



**AGENDA  
REGULAR MEETING  
RED OAK CITY COUNCIL  
MONDAY, SEPTEMBER 9, 2019, 7:00 P.M.**

**Mayor:**  
**Mark L. Stanfill, DVM**

**Councilmembers:**  
**Michael Braly**  
**William Drake**  
**Ben Goodwyn**  
**Gordon Toney**  
**Ron Wilson**

**City Manager:**  
**Todd Fuller**  
**Assistant City Manager:**  
**Jonathan Phillips**  
**Assistant City Manager:**  
**Eric Thompson**

**City Secretary:**  
**Dana Argumaniz**

Pursuant to Section 551 of the Texas Government Code, notice is hereby given of a Regular Meeting of the Red Oak City Council to be held on Monday, September 9, 2019, at 7:00 p.m., in the Council Chambers of the Red Oak Municipal Center, 200 Lakeview Parkway, Red Oak, Texas, at which time the following will be discussed and considered:

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

**CALL TO ORDER:** *The Mayor will call the meeting to order, declare a quorum, if present, and declare notices legally posted pursuant to Open Meetings Act.*

**INVOCATION AND PLEDGE OF ALLEGIANCE:** (Mayor Stanfill)

**CONSENT AGENDA:** *Consent Agenda items are considered to be 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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*

1. Consider approving the following Minutes: (Argumaniz)
  - ❖ August 12, 2019 – Regular Meeting
  - ❖ August 26, 2019 – Public Hearing and Special Called Meeting
2. Consider approving the change of the Regular City Council Meeting from Monday, November 11, 2019, to Tuesday, November 12, 2019 due to the Veterans Day holiday. (Argumaniz)
3. Consider approval of Ordinance No. 19-035 providing for the appointment of Scott Kurth as Municipal Court Judge; providing a severability clause; and providing an effective date. (Collins)
4. Consider adoption of Resolution No. 19-048R approving a Professional Services Agreement for the Municipal Court Judge, Scott Kurth, authorizing the Mayor to execute the agreement; providing a repealing clause; and, establishing an effective date. (Collins)
5. Consider approval of Ordinance No. 19-036 providing for the appointment of Kathy Austin as Alternate Municipal Court Judge; providing a severability clause; and, providing an effective date. (Collins)
6. Consider adoption of Resolution No. 19-049R approving a Professional Services Agreement for the Alternate Municipal Court Judge, Kathy Austin, authorizing the Mayor to execute the agreement; providing a repealing clause; and, providing an effective date. (Collins)

7. Consider adoption of Resolution No. 19-050R approving the terms and conditions of the Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Services District #4 and the Red Oak Fire Department for emergency response to fire calls within a certain area in the county and contiguous to the City of Red Oak, which agreement is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to sign said agreement; and, providing an effective date. **(Thompson)**
8. Consider adoption of Resolution No. 19-051R amending the terms and conditions of the Interlocal Agreement between the City of Midlothian, Texas, and the City of Red Oak, Texas, for shared Public Safety Radio System, which agreement is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to sign said agreement; and, providing an effective date. **(Thompson)**
9. Consider adoption of Resolution No. 19-052R approving an contract with Library Systems & Services, LLC, for library management and operation services for Fiscal Year 2019-2020; authorizing the City Manager to execute the contract; and, providing an effective date. **(Ragsdale)**
10. Consider adoption of Resolution No. 19-053R approving the terms and conditions of an agreement between the Red Oak Industrial Development Corporation (ROIDC) and the City of Red Oak, Texas, for Administrative and Program Support Services for Fiscal Year 2019-2020, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to execute the agreement; and, providing an effective date. **(McCleary)**
11. Consider adoption of Resolution No. 19-054R approving the terms and conditions of an agreement between the Red Oak Economic Development Corporation (ROEDC) and the City of Red Oak for Administrative and Program Support Services for Fiscal Year 2019-2020, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to execute the agreement; and, providing an effective date. **(McCleary)**
12. Consider adoption of Resolution No. 19-055R approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's Legal Counsel. **(Fuller)**
13. Consider adoption of Resolution No. 19-056R amending the authorized signatories of the bank accounts for the City of Red Oak, Red Oak Economic Development Corporation, and Red Oak Industrial Development Corporation located at Prosperity Bank of Texas by removing Virginia Richardson; providing a repealing clause; providing a severability clause; and, providing an effective date. **(Platt)**
14. Consider adoption of Resolution No. 19-057R approving the Grant Agreement by and between the Red Oak Industrial Development Corporation (ROIDC) and the Red Oak Pee Wee Football Association and an expenditure in an amount not to exceed \$4,500.00; and, providing an effective date. **(McCleary)**
15. Consideration and possible action regarding Amendment 1 to the existing IPO Contract by and between the Red Oak Industrial Development Corporation (ROIDC) and Westfall Engineering, PLLC; approving an expenditure in an amount not to exceed \$85,000.00; and, authorizing the President of the ROIDC to execute the same on behalf of the ROIDC. **(McCleary)**

16. Consider approving the absence of Councilmember Michael Braly from the August 12, 2019, Regular Meeting and the August 26, 2019, Public Hearing and Special Called Meeting of the Red Oak City Council. (Argumaniz)

## **CITIZENS COMMENTS**

### **COUNCIL BUSINESS – REGULAR SESSION:**

17. Conduct a Public Hearing on the Fiscal Year 2019-2020 Annual Operating Budget; and, consider adoption of Resolution No. 19-058R establishing a date for record vote to adopt an ordinance to approve the Fiscal Year 2019-2020 Annual Operating Budget. (Platt)
18. Conduct a Public Hearing to receive public comment regarding the proposed 2019-2020 ad valorem tax rate of \$0.703645 per \$100 of assessed valuation; and, consider adoption of Resolution No. 19-059R establishing a date for record vote of an ordinance to approve the ad valorem tax rate for Fiscal Year 2019-2020. (Platt)
19. Conduct a Public Hearing and consider adoption of Resolution No. 19-060R regarding **Voluntary Annexation** of real property generally described as being 103.741 acres, more or less, out of the A. Frederick Survey, Abstract No. 375, J. Lawrence Survey, Abstract No. 633, and the J. McKnight Survey, Abstract No. 733, in the City of Red Oak, Ellis County, Texas, Parcel No. 183556. (Hartman)
20. Consider adoption of Resolution No. 19-061R designating an official and alternate newspaper for the City of Red Oak. (Argumaniz)
21. Consider adoption of Resolution No. 19-062R approving Candidate Nominations for Ellis Appraisal District Board of Directors for the years 2019-2020. (Argumaniz)
22. Public reading of Resolution No. 19-063R approving an economic development infrastructure improvement project, and approving an Economic Development Incentive Agreement providing for a grant with an amended expenditure in the amount of \$100,000 by the Red Oak Economic Development Corporation (ROEDC) to CooperZadeh, LLC towards street improvements on the CooperZadeh project for the construction of north-south connecting street to FM 664/Ovilla Road. (McCleary)
23. Conduct a Public Hearing and consider approving Ordinance No. 19-037 adopting a new official Zoning Map for the City of Red Oak. (Hartman)
24. Conduct a Public Hearing and consider approving Ordinance No. 19-038 for a zoning change from Planned Development 71, Revised 2 (PD71-R2) to Planned Development 71, Revised 3 (PD71-R3) amending the development plan to allow for on-site consumption of alcohol for events at the Hamptons Event Venue, 196 N. IH-35E, approximately 2.8 acres, Mara Estates, 2<sup>nd</sup> Installment, Lot C-2A, Block 4, City of Red Oak, Ellis County, Texas, located south of Ovilla Rd and east of IH-35E, requested by Barry Brewer. (Hartman)
25. Conduct a Public Hearing and consider approving Ordinance No. 19-039 approving a zoning change from Agriculture (AG) to Residential-2 (R-2) for the construction a new single-family residence for Lot 1, Block 4, Deercreek Addition, approximately .801 acres, City of Red Oak, Ellis County, Texas, requested by Gilbert Escobedo, Jr. (Hartman)
26. Conduct a Public Hearing and consider approving Ordinance No. 19-040 approving a zoning change from Agriculture (AG) to Residential-2 (R-2) for the construction of a new single-family residence for Lot 5, Block 4, Bowmar Acres, approximately 0.9 acres, City of Red Oak, Ellis County, Texas, requested by Javier Aguilar. (Hartman)

- 27. Conduct a Public Hearing and consider approving Ordinance No. 19-041 approving a text amendment change in the Red Oak Zoning Ordinance by amending Article 14, 1.2, Specific Definitions, to revise the definition of GROCERY STORE and adding a new definition for DISCOUNT VARIETY STORE; by amending Article 6, Table 6.1 USE SUMMARY, by adding Discount Variety Store as an allowable use by Specific Use Permit (“SUP”) only. (Hartman)
- 28. Public reading and consider adoption of Resolution No. 19-063R approving an economic development infrastructure improvement project, and approving an Economic Development Incentive Agreement providing for a grant with an amended expenditure in the amount of \$100,000 by the Red Oak Economic Development Corporation (ROEDC) to CooperZadeh, LLC towards street improvements on the CooperZadeh project for the construction of north-south connecting street to FM 664/Ovilla Road. (McCleary)

**DEPARTMENTAL REPORTS:**

29. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.

- A. Fire Department (Eric Thompson, Fire Chief)
  - ❖ Monthly Activity Report
- B. Police Department (Garland Wolf, Police Chief)
  - ❖ Monthly Report
- C. Engineering & Community Development Department (Ben Hartman, City Engineer)
  - ❖ Code Services Report
  - ❖ Building Permit and Inspections Report
  - ❖ Administrative Monthly Report
- D. Human Resources (Rhonda Lawson, HR Director)
  - ❖ Administrative Monthly Report
- E. Finance Department (Gloria Platt, Interim Finance Director)
  - ❖ Finance Report
  - ❖ Monthly Investment Report
  - ❖ Financial Statement
- F. IT Department (John Binford, IT Director)
  - ❖ Major Accomplishments
  - ❖ Current Initiatives
  - ❖ Challenges
- G. Library (Logan Ragsdale, Library Director)
  - ❖ YTD Statistics
  - ❖ Monthly Newsletter
- H. Municipal Court (Peggy Collins, Court Administrator)
  - ❖ Statistical Highlights
- I. Public Works Department (Scott Williams, PW Director)
  - ❖ Monthly Operational Report

**CLOSED SESSION:**

30. 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.

**31. 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 Uhl Road, west of I-35E, south of Red Oak Road, and north of the Oaks Boulevard, Red Oak, Texas.

**REGULAR SESSION:**

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

**ADJOURNMENT:**

CERTIFICATION: I certify that the above agenda of items to be considered by the Red Oak City Council was posted on the Red Oak Municipal Center bulletin board on September 6, 2019, before 7:00 p.m. in accordance with the Texas Government Code, Chapter 551.

  
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Caryn Stevens  
Deputy City Secretary



**ACCESSIBILITY STATEMENT**

The Red Oak Municipal Center is wheelchair accessible with an entry ramp and accessible parking spaces located in front of the building. Request for accommodations must be made 48 hours prior to the meeting by contacting Dana Argumaniz, City Secretary at (469) 218-1207.