



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, July 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, July 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 Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
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: Councilmember Braly gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Introduction – New Assistant City Manager, Jonathan Phillips

City Manager Fuller introduced our new Assistant City Manager, Jonathan Phillips, to Council and staff. He gave a detailed account of Mr. Phillip's background and experience in other cities. Council and staff welcomed Mr. Phillips to Red Oak.

- Introduction – New Application Specialist, Chase Jenkins

IT Director Binford introduced our new Application Specialist, Chase Jenkins, to Council and staff. He spoke briefly about Mr. Jenkins' background and informed Council that Chase is pursuing his bachelor's degree in Computer Science. Council and staff welcomed Mr. Jenkins to his new position with the city.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - June 10, 2019 – Regular Council Meeting
Approved
2. Consider adoption of Resolution No. 19-031R approving a new Contract with AMG Technology Investment Group, LLC, doing business as Nextlink, for the license of space on the City's Carson Elevated Storage Tank, and authorizing the City Manager to negotiate and the Mayor to execute after attorney review and approval of a 60-month Rental Agreement.
Adopted
Enactment No: RES 19-031R

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and may be acted upon in one motion or separately.

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

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
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: No one from the public spoke.

COUNCIL BUSINESS – REGULAR SESSION:

3. Conduct a public hearing and consider approving Ordinance No. 19-028 for a zoning change from Commercial-1 (C-1) zoning to Commercial-1 Specific Use Permit (C-1/SUP) to allow for an accessory structure for approximately 0.271 acres, Robert Bell Survey, A-60, also known as 108 Methodist St., City of Red Oak, Ellis County, Texas, located at the southeast corner of College and Methodist, requested by Robert McKay.

Mayor Stanfill read Agenda Item No. 3 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the public hearing at 7:12 p.m. No one from the public spoke.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to close the public hearing at 7:13 p.m. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill and Council briefly discussed this agenda item.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Wilson, to approve Ordinance No. 19-028 as presented. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Approved
Enactment No: ORD 19-028**

4. Conduct a public hearing and consider approving Ordinance No. 19-029 for a zoning change from Commercial-1 (C-1) zoning to Commercial-1 Specific Use Permit (C-1/SUP) to allow for

auto rental use for 309 E Ovilla Rd, Suite 500, Lot 1, Block B, Red Oak Industrial Park, Phase 3, being a 4.348 acre addition in the Benjamin E. Frazier Survey, A-371, City of Red Oak, Ellis County, Texas, requested by Jordan Woolf, Agent for Enterprise Car Rental and Red Oak Depot 1, Ltd, property owner.

Mayor Stanfill read Agenda Item No. 4 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the public hearing at 7:17 p.m.

Jordan Woolf, Enterprise Rent-A-Car, 3026 Tanglewood Park West, Ft. Worth, Texas, representative for Enterprise, spoke in favor of the project.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to close the public hearing at 7:18 p.m. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill, Council, City Engineer Hartman and Mr. Woolf discussed this agenda item at length.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve Ordinance No. 19-029 as presented. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 19-029

5. Consider approval of Ordinance No. 19-030 amending Ordinance No. 18-037; amending the Fiscal Year 2019 Official Budget, appropriating funds to increase revenues and appropriate expenditures in the General Fund as per attached Exhibits A-1, approving the reduction of the original budget for the 2018 CO Bond Fund to account for the funds as separate rate issues as per Exhibit B-1, approving the reallocation of remaining project funds in the 2018 CO Bond Fund as per Exhibit B-2, appropriating funds to increase revenues and appropriate expenditures in the 2018 CO Bond Fund as per attached Exhibit B-3, appropriating funds to increase revenues and appropriate expenditures in the 2019 CO Bond Fund as per attached Exhibit C-1, and approving the reallocation of expenditures in the Red Oak Industrial Development Fund as per Exhibit D-1, providing that expenditures for said fiscal year be made in accordance with said amended budget, providing an amended budget; providing that expenditures for said fiscal year be made in accordance with said amended budget, providing an amended budget; providing a severability clause; and providing an effective date.

Mayor Stanfill read Agenda Item No. 5 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

Councilmember Drake made the motion, seconded by Councilmember Wilson, to approve Ordinance No. 19-030. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 19-030

6. Consider adoption of Resolution No. 19-032R authorizing its attorneys in the case of City of McAllen, Et AL. V. State of Texas to expand the scope of that suit to include a challenge to S.B. No. 1152.; and providing an effective date.

Mayor Stanfill read Agenda Item No. 6 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item.

Councilmember Braly made the motion, seconded by Councilmember Drake, to adopt Resolution No. 19-032R as presented. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted
Enactment No: RES 19-032R

CLOSED SESSION:

16. 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.
17. 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 I-35E, west of SH 342, south of 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, north of FM664/Ovilla Road, and south of Ellis County line, Red Oak, Texas.
 - D. Discuss or deliberate acquisition, sale, and/or exchange of Real Properties generally located east of Uhl Road, west of I-35E, south of FM 664/Ovilla Road, and north of Stephenson Road, Red Oak, Texas.

Mayor Stanfill read Agenda Item Nos. 16 and 17 into the record and moved Council into Closed Session at 7:26 p.m. He invited Assistant City Manager/Fire Chief Thompson and Economic Development Director McCleary to Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 8:00 p.m. Mayor Stanfill announced that City Manager Fuller would give an explanation of Agenda Item Nos. 7, 8, 9, 10 and 11 because they are related. Once explained, each agenda item will be acted upon separately.

City Manager Fuller announced that Google will be building a data center in Red Oak. He went on to give a detailed explanation of Agenda Item Nos. 7, 8, 9, 10 and 11.

7. Public Hearing and consideration of approving Ordinance No. 19-031 for the area of real property being 66.688 Acres, located in the Edmund Sherly Survey, Abstract No. 1013, Ellis County, Texas, within the jurisdictional boundary of the City of Red Oak, Ellis County, Texas, as Commercial-Industrial Tax Abatement Reinvestment Zone No. 5 under the provision of Chapter 312, Texas Tax Code (the "Act").

Mayor Stanfill read Agenda Item No. 7 into the record.

Mayor Stanfill opened the public hearing at 8:07 p.m.

Myron Dornic, Senior Counsel, Jackson Walker, LLP, 2323 Ross Avenue, Suite 600, Dallas, Texas, representing Alamo Mission, LLC, spoke and gave a brief explanation of this agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to close the public hearing at 8:08 p.m. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill made the motion to approve Ordinance No. 19-031 as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Approved
Enactment No: ORD 19-031**

8. Public Hearing and consideration of approving Ordinance No. 19-032 for the area of real property being 97.431 Acres, located in the Edmund Sherly Survey, Abstract No. 1013, Ellis County, Texas, within the jurisdictional boundary of the City of Red Oak, Ellis County, Texas as Commercial-Industrial Tax Abatement Reinvestment Zone No. 6 under the provision of Chapter 312, Texas Tax Code (the "Act").

Mayor Stanfill read Agenda Item No. 8 into the record.

Mayor Stanfill opened the public hearing at 8:10 p.m. Mayor Stanfill stated that Mr. Dornic would like the record to show that he has the same comments for this agenda item. No one else spoke.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to close the public hearing at 8:11 p.m. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill made the motion to approve Ordinance No. 19-032 as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Drake. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Approved
Enactment No: ORD 19-032**

9. Consider adoption of Resolution No. 19-033R approving terms and conditions of the Tax Abatement Agreement by and between the City of Red Oak and Alamo Mission, LLC.

Mayor Stanfill read Agenda Item No. 9 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item. Both City staff and the IDC Board recommended approval.

Mayor Stanfill made the motion to adopt Resolution No. 19-033R as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Adopted
Enactment No: RES 19-033R**

10. Conduct a public hearing and consider approving Ordinance No. 19-033 for a zoning change from Planned Development 66, Revised 2 (PD-66R2) zoning to Planned Development 66, Revised 3 (PD-66R3) to amend the development regulations and providing for principal uses, accessory uses and development for approximately 165 acres, Edmund Sherly Survey, A-1013, City of Red Oak, Ellis County, Texas, located at the northwest corner of Ovilla Rd. and SH 342, requested by Walton Texas, LP & Walton Red Oak Crossing, LP; and a zoning change from Agriculture (AG) to Planned Development 66, Revised 3 (PD-66R3) providing for principal uses, accessory uses and development for approximately 19 acres, Edmund Sherly Survey, A-1013, City of Red Oak, Ellis County Texas, being a portion of that certain 92.0039 acre tract of land conveyed to ROIDC by Instrument No. 1526548, OPRECT, requested by the ROIDC, located north of Ovilla Rd and west of SH 342.

City Attorney Hager read Agenda Item No. 10 into the record and gave a brief explanation of same. City Engineer Hartman spoke and gave an additional explanation of this agenda item. Planning & Zoning Commission recommended approval.

Mayor Stanfill opened the public hearing at 8:20 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to close the public hearing at 8:21 p.m. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill made the motion to approve Ordinance No. 19-033 as presented.

Councilmember Braly moved the motion, seconded by Councilmember Drake. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 19-033

11. Consider approval of a Preliminary Plat for the Bonnet Addition, Lots 1-3, Block A, being an approximately 185-acre tract, Edmund Sherly Survey, A-101, Benjamin E Frazier Survey, A-371, City of Red Oak, Ellis County, Texas, requested by Walton Texas, LP & the ROIDC.

Mayor Stanfill read Agenda Item No. 11 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item. City Manager Fuller spoke and gave additional information on this agenda item. Planning & Zoning Commission recommended approval.

Mayor Stanfill made the motion to approve the Preliminary Plat for Bonnet Addition as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved

12. Public reading of Resolution No. 19-034R approving the projects of the Red Oak Economic Development Corporation (ROEDC) to include land acquisition and improvements for expansion of a municipal park, roadways, and a utility infrastructure, and economic development sites for commercial, retail and industrial and related purposes.

Mayor Stanfill read Agenda Item No. 12 into the record. City Manager Fuller spoke and read the caption of Resolution No. 19-034R into the record.

13. Consider adoption of Resolution No. 19-035R approving all matters incident and related to the issuance of sales tax revenue bonds by the Red Oak Economic Development Corporation (ROEDC), including the adoption of a resolution authorizing the ROEDC and appropriate personnel and consultants to proceed with arrangements and the preparation of documents for the issuance of such bonds.

Mayor Stanfill read Agenda Item No. 13 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the motion to adopt Resolution No. 19-035R as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Drake. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted

Enactment No: RES 19-035R

14. Public reading and consideration of Resolution No. 19-034R approving the projects of the Red Oak Economic Development Corporation (ROEDC) to include land acquisition and improvements for expansion of a municipal park, roadways, and a utility infrastructure, and economic development sites for commercial, retail and industrial and related purposes.

Mayor Stanfill read Agenda Item No. 14 into the record. City Manager Fuller spoke and read the caption of Resolution No. 19-034R into the record.

Mayor Stanfill made the motion to adopt Resolution No. 19-034R as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted

Enactment No: RES 19-034R

DEPARTMENTAL REPORTS:

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

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

Assistant City Manager/Fire Chief Thompson spoke and stated that the June report was not available, but would be provided at next month's meeting. He commended staff on their service at the annual Red Oak White & Blue event. Battalion Chief Nichols spoke and invited Council to attend their fundraiser to be held on August 10th at the Ellis County Expo.

Police Chief Wolf spoke and updated Council on activities within his department. He congratulated Lt. Jim Langham on graduating from the Bill Blackwood Law Enforcement Management Institute of Texas at Sam Houston State University.

City Engineer Hartman spoke and updated Council on activities within his department.

Human Resources Director Lawson was absent. City Manager Fuller spoke and welcomed our new Assistant City Manager, Jonathan Phillips, and Chase Jenkins, our new IT Application Specialist.

Finance Director Richardson spoke and stated that she had no report this month as she is working diligently on the budget.

IT Director Binford spoke and updated Council on activities within his department. He also welcomed his new IT Application Specialist, Chase Jenkins. He finished the IT structure at the new Police Department building. He has been busy planning and drawing up floor plans for several departments for the new space at the Live Oak facility.

Library Director Ragsdale spoke and updated Council on activities within his department. He informed Council that the statistics have skyrocketed. He also stated that the library is becoming much more of a full-services resource for people who need computers, copies and faxing needs.

Court Administrator Collins spoke and stated she had no other updates at this time, but was available for questions.

Public Works Director Williams spoke and updated Council on activities within his department. June's Trash-Off event was a success. The Red Oak White & Blue event was very well attended.

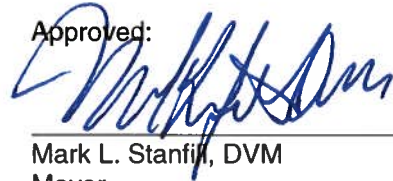
ADJOURNMENT:

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 8:43 p.m. The motion carried unanimously.

Ayes (5): Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

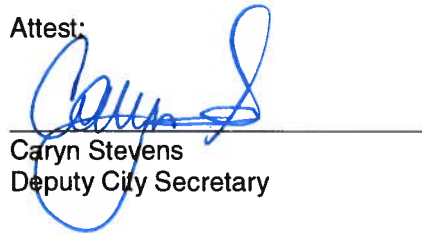
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on August 12, 2019.

Approved:



Mark L. Stanfil, DVM
Mayor

Attest:


Caryn Stevens
Deputy City Secretary