



RED OAK, TEXAS

City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, November 9, 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, November 9, 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*

*Councilmember Wilson arrived at 7:18 p.m.

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 Braly gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Proclamation – National Hospice and Palliative Care Month

Mayor Stanfill recognized National Hospice and Palliative Care Month and read the proclamation into the record.

- Proclamation – Dana Argumaniz

Mayor Stanfill recognized Dana Argumaniz and read the proclamation into the record.

- Introduction – Sidney Smith, Assistant Finance Director

Assistant City Manager Phillips and Finance Director Platt introduced Sidney Smith, the new Assistant Finance Director for the City of Red Oak.

CITIZENS COMMENTS:

City Manager Fuller read a comment from a Devin Talley, 223 Garden Valley Lane, Red Oak. “I would like to discuss installing a railway quiet zone as outlined by the Federal Railroad Administration at the website. I would like to request this quiet zone covering the area including the crossing located at east Ovilla Road and Red Oak Road, as well as the area between covering

roughly one and a half miles for the benefit of the current and future residential areas surrounding the tracks such as Quail Run and Fox Hollow Estates neighborhoods.” Mayor Stanfill spoke and stated that Council is unable to speak about the issue raised if it is not listed on the agenda. He thanked Mr. Talley for bringing this issue to Council’s attention.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - October 13, 2020 – Regular Meeting**Approved on Consent Agenda**
2. Consider the absence of Councilmember William Drake from the October 13, 2020, Regular Meeting of the Red Oak City Council.
Approved on Consent Agenda
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.
Adopted
Enactment No: RES 20-060R
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.
Adopted
Enactment No: RES 20-061R
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.
Adopted
Enactment No: RES 20-062R
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.
Approved
Enactment No: ORD 20-040
7. Consider adoption of Resolution No. 20-063R of the City Council of the City of Red Oak, Texas, approving a negotiated settlement between 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.

Adopted

Enactment No: RES 20-063R

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.

Adopted

Enactment No: RES 20-064R

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 Braly 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

COUNCIL BUSINESS – REGULAR SESSION:

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

Mayor Stanfill read Agenda Item No. 9 into the record. Finance Director Platt spoke and gave a brief explanation of this agenda item. Jim Sabonis with Hilltop Securities was due to speak, but was unable to connect. City Manager Fuller then spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to approve the issuance of Series 2021 Tax Note.

Councilmember Drake 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

Approved

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.

Mayor Stanfill read Agenda Item No. 10 into the record. Finance Director Platt spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-065R 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
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye

Adopted
Enactment No: RES 20-065R

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.

Mayor Stanfill read Agenda Item No. 11 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-066R as presented.

Mayor Pro Tem Toney 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 20-066R

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.*

Mayor Stanfill read Agenda Item No. 12 into the record. City Engineer Hartman spoke and gave a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:28 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to close the Public Hearing at 7:29 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. 20-041 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

Enactment No: ORD 20-041

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.*

Mayor Stanfill read Agenda Item No. 13 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to approve the Preliminary Plat for Creekbend Addition Phase II of 64 lots.

Mayor Pro Tem Toney 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

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.

Mayor Stanfill read Agenda Item No. 14 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item. City Manager Fuller spoke and gave a brief explanation of this agenda item. City Attorney Hager spoke and briefly explained a portion of this agenda item.

Randell Curington, spoke and gave additional information about this agenda item.

Fred Phillips, spoke and gave additional information about this agenda item.

Steve Fluker, spoke and gave additional information about this agenda item.

Mayor, Council, City Attorney and Staff discussed this agenda item at length.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-058R as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Drake. The motion carried 3-2. The motion passed.

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

Nay(s): Councilmember Michael Braly
Councilmember Ron Wilson

Adopted

Enactment No: RES 20-058R

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.

Mayor Stanfill read Agenda Item No. 15 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to approve an expenditure in the amount of \$1,200,000.

Councilmember Braly moved the motion, seconded by Councilmember Wilson. 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. 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.

Mayor Stanfill read Agenda Item No. 16 into the record. City Manager Fuller and City Manager Fuller spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-067R as presented.

Councilmember Goodwyn moved the motion, seconded by Councilmember Wilson. 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 20-067R

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 terms from June 2019-2021.

Mayor Stanfill read Agenda Item No. 17 into the record. Parks and Recreation Director Kelley spoke and briefly explained this agenda item.

Councilmember Braly made the motion, seconded by Councilmember Drake, to accept the board appointments under A above 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

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.

Public Works Director Williams spoke and stated that he had no further updates aside from his monthly report, but was available for questions.

Parks and Recreation Director Kelley spoke and highlighted activities and projects given in his monthly report. He stated that the ribbon cutting ceremony for the Live Oak multi-purpose field was held on Saturday, October 24th. He thanked Council and staff for their support. He added that

on Friday, December 11th, there will be a neighborhood fishing program. The municipal pond (at Pearson Park) will be stocked with 1,500 trout. It will be a great time for the kids and the community.

Library Director Ragsdale spoke and stated that he had no further updates aside from his monthly report, but was available for questions.

IT Director Binford spoke and updated Council on activities within his department. He stated that he has finished the new desktop server for those employees working from home. His department has updated a server which will collect all the video from all the lift stations which will help with security.

Finance Director Platt spoke and updated Council on activities within her department. In this first month of the new fiscal year, the department is still accruing some revenues back to last year. The department has not yet received the sales tax collection this month, however, the October payment brought us to 99.8 percent of our fiscal year 2020 budget. The year-to-date collections are currently 17.75 percent over year-to-date last year. The department wrapped up the submission of the Coronavirus Relief Act funding; that project total was \$723,415.00 and all requests for reimbursement have been submitted.

Human Resources Director Monsivais spoke and stated that she had no further updates aside from her monthly report, but was available for questions. Assistant City Manager Phillips spoke and added that they've completed a competitive recruitment process for the Communications and Marketing Manager position. The city has now hired Alexa Beasley who will be starting on Monday, the 16th. She worked for the City of Forney where she was employed for eight years and brings great experience with multiple departments, special events, creative with marketing materials.

City Engineer Hartman spoke and stated that he had no further updates aside from his monthly report, but was available for questions. He did mention a subdivision wrap up.

Police Chief Wolf spoke and stated that he had no further updates aside from his monthly report, but was available for questions.

Fire Chief Blanton spoke and updated Council on COVID-19 statistics, information and total expenses to date, for city, county, state and U.S. There has been a significant increase in numbers of infections, hospitalizations and deaths. He cautioned and encouraged everyone to continue to be vigilant with proper hygiene and the recommended precautions against spreading the virus.

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** 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.
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 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.
23. Pursuant to the Texas Government Code, Section §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.

Mayor Stanfill read Agenda Item Nos. 19, 20, 21, 22 and 23 for Closed Session into the record and moved Council into Closed Session at 8:27 p.m. He invited City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary, City Attorney Hager and James Parker into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 9:52 p.m. The following action was taken:

City Attorney Hager made the following motion: Motion to appoint Caryn Stevens as the Interim City Secretary for a 60-day period with a ten percent (10%) increase in her current salary and continue with the standard benefits she currently receives.

Councilmember Goodwyn moved the motion, seconded by Councilmember Drake. The motion was unanimous.

- 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

ADJOURNMENT:

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 9:53 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

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on December 14, 2020.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:



Caryn Stevens, TRMC
Deputy City Secretary

