Minutes
Forney City Council
Tuesday, August 20, 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 6:30 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members Mike Thomas, Derald Cooper and David Johnson. Council Members Robbie Powers and Kevin Moon were absent. Also present was City Manager Tony Carson.

II. INVOCATION / PLEDGE OF ALLEGIANCE – MAYOR MARY PENN

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 Penn 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, so Mayor Penn closed the open forum session.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the August 6, 2019, City Council meeting.

Mayor Penn asked if Council wished to make any changes to the Minutes. There being no changes, Mayor Penn called for a motion. Council Member Thomas made a motion to approve the Minutes and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

V. 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 preliminary plat for Woodlands Crossing, located southeast of the intersection of the Union Pacific Railroad and F.M. 548.

2. Consider approval of a revised preliminary plat for the Lakewood Trails Addition, consisting of 203.851 acres of property located south of F.M. 741 and west of High Country Lane in the City of Forney extra-territorial jurisdiction.

3. Consider approval of a final plat for Lakewood Trails Phase 3, a residential subdivision located south of F.M. 741 and west of High Country Lane in the City of Forney extra-territorial jurisdiction.
Mayor Penn asked if Council wanted to pull any item for discussion. No items were pulled, so Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the entire Consent Agenda and Council Member Johnson seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing on the proposed budget for fiscal year 2019-2020 and take any action necessary. This budget will raise more total property taxes than last year’s budget by $621,719 or 6.49%, and of that $579,885 is tax revenue to be raised from new property added to the tax roll this year.

Finance Director Deborah Woodham discussed the background of this item. Woodham went over the changes made since the budget was presented to the Council at the last Council meeting. Mayor Penn called for a motion to open the Public Hearing. Council Member Thomas made a motion to open the public hearing at 6:45 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

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

Marian Stewart
1607 Warrington Way
Forney, Texas 75126
Ms. Stewart spoke about Sharing the Love Foundation’s need for funding for the Annual Turkey Trax Auto Show and Veteran’s 5K run, which is the Foundation’s largest fund-raising event.

Hannah Mendoza
3101 Clear Springs Drive
Forney, Texas 75126
Ms. Mendoza spoke on behalf of Sharing the Love Foundation. She was given a scholarship by the Foundation and was able to attend college. She recently graduated.

Allen Porterie
2014 Crosby Drive
Forney, Texas 75126
Mr. Porterie spoke on behalf of Sharing the Love Foundation. He is the President of the STL Foundation Alumni Association. He has been awarded a scholarship by the Foundation which has allowed him to attend Cornell University.

Mike Rock, Commander
VFW Post 9180
13300 FM 1641
Forney, Texas 75126
Mr. Rock spoke on behalf of Sharing the Love Foundation.
Miriam Monroe
Ms. Monroe spoke on behalf of Sharing the Love Foundation. Ms. Monroe stated that Turkey Trax impacts many people and approximately 2,000 people attend the event.

Mayor Penn asked Ms. Stewart what their advertising costs were. Stewart stated approximately $4500 for radio and $1500 for billboards.

There being no one further to address the Council, Mayor Penn called for a motion to close the public hearing. Council Member Johnson made a motion to close the public hearing at 7:06 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Council Member Johnson stated he is not comfortable or happy with how HOT Funds are being used. He wants the funds to go to the non-profits.

Council Member Thomas stated that we want to work with you, just no monetary help. We can help with some costs for sponsorships. We cannot meet the $10 thousand request.

Mayor Penn stated she had also gotten a call from the Arts Council and is ok with sponsorships.

Mayor Pro Tem Myers asked how they raise funds: sponsorships, donations; volunteers, etc. Ms. Steward advised that Turkey Trax is already scheduled in a couple of months – November.

Council will give the City Manager the direction they want to go and any changes necessary will be made to the budget. No action was taken by the Council tonight.

2. **Hold a public hearing (1st public hearing) on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.5%**.

Finance Director Deborah Woodham discussed the background of this item. The tax rate is $.58.

Mayor Penn called for a motion to open the public hearing. Council Member Thomas made a motion to open the public hearing at 7:07 p.m. and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

MayorPenn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward to address the Council. Mayor Penn called for a motion to close the public hearing. Council Member Johnson made a motion to close the public hearing at 7:08 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

No discussion took place and no action was taken by the Council on this item.

3. **Hold a public hearing and discuss and consider approval of an Ordinance for a Cabinet Shop (Manufacturing) to operate as a conditional use at 11578 Industrial Park, Suite B.** [Read Ordinance Caption]
Community Development Director Peter Morgan discussed the background of this item. Mr. Jose Romero requests approval of a conditional use permit for a Cabinet Shop (Manufacturing) to operate at 11578 Industrial Park, Suite B.

The property is currently zoned Commercial, which only permits a Cabinet Shop (Manufacturing) with approval of a Conditional Use Permit. The building is owned by Forney Industrial Park, which also owns the adjacent commercial buildings that front E. U.S. Highway 80. The building is utilized as two (2) tenant spaces. Suite B was previously used as a warehouse for a pool and billiards company. The tenant space next door (Suite A) is currently being used as a Cabinet Shop. That use is considered legal non-conforming, since it commenced prior to the existing zoning standards were enacted.

Accessibility:
The property has access to Industrial Park, which provides access to the U.S. Highway 80 service road.

Notification:
Notification was published in the Forney Messenger newspaper and was mailed to property owners within two-hundred feet (200') of the property. As of this writing, staff has received no public comment regarding this request.

Future Requirements:
If the request is approved, approval of a certificate of occupancy will be required.

Recommendation:
On August 1, 2019, the Planning and Zoning Commission unanimously recommended approval.

Council Member Thomas asked why a CUP is required. Morgan advised it is because it is manufacturing.

Mayor Penn called for a motion to open the public hearing. Mayor Pro Tem Myers made a motion to open the public hearing at 7:11 p.m. and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward to address the Council, so Mayor Penn called for a motion to close the public hearing. Council Member Thomas made a motion to close the public hearing at 7:11 p.m. and Council Member Johnson seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn called for a motion on the item. 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. 19-32

AN ORDNANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM COMMERCIAL DISTRICT (C) USES TO COMMERCIAL DISTRICT (C) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR A CABINET SHOP (MANUFACTURING) TO OPERATE ON PROPERTY IDENTIFIED AS 11578 INDUSTRIAL PARK, SUITE B, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT
The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

4. **Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit for a new building at 204 F.M. 1641 to exceed 36 feet in height.** [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. HH Architects, representing the property owner, requests approval of a conditional use permit for a new building to be constructed above 36' in height.

C-Life Church currently uses the property. The property consists of 16.454 acres of land zoned within the Commercial District. To the east of the property is Classic Car Wash and Dal Bac Manufacturing.

The site plan clarifies the proposed new building will be 20,090 square feet. According to the building elevations the requested height is forty-seven feet (47’), as measured at the top of the roof. Section 31.3 ‘(A) (1) states the maximum height for structures within the Commercial District is 70’, but any structure above thirty-six feet (36’) in height shall require a conditional use permit.

**Notification:**
Notification was published in the Forney Messenger newspaper and was mailed to property owners within two-hundred feet (200’) of the property. As of this writing, staff has received no public comment regarding this request.

**Recommendation:**
On August 1, 2019, the Planning and Zoning Commission unanimously recommended approval. The Commission specified that the recommendation only included the building height and did not take the alternative exterior materials into consideration.

Mayor Penn called for a motion to open the public hearing. Council Member Johnson made a motion to open the public hearing at 7:15 p.m. and Council Member Thomas seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward to address the Council, so Mayor Penn called for a motion to close the public hearing. Council Member Thomas made a motion to close the public hearing at 7:15 p.m. and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn called for a motion on the item. Council Member Cooper made a motion to approve the Ordinance and Mayor Pro Tem Myers seconded the motion. The Ordinance caption was read as follows:
ORDINANCE NO. 19-33

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM COMMERCIAL DISTRICT (C) USES TO COMMERCIAL DISTRICT (C) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR A BUILDING TO BE CONSTRUCTED WITH A MAXIMUM HEIGHT OF FORTY-SEVEN FEET AT PROPERTY IDENTIFIED AS 204 F.M. 1641, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; 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 by a vote of 5 ayes and 2 absent [Powers and Moon].

5. Hold a public hearing and discuss and consider approval of an Ordinance for outdoor commercial amusement (pickleball court) to operate as a conditional use at 204 E. U.S. Highway 80. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. Tracy Morgan requests approval of a Conditional Use Permit to construct a pickleball court at 204 E. U.S. Highway 80. The site is proposed for use as a Fitness/Health Club facility (Tracey’s Training), with pickleball courts being developed adjacent to the primary structure.

Current Standards:
The property is zoned in the General Retail zoning district and was previously used for retail purposes (Factory Girl Outlet). The fitness use of the property is permitted by right within the zoning district. However, the outdoor courts do require the approval of a conditional use permit.

Request Details:
Two pickleball courts are proposed on the rear existing parking lot and half of a court is proposed directly behind the primary structure. The courts are also able to be used for overflow parking if needed. The application letter provides information on pickleball, which is a fast-growing sport. The applicant has been involved with the Texas Open Pickleball Championships, which is a major international pickleball tournament.

Future Requirements:
If the preliminary plat is approved, future development of the property will require approval of:

1. Civil Plan review by staff

Notification:
Notification was published in the Forney Messenger newspaper and was mailed to property owners within two-hundred feet (200') of the property. No public comment was received by staff.

Recommendation:
On August 1, 2019, the Planning and Zoning Commission unanimously recommended approval, with a stipulation that the hours of operation shall not extend past 11:00 p.m.
Mayor Penn called for a motion to open the public hearing. Council Member Cooper made a motion to open the public hearing at 7:18 p.m. and Mayor Pro Temp Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward to address the Council, so Mayor Penn called for a motion to close the public hearing. Council Member Johnson made a motion to close the public hearing at 7:18 p.m. and Council Member Thomas seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn called for a motion on the item. Council Member Thomas made a motion to approve the Ordinance and Council Member Cooper seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 19-34

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM GENERAL RETAIL DISTRICT (GR) USES TO GENERAL RETAIL DISTRICT (GR) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR OUTDOOR COMMERCIAL AMUSEMENT TO OPERATE ON PROPERTY IDENTIFIED AS 204 E. U.S. HIGHWAY 80, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE J. GREGG SURVEY, ABSTRACT NO. 171, IN ACCORDANCE WITH THE CITY’S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; 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 by a vote of 5 ayes and 2 absent [Powers and Moon].

6. Hold a public hearing and discuss and consider approval of an Ordinance amending the Zoning Ordinance to define and provide regulations for variety stores and grocery stores. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. Staff requests approval of an Ordinance amending the zoning regulations for grocery stores and variety stores. The request was initiated following a discussion between staff and Mayor Pro Temp Myers. The purpose of the amendment to provide zoning regulation that is in the best interest of the future public and economic health for the City. There are several variety stores, commonly referred to as “dollar stores,” that are located within and just outside city limits. Though the City cannot enforce zoning control outside city limits, the City Council can enforce zoning control within city limits. The proposed ordinance establishes distance requirements, food type requirements, and a conditional use permit requirement for the operation of a variety store.

The Zoning Ordinance does not currently provide a specific definition or zoning classification for a variety store use. The use has previously been classified under the broad use of “Retail Store (Misc.),” which is currently permitted by right within all non-residential zoning districts except Office. The proposed amendment allows for a retail store to operate with approval of a conditional use permit in the following non-residential districts.

Recommendation:

On August 1, 2019, the Planning and Zoning Commission unanimously recommended approval.
Mayor Penn called for a motion to open the public hearing. Council Member Johnson made a motion to open the public hearing at 7:22 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward to address the Council, so Mayor Penn called for a motion to close the public hearing. Mayor Pro Tem Myers made a motion to close the public hearing at 7:23 p.m. and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

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

**ORDINANCE NO. 19-35**

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE IV, “USE REGULATIONS,” SECTION 37, “USE REGULATIONS (CHARTS),” BY ADDING VARIETY STORE; BY AMENDING ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 47, “SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES,” ADDING REGULATIONS FOR A VARIETY STORE; BY AMENDING ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 49, “DEFINITIONS,” AMENDING THE DEFINITION FOR GENERAL RETAIL STORES, DELETING THE DEFINITION FOR RETAIL SHOP AND ADDING DEFINITIONS FOR GROCERY STORE AND VARIETY STORE; 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 by a vote of 5 ayes and 2 absent [Powers and Moon].

7. **Public Hearing on a proposed Strategic Partnership Agreement between the City of Forney and Kaufman County Fresh Water Supply District No. 6 and the voluntary annexation for limited purposes of collecting sales tax on a tract of land consisting of 34.263 acres, situated in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, KCAD Property ID No. 9714.**

City Attorney Jon Thatcher discussed the background of this item. The proposed Strategic Partnership Agreement between the City of Forney and the Kaufman County Fresh Water Supply District No. 6 provides for the limited purpose annexation of approximately 34.263 acres located adjacent to the Vintage Meadows residential subdivision on the northwest corner of FM 741 and I-20.

A Strategic Partnership Agreement requires that the parties to the agreement hold two public hearings giving the public an opportunity to be heard on the matter of the partnership and limited purpose annexation. The District held its two public hearings in May and June 2015. The property is currently vacant.

Following the public hearings to be held on August 20, 2019 and September 3, 2019 during the regular meetings of the City Council, the City Council will have an opportunity to consider approval of the Agreement, and limited purpose annexation for sales tax purposes.
Mayor Penn called for a motion to open the public hearing. Mayor Pro Tem Myers made a motion to open the public hearing at 7:26 p.m. and Council Member Thomas seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

Mayor Penn opened the floor to anyone in the audience who wished to address the Council on this item. No one came forward to address the Council, so Mayor Penn called for a motion to close the public hearing. Council Member Johnson made a motion to close the public hearing at 7:27 p.m. and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

No action was taken by Council.

VII. DISCUSSION / ACTION ITEMS

1. Vision 2025 -- Goals and Initiatives -- Discussion and direction in regard to economic development projects located in the Forney Extra Territorial Jurisdiction (ETJ).

EDC Director Warren Ketteman discussed the background of this item. Ketteman stated that Section 501.159(a) of the Local Government Code provides that an economic development corporation may undertake projects outside of the city limits with permission of the governing body that has jurisdiction over the property. If the project is located completely within the jurisdiction of another municipality, the corporation would need approval of the city council for that municipality. That would be Kaufman County.

Council Member Thomas stated that the size of the project will dictate what we do. We will want something that will bring a lot of jobs into the city. A max amount should be noted. Mayor Pro Tem Myers stated that he agrees with Council Member Thomas and it should improve daytime lunch numbers. Council Member Johnson stated that it should be a case by case situation. Council Member Thomas stated that before the EDC takes any action, it needs to come before the City Council for approval.

No action was taken by the Council.

2. Discuss and take action on requesting board and committee input on various city matters including a city library and dog park; take possible action on the creation of a citizens committee, "Hall of Honor," providing for member appointment procedures and charge of the committee.

City Attorney Thatcher discussed the background of this item. Mayor Penn has requested that the Council have an opportunity to consider the creation of a citizens committee called the "Hall of Honor" to give a greater voice to longtime citizens of Forney to assist in providing insight and direction for City action.

Further, several items have been discussed by individual Council members as potential projects or other developments and have shown an interest in seeking input by existing boards and commissions on the items. Some include a City Library and dog park. The Planning and Zoning Commission and the Parks and Recreation Board may be boards that are appropriate to discuss some of these matters in depth to provide recommendations to the Council.
Staff seeks direction from the Council as to what items the Council would like discussed at the various boards and commissions to be brought back to the Council at a later date.

After discussion, Staff will draft a resolution to formally create a committee for a “Hall of Honor” and will bring to the Council for approval at our next meeting. With regard to a dog park, the Parks Board is working with a group called “Fido” to bring a plan for a dog park to the Council.

3. Discuss and consider appointments to various boards and commissions including the TIF Board.

City Secretary Brooks advised that we had a member resign from the TIF Board due to family issues. Brooks stated she previously provided Council with a list of all applicants and specifically provided information on the four applicants interested in serving on the TIF Board. Mayor Pro Tem Myers made a motion to appoint Peter Hervey to the TIF Board to fill the Member 4 vacancy with a term ending June 30, 2021, and Council Member Thomas seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

VIII. CITY MANAGER’S REPORT

City Manager Carson advised that in partnership with the Kaufman County Master Gardeners Association, the City of Forney will be hosting a rainwater harvesting class, where participants can build their own rain barrel this coming Thursday, August 22, at 6:30 p.m. at City Hall. In this hands-on session, participants will have the opportunity to see a rain barrel constructed, then construct one of their own. The cost to attend the class is $50, which covers the instructions and materials. Those interested MUST pre-register.

Carson announced that our new Police Chief, Mica Lunt, will start on Monday, October 7, 2019, and we will hold a reception for him at the Municipal Court building.

Interim Police Chief Todd Eudy discussed the Speed Awareness Monitor results. Eudy stated he would meet with Council Member Thomas to discuss the results. Eudy advised that the Monitor could be set up in residential areas, too.

IX. COUNCIL COMMENTS

Council Member Thomas had no comments

Mayor Pro Tem Myers thanked everyone for their hard work and the speakers for coming forward tonight.

Council Member Cooper thanked Staff for their hard work.

Council Member Johnson thanked everyone for coming out tonight.

Mayor Penn asked that everyone keep the Family of Linda Roland Bryant in their prayers.

Mayor Penn announced that Council would now adjourn into Executive Session under Chapter 551 of the Texas Government Code, Sections 551.071 and 551.074 and asked for a motion. Council Member Cooper made a motion to adjourn into Executive Session at 8:13 p.m. and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].
X. EXECUTIVE SESSION

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

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):


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

   a. City Manager
   b. City Attorney
   c. City Secretary
   d. Police Chief

XI. RECONVENE INTO REGULAR SESSION

Council returned to Chambers at 9:48 p.m. Mayor Penn called for a motion to adjourn out of Executive Session at that time. Council Member Johnson made a motion to adjourn out of Executive Session and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

There was no action to be taken as a result of Executive Session.

Mayor Penn called for a motion to adjourn the meeting at 9:48 p.m. Mayor Pro Tem Myers made the motion to adjourn and Council Member Cooper seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Powers and Moon].

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this ___ day of ___ September, 2019.

Mary Penn, Mayor

Dorothy Brooks, City Secretary

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