

AGENDA
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

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR MARY PENN

III. PROCLAMATIONS / PRESENTATIONS

1. Proclamation for Municipal Courts Week.

Documents:

[Municipal Courts Week -- November 2020.pdf](#)

IV. APPROVAL OF MINUTES

1. Consider approval of the Minutes of the October 20, 2020, City Council meeting.

Documents:

[10-20-20 City Council Minutes.pdf](#)

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.

Documents:

[Item Summary-COVID-19 Project grant acceptance.pdf](#)

2. Consider action to reject the bid proposals received for the Fire Station #2 Site Improvements.

Documents:

[Item Summary - Fire Station No. 2 Site Improvements - Reject Bid Proposal.pdf](#)
[Bid Tabulation Fire Station No. 2 Site Improvements CIP 198.pdf](#)
[Engineers Opinion of Probable Cost - Revised CM.pdf](#)

VI. DISCUSSION / ACTION ITEMS

1. Discuss and consider approval of an Ordinance amending the budget for fiscal year 2020-2021. [Read Ordinance Caption]

Documents:

[Item Summary-COVID budget amendment.pdf](#)
[Ordinance Amending Budget 2021.pdf](#)
[Ordinance Exhibit A.pdf](#)

2. Discuss and consider approval of a Resolution awarding a bid and authorizing the City Manager to execute all documents related to a contract for solid waste and recycling services.

Documents:

[Item Summary-Solid Waste and Recycling.pdf](#)
[Exhibit-Solid Waste and Recycling.pdf](#)

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.

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:

- Department Reports (Fire, Police, Municipal Court, Finance)
- Citizen Complaints -- Actions taken or to be taken
- Upcoming Special Events
- Personnel Changes
- Commendations
- Public Works/Streets Projects, Repairs or Construction
- Park Issues
- Inspection Issues
- CIP Projects

IX. COUNCIL COMMENTS

PURSUANT TO SECTION 551.0415 TEX. GOV'T 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:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of

people in the municipality that has arisen after the posting of the agenda.

X. EXECUTIVE SESSION

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

1. Consult with legal counsel regarding pending or contemplated litigation or a settlement offer and/or matters in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code (Tex. Gov't Code Section 551.071):
 - a. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS – Petition of High Point Water Supply Corporation, Talty Special Utility District and Markout Water Supply Corporation Appealing the Decision by the City of Forney Affecting Wholesale Water Rates.
2. Deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code Section 551.072).
3. Discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect (Tex. Gov't Code Section 551.087):
 - a. Project Liberty

XI. RECONVENE INTO REGULAR SESSION

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

XII. ADJOURNMENT

In addition to any executive session already listed above, the City Council of the City of Forney reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code for the following purposes:

Section 551.071 -- Consultation with Attorney

Section 551.072 -- Deliberations regarding Real Property

Section 551.073 -- Deliberation regarding Prospective Gift

Section 551.074 -- Personnel Matters

Section 551.076 -- Deliberations regarding Security Devices

Section 551.087 -- Deliberations regarding Economic Development Negotiations

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed session portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144 (c) and the meeting is conducted by all participants in reliance on this opinion.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please

contact the City Secretary's office at 972-564-7302 or FAX 972-564-7349 for further information.
Braille is not available.

I, Dorothy Brooks, City Secretary for the City of Forney, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 30th day of October, 2020, at 5:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Proclamation

Forney



Texas

Whereas, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas; and

Whereas, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court; and

Whereas, Municipal Judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct; and

Whereas, the Municipal Courts play a significant role in preserving the quality of life in Texas communities through the adjudication of traffic offenses, ensuring a high level of traffic safety for our citizens; and

Whereas, the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community; and

Whereas, the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops and the annual meetings of their state and local professional organizations; and

Whereas, it is most appropriate that we recognize the accomplishments of the Texas Municipal Courts, and salute their critical role in preserving public safety, protecting the quality of life in Texas communities, and deterring future criminal behavior;

Now, Therefore, I, Mary Penn, Mayor of the City of Forney, Texas, do hereby proclaim the week of November 2 – 6, 2020, as

Municipal Courts Week

in the City of Forney and extend our appreciation to our Municipal Judge and court support personnel and I call upon all residents of Forney to join with the City Council in recognizing the vital service they perform and their exemplary dedication to the communities they represent.

In Witness Whereof, I have set my hand and official seal this 3rd day of November, 2020.

Mary Penn, Mayor

Minutes
Forney City Council
Tuesday, October 20, 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, Kevin Moon, Derald Cooper and David Johnson. Council Member Robbie Powers was absent. Also present was City Manager Tony Carson.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER ROBBIE POWERS

Mayor Penn gave the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / PRESENTATIONS

1. Presentation of the GFOA Budget Award.

Mayor Penn presented the GFOA Award to Charity Wilson and stated that this award represents a significant achievement by the City of Forney. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the City had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document;
- a financial plan;
- an operations guide; and
- a communications guide

This is the 12th year that the City has received this award.

IV. APPROVAL OF MINUTES

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

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.

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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 COVID-19 Project federal grant.**
2. **Consider a resolution authorizing the authorizing the City Manager to execute all necessary grant applications; accepting grant funds from the coronavirus relief fund; authorizing expenditure of grant funds towards covid-19.**
3. **Consider approval of a final plat for Ryhn Addition, located north of Don T. Cates Drive and east of North F.M. 548.**
4. **Consider approval of a revised site plan for the Community Development and Public Works Offices, located at 101 E. Aimee Street.**
5. **Consider approval of a site plan for the Public Works Storage, located south of the intersection of Kaufman Street and Mesquite Street.**
6. **Consider a Resolution approving a Professional Services Agreement with Freese and Nichols, Inc. to provide services for the 2020 Roadway Impact Fee Study, and all related issues.**

Mayor Penn announced that Consent Agenda No. 1 had been pulled. She then asked if Council wanted to pull any items for discussion. No items were pulled for discussion so Mayor Penn called for a Motion on Consent Agenda Items 2 through 6. Council Member Moon made a motion to approve Consent Agenda Items 2 through 6 and Council Member Cooper seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

VI. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS

1. **Hold a public hearing and discuss and consider approval of an Ordinance amending the Brookville Estates Planned Development (Ordinances 1066 and 1137) by amending the development standards and concept plan for Phase 2. [Read Ordinance Caption]**

Community Development Director Peter Morgan discussed this item. Mr. Craig Smiley, representing the owner, requests approval of an amendment to the Brookville Estates Planned Development. The purpose of the amendment is to revise the standards and concept plan for the development of Phase 2 of the single-family residential subdivision.

Current Standards: The property consists of 43.875 acres of land in the Brookville Estates single-family residential subdivision. The existing Planned Development (PD) zoning was approved by City Council on December 3, 2002, with the approval of Ordinance No. 1066. The PD currently has a base zoning of SF- 10, with 303 total residential lots allowed at build out. The minimum lot area is currently 7,200 square feet and the average lot area is 8,991 square feet. The developed phase one of the subdivision provides an average lot area of 8,577 square feet. Phase 2 would have to provide an average lot area of approximately 9,400 square feet to comply with the existing PD standards. The property to the northwest is currently being developed as a Forney ISD Middle/Intermediate Campus. The property to the northeast is the Adams Ranch single-family residential subdivision. Rezoning Request: A rezoning request was initially considered and recommended for denial at the

107 August 6, 2020, City Council meeting. Following that meeting the applicant revised the request as
108 currently proposed. The proposed development standards include SF-8 as the base zoning district,
109 with a minimum lot area of 7,400 square feet and an average lot area of 8,500 square feet. At least
110 seventy-five percent (75%) of the lots are now proposed to be over 8,000 square feet. The proposed
111 minimum floor area per dwelling unit is 1,800 square feet, with at least thirty percent (30%) of the
112 dwelling units required to have a minimum of two-thousand (2,000) square feet. Ordinance 1066
113 currently requires a minimum house size of 1,500 square feet, but requires no less than twenty
114 percent (20%) of homes to have a floor area less than 1,800 square feet. At least twenty percent
115 (20%) of the total homes must have a floor area greater than 2,000 square feet and at least an
116 additional ten percent (10%) of the homes must have a floor area greater than 2,200 square feet.
117 The applicant proposes to satisfy park dedication requirements through the payment of park land
118 dedication fees. The applicant is requesting that any fees collected should be used in the following
119 nearby park areas: Heritage Hill Park, Mustang Creek Park, and the Park Trails greenspace. An
120 additional item discussed at the Planning and Zoning Commission meeting was a trail along the HOA
121 easement, which travels diagonally across the center of the subdivision. The PD requires that a trail
122 is provided if the utility company is agreeable. The applicant has been discussing the placement of
123 a trail with Atmos Energy and it is anticipated that an encroachment agreement will soon be
124 completed.

125
126 **Accessibility:** The concept plan shows that the property has a direct connection to F.M. 740, across
127 from Heritage Hill Drive.

128
129 **Public Notification:** Staff provided notification of the request in the Forney Messenger newspaper
130 and mailed notices to adjacent property owners. Staff received one response from a citizen opposed
131 to the amendment due to the requested decrease in lot area. Recommendation: On October 8, 2020,
132 the Planning and Zoning Commission voted 5-1 (Chambers) to recommend approval.

133
134 Mayor Penn asked if anyone from the audience wanted to address the Council. Mr. Quint
135 Richardson, 10950 Research, Frisco, Texas, came forward to discuss the project. The lot size will
136 be smaller, but the houses will be larger. They do not yet have any builders. It will be 18 months
137 before homes start being built. City Manager Carson stated that they should not be designating the
138 use of the funds paid in lieu of a park. City Attorney Thatcher suggested that Council discuss this
139 matter in Executive Session.

140
141 **UPDATE: Action to be taken as a result of Executive Session:** Council Member Traylor made
142 a motion to approve this item without conditions on the fees in lieu of parkland dedication and park
143 development. Mayor Pro Tem Myers seconded the motion. The Ordinance Caption was read as
144 follows:

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146 **ORDINANCE NO. 20-44**
147
148 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING**
149 **ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY AMENDING EXISTING PLANNED**
150 **DEVELOPMENT ORDINANCE NO. 1066, TO AMEND THE PLANNED DEVELOPMENT**
151 **STANDARDS AND CONCEPT PLAN ON APPROXIMATELY 43.875 ACRES IN THE J. LOPEZ**
152 **SURVEY, ABSTRACT NO. 286, IN THE CITY OF FORNEY, KAUFMAN COUNTY; PROVIDING A**
153 **SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE;**
154 **PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE**
155 **DATE.**

156
157 The motion passed by a vote of 6 ayes and 1 absent [Powers].
158

159
160 **2. Hold a public hearing and discuss and consider approval of an**
161 **Ordinance for a Conditional Use Permit for Auto Repair (Major) to**
162 **operate at 12549 Reeder Road. [Read Ordinance Caption]**
163

164 Community Development Director Peter Morgan discussed this item. Dr. Dentless LLC, requests
165 approval of a Conditional Use Permit. The purpose of the request is to allow a paintless dent repair
166 facility as an approved use at 12549 Reeder Road.
167

168 **Current Standards:** The property is currently zoned within the Commercial zoning district. 12549
169 Reeder Road consists of a 1,216 square foot structure located on a 50.06-acre lot. The previous use
170 was storage. Parking is legal non-conforming shared parking with adjacent businesses. Proposed
171 Use: As stated in the application letter, Dr. Dentless LLC would like to operate a paintless dent repair
172 facility at 12549 Reeder Road. The applicant requests to operate under the zoning classification of
173 major auto repair. The Zoning Ordinance provides the following use definition: "AUTOMOBILE
174 REPAIR, MAJOR - General repair or reconditioning of engines, air-conditioning systems and
175 transmissions for motor vehicles; wrecker service; collision repair services including body, frame or
176 fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust
177 proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses." The proposed
178 business repairs hail damage, door dings and minor dents through a process of pushing the metal
179 back in to shape. The applicant has stated that he would not engage in any hazardous processes.
180 There will be no filling, sanding, grinding or replacement of automotive panels and no repainting of
181 the vehicle. The applicant has stated that typically the process of paintless dent repair is completed
182 in one day and that no vehicle will be parked outside overnight. Because there are limited tools
183 needed to perform the job, outside storage of any kind will not be necessary. If issued a Conditional
184 Use Permit (CUP), City Council has the authority to remove the CUP if the applicant were to abuse
185 their outdoor storage privileges or create any future code enforcement issues.
186

187 **Accessibility:** The property has direct access to the Reeder Road.
188

189 **Public Notification:** Notification was provided in the newspaper and to property owners within two-
190 hundred feet (200') of the property. As of this writing, staff has received no public comment regarding
191 this request.
192

193 **Future Requirements:** If the request is approved, a Certificate of Occupancy (staff inspection) will
194 be required for the business to operate.
195

196 **Recommendation:** On October 8, 2020, the Planning and Zoning Commission voted 6-0 to
197 recommend approval.
198

199 Mayor Penn asked if anyone in the audience wanted to address the Council on this item. The
200 following person came forward to address the Council:
201

202 Eric Henderson
203 2447 West Alamosa

204 Mr. Henderson stated he has been doing this type of work for 22 years. There will be
205 no outside storage and there are no chemicals. There is room for 3 vehicles inside.
206

207 Mayor Penn called for a motion. Mayor Pro Tem Myers made a motion to approve the Ordinance
208 and Council Member Johnson seconded the motion. The Ordinance caption was read as follows:
209

ORDINANCE NO. 20-45

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 AUTO REPAIR (MAJOR) TO OPERATE ON PROPERTY IDENTIFIED AS 12549 REEDER ROAD, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, LOCATED IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

3. **Hold a public hearing and discuss and consider approval of an Ordinance rezoning 38.7 acres from Planned Development No. 1031 to a single-family residential Planned Development. The property is located south of S. F.M. 548 and Sycamore Trail.** [Read Ordinance Caption]

Community Development Director Peter Morgan discussed this item. Mr. Jim Wills, representing the property owner, requests approval to rezone 38.7 acres from the Trails of Chestnut Meadow Planned Development to a new Planned Development identified as Oak Creek. The purpose of the rezoning is to establish the zoning for a single-family residential subdivision. The application letter states that due to the site constraints and engineering difficulties (flood plain, power lines, gas easement, and sewer easement) the site could not yield the remaining 191 lots (under current zoning). The request proposes a forty-five-foot (45') lot width with 117 lots.

Current Standards: The property consists of 38.7 acres of land in the Trails of Chestnut Meadow single-family residential subdivision. The existing Planned Development (PD) zoning was approved by City Council on May 1, 2001, with the approval of Ordinance No. 1031. The PD allows for 1,150 total residential lots. 103 of those lots were proposed to be developed with Phase VI on the land involved with this request. The minimum lot area is currently 8,000 square feet and the minimum dwelling size ranges from 1,500 to 2,000 sq. ft. The minimum lot width is sixty feet (60'). Rezoning Request: The requested rezoning proposes using SF-6 as the base zoning, with the following notable development standards:

1. The minimum lot area is 4,950 square feet.
2. The minimum dwelling unit size is 1,800 square feet.
3. The minimum lot width is forty-five feet (45').
4. The minimum side yard is five feet (5').
5. The front yard setback is twenty feet (20'). A front-facing garage must have a front yard setback of twenty-five feet (25').
6. Fences shall be a maximum height of six feet (6').
7. A dog park will be constructed and dedicated to the City of Forney with the final plat. The dog park will include separate small dog and large dog play areas, seating, and dog wash stations. The applicant is proposing that the dog park dedication will satisfy park land dedication requirements and will be completed by a development agreement.

265 **Accessibility:** The Concept Plan provides two access connections to S. F.M. 548.

266
267 **Public Notification:** Staff provided notification of the request in the Forney Messenger newspaper
268 and mailed notices to adjacent property owners. Staff received one email in opposition of the request
269 due to increased traffic and home size.

270
271 **Recommendation:** On October 8, 2020, the Planning and Zoning Commission voted 5-0 (Holler
272 abstained) to recommend approval.

273
274 Mayor Penn asked if anyone in the audience wanted to address the Council regarding this item. The
275 following person came forward:

276
277 Darrell Grooms
278 308 S. Center
279 Forney, Texas 75126

280 Mr. Grooms stated that they will have smaller lots with larger houses. They do have
281 a Development Agreement and the houses will cost from \$240,000 – up. This is not
282 a rental community. The dog park is in the development and so is masonry. They
283 should start building within 30 days after the recording of the final plats. There will be
284 117 homes built in this area. The dog park will be in the first phase.

285
286 Council Member Johnson stated that we are diversifying our stock. City Engineer Karl Zook stated
287 that once the homes are built we can request that TXDOT do another Traffic Impact Study.

288
289 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Ordinance
290 and Council Member Traylor seconded the motion. The Ordinance caption was read as follows:

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292 **ORDINANCE NO. 20-46**

293
294 **AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING**
295 **ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON**
296 **APPROXIMATELY 38.7202 ACRES OF LAND IN THE A. HYER SURVEY, ABSTRACT NO. 203, IN**
297 **THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, FROM PD – PLANNED DEVELOPMENT**
298 **OVERLAY DISTRICT (TRAILS OF CHESTNUT MEADOW) TO PD – PLANNED DEVELOPMENT**
299 **OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS SF-6 – SINGLE-FAMILY**
300 **RESIDENTIAL-6 DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS**
301 **CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND**
302 **PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

303
304 The motion passed by a vote of 6 ayes and 1 absent [Powers].

305
306 **4. Hold a public hearing to receive public comment regarding the land use**
307 **assumptions and capital improvements plan related to the update of the**
308 **water and sanitary sewer impact fees for the city of Forney and consider**
309 **action to determine whether to amend the plan.**

310
311 Richard Dormier of Freeman Millican discussed this item. Dormier stated that they have met with
312 the Advisory Committee for water and sewer impact fees three times and have summarized the
313 following information for this update.

314
315 In our first meeting, the Committee determined the following:

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317 1. The current Comprehensive Land Use Plan is valid and will be used to guide
318 the growth needs in undeveloped areas.

319

- 320 2. A growth rate of 5% compounded annually was selected resulting in an
321 average of 482 new single-family residences per year for a total of 4,820 new
322 homes in the planning period.
323
324 3. We are anticipating a 50/50 split for purposes of determining water needs
325 assuming one-half of the new homes will be located outside the City service
326 area.
327
328 4. A single service area was chosen for the study including the city limits and
329 ETJ.
330

331 Figures 1 and 2 show the proposed water and sanitary sewer impact fee projects for the 10-year
332 planning period. The plan includes holdover projects from the previous impact fee study; recoupment
333 projects for construction in the past 5 years that serves new connections but was not included in the
334 last CIP; and new projects identified as necessary for development in the next 10 years.
335

336 After receiving public input, the City Council will be asked to determine if the proposed CIP should
337 be modified by adding or removing proposed projects.
338

339 The next public hearing will be in January and will be brought back to Council for approval in
340 February.
341

342 Mayor Penn asked if anyone in the audience wished to address the Council on this item, but no one
343 came forward. Mayor Penn called for a motion. Council Member Johnson made a motion to approve
344 this item and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes
345 and 1 absent [Powers].
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347 VII. DISCUSSION / ACTION ITEMS 348

- 349 1. **Discuss and consider all matters incident and related to the issuance
350 and sale of "City of Forney, Texas, General Obligation Refunding Bonds,
351 Series 2020", including the adoption of an ordinance authorizing the
352 issuance of such bonds. [Read Ordinance Caption]**
353

354 Finance Director Deborah Woodham discussed the background of this item. Woodham stated that
355 she brings good news tonight. The City's financial advisors, Hilltop Securities, periodically review
356 our outstanding bond debt to determine if refinancing eligible bond series will be financially beneficial
357 to the City. They have recommended that we refinance a portion of the 2011 CO and GO Refunding
358 issue in order to lower the interest rate from 4.10% to approximately 1.3%. The refunding will save
359 the City approximately \$1,043,000.
360

361 Mayor Penn called for a motion. Council Member Moon made a motion to approve the Ordinance
362 and Council Member Cooper seconded the motion. The Ordinance caption was read as follows:
363

364 ORDINANCE NO. 20-43 365

366 **AN ORDINANCE authorizing the issuance of "CITY OF FORNEY, TEXAS, GENERAL OBLIGATION
367 REFUNDING BOND, SERIES 2020"; specifying the terms and features of said bond; levying a
368 continuing direct annual ad valorem tax for the payment of said bond; providing for the
369 redemption of the obligations being refunded; and resolving other matters incident and related
370 to the issuance, sale, payment and delivery of said bond, including the approval and execution
371 of a Paying Agent/Registrar Agreement, a Purchase Agreement and an Escrow Agreement; and
372 providing an effective date.**
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374 The motion passed by a vote of 6 ayes and 1 absent [Powers].

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2. Discuss and consider approval of an Ordinance amending the budget for fiscal year 2020-2021. [Read Ordinance Caption]

This item was pulled and will be placed on a future agenda.

3. Discuss and consider action on a Resolution approving a Development Agreement between the City of Forney and Jackrabbit Fund 1, LLC.

City Attorney Jon Thatcher discussed this item. Jackrabbit Fund 1, LLC is the owner/developer for the proposed residential development, Oak Creek, located off of FM 548, south of FM 741. The proposed development agreement is being considered at the same Council meeting as the proposed planned development zoning request.

The agreement proposes to dedicate to the City for the use of the public, a dog park consisting of two fenced areas (for large and small breed dogs) with gate access and related amenities including parking. The owner/developer will receive credit towards the assessed park and park development fees required from the residential development. The City will be responsible for the maintenance of the dog park facility once it is constructed, dedicated and accepted.

The agreement additionally, provides for certain development standards not otherwise allowed by zoning or other another ordinance. These include certain masonry standards for the residential construction including 100% on the front elevations, 80% on the sides, and 50% on the rear except for those homes that back up to FM 548, which shall have 100% masonry on the rear elevations.

Mayor Penn called for a motion. Council Member Johnson made a motion to approve the Resolution and Mayor Pro Tem Myers seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

4. Discuss and consider action on an Ordinance amending Chapter 12 of the Code of Ordinances, "Traffic and Vehicles," by adding Article 12.09 containing regulations for "Golf Carts, Neighborhood Electric Vehicles and Slow-Moving Vehicles." [Read Ordinance Caption]

City Attorney Jon Thatcher discussed this item. During the City Council meeting held on October 6, 2020, the Council directed staff to prepare an ordinance authorizing the operation of golf carts on city streets within the City of Forney, providing for appropriate regulations related to the operation of such vehicles.

Currently, the City of Forney does not have any adopted ordinances that regulate the use of golf carts. Under state law, a golf cart may be utilized as long as the City has not adopted an ordinance prohibiting the use under the following scenarios:

- when operated in a "master planned community";
- when operated on a street rated no more than 35 mph and it is operated during the daytime and not more than 2 miles from a golf course;

A City may choose to adopt an ordinance to allow the operation of golf carts under the following:

- operated on any public highway in the city that has a posted speed limit of not more than 35 mph;
- operated on a public highway rated no more than 35 mph for the purpose of retrieving or delivering packages;

481
482 Chasitee Albertie
483 1502 Tavistock Road
484 Forney, Texas 75126

485 Made the following statement: I would not want anybody representing my community
486 that represents through a platform of hatred. I'm a member of the African-American
487 community here in Forney and if you feel disrespected or demeaned in any way,
488 shape, or form the council members have created a public forum for us specifically to
489 come and express our concerns to open ears. We just sat and listen to a man tell us
490 that our city Council members do not care about our city and do not care to make
491 changes or upgrading our city for the benefit of its citizens; yet we just sat and listened
492 to them discuss all of the new developments and establishments that they are working
493 on implementing and establishing to make our city better to the benefit the citizens of
494 Forney. I as a member of the African-American community would also like to take this
495 time to encourage members of our community no matter what to come and express
496 your concerns, issues, or praises to be heard by our lovely city council members.
497

498 There being no one else to speak, Mayor Penn closed the open forum session.
499

500 **IX. CITY MANAGER'S REPORT**

501 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
502 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE ACTION,**
503 **INCLUDING THE FOLLOWING:**
504

505 City Manager Carson congratulated Deborah Woodham and Charity Wilson on receiving the GFOA
506 Award. It is very difficult achieve, and they have been doing it for 12 years. Carson thanked Kyle
507 Rouvaldt for his work on getting Deck Hockey in Forney. He even helped to install the court.
508

509 Council Member Johnson asked about the lights on the Downtown buildings. Stephen Williamson
510 from IT stated that we are working with vendors now to alleviate the problem. It will take one or two
511 months to complete. Council Member Johnson stated that the lights enhance Downtown.
512

513 Council Member Moon asked if there were any more complaints about the music in Downtown.
514 Carson advised that they turned down the sound by the Spellman Museum.
515

516 City Manager Carson stated that the lines for the Texas flag and the Lady Liberty is under repair.
517

518 **X. COUNCIL COMMENTS**

519 **PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE A**
520 **REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE GOVERNING**
521 **BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF COMMUNITY INTEREST**
522 **INCLUDE:**
523

524 Council Member Traylor stated that Forney is a great place to call home. He thanked Chasitee for
525 speaking.
526

527 Mayor Pro Tem Myers thanked Chasitee for speaking – she is impressive. He thanked everyone for
528 coming tonight. He thanked Finance for their hard work. With regard to employees playing
529 basketball – they do it on their lunch hour and he has no issues with it. Myers stated that we added
530 an amenity (the dog park) and he is thrilled that the developer is paying for it. He wished everyone
531 a good night.
532

533 Council Member Moon had no comments.
534

535 Council Member Cooper thanked everyone for welcoming him and that he plans on being back. He
536 does not take being on the Council for granted. He thanked Chasitee for speaking.

537
538 Council Member Johnson "dittoed" everyone. Unfortunately, there is always negativity. It is
539 unfortunate. Thanks for coming out. We are glad the small businesses are here. He thanked
540 Finance for their hard work. He told Karl he was sorry he had to work with TxDOT. He thanked Staff
541 for their hard work.

542
543 Mayor Penn stated she has been on Council for 12 years and Council started discussing dog parks
544 at least 8 years ago. It is awesome that the developer is going to pay for it. She thanked Charity
545 and Deborah on the GFOA award and stated she is really excited about saving \$1,000,000. She
546 thanked Staff for their hard work. Mayor Penn then read the following statement:

547
548 In accordance with Section 551.042 of the Texas Government Code, the following is
549 a statement of factual information given in response to certain inquiries that have been
550 made during the open forum of this and other recent Council meetings.

551
552 Several assertions and statements have been made about me as the Mayor, as well
553 as other Council members and City staff. Such statements have included allegations
554 of improper conduct and have publicly challenged my character. While the
555 Constitution protects speech from government intrusion, it does not protect false
556 statements made with actual malice. This includes blatantly false statements that are
557 only made to defame me or any other Council member or City employees.

558
559 The fact is, that these statements and any referenced "complaints," are false,
560 baseless, without merit, complete lies and have the sole purpose of causing harm to
561 the City of Forney.

562
563 The City of Forney works for the benefit of the public as a whole, rather than the
564 unreasonable demands of a single individual. As Mayor, I will continue represent the
565 interests of the City to the best of my ability and respectfully reject any claims to the
566 contrary.

567
568 Mayor Penn announced that Council will now adjourn into Executive Session under Chapter 551,
569 Texas Government Code, Sections 551.071 and 551.087 and called for a motion.

570
571 Mayor Pro Tem Myers made a motion to adjourn into Executive Session at 8:10 p.m. and Council
572 Member Moon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Powers].

573
574 **XI. EXECUTIVE SESSION**

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

578
579 **1. Consult with legal counsel regarding pending or contemplated litigation**
580 **or a settlement offer and/or matters in which the duty of the attorney to**
581 **the governmental body under Texas Disciplinary Rules of Professional**
582 **Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of**
583 **the Texas Government Code (Tex. Gov't Code Section 551.071):**

- 584
585 a. **Markout Water Supply**
586 b. **Madison Grayhawk**
587



City Council Agenda Item Summary Report

Meeting Date:
November 3, 2020

Submitted by:
Deborah Woodham, Director of Finance and
Human Resources

Item Title:

Acceptance of COVID-19 Project federal grant.

Consent Item []
Public Hearing Item []
Action Item []

Documentation Attached:

Recommended Action:

Staff recommends approval.

Item Summary:

The COVID-19 Project federal grant covers hazard pay for the Police and Fire Departments at a rate of \$5.00 per hour per employee. The grant covers a 23-week period during the COVID-19 pandemic and reimburses employees for actual hours worked. Personal protective equipment is included in the grants funds in the amount of \$9,119.97. Total grant funds received total \$366,230.36.

There are no matching funds required for this grant.



**City Council
Agenda Item Summary Report**

Meeting Date: November 3, 2020			
Submitted by: Candy McQuiston, Capital Improvement Program Manager Karl Zook, P.E			
Consent X	Discussion Only	Public Hearing	Action/Discussion
Item Title: Consider action to reject the bid proposals received for the Fire Station #2 Site Improvements.			
Attachments: Bid Tabulation Engineers Opinion of Probable Cost			

Item Summary:

This project scope is to control drainage and erosion issues on the vacant slope on the east side of Fire Station #2 at 980 Reeder Lane. The project would scarify the existing 18,000 square feet area, regrading the area to create a new swale. Install a new inlet and storm drain to tie into the existing drainage facilities on-site. Place Geotextile Fabric on scarified area, top with 3” thickness of granular rock on 2,160 square yard area with 2” diameter rock. Export approximately 1,050 square yards of earth. Place concrete apron around the new inlet. The project also includes adding 8 new parking spaces, with an additional 4 spaces planned as Alternate #1, to allow for greater flexibility at shift change times. Relocation of the fencing on the south side of the site and the addition of a sidewalk along the southern portion of the Whaley Drive to provide pedestrian connectivity is also planned. Sidewalk construction is included as Alternate #2.

Approved CIP Budget - \$100,000

Funding Source – Approved in the CIP General Fund

The request for proposals was published in the Forney Messenger, City of Forney website, and Civcast Bid System (Bid Management & Online Bidding for civil engineers and government agencies). Qualified bids were received until October 13, 2020, for this project. There was a total of five bidders who responded to the request.

The lowest base bid proposal was for \$97,975.00. The proposals received exceeded the construction amount budgeted for this project. Therefore, due to the disparity in cost vs. the amount budgeted, Staff is recommending rejecting the bid proposals and placing this project on hold until a later date.

Owner:	City of Forney	Contractor:	A T Construction, LLC		O3 Concrete Contractors		Aleksander Omega, LLC		Trivince General Contractors		Larrett, INC		
Project:	Fire Station Site Improvements CIP # 198	Address:	8219 Mossberg Drive		405 S Hughes		1878 Beltline Road		917 Ashwood Drive		6712 FM 1836		
Engineer:	Karl Zook	City:	Arlington		Howe		Cedar Hill		Garland		Kaufman		
Project Manager:	Candy McQuiston	State, Zip:	Texas 76002		Texas 75104		Texas 75460		Texas 75041		Texas 75142		
Bid Date:	October 13, 2020	Phone:	817-917-4993		214-243-6049		214-354-0840		469-655-4954		972-962-3400		
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
D.1	Connect 18" RCP To Existing 5' Curb Inlet	EA	1	2,000.00	\$ 2,000.00	1,500.00	\$ 1,500.00	600.00	\$ 600.00	1,800.00	\$ 1,800.00	2,970.00	\$ 2,970.00
D.2	18" Class Iii RCP	LF	20	80.00	\$ 1,600.00	78.00	\$ 1,560.00	80.00	\$ 1,600.00	80.00	\$ 1,600.00	214.00	\$ 4,280.00
D.3	4' X 4' WYE Inlet With 3' Concrete Apron	EA	1	6,500.00	\$ 6,500.00	4,200.00	\$ 4,200.00	6,500.00	\$ 6,500.00	8,500.00	\$ 8,500.00	5,688.00	\$ 5,688.00
D.4	6" French Drain Trench Section - Complete Per Detail	LF	204	45.00	\$ 9,180.00	48.00	\$ 9,792.00	65.00	\$ 13,260.00	35.00	\$ 7,140.00	41.00	\$ 8,364.00
D.5	8" PVC Drain Line	LF	152	30.00	\$ 4,560.00	28.00	\$ 4,256.00	60.00	\$ 9,120.00	35.00	\$ 5,320.00	54.00	\$ 8,208.00
D.6	PVC Fittings	LS	1	800.00	\$ 800.00	350.00	\$ 350.00	1,000.00	\$ 1,000.00	650.00	\$ 650.00	594.00	\$ 594.00
D.7	8" PVC Grate	EA	1	300.00	\$ 300.00	200.00	\$ 200.00	300.00	\$ 300.00	200.00	\$ 200.00	600.00	\$ 600.00
D.8	4" PVC Grate	EA	2	150.00	\$ 300.00	150.00	\$ 300.00	300.00	\$ 600.00	200.00	\$ 400.00	585.00	\$ 1,170.00
D.9	Connection to Existing PVC Drain Pipes	EA	3	300.00	\$ 900.00	100.00	\$ 300.00	300.00	\$ 900.00	400.00	\$ 1,200.00	540.00	\$ 1,620.00
DE.1	Remove Existing Curb & Gutter	LF	78	10.00	\$ 780.00	12.00	\$ 936.00	10.00	\$ 780.00	35.00	\$ 2,730.00	30.00	\$ 2,340.00
DE.2	Remove Existing 5" Pavement for Hose Rack	SY	23	15.00	\$ 345.00	22.50	\$ 517.50	2.00	\$ 46.00	165.00	\$ 3,795.00	91.00	\$ 2,093.00
DE.3	Remove Existing Fence & Pole Foundations - Stockpile Rails & Pickets	LF	230	9.00	\$ 2,070.00	15.00	\$ 3,450.00	10.00	\$ 2,300.00	11.00	\$ 2,530.00	25.00	\$ 5,750.00
DE.4	Cap Existing Irrigation Zone or Feeder Lines	EA	6	100.00	\$ 600.00	130.00	\$ 780.00	125.00	\$ 750.00	620.00	\$ 3,720.00	255.00	\$ 1,530.00
E.1	Excavation - Cut	CY	1,050	18.00	\$ 18,900.00	31.35	\$ 32,917.50	20.00	\$ 21,000.00	10.00	\$ 10,500.00	27.00	\$ 28,350.00
GC.1	2" Granular Rock, 3" Thick Color Selected by Owner	SY	2,160	7.50	\$ 16,200.00	6.00	\$ 12,960.00	7.00	\$ 15,120.00	15.00	\$ 32,400.00	11.00	\$ 23,760.00
GC.2	Geotextile Fabric	SY	2,160	5.00	\$ 10,800.00	3.00	\$ 6,480.00	3.00	\$ 6,480.00	6.50	\$ 14,040.00	3.50	\$ 7,560.00
EC.1	24" Silt Fence	LF	220	5.50	\$ 1,210.00	2.00	\$ 440.00	2.00	\$ 440.00	5.00	\$ 1,100.00	3.75	\$ 825.00
EC.2	Bermuda Block Sod	SY	210	8.00	\$ 1,680.00	8.00	\$ 1,680.00	7.50	\$ 1,575.00	11.00	\$ 2,310.00	16.00	\$ 3,360.00
P.1	7" Concrete Pavement - With Integral Curb Where Required	SY	190	85.00	\$ 16,150.00	98.00	\$ 18,620.00	100.00	\$ 19,000.00	65.00	\$ 12,350.00	145.00	\$ 27,550.00
P.2	Install 18" Wide, 5" Thick Mow Strip With 2'1/2" Dia. Fence Posts @ 6' O.C.	LF	155	20.00	\$ 3,100.00	25.00	\$ 3,875.00	30.00	\$ 4,650.00	47.00	\$ 7,285.00	74.00	\$ 11,470.00
BASE BID TOTAL				\$	97,975.00	\$	105,114.00	\$	106,021.00	\$	119,570.00	\$	148,082.00
Time of Substantial Completion (Calendar Days):					60		60		60		60		60
ADD ALTERNATE #1 (Additional Parking Spaces)													
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
DE.3	Remove Existing Curb & Gutter	LF	56	10.00	\$ 560.00	12.00	\$ 672.00	10.00	\$ 560.00	50.00	\$ 2,800.00	65.00	\$ 3,640.00
P.3	7" Concrete Pavement - With Integral Curb Where Required	SY	88	85.00	\$ 7,480.00	98.00	\$ 8,624.00	100.00	\$ 8,800.00	75.00	\$ 6,600.00	145.00	\$ 12,760.00
DE.3	Remove Existing Small Tree (4" Caliper or Smaller)	EA	1	200.00	\$ 200.00	350.00	\$ 350.00	300.00	\$ 300.00	800.00	\$ 800.00	600.00	\$ 600.00
EC.2	Bermuda Block Sod	SY	70	8.00	\$ 560.00	8.00	\$ 560.00	7.50	\$ 525.00	11.00	\$ 770.00	16.00	\$ 1,120.00
ADD ALTERNATE #1 TOTAL				\$	8,800.00	\$	10,206.00	\$	10,185.00	\$	10,970.00	\$	18,120.00
ADD ALTERNATE #2 (Whaley Road Connecting Sidewalk)													
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
DE.3	Remove Existing Curb & Gutter	LF	34	10.00	\$ 340.00	12.00	\$ 408.00	10.00	\$ 340.00	71.00	\$ 2,414.00	65.00	\$ 2,210.00
P.4	4" Concrete Sidewalk	SY	99	72.00	\$ 7,128.00	61.00	\$ 6,039.00	75.00	\$ 7,425.00	84.00	\$ 8,316.00	62.00	\$ 6,138.00
P.5	Tx-DOT Type 7 BFRS	EA	2	1,500.00	\$ 3,000.00	1,200.00	\$ 2,400.00	1,750.00	\$ 3,500.00	732.00	\$ 1,464.00	3,100.00	\$ 6,200.00
EC.2	Bermuda Block Sod	SY	80	8.00	\$ 640.00	8.00	\$ 640.00	7.50	\$ 600.00	11.00	\$ 880.00	16.00	\$ 1,280.00
ADD ALTERNATE #2 TOTAL				\$	11,108.00	\$	9,487.00	\$	11,865.00	\$	13,074.00	\$	15,828.00
Additional Calendar Days if Alternate Work is Selected:					30		30		30		30		30
BASE BID TOTAL WITH ADD ALTERNATE ITEMS (#1 & #2)				\$	117,883.00	\$	124,807.00	\$	128,071.00	\$	143,614.00	\$	182,030.00
Time of Substantial Completion if Alternate Work is Selected (Calendar Days):					90		90		90		90		90

It is under the discretion of the City Council to select the contractor and award the construction contract.

ENGINEER'S OPINION OF PROBABLE COST

CLIENT	CITY OF FORNEY				
PROJECT	FIRE STATION #2 - SITE IMPROVEMENTS - C.I.P. # 198				
DATE:	22-Sep-20				
DRAINAGE					
D1	CONNECT 18" RCP TO EXISTING 5' CURB INLET	1	EA	1,500.00	1,500.00
D2	18" CLASS III RCP	20	LF	55.00	1,100.00
D3	4' x 4' WYE INLET WITH 3' CONCRETE APRON	1	EA	5,000.00	5,000.00
D4	6" FRENCH DRAIN TRENCH SECTION - COMPLETE PER DETAIL	204	LF	55.00	11,220.00
D5	8" PVC DRAIN LINE	152	LF	30.00	4,560.00
D6	PVC FITTINGS	1	LS	300.00	300.00
D7	8" PVC GRATE	1	EA	120.00	120.00
D8	4" PVC GRATE	2	EA	60.00	120.00
D9	CONNECTION TO EXISTING PVC DRAIN PIPES	3	EA	100.00	300.00
DEMOLITION					
DE1	REMOVE EXISTING CURB & GUTTER	78	LF	5.00	390.00
DE2	REMOVE EXISTING 5" PAVEMENT FOR HOSE RACK	23	SY	9.00	207.00
DE3	REMOVE EXISTING FENCE & POLE FOUNDATIONS - STOCKPILE RAILS & PICKETS	230	LF	10.00	2,300.00
DE4	CAP EXISTING IRRIGATION ZONE OR FEEDER LINES	6	EA	150.00	900.00
EARTHWORK					
E1	EXCAVATION - CUT	1050	CY	13.00	13,650.00
GROUND COVER					
GC1	2" GRANULAR ROCK, 3" THICK COLOR SELECTED BY OWNER	2160	SY	5.00	10,800.00
GC2	GEOTEXTILE FABRIC	2160	SY	2.00	4,320.00
EROSION CONTROL					
EC1	24" SILT FENCE	220	LF	6.00	1,320.00
EC2	BERMUDA BLOCK SOD	210	SY	8.00	1,680.00
PAVING					
P1	7" CONCRETE PAVEMENT - WITH INTEGRAL CURB WHERE REQUIRED	190	SY	85.00	16,150.00
P2	INSTALL 18" WIDE, 5" THICK MOW STRIP WITH 2'1/2" DIA. FENCE POSTS @ 6' O.C.	155	LF	20.00	3,100.00
ALTERNATE #1 - 4 ADDITIONAL PARKING SPACES					
DE3	REMOVE EXISTING CURB & GUTTER	56	LF	5.00	280.00
P3	7" CONCRETE PAVEMENT - WITH INTEGRAL CURB WHERE REQUIRED	88	SY	85.00	7,480.00
DE5	REMOVE EXISTING SMALL TREE (4" CALIPER OR SMALLER)	1	EA	300.00	300.00
EC2	BERMUDA BLOCK SOD	70	SY	8.00	560.00
ALTERNATE #2 - WHALEY ROAD CONNECTING SIDEWALK					
DE3	REMOVE EXISTING CURB & GUTTER	34	LF	5.00	170.00
P4	4" CONCRETE SIDEWALK	99	SY	72.00	7,128.00
P5	TX-DOT TYPE 7 BFRS	2	EA	1,500.00	3,000.00
EC2	BERMUDA BLOCK SOD	80	SY	8.00	640.00
TOTAL PROBABLE CONSTRUCTION COST					98,595.00
SURVEYING		1	LS	1,500.00	1,500.00
MISCELLANEOUS EXPENSE - IRRIGATION REPAIRS, REPLACE TREE ETC.					3,500.00
MATERIAL TESTING 5%					4,929.75
CONTINGENCY 5%					4,929.75
RECOMMENDED PROJECT BUDGET					113,454.50

Other Items:

Below items which are included in the plans, as discussed would be addressed or taken care of by fire station personnel or others.

- 1.) Rails and pickets of the existing fence will be stacked on-site by the contractor for station personnel to rebuild the fence in the new location, based on the contractor setting new posts.
- 2.) Station personnel will water the sod placed for the sidewalk and around the parking and drainage improvements.
- 3.) Chief or station personnel will select the color of the ground cover rock.
- 4.) Parks Department would be willing to help out with the irrigation system adjustments and plant new tree (replacement), the note on the site plan shows that the contractor would set the sod and final grade AFTER the irrigation is done.



City Council Agenda Item Summary Report

Meeting Date:
November 3, 2020

Submitted by:
Deborah Woodham, Director of Finance and
Human Resources

Item Title:

Discuss and consider approval of an Ordinance amending the budget for fiscal year 2020-2021.
[Read Ordinance Caption]

Consent Item []
Public Hearing Item []
Action Item [X]

Documentation Attached:
Ordinance
Exhibit A

Recommended Action:

Staff recommends approval.

Item Summary:

The COVID-19 Project federal grant covers hazard pay for the Police and Fire Departments at a rate of \$5.00 per hour per employee. The grant covers a 23-week period during the COVID-19 pandemic and reimburses employees for actual hours worked. Total grant funds received for personnel total \$360,164.75. There are no matching funds required for this grant.

The grant funds will cover the cost of reimbursement to police and fire employees as well as the City cost for payroll taxes and retirement. Since all employees were considered essential and worked at their City assigned location throughout the 23-week period, this budget amendment includes funds for all employees. The City received additional revenue for FY 20 after the final budget amendment and these funds will be used to cover the cost of including all employees.

CITY OF FORNEY, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, THAT:

Section 1. The budget of the City Council of the City of Forney, Texas, for the fiscal year October 1, 2020 through September 30, 2021, be and the same is hereby amended and approved as amended, and such amendments are indicated and shown on **Exhibit "A,"** attached hereto and made a part hereof for all purposes.

Section 2. This Ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

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

ATTEST:

Mary Penn, Mayor

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Jon Thatcher, City Attorney

EXHIBIT A

1020	5109	19,423.60
1021	5109	4,845.12
1023	5109	10,003.84
1024	5109	3,173.63
1109	5109	9,074.02
1125	5109	5,861.38
1126	5109	15,624.14
1202	5109	137,747.23
1204	5109	9,785.10
1303	5109	155,977.39
1407	5109	34,733.75
1506	5109	17,633.14
1605	5109	3,165.60
1620	5109	15,220.58
1627	5109	9,147.52
1821	5109	7,454.47
1829	5109	11,317.82
1020	5117	2,705.71
1021	5117	674.93
1023	5117	1,393.53
1024	5117	442.09
1109	5117	1,264.01
1125	5117	816.49
1126	5117	2,176.44
1202	5117	19,188.19
1204	5117	1,363.06
1303	5117	21,727.65
1407	5117	4,838.41
1506	5117	2,456.30
1605	5117	440.97
1620	5117	2,120.23
1627	5117	1,274.25
1821	5117	1,038.41
1829	5117	1,576.57
1020	5119	1,485.91
1021	5119	370.65
1023	5119	765.29
1024	5119	242.78
1109	5119	694.16
1125	5119	448.40
1126	5119	1,195.25
1202	5119	10,537.66
1204	5119	748.56
1303	5119	11,932.27
1407	5119	2,657.13
1506	5119	1,348.94
1605	5119	242.17
1620	5119	1,164.37
1627	5119	699.78
1821	5119	570.27
1829	5119	865.81

1122	5109	14,520.07
1511	5109	3,168.73
1512	5109	15,533.00
1513	5109	9,460.92
1122	5117	2,022.65
1511	5117	441.40
1512	5117	2,163.75
1513	5117	1,317.91
1122	5119	1,110.79
1511	5119	242.41
1512	5119	1,188.27
1513	5119	723.76

2098	5109	3,147.37
2098	5117	438.43
2098	5119	240.77

EXPENSE 627,375.19

01-40601 360,164.75



City Council Agenda Item Summary Report

Meeting Date: November 3, 2020			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing	Action/Discussion X
Item Title: Discuss and consider approval of a Resolution awarding a bid and authorizing the City Manager to execute all documents related to a contract for solid waste and recycling services.			
Attachments: Resolution			

Item Summary:

On March 1, 2016, the City of Forney entered a five (5) year solid waste and recycling services agreement with Community Waste Disposal (CWD). The contract expires on February 28, 2021. As a result, the City competitively bid the services by issuing a request for proposals (RFP).

The goal of the RFP process is to maintain and improve the current service level at a competitive cost. The RFP stated a base residential service requirement of solid waste collection using cans and bags and recycling collection using contractor provided carts. Brush pickup included bundle and weight limits similar to the current contract (4' bundles and 50 lb. limit) and bulky item pickup. On-call collection of household hazardous waste items was included, as was all services to City facilities and a discount for senior citizens. In addition to the base residential services, responses included commercial service costs. The RFP established a five-year term for a new agreement.

The RFP was posted on August 25, giving providers six (6) weeks to prepare their responses. Staff received proposals from three (3) providers: Community Waste Disposal, FCC Environmental, and Waste Management. Each proposal has been evaluated by City staff and has been provided to Council.

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

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

*Excludes 10% franchise fee

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

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

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

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

Commercial costs were evaluated by inputting the current service level (container sizes and number of hauls) and the proposed costs. The current service level is provided on the below table:

Dumpster Type and Size	Weekly Collection Frequency							
	1	2	3	4	5	6	7	
2 CY Dumpster	31	0	0	0	0	0	0	31
3 CY Dumpster	16	1	0	0	0	0	0	17
4 CY Dumpster	28	7	0	0	0	0	0	35
6 CY Dumpster	33	7	3	0	0	0	0	43
8 CY Dumpster	87	65	33	13	9	8	0	215

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The current commercial collection costs (excluding franchise fee and taxes) are provided below:

CURRENT CITY OF FORNEY COMMERCIAL RATES						
Dumpster	Weekly Collection Frequency					
	1	2	3	4	5	6
2 CY Dumpster	77.11	158.19	220.58	308.10	400.38	494.51
3 CY Dumpster	85.25	174.04	240.92	332.06	449.54	533.12
4 CY Dumpster	90.66	182.87	256.55	357.59	460.09	569.83
6 CY Dumpster	106.90	208.98	293.17	403.90	525.04	649.04
8 CY Dumpster	119.07	235.14	330.88	453.37	586.53	726.29

The CWD proposal provides a very slight decrease to the current commercial rates:

COMMUNITY WASTE DISPOSAL PROPOSED COMMERCIAL RATES						
Dumpster	Weekly Collection Frequency					
	1	2	3	4	5	6
2 CY Dumpster	76.34	156.61	218.38	305.01	396.37	489.56
3 CY Dumpster	84.39	172.30	238.51	328.74	445.05	527.79
4 CY Dumpster	89.75	181.04	253.98	354.02	455.49	564.13
6 CY Dumpster	105.83	206.89	290.23	399.86	519.79	642.55
8 CY Dumpster	117.87	232.78	327.57	448.84	580.66	719.03

The FF Environmental proposal provides a substantial increase to the current commercial rates:

FCC ENVIRONMENTAL PROPOSED COMMERCIAL RATES						
Dumpster	Weekly Collection Frequency					
	1	2	3	4	5	6
2 CY Dumpster	55.86	106.13	157.60	208.03	257.44	305.84
3 CY Dumpster	75.41	143.28	212.76	280.84	347.54	412.88
4 CY Dumpster	95.52	181.49	269.50	355.73	440.22	522.98
6 CY Dumpster	137.55	261.35	388.08	512.25	633.92	753.09
8 CY Dumpster	179.73	341.50	507.09	669.34	828.32	984.04

Waste Management has the lowest Commercial prices and proposes a slight decrease to the current commercial rates:

WASTE MANAGEMENT PROPOSED COMMERCIAL RATES						
Dumpster	Weekly Collection Frequency					
	1	2	3	4	5	6
2 CY Dumpster	55.00	69.30	104.00	139.00	173.00	208.00
3 CY Dumpster	65.00	98.00	146.00	195.00	244.00	292.00
4 CY Dumpster	80.00	172.00	195.00	260.00	325.00	390.00
6 CY Dumpster	108.00	185.00	262.00	347.00	433.00	520.00
8 CY Dumpster	128.00	222.00	330.00	435.00	542.00	650.00

The FRP provided an evaluation system based on the following criteria:

Criteria	Proposal Content Considered	Maximum Points
Letter of Intent, Company Overview, and Method of Approach	Sections 1 and 2	30
Experience, References, Insurance, Performance Bond and Financial History	Section 3 and 4	20
Conflict of Interest and Pricing Information	Section 5	50

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

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

**CITY OF FORNEY, TEXAS
RESOLUTION NO. 20-_____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS
AWARDING A CONTRACT FOR SOLID WASTE COLLECTION AND DISPOSAL;
AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTION NECESSARY TO
COMPLY WITH THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Forney, Texas (the "City") requested proposals for solid waste collection and disposal within the City of Forney; and

WHEREAS, the City received three proposals from qualified firms that were reviewed and evaluated by the City; and

WHEREAS, the City now desires to award the contract for solid waste collection and disposal services after evaluation of the proposals received.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS:

SECTION 1. The above and foregoing premises are true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2. The proposal for solid waste collection and disposal services in the City of Forney is hereby awarded to _____, and the City Manager is authorized to enter into an Agreement for the services as proposed and awarded.

SECTION 3. This Resolution shall take effect immediately from and after its passage.

PRESENTED AND PASSED by the City Council of the City of Forney, Texas, this the 3rd day of November, 2020.

Mary Penn, Mayor

ATTEST:

Dorothy Brooks, City Secretary