

Minutes
Forney City Council
Tuesday, November 3, 2020
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:30 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members James Traylor, Robbie Powers, Derald Cooper and David Johnson. Council Member Kevin Moon was absent. Also present was City Manager Tony Carson.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR MARY PENN

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for Municipal Courts Week.

Mayor Penn read and presented a Proclamation for Municipal Courts Week to our Municipal Court personnel: Sandra Bray, Jennifer Clark, Julie Lankford, Maranatha Lingerfelt, Jessica Spain, Jon Thatcher, City Attorney, Jennifer Smith, Assistant City Attorney, Detective Michael Clay, Deborah Woodham, Finance Director.

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the October 20, 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 Traylor made a motion to approve the Minutes of the October 20, 2020, City Council meeting and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Moon].

Mayor Penn made the following announcement:

IF THERE IS ANYONE IN THE AUDIENCE WHO WANTS TO MAKE A COMMENT ON ANY ITEM ON THE CONSENT AGENDA, PLEASE RAISE YOUR HAND. EACH PERSON WILL BE ASKED TO COME FORWARD INDIVIDUALLY. PLEASE GIVE YOUR NAME AND ADDRESS BEFORE YOU MAKE YOUR COMMENTS.

No one came forward to address the Council.

V. CONSENT AGENDA

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

1. Consider acceptance of a COVID-19 Project federal grant.

103 collection using contractor provided carts. Brush pickup included bundle and weight limits similar
 104 to the current contract (4' bundles and 50 lb. limit) and bulky item pickup. On-call collection of
 105 household hazardous waste items was included, as was all services to City facilities and a
 106 discount for senior citizens. In addition to the base residential services, responses included
 107 commercial service costs. The RFP established a five-year term for a new agreement. The RFP
 108 was posted on August 25, giving providers six (6) weeks to prepare their responses. Staff received
 109 proposals from three (3) providers: Community Waste Disposal, FCC Environmental, and Waste
 110 Management. Each proposal has been evaluated by City staff and has been provided to Council.
 111

112 The City of Forney currently has 6,166 residential service units. Based on the requested
 113 residential service level, the proposal costs are as follows:
 114

Monthly Rate Charged to Residents*	Current Contract	CWD	FCC	WM
Form 3.1.1: Base Residential Service and Proposer Provides All Disposal Services with Once Per Week Program Recycling Services	N/A	\$10.63	\$13.62	\$19.75
Form 3.1.2: Base Residential Service and Proposer Provides All Disposal Services with Once Per Every Other Week Program Recycling Services	\$9.80	\$8.95	\$12.89	\$16.99

115 *Excludes 10% franchise fee
 116

117 The costs shown are the monthly rate that would be charged for each residential service unit. The
 118 costs do not include the franchise fee or any City administrative fees. The first row contains the
 119 pricing for the recommended service option with once per week recycling services. The second
 120 row contains the pricing for the recommended service option with once per every other week
 121 recycling services. A ten percent (10%) discount will be maintained for the 679 senior citizens
 122 accounts.
 123

124 CWD is the lowest cost residential proposal. CWD's proposal also guarantees the residential rates
 125 for three (3) years, with the first rate adjustment to occur on March 1, 2024. The proposed service
 126 is virtually the same as the existing solid waste and recycling service. CWD does propose to
 127 maintain the one day per week residential service (Wednesday).
 128

129 FCC is the second lowest residential cost. FCC proposes residential collection on Monday
 130 through Thursday. The service provided by FCC would be virtually the same as the existing solid
 131 waste and recycling service, as FCC does not have any exceptions to the RFP detailed service
 132 levels.
 133

134 Waste Management has the highest residential cost but has proposed a different type of service.
 135 Waste Management made an exception on their residential proposal, noting that Waste
 136 Management will only provide automated residential service with waste contained in polycarts.
 137 Waste Management proposes residential collection on Monday through Thursday.
 138

139 The CWD proposal provides a very slight decrease to the current commercial rates.
 140

141 The FCC Environmental proposal provides a substantial increase to the current commercial rates.
 142

143 Waste Management has the lowest commercial prices and proposes a slight decrease to the
 144 current commercial rates.
 145

146 Each of the providers submitted a complete proposal and staff does believe that all three providers
147 can provide adequate solid waste and recycling services. The primary differences in the proposals
148 are the collection method proposed by Waste Management and the overall pricing.

149
150 Based on the completed proposals and the proposed pricing information, the highest evaluation
151 score and recommendation are earned by Community Waste Disposal.

152
153 Mayor Penn asked if there was anyone in the audience who wanted to address the Council on
154 this item. The following persons came forward to address the Council:

155
156 Dan Brazell
157 The FCC representative stated that they would be providing new trucks for this
158 service and their employees would be dedicated to the Forney venue. FCC has
159 been in business since 1911.

160
161 Stephen Kellar
162 The Waste Management representative stated that they have a cart collection
163 system and would have all new CNG run trucks.

164
165 Greg Roemer
166 The CWD representative stated that their trucks are 4-axles, which are easier on
167 the streets and they run on CNG. They have served the City for 11 years.

168
169 Council Member Johnson stated he is concerned about brush and would like to see if we can get
170 this service. Mayor Pro Tem Myers asked what the cost per residence would be for a polycart. It
171 is \$0.75 to \$1.00 more each month. These items were not part of the RFP.

172
173 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Resolution
174 to enter into a contract with CWD and Council Member Johnson seconded the motion. The motion
175 passed by a vote of 6 ayes and 1 absent [Moon].

176
177 **VII. OPEN FORUM/CITIZEN COMMENTS**
178 This is the public's opportunity to address the City Council on any matter related to the City. In
179 accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss,
180 consider, or take action on matters not listed on the agenda. The City Council will receive citizen
181 comments on non-agenda items, and if necessary, may refer the matter to City staff for research,
182 resolution or referral to Council on a future agenda. As described in the City's Public Meeting
183 Procedures, comments will be limited to three (3) minutes.

184
185 Mayor Penn asked if there was anyone in the audience who wanted to address the Council on
186 any subject not listed on the agenda. No one came forward, so Mayor Penn closed the open
187 forum session.

188
189 **VIII. CITY MANAGER'S REPORT**

190
191 City Manager Carson thanked Peter Morgan for his hard work on the RFP. It was a lot of work.

192
193 Council Member Johnson asked about the quiet zone status. Carson advised that the City has
194 provided all the required information and we are in the 60-day waiting period.

195

196 Council Member Powers asked what steps the City is taking about the alerts about cyberattacks.
197 IT Director Neil Cardwell advised that we participate in National Alerts and we have multiple
198 systems in place. We try to be very proactive.

199

200 **IX. COUNCIL COMMENTS**

201

202 Council Member Johnson told Peter Morgan that he had done an excellent job on the RFP. He
203 thanked Staff for all their hard work. Good job staff and City Attorney. It was good to see people
204 in attendance.

205

206 Council Member Cooper thanked Staff and stated that he hopes to be back in two weeks.

207

208 Council Member Powers stated it is good to be back and is glad to see our employees receive
209 the Covid pay.

210

211 Mayor Pro Tem Myers thanked everyone.

212

213 Council Member Traylor thanked everyone. Happy Election Day.

214

215 Mayor Penn had no comments.

216

217 Mayor Penn announced that Council would now adjourn into Executive Session under Chapter
218 551, Texas Government Code, Sections 551.071, 551.072 and 551.087 and called for a motion.

219 Mayor Pro Tem Myers made a motion to adjourn into Executive Session at 7:15 p.m. and Council
220 Member Powers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
221 [Moon].

222

223 **X. EXECUTIVE SESSION**

224

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

228

229 **1. Consult with legal counsel regarding pending or contemplated**
230 **litigation or a settlement offer and/or matters in which the duty of the**
231 **attorney to the governmental body under Texas Disciplinary Rules of**
232 **Professional Conduct of the State Bar of Texas clearly conflicts with**
233 **Chapter 551 of the Texas Government Code (Tex. Gov't Code Section**
234 **551.071):**

235

236 **a. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS –**
237 **Petition of High Point Water Supply Corporation, Talty**
238 **Special Utility District and Markout Water Supply Corporation**
239 **Appealing the Decision by the City of Forney Affecting**
240 **Wholesale Water Rates.**

241

242 **2. Deliberate the purchase, exchange, lease, or value of real property**
243 **(Tex. Gov't Code Section 551.072).**

244

245 **3. Discuss or deliberate regarding commercial or financial information**
246 **that the governmental body has received from a business prospect**
that the governmental body seeks to have locate, stay, or expand in

247 or near the territory of the governmental body and with which the
248 governmental body is conducting economic development
249 negotiations, or to deliberate the offer of a financial or other incentive
250 to a business prospect (Tex. Gov't Code Section 551.087):

251
252 **b. Project Liberty**

253
254 **XI. RECONVENE INTO REGULAR SESSION**

255 IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL
256 WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS
257 DISCUSSED IN EXECUTIVE SESSION.
258

259 Council returned to Chambers at 7:42 p.m. Mayor Penn called for a motion to adjourn out of
260 Executive Session at that time. Council Member Cooper made a motion to adjourn out of
261 Executive Session and Council Member Johnson seconded the motion. The motion passed by a
262 vote of 6 ayes and 1 absent [Moon].
263

264 Mayor Penn announced that there was no action to be taken as a result of Executive Session and
265 called for motion to adjourn.
266

267 Council Member Powers made a motion to adjourn at 7:43 p.m. and Council Member Traylor
268 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Moon].
269

270 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
271 **TEXAS, this _____ day of _____, 2020.**

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273
274
275 **ATTEST:**

Mary Penn, Mayor

276
277 _____
278 **Dorothy Brooks, City Secretary**
279