



RED OAK, TEXAS

**AGENDA  
REGULAR MEETING  
RED OAK CITY COUNCIL  
TUESDAY, NOVEMBER 12, 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**

**Deputy City Secretary**  
**Caryn Stevens**

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 Tuesday, November 12, 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:** (Drake)

**PRESENTATIONS**

- Proclamation – National Hospice & Palliative Care Month (Mayor Stanfill)
- Recognition – Budget Award (Mayor Stanfill)
- Introductions – Gloria Platt, promotion to Finance Director; Brian Guenzel, Planning & Zoning Manager; Jennifer Garcia, Animal Control Officer (Fuller)
- Recognition – Eric Thompson, Assistant City Manager / Fire Chief

**CITIZENS COMMENTS**

**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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*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/Stevens)
  - ❖ October 15, 2019 – Regular Meeting
  - ❖ October 16, 2019 – Special Called Meeting
2. Consider adoption of Resolution No. 19-069R 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. (Argumaniz/Stevens)
3. Consider adoption of Resolution No. 19-070R of the City Council of the City of Red Oak, Texas, amending Resolution No. 17-065R, A Written Investment Policy; designating investment officers; and, providing for an effective date. (Platt)

4. Discuss and consider approval of the revised Texas Department of Public Safety Interlocal Cooperation Contract for Failure to Appear (FTA) Program, administered by OmniBase Services of Texas, by and between the Texas Department of Public Safety and the Municipal Court of the City of Red Oak, Texas, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager and/or Mayor to execute said document; and, providing an effective date. (Platt)

**COUNCIL BUSINESS – REGULAR SESSION:**

5. Conduct a Public Hearing and consider approval of Ordinance No. 19-045 approving a zoning change from Agriculture (AG) zoning and Planned Development 35 (PD-35) to Planned Development 106 (PD-106) to allow an industrial use development for approximately 179 acres, John Spoon Survey, Abstract No. 1014, and Alfred J. Parks Survey, Abstract No. 850, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. (FM 664) and east of Houston School Rd., requested by James Scott and ROIDC. (Hartman)
6. Consider approving a Preliminary Plat for the Project Cardinal Addition, two lots, approximately 179 acres, John Spoon Survey, Abstract No. 1014 and Alfred J. Parks Survey, Abstract No. 850, City of Red Oak, Ellis County, Texas, requested by James M. Scott and ROIDC. (Hartman)
7. Conduct a Public Hearing and consider approval of Ordinance No. 19-046 for the area of real property being approximately 179 acres, John Spoon Survey, Abstract No. 1014, and Alfred J. Parks Survey, Abstract No. 850, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. (FM 664) and east of Houston School Rd., as Commercial-Industrial Tax Abatement Reinvestment Zone No. 8 under the provision of Chapter 312, Texas Tax code (the "Act"). (McCleary)
8. Consider adoption of Resolution No. 19-071R approving the terms and conditions of the Tax Abatement Agreement by and between the City of Red Oak and H & H Capital Acquisitions, LLC. (McCleary)
9. Consider approval of the Economic Development Agreement by and between the City of Red Oak, Texas, and H & H Capital Acquisitions, LLC. (McCleary)
10. Conduct a Public Hearing and consider approval of Ordinance No. 19-047 approving a zoning change from Agricultural (AG) zoning and Single-Family Residential District-3 (R3) zoning to Planned Development 107 (PD-107) to allow for a mixed-use development approximately 68 acres in the John Nugent Survey, Abstract No. 796, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. (FM 664) and west of IH 35E, requested by DMJ Properties and A.P. Lawton LP. (Hartman)
11. Conduct a Public Hearing and consider approval of Ordinance No. 19-048 for the area of real property being approximately 8.50 acres, in the John Nugent Survey, Abstract No. 796, Ellis County, Texas, within the jurisdictional boundary of the City of Red Oak, Ellis County, Texas; as Commercial-Industrial Tax Abatement Reinvestment Zone No. 7 under the provision of Chapter 312, Texas Tax Code (the "Act"). (McCleary)
12. Consider adoption of Resolution No. 19-072R approving the terms and conditions of the Tax Abatement Agreement by and between the City of Red Oak and B & B Theaters Operating Company, Inc. (McCleary)
13. Conduct a Public Hearing and consider approval of Ordinance No. 19-049 approving a zoning change from Agricultural (AG) zoning and Highway Oriented (HO) zoning to Planned Development 110 (PD-110) to allow for a restaurant with drive through allowed, being approximately 5 acres, Lot 3A and 3B, Block A, Waterview Commercial Center, an addition to the City of Red Oak in the James E. Patton Survey, Abstract No. 839, City of Red Oak, Ellis County, Texas, located south of Red Oak Rd. and west of IH 35E, requested by Joe Reid. (Hartman)

14. Conduct a Public Hearing and consider approval of Ordinance No. 19-050 approving a zoning change from Single-Family Residential District – 3 (R3) zoning to Planned Development 109 (PD-109) to allow for commercial uses (C-1 uses) on approximately 1 acre, McKinney and Williams Survey, Abstract No. 751, City of Red Oak, Ellis County, Texas, located at the northwest corner of Main St. and Red Oak Rd., requested by Paula Mota. (Hartman)
15. Conduct a Public Hearing and consider approval of Ordinance No. 19-051 approving a zoning change from Agricultural (AG) zoning to Planned Development 108 (PD-108) to allow for single family attached (townhouse) dwellings and two-family (duplex) dwellings, approximately 18 acres, J.H. McKnight Survey, Abstract No. 733, J.L. Lowrance Survey, Abstract No. 653, and the T.M. Ellis Survey, Abstract No. 334, Ellis County, Texas, located south and east of the intersection of US Hwy 77 and State Hwy 342, requested by I-35 Realty, Naddy Guermi and Salah Alrusan. (Hartman)
16. Conduct a Public Hearing and consider approval Ordinance No. 19-052 approving a zoning change from Planned Development 53-R1 (PD53-R1) zoning to Planned Development 53-R2 (PD53-R2) to allow for a new development plan and one additional use for Lot 3 and Lot 4 of Turner Estates approximately 2 acres, being part of the William B. Haynes Survey, Abstract No. 486, Ellis County, Texas, located north of Tracy Drive on the east side of US Hwy 77, requested by Scott Green. (Hartman)
17. Consider approval of Ordinance No. 19-053 providing for the **Voluntary Annexation** into the City of Red Oak territory generally described as being a 28.215-acre tract of land, more or less, in the James Lawrence Survey, Abstract No. 633, and the James H. McKnight Survey, Abstract No. 733, in the City of Red Oak, Ellis County, Texas, Parcel No. 183556. (Hartman)
18. Consider adoption of Resolution No. 19-073R approving votes cast to elect directors for the Ellis Appraisal District for years 2020-2021. (Argumaniz/Stevens)
19. Discussion of on-line communication methods between City Council and the public. (Braly/Binford)

**DEPARTMENTAL REPORTS:**

20. 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
    - ❖ Municipal Court Statistical Highlights
  - F. IT Department (John Binford, IT Director)
    - ❖ Major Accomplishments
    - ❖ Current Initiatives
    - ❖ Challenges

- G. Library (Logan Ragsdale, Library Director)
  - ❖ YTD Statistics
  - ❖ Monthly Newsletter
- H. Public Works Department (Scott Williams, PW Director)
  - ❖ Monthly Operational Report

**CLOSED SESSION:**

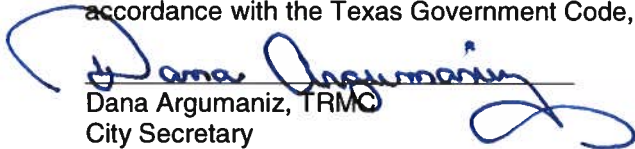
- 21. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** concerning pending litigation: *Rockett Special Utility District v. Botkin, et al.*, Cause No. 19-CV-1007-RP, W.D. Tex.
- 22. Pursuant to the Texas Government Code, Section §551.071 and §551.074 – **Consultation with the City Attorney** and deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public employee; to wit: Fire Chief.
- 23. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** concerning procurement process for construction at Live Oak facility.
- 24. 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.
- 25. 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.
  - B. Discuss or deliberate acquisition, sale and/or exchange of Real Properties generally located east of Houston School Road, west of SH 342, south of the Ellis County line, and north of Ovilla Road, Red Oak, Texas.

**REGULAR SESSION:**

- 26. 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 November 12, 2019, before 7:00 p.m., in accordance with the Texas Government Code, Chapter 551.

  
 Dana Argumaniz, TRMC  
 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 Caryn Stevens, Deputy City Secretary at (469) 218-1211.