



City of Red Oak

Minutes - Final

City Council Regular Meeting

Monday, June 14, 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, June 14, 2021, at 7:00 p.m., with the following members present, to wit:

City Council (5):

Mayor Mark L. Stanfill
Mayor Pro Tem Michael Braly
Councilmember William Drake
Councilmember Willie G. Franklin, Jr.
Councilmember Ben Goodwyn
Councilmember Ron Wilson*

* Councilmember Wilson joined the meeting at 7:34 p.m.

CALL TO ORDER: Mayor Stanfill called the meeting to order at 7:01 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 Franklin gave the Invocation and led the Pledge of Allegiance.

CITIZENS COMMENTS: No one spoke.

PRESENTATIONS:

- Introduction – David Arnold, new Code Enforcement Officer

City Engineer Hartman introduced the new code enforcement officer, David Arnold, to Council. Council welcomed him to Red Oak.

CONSENT AGENDA:

1. Consider approving the following minutes:
 - ❖ May 10, 2021 – Regular Meeting
 - ❖ May 17, 2021 – Public Hearing and Special Called Meeting
 - ❖ May 18, 2021 – Public Hearing and Special Called Meeting
 - ❖ June 1, 2021 – Special Called Meeting

Approved

2. Consider adoption of Resolution No. 21-045R of the Red Oak City Council amending authorized representatives to transmit and/or withdraw funds, issue letters of instruction, and take other appropriate actions deemed necessary for investments in the Texas Local Government Investment Pool; and, providing an effective date.

Adopted

Enactment No: RES 21-045R

3. Consider adoption of Resolution No. 21-046R of the Red Oak City Council amending authorized representatives to transmit and/or withdraw funds, issue letters of instruction, and take other appropriate actions deemed necessary for investments in the Texas Short Term Asset Reserve Fund Investment Pool; and, providing an effective date.
Adopted
Enactment No: RES 21-046R
4. Consider adoption of Resolution No. 21-047R of the Red Oak City Council amending authorized representatives to transmit and/or withdraw funds, issue letters of instruction, and take other appropriate actions deemed necessary for investments in the Local Government Investment Cooperative Investment Pool; and, providing an effective date.
Adopted
Enactment No: RES 21-047R
5. Consider adoption of Resolution No. 21-048R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of the Interlocal Cooperative Agreement for Red Oak Public Improvement District No. 1 assessment and collection between Ellis County, Texas, and the City of Red Oak, Texas, for the collection of special assessment levied by the Public Improvement District, as provided in Exhibit "A" attached hereto and incorporated herein; authorizing the City Manager to execute the necessary documents; and, providing an effective date.
Adopted
Enactment No: RES 21-048R
6. Consider adoption of Resolution No. 21-049R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of the agreement for tax collection services by and between Linebarger, Goggan, Blair & Sampson, LLP, to collect property taxes owed to Red Oak Public Improvement District No. 1; authorizing the City Manager to execute the necessary documents; and, providing an effective date.
Adopted
Enactment No: RES 21-049R
7. Consider adoption of Resolution No. 21-050R of the City Council of the City of Red Oak, Texas, authorizing a renewal of the dental rate with Cigna Healthcare attached hereto and incorporated herein as Exhibit "A"; and, authorizing the City Manager or designee to execute appropriate documentation; and, providing an effective date.
Adopted
Enactment No: RES 21-050R
8. Consider adoption of Resolution No. 21-051R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of an Event License Agreement by and between The Oaks Assembly of God d/b/a The Oaks Fellowship and the City of Red Oak; providing for the City Manager to execute such license agreement; and, providing an effective date.
Adopted
Enactment No: RES 21-051R
9. Consider adoption of Resolution No. 21-052R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of an Event License Agreement by and between Oak Hill Crossing, Ltd., and the City of Red Oak; providing for the City Manager to execute such license agreement; and, providing an effective date.
Adopted
Enactment No: RES 21-052R
10. Consider adoption of Resolution No. 21-053R of the City Council of the City of Red Oak, Texas, accepting and approving an amendment for Project Order 064449234 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 Associate, Inc., dated December 20, 2011, for the preparation of construction plans and specification, and construction administrative services for the utility relocation for constructing a new overpass and widening of FM 664; 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 21-053R

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

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

COUNCIL BUSINESS – REGULAR SESSION:

- 11. Conduct a Public Hearing and consider approval of Ordinance No. 21-014 of the City Council of the City of Red Oak, Texas, accepting and approving a Red Oak Public Improvement District No. 1 Service and Assessment Plan and Improvement Area #1 Assessment Roll for the Red Oak Public Improvement District; making a finding of special benefit to certain property in the District; levying special assessments against certain property within the District and establishing a lien on such property; providing for the method of assessment and the payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent assessments; approving a Reimbursement Agreement; providing for severability; and, providing an effective date.**

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

Mayor Stanfill opened the Public Hearing at 7:09 p.m. No one spoke.

Councilmember Franklin made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:10 p.m. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-014 as presented.

Councilmember Drake moved the motion, seconded by Mayor Pro Tem Braly. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

**Approved
Enactment No: ORD 21-014**

- 12. Consider approval of Ordinance No. 21-015 of the City Council of the City of Red Oak, Texas, authorizing the issuance of the "City of Red Oak, Texas, Special Assessment Revenue Bonds, Series 2021 (Red Oak Public Improvement District No. 1 Improvement Area #1 Project)"; approving and authorizing an indenture of trust, a bond purchase agreement, a limited offering memorandum, a continuing disclosure agreement, a reimbursement agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and, providing for an effective date.**

Mayor Stanfill read Agenda Item No. 12 into the record. Finance Director Platt spoke and gave a brief explanation of this agenda item.

Andre Ayala with Hilltop Securities, Inc., gave a presentation regarding this agenda item.

Mayor, Council and staff briefly discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-015 as presented.

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

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

**Approved
Enactment No: ORD 21-015**

13. Consider adoption of Resolution No. 21-054R directing publication of Notice of Intention to Issue Certificates of Obligation; and resolving other matters relating to the subject.

Mayor Stanfill read Agenda Item No. 13 into the record. Finance Director Platt spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-054R as presented.

Mayor Pro Tem Braly moved the motion, seconded by Councilmember Franklin. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tee Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

**Adopted
Enactment No: RES 21-054R**

14. Consider approval of Ordinance No. 21-016 of the City Council of the City of Red Oak, Texas, providing for the **Voluntary Annexation** territory generally described as being 206.285 acres, more or less, out of the Gaz B. Lamar Survey, Abstract 657, and the James M. Riggs Survey, Abstract 902, in the City of Red Oak ETJ, Ellis County, Texas, as described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, to the City of Red Oak, Texas, and extending the boundary limits of the city so as to include said property within the city limits and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions and regulations of said city; providing for a service plan, which is attached hereto and incorporated herein by reference; providing a severability clause; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 14 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

No action taken.

15. Consider approval of Ordinance No. 21-017 of the City Council of the City of Red Oak, Texas, providing for the **Voluntary Annexation** territory generally described as being 223.493 acres, more or less, out of the John Bell Survey, Abstract 61, and the William H. Morris Survey, Abstract 725, in the City of Red Oak ETJ, Ellis County, Texas, as described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, to the City of Red Oak, Texas, and extending the boundary limits of the city so as to include said property within the city limits and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions and regulations of said city; providing for a

service plan, which is attached hereto and incorporated herein by reference; providing a severability clause; and, providing an effective date.

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

No action taken.

16. Conduct a Public Hearing and consider Ordinance No. 21-018 approving a Special Use Permit in Planned Development 85 (PD85) to allow for a ground mounted solar array as an accessory use greater than 650 square feet, at 220 Stonegate Way, City of Red Oak, Texas. (Case Z21013) *Requested by Kyle Hoang.*

Mayor Stanfill read Agenda Item No. 16 into the record. Planning & Zoning Manager Guenzel spoke and gave a detailed explanation of this agenda item.

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

Mayor Stanfill opened the Public Hearing at 7:27 p.m. No one spoke.

Councilmember Franklin made the motion, seconded by Mayor Pro Tem Braly, to close the Public Hearing at 7:29 p.m. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

Mayor, Council and staff further discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-018 as presented.

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

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

**Approved
Enactment No: ORD 21-018**

17. Conduct a Public Hearing and consider approval of Ordinance No. 21-019 changing the zoning from Industrial (I) and Highway Oriented (HO) to Planned Development (PD) providing for a list of allowable “uses” in identified areas, if the PD is approved then district standards will be determined in a subsequent amendment to the PD, generally located north of Ovilla Road, west of IH-35E, for approximately 62 acres in the 796 J Nugent Survey, in the City of Red Oak, Texas. (Case Z21007) *Requested by Ted Zadeh*

Mayor Stanfill read Agenda Item No. 17 into the record. Planning & Zoning Manager Guenzel spoke and gave a detailed explanation of this agenda item.

Mayor, Council and staff briefly discussed the agenda item.

Mayor Stanfill opened the Public Hearing at 7:38 p.m.

Kyle Hogue, 2777 N. Stemmons Freeway, Dallas, Texas, spoke in favor of the project.

Councilmember Franklin made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:42 p.m. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye

Mayor, Council and staff further discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-019 as presented.

Councilmember Drake moved the motion, seconded by Councilmember Franklin. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Approved

Enactment Nos: ORD 21-019

- 18.** Consider approving a preliminary plat for The Oaks, a residential development for approximately 211 acres, out of the A Fredrick Survey, A-375, J Chapman Survey, A-214, JS Davis Survey, A-923, JS Patton Survey, A-842, James Patton Survey, A-839, generally located south of Stephenson Rd., and west of IH-35E; generally known as Planned Development 98 (PD-98), in the City of Red Oak, Texas. (Case P21008) *Requested by John Hutchison*

Mayor Stanfill read Agenda Item No. 18 into the record. Planning & Zoning Guenzel spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to deny the preliminary plat for The Oaks as presented.

Mayor Pro Tem Braly moved the motion, seconded by Councilmember Franklin. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Approved

- 19.** Consider adoption of Resolution No. 21-055R of the City Council City of Red Oak, Texas, approving the terms and conditions of a contract with Texas Bit, in an amount not to exceed \$426,693.96 for the reconstruction and resurfacing of a section of Stainback Road located in Red Oak, Texas, upon approval as to form by the City Attorney; and authorizing the City Manager to sign.

Mayor Stanfill read Agenda Item No. 19 into the record. City Manager Fuller spoke and gave a detailed explanation of the agenda item. City Attorney Hager spoke and gave a brief explanation of the agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-055R as presented.

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

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Willie G. Franklin, Jr. – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Ron Wilson – Aye

Adopted

Enactment Nos: RES 21-055R

DEPARTMENTAL REPORTS:

20. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.

- A. Fire
 - Monthly Activity Report
- B. Police
 - Monthly Report
- C. Development Services
 - Code Services Report
 - Building Permit and Inspections Report
 - Administrative Monthly Report
- D. Human Resources
 - Administrative Monthly Report
- E. Finance
 - Finance Report
 - Monthly Investment Report
 - Financial Statement
 - Municipal Court Statistical Highlights
- F. Information Technology
 - Major Accomplishments
 - Current Initiatives
 - Challenges
- G. Library
 - YTD Statistics
 - Monthly Newsletter
- H. Parks & Recreation
 - Monthly Report
- I. Public Works
 - 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 urged residents to conserve power during the heat wave. We may outpace production and thus experience rolling black outs. He encouraged residents to check on their neighbors and family during these extreme temperatures. He invited everyone to attend the Red Oak White & Blue event on Saturday, June 26th, from 7:00 to 10:00 p.m. at Oaks Church and watch some fireworks. Council asked questions about power outages and a potential cooling station set up in Red Oak in the event of power outages. Fire Chief Blanton assured them that they have plans are in place if there is a need or an extended outage of power.

Police Chief Wolf spoke and stated that he had no further updates but was available for questions.

City Engineer Hartman spoke and stated that he had no further updates 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 stated our revenues in the sales tax category are still looking strong. Collections for the month of May were up by 33.3 percent over the same period last year. For June, we are up 8.64 percent. We are planning our budget workshop and Caryn will be sending out the preliminary scheduling for that. City Manager Fuller added that there will be no increase in [health] insurance costs for next budget year.

IT Director Binford spoke and stated his department has started installing the body scanners that do the temperature through facial recognition in city buildings. The city added more employees this month so we've set up more computers. Council received new iPads this evening. The new software program, Incode, is being installed on city computers. Mayor Stanfill asked a question about opening the library and City Manager Fuller responded stating that a plan is being put together for opening up the library.

Library Director Ragsdale spoke and stated that he is excited to be opening up the library for appointments. The library is ready as soon as the kiosks are installed. He reminded Council about the virtual summer reading program for all ages and other events which will be posted on Facebook. He will also be starting outside programs including story time soon.

Parks and Recreation Director Kelley spoke and stated that he is expecting substantial completion on the Baseball and Softball Complex by the end of the week. The monument sign should be in on Friday or possibly next week. Goodwyn asked about tournaments and Director Kelley responded. He invited Council and residents to the Red Oak White & Blue event.

Public Works Department helped with putting in the sewer line. In the next few months, the Parks and Recreation Department will be working on developing a few programs for the community, possibly movies in the park.

Public Works Director Williams spoke and stated that his department performed a windshield analysis in various areas throughout the city to assess and rate the condition of streets. The county has been contacted for possible assistance with the cost of the repairs. Public Works Director Williams noted specific streets for repair which would cost approximately \$234,000.00. He also spoke about repairing a portion of Red Oak Road. He went on to explain the various techniques used to make the street repairs. Assistant Public works Director Binford also spoke and explained other items contained in the analysis as well as street repairs. Assistant City Manager Phillips also spoke regarding the street repairs.

CLOSED SESSION:

21. 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.
22. 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.
23. 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.

24. Pursuant to the Texas Government Code, Sections § 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.
- B. Discuss or deliberate acquisition, sale, and/or exchange, lease or value of Real Properties generally located east of Houston School Road, west of Pratt Road, north of Red Oak Road, and south of the city limits line, Red Oak, Texas.
- C. Discuss or deliberate acquisition, sale and/or exchange, lease or value of Real Properties generally located east of Lowrance Road, west of Batchler Road, north of FM 2377-Louise Ritter Road, and south of the city limits line, Red Oak, Texas.

Mayor Stanfill read Agenda Item Nos. 21, 22, 23, and 24 for Closed Session into the record and moved Council into Closed Session at 8:13 p.m. He invited Council, City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary and City Attorney Hager into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 8:50 p.m. No action taken.

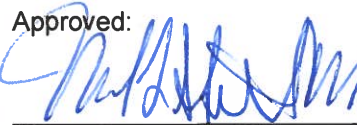
ADJOURNMENT:

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 8:51 p.m. The motion carried unanimously.

Roll Call Vote: Mayor Pro Tem Michael Braly – Aye
 Councilmember William Drake – Aye
 Councilmember Willie G. Franklin, Jr. – Aye
 Councilmember Ben Goodwyn – Aye
 Councilmember Ron Wilson – Aye


PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on July 12, 2021.



Approved: 

 Mark L. Stanfill, DVM
 Mayor

Attest:



 Caryn Stevens, TRMC
 City Secretary