



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, September 14, 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, September 14, 2020, at 7:00 p.m., 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 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 partially 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 – Constitution Week, September 17-23, 2020

Mayor Stanfill recognized September 17-23, 2020, as Constitution Week and read the proclamation into the record. Sandra Jo LaVigne with Daughters of the American Revolution (DAR) spoke and thanked Mayor Stanfill for his proclamation and the work of the Red Oak City Council.

CITIZENS COMMENTS: No one spoke.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - August 10, 2020 – Regular Meeting
 - August 24, 2020 – Special Called Meeting**Approved on Consent Agenda**
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.

Approved

Enactment No: ORD 20-029

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.

Adopted

Enactment No: RES 20-043R

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.

Adopted

Enactment No: RES 20-044R

5. Consider approval of fence repairs at EDC property located at I-35E and Red Oak Road (former Hilltop Trailers).

Approved

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.

Adopted

Enactment No: RES 20-045R

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.*

Approved

8. Consider approving a Phasing plan for the Preliminary Plat for Meadow Ridge being XX [115] lots and XX [5] open space areas totaling approximately 41 acres out of the J. Nugent Survey in the City of Red Oak. (Case P20XXX [P20012]) *Requested by Ted Zadeh.*

Approved

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.

Adopted

Enactment No: RES 20-046R

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.

City Engineer Hartman and City Manager Fuller spoke and gave a brief explanation of several consent agenda items.

Councilmember Wilson made the motion, seconded by Councilmember Braly, 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:

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.

Mayor Stanfill read Agenda Item No. 10 into the record. Parks and Recreation Director Kelley spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-047R as presented.

Mayor Pro Tem Toney moved the motion, seconded by Councilmember Goodwyn. 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 20-047R

11. Consider adoption of Resolution No. 20-048R designating an official and alternate newspaper for the City of Red Oak.

Mayor Stanfill read Agenda Item No. 11 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-048R designating the official newspaper as the Waxahachie Daily Light and the alternate newspaper as the Waxahachie Sun.

Councilmember Wilson moved the motion, seconded by Councilmember Goodwyn. 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 20-048R

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.*

Mayor Stanfill read Agenda Item No. 12 into the record. Planning & Zoning (P & Z) Manager Guenzel spoke and gave a detailed explanation of this agenda item and Agenda Item No. 13.

Mayor Stanfill opened the Public Hearing at 7:25 p.m.

Jose Tello, 214 Crump Circle, Red Oak, Texas, spoke in favor of this project.

Councilmember Goodwyn made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:27 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

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-030 as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Goodwyn. 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 20-030

- 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.***

Mayor Stanfill read Agenda Item No. 13 into the record. P & Z Manager Guenzel spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:31 p.m. No one spoke.

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to close the Public Hearing at 7:32 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

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-031 as presented.

Councilmember Goodwyn moved the motion, seconded by Mayor Pro Tem Toney. 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 20-031

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.*

Mayor Stanfill read Agenda Item No. 14 into the record. P & Z Manager Guenzel spoke and gave a detailed explanation of this agenda item. City Engineer Hartman also spoke and briefly discussed this agenda item.

Mayor Stanfill opened the Public Hearing at 7:42 p.m.

Casey Hargrove, 236 Stonegate Way, Red Oak, Texas, spoke in favor of this project.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to close the Public Hearing at 7:47 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

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-032 as Planning & Zoning recommended and presented.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. 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 20-032

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.*

Mayor Stanfill read Agenda Item No. 15 into the record. P & Z Manager Guenzel spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to approve a revised Preliminary Plat as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Drake. 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

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.*

Mayor Stanfill read Agenda Item No. 16 into the record. P & Z Manager Guenzel spoke and gave a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:57 p.m. No one spoke.

Councilmember Goodwyn made the motion, seconded by Councilmember Braly, to close the Public Hearing at 7:58 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

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-033 as presented.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. 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 20-033

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.*

Mayor Stanfill read Agenda Item No. 17 into the record. P & Z Manager Guenzel spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to approve a revised Preliminary Plat as presented.

Councilmember Braly moved the motion, seconded by Mayor Pro Tem Toney. 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

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.*

Mayor Stanfill read Agenda Item No. 18 into the record. P & Z Manager Guenzel spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 8:07 p.m.

John Wray, 200 N. Rogers Street, Suite A, Waxahachie, Texas, spoke in favor of this project.

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to close the Public Hearing at 8:09 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

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-034 as presented.

Mayor Pro Tem Toney moved the motion, seconded by Councilmember Goodwyn. 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 20-034**

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 Pianini-Alvarez.*

Mayor Stanfill read Agenda Item No. 19 into the record. P & Z Manager Guenzel spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 8:19 p.m.

Dr. Rebeca Pianini-Alvarez, 3040 England Parkway, Grand Prairie, Texas, spoke in favor of this project. City Engineer Hartman spoke and commented on Ms. Alvarez's statements.

Val Meza, Val Meza Construction, LLC, 325 NW Summercrest Blvd., Burleson, Texas, spoke in favor of this project. P & Z Manager Guenzel spoke and commented on Mr. Meza's statements. City Manager Fuller also spoke and gave a brief explanation in response to Mr. Meza's statements.

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to close the Public Hearing at 8:28 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

Mayor Stanfill, Council and Staff further discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-035 as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Braly. 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 20-035

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.

Mayor Stanfill read Agenda Item No. 20 into the record. Public Works Director Williams spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-049R as presented.

Councilmember Braly moved the motion, seconded by Mayor Pro Tem Toney. 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 20-049R

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.

Mayor Stanfill read Agenda Item No. 21 into the record. Public Works Director Williams spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-050R as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Drake. 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 20-050R**

- 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.

Mayor Stanfill read Agenda Item No. 22 into the record. City Manager Fuller spoke and stated that this agenda is to be tabled until the October 13th City Council meeting.

Mayor Stanfill made the following motion: Motion to table Agenda Item No. 22 until the October 13, 2020, Council meeting.

Councilmember Braly moved the motion, seconded by Mayor Pro Tem Toney. 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

DEPARTMENTAL REPORTS:

- 23.** 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 his firefighter crews that were deployed to fight and assist with the wildfires in California, and gave a detailed background and statistics regarding the wildfires. He also gave an update on former Red Oak Fire Chief, Eric Thompson, in Medford, Oregon. He then updated Council on COVID-19 statistics, information and total expenses to date, for city, county, state and U.S. He encouraged everyone to continue to be vigilant with proper hygiene and recommended precautions against spreading the virus.

Police Chief Wolf spoke and updated Council on activities within his department. The department is in the middle of a training cycle, both on-line and hands-on.

City Engineer Hartman spoke and stated that he had no further updates, but was available for questions. Councilmember Braly asked about permits to which Hartman responded stating they are steady. He further stated that a total of all permits for the fiscal year will be brought before Council at the next meeting.

Human Resources Director Monsivais spoke and stated that she had no further updates, but was available for questions. Assistant City Manager Phillips also spoke and commended HR Director Monsivais on the benefits enrollment success.

Finance Director Platt spoke and updated Council on the latest information in regards to Ellis Appraisal District's updated estimate. There was a decrease in the taxable values of approximately \$3.2 million. This results in a decrease in revenue of approximately \$22,000.00. Because of the number of protests received by Ellis Appraisal District, their previous estimate did decrease. Finance Director Platt stated that the certified totals should be received by next week and Council will be updated. The city is still confident in the budget that was prepared; it was based on conservative revenues in other areas. Our sales tax is still trending up at this time. Finance Director Platt went on to provide numbers of the most recent sales tax report (through July).

IT Director Binford spoke and updated Council on activities within his department. He stated that he is finishing projects to close out this fiscal year.

Library Director Ragsdale spoke and updated Council on activities within his department. He thanked them for their continued support for the library. He announced that as of today, he has been with the city for five years. The library is continuing with curbside service and have also added more virtual and on-line resources for customers since the physical library is still closed. He further stated that he has information on the election and other election resources.

Parks and Recreation Director Kelley spoke and highlighted activities and projects given in his monthly report. He stated that soccer has come back to Red Oak with a home field to play on at Oakmont Park. Oakmont Park is about 85 percent complete. Work on drainage and electrical is

taking place at the Live Oak project. He then asked Council if they would discuss the upcoming Fall Festival to determine whether it will be held or cancelled in light of COVID-19. He received confirmation that the city will cancel the festival for this year due to the pandemic. Director Kelley then asked Council about the Chamber holding another prayer vigil in the park on September 24th with the same stipulations of social distancing and wearing masks. Council, City Manager Fuller and City Attorney Hager further discussed the issue. Director Kelley also asked about additional money to cover the cost of more sod for the football field. Council, City Manager Fuller and City staff further discussed the issue.

Public Works Director Williams spoke and updated Council on activities within his department. He reminded Council and staff about the annual Trash Off event to be held on Saturday, October 17, from 7:30 a.m. to 10:30 a.m. at the Oaks Church. He mentioned that the department had a successful auction of the mobile home located at the previous Hilltop Trailers locale.

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.; and *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** concerning 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 [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.
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.**

Mayor Stanfill read Agenda Item Nos. 24, 25, 26, 27 and 28 for Closed Session into the record and moved Council into closed session at 9:13 p.m. City Manager Fuller invited Alan Hugley, Bob Hager, James Parker, Lee McCleary, Jonathan Phillips and himself into closed session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 10:19 p.m. The following action was taken:

Councilmember Braly made the motion, seconded by Councilmember Goodwyn, to provide City Manager Fuller with a four percent (4%) raise retroactive back to April 1. 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
Approved

(Councilmember Ron Wilson was unable to return after closed session)

ADJOURNMENT:

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to adjourn the meeting at 10:21 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

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on October 13, 2020.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:



Caryn Stevens
Deputy City Secretary

