



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
MONDAY, SEPTEMBER 13, 2021, 7:00 P.M.**

Mayor:
Mark L. Stanfill, DVM

Council:
Michael Braly, Mayor Pro Tem
William Drake, Councilmember
Willie G. Franklin, Jr., Councilmember
Ben Goodwyn, Councilmember
Ron Wilson, Councilmember

City Manager:
Todd Fuller
Assistant City Manager:
Jonathan Phillips
City Secretary:
Caryn Stevens, TRMC

IMPORTANT! PLEASE NOTE:

This is an open meeting conducted in-person and by videoconference. Citizens, City Staff and City Council are encouraged to participate in the meeting by videoconference in order to allow the City to follow the CDC's social distancing guidelines in an effort to slow the spread of the Coronavirus (COVID-19) pandemic. 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, September 13, 2021, at 7:00 p.m., in the Ronald Reagan Room of the Red Oak Municipal Center, 200 Lakeview Parkway, Red Oak, Texas, and by videoconference as authorized by Section 551.127 of the Texas Government Code, 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: (Mayor Stanfill)

PRESENTATIONS:

- Proclamation – Constitution Week, September 17-23, 2021 (Mayor Stanfill)
- Proclamation – National IT Professionals Day (Mayor Stanfill)
- Proclamation – National Preparedness Month (Blanton)
- Recognition – New firefighters, Lane Dotson and Justin Judd (Blanton)
- Recognition – New police officers, Omar Marquez, Steve Perez and Taylor Rawls (Wolf)

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*

1. Consider approving the following minutes: (Stevens)
 - ❖ August 9, 2021 – Regular Meeting
 - ❖ August 13, 2021 – Special Called Meeting



- ❖ August 21, 2021 – Special Called Meeting
- ❖ August 23, 2021 – Special Called Meeting
- ❖ March 9, 2020 – Regular Meeting

2. Consider adoption of Resolution No. 21-072R of the City Council of the City of Red Oak, Texas, approving a negotiated settlement between the 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. (Fuller)
3. Consider approval of Ordinance No. 21-037 of the City of Red Oak, Texas, providing for the appointment of Scott Kurth as Municipal Court Judge; providing a severability clause; and providing an effective date. (Platt)
4. Consider adoption of Resolution No. 21-073R of the City Council of the City of Red Oak, Texas, approving a two-year Professional Services Agreement of Scott Kurth, as Judge of the City of Red Oak Municipal Court; authorizing the Mayor to execute the same agreement; providing a repealing clause; and providing an effective date. (Platt)
5. Consider adoption of Resolution No. 21-074R of the City Council of the City of Red Oak, Texas, providing for the appointment of Dana D. Huffman as Prosecutor of the City of Red Oak Municipal Court, and approving the terms and conditions of the Professional Services Agreement attached as Exhibit “A” and incorporated herein; and authorizing the Mayor to execute such agreement; providing a repealing clause; and providing an effective date. (Platt)
6. Consider adoption of Resolution No. 21-075R of the City Council of the City of Red Oak, Texas, authorizing approval of a Funding Agreement with the Red Oak Area Chamber of Commerce to provide funding in the amount of eight thousand dollars (\$8,000.00) for events benefiting the business community and citizens of the City of Red Oak; authorizing the Mayor to execute the funding agreement with the Red Oak Area Chamber of Commerce, which is attached hereto as Exhibit “A”, following review by the City Attorney; repealing all resolutions in conflict; providing a severability clause; and providing an effective date. (Stevens)
7. Consider adoption of Resolution No. 21-076R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of the TIPS Vendor Agreement by and between the City of Red Oak, Texas, and Prime Source Construction, Inc., for the roof repair of a city building located at 101 Live Oak, Red Oak, Texas, (Municipal Center) in an amount not to exceed \$780,300, as provided in Exhibit “A” attached hereto and incorporated herein; authorizing the City Manager to execute the necessary documents; and providing an effective date. (Phillips)
8. Consider adoption of Resolution No. 21-077R of the City Council of the City of Red Oak, Texas, supplementing Resolution No. 21-069R, extending and amending a State of Emergency as a result of COVID-19 Virus; providing for interim public safety measures; 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)

COUNCIL BUSINESS – REGULAR SESSION:

9. Consider adoption of Resolution No. 21-078R of the City of Red Oak, Texas, designating an official and alternate newspaper for the City of Red Oak, Texas; and providing an effective date. (Stevens)



10. Consider adoption of Resolution No. 21-079R of the City Council of the City of Red Oak, Texas, accepting a Voluntary Annexation petition and authorizing the setting of a date, time, and place for a public hearing on the contemplated annexation described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof for all purposes ("Annexation Area"), by the City of Red Oak, Texas; authorizing and directing city staff to publish notice of such hearing, with the institution of the annexation proceedings, by adoption of the annexation ordinance to occur at a special called city council session, and to prepare a service plan for the annexation area; said annexation area being more particularly described in Exhibit "A" and depicted in Exhibit "B"; and providing an effective date. (Stevens/Hartman)
11. Conduct a Public Hearing and consider approval of Ordinance No. 21-038 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 Planned Development (PD-128) based on Commercial-1 to allow for auto repair uses and related improvements on approximately .85 acres on Lot 15 of Bowmar Acres, at 2527 Ovilla Rd., City of Red Oak, Ellis County, Texas, as provided in Exhibit "A", attached hereto and incorporated herein; providing for a site plan and elevations which are attached hereto and incorporated herein as Exhibits "B" and "C"; 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 20020) *Requested by Khaldoun Takieddin (Hartman)*
12. Conduct the continued Public Hearing and consider approval of Ordinance No. 21-029 of the City of Red Oak, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Red Oak, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Highway Oriented (HO) to Planned Development Highway Oriented Zoning District (PD) on approximately 0.09751± acres of land being Lot 1, Block A, of the Annadon Development located at 106 E. Ovilla Road, an addition of the City of Red Oak, Ellis County, Texas, and being depicted as provided in Exhibit "A", which is attached hereto and incorporated herein, to allow for the development, use and maintenance of uses as permitted under the HO designation subject to the development regulations provided; 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 Z21022) *Requested by Mike Boyd (Hartman)*
13. Conduct a Public Hearing and consider approval of Ordinance No. 21-039 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 27 (PD-27) to Planned Development 27-Revised (PD-27R2) to allow the development for up to fifty-four (54) single family detached homes including neighborhood amenities and open spaces of approximately 14 acres on Lot 2, Block A, of the Emerson Addition, City of Red Oak, Ellis County, Texas; said property being more particularly described in Exhibit "A", which is attached hereto and incorporated herein; providing for site plan, development plan, site views, elevations and planned development conditions, Exhibits "B", "C", "D", "E", and "F", respectively, which are attached hereto and incorporated herein as development regulations; 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 Z21021) *Requested by Naveen Khammampati (Hartman)*
14. Consider approval of the Preliminary Plat for related Planned Development Zoning District (PD-27R) for a single-family development, on approximately 14 acres on Lot 2, Block A of The Emerson Addition, further described as being generally west of Hickory Creek Drive, in the City of Red Oak, Texas. (Case P21021) *Requested by Naveen Khammampati (Hartman)*
15. Conduct a Public Hearing and consider approval of Ordinance No. 21-040 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 to authorize a Specific Use Permit (SUP) to allow



for an accessory structure to be generally used as a garage/workshop, being approximately 1,500 sq. ft. in the Ranchette District (RAE) on approximately .91 acres to be set back behind the house, within the City of Red Oak, Texas; providing a severability clause; providing for the violation of this ordinance; providing a penalty clause; and providing an effective date. (Case Z21026) *Requested by Miguel Castillo (Hartman)*

DEPARTMENTAL REPORTS:

16. 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:

17. 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.



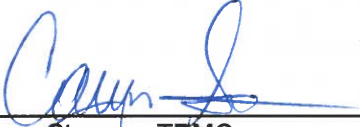
18. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** regarding pending litigation styled as *Cassandra Preston Insurance and Financial Services, Inc. v. City of Red Oak*, et al, Cause Number 103467, filed in 443rd Judicial District Court of Ellis County, Texas.
19. 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.
20. 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 Houston School Road, west of Pratt Road, north of Red Oak Road, and south of the city limits line, Red Oak, Texas.
 - B. 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.

REGULAR SESSION:

21. 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 September 10, 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 September 13, 2021, will be provided to the City Council and entered into the record for the September 13, 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>

