Dorothy Brooks, City Secretary**