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**Minutes
Forney City Council
Tuesday, July 19, 2022
6:30 p.m. Regular Meeting
Council Chambers
City Hall, 101 E. Main Street, Forney, Texas 75126**

I. CALL TO ORDER

Mayor Pro Tem Traylor called the meeting to order at 6:30 p.m. Present Mayor Pro Tem James Traylor and Council Members Cecil Chambers, Sandi Primous, Sarah Salgado, Zahnd Schlensker and Jason Roberson. Mayor Amanda Lewis was absent. Also present was Acting City Manager Karl Zook.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER JASON ROBERSON

III. APPROVAL OF MINUTES

1. **Consider approval of the Minutes of the July 5, 2022, City Council meeting.**

Mayor Pro Tem Traylor asked if Council had any changes to the Minutes. There being no changes, Mayor Pro Tem Traylor called for a motion. Council Member Chambers made a motion to approve the Minutes of the July 5, 2022, City Council meeting and Council Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Lewis].

IV. OPEN FORUM/CITIZEN COMMENTS

This is the public's opportunity to address the City Council on any matter related to the City. In accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss, consider, or take action on matters not listed on the agenda. The City Council will receive citizen comments on non-agenda items, 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 Traylor opened the open forum session and asked if there was anyone in the audience who wished to address the Council. The following person came forward to address the Council:

Peter Rosenberg
105 Darcie
Forney, Texas 75126

Mr. Rosenberg stated he had three things to address:

1. He would like to see the City logo changed. We really are not a "city without limits."
2. We need to raise the developer standards.
3. He would like to see a windmill removed that hasn't been in service for a number of years.

53 There being no one else to address the Council, Mayor Pro Tem Traylor closed the open forum
54 session.

55
56 **V. CONSENT AGENDA**

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

- 60
61 1. **Consider a Resolution setting a date, time and place for a public**
62 **hearing on the proposed annexation of an approximate 76.01 acres**
63 **located in the John Gregg Survey, Abstract No. 171, Kaufman County,**
64 **Texas, owned by La Frontera Holdings, LLC.**
65
66 2. **Consider approval of a preliminary plat for the Fox Hollow Retail**
67 **Addition.**
68
69 3. **Consider approval of a preliminary plat for the Towneplace Suites**
70 **Marriott Forney, located south of U.S. Highway 80 and west of Regal**
71 **drive.**
72
73 4. **Consider approval of a preliminary plat for the Trailhouse Park**
74 **Hampton Addition, located north of U.S. Highway 80 and west of**
75 **Trailhouse Lane.**
76
77 5. **Consider approval of a preliminary plat for Forney Montessori,**
78 **located southeast intersection of Pinson Road and Ridgecrest Road.**
79
80 6. **Consider approval of a final plat for Forney Montessori, located**
81 **southeast intersection of Pinson Road and Ridgecrest Road.**
82
83 7. **Consider approval of a final plat for the Lovett Forney Addition,**
84 **located at the southeast corner of North F.M. 548 and Ridgecrest**
85 **Road.**
86
87 8. **Consider approval of a site plan for Forney Crossing Retail.**
88
89 9. **Consider approval of a site plan for the Bellagio Multifamily, located**
90 **northwest of the intersection of Bellagio Parkway and Laguna Vista**
91 **Drive.**
92
93 10. **Consider approval of a site plan for the Towne Suites Marriott Forney,**
94 **located south of U.S. Highway 80 and west of Regal Drive.**
95
96 11. **Consider approval of a site plan for the Trailhouse Park Hampton Inn,**
97 **located north of U.S. Highway 80 and west of Trailhouse Lane.**
98
99 12. **Consider approval of exterior changes to the main structure at 108 S.**
100 **Bois d'Arc Street.**

101
102 Mayor Pro Tem Traylor asked if Council wanted to pull of any of the Consent Agenda Items for
103 discussion. Council Member Salgado stated she would like to pull Consent Agenda Item No. 9.
104 Mayor Pro Traylor then called for a motion on the remaining Consent Agenda Items No. 1 – 8 and
105 10 – 12. Council Member Chambers made a motion to approve Consent Agenda Items No. 1 –

106 8 and 10 – 12 and Council Member Schlensker seconded the motion. The motion passed by a
107 vote of 6 ayes and 1 absent [Lewis].
108

109 **9. Consider approval of a site plan for the Bellagio Multifamily, located**
110 **northwest of the intersection of Bellagio Parkway and Laguna Vista**
111 **Drive.**
112

113 Community Development Director Peter Morgan discussed this item. Quiddity Engineering,
114 representing the property owner, requests approval of a site plan for Bellagio Multifamily. The
115 purpose of the site plan is to provide the site design for the multi-family residential development
116 of the property.
117

118 The 11.73-acre property is currently vacant and undeveloped. The property is zoned within the
119 Bellagio Planned Development, which was established with City Council zoning approval on
120 January 19, 2021. Multi-Family residential developments are permitted up to up to thirty-two (30)
121 dwelling units per acre. Forney High School and the Bellagio Laguna site are directly adjacent to
122 this property.
123

124 The site plan displays 300 units, with six (6) buildings. The proposed multifamily development is
125 25.6 units per acre which is permitted by right within this planned development. A club house is
126 located in building 1. The central mail center and the leasing office in located in building 1 as well.
127

128 The building elevation plans shows that fiber cement siding, stone and brick is the primary exterior
129 construction materials. The primary exterior construction materials of the garage structures will
130 be brick and stone. The materials are approved by the International Building Code. The parking
131 includes 423 uncovered spaces, 111 garage spaces. Sidewalks, and bicycle racks are provided
132 throughout the property. Parking is provided at a rate of 1.78 spaces per unit. The landscape plan
133 meets this requirement and all other requirements listed in Ordinance No. 21-10 and the Zoning
134 Ordinance.
135

136 The Planning and Zoning Commission recommended approval of the request on July 7, 2022.
137

138 Mayor Pro Tem Traylor called for a motion. Council Member Schlensker made a motion to
139 approve Consent Agenda No. 9 and Council Member Salgado seconded the motion. The motion
140 passed by a vote of 6 ayes and 1 absent [Lewis].
141

142 **VI. PUBLIC HEARING ITEMS**
143

144 **1. Hold a public hearing and discuss and consider a replat of Lot 3R and**
145 **4, Block A, Kroger Drive North Addition, located east of the Trailhouse**
146 **Lane and Kroger Drive intersection.**
147

148 Community Development Director Peter Morgan discussed this item. Cross Engineering,
149 representing the property owner, requests approval of a replat of Lot 3R and 4, Block A, Kroger
150 Drive North Addition. The purpose of the replat is to establish the boundaries and easements
151 necessary for the development of a child care center.
152

153 The subject properties are currently vacant and undeveloped. The property is zoned within the
154 Forney Marketplace planned development, PD 11-15, originally approved by City Council July 19,
155 2011. An amendment to the planned development concept plan was approved by City Council on
156 December 15, 2020. Child care centers are an approved use by right in this planned development.
157 This property is north of the Kroger grocery store and west of Pristine Car Wash.

158
159 The replat consists of two (2) lots and 4.369 acres of land. The plat is designed in compliance
160 with the City of Forney Comprehensive Zoning Ordinance and the City of Forney Subdivision
161 Ordinance.

162
163 If the replat is approved, future development of the property will require approval of 1. Civil Plans
164 (staff approved).

165
166 On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.

167
168 Mayor Pro Tem Traylor opened the public hearing at 6:39 p.m. No one came forward to address
169 the Council, so the public hearing was closed at 6:40 p.m.

170
171 Mayor Pro Tem Traylor called for a motion. Council Member Chambers made a motion to approve
172 the replat and Council Member Schlensker seconded the motion. The motion passed by a vote
173 of 6 ayes and 1 absent [Lewis].

174
175 **2. Hold a public hearing and discuss and consider approval of an**
176 **Ordinance for a communications tower taller than thirty-six feet (36').**
177 **The property is located at 1110 N Kaufman Street.** [Read Ordinance
178 Caption]

179
180 Community Development Director Peter Morgan discussed this item. The North Texas Municipal
181 Water District (NTMWD), requests approval of a conditional use permit for a communications
182 tower taller than thirty-six feet (36'). The property is located at 1110 N Kaufman Street.

183
184 The property consists of 6.72 acres of land and is currently used as a pump station by North
185 Texas Municipal Water District. Access to the property is provided from Kaufman Street. The
186 property also has access to Hunters Circle on the south side of the property. This property is
187 located in the C, Commercial District.

188
189 The applicant is requesting to construct a 195' communications tower. A communications tower
190 that exceeds the height allowed in the nonresidential zoning district may be allowed by Conditional
191 Use Permit (CUP). The purpose of this tower is to improve signal by redirecting communication
192 to a localized point. A proposed 10'x12' building will be constructed to house the electrical
193 equipment for the tower and a proposed access driveway will also be constructed on the site. The
194 property provides direct access to the Kaufman Street. The property has rear access to Hunters
195 Circle, which connects to Regal Drive.

196
197 Staff provided notification of this public hearing to adjacent property owners (within City limits)
198 and the notice was published in the Forney Messenger. Staff did not receive any public comments.

199
200 On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.

201
202 Mayor Pro Tem Traylor opened the public hearing at 6:43 p.m. No one came forward to address
203 the Council, so the public hearing was closed at 6:43 p.m. Mayor Pro Tem Traylor called for a
204 motion. Council Member Salgado made a motion to approve the Ordinance and Council Member
205 Primous seconded the motion. The Ordinance caption was read as follows:

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ORDINANCE NO. 22-22

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 COMMUNICATIONS TOWER TALLER THAN THIRTY-SIX FEET (36') ON APPROXIMATELY 6.72 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, 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 6 ayes and 1 absent [Lewis].

- 3. Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit to allow a Gasoline Service Station to operate as an allowed use on property located north of the S. F.M. 548 and F.M. 741 intersection. [Read Ordinance Caption]**

Community Development Director Peter Morgan discussed this item. Kimley-Horn, representing the property owner, requests approval of a Conditional Use Permit. The purpose of the request is to allow for a gasoline service station to operate on property located north of the S. F.M. 548 and F.M. 741 intersection.

The property consists of 16.54 acres of land zoned within Planned Development No. 1126. The base zoning for the property is General Retail, which requires the approval of a conditional use permit for a gasoline service station to operate.

The property is bordered to the north by the Three Forks Senior Living facility. To the east, across S. F.M. 548, is the Fox Hollow single-family residential subdivision. The adjacent property to the northwest is part of a planned development zoning request for a grocery store and retail uses.

Conditional Use Permit Request: The site plan exhibit shows a 3,000 square foot convenience store and six (6) double-sided fuel pumps. Access from S. F.M. 548 is shared with the adjacent proposed grocery store and retail uses. Landscaping is provided in compliance with the requirements for parking areas and the linear street frontage.

The property has direct access to S. F.M. 548.

Notification was provided in the newspaper and to property owners within two-hundred feet (200') of the property. Staff has received no public comment regarding this request.

On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.

Mayor Pro Tem Traylor opened the public hearing at 6:46 p.m. No one came forward to address the Council, so the public hearing was closed at 6:46 p.m. Mayor Pro Tem Traylor called for a motion. Council Member Roberson made a motion to approve the Ordinance and Council Member Schlensker seconded the motion. The Ordinance caption was read as follows:

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ORDINANCE NO. 22-23

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 PLANNED DEVELOPMENT OVERLAY DISTRICT (PD) USES TO PLANNED DEVELOPMENT OVERLAY DISTRICT (PD) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR A GASOLINE SERVICE STATION TO OPERATE ON APPROXIMATELY 16.54 ACRES OF LAND IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, 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 6 ayes and 1 absent [Lewis].

- 4. Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit to allow Coffee Roasting to operate as a permitted use at 309 E. Main Street. [Read Ordinance Caption]**

Community Development Director Peter Morgan discussed this item. Socii Coffee requests approval of a Conditional Use Permit. The purpose of the request is to allow for coffee roasting to be part of a new coffee shop use at 309 E. Main Street.

The use requires a conditional use permit in the General Retail zoning district.

The applicant requests to renovate part of an existing structure for the use. The applicant stated that the focus of operations will be serving the citizens of Forney with brewed coffee beverages, but operations will also include roasting coffee and fulfilling online orders. The roasters are small-scale artisan machines. One of the machines roasts 5 lbs. per batch and the other roasts 20 lbs. per batch. Roasting would be two days per week for up to six hours. The Concept Plan shows a new awning at the front of the structure and additional customer parking. A detailed exterior site plan would need to be approved prior to any certificate of occupancy being issued.

The property has direct access to E. Main Street.

Notification was provided in the newspaper and to property owners within two-hundred feet (200') of the property. Staff has received no public comment regarding this request.

On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.

Morgan advised that this is for Kingdom Growers coffee.

Mayor Pro Tem Traylor opened the public hearing at 6:49 p.m. No one came forward to address the Council, so the public hearing was closed at 6:50 p.m. Mayor Pro Tem Traylor called for a motion. Council Member Chambers made a motion to approve the Ordinance and Council Member Primous seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 22-24

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 COFFEE ROASTING TO OPERATE AS A USE ON APPROXIMATELY 0.215 ACRES OF LAND IN THE JOHN GREGG SURVEY,

314 ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN
315 ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING
316 ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;
317 PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR
318 PUBLICATION AND AN EFFECTIVE DATE.
319

320 The motion passed by a vote of 6 ayes and 1 absent [Lewis].
321

- 322 **5. Hold a public hearing and discuss and consider approval of an**
323 **Ordinance rezoning 20.182 acres of land from Agricultural District to**
324 **a Planned Development Overlay District with a base zoning of Light**
325 **Industrial District. The property is located north of the County Road**
326 **212 and South Gateway Boulevard intersection. [Read Ordinance**
327 **Caption]**
328

329 Community Development Director Peter Morgan discussed this item. Leon Industrial
330 Acquisitions, LLC, requests approval to rezone 20.182 acres of land from Agricultural to a Planned
331 Development with a base zoning of Light Industrial. The property is located west of S. Gateway
332 Boulevard and north of County Road 212. The purpose of the rezoning is to establish a planned
333 development district with standards for light industrial development.
334

335 The property consists of 20.182 acres of land and is currently zoned in the Agricultural district.
336 The property is currently vacant and undeveloped. The property is bordered by C.R. 212 and
337 South Gateway Boulevard. The Gateway Parks single-family residential subdivision is located to
338 the south and the Amazon distribution facility borders the property on the north side.
339

340 The requested rezoning replaces the existing Agricultural zoning with a light industrial Planned
341 Development. The following changes to the Light Industrial development standards are
342 requested: 1. General Manufacturing shall be a permitted use, provided it meets the performance
343 standards provided in Section 44 of the Zoning Ordinance; and 2. The maximum building height
344 shall be sixty feet (60'), not thirty-six feet (36'). All other development regulations must comply
345 with the Zoning Ordinance.
346

347 The Concept Plan shows that two buildings are proposed on the property: 1. Building 1 is 228,780
348 square feet. 2. Building 2 is 60,965 square feet. Internal and rear parking areas are sized for trailer
349 parking. Parking adjacent to the street frontages are sized for standard vehicles.
350

351 The property provides direct access to S. Gateway Boulevard and to C.R. 212. The Concept Plan
352 shows driveway connections to each street. A traffic impact analysis is planned to be provided
353 with a site plan application.
354

355 Staff provided notification of this public hearing to adjacent property owners (within City limits)
356 and the notice was published in the Forney Messenger. Staff received one response form a
357 Gateway Parks resident in opposition to the request.
358

359 On July 7, 2022, the Planning and Zoning Commission voted to recommend approval.
360

361 Mayor Pro Tem Traylor opened the public hearing at 6:54 p.m. No one came forward to address
362 the Council, so the public hearing was closed at 6:54 p.m. Discussion ensued regarding some
363 sort of sound barrier. The Developer came forward and stated that they can do additional trees
364 with no problem. Mayor Pro Tem Traylor called for a motion. Council Member Roberson made
365 a motion to approve the Ordinance with the stipulation that Council must approve the final

366 landscaping prior to a permit being issued and Council Member Salgado seconded the motion.
367 The Ordinance caption was read as follows:

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369 **ORDINANCE NO. 22-26**

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371 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE**
372 **ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE**
373 **ZONING FROM AGRICULTURAL DISTRICT (AG) TO A PLANNED DEVELOPMENT OVERLAY**
374 **DISTRICT (PD) WITH A BASE ZONING DISTRICT DESIGNATED AS LIGHT INDUSTRIAL**
375 **DISTRICT (LI), ON APPROXIMATELY 20.182 ACRES OF LAND IN THE SAMUEL SMITH**
376 **SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN**
377 **ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING**
378 **ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**
379 **PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR**
380 **PUBLICATION AND AN EFFECTIVE DATE.**

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

- 383
384 **6. Hold a public hearing and discuss and consider approval of an**
385 **Ordinance to rezone 25.738 acres of property from Agricultural**
386 **District to Planned Development Overlay District. The property is**
387 **located south of U.S. Highway 80, east of S. Gateway Boulevard and**
388 **north of Akron Way. [Read Ordinance Caption]**
389

390 Community Development Director Peter Morgan discussed this item. ICM Asset Management,
391 representing the property owner, requests approval to rezone 25.738 acres of property from
392 Agricultural District to Planned Development Overlay District. The purpose of the request is to
393 establish the standards for light industrial development of the property.

394
395 The property consists of 25.738 acres of vacant land zoned in the Agricultural District. The
396 property is bordered by vacant land to the east, U.S. Highway 80 to the north, and light industrial
397 developments to the south and west.

398
399 The applicant is requesting to establish a light industrial planned development similar to the
400 adjacent properties. The site plan shows a 325,000 square foot main distribution facility with trailer
401 parking surrounding the property. Any manufacturing would require approval of a conditional use
402 permit. The building elevation plan shows a building height generally set at forty-six feet (46').
403 Landscaping and other site details would be required to have approval with a full site plan
404 submittal.

405
406 The property provides direct access to Akron Way.

407
408 Staff provided notification of this public hearing to adjacent property owners and public notice was
409 published in the Forney Messenger. Staff did not receive any public comment.

410
411 On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.

412
413 Mayor Pro Tem Traylor opened the public hearing at 7:05 p.m. No one came forward to address
414 the Council, so the public hearing was closed at 7:05 p.m. Mayor Pro Tem Traylor called for a
415 motion. Council Member Salgado made a motion to approve the Ordinance and Council Member
416 Primous seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 22-25

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 AGRICULTURAL DISTRICT (AG) TO A PLANNED DEVELOPMENT OVERLAY DISTRICT (PD) WITH A BASE ZONING DISTRICT DESIGNATED AS LIGHT INDUSTRIAL DISTRICT (LI), ON APPROXIMATELY 25.738 ACRES OF LAND IN THE SAMUEL SMITH SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, 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 6 ayes and 1 absent [Lewis].

VII. DISCUSSION / ACTION ITEMS

1. Presentation on current and future projects of the Economic Development Corporation and current status of new EDC building.

EDC Director Lynn Spencer discussed the current and future projects of the EDC. Due to recent activity on social media, Spencer advised that Project Clifford at Gateway Town Center is for a power retail center. She stated that Target has not decided where they are going, but it is not Terrell and Forney is still in the running. Edge is the Developer.

Current Projects / Developers

- Trailhouse – Mixed Use, Med - Office
- Victory Group - Outback + more [Kohls]
- Standridge – Project Combo
- Exeter – RFI's
- Intrepid – Industrial/ retail

Existing & Expanding Businesses

- First State Bank
- Nav Central

Prospects

- Eclipse – If we get this, it will provide 1,000 to 1,400 jobs
- Clifford
- King Kong
- Chance
- Moneyball

Spencer advised that another project not listed, is Project Date Night, which be located at Regal and Broad.

Spencer provided an Industrial Development update and Leakage Reports on Apparel and Superstores.

President of the EDC Board Joe Dan McBeth came forward to talk about the building at 203 E. Main. McBeth showed various costs for remodeling and/or tear down and rebuild. Remodel with higher quality would be \$1.3M; a basic remodel would be \$635,000; and the tear down and rebuild would cost \$2.6M. They are 8 months to a year out and will need to determine if the building will fit in the long-term strategic plan. McBeth stated that the EDC would like to meet jointly with the Council.

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2. Discuss ARPA Funds with Baker Tilly regarding the application process for Non-Profits, Small Businesses and Residents.

Tom Kaleko of Baker Tilley was available via Zoom and discussed the options for the application process for non-profits, small businesses and residents because of losses during the pandemic. Council discussed the qualification guidelines in more detail for the individuals and small business/ non-profits that are eligible to receive federal ARPA Funds.

The grants were recommended at \$500 for households and \$1,500 for small businesses/ nonprofits. To qualify, individuals would need to be city residents who participate in certain federal assistance programs (such as CHIP or Medicaid).

Small businesses would be an 'impacted' industry of travel, tourism, or hospitality; and nonprofits would need to identify a negative financial impact from COVID.

Baker Tilly will be administering the funds process and will fine tune the application to ensure that Forney receives the greatest financial impact for this portion of the program.

3. Discuss and consider confirmation of the Civil Service Commission.

This item was pulled from discussion.

4. Discuss and consider approval of a revised site plan for the Hailey Pump Station, located at 1110 N Kaufman Street.

Community Development Director Peter Morgan discussed this item. The North Texas Municipal Water District requests approval of a revised site plan for the Hailey Pump Station. The purpose of the request is to establish the site design for a communications tower.

The property consists of 6.72 acres of land and is currently used as a pump station by North Texas Municipal Water District. Access to the property is provided from Kaufman Street. The property also has access to Hunters Circle on the south side of the property. This property is located in the C, Commercial District.

The applicant is requesting construct a 195-foot communications tower. A communications tower that exceeds the height allowed in the nonresidential zoning district may be allowed by Conditional Use Permit (CUP). The purpose of this tower is to improve signal by redirecting communication to a localized point. A proposed 10'x12' building will be constructed to house the electrical equipment for the tower and a proposed access driveway will also be constructed on the site.

On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.

Mayor Pro Tem Traylor called for a motion. Council Member Salgado made a motion to approve the revised site plan and Council Member Primous seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Lewis].

5. Discuss and consider a Resolution approving a Developer Participation Agreement with Forster Giles Investments, GP for the construction and relocation of certain public improvements, including water infrastructure at US Highway 80 Frontage Road and Pinson Road.

525
526 City Engineer Karl Zook discussed this item. Forster & Giles Investments, GP (the “Developer”)
527 is the owner of real property located in the City of Forney and adjacent to US Highway 80 Frontage
528 Road to be developed as Dairy Queen. The Developer will be constructing and relocating certain
529 public improvements, including water infrastructure. The Developer will also construct the
530 extension of an existing water line and connect the existing water line to the new water facilities.
531 The City shall reimburse the Developer a portion of the utility construction costs paid by the
532 Developer in an amount not to exceed \$98,198.61 for the domestic water line cost and \$5,000.00
533 for the engineered water line drawing. This reimbursement amount is less than thirty percent
534 (30%) of the total contract price, except for those costs that are required by the City for water
535 improvements, which shall be reimbursed at one hundred percent (100%) of the total cost for the
536 water line improvements. The developer will design and construct the project in accordance with
537 the City’s design standards and the improvements are subject to City inspection and acceptance.
538 Staff recommends approval of the Resolution.

539
540 Mayor Pro Tem Traylor called for a motion. Council Member Chambers made a motion to approve
541 the Resolution and Council Member Schlensker seconded the motion. The motion passed by a
542 vote of 6 ayes and 1 absent [Lewis].

543
544 **6. Discuss and consider board and commission appointments: Building**
545 **Standards Commission Board and the Park and Recreation Board.**
546

547 City Secretary Brooks discussed this item. As a result of the appointments made on July 5,
548 2022, the Alternate Member 4 position on the Building Standards Commission is vacant.
549 That member was appointed to a regular member position on that board.

550
551 At the July 5, 2022, City Council meeting, the appointment for Member 2 of the Parks and
552 Recreation Board was tabled to this meeting.

553
554 Mayor Pro Tem Traylor called for a motion for the Building Standards Commission
555 position. Council Member Salgado made a motion to appoint Arthur Vidales and Council
556 Member Schlensker seconded the motion. The motion passed by a vote of 6 ayes and 1
557 absent [Lewis].

558
559 Mayor Pro Tem Traylor called for a motion for the Parks and Recreation Board position.
560 Council Member Roberson made a motion to appoint Kris Briggs and Council Member
561 Schlensker seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
562 [Lewis].

563
564
565 **VIII. CITY MANAGER’S REPORT**

566 THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
567 FUTURE LEGISLATIVE ACTIVITIES, AND OTHE RELATED MATTERS FOR POSSIBLE ACTION,
568 INCLUDING THE FOLLOWING:
569

570
571 Public Works Director Kyle Groves talked about water conservation. What is the goal? Why are
572 we asking residents to take certain steps to reduce and spread out the use of water? Well let’s
573 start with the big picture. Our water supplier NTMWD serves 2 million people in approximately 80
574 different communities across 10 counties. On Tuesday July 12 NTMWD experienced record level
575 demand as they pump 628 million gallons over a 24-hour period. The day before on Monday July
576 11, the City of Forney experienced such high demand that the water system came the closest I

577 have ever experienced a water system coming to running out of water, like McClendon-Chism did
578 on July 13. There are a couple of factors that lead to such situations. Essentially, it is the amount
579 of water being consumed and the fact that it is all being consumed at the same time. This is why
580 we ask people to abide by water conservation measures. It helps spread out demand throughout
581 the week so that everyone is not pulling on the system at the same time and to reduce the amount
582 of water used in general, especially when it comes to excessive runoff or waste. We must
583 remember that we are currently experiencing the 3rd hottest summer on record with many more
584 days forecasted to be 100 degrees + over the next couple of weeks to a month. Also, historically
585 water demands double during the summer and 60% of that water is used for irrigation of outdoor
586 landscape. So, what happens if we are unable to continue to curtail water usage? Well, we would
587 be forced to enact our drought contingency plan, which has 3 different stages. We are currently
588 requesting that residents abide by most of the regulations set forth under stage 1; however, if we
589 enact the drought contingency plan then it would no longer be a request but a regulation that
590 would have enforcement measures behind it. So, what regulations are set forth under the different
591 stages?

592 **Stage 1**

593 Goal for Use Reduction and Actions Available under Stage 1

594
595
596 Stage 1 is intended to raise public awareness of potential drought or water emergency
597 problems. The goal for water use reduction under Stage 1 is a two percent reduction in the
598 amount of water produced by NTMWD. The City Manager, General Manager, Mayor, Chief
599 Executive, or official designee may order the implementation of any of the actions listed below,
600 as deemed necessary:
601

- 602 ▪ Continue any actions available under Water Conservation Plan
- 603 ▪ Request voluntary reductions in water use by the public and by wholesale customers.
- 604 ▪ Notify wholesale customers of action being taken and request implementation of
605 similar procedures.
- 606 ▪ Increase public education efforts on ways to reduce water use.
- 607 ▪ Review the problems that caused the initiation of Stage 1.
- 608 ▪ Intensify efforts on leak detection and repair.
- 609 ▪ Reduce non-essential city government water use. (Examples include street cleaning,
610 vehicle washing, operation of ornamental fountains, etc.)
- 611 ▪ Notify major water users and work with them to achieve voluntary water use reductions.
- 612 ▪ Reduce city government water use for landscape irrigation.
- 613 ▪ Ask the public to follow voluntary landscape watering schedules.

614 **Stage 2**

615 Goal for Use Reduction and Actions Available under Stage 2

616
617
618 The goal for water use reduction under Stage 2 is a five percent reduction in the amount of water
619 produced by NTMWD. If circumstances warrant or if required by NTMWD, the City Manager or
620 official designee can set a goal for greater water use reduction. The City Manager or official
621 designee may order the implementation of any of the actions listed below, as deemed
622 necessary. Measures described as “requires notification to TCEQ” impose mandatory
623

624 requirements on customers. The supplier must notify TCEQ and NTMWD within five
625 business days if these measures are implemented:

- 626 ▪ Continue or initiate any actions available under Stage 1.
- 627 ▪ Notify wholesale customers of actions being taken and request them to implement
628 similar procedures.
- 629 ▪ Initiate engineering studies to evaluate alternatives should conditions worsen.
- 630 ▪ Further accelerate public education efforts on ways to reduce water use.
- 631 ▪ Halt non-essential city government water use. (Examples include street cleaning,
632 vehicle washing, operation of ornamental fountains, etc.)
- 633 ▪ Encourage the public to wait until the current drought or emergency situation has
634 passed before establishing new landscaping.
- 635 ▪ The City may prohibit watering from 5 to 9 AM and from 4 to 7 PM in order to
636 allow ground and elevated storage to be replenished.
- 637 ▪ Limit landscape watering with sprinklers or irrigation systems to no more than two
638 days per week. An exception is allowed for landscape associated with new
639 construction that may be watered as necessary for 30 days from the date of the
640 certificate of occupancy. An exemption is also allowed for registered and properly
641 functioning ET/Smart Irrigation systems and drip irrigation systems, which do not have
642 restrictions to the number of days per week of operation
- 643 ▪ Requires all City of Forney water users to comply with the two-day per week water
644 use schedule.
- 645 ▪ Restrict landscape and lawn irrigation from 10 AM to 6 PM beginning April 1 through
646 October 31 of each year.
- 647 ▪ Prohibit planting of cool season grasses (such as rye grass or other similar grasses)
648 that intensify cool season water requirements.

649 **Stage 3**

650 Goals for Use Reduction and Actions Available under Stage 3

651
652 The goal for water use reduction under Stage 3 is a reduction of ten percent in the amount of
653 water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City
654 Manager, General Manager, Mayor, Chief Executive, or official designee can set a goal for a
655 greater water use reduction.
656
657

658
659 The City Manager, General Manager, Mayor, Chief Executive, or official designee must
660 implement any action(s) required by NTMWD. In addition, the City Manager, General Manager,
661 Mayor, Chief Executive, or official designee may order the implementation of any of the actions
662 listed below, as deemed necessary. Measures described as “requires notification to TCEQ”
663 impose mandatory requirements on customers. The supplier must notify TCEQ and NTMWD
664 within five business days if these measures are implemented:

- 665 ▪ Continue or initiate any actions available under Stages 1 and 2.
- 666 ▪ Notify wholesale customers of action being taken and request them to implement
667 similar procedures.
- 668 ▪ Implement viable alternative water supply strategies.

- 669 ▪ Initiate mandatory water use restrictions as follows:
 - 670
 - 671 ○ Prohibit hosing of paved areas, buildings, or windows. (Pressure washing
 - 672 of impervious surfaces is allowed.)
 - 673 ○ Prohibit operation of all ornamental fountains or other amenity impoundments to
 - 674 the extent they use treated water.
 - 675 ○ Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff
 - 676 nozzle.
 - 677 ○ Prohibit using water in such a manner as to allow runoff or other waste.
- 678 ▪ Limit landscape watering with sprinklers or irrigation systems at each service address
 - 679 to once every seven days Exceptions are as follows:
 - 680 ○ Foundations, new landscaping, new plantings (first year) of shrubs, and trees
 - 681 may be watered for up to 2 hours on any day by a hand-held hose, a soaker
 - 682 hose, or a dedicated zone using a drip irrigation system.
 - 683 ○ Golf courses may water greens and tee boxes without restrictions.
 - 684 ○ Public athletic fields used for competition may be watered twice per week.
 - 685 ○ Locations using other sources of water supply for irrigation may irrigate without
 - 686 restrictions.
 - 687 ○ ET/Smart irrigation systems are not exempt from once every seven day watering
 - 688 restrictions.
 - 689 ○ Exception for the establishment of new sodded grasses. The exemption for
 - 690 new sodded grass areas shall not exceed 30 consecutive days for the
 - 691 Certificate of Occupancy date, Temporary Certificate of Occupancy date,
 - 692 or Certificate of Completion date for new home or building construction.
- 693 ▪ Requires all City of Forney water users to comply with the one day per week water
 - 694 use schedule.
- 695 ▪ Limit landscape watering with sprinklers or irrigation systems between November 1
 - 696 and March 31 to once every two weeks. An exception is allowed for landscape
 - 697 associated with new construction that may be watered as necessary for 30 days from
 - 698 the date of the certificate of occupancy, temporary certificate of occupancy, or
 - 699 certificate of completion.
- 700 ▪ Prohibit hydroseeding, hydromulching, and sprigging.
- 701 ▪ Existing swimming pools may not be drained and refilled (except to replace normal
 - 702 water loss).
- 703 ▪ Initiate a rate surcharge as requested by NTMWD.
- 704 ▪ Initiate a rate surcharge for all water use over a certain level.
- 705 ▪ If NTMWD has imposed a reduction in water available to Member Cities and
 - 706 Customers, impose the same percent reduction on wholesale customers.
- 707 ▪ Prohibit watering of golf courses using treated water, except as needed to keep greens
 - 708 and tee boxes alive.
- 709 ▪ Prohibit the operation of all spray ground water parks or other water spray recreation
 - 710 activities that do not treat and recirculate water.
 - 711

712 Therefore, our actions now are to help keep us from having to enter any of these various stages
713 for as long as possible by reducing non-essential water use for such things as landscaping and
714 washing vehicles with the ultimate goal of being able to provide water for essential needs such
715 as showers, laundry, cooking, and drinking. With all of that being said, I would like to ease
716 resident's minds about our ability to supply water. Our problems on Monday July 11 had additional
717 factors involved, such as our Pump Station #1 being down for repairs that are being performed
718 by NTMWD. NTMWD is currently in the process of getting it back operational until we can get
719 past this extreme summer demand. NTMWD also opened up a bypass line into Pump Station #2
720 in order to provide more water to the site to make up for the loss of Pump Station #1. In closing,
721 we have the ability to meet the current demand. However, the big picture goal is to reduce water
722 usage so that lake levels do not fall at excessive rates throughout this drought and reduce the
723 demand on the system, and also to spread out the demand throughout the week so that the
724 system is not hit hard all at once. We ask residents to visit the websites and social media pages
725 for both the City of Forney and NTMWD on tips for reducing and conserving water.

726

727 **IX. ANNOUNCEMENT OF COMMUNITY EVENTS**

728 This section is used to communicate items of community interest, specifically, reminders about
729 upcoming events organized or sponsored by the government body or other information regarding a
730 social, ceremonial or community event organized or sponsored by any entity other than the
731 government body that may be of interest to the citizens of Forney.

732

733 Mayor Pro Tem Traylor asked Council if they had any comments tonight. Council Member
734 Primous stated that the heat is illegal and for everyone to stay out of the sun. Council Member
735 Chambers told everyone to stay hydrated.

736

737 There being no further business to come before the Council, Mayor Pro Tem Traylor called for a
738 motion to adjourn at 9:00 p.m. Council Member Salgado made a motion to adjourn and Council
739 Member Roberson seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
740 [Lewis].

741

742 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
743 **TEXAS, this _____ day of _____, 2022.**

744

745

746

747 **ATTEST:**

Amanda Lewis, Mayor

748

749

Dorothy Brooks, City Secretary

750

751