



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
MONDAY, SEPTEMBER 14, 2020, 7:00 P.M.**

Mayor:
Mark L. Stanfill, DVM

Councilmember:
Michael Braly
William Drake
Ben Goodwyn
Gordon Toney
Ron Wilson

City Manager:
Todd Fuller

Assistant City Manager:
Jonathan Phillips

City Secretary:
Dana Argumaniz

Deputy City Secretary:
Caryn Stevens

IMPORTANT! PLEASE NOTE:

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 a City Council Regular Meeting by telephone conference at 7:00 p.m. on Monday, September 14, 2020, in order 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) pandemic.

This is an open meeting conducted by telephone conference. There will be no public access to a physical location. City Staff and City Council are encouraged to participate in the meeting by teleconference in order to allow the City to follow the CDC’s social distancing guidelines. Please see details found at the bottom of the agenda.

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 14, 2020, at 7:00 p.m., 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: (Wilson)

PRESENTATIONS

- Proclamation – Constitution Week, September 17-23, 2020 (Mayor Stanfill)

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*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)
 - ❖ August 10, 2020 – Regular Meeting
 - ❖ August 24, 2020 – Special Called Meeting

2. Consider approval of Ordinance No. 20-029 of the City of Red Oak, Texas, amending Ordinance No. 19-042, amending Fiscal Year 2019-2020 Official Budget; appropriating funds to increase revenue from sale of properties within the industrial development fund as per attached Exhibit A; appropriating funds to increase expenditures (transfers to other funds) in the Industrial Development Fund, as per attached Exhibit A; appropriating funds to increase revenue from transfers in from other funds within the 2019 CO Bond Fund as per attached Exhibit A; appropriating funds to increase expenditures in the 2019 CO Bond Fund to use funds for improvements to the Live Oak Sports Complex 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. (Platt)
3. Consider adoption of Resolution No. 20-043R authorizing a Local Participating Agent Agreement between the Texas Department of Transportation (TxDOT) and the City of Red Oak for the ten percent (10%) of the estimated right-of-way acquisition costs for the Ovilla Road (FM 664) widening through the City of Red Oak in the amount of one hundred forty-three thousand, seventy-three dollars and 46/100 (\$143,073.46) per year over five years for a total of seven hundred fifteen thousand, three hundred sixty-seven dollars and 30/100 (\$715,367.30); and authorizing the Mayor and/or City Manager to execute such agreement and the appropriate documentation; and providing an effective date. (Hartman)
4. Consider adoption of Resolution No. 20-044R amending the Master Fee Schedule by repealing Chapter 7.00 "Fire Prevention Fees", Section 7.001 "Operational and Construction Permits/Fees", Subsection A, and replacing it with new Subsection A providing with new fees for Fire Department Permit Fees; and by amending Chapter 7.00 "Fire Preventions Fees", Section 7.001 "Operational and Construction Permits/Fees"; and providing an effective date. (Blanton)
5. Consider approval of fence repairs at EDC property located at I-35E and Red Oak Road (former Hilltop Trailers). (McCleary)
6. Consider adoption of Resolution No. 20-045R approving a contract with Library Systems & Services, LLC (LS&S) for library management and operation services for Fiscal Year 2020-2021, which is attached hereto and incorporated herein as Exhibit A; authorizing the City Manager to execute the contract; and providing an effective date. (Ragsdale)
7. Consider approving a revised date for the Preliminary Plat for Crystal Lake being 90 lots and 4 open space areas totaling approximately 86 acres out of the Robert A. Lemmans Survey in the City of Red Oak. (Case P20010) *Requested by Craig Smiley.* (Hartman)
8. Consider approving a revised Phasing plan for the Preliminary Plat for Meadow Ridge being XX lots and XX open space areas totaling approximately 41 acres out of the J. Nugent Survey in the City of Red Oak. (Case P20XXX) *Requested by Ted Zadeh.* (Hartman)
9. Consider adoption of Resolution No. 20-046R, amending Resolution No. 20-027R, extending and amending a State of Emergency as a result of the COVID-19 Virus; providing for interim public safety measures; repealing all resolutions in conflict; providing a severability clause; and providing for an effective date. (Fuller)

COUNCIL BUSINESS – REGULAR SESSION:

10. Consider adoption of Resolution No. 20-047R waiving the sports licensing fees for Football (\$1,000) and for Soccer (\$2,000) for the 2020 Fall season; providing a repealing clause; providing a severability clause; and providing an effective date. (Kelley)
11. Consider adoption of Resolution No. 20-048R designating an official and alternate newspaper for the City of Red Oak. (Argumaniz/Stevens)

12. Conduct a Public Hearing and consider approval of Ordinance No. 20-030 amending a Specific Use Permit (SUP) to allow for an accessory structure to be generally used as a garage/workshop, and to be located at 214 Crump Cir., City of Red Oak, Ellis County, Texas. (Case Z20010) *Requested by Jose Tello. (Hartman)*
13. Conduct a Public Hearing and consider approval of Ordinance No. 20-031 amending a Specific Use Permit (SUP) to allow for an accessory structure to be generally used as a garage/workshop, and to be located at 1225 Pratt Rd., City of Red Oak, Ellis County, Texas. (Case Z20014) *Requested by John Morning. (Hartman)*
14. Conduct a Public Hearing and consider approval of Ordinance No. 20-032 amending the development plan for the residential portion of Planned Development District (PD-66R2), generally known as the Oakmont Park Subdivision being approximately 128 acres in the Edmond Shirley Survey, Abstract No. A-1013, in the City of Red Oak. (Case Z20015) *Requested by Casey Hargrove. (Hartman)*
15. Consider approving a revised Preliminary Plat for the Oakmont Park Subdivision being 528 lots totaling approximately 128 acres in the Edmond Shirley Survey, Abstract No. A-1013, in the City of Red Oak. (Case P20013) *Requested by Casey Hargrove. (Hartman)*
16. Conduct a Public Hearing and consider approval of Ordinance No. 20-033 amending the development plan for Planned Development District 106 (PD-106) for approximately 179 acres, John Spoon Survey, Abstract No. 1014 and Alfred J. Parks Survey, Abstract No. 850, City of Red Oak, Ellis County, generally located north of Ovilla Rd. (F.M. 664) and east of Houston School Rd. (Case Z20009) *Requested by Compass Data Centers. (Hartman)*
17. Consider approving a revised Preliminary Plat for Compass Data Centers being 2 lots totaling approximately 87 acres out of the John Spoon and Alfred J. Parks Surveys, generally known as Phase II of Project Cardinal in the City of Red Oak. (Case P20008) *Requested by Compass Data Centers. (Hartman)*
18. Conduct a Public Hearing and consider approval of Ordinance No. 20-034 changing the zoning from Commercial (C-1) to a Planned Development District (PD) with Commercial District-1 (C-1) uses and including a personal use for storage, at 103 S. Lenard St., City of Red Oak, Ellis County, Texas. (Case Z20013) *Requested by John Wray. (Hartman)*
19. Conduct a Public Hearing and consider approval of Ordinance No. 20-035 changing the zoning from Commercial (C-1) to a Planned Development District (PD) with uses generally from: Commercial District-1 (C-1), Apartment (A), including a medical/office, and allowing for mixed-uses and forms, at 554/556 Bluebird Ln., City of Red Oak, Ellis County, Texas. (Case Z20012) *Requested by Dr. Rebeca Piantini-Alvarez. (Hartman)*
20. Consider adoption of Resolution No. 20-049R accepting and approving the Project Order 064449234 with Kimley-Horn and Associates, Inc., as part of the Master Agreement for continuing professional services between the City of Red Oak and Kimley-Horn and Associates, Inc., dated December 20, 2011, for the preparation of construction plans and specification, and construction administrative service for the utility relocation for constructing a new overpass and widening of FM 664; and authorize the City Manager to execute a contract in a form approved by the City Attorney; and providing an effective date. (Williams)
21. Consider adoption of Resolution No. 20-050R accepting and approving a Project Order with Kimley-Horn and Associates, Inc., as part of the Master Agreement for continuing professional services between the City of Red Oak and Kimley-Horn and Associates, Inc., dated December 20, 2011, for the preparation of construction plans, specification, and construction administrative service for the design of a 12-inch water line; and authorize the City Manager to execute a contract in a form approved by the City Attorney; and providing an effective date. (Williams)

22. Consider and take action on an Ordinance authorizing the issuance of the City of Red Oak, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020; and ordaining other matters relating to the subject. (Fuller)

DEPARTMENTAL REPORTS:

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

- A. Fire Department (Ben Blanton, 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 (Amanda Monsivais, Director of Human Resources)
 - ❖ Administrative Monthly Report
- E. Finance Department (Gloria Platt, 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. Parks & Recreation Department (Kyle Kelley, Parks & Recreation Director)
 - ❖ Monthly Report
- I. Public Works Department (Scott Williams, Public Works Director)
 - ❖ Monthly Operational Report

CLOSED SESSION:

24. 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.; *City of Red Oak, Tex. v. USDA et al.*, Civil Action No. 19-cv-02761-S, N.D. Tex.; *ex Parte-City of Red Oak v. 201st Judicial District Court of Travis County*, Cause No. D-1GN-20-002116; and *Rockett Special Utility District v. City of Red Oak, Texas*, Case No. 3:20-cv-1320.
25. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** regarding pending litigation styled as *Cassandra Preston Insurance and Financial*

Services, Inc. v. City of Red Oak, et al, Cause Number 103467, filed in 443rd Judicial District Court of Ellis County, Texas.

26. 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.
27. 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 Oak Boulevard, Red, 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.
28. Pursuant to the Texas Government Code, Sections §551.076 and 551.074 – **To Seek Legal Advice from the City Attorney and deliberate on the duties of a public employee to wit: City Manager, Annual Evaluation.**

REGULAR SESSION:

29. 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 11, 2020, before 7:00 p.m. in accordance with the Texas Government Code, Chapter 551.


Dana Argumaniz, 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.

To submit public comments, email dargumaniz@redoaktx.org and title the email "Public Comment". All public comments submitted by 5:00 p.m. on September 14, 2020, will be provided to the City Councilmembers and entered into the record for the September 14, 2020, City Council Regular Meeting.

Link to Citizens' Comments Form:

<http://www.redoaktx.org/FormCenter/Meetings-9/City-Meetings-Citizens-Comments-62>

The public dial-in number to access the telephone meeting is 1-346-248-7799. Once connected, enter Access Code: 961 3225 5614, Passcode: 705825.

Citizens will be able to watch the meeting via live-stream at:

<https://www.youtube.com/channel/UCntzB1px9caZvdivvHlnEMQ/>

Join Zoom Meeting

<https://zoom.us/j/99098862219?pwd=eVFXVWpkciswVDhWbUVrYjJvZ3RyZz09>

Meeting ID: 990 9886 2219

Passcode: 705825

One tap mobile

+13462487799,,99098862219#,,,,,0#,,705825# US (Houston)

+16699006833,,99098862219#,,,,,0#,,705825# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 990 9886 2219

Passcode: 705825

Find your local number: <https://zoom.us/u/ad7jFpc0e6>