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Minutes
Special City Council Meeting
6:30 p.m. Monday, August 30, 2021
City Hall, 101 Main Street, Forney, Texas 75126
Council Chambers

I. **CALL TO ORDER**

Mayor Lewis called the meeting to order at 6:30 p.m. Present were Mayor Amanda Lewis, Mayor Pro Tem James Traylor and Council Members Robbie Powers, Sarah Salgado, Derald Cooper and Jason Roberson. Council Member Cecil Chambers was absent. Also present was Interim City Manager Charles Daniels.

Mayor Lewis gave an invocation.

II. **PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

1. **Conduct a public hearing and consider, on first reading, an ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezoning, site plans and new or revised certificates of occupancy for single-family and multi-family residential development within the corporate city limits of Forney, adopting written findings justifying the moratorium, providing for waivers and limited exceptions to the moratorium, and establishing an expiration date.**

Mayor Lewis stated that what she has heard over and over is the frustration with the unprecedented and uncontrolled growth. This is overwhelming our city staff. We are exploring the options and the concept of a moratorium looks like the most impactful way to get us where our heads are above water. It is a pause. It is a 120 day pause. Mayor Lewis then presented a power point presentation on what a moratorium in Forney would look like. It is an ordinance imposing a moratorium on applications and plans for development. It has a maximum of 120 days and it can be extended.

Affected Properties:

- Properties inside city limits requesting re-zoning for residential development
- Properties inside city limits filing first applications for plats, site plans, or development plans for residential development

Properties to which the Moratorium does NOT apply:

- Commercial Properties and other Non-Residential Development
- All Properties with existing (filed) site plans, plats, or other development applications
- All Properties with development agreements or plans with the City
(These are considered "vested" under Chapter 245 Tex. Loc. Gov't Code)
- Any Properties outside city limits - ETJ

50 Approved Zoned Residential Developments -- since January 1, 2017

- 51
- 52 ▪ Total New Residential Units currently approved equates to 13,837 new residents
- 53 ▪ 9 separate independent residential developments approved since 1/1/2017:
 - 54 ▪ 3,158 Single Family Homes at 3.8 residents per home = **12,000 new residents**
 - 55 ▪ > 75% received ordinance variances for smaller lot sizes (2,392 homes)
 - 56 ▪ 35% built or are under construction as of Aug. 2021 (540 homes)
 - 57 ▪ 1,134 Multi-family units at 1.2 residents per unit = **1,361 new residents**
 - 58 ▪ 170 Townhomes at 2.8 residents per home = **476 new residents**
- 59

60 Purpose of Moratorium

- 61
- 62 ▪ Allow time for evaluation of roads and facilities
- 63 ▪ Further develop a Comprehensive Plan
- 64 ▪ A 120-day "pause" on development will provide much needed relief for P&Z staff, vital
- 65 in the development of the new comprehensive plan.
 - 66 ▪ P & Z staff is currently working weekends to keep up with permit volumes
 - 67 ▪ P & Z Department is not fully staffed, with unstaffed positions in:
 - 68 ▪ Plans Examiner
 - 69 ▪ Inspector
 - 70 ▪ Preserve health, safety, and general welfare of the community
- 71

72 General Welfare -- Public Safety

- 73
- 74 ▪ Goal has been 1.5 police officers per 1,000 residents
- 75 ▪ Currently staffed at 1.07 police officers per 1,000 residents
 - 76 ▪ Still need to fill vacancies
 - 77 ▪ Need approval to hire 5.5 officers for 1.45 police officers per 1,000 residents
- 78

79 City Attorney Jon Thatcher stated that City Staff has been directed to schedule and initiate the
80 proceedings under Chapter 212, Subchapter E of the Texas Local Government Code, for the City
81 Council to consider imposing a moratorium. There is a very involved legal process that has to be
82 followed. There was a public notice that went out that set out the schedule of two public hearings,
83 the first one is tonight and the second one is at the Planning and Zoning Commission regular
84 meeting this Thursday. If the Council going to consider a moratorium it can be for no more 120
85 days. That needs to be based on essentially a need. It is a tool that the city has in order to be
86 able take a pause on certain development, but it is based on a need to mitigate certain facts
87 because of shortages of public facilities or there is a need for roads, or need such as other
88 services the City provides to its residents and business owners and property owners, such as
89 water and wastewater facilities, etc. Also, there is the public safety element of police and fire
90 services that we have to make sure that we have adequate service for those within the City of
91 Forney. What this ordinance will do is impose a continued moratorium just for residential
92 development, both single family and multi-family residential development. We have seen growth
93 and a surge in some of the residential permits that the City has been asked to review and consider
94 as far as that development is concerned. It does not impose a moratorium on those commercial
95 or other non-residential related developments or any other projects that are ongoing or have
96 vested rights. That includes any development agreements that we have with current partners
97 with the City of Forney. From a legal procedure, the temporary moratorium is effective on the 5th
98 business day after public notice of the requisite public hearings is published. The notice was
99 published on Thursday, August 26, 2021 making the temporary moratorium effective on Thursday,
100 September 2, 2021. The temporary moratorium will run until the City Council imposes a continuing
101 moratorium or September 12, 2021, whichever comes first.

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State law requires that the City consider a waiver procedure for the Council to consider applications for development during the period of the moratorium. Also, the moratorium can be for a period not to exceed 120 days unless otherwise extended by the City Council. It must be supported by specific findings demonstrating that the moratorium is necessary to prevent a shortage of specific public facilities.

Because it is a posted agenda item, the Council can respond, you don't have an obligation to do so, but you can respond to public comments.

Mayor Lewis opened the public hearing at 6:35 p.m. The following persons came forward to address the Council:

Richard Hansen
1513 Fairfield Drive
Forney, Texas 75126
Mr. Hansen spoke against the moratorium.

John Blackburn
10424 Coppedge Lane
Dallas, Texas
Mr. Blackburn is a developer representative for Petro Hunt. He is against the moratorium.

Mike Ellison
34 Estate Lane
Forney, Texas 75126
Mr. Ellison spoke in favor of the moratorium.

Alice Hogue
300 Hollyleaf Trail
Forney, Texas 75126
Ms. Hogue spoke in favor of the moratorium.

James "Jim" Clifton
5703 Covehaven
Dallas, Texas
Mr. Clifton is an apartment developer. He spoke against the moratorium.

Ray Myers
308 Bluffview Court
Forney, Texas 75126
Spoke in favor of the moratorium.

Jody Boyd
853 Shady Lane – P. O. Box 6
Southlake, Texas
Mr. Boyd is a developer and he spoke against the moratorium.

151 Gero Temesvary
152 1134 Woods
153 Forney, Texas
154 Mr. Temesvary spoke in favor of the moratorium.

155
156 John Carr
157 1521 Wander Drive
158 Forney, Texas
159 Mr. Carr spoke in favor of the moratorium.

160
161 Gage Prichard
162 2101 Cedar Springs #600
163 Dallas, Texas
164 Mr. Prichard represents Petro Hunt and spoke against the moratorium.

165
166 There being no one further to address the Council, Mayor Lewis closed the public hearing at 7:13
167 p.m.

168
169 After Council comments, Mayor Lewis called for a vote. Council Member Salgado made a motion
170 to approve an Ordinance on first reading imposing a moratorium on applications and plans for
171 development and Council Member Roberson seconded the motion. The motion failed by a vote
172 of 3 ayes [Lewis, Salgado and Roberson], 3 nays [Traylor, Powers and Cooper] and 1 absent
173 [Chambers].

174
175 Council Member Salgado then made a motion to table the item until the September 7, 2021,
176 Council meeting and Council Member Roberson seconded the motion. The motion failed by a
177 vote of 3 ayes [Lewis, Salgado and Roberson], 3 nays [Traylor, Powers and Cooper] and 1 absent
178 [Chambers].

179
180 Mayor Lewis called for a motion to adjourn in to Executive Session under Chapter 551, Texas
181 Government Code, Section 551.072 at 7:47 p.m. Council Member Roberson made a motion to
182 adjourn into Executive Session and Mayor Pro Tem Traylor seconded the motion. The motion
183 passed by a vote of 6 ayes and 1 absent [Chambers].

184
185 **III. EXECUTIVE SESSION**
186 **Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, the City**
187 **Council will recess into Executive Session (closed meeting) to discuss the**
188 **following:**

189
190 1. Deliberate the purchase, exchange, lease, or value of real property (Texas
191 Gov't Code Section 551.072):

- 192 a. Project Closet
193 b. Project Scuba
194 c. Project Acute
195

196 **IV. RECONVENE INTO REGULAR SESSION**
197 **In Accordance with Texas Government Code, Chapter 551, the City Council will**
198 **reconvene into Regular Session to consider action, if any, on matters discussed in**
199 **Executive Session.**

200
201 Council returned to Chambers at 8:19 p.m. Mayor Lewis called for a motion to adjourn out of
202 Executive Session at that time. Mayor Pro Tem Traylor made a motion to adjourn out of Executive

203 Session and Council Member Cooper seconded the motion. The motion passed by a vote of 6
204 ayes and 1 absent [Chambers].

205
206 The following actions were taken as a result of Executive Session:
207

208 Council Member Roberson made a motion to authorize Staff to execute a purchase and sale
209 agreement related to Project Closet and Mayor Pro Tem Traylor seconded the motion. The
210 motion passed by a vote of 6 ayes and 1 absent [Chambers].

211
212 Mayor Pro Tem Traylor made a motion to authorize Staff to execute a purchase and sale
213 agreement related to Project Scuba and Council Member Salgado seconded the motion. The
214 motion passed by a vote of 6 ayes and 1 absent [Chambers].

215
216 Council Member Salgado made a motion to authorize Staff to execute all necessary documents
217 to accept a donation deed related to Project Acute and Mayor Pro Tem Traylor seconded the
218 motion. The motion passed by a vote of 5 ayes, 1 nay [Cooper] and 1 absent [Chambers].
219

220 There being no further business to come before the Council, Mayor Lewis called for a motion to
221 adjourn at 8:21 p.m. Council Member Roberson made a motion to adjourn and Mayor Pro Tem
222 Traylor seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Chambers].
223

224 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
225 **TEXAS, this 21 day of September, 2021.**
226

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229 **ATTEST:** 
230 **Amanda Lewis, Mayor**

231
232 
233 **Dorothy Brooks, City Secretary**
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