



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, April 8, 2019

7:00 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Regular Meeting of the Red Oak City Council was held on Monday, April 8, 2019, at 7:00 p.m., in the Council Chambers of the Red Oak Municipal Center, 200 Lakeview Parkway, Red Oak, Texas, with the following members present, to wit:

City Council (5):

Mayor Mark L. Stanfill
Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

CALL TO ORDER: Mayor Stanfill called the meeting to order at 7:00 p.m., declared a quorum and announced that notices were legally posted pursuant to the Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Stanfill gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Proclamation – National Crime Victims' Rights Month

Mayor Stanfill read the Proclamation for National Crime Victims' Rights Month into the record. Police Chief Wolf received the Proclamation and gave some background information on this issue.

- Proclamation – National Child Abuse Awareness & Prevention Month

Mayor Stanfill read the Proclamation for National Child Abuse Awareness & Prevention Month into the record. He then presented the Proclamation to Leslie Deen, Executive Director of the Ellis County Children's Advocacy Center of Waxahachie. She thanked Mayor and Council for the honor and gave some background information on this issue.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - March 11, 2019 – Regular Council Meeting
Approved on Consent Agenda
2. Consider adoption of Resolution No. 19-011R declaring certain personal property as obsolete, valueless, and surplusage; providing for disposal of the same by the City Manager or his designee; authorizing the Mayor to execute; providing a severability clause; providing a repealing clause; and, providing an effective date.
Adopted
Enactment No: RES 19-011R

3. Consider adoption of Resolution No. 19-012R authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of eight (\$0.08) cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
Adopted
Enactment No: RES 19-012R

4. Consider all matters incident and related to approving a Continuing Disclosure Agreement with the Trinity River Authority in connection with the issuance, from time to time, of the Trinity River Authority's bonds for the benefit of the City of Red Oak, Texas, including the adoption of Resolution No. 19-013R, pertaining thereto.
Adopted
Enactment No: RES 19-013R

5. Consider approving the absence of Councilmember Tim Lightfoot and the absence of Councilmember Scott Lindsey from the March 11, 2019, Regular Meeting of the Red Oak City Council.
Approved

6. Consider approval of Ordinance No. 19-010 amending Ordinance No. 18-037, amending the Fiscal Year 2019 Official Budget, appropriating funds to increase revenues in the 2018 CO Bond Fund 166 as per attached Exhibit A; appropriating funds to increase expenditures in the 2018 CO Bond Fund 166 as per attached Exhibit A; providing that expenditures for said fiscal year be made in accordance with said amended budget; providing a severability clause; and, providing an effective date.
Approved
Enactment No: ORD 19-010

Mayor Stanfill read the Consent Agenda and explained that these items are considered routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and may be acted on in one motion or separately.

Councilmember Drake made the motion, seconded by Councilmember Wilson, to approve the Consent Agenda as published. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill explained the Citizens Comments section of the meeting and read the rules displayed on the monitors.

CITIZENS COMMENTS:

David Bohanan, 302 I-35E South, Red Oak, Texas, spoke stating that he was here to address grievances against Red Oak. He stated that back in June of 2018, he gave water and sewer easements to the city. The man who handled that was Ray Silva-Reyes who is no longer with the city. Since then, his complaints have fallen on deaf ears. Mr. Bohanan stated that he was promised many things which haven't come to fruition. He stated that he was told if he gave the city the easements, they would return it [his property] as good as or better than it was. He invited one of the city councilmembers to go over and look at his land that is washing away and his fences which remain unrepaired. Mr. Bohanan stated that he has called Mr. Williams and Todd Fuller, but his calls were not returned. He wants someone to

come to his property, take a look at it, and spray hydro-mulch. Mayor Stanfill responded stating that someone with the city would get with him to try and resolve the situation.

COUNCIL BUSINESS – REGULAR SESSION:

7. Consider adoption of Resolution No. 19-014R approving the Comprehensive Annual Financial Report (CAFR) performed by Judd, Thomas, Smith & Company, P.C., which is attached hereto and incorporated herein as Exhibit "A"; providing for filing in the Office of City Secretary; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 7 into the record. Andrew Moore, Partner with Judd, Thomas, Smith & Company, P.C., the external auditors for the City of Red Oak, spoke and updated Council on the audit. He thanked Ginger and the Finance Department for all their help, and he commended them on doing a lot of the work they did to make the audit run smoothly.

Councilmember Lindsey made the motion, seconded by Councilmember Lightfoot, to adopt Resolution No. 19-014R as presented. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Adopted
Enactment No: RES 19-014R**

8. Consider and approve a plan of financing for possible issuance of Combination Tax & Revenue Certificates of Obligation for necessary City Street Improvements, Infrastructure Improvements, Building Acquisitions and Improvements, Parks and Recreation Land and Building Acquisitions and Improvements, including authorizing City Staff and outside consultants to move forward with the proposed financing.

Mayor Stanfill read Agenda Item No. 8 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item as well as Agenda Item Nos. 9 and 10.

Jim Sabonis with Hilltop Securities spoke and gave a detailed explanation and overview of this agenda item.

City Attorney Hager spoke and added that Mr. Sabonis gave an explanation for Agenda Item Nos. 8, 9 and 10, and that Council may consider a motion to approve the financing plan proposed by Hilltop Securities in the presentation, both oral and written, and consider the Resolution No. 19-015R, which is the Notice of Intention to Issue Certificates of Obligation, and Resolution No. 19-016R, which is the reimbursement resolution as explained by the City Manager and Mr. Sabonis.

Councilmember Lindsey moved the motion, seconded by Councilmember Drake. The motion was unanimous.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Adopted
Enactment No: RES 19-015R and RES 19-016R**

9. Consider all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of Resolution No. 19-015R, pertaining thereto.

See action on Agenda Item No. 8.

10. Consider all matters incident and related to declaring expectation to reimburse expenditures with proceeds of future debt, including the adoption of Resolution No. 19-016R, pertaining thereto.

See action on Agenda Item No. 8.

11. Consider adoption of Resolution No. 19-017R correcting a scrivener's error in Resolution No. 19-010R regarding the dates listed for Regular City Council Meeting in Section 1 and Special Called City Council Meeting in Section 2 of said resolution; providing a repealing clause; providing a savings clause; providing a severability clause; and, providing for an effective date.

Mayor Stanfill read Agenda Item No. 11 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

Councilmember Lindsey made the motion, seconded by Councilmember Lightfoot, to adopt Resolution No. 19-017R as presented. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted
Enactment No: RES 19-017R

12. Conduct a Public Hearing and consider approval of Ordinance No. 19-011 for a zoning change from Planned Development 91, Revised (PD-91R) to Planned Development 91, Revised 2 (PD-91,R2) to amend the development regulations for the proposed Creekbend SFR subdivision, approximately 56 acres, J Nugent Survey, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. and east of Uhl Rd., requested by Ted Zadeh.

Mayor Stanfill read Agenda Item No. 12 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:50 p.m.

Jeff Crannell, CCM Engineering, 2570 Justin Road, Lewisville, Texas, spoke and offered himself to any questions from Council.

Councilmember Lightfoot made the motion, seconded by Councilmember Wilson, to close the Public Hearing at 7:51 p.m.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve Ordinance No. 19-011 and the preliminary plat for Creekbend Addition as presented. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Councilmember Ron Wilson

Approved

Enactment No: ORD 19-011

13. Consider approving a preliminary plat for the Creekbend Addition, approximately 56 acres, being part of a 71.45 acre tract of land, John Nugent Survey, A-796, City of Red Oak, Ellis County, Texas, requested by Ted Zadeh.

See action on Agenda Item No. 12.

14. Conduct a public hearing and consider approval of Ordinance No. 19-012 for a zoning change from Planned Development 87, (PD-87) to Planned Development 87, Revised (PD-87R) for approximately .55 acres, Lot 5, Block F, Highland Meadows Addition, Rev, and for approximately .39 acres, Lots 3 and 4, Block F, Highland Meadows Addition, Rev to allow for the development of a restaurant with indoor dining, City of Red Oak, Ellis County, Texas, requested by Ecosium, LLC.

Mayor Stanfill read Agenda Item No. 14 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:59 p.m.

Hilary Zerr, PE, Davidson Architecture & Engineering, Overland Park, Kansas, spoke in favor of the project.

Councilmember Drake made the motion, seconded by Councilmember Lightfoot, to close the Public Hearing at 8:03 p.m.

Ayes (5):
Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill and Council briefly discussed this agenda item.

Councilmember Wilson made the motion, seconded by Mayor Pro Tem Toney, to approve Ordinance No. 19-012 as presented. The motion carried unanimously.

Ayes (5):
Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved

Enactment No: ORD 19-012

15. Conduct a public hearing and consider approving Ordinance No. 19-013 for a zoning change from Agriculture (AG) to Planned Development 103 (PD-103) to allow for residential development for 1.4 acres, Robert Bell Survey, A-60, City of Red Oak, Ellis County, Texas, located east of SH 342 and south of Pierce Rd., requested by Robert Goodloe.

Mayor Stanfill read Agenda Item No. 15 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 8:09 p.m.

Danny Douthit, Jr., 200 Tecumseh Parkway, Waxahachie, Texas, spoke in favor of this project. He and Mr. Goodloe will be purchasing the lots and building the homes. He offered himself to any questions from Council.

City Manager Fuller read into the record those notice forms that were received in the mail:

Stuart Powers, 205 E. Pierce Road, Red Oak, Texas, made the following comments: "I don't have enough information to be for or against. What type of residential development is it going to be? I do not want multi-family residential; single-family only. What are they going to do with the water direction since they removed the tree line; we have had water enter our building from large rain."

City Engineer Hartman spoke to Mr. Powers' questions and concerns.

Councilmember Lightfoot made the motion, seconded by Councilmember Wilson, to close the Public Hearing at 8:15 p.m.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Councilmember Lindsey made the motion, seconded by Councilmember Lightfoot, to approve Ordinance No. 19-013 as presented. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Approved
Enactment No: ORD 19-013**

16. Consider approval of Ordinance No. 19-004 amending the Code of Ordinances, Chapter 1, "General Provisions", Article 1.04 "Officers of the City", by adding new section 1.04.032 to Division 2, "City Manager" (or his designee) for the annual adoption, review and revision of the City of Red Oak Employee Handbook (also referred to as the City of Red Oak Personnel Policy Manual), and providing the City Manager with approval authority for changes to the employee handbook; and providing a repealing clause; providing a savings clause; and providing an effective date.

Mayor Stanfill read Agenda Item No. 16 into the record. City Attorney Hager spoke and gave a detailed explanation of the background and history of this agenda item.

Mayor Stanfill, Council, City Manager Fuller and City Attorney Hager discussed this agenda item at length.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Wilson, to approve Ordinance No. 19-004 as presented. The motion carried unanimously.

Ayes (3): Mayor Pro Tem Toney
Councilmember William Drake
Councilmember Ron Wilson

Nays (2): Councilmember Tim Lightfoot

Councilmember Scott Lindsey

Approved

Enactment No: ORD 19-004

BOARD APPOINTMENTS:

18. Appointments/Reappointments to Boards & Commissions – Consider approval regarding the following Boards/Commissions:
- A. Red Oak Library Advisory Board:
 - Accept Resignation of Cynthia Sublette as a Regular Member, effective April 8, 2019.
 - Accept Appointment of Lauren Crain as a Regular Member for the remainder of a two-year term from October 2018 – October 2020.
 - B. Planning & Zoning Commission:
 - Accept Appointment of Lance Brooks as an Alternate Member for remainder of a two-year term from June 2018 – 2020.
 - C. Zoning Board of Adjustments/Building Board of Appeals:
 - Accept Appointment of Willie G. Franklin, Jr. as a Regular Member for a two-year term from June 2019 – June 2021.

City Attorney Hager read Agenda Item No. 18 for the board appointments/resignations.

Library Director Ragsdale spoke and updated Council on Lauren Crain. City Manager Fuller spoke and updated Council on Lance Brooks and Willie G. Franklin, Jr.

Councilmember Lightfoot made the motion, seconded by Councilmember Wilson, to approve the resignation and appointments as read. The motion was carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved

DEPARTMENTAL REPORTS:

19. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.
- A. Fire Department
 - Monthly Activity Report
 - B. Police Department
 - Monthly Report
 - C. Engineering & Community Development
 - Code Services Report
 - Building Permit and Inspections Report
 - Animal Control Report
 - D. Public Works & Parks Department
 - Operational Report

- Administrative Monthly Report
- E. Human Resources
- Administrative Monthly Report
- F. Finance Department
- Finance Report
 - Cash Balance Report
 - Financial Statement
- G. IT Department
- Major Accomplishments
 - Current Initiatives
 - Challenges
- H. Library
- YTD Statistics
 - Monthly Newsletter
- I. Court
- Statistical Highlights

All departmental reports were submitted to Council and addressed individually as needed. Mayor Stanfill asked the Directors to present anything significant if needed.

Fire Chief / ACM Thompson had no additional updates other than what was in his report. He offered himself to any questions from Council.

Police Chief Wolf spoke and updated Council on activities within his department. He stated that there has been a slight uptick in burglaries of vehicles in Red Oak. He updated Council on hiring, stating that an offer of employment was made to a recruit. That leaves only one vacancy in the department. He also stated that command staff recently participated in the Lumina Spark Personality Assessment for professional development.

City Engineer Hartman spoke and updated Council on activities within his department. He stated that a permit tech has been hired, transferred from another city department. He offered himself to any questions from Council.

Public Works & Parks Director Williams spoke and updated Council on activities within his department. He informed Council about the new Public Works Emergency Response trailer. He offered himself to any questions from Council. City Manager Fuller added information from Williams' report stating that the company did spread seed to the area in and around David Bohanan's property, but it didn't take hold. Williams is looking into when they come back, whether its hydro-mulch or additional seeding or matt.

Human Resources Director Lawson had no additional updates other than what was in her report. She offered herself to any questions from Council.

Finance Director Richardson had no other updates other than what was in her report. City Manager Fuller added that it appears that most of the revenues are tracking at least along with budget, and some better, other than water/sewer which always struggles during the winter months.

IT Director Binford had no additional updates other than what was in his report. He offered herself to any questions from Council.

Library Director Ragsdale spoke and updated Council on activities within his department. He shared numbers and statistics with Council regarding use of the library. There were a record number of toddlers at an event. He offered herself to any questions from Council.

Court Administrator Collins spoke and updated Council on activities within her department. She updated Council on the Warrant Roundup stating that the Court cleared 262 warrants and collected approximately \$36,000.00.

CLOSED SESSION:

20. Pursuant to the Texas Government Code, Section §551.087 – **Deliberations Regarding Economic Development Negotiations.**
 - A. Discuss or deliberate regarding commercial or financial information from a business prospect that seeks to locate, stay or expand in the City of Red Oak.
 - B. Discuss or deliberate the offer of a financial or other incentive, if any, with such business prospect.

21. Pursuant to the Texas Government Code, Section §551.072 – **Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property.**
 - A. Discuss or deliberate acquisition, sale, and/or exchange of Real Properties generally located east of I-35E, west of SH 342, south of FM 664/Ovilla Road, and north of US 77, Red Oak, Texas.
 - B. Discuss or deliberate acquisition, sale, and/or exchange of Real Properties generally located east of Uhl Road, west of I-35E, south of the Ellis County Line, and north of FM 664/Ovilla Road, Red Oak, Texas.
 - C. Discuss or deliberate acquisition, sale and/or exchange of Real Properties generally located east of Uhl Road, west of I-35E, south of Red Oak Road, and north of the Oaks Boulevard, Red Oak, Texas.

22. Pursuant to the Texas Government Code, Sections §551.071 and §551.074 – **To Seek Legal Advice from the City Attorney** and deliberate on the duties of a public employee; to wit: City Manager.

Mayor Stanfill read Agenda Item Nos. 20, 21 and 22 for Closed Session into the record and moved Council into Closed Session at 8:51 p.m.

REGULAR SESSION:

23. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council reconvened into Regular Session at 8:53 p.m. See below for action taken on Agenda Item No. 17 and Closed Session Item No. 22.

17. Consider adoption of Resolution No. 19-018R approving the terms and conditions of a real estate exchange contract between Red Oak Independent School District (ROISD) and the City of Red Oak, Texas, which is attached hereto and incorporated herein as Exhibit A; authorizing the City Manager and Mayor to execute any and all necessary documents to effectuate the exchange; and, providing an effective date.

Councilmember Lindsey made the motion, seconded by Councilmember Lightfoot, to adopt Resolution No. 19-018R as presented. The motion carried unanimously.

Ayes (5): Councilmember William Drake

Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted
Enactment No: RES 19-018R

Councilmember Lightfoot made the motion, seconded by Councilmember Lindsey, to approve the review of performance of the City Manager and to authorize a three percent standard employee increase to the City Manager which is commensurate with all similarly qualified employees. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved

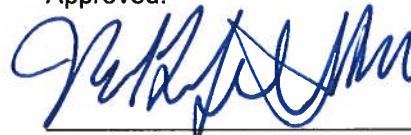
ADJOURNMENT:

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 10:12 p.m. The motion carried unanimously.

Ayes (5): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on May 13, 2019.

Approved:



Mark L. Starfill, DVM, Mayor

Attest:



Caryn Stevens
Deputy City Secretary