



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, April 13, 2020

7:00 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Regular Meeting of the Red Oak City Council was held via teleconference on Monday, April 13, 2020, at 7:00 p.m. on Monday, April 13, 2020, with the following members present, to wit:

City Council (5): *(via teleconference)*

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 7:09 p.m., declared a quorum and announced that notices were legally posted pursuant to the Open Meetings Act and in accordance with an Order of the Office of the Governor issued on March 16, 2020, and as amended on April 2, 2020, the City Council for the City of Red Oak, Texas, will conduct the regular meeting by telephone conference to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19). This is an open meeting conducted by telephone conference, however, there will be no public access to the physical location.

INVOCATION AND PLEDGE OF ALLEGIANCE: Councilmember Wilson 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.

CITIZENS COMMENTS: No citizens comments.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - March 9, 2020 – Regular Council Meeting
 - March 19, 2020 – Special CalledApproved on Consent Agenda

2. Consider approval of Ordinance No. 20-010 of the City of Red Oak, Texas, amending Ordinance No. 19-042, amending the Fiscal Year 2020 Adopted Budget, appropriating funds to increase revenues and appropriate expenditures in the General Fund 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 20-010

3. Consider approving an expenditure by the Red Oak Industrial Development Corporation (ROIDC) in the amount of \$26,855 for additional tasks for Professional Civil Engineering Services for the roadway and final drainage design, traffic signal design, traffic impact analysis, and related tasks required for the extension of Austin Boulevard to the north of Ovilla Road/FM 664.

Approved

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

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

COUNCIL BUSINESS – REGULAR SESSION:

4. Consider adoption of Resolution No. 20-011R approving the Comprehensive Annual Financial Report (Annual Audit) 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 the City Secretary; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 4 into the record. City Manager Fuller spoke briefly and stated that no action would be taken on this agenda item. The auditors were unable to complete the annual audit.

5. Conduct a Public Hearing and consider approval of Ordinance No. 20-011 amending a Specific Use Permit (SUP) to allow for minor changes to an accessory structure, to be generally used as a garage/workshop, and to be located at 306 Rugged Drive, Case Z20006, requested by Tyler Loutsch.

Mayor Stanfill read Agenda Item No. 5 into the record. Planning & Zoning (P & Z) Manager Guenzel spoke at length about this agenda item.

Mayor Stanfill opened the Public Hearing at 7:20 p.m.

Tyler Loutsch, 306 Rugged Drive, Red Oak, Texas, spoke in favor of this project.

Councilmember Drake made the motion, seconded by Councilmember Braly, to close the Public Hearing at 7:22 p.m. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to approve Ordinance No. 20-011 as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye

Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Approved

Enactment No: ORD 20-011

6. Conduct a Public Hearing and consider approval of Ordinance No. 20-012 amending the Planned Development District (PD) generally known as PD-91, totally approximately 70 acres and to include an adjacent tract currently zoned Agricultural District (AG) and being approximately 5 acres out of the Daniel K. Dowling Abstract to create a revised PD, to be generally located north of Ovilla Road, south of Harmony Way, west of IH-35E, and east of Sunnyside Lane, Case Z20003, requested by Ted Zadeh and ROISD.

Mayor Stanfill read Agenda Item No. 6 into the record. P & Z Manager Guenzel spoke at length about this agenda item.

Mayor Stanfill, City Manager Fuller and P & Z Manager Guenzel discussed this item further.

Mayor Stanfill opened the Public Hearing at 7:38 p.m.

Jeff Crannell, CCM Engineering, 2570 Justin Road, Highland, Village, Texas, spoke in favor of this project.

Luke Spicer, CCM Engineering, 2570 Justin Road, Highland Village, Texas, spoke in favor of this project.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to close the Public Hearing at 7:40 p.m. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Councilmember Drake made the motion, seconded by Councilmember Goodwyn, to approve Ordinance No. 20-012 as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Approved

Enactment No: ORD 20-012

7. Conduct a Public Hearing and consider approval of Ordinance No. 20-013 creating a Planned Development District (PD) to allow for the ROISD Ag Science Project Center to be located at 154 Louise Ritter Boulevard, Case Z20007, requested by ROISD.

Mayor Stanfill read Agenda Item No. 7 into the record. P & Z Manager Guenzel spoke at length about this agenda item.

Mayor Stanfill opened the Public Hearing at 7:47 p.m.

Kevin Freels, Assistant Superintendent, Red Oak ISD, Red Oak, Texas, spoke in favor of this project.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to close the Public Hearing at 7:49 p.m. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Councilmember Drake made the motion, seconded by Councilmember Braly, to approve Ordinance No. 20-013 as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Approved

Enactment No: ORD 20-013

8. Consider adoption of Resolution No. 20-012R and Order, extending a Mayoral Declaration of a State of Emergency as approved by City Council on March 24, 2020, as a result of the COVID-19 Virus and, providing for interim public safety measures; and, providing an effective date; and authorizing the Mayor to sign.

Mayor Stanfill read Agenda Item No. 8 into the record. City Manager Fuller spoke at length about this agenda item. City Attorney Hager also spoke at length about this agenda item. Fire Chief Blanton spoke and described the usage of masks.

Councilmember Drake made the motion, seconded by Councilmember Braly, to adopt Resolution No. 20-012R extending the resolution until the May 11th City Council meeting. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Adopted

Enactment No: RES 20-012R

City Manager Fuller spoke and referred to statistics and projections regarding the length of time we will be under the State of Emergency Declaration in terms of lost revenue. He spoke about freezing as much spending as possible until the outcome of the current situation is more fully realized.

9. Consider approving an expenditure in the amount of \$69,300 to Westfall Engineering, PLLC, for an Engineering Design Contract for the design of Uhl Road.

No action taken on this agenda item.

10. Consider adoption of Resolution No. 20-013R awarding the bid for mowing and landscape services to the lowest bidder, GMC Landscaping, and authorizing the City Manager to execute a contract for mowing and landscaping services in a form approved by the City Attorney; and providing an effective date.

No action taken on this agenda item. City Attorney Hager and Public Works Director Williams discussed the bid process and timing.

CLOSED SESSION:

19. 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.
20. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** concerning pending litigation: *City of Red Oak, Tex. V. USDA et al.*, Civil Action No. 19-cv-02761-S, N.D. Tex.
21. 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.
22. Pursuant to the Texas Government Code, Section §551.072 – **Deliberations Regarding 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 FM664/Ovilla 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.

Mayor Stanfill read Agenda Item Nos. 19, 20, 21 and 22 for Closed Session into the record and moved Council into Closed Session at 8:13 p.m. He invited City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary, City Attorney Hager, ROEDC President Hugley, James Parker and Hilltop to Executive Session.

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 9:39 p.m.

11. Consider approving the assignment of the Tax Abatement Agreement between the City of Red Oak, Texas and Triumph Aerostructures, LLC, to allow Learjet, Inc. ("Bombardier") to assume the remaining terms and conditions of such tax abatement for the "Tangible Personal Property".

Mayor Stanfill read Agenda Item No. 11 into the record. City Manager Fuller spoke at length about this agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve Agenda Item No. 11 as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Approved

12. Consider approving an Economic Development Grant Agreement between the Red Oak Economic Development Corporation (ROEDC) and Te'Jun the Texas Cajun ("Te'Jun"), and an expenditure in the amount of \$42,648; and, authorize the ROEDC President to execute all necessary documents.

Mayor Stanfill read Agenda Item No. 12 into the record. City Manager Fuller spoke at length about this agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to approve Agenda Item No. 12 as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Approved

13. Consider approving an expenditure by the Red Oak Economic Development Corporation (ROEDC) in the amount of \$600,000, plus additional closing costs, for the acquisition of real property located at 2518 Ovilla Road/FM 664.

Mayor Stanfill read Agenda Item No. 13 into the record. City Manager Fuller spoke at length about this agenda item.

Councilmember Goodwyn made the motion, seconded by Councilmember Braly, to approve Agenda Item No. 13 as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Approved

14. Presentation of the Plan of Finance and authorization to proceed to issue Series 2020 General Obligation Refunding Bonds.

Mayor Stanfill read Agenda Item No. 14 into the record. City Manager Fuller spoke at length about this agenda item.

Councilmember Drake made the motion, seconded by Councilmember Braly, to authorize issuance of Series 2020 General Obligation Refunding Bonds as detailed in Agenda Item No. 14. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Approved

15. Conduct a Public Hearing and consider adoption of Resolution No. 20-014R to amend and update the City of Red Oak Water Master Plan.

Mayor Stanfill read Agenda Item No. 15 into the record. City Engineer Hartman spoke at length about this agenda item. City Manager Fuller spoke briefly about this agenda item.

Mayor Stanfill opened the Public Hearing at 9:47 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to close the Public Hearing at 9:48 p.m. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Councilmember Braly made the motion, seconded by Councilmember Drake, to adopt Resolution No. 20-014R as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Adopted

Enactment No: RES 20-014R

16. Discuss and consider Resolution No. 20-015R directing publication of notice of intention to issue certificates of obligation in an amount not to exceed \$2,100,000; and resolving other matters related to the subject including the validation of such certificates of obligation.

Mayor Stanfill read Agenda Item No. 16 into the record. City Manager Fuller spoke briefly about this agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adopt Resolution No. 20-015R as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Adopted

Enactment No: RES 20-015R

17. Discuss and consider Resolution No. 20-016R approving an amendment for the Red Oak Fee Schedule establishing a category for Industrial / Non-potable water use and providing a rate.

Mayor Stanfill read Agenda Item No. 17 into the record. City Manager Fuller spoke at briefly about this agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adopt Resolution No. 20-016R as read. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Adopted

Enactment No: RES 20-016R

DEPARTMENTAL REPORTS:

18. 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 Department
 - Code Services Report
 - Building Permit and Inspections Report
 - Administrative Monthly Report
- D. Human Resources
 - Administrative Monthly Report
- E. Finance Department
 - Finance Report
 - Monthly Investment Report
 - Financial Statement
 - Municipal Court Statistical Highlights
- F. IT Department
 - Major Accomplishments
 - Current Initiatives
 - Challenges
- G. Library
 - YTD Statistics
 - Monthly Newsletter
- H. Parks & Recreation Department
 - Monthly Report
- 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.

Fire Chief Blanton spoke and updated Council on COVID-19 statistics and information. Mayor Stanfill thanked Blanton for his hard work during this crisis. City Manager Fuller also commented about COVID-19 expenses.

Police Chief Wolf spoke and praised Fire Chief Blanton on his performance and dedication during this COVID-19 crisis.

City Engineer Hartman spoke and stated that his department is working at near full capacity. The department had a record month in March for new home permits totaling 34. He praised his staff for their hard work.

Assistant City Manager Phillips spoke and updated Council on activities in the HR Department. He informed Council about the interim HR Director, Carolyn Marshall, a retired HR Director from Eules. He briefed Council on the Finance Department, specifically the hard work of Gloria Platt and Mary Voigtlander. Mayor Stanfill congratulated Phillips on the birth of his daughter.

Finance Director Platt spoke and updated Council on budget and finance matters and statistics within her department, as well as the Utility Billing department. City Manager Fuller spoke and added that the city is trying to be fair with water customers and have delayed cut-offs of accounts

and not charged penalties. Both he and Finance Director Platt suggested extending this consideration for water customers. Assistant City Manager Phillips agreed with the extension, offering payments plans and other options.

IT Director Binford spoke and updated Council on activities within his department, including setting up employees with laptops to allow them to work from home during this quarantine. He's been busy getting the Webex meetings set up. The cyber security classes have been changed to on line. The deadline set for June may be extended.

Library Director Ragsdale spoke and updated Council on activities within his department. The library remains closed to the public. He praised his library assistant, Savannah, for her work on the Red Oak Library Facebook page. He invited Council to the virtual programs he conducting including story time for kids and book chats for adults.

Parks & Recreation Director Kelley spoke and updated Council on activities within his department. He informed Council that the parks in Red Oak, closed during the Easter holiday in order to limit COVID-19 exposure, are back open. He also updated Council on work at Oakmont Park.

Public Works Director Williams spoke and updated Council on activities within his department. He praised his staff for their hard work during this crisis. Mayor Stanfill thanked Williams and his staff for working hard and keeping the city running. Parks & Recreation Director Kelley thanked Williams for his staff's help in closing the parks.


City Manager Fuller spoke and stated that he really appreciates the staff and all they are doing, especially in light of the raise freeze. He thanked IT Director Binford and IT Application Specialist Jenkins for setting up the Webex meetings. He thanked Council as well.

ADJOURNMENT:

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 10:18 p.m. The motion carried unanimously.

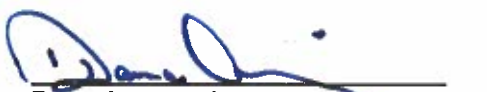
Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on May 11, 2020.

Approved: 

Mark L. Stanfill, DVM
Mayor

Attest:



Dana Argumaniz
City Secretary

