MINUTES
FORNEY CITY COUNCIL
Tuesday, April 21, 2020
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

The general public can view the meeting live on our video stream at https://www.forneytx.gov/803/Watch-Meetings. If you wish to address the Council on any subject or in open forum at this meeting, you are required to email dbrooks@forneytx.gov no later than Tuesday, April 21, 2020, by 3:00 p.m. You must provide your name and telephone number and state which item(s) you wish to speak on. You will be provided a telephone number and meeting in which you must dial into 15 minutes prior to the scheduled meeting start time. Due to technical restrictions, those who fail to dial into the meeting at the prescribed time may forfeit their ability to speak at said meeting.

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:35 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 DERALD COOPER

III. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the April 7, 2020 City Council meeting.

Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor Penn called for a motion. Council Member Powers made a motion to approve the Minutes of the April 7, 2020, meeting, and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

IV. 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 Gateway Center, located northeast of the intersection of North Gateway Blvd and North F.M. 548.

2. Consider approval of a site plan for 7-Eleven, located northeast of the intersection of North Gateway Blvd and North F.M. 548.

3. Consider approval of a site plan for the Diamond Creek amenity center, located northwest of the intersection of Tuscany Drive and Rosedale Drive.

4. Consider approval of a revised site plan for Eric L. Davis Engineering, located at 401 Pinson Road.

5. Consider approval of a revised site plan for Forney High School, located at 1800 College Avenue.
6. Consider Approval of the Acceptance of Public Improvements for Goodyear.

7. Consider Approval of the Acceptance of Public Improvements for Woodlands Crossing.

8. Consider action to reject the bid proposals received for the sidewalk improvements project and authorize staff to rebid the project.

9. Consider approval of a Resolution authorizing the City Manager and the City Finance Director to revise and settle retail water accounts for the City of Forney.

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

V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. Hold a public hearing and discuss and consider approval of an Ordinance amending the City of Forney Comprehensive Zoning Ordinance by amending the permit requirements and the regulations for a Farmers Market. [Read Ordinance Caption]

Community Development Director Peter Morgan discussed the background of this item. He submitted the following information in the Council packet:

**Item Summary:**

Regulations for a farmers market use were established by City Council on March 15, 2016. Since that time there has been one farmers market operate on the Brad Street cotton gin property. Staff was recently contacted by one of the participating food vendors and by the Forney Arts Council and we discussed how the regulations could be amended to promote the growth of the market and to make sure that the inspection process made sense for all parties. Staff has reviewed the current regulations and is proposing the following changes, marked in red:

47.10 Farmers Market:

A. Farmers market is an allowed use with approval of a Conditional Use Provision in the GR- General Retail District and the CBD- Central Business District. An application for a Conditional Use Provision must contain the following information:

1. The name, address and telephone number of the applicant and of any other persons responsible for the conduct of the farmers market.
2. The street address of the proposed location of the farmers market; the name, address and telephone number of the property owner; and a copy of a consent letter from the property owner.
3. A description of the farmers market, including a proposed schedule of the dates and hours of operation for the market.
4. The estimated number of vendors and attendees.
5. A drawing showing the area to be used for the farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.
6. Details on where parking will be allowed.
7. Details of how the applicant will clean up the property after each day.
8. A description of each farmers market that the applicant conducted or
sponsored, or participated in conducting or sponsoring, within the preceding two years.

9. Any other information the Community Development Director or their designee determines
necessary for a comprehensive evaluation of the farmers market proposal.

B. A farmers market may only operate between the hours of 8 a.m. and 7 p.m. on any day of the
week. Additional restrictions may be imposed by the City Council during consideration of the
Conditional Use Provision.

C. An applicant for a farmers market must execute a written agreement to indemnify the City and its
officers and employees against all claims of injury or damage to persons or property, whether public
or private, arising out of the conduct of the market.

D. Prior to consideration by the Planning and Zoning Commission and the City Council, the City
Manager or his designee (Community Development Director) may deny a Farmers Market
application if:

1. A farmers market permit has been previously granted to another farmers market that is located
within one mile of the proposed market;

2. the proposed farmers market will unreasonably disrupt the orderly flow of traffic, and no
reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

3. the application does not provide for adequate emergency vehicle access or if the Police Chief or
Fire Chief determines that the farmers market would pose a serious threat to the public health, safety
or welfare;

4. the applicant has had a farmers market permit revoked within the preceding 12 months;

5. the applicant or a vendor at the applicant’s market has committed, within the preceding 12 months,
three or more violations or a provision of this chapter;

E. All litter, food and merchandise must be removed from the premises at the end of each market
day.

F. Products that may be sold at a farmers market include, but are not limited to, the following:

1. Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.


3. Dairy Products.

4. Prepared foods, including but not limited to baked goods, packaged foods
and oils.

5. Arts and crafts, including but not limited to jewelry, candles, natural skin care
products, soaps, art, knitting, quilts and pottery.

G. Health inspection permits and inspections are required. A Farmer’s Market requires an annual
food establishment permit, with quarterly inspections. (Staff comment- inspections were previously
required for each day of an event. Using a third-party inspector made this costly and it was a burden
for the same vendors to have repetitive inspections) The following requires a permit:

1. Offering any food and/or drink samples.

2. Any food and/or drink on-site preparation.

3. Offering any temperature sensitive food/drink items. This includes, but is not limited to, frozen
meats, eggs, and cottage bill foods (as defined by the State of Texas Department of Health Services).

4. Any other requirement as set forth by the State of Texas Department of Health Services.
H. At least one half of the participating vendors must sell produce or other food items, unless otherwise approved with the Conditional Use Permit.

I. All products distributed, offered for sale, or sold at a farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas County completely or partially located within a 150-mile radius of Kaufman County, unless otherwise approved by the Community Development Director. No products may be offered for resale.

J. Live animals may not be distributed, offered for sale, or sold at a farmers market. The only exception to this is animal adoptions by the City of Forney Animal Shelter.

In addition, staff proposes a minor change to the Zoning Ordinance definition of farmers market:

**FARMERS MARKET** – An outdoor marketplace on private property where produce, merchandise, food or other products that are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products. A Farmers Market is separate from a Special Event and must follow the regulations set forth in Section 47.10 of this Zoning Ordinance. (Staff comment- the word “temporary” was removed. There is a citizen interested in setting up a year-round farmers market.)

**Recommendation:**
Staff recommends approval.

Mayor Penn opened the public hearing and asked if there was anyone who wants to address the Council on this item. No one requested to speak, so Mayor Penn closed the public hearing. Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Ordinance and Council Member Moon seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 20-23**

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 47, “SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES,” BY AMENDING SECTION 47.10, “FARMERS MARKET”; BY AMENDING ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 49, “DEFINITIONS,” BY AMENDING THE DEFINITION FOR “FARMERS MARKET”; 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.

2. Hold a public hearing and discuss and consider approval of an Ordinance rezoning 117.865 acres of land from Agricultural district to Planned Development district. The property is identified as Kaufman County Appraisal District property id 7811, located adjacent to the west side of F.M. 1641. The proposed use is single-family residential. [Read Ordinance Caption]

Community Development Director Peter Morgan has advised that the applicant has withdrawn his request, so there will be no action on this item.
VI. DISCUSSION / ACTION ITEMS

1. Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2017 Edition of the National Electrical Code.

[Read Ordinance Caption]

Community Development Director Peter Morgan provided the background of this item.

**Item Summary:**

The City of Forney currently requires construction under the 2015 International Code Series, including the Fire Code, and the 2014 National Electrical Code. Staff has prepared the Ordinances to adopt the 2018 International Code Series, including the Fire Code, and the 2017 National Electrical Code. The amending ordinances include the following:

1. 2018 International Building Code
2. 2018 International Residential Code
3. 2018 International Existing Building Code
4. 2018 International Plumbing Code
5. 2018 International Mechanical Code
7. 2018 International Fire Code
8. 2018 International Property Maintenance Code
10. 2017 National Electrical Code

The codes are adopted together as a series since the codes are fully compatible with each other and provide many cross references. The purpose of the code series is to provide an international model code forum and to provide consistency across the region. The main purpose of updating codes is to maintain up-to-date codes that address design and installation of building systems through requirements which emphasize performance and safety. In addition, updating the codes is an important factor in securing a higher rating with the Insurance Service Organization (ISO). ISO is an advisory organization which provides ratings for each City’s building and fire departments. A higher rating may provide insurance benefits and cost savings for citizens. The City of Forney currently has earned the highest achievable fire rating and an above average building rating. Updated codes are necessary to maintain those ratings.

The Ordinance proposes to adopt the Codes with the inclusion of recommendations made by the North Central Texas Council of Governments (NCTCOG). Since 1967, the NCTCOG has promoted the standardization of model construction codes in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, and reduce training and construction costs. The recommendations are made by a committee comprising of local public and private code professionals. The City of Forney’s current 2015 codes include previous NCTCOG recommendations.

**2017 National Electrical Code:**

The purpose of this specific item is to adopt the 2017 Edition of the National Electrical Code. The Code is the benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards in residential, commercial, industrial, and other markets.

Key changes to the 2017 Edition of the National Electrical Code include the following:
- Increased Shock Protection – The 2017 NEC expands requirements for protection from shock hazards through application of panelboard barriers, tamper-resistant receptacles, and ground fault circuit-interrupters (GFCIs).

- Product Listing and Suitability – Products are tested to standards compatible with the NEC, raising awareness on the importance of UL and similar agency standards. (Installs are not treated as separate structures, and solutions like electric vehicle chargers and marina pedestals are considered equipment and not structures.)

- Arc Flash Awareness – To continue raising awareness of incident energy hazards, service entrance equipment rated 1200 A or more must now be clearly labeled for fuse and circuit breaker selections. Reduction requirements continue to reduce incident energy at service entrance panels.

- Short Circuit Current Ratings (SCCR) – The NEC 2017 edition increases awareness of the proper application of electrical distribution equipment with regard to SCCR and expands the types of equipment that require SCCR marking.

- Available Short-Circuit Current – The proper application of electrical equipment includes rating the equipment to handle available short-circuit current levels and marking that level on the equipment after installation.

- Surge Protection – For increased protection and reliability, the NEC 2017 expands requirements for safety-related circuits. Surge protection is required for fire pump controllers, critical operations data systems, industrial control panels, including machinery with safety interlock circuits, and disconnects that supply emergency system loads.

- Maintenance – Maintenance requirements are expanding for emergency systems to ensure the entire system is maintained in accordance with manufacturer's instructions and industry standards. Provisions ensure backup power is available during maintenance or repairs when the emergency system relies on a single alternate power source.

**Recommendation:**

Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Building Official. The City Attorney reviewed the Ordinance.

Mayor Penn called for a motion. Council Member Johnson made a motion approving the Ordinance and Mayor Pro Tem Myers seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 20-09**


The motion passed unanimously by a vote of 7 ayes and 0 nays.
2. **Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Building Code.** [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background of this item.

**2018 International Building Code:**

The purpose of this specific item is to adopt the 2018 Edition of the International Building Code. The provisions of the code apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

The International Code Council website provides the following list of key changes:

- Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory.
- New code sections have been introduced addressing medical gas systems and higher education laboratories.
- Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.
- Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway.
- The occupant load factor for business uses has been revised to one occupant per 150 square feet.
- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served.
- The minimum lateral load that fire walls are required to resist is five pounds per square foot.
- Wind speed maps have been updated. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds.
- Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values).
- Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.
- New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.
- Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.

**Recommendation:**

Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.
Mayor Penn called for a motion. Council Member Cooper made a motion to approve the Ordinance and Council Member Powers seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 20-10**


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

3. Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Existing Building Code. [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background of this item.

**2018 International Building Code:**

The purpose of this specific item is to adopt the 2018 Edition of the International Building Code. The provisions of the code apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

The International Code Council website provides the following list of key changes:

- Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory.

- New code sections have been introduced addressing medical gas systems and higher education laboratories.

- Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.

- Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway.

- The occupant load factor for business uses has been revised to one occupant per 150 square feet.

- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served.

- The minimum lateral load that fire walls are required to resist is five pounds per square foot.

- Wind speed maps have been updated. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds.
Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values).

Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.

New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.

Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.

Recommendation:
Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

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

**ORDINANCE NO. 20-11**


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


Community Development Director Peter Morgan gave the background of this item.

**2018 International Energy Conservation Code:**
The purpose of this specific item is to adopt the 2018 Edition of the International Energy Conservation Code. The provisions of the code establish minimum standards to regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building.

The International Code Council website provides the following list of key changes:

- Revisions to interior and exterior lighting power budgets and better clarity for lighting controls.
- Clarity that regardless of design methodology, system commissioning is required.
- New limits on heated or cooled vestibules.
• Mechanical provisions reorganized based on equipment type rather than design methodology.

• The maximum allowable fenestration U-factors in Table R402.1.2 (for the prescriptive compliance path) for climates zones 3 through 8 have been reduced from the values in the 2015 edition.

• The ICC/RESNET 380 standard has been included as one of standards that can be used for determining the air leakage rate of a building or dwelling unit.

• The Energy Rating Index compliance alternative index values have been increased slightly however, the method for determining an index is now required to be in accordance with standard ICC/RESNET 301.

Recommendation:
Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

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

ORDINANCE NO. 20-12


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

5. Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Fire Code. [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background for this item.

2018 International Fire Code:
The purpose of this specific item is to adopt the 2018 Edition of the International Fire Code. The provisions of the code establish minimum standards consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

The International Code Council website provides the following list of key changes:
New provisions address hazards related to outdoor pallet storage, higher education laboratories, mobile food trucks and plant processing and extraction activities.

Mass Notification Requirements for college and university buildings have been added to the code.

Sprinkler protection is now required in existing Group A-2 occupancies having an occupant load of 300 or more where alcoholic beverages are consumed.

A new chapter has been added to address issues related to Energy Systems.

Integrated testing requirements for fire protection and life safety systems have been added for high rise buildings and smoke control systems.

The requirements for gas detection systems have been revised throughout the code to be more reflective of industry practice.

Required sprinkler protection of Group E occupancies has been expanded through the introduction of new thresholds related to fire areas.

Manual fire alarm systems in Group A occupancies are now required not only when the occupant load is 300 or more but also where the occupant load exceeds 100 above or below the lowest level of exit discharge.

A manual fire alarm system and an automatic smoke detection system are no longer required in Group R-4 occupancies.

New provisions require illumination for the exit discharge path of travel to the public way or to a safe dispersal area for all occupancies.

Provisions have been added to address the hazards associated with outdoor assembly events, indoor trade shows and exhibitions.

The fire watch requirements for construction and demolition activities have been enhanced.

The provisions for the maintenance of fire and smoke protection features in Chapter 7 have been enhanced and reorganized.

The applicability of the decorative materials requirements in Chapter 8 have been clarified.

**Recommendation:**

Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Fire Marshal. The City Attorney reviewed the Ordinance.

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

**ORDINANCE NO. 20-13**

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


Community Development Director Peter Morgan gave the background of this item.

2018 International Fuel Gas Code:
The purpose of this specific item is to adopt the 2018 Edition of the International Fuel Gas Code. The provisions of the code establish minimum standards to provide a reasonable level of safety, health, and property protection by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems.

The International Code Council website provides the following list of key changes:

- A new Section was added to recognize arc-resistant CSST products.
- The code now allows Schedule 10 steel pipe to be used, whereas previously, Schedule 40 was the lightest steel pipe material allowed. Schedule 10 steel pipe joints are allowed to be welded, brazed, flanged or assembled with press-connect fittings. Schedule 10 pipe cannot be threaded.
- The code clarifies that appliance shutoff valves located behind movable appliances, such as ranges and clothes dryers, are considered to be provided with the required access.
- The code now calls for the plastic vent pipe material to be labeled as complying with the standards for the specific pipe material as called out by the manufacturer.
- The clearances between direct-vent appliance vent terminals and openings in the building exterior that could allow combustion products to enter the building have been revised.

Recommendation:
Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

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

ORDINANCE NO. 20-14

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

7. Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Mechanical Code. [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background for this item.

2018 International Mechanical Code:
The purpose of this specific item is to adopt the 2018 Edition of the International Mechanical Code. The provisions of the code establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

The International Code Council website provides the following list of key changes:

• Added coverage of pollution control units.

• A new exception was added to recognize Type I kitchen hoods listed for clearances to combustibles of less than 18 inches.

• Added coverage for a newer type of non-metallic duct, phenolic duct.

• New coverage for high volume large diameter fans (HVLD), also referred to as high volume low speed (HVLS) fans.

• Relaxed requirements for sealing of duct joints and seams for Snap- and Button-lock duct joints located within the thermal envelope.

Recommendation:
Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

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

ORDINANCE NO. 20-15


The motion passed unanimously by a vote of 7 ayes and 0 nays.
8. **Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Plumbing Code.** [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background of this item.

**2018 International Plumbing Code:**

The purpose of this specific item is to adopt the 2018 Edition of the International Plumbing Code. The provisions of the code establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

The International Code Council website provides the following list of key changes:

- Updated table for the Minimum Number of Required Plumbing Fixtures.
- Single-user toilet facilities (a room having a single water closet and a single lavatory) are not required to be labeled for use by only a male or female (separated use designations).
- Solar thermal water heating systems need to conform to the ICC 900/SRCC 300 standard.
- Well systems are required to comply with standard NGWA-01 where local requirements do not cover subject matter or are lacking in detail on others.

**Recommendation:**

Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

Mayor Penn called for a motion. Council Member Powers made a motion to approve the Ordinance and Council Member Johnson seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 20-16**


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

9. **Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Property Maintenance Code.** [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background for this item.

**2018 International Property Maintenance Code:**
The purpose of this specific item is to adopt the 2018 Edition of the International Property Maintenance Code. The provisions of the code apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance.


**Recommendation:**

Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

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

**ORDINANCE NO. 20-17**


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

10. **Discuss and consider approval of an Ordinance amending the Code of Ordinances by adopting the 2018 Edition of the International Residential Code.** [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background of this item.

**2018 International Residential Code:**

The purpose of this specific item is to adopt the 2018 Edition of the International Residential Code. The provisions of the code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached on- and two-family dwellings, townhouses, and their accessory structures.

The International Code Council website provides the following list of key changes:

- An updated seismic map reflects the most conservative Seismic Design Category (SDC) based on any soil type and a new map reflects less conservative SDCs when Site Class A, B or D is applicable.
- The townhouse separation provisions now include options for using two separate fire-resistant rated walls or a common wall.
• An emergency escape and rescue opening is no longer required in basement sleeping rooms where the dwelling has an automatic fire sprinkler system and the basement has a second means of egress or an emergency escape opening.

• The exemption for interconnection of smoke alarms in existing areas has been deleted.

• New girder/header tables have been revised to incorporate the use of #2 Southern Pine in lieu of #1 Southern Pine.

• New tables address alternative wood stud heights and the required number of full height studs in high wind areas.

Recommendation:
Staff recommends approval, with an effective date of June 1, 2020. The Ordinance was drafted by the Community Development Director and the Chief Building Official. The City Attorney reviewed the Ordinance.

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

ORDINANCE NO. 20-18


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

11. Discuss and consider approval of an Ordinance amending the Code of Ordinances by providing requirements for the annual registration and inspection of multi-family and single-family rental housing. [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background of this item.

This proposed ordinance creates a rental registration program for the City of Forney. A rental registration program identifies code violations and problem properties through inspection and deters landlords from engaging in deferred maintenance or lax property management.

According to a study completed by the University of Texas School of Law, a rental registration program is essential in helping a city identify dangerous properties. The study identified several major cities where a new program had a major influence. For example, before Seattle adopted a mandatory registration program, a study found that 78 percent of the buildings had unreported code violations. In Memphis, a new program found that 35 percent of multi-family properties had serious code violations. And in San Francisco, tenants stated that before a registration program they had a fear of retaliation if a code issue was reported. The ordinance establishes an annual registration and inspection program for all single-family and multifamily rental units. Community Development will
oversee the registration process and will complete the annual inspections. Inspections will be exterior and interior to ensure that the property meets minimum fire, building and health standards that could affect the safety of the tenants and property. The cost to the property owner is an annual fee of $15 for a multi-family unit and $50 for a single-family unit. The property owner will also be responsible for the cost of any repairs or maintenance noted during the inspection.

Recommendation:
Staff recommends approval, with an effective date of January 1, 2021. This will allow time for staff to educate the public about the program and to complete early registration of rental properties.

After extensive discussion, Mayor Penn called for motion. Mayor Pro Tem Myers made a motion to approve the Ordinance and Council Member Moon seconded the motion. The Ordinance caption was read as follows:

ORDINANCE NO. 20-19

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, AS HERETOFORE AMENDED, BY ADDING ARTICLE 3.09, ENTITLED “MULTI-FAMILY AND SINGLE-FAMILY RENTAL PROPERTY REGISTRATION AND INSPECTION,” BY PROVIDING REQUIREMENTS FOR THE ANNUAL REGISTRATION AND INSPECTION OF MULTI-FAMILY AND SINGLE-FAMILY RENTAL HOUSING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 nay [Powers].

12. Discuss and consider approval of an Ordinance amending the Code of Ordinances by amending the restrictions for smoking in public places. [Read Ordinance Caption]

Community Development Director Peter Morgan gave the background for this item.

This proposed ordinance amends the restrictions for smoking in public places by providing definitions for different vaping devices and methods. The ordinance also adds vaping to the definition of smoking. Smoking is prohibited in all City of Forney eating establishments and public buildings, in accordance with Article 8.09 of the City of Forney Code of Ordinances. Morgan clarified that this also applies to Parks.

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

ORDINANCE NO. 20-20

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, AS HERETOFORE AMENDED, BY AMENDING SECTION 8.09.001, ENTITLED “DEFINITIONS,” BY PROVIDING RESTRICTIONS FOR SMOKING IN PUBLIC PLACES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

13. Discuss and consider approval of an Ordinance amending the Code of Ordinances by amending the Master Fee Schedule. [Read Ordinance Caption]
Community Development Director Peter Morgan gave the background for this item.

Staff requests approval of an amendment to the Code of Ordinances. The purpose of the request is to add fees for a rental inspection program and to add and amend fees related to the Fire Code and fire safety. Additionally, the ordinance proposes to amend the master fee schedule to include the updated fees for tournament play at City of Forney parks for baseball, softball, and kickball 1-3-day tournaments.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Ordinance and Council Member Powers seconded the motion. The Ordinance caption was read as follows:

**ORDINANCE NO. 20-22**

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, AS AMENDED, BY AMENDING APPENDIX "A," ENTITLED "MASTER FEE SCHEDULE," AS ADOPTED IN THE CODE OF ORDINANCES OF THE CITY OF FORNEY, BY ADOPTING RENTAL REGISTRATION AND INSPECTION FEES AND BY AMENDING AND ADOPTING FEES RELATED TO THE FIRE CODE; AMENDING TOURNAMENT FEES FOR SPORTS RECREATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION.

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

14. Discuss/Act on a Resolution authorizing the execution of an agreement with the bid award alternate, Mosca Designs, for the design and construction of light displays for the City of Forney Festival of Lights, and all related issues.

City Manager Tony Carson discussed this item. The contract terms will be a revenue sharing agreement between Mosca Designs and the City of Forney at a 50/50 split. The City agrees to a minimum contribution of $75,000 per year. At the end of the event a "True Up" will take place between the City and Mosca Designs for any revenue from the 50% that is above the $75,000.

Each year of the agreement Mosca designs agrees to provide new and additional light displays to always provide something unique for the visitors of the attraction. The initial agreement term will be 5 years with an option to continue the partnership.

Carson advised that there is a catastrophe clause (Force Majeure) in the Agreement. The first year we are paying upfront.

Council thanked Tony and Staff for their work on this project. It is going to be a great event. Mayor Penn called for a motion. Council Member Thomas made a motion to approve the Resolution and Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

15. Discuss and consider approval of an Ordinance amending the 2019-20 Fiscal Year budget to transfer funds and consolidate CIP projects 194, 195, 197 to CIP project 193 and by transferring funds from CIP fund balance to CIP project 196 for the construction of a storage facility.

[Read Ordinance Caption]
Finance Director Deborah Woodham gave the background on this item.

The Fiscal Year 2019-2020 budget included individual projects for the expansion of the Public Works administration building ($400,000), expansion of the Community Development building ($750,000), construction of a Public Works storage building ($350,000) and upgrades to the Public Works shop ($50,000). This Ordinance will combine those projects into one and add an additional $100,000 resulting in a $1,650,000 total budget for project 193.

The FY 20 budget also included $100,000 for the construction of a storage building for City records. This Ordinance will add an additional $100,000 for this project and rename the project from Kaufman Street Storage to City Storage Facility with a total budget of $200,000. The additional funding will allow for expansion of this facility to include storage for equipment as well as records. The FY 20 budget included a project for a City drainage study ($500,000). Engineering has determined that this project is no longer necessary and the funds are to be returned to the general CIP fund balance. The additional fund balance is now available to cover the additional funding needed for the projects above.

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

**ORDINANCE NO. 20-24**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING ORDINANCE NO. 19-42, AS AMENDED, WHICH APPROVED AND ADOPTED A GENERAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, BY TRANSFERRING FUNDS FROM CIP PROJECTS 194, 195, 197 TO CIP PROJECT 193 IN ORDER TO COMBINE THESE PROJECTS AND BY TRANSFERRING FUNDS FROM THE CIP GENERAL FUND TO CIP PROJECTS 193 AND 196 FOR THE CONSTRUCTION OF A STORAGE FACILITY AND PROVIDE ADDITIONAL FUNDING FOR THE COMMUNITY DEVELOPMENT AND PUBLIC WORKS FACILITIES EXPANSION; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

16. **Discuss and consider action related to the Declaration of State of Disaster and Public Health Emergency, and all related issues.**

City Attorney Jon Thatcher gave the background for this item. Chief Lunt gave an update on the Governor's orders. On 4/24/20, retail to go will open. This includes pet groomers, photographers, vape shops any retail store that can take orders online and make deliveries curbside. They must abide by the CDC guidelines for social distancing and sanitizing. Lunt advised that they are forming a Kaufman County Task Force.

After Council discussion, it was determined that we will not open Parks at this time. This item will be included on future council agendas.

City buildings will remain closed.

**VII. 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 Penn opened the floor to anyone who requested to speak to the Council. There were no speakers, so Mayor Penn closed the open forum session.

VIII. CITY MANAGER’S REPORT
THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION, INCLUDING THE FOLLOWING:

City Manager Carson thanked Stephen, Neil and Ryan from IT for their help in getting the Council meeting on Zoom.

IX. COUNCIL COMMENTS
PURSUANT TO SECTION 551.0415 TEX. GOVT CODE, CITY COUNCIL MEMBERS MAY MAKE A REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF COMMUNITY INTEREST INCLUDE:

Council Member Mike Thomas stated that all the comments he has heard regarding the new Fire Chief have been positive and he is excited to see what he can do. He thanked Tony and Staff in hiring good quality replacements. The shelter in place is getting old and we understand your frustrations, but please abide by the regulation so we can get over this pandemic.

Mayor Pro Tem Myers welcomed the new Fire Chief. He thanked Tony, Staff and Chief Lunt for their input. He thanked Staff for all the ordinances.

Council Member Powers stated “ditto” to the previous comments.

Council Member Moon told everyone to have a great night.

Council Member Cooper stated he echoed Mike and Shaun’s comments.

Council Member Johnson stated he is looking forward to Chief Riggs coming on board. Kudo to Tony and Staff.

Mayor Penn told Robbie she is still her hero – you work on the frontlines. Our Staff is great and they do an exceptional job. She wanted to let the Fire Department know that Steve Nash thanked them for their help. He was in a diabetic coma for two weeks. She is very excited to welcome the new Fire Chief. She stated that Council makes a great team.

Mayor Penn stated that at the February 25, 2020, City Council workshop, staff was given direction to prepare for a Parks bond election in November 2020. Based on recent developments that have left businesses closed and residents not able to work, she recommends postponing the Park Bond election for 2020 and revisiting the situation in 2021.

Mayor Penn stated she is asking Council for names of people who can serve on a Kaufman County Task Force. She is asking Council to come up with a name to serve on one of the committees. We need a name by tomorrow.

Food & Beverage (Full Service Restaurants, Fast Food Restaurants, Bars, etc.) – Mike Thomas
Large Retailers (more than 50 employees) – Shaun Myers
Small Retailers (50 and fewer employees) – Robbie Powers
Entertainment (bowling lanes, Movie theaters, private sport complexes, private venues, etc.)
Large Industry (more than 50 employees) – Derald Cooper
Small Industry (50 and fewer employees) – David Johnson
Personal Services (Salons, Barbers, Gyms, Tailors, etc.) – Mike Thomas
Churches and Civic Organizations – Shaun
Other Representative (City Government, Chamber, Community Leader, etc.) – Mary Penn

Council would like for Warren and Staff and Tony to assist with this project.

X. ADJOURNMENT

There being no further business to come before the Council, Mayor Penn called for a motion to adjourn at 8:52 p.m. Mayor Pro Tem Myers made a motion to adjourn and Council Member Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 5th day of May, 2020.

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, City Secretary