



RED OAK, TEXAS

City of Red Oak

Minutes - Final City Council Regular Meeting

Tuesday, October 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 Tuesday, October 13, 2020, at 7:00 p.m., with the following members present, to wit:

City Council (4):

Mayor Mark L. Stanfill
Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Absent:

Councilmember William Drake

CALL TO ORDER: Mayor Stanfill called the meeting to order at 7:08 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 Braly gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Proclamation – "Pink Out Day" and National Breast Cancer Awareness Month

Mayor Stanfill recognized National Breast Cancer Awareness Month and read the proclamation into the record, proclaiming Friday, October 30th as "Pink Out Day" in Red Oak.

- Proclamation – Fire Prevention Month

Mayor Stanfill recognized Fire Prevention Month (and Fire Prevention Week) and read the proclamation into the record.

- Proclamation – Red Ribbon Week, October 23-31

Mayor Stanfill recognized Red Ribbon Week, regarding alcohol and drug prevention topics, and read the proclamation into the record.

CITIZENS COMMENTS:

City Manager Fuller read a comment from a Cole Davis, who was making a request for a special zoning permit. He advised him to speak with city staff about getting him on a Council agenda. City Manager Fuller stated that he would have staff reach out to him. Mr. Davis spoke and explained his conversation with staff and what he was planning to do. Planning and Zoning Manager Guenzel spoke and gave a brief explanation of the issue. Mr. Davis was advised, by

Mayor Stanfill and City Manager Fuller, as to his next steps regarding his request, for him to work with staff to move the process forward and to bring it to Council. City Attorney Hager spoke and explained that what Mr. Davis is wanting will require a text change amendment to allow an ancillary use and explained the full process from there.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - September 14, 2020 – Regular Meeting**Approved on Consent Agenda**

2. Consider adoption of Resolution No. 20-051R authorizing approval of a Funding Agreement with the Red Oak Area Chamber of Commerce in the amount of eight thousand dollars (\$8,000.00) in support of events benefitting the business community and the citizens of the City of Red Oak; authorizing the City Manager to execute following review by the City Attorney; repealing all resolutions in conflict; providing a severability clause; and, providing an effective date.
Adopted
Enactment No: RES 20-051R

3. Consider adoption of Resolution No. 20-052R of the City of Red Oak, Texas, approving the terms and conditions of the Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Service District #4 and the Red Oak Fire Department for emergency response to fire calls within a certain area in the county and contiguous to the City of Red Oak, which agreement is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to sign said agreement; and, providing an effective date.
Adopted
Enactment No: RES 20-052R

4. Consider adoption of Resolution No. 20-053R of the City of Red Oak, Texas authorizing a design contract for the design of the additional aesthetic improvements to the Ovilla Road bridge crossing the railroad right-of-way and State Highway 342 in the amount of eighty-two thousand, seven hundred dollars and 00/100 (\$82,700.00); and authorizing the City Manager to execute such agreement and the appropriate documentation; and, providing an effective date.
Adopted
Enactment No: RES 20-053R

5. Consider adoption of Resolution No. 20-054R of the City of Red Oak, Texas, approving the terms and conditions of a License and Services Agreement with Tyler Technologies for the conversion and implementation of Incode X software in an amount not to exceed \$204,650 as provided in the pricing quote through Sourcewell purchasing cooperative; authorizing the City Manager to execute the agreement; providing a severability clause; and, providing an effective date.
Adopted
Enactment No: RES 20-054R

6. Consider approval of Ordinance No. 20-036 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 eastern 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.
Approved
Enactment No: ORD 20-036

7. Consider adoption of Resolution No. 20-055R amending Resolution No. 20-046R, 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.
Adopted
Enactment No: RES 20-055R

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 Manager Fuller spoke and gave a brief clarification for Agenda Item No. 7 regarding the emergency order. City Attorney Hager spoke and concurred with City Manager Fuller.

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

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

COUNCIL BUSINESS – REGULAR SESSION:

- 8. Consider adoption of Resolution No. 20-056R accepting a donation of real property for Lots 5X and 6X Park Oakmont Park subdivision to the City of Red Oak, Ellis County, Texas, from Countryview of Red Oak, LLC., by Donation Deed which is attached hereto as Exhibit "A"; authorizing the City Manager to execute the agreement; providing a severability clause; and, providing an effective date.**

Mayor Stanfill read Agenda Item No. 8 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. 20-056R as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Wilson. The motion carried unanimously.

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

**Adopted
Enactment No: RES 20-056R**

- 9. Consider adoption of Resolution No. 20-057R approving the denomination of a park located at Oakmont Park Subdivision in the City of Red Oak, Texas, to be known as "Hargrove Park" more particularly described in Exhibit "A" which is attached hereto and incorporated herein; and, providing an effective date.**

Mayor Stanfill read Agenda Item No. 9 into the record. Parks and Recreation Director Kelley spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-057R as presented.

Councilmember Wilson moved the motion, seconded by Mayor Pro Tem Toney. The motion carried unanimously.

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

**Adopted
Enactment No: RES 20-057R**

10. Conduct a Public Hearing and consider approval of Ordinance No. 20-037 amending Planned Development District (PD-67) for a 7/11 Convenience Store with Gas Pumps, east of Hickory Creek Dr., being 2.6 acres on Lot 2R of Hickory Creek Estates Phase I, at 135 E. Ovilla Rd., City of Red Oak, Texas. (Case Z20011) *Requested by Kevin Mattson.*

Mayor Stanfill read Agenda Item No. 10 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item. Planning and Zoning (P&Z) Manager Guenzel also spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:43 p.m.

Kevin Mattson, Red Sky Holdings (RSDGP, LLC), 9601 Topeka, Lubbock, Texas, spoke and gave a brief explanation of this project. He is in favor of this project.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 7:46 p.m. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – 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.

City Attorney Hager made the following motion: Motion to approve Ordinance No. 20-037 as presented plus the addition of the masonry wall along the south boundary of Lot 2R of Block A.

Councilmember Wilson moved the motion, seconded by Councilmember Braly. The motion carried unanimously.

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

**Approved
Enactment No: ORD 20-037**

11. Conduct a Public Hearing and consider approval of Ordinance No. 20-038 amending Planned Development District (PD-98), generally known as The Oaks, being approximately 211 acres, generally located south of Stephenson Rd. and west of IH-35E, in the City of Red Oak, Texas. (Case Z20017) *Requested by Randell Curington.*

Mayor Stanfill read Agenda Item No. 11 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item. P&Z Manager Guenzel also spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 8:05 p.m.

Randell Curington, 6750 Hillcrest Plaza Drive, Suite 318, Dallas, Texas, spoke in favor of this project.

Don Dykstra, Bloomfield Homes, spoke in response to a question from Mayor Stanfill.

John Larmouth, 106 Post Oak Drive, Red Oak, Texas, spoke and asked about the number of homes were coming to Red Oak [in this subdivision]. Mr. Curington responded and answered his question.

Councilmember Wilson made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 8:10 p.m. The motion carried unanimously.

Roll Call Vote: Councilmember Michael Braly – 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. 20-038 as presented with the additions discussed on the Tier 1 and Tier 2 recommended by Planning and Zoning.

Councilmember Goodwyn moved the motion, seconded by Councilmember Wilson. The motion carried unanimously.

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

**Approved
Enactment No: ORD 20-038**

12. 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.

Mayor Stanfill read Agenda Item No. 12 into the record. City Engineer Hartman spoke and stated that this agenda item will be tabled at this time. No action taken.

13. Consider adoption of Resolution No. 20-059R of the City of Red Oak, Texas, approving the purchase of two (2) trucks and one (1) dump truck for the Public Works Department and authorizing the City Manager to execute necessary documents for such vehicle in an amount not to exceed \$136,839.80 as provided in the formal quote, which is attached hereto and incorporated herein as Exhibit "A" and "B"; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 13 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. 20-059R as presented.

Mayor Pro Tem Toney moved the motion, seconded by Councilmember Wilson. The motion carried unanimously.

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

**Adopted
Enactment No: RES 20-059R**

15. Appointments/ Reappointments to Boards & Commissions – Consider approval regarding the following Boards/Commissions:

A. Red Oak Library Advisory Board:

- Reappointment of Lauren Crain, Juan C. Gutierrez and Karen Owens Stanfill as Regular Members for two-year terms from October 2020 – October 2022;

- Resignation of Jacqueline Lozada as an Alternate Member.

B. Planning & Zoning Commission:

- Appointment of Kim Campbell as an Alternate Member for the remainder of a two-year term from June 2020 – June 2022.

Mayor Stanfill read Agenda Item No. 15 into the record.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to accept the board appointments under A and B above as read. The motion carried unanimously.

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

Approved

DEPARTMENTAL REPORTS:

16. 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 the 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.

IT Director Binford spoke and updated Council on activities within his department. He stated that he is finishing projects including the Evergreen budget. He replaced a couple of PCs in CID in the Police Department.

Library Director Ragsdale spoke and updated Council on activities within his department. He thanked them for their continued support for the library. He stated that of course, with COVID-19 and the library being closed, the statistics for 2020 are down.

Parks and Recreation Director Kelley spoke and highlighted activities and projects given in his monthly report. He gave a detailed update on construction at the Live Oak Sports Complex. The light poles are in place with LED lights. Concrete pouring will begin soon on the borders of the field. He invited Council to the ribbon cutting ceremony scheduled for Saturday, October 24th at the field.

Public Works Director Williams spoke and highlighted activities within his department. He informed Council that on Saturday, the 17th, they will be having the Trash Off for clean up day which will be held at The Oaks Church between 7:30 and 10:30 a.m.

CLOSED SESSION:

- 17. 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.**

18. 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.
19. 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.
20. 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.

Mayor Stanfill read Agenda Item Nos. 17, 18, 19 and 20 for Closed Session into the record and moved Council into Closed Session at 8:37 p.m. He invited City Manager Fuller, Economic Development Director McCleary, City Attorney Hager and James Parker into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 9:01 p.m. No action was taken.

14. 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; authorizing the Mayor or City Manager to execute all necessary documents; and ordaining other matters relating to the subject.

Mayor Stanfill read Agenda Item No. 14 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item. Jim Sabonis with Hilltop Securities, Inc. spoke and gave a presentation regarding the Combination Tax and Revenue Certificates of Obligation, Series 2020. Clark Kimball with McCall, Parkhurst and Horton, L.L.P. also spoke about this agenda item.

Mayor Stanfill made the following motion: Motion to take action on Ordinance No. 20-039 authorizing the issuance of City of Red Oak, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020.

Councilmember Goodwyn moved the motion, seconded by Mayor Pro Tem Toney. The motion carried unanimously.

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

**Approved
 Enactment No: ORD 20-039**

ADJOURNMENT:

Councilmember Wilson made the motion, seconded by Councilmember Braly, to adjourn the meeting at 9:10 p.m. The motion carried unanimously.

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

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on November 9, 2020.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:



Caryn Stevens, TRMC
Deputy City Secretary

