



RED OAK, TEXAS

City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, March 8, 2021

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, March 8, 2021, 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 Ron Wilson gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Recognition – Staff Recognition for Emergency Response

Mayor Stanfill and City Manager Fuller recognized staff for their service in the emergency response during the winter storms in February.

- Recognition – Melissa Villarreal and Eli Neri, La Quinta Inn

Police Chief Wolf recognized Melissa Villarreal and Eli Neri of La Quinta Inn of Red Oak for their keen observance and quick thinking during an Amber alert which culminated at the hotel. He gave them certificates of recognition. Council and staff thanked them for their bravery and resourcefulness.

- Introduction – Wyatt West, new Firefighter

Fire Chief Blanton introduced new firefighter, Wyatt West, to Council. Council and staff welcomed Mr. West to Red Oak.

CITIZENS COMMENTS:

No one spoke.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - February 8, 2021 – Regular Meeting

Approved on Consent Agenda

2. Consider adoption of Resolution No. 21-019R ordering cancellation of the General Election on May 1, 2021, and declaring the election of unopposed candidates for Mayor, Place 1 and Place 3 of the City Council of the City of Red Oak, Texas, providing for issuance of the certificates of election; providing for the posting of this resolution; and, providing an effective date.

Adopted

Enactment No: RES 21-019R

3. Consider adoption of Resolution No. 21-020R of the City Council of the City of Red Oak, Texas, approving an agreement between the Texas Division of Emergency Management and the City of Red Oak, Texas, to apply for and receive funding under the FEMA Public Assistance Disaster Relief Grant-Coronavirus Aid Relief under the terms and conditions set forth in Exhibit "A"; providing administration of such funding; authorizing execution of the agreement by the City Manager; and, providing an effective date.

Adopted

Enactment No: RES 21-020R

4. Consider adoption of Resolution No. 21-021R of the City Council of the City of Red Oak, Texas, approving the terms and awarding the bid for mowing and landscape services to the lowest bidder, Landscape Professionals; and authorizing the City Manager to execute a contract for mowing and landscape services in a form approved by the City Attorney; and, providing an effective date.

Adopted

Enactment No: RES 21-021R

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
Councilmember Ron Wilson – Aye

COUNCIL BUSINESS – REGULAR SESSION:

5. Consider adopting Resolution No. 21-022R of the City Council of the City of Red Oak, Texas, supplementing Resolution No. 20-010R, extending and amending a State of Emergency as a result of the COVID-19 Virus; providing for interim public safety measures; providing for health and safety policy; providing for face covering for patrons and employees; providing for face coverings in public places; providing for republishing of resolution; providing a severability clause; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 5 into the record. City Attorney Hager spoke and gave a detailed explanation of this agenda item.

Mayor, Council, and staff discussed the agenda item at length.

City Attorney Hager made the following motion: Motion to adopt Resolution No. 21-022R being a supplemental to a previous resolution extending and amending the State of Emergency to include a face covering requirement for indoor city facilities and setting forth regulations for use of the city park with and without face coverings.

Mayor Pro Tem Toney moved the motion, seconded by Councilmember William Drake. The motion carried 3-2. The motion passed.

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

**Adopted
Enactment No: RES 21-022R**

6. Conduct a Public Hearing and consider approval of Ordinance No. 21-007 of the City Council of the City of Red Oak, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Red Oak, Texas, as heretofore amended, by granting a change in zoning from Planned Development 71 Revised 3, (PD71-R3) to Planned Development 71, Revision 4 (PD71-R4) to allow for changes to the development plan, architectural elevations, and other changes including but not limited to parking and occupancy requirements located at 196 North IH-35E, City of Red Oak, Ellis County, Texas, as provided in Exhibit "A", attached hereto and incorporated herein; providing site plan, landscape plan, architectural elevations and/or renderings, dumpster details and fence details attached hereto as Exhibits "B" through "F" which are attached hereto and incorporated herein; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 6 into the record. Planning & Zoning Manager Guenzel spoke and gave a detailed explanation of this agenda item.

Mayor, Council, and staff discussed this agenda item at length.

Mayor Stanfill opened the Public Hearing at 8:08 p.m.

Barry Brewer, 196 N. IH-35E, owner of Hamptons Event Center, spoke in favor of the project.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 8:11 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. 21-007 amending the Planned Development Revision 4.

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 21-007**

7. Deliberate and consider approval of assignment of Triumph Aerostructures, LLC Tax Abatement and Economic Development Agreements with the City of Red Oak to Arlington Capital Partners, upon approval as to form by the City Attorney; and authorize the City Manager and/or Mayor to execute the appropriate documents.

Mayor Stanfill read Agenda Item No. 7 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item. City Attorney Hager also spoke and gave a brief explanation of this agenda item.

City Attorney Hager made the following motion: Motion to approve an assignment and assumption Agreement of the Triumph Aerostructures Tax Abatement and Economic Development Agreement with the City of Red Oak to Arlington Capital Partners and to any of its subsidiaries, affiliates or agents upon approval as to form by the City Attorney, and authorizing the City Manager or Mayor to execute the appropriate documents.

Councilmember Wilson moved the motion, seconded by Councilmember Drake. The motion unanimously.

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

Approved

8. Discussion and consideration of appointing Caryn Stevens as the City Secretary for the City of Red Oak, Texas.

Mayor Stanfill read Agenda Item No. 8 into the record. City Manager Fuller spoke and stated that Council would discuss this item in executive session and take action back in regular session.

DEPARTMENTAL REPORTS:

9. 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 the winter storms and the city's response. He thanked Alexa Beasley, the Communications and Marketing Manager, for her social media push and the subsequent media updates during the storm. He commended her on her hard work.

Police Chief Wolf spoke and commended Fire Chief Blanton on his tireless efforts keeping citizens and staff updated regarding the winter storms. He also commended Ms. Beasley and staff for hard work during the weather events. He stated that the racial profiling report is completed.

Communications & Marketing Manager Beasley spoke and thanked management and staff for their recognition and for the opportunity to help during the winter storms. She stated that it was a team effort. She updated Council and staff on the new Red Oak Branding Guide.

City Engineer Hartman spoke and stated that he had no further questions, but was available for questions.

Human Resources Director Monsivais spoke and stated that she had no further updates, but was available for questions.

Finance Director Platt spoke and reported on sales tax numbers citing an increase of 21 percent. The year-to-date numbers are also up 19 percent from where we were a year ago this time last year. The first week of March, there were 31,786.00 in collections from permits issued. Utility billing is working with customers on a case-by-case basis regarding their water issues considering the winter storms.

IT Director Binford spoke and updated Council on the recent Microsoft flaw in their email server and his work in getting the patches on our servers, keeping the city safe from any cyber threats. At this point, we are secure. He stated that he is working with federal and state resources to make sure we are keeping up to date on any other patches.

Library Director Ragsdale spoke and stated that for the first time since the library has had the magazine service, there were 59 magazine check outs. It is a great service that the library can provide.

Parks and Recreation Director Kelley spoke and highlighted activities and projects given in his monthly report. He updated Council on the Live Oak Sports Complex. He invited Council to the grand opening on March 20th and the Bunny Trail easter event on March 31st.

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

CLOSED SESSION:

10. 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.*, Civil Action 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; *City of Red Oak v. USDA, et al.*, Case No. 1:20-cv-00483-RP, W.D. Tex.; and *Rockett Special Utility District v. Botkin, et al.*, Civil Action No. 20-cv-1207-RP, W.D. Tex.

11. 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.
12. 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.
13. 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.
14. 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.

Mayor Stanfill read Agenda Item Nos. 10, 11, 12, 13 and 14 for Closed Session into the record and moved Council into Closed Session at 8:37 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:

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

Council reconvened into Regular Session at 10:08 p.m.

COUNCIL BUSINESS – REGULAR SESSION:

8. Discussion and consideration of appointing Caryn Stevens as the City Secretary for the City of Red Oak, Texas.

Mayor Stanfill made the following motion: Motion to approve Caryn Stevens as the City Secretary for the City of Red Oak, Texas.

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

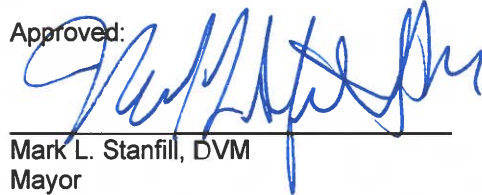
ADJOURNMENT:

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

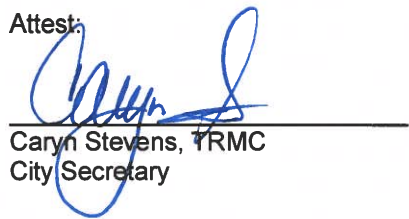
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on March 8, 2021.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:



Caryn Stevens, TRMC
City Secretary

