



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
MONDAY, NOVEMBER 9, 2020, 7:00 P.M.**

Council:

**Mark L. Stanfill, DVM, Mayor
Gordon Toney, Mayor Pro Tem
Michael Braly, Councilmember
William Drake, Councilmember
Ben Goodwyn, Councilmember
Ron Wilson, Councilmember**

City Manager:

Todd Fuller

Assistant City Manager:

Jonathan Phillips

Deputy City Secretary:

Caryn Stevens, TRMC

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 and/or video conference at 7:00 p.m. on Monday, November 9, 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 and/or video conference. There will be no public access to a physical location. City Staff and City Council are encouraged to participate in the meeting by telephone and/or video conference 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, November 9, 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: (Mayor Stanfill)

PRESENTATIONS

- Proclamation – National Hospice and Palliative Care Month (Mayor Stanfill)
- Proclamation – Dana Argumaniz (Mayor Stanfill)
- Introduction – Sidney Smith, Assistant Finance Director (Platt/Fuller)

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*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: **(Stevens)**
 - ❖ October 13, 2020 – Regular Meeting
2. Consider approving the absence of Councilmember William Drake from the October 13, 2020, Regular Meeting of the Red Oak City Council. **(Stevens)**
3. Consider adoption of Resolution No. 20-060R of the City Council of the City of Red Oak, Texas, affirming Resolution No. 17-065R; a Written Investment Policy; designating investment officers; and providing for an effective date; approving the annual review of the Investment Policy of the City of Red Oak, Texas. **(Platt)**
4. Consider adoption of Resolution No. 20-061R of the City Council of the City of Red Oak, Texas, approving the purchase of fifteen (15) SCBA Packs for the Fire Department and authorizing the City Manager to execute necessary documents for such packs in an amount not to exceed \$112,838.10 as provided in the formal quote, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. **(Blanton)**
5. Consider adoption of Resolution No. 20-062R of the City Council of the City of Red Oak, Texas, accepting and approving the Project Order 064449239 with Kimley-Horn & 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 underground water utilities at the northbound IH-35 access road, between Ovilla Road and Tator Brown Road; and authorize the City Manager to execute a contract in a form approved by the City Attorney; and, providing an effective date. **(Williams)**
6. Consider approval of Ordinance No. 20-040 of the City of Red Oak, Texas, approving a Utility Easement from Grantor City of Red Oak, Texas, to Grantee Oncor Electric to be used for construction and maintenance of electrical service line along the western boundary of the City of Red Oak Live Oak Sports Complex; and such utility easement is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. **(Kelley)**
7. Consider adoption of Resolution No. 20-063R of the City Council of the City of Red Oak, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 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 resolution 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 resolution to the company and the ACSC's legal counsel. **(Fuller)**
8. Consider adoption of Resolution No. 20-064R amending Resolution No. 20-055R, 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 an effective date. **(Fuller)**

COUNCIL BUSINESS – REGULAR SESSION:

9. Consider approving the Presentation of the Plan of Finance and authorization to proceed to issue Series 2021 Tax Note. **(Platt)**

10. Consider adoption of Resolution No. 20-065R declaring intention to reimburse an amount not to exceed \$1,000,000 for certain capital expenditures with proceeds from debt; and placing time restrictions on the issuance of tax-exempt obligations. (Platt)
11. Consider adoption of Resolution No. 20-066R of the City Council of the City of Red Oak, Texas, authorizing staff to initiate aesthetic design improvements with TxDOT to the Ovilla Road bridge over I-35; and, providing an effective date. (Hartman)
12. Conduct a Public Hearing and consider approving Ordinance No. 20-041 ratifying the Official Zoning Map for the City of Red Oak, Texas. (Case Z20018) *Requested by Staff* (Hartman)
13. Consider approving a Preliminary Plat for Creekbend Addition Phase II being 64 lots (includes 2 HOA lots) totaling approximately 12.32 acres out of the John Nugent Survey, Abstract 796, generally east of Sunnyside Lane, in the City of Red Oak. (Case P20017) *Requested by Ted Zadeh* (Hartman)
14. Consider adoption of Resolution No. 20-058R approving a Development Agreement between the City of Red Oak and Amalgamated Properties, LLC to allow for the creation of a Public Improvement District (PID) for The Oaks residential subdivision development being approximately 211 acres, generally located south of Stephenson Rd. and west of IH-35E, in the City of Red Oak, Texas. (Hartman)
15. Consider approval of expenditure in the amount of \$1,200,000 by the Red Oak Industrial Development Corporation (ROIDC) for the acquisition of approximately 7.64± acres of land. (McCleary)
16. Consider adoption of Resolution No. 20-067R providing for setting the dates, time and place of public hearings concerning the **Voluntary Annexation** of approximately 1.351 acres, more or less, out of the Robert A. Lemmans Survey, Abstract 628, in the City of Red Oak ETJ, Ellis County, Texas, and incorporated into the City of Red Oak, Texas. (Stevens)

BOARD APPOINTMENTS:

17. Appointments/ Reappointments to Boards & Commissions – Consider approval regarding the following Boards/Commissions:
 - A. Red Oak Parks & Recreation Commission:
 - Accept the resignation of Kevin Crain as a Regular Member
 - Appointment of Shapale White as a Regular Member (from an Alternate Member) for the remainder of a two-year term from June 2019-2021.

DEPARTMENTAL REPORTS:

18. 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, Human Resources Director)
 - ❖ 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:

- 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.; *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; *Rockett Special Utility District v. City of Red Oak, Texas*, Case No. 3:20-cv-1320; and *City of Red Oak v. USDA, et al.*, Case No. 1:20-cv-00483-RP, W.D. Tex.

- 20. 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.

- 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 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.

C. Discuss or deliberate acquisition, sale, exchange and/or licensing of Real Properties generally located east of I-35E, west of Methodist Street, south of Red Oak Road, and north of State Highway 342, Red Oak, Texas.

23. Pursuant to the Texas Government Code, Sections § 551.071 and §551.074 – **To Seek Legal Advice from the City Attorney on Personnel Matters** and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public employee; to wit: City Secretary.

REGULAR SESSION:

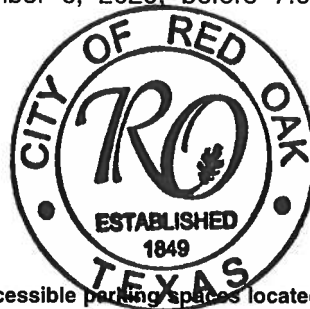
24. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

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 6, 2020, before 7:00 p.m. in accordance with the Texas Government Code, Chapter 551.



Lori McGlothlin
Administrative Assistant



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 the City Secretary's office at (972) 617-6831.

To submit public comments, email cstevens@redoaktx.org and title the email "Public Comment". All public comments submitted by 5:00 p.m. on November 9, 2020, will be provided to the City Councilmembers and entered into the record for the November 9, 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

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+1 312 626 6799 US (Chicago)
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Passcode: 705825

Find your local number: <https://zoom.us/j/99098862219>