



City of Red Oak
Minutes - Final
City Council Regular Meeting

Monday, December 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, December 14, 2020, at 7:00 p.m., with the following members present, to wit:

City Council (4):

Mayor Mark L. Stanfill
Councilmember Michael Braly
Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney

Absent (1):

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: Mayor Pro Tem Toney gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Introduction – Alexa Beasley, Communications & Marketing Manager

Assistant City Manager Phillips introduced our new Communications & Marketing Manager, Alexa Beasley to Council and staff. Council and staff welcomed her to the City of Red Oak.

CITIZENS COMMENTS:

No one spoke.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - November 9, 2020 – Regular Meeting
Approved on Consent Agenda
2. Consider approving the change of the Regular City Council Meeting from Monday, October 11, 2021, to Tuesday, October 12, 2021, due to the Columbus Day holiday.
Approved on Consent Agenda
3. Consider adoption of Resolution No. 20-068R of the City Council of the City of Red Oak, Texas, approving the purchase of one (1) Echologic Leakfinder, one (1) Echologic Leaktuner, ten (10) Echologic remote pressure monitors, one (1) Ridgid Navitrack Scout Locator with Transmitter, and

two (2) CST/Berger Magna-Trak MT202 Magnetic Locators for the Public Works Department and authorizing the City Manager to execute the necessary documents for such equipment in an amount not to exceed \$88,935.00 as provided in the formal quote, which is attached hereto and incorporated herein as Exhibits "A" and "B"; and, providing an effective date.

Adopted

Enactment No: RES 20-068R

4. Consider adoption of Resolution No. 20-069R of the City of Red Oak, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Red Oak, Texas, and Ellis County, Texas, for roadway repairs and maintenance; authorizing the Mayor to sign; authorizing and providing for the terms and conditions; and, providing an effective date.

Adopted

Enactment No: RES 20-069R

5. Consider adoption of Resolution No. 20-070R of the City of Red Oak, Texas, accepting and a Project Order 064449240 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 services for protecting in place or utility relocation for the underground 36-inch water transmission line at Houston School 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 20-070R

6. Consider adoption of Resolution No. 20-071R amending Resolution No. 20-064R, 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 20-071R

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.

Mayor Pro Tem Toney 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:

7. Consider approval of Ordinance No. 20-042 of the City Council of the City of Red Oak, Texas, amending the Code of Ordinances of the City of Red Oak, Texas, by amending Chapter 1 "General Provisions", Article 1.09 "Emergency Management", Section 1.09.007 by adding Subsection (C) by providing violation of Article 1.09, Emergency Management to be a Class C Misdemeanor; providing a penalty for a fine not to exceed five hundred dollars (\$500.00) for each offense; providing a severability clause; providing a savings clause; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 7 into the record. City Manager Fuller and City Attorney Hager spoke and gave detailed explanations of this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-042 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

Approved

Enactment No: ORD 20-042

8. Consider all matters incident and related to the issuance and sale of “City of Red Oak, Texas, Tax Note, Series 2021”, including the approval of Ordinance No. 20-043 authorizing the issuance of such tax note and approving all other matters related thereto.

Mayor Stanfill read Agenda Item No. 8 into the record. Finance Director Platt spoke and gave a brief explanation of this agenda item. Jim Sabonis with Hilltop Securities also spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill, Council and Staff discussed the agenda item briefly.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-043 as presented.

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

Enactment No: ORD 20-043

9. Conduct a Public Hearing regarding **Voluntary Annexation** of real property generally described as being 1.351 acres, more or less, out of the Robert A. Lemmans Survey, Abstract No. 628, in the City of Red Oak ETJ, Ellis County, Texas, Parcel No. 148132.

Mayor Stanfill read Agenda Item No. 9 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:17 p.m. No one spoke.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:19 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

10. Conduct a Public Hearing on petition by 212 Red Oak, L.P. for the creation of Red Oak Public Improvement District encompassing approximately 210.410 acres, which petition is on file at the city.

Mayor Stanfill read Agenda Item No. 10 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item. Tim Green, attorney for proposed developer, Steve Fluker, Vice President of Amalgamated Development, Fred Phillips, Vice President of Amalgamated Development, and Jim Sabonis, Managing Director of Hilltop Securities, each spoke and gave a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:21 p.m. No one spoke.

Councilmember Goodwyn made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:22 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 Braly asked that Mr. Fluker’s email responses entered into the record of tonight’s Council meeting minutes.

City Attorney Hager asked that Council reopen the Public Hearing so that comments could be made on the record. He then made the following motion: Motion to reopen the Public Hearing regarding the formation of Public Improvement District No. 1 and include the comments authored by Councilmember Braly and Mr. Fluker as comments to be received at the public hearing in consideration of Public Improvement District No. 1.

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

The Public Hearing opened at 7:29 p.m.

Mayor Stanfill made the motion to accept Mr. Fluker’s comments and enter them into the record.

Councilmember Braly 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

Jim Sabonis, financial advisor with Hilltop Securities, spoke and gave a detailed explanation of Public Improvement Districts and his experience with them.

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

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

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

11. Consider adoption of Resolution No. 20-072R authorizing and creating Red Oak Improvement District No. 1 in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 11 into the record.

Mayor Stanfill, Council, City Attorney and Staff discussed the agenda item at length. Jim Sabonis of Hilltop Securities also spoke.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 20-072R authorizing and creating Red Oak Public Improvement District No. 1 as presented.

Councilmember Drake moved the motion, seconded by Councilmember Goodwyn. The motion carried 3-0-1; 3 Ayes; 0 Nays; 1 Abstention.

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

Abstention (1): Councilmember Michael Braly
Adopted
Enactment No: RES 20-072R

12. Conduct a Public Hearing and consider approval of Ordinance No. 20-044 amending the City of Red Oak's Zoning Ordinance to allow a permanent cosmetic/tattoo service, with limitations, as an ancillary use in certain non-residential districts. (Case Z20019)

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

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

Cole Davis of Red Oak, Texas, spoke in favor of this agenda item.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Drake, to close the Public Hearing at 8:08 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

City Attorney Hager spoke and further explained this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-044 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

Approved
Enactment No: ORD 20-044

13. Conduct a Public Hearing and consider approval of Ordinance No. 20-045 changing the zoning from Commercial (C-1) to a Planned Development District (PD) with uses generally from Commercial District-1 (C-1) and allowing for a vertical mixed-use building to include apartments on upper floor(s), at 109 S. Main Street, City of Red Oak, Texas. (Case Z20016).

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

Mayor Stanfill opened the Public Hearing at 8:23 p.m.

Mr. Barracon, Walls Consulting Engineers, spoke and stated he was available for questions. He answered a question of Mr. Groves.

Mark Groves, 107 South Main, Red Oak, Texas, spoke against this project.

Councilmember Goodwyn spoke and made a comment about this project.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 8:31 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

Mayor Stanfill, Council and Staff discussed the agenda item at length.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 20-045 as presented.

Councilmember Drake 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

**Approved
Enactment No: ORD 20-045**

14. Consider adoption of Resolution No. 20-073R of the City of Red Oak, Texas, amending the Master Fee Schedule, by amending; also, by amending Chapter 11.00, "Utility Fees" by amending Section 11.004, Garbage Collection Charges, Subsection (A), and Subsection (B), to establish new rates; providing a repealing clause; providing a severability clause; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 14 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. 20-073R as presented.

Mayor Pro Tem Toney 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

**Adopted
Enactment No: RES 20-073R**

DEPARTMENTAL REPORTS:

15. 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 COVID-19 statistics, information, and total expenses to date, for city, county, state and U.S. He also updated council about the vaccine and its availability. He stated that they will be hiring for three positions. He thanked Council for their leadership and guidance through this pandemic and wished them a Merry Christmas and Happy New Year.

Police Chief Wolf spoke and updated Council on activities within his department. The department is going through a hiring process and are looking at about five candidates. He commended the Red Oak Fire Department, specifically Chief Ben Blanton, for a job well done during these difficult days of the pandemic and thanked him for his work.

City Engineer Hartman spoke and updated Council on all the new homes coming into Red Oak, filling up the subdivision. There were 32 new homes last month which is one of the highest numbers ever. There are a couple of new subdivisions that are almost ready to kick off: Crystal

Lake and Oakmont Park, Phase II. Creekbend Estates on the west side of I-35 is starting and Summerwood is starting.

Human Resources Director Monsivais spoke and stated that she had no further updates but was available for questions. She stated that there will not be an event for the holiday luncheon this year due to COVID-19. An alternative plan to honor our employees is being organized. She thanked Council for all they have done for employees this year.

Finance Director Platt spoke and stated that we are in a new property tax year and have just begun collecting. We are down just a few hundred dollars from this same month last year and we will want to watch this number in light of our current situation. The bulk of the revenues are typically collected in December and January. Sales tax is still trending up. Building permits are still up. She then answered Council's questions.

IT Director Binford spoke and updated Council on activities within his department. He stated that they have built new laptops for the police department. He stated that Chase, his IT Application Specialist, built all twelve of them in one day. He is working with the finance department on their new Incode server. Public Works put in some conduit in the ground going out to the new concession stand so that we can run fiber out there for communications, cameras, and Wi-Fi.

Library Director Ragsdale spoke and updated Council on activities within his department. He wished everyone a Happy Holidays and Merry Christmas.

Parks and Recreation Director Kelley spoke and highlighted activities and projects given in his monthly report. He thanked Council and city staff for helping him this first year of his employment here. He invited Council, staff and the public to come out Wednesday at 10:00 a.m. for the turf laying on the field.

Public Works Director Williams spoke and updated Council on the electrical conduit at the Live Oak ballfield and putting all the water lines in place. He wished Council a Merry Christmas and Happy New Year.

CLOSED SESSION:

16. 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; *Rockett Special Utility District v. City of Red Oak, Texas*, Case No. 3:20-cv-1320; and *Rockett Special Utility District v. Botkin, et al.*, Civil Action No. 20-cv-1207-RP, W.D. Tex.
17. 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.
18. 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.
19. 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.

Mayor Stanfill read Agenda Item Nos. 16, 17, 18 and 19 for Closed Session into the record and moved Council into Closed Session at 9:01 p.m. He invited City Manager Fuller, Economic Development Director McCleary, City Attorney Hager, James Parker and Jim Sabonis into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 10:01 p.m. No action was taken.

ADJOURNMENT:

Councilmember Goodwyn made the motion, seconded by Councilmember Drake, to adjourn the meeting at 10:02 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

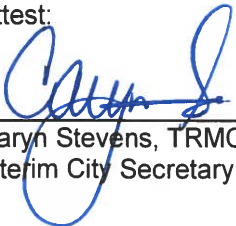
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on January 11, 2021.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:



Caryn Stevens, TRMC
Interim City Secretary

