



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
MONDAY, MAY 10, 2021, 7:00 P.M.**

Mayor:
Mark L. Stanfill, DVM

Council:
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
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, May 10, 2021, 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, May 10, 2021, 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 the Open Meetings Act.*

INVOCATION AND PLEDGE OF ALLEGIANCE: (Drake)

PRESENTATIONS

- Proclamation – Motorcycle Safety and Awareness Month (Mayor Stanfill)
- Proclamation – National Police Week (Wolf)
- Proclamation – National Public Works Week (Williams)
- Proclamation – National Economic Development Week (McCleary/Fuller)
- Recognition – Reagan Rice, new Firefighter (Blanton)
- Special Recognition

BOARD RESIGNATION:

1. Accept the resignation of Willie G. Franklin, Jr., from the Planning & Zoning Commission.



ADMINISTER OATH OF OFFICE AND PRESENT CERTIFICATES OF ELECTION:

- Mark L. Stanfill, DVM, Mayor
- Willie G. Franklin, Jr., Councilmember Place 1
- William Drake, Councilmember Place 3

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.*

2. Consider approving the following minutes: (Stevens)
 - ❖ April 12, 2021 – Regular Meeting
3. Consider approving the absence of Councilmember William Drake from the April 12, 2021, Regular Meeting of the Red Oak City Council. (Stevens)
4. Consider adoption of Resolution No. 21-030R of the City of Red Oak, Texas, approving the amendment of authorized signers of the bank accounts for the City of Red Oak, Red Oak Economic Development Corporation, and Red Oak Industrial Development Corporation located at Prosperity Bank of Texas by removing Dana Argumaniz and adding Caryn Stevens; providing a repealing clause; providing a severability clause; and, providing an effective date. (Platt)
5. Consider adoption of Resolution No. 21-031R of the City of Red Oak, Texas, finding that Oncor Electric Delivery Company LLC's ("Company") application for approval to amend its distribution cost recovery factor to increase distribution rates within the city should be denied; authorizing participation with OCSC; authorizing the hiring of legal counsel and consulting services; finding that the city's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel. (Fuller)
6. Consider adoption of Resolution No. 21-032R of the City Council of the City of Red Oak, Texas, approving the closing of inactive and unnecessary accounts with Prosperity Bank; and, providing an effective date. (Platt)
7. Consider adoption of Resolution No. 21-033R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of the Grant Agreement by and between Texas Division of Emergency Management (TDEM), an agency of the State of Texas, and the City of Red Oak, Texas, as provided in Exhibit "A" attached hereto and incorporated herein; authorizing the City Manager to execute the necessary documents; and, providing an effective date. (Platt)

COUNCIL BUSINESS – REGULAR SESSION:

8. Consider adoption of Resolution No. 21-034R of the City Council of the City of Red Oak, Texas, supplementing Resolution No. 21-027R, extending and amending a State of Emergency as a result of the COVID-19 Virus; providing for interim public safety measures; providing for a face covering requirement in City buildings and facilities; providing for a moratorium for enforcement of mobile food vending; providing for republishing of resolution; providing a severability clause; and, providing an effective date. (Fuller)
9. Consider adoption of Resolution No. 21-035R of the City Council of the City of Red Oak, Texas, approving the Comprehensive Annual Financial Report audited by Patillo, Brown & Hill, L.L.P., which is attached hereto and incorporated herein as Exhibit "A", providing for filing in the office of the City Secretary; and, providing an effective date. (Platt)



10. Consider the presentation of the Plan of Finance and authorization for staff to proceed with the levy of assessments on property in Red Oak Public Improvement District No. 1, and the issuance of special assessment revenue bonds. (Platt)
11. Consider adoption of Resolution No. 21-036R accepting and approving a preliminary service and assessment plan and a preliminary assessment roll for the Red Oak Public Improvement District No. 1, calling a public hearing on the levy of special assessments against property in the District and approving all other matters related thereto. (Platt)
12. Discussion and consider adoption of Resolution No. 21-037R approving the form and authorizing the distribution of a preliminary limited offering memorandum for City of Red Oak, Texas, Special Assessment Revenue Bonds, Series 2021 (Red Oak Public Improvement District No. 1 Improvement Area #1 Project). (Platt)
13. Discussion and consider approving Ordinance No. 21-009 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 Agriculture (AG) to Single Family R-2 (SF R-2) property located at 737 Valley View Rd., City of Red Oak, Ellis County, Texas, as provided in Exhibit "A" 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. (Case Z21003) *Requested by Ana Gonzalez (Hartman)*
14. Conduct a Public Hearing and consider approving Ordinance No. 21-011 approving a zoning change from Agricultural (AG) Zoning District to Single Family R-2 (R-2) Zoning District on approximately one acre generally located on Lot 7 of Block 5 of Deer Creek Addition Phase II, located near the intersection of Deer Creek Dr. and Beaver Creek Dr., City of Red Oak, Texas. (Case Z21009) *Requested by Marco Gomez (Hartman)*
15. Conduct a Public Hearing and consider approving Ordinance No. 21-012 amending Planned Development PD-71R4, to amend the development plan, development regulations, to provide for an enlargement of an accessory building for property generally located at 196 North IH-35E, City of Red Oak, Texas. (Case Z21006) *Requested by Barry Brewer (Hartman)*
16. Conduct a Public Hearing and consider approving Ordinance No. 21-013 amending Planned Development District (PD-67) for a 7/11 Convenience Store with Gas Pumps and restaurant, east of Hickory Creek Dr, being approximately 2.6 acres on Lot 2R of Hickory Creek Estates Phase I, at 135 E. Ovilla Rd., City of Red Oak, Texas. (Case Z21005) *Requested by Kevin Mattson (Hartman)*
17. Consider adoption of Resolution No. 21-038R amending the Master Fee Schedule, by amending Article 3 "Parks, Libraries and other Public Places" by adding Section 3.003 "Sports Field and Sports Complex Fees" to establish sports fee; providing a repealing clause; providing a severability clause; and, providing an effective date. (Kelley)
18. Discussion regarding a possible change in zoning to allow for backyard chickens. (Hartman)
19. Consider adoption of Resolution No. 21-039R of the City of Red Oak, Ellis County, Texas, authorizing the exercise of eminent domain by the City Council of the City of Red Oak, Texas; for property located at 314 N. Methodist St. 751 McKinney & Williams, as depicted and described in Exhibits "A" and "B", within Red Oak, Ellis County, Texas; providing the necessity and public purpose for the acquisition of right of way for the Methodist Street Widening Project; authorizing the City Attorney to file proceedings in eminent domain to acquire said property; and, providing an effective date. (Hartman)



20. Consider adoption of Resolution No. 21-040R of the City of Red Oak, Ellis County, Texas, authorizing the exercise of eminent domain by the City Council of the City of Red Oak, Texas; for property located at 316 N. Methodist St. 751 McKinney & Williams, as depicted and described in Exhibits "A" and "B", within Red Oak, Ellis County, Texas; providing the necessity and public purpose for the acquisition of right of way for the Methodist Street Widening Project; authorizing the City Attorney to file proceedings in eminent domain to acquire said property; and, providing an effective date. (Hartman)
21. Consider adoption of Resolution No. 21-041R of the City of Red Oak, Ellis County, Texas, authorizing the exercise of eminent domain by the City Council of the City of Red Oak, Texas; for property located at 318 N. Methodist St. 751 McKinney & Williams, as depicted and described in Exhibits "A" and "B", within Red Oak, Ellis County, Texas; providing the necessity and public purpose for the acquisition of right of way for the Methodist Street Widening Project; authorizing the City Attorney to file proceedings in eminent domain to acquire said property; and, providing an effective date. (Hartman)

BOARD APPOINTMENTS:

22. Appointments/ Reappointments to Red Oak Boards & Commissions – Consider approval regarding the following Boards/Commissions:
 - A. Red Oak Economic Development Corporation:
 - Reappointment of Steve Miller, Tim Lightfoot, and Daniel Zimmerman as Regular Members each for two-year terms from June 2021 – June 2023.
 - B. Planning & Zoning Commission:
 - Reappointment of Derrick Parks and Scott Lindsey as Regular Members for two-year terms from June 2021 – June 2023.
 - Appointment of an applicant for Regular Member for the remainder of a two-year term from June 2020 – June 2022.
 - C. Parks & Recreation Commission:
 - Reappointment of Shandria Kelly and Shapale White as Regular Members each for the two-year terms from June 2021-June-2023.

DEPARTMENTAL REPORTS:

23. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.
 - A. Fire (Ben Blanton, Fire Chief)
 - ❖ Monthly Activity Report
 - B. Police (Garland Wolf, Police Chief)
 - ❖ Monthly Report
 - C. Development Services (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 (Gloria Platt, Finance Director)
 - ❖ Finance Report
 - ❖ Monthly Investment Report
 - ❖ Financial Statement
 - ❖ Municipal Court Statistical Highlights



- F. Information Technology (John Binford, IT Director)
 - ❖ Major Accomplishments
 - ❖ Current Initiatives
 - ❖ Challenges

- G. Library (Logan Ragsdale, Library Director)
 - ❖ YTD Statistics
 - ❖ Monthly Newsletter

- H. Parks & Recreation (Kyle Kelley, Parks & Recreation Director)
 - ❖ Monthly Report

- I. Public Works (Scott Williams, Public Works Director)
 - ❖ Monthly Operational Report

CLOSED SESSION:

- 24. 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.

- 25. 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.

- 26. 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.

- 27. 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, lease or value of Real Properties generally located east of I-35E, west of SH 342, south of FM 664/Ovilla Road, and north of Red Oak Road, Red Oak, Texas.

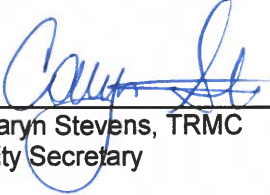
REGULAR SESSION:

- 28. 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 May 7, 2021, before 7:00 p.m. in accordance with the Texas Government Code, Chapter 551.




Caryn Stevens, TRMC
City Secretary



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 citysecretary@redoaktx.org and title the email "Public Comment". All public comments submitted by 5:00 p.m. on May 10, 2021, will be provided to the City Council and entered into the record for the May 10, 2021, Regular City Council 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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+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 990 9886 2219

Passcode: 705825

Find your local number: <https://zoom.us/u/anYoCDFEc>

