



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
TUESDAY, OCTOBER 12, 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 Tuesday, October 12, 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: (Drake)

PRESENTATIONS:

- Proclamation – Breast Cancer Awareness Month and “Pink Out” Day (Blanton)
- Proclamation – Fire Prevention Month (Blanton)
- Proclamation – Red Ribbon Week (Mayor Stanfill)
- Introductions:
 - Olivia Coleman, Administrative Assistant – Tourism (Phillips/Stevens)
 - Melina Villanueva, Executive Assistant – Fire (Blanton)
 - Ethan Huff, Parks Maintenance Technician I – Parks & Recreation (Kelley)
 - Ricky Morgan, Utilities Crew Leader – Public Works (Williams)

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*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)
 - ❖ September 13, 2021 – Regular Meeting
 - ❖ September 27, 2021 – Special Called Meeting
2. Consider approving the absence of Councilmember Ron Wilson from the September 13, 2021, Regular Meeting of the Red Oak City Council. (Stevens)
3. Consider approval of an expenditure in the amount of \$69,000 by the Red Oak Industrial Development Corporation (ROIDC) for a Regional Wastewater Study for the eastern side of the city and the eastern portion of the city's extraterritorial jurisdiction. (McCleary)
4. Consider adoption of Resolution No. 21-080R of the City Council of the City of Red Oak, Texas, authorizing the City Manager to accept offer from TxDOT for Right-of-Way and Easement acquisitions on three city-owned parcels for the expansion of FM 664, Red Oak, Ellis County, Texas, for Parcel No. 140, 14E-P0017676 for \$22,265.00 as Exhibit "A"; Parcel No. 138 for \$22,561.00 as Exhibit "B" and Parcel No. 127 Pts 1, 2 and 127E-P00017663 for \$44,371.00 as Exhibit "C", which are attached hereto and incorporated herein; authorizing the City Manager and/or Mayor to execute the appropriate documents upon tender of the funds in the total amount of \$89,197.00; and, providing an effective date. (Hartman/Kelley)
5. Consider adoption of Resolution No. 21-081R of the City Council of the City of Red Oak, Texas, accepting and approving Task Order 15 with Westfall Engineering, PLLC, as part of the Master Agreement for continuing professional services between the City of Red Oak and Westfall Engineering, PLLC, dated September 5, 2017, for the design and preparation of construction plans for Uhl Rd from Ovilla Rd (FM 664) to Harmony Way; and authorize the City Manager to execute a contract in a form approved by the City Attorney; and, providing an effective date. (Hartman)
6. Consider adoption of Resolution No. 21-082R of the City of Red Oak, Texas, approving the terms and conditions of the Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Service District #4 and the Red Oak Fire Department for emergency response to fire calls within a certain area in the county and contiguous to the City of Red Oak, which agreement is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to sign said agreement; and, providing an effective date. (Blanton)
7. Consider adoption of Resolution No. 21-083R of the City Council of the City of Red Oak, Texas, rejecting all bids for the above ground storage tank installation and underground storage tank removal; and, providing an effective date. (Williams)
8. Consider adoption of Resolution No. 21-084R of the City Council of the City of Red Oak, Texas, approving additional funding for Reytech Services to the contract in the amount of \$12,764.52 for the Live Oak site work and drainage improvements as provided in Exhibit "A" attached hereto and incorporated herein; authorizing the City Manager to execute the necessary documents; and, providing an effective date. (Williams)
9. Consider adoption of Resolution No. 21-085R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of an Interlocal Agreement (ILA) with the City of North Richland Hills, Texas, for the purchase of goods and services; and, providing an effective date. (Williams)
10. Consider adoption of Resolution No. 21-086R of the City Council of the City of Red Oak, Texas, accepting and approving the Project Order 064449244 with Kimley-Horn and Associates, Inc., as part of the Master Agreement between Kimley-Horn and Associates, Inc., and the City of Red Oak, Texas, in accordance with the terms of the Master Agreement for continuing professional services dated December 20, 2011, for the preparation of construction plans and specification, and construction administrative service for the elimination and abandonment of Cobblestone Lift Station; and authorize the City Manager to execute a contract in a form approved by the City Attorney; and, providing an effective date. (Williams)



11. Consider adoption of Resolution No. 21-087R, supplementing Resolution No. 21-077R, 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:

12. Consider adoption of Resolution No. 21-088R approving Candidate Nominations for Ellis Appraisal District Board of Directors for the years 2022-2023. (Stevens)
13. Consider adoption of Resolution No. 21-089R of the City Council of the City of Red Oak, Texas, accepting and approving the Project Order 064449246 with Kimley-Horn and Associates, Inc., as part of the Master Agreement for continuing professional services between the City of Red Oak, Texas, and Kimley-Horn and Associates, Inc., dated December 20, 2011, for their work updating the City's Water and Wastewater Impact Fees and providing a Roadway Impact Fee Study for consideration in the amount of \$110,000; and authorize the City Manager to execute a contract in a form approved by the City Attorney; and, providing an effective date. (Williams)
14. Conduct a Public Hearing and consider approval of Ordinance No. 21-042 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 Z21031) *Requested by Naveen Khammampati (Hartman)*
15. Consider approval of the Preliminary Plat for related Planned Development Zoning District (PD-27R2) 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 P21026) *Requested by Naveen Khammampati (Hartman)*
16. Conduct a Public Hearing and consider approval of Ordinance No. 21-043 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 77 Revised 2 (PD-77R2) to Planned Development 77 Revised 2.1 (PD-77R2.1); to amend the uses on Lot 3 of Block A, Ovilla Corner II Addition, from restaurant and retail to those uses allowed by right and by SUP on Exhibit "A" which is attached hereto and incorporated herein; being approximately 2.2 acres, City of Red Oak, Ellis County, Texas; 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 Z21033) *Requested by Tom DeCicco (Hartman)*
17. Conduct a Public Hearing and consider approval of Ordinance No. 21-044 amending the Comprehensive Zoning Ordinance and Map of the City of Red Oak, Texas, as heretofore amended, by granting a change in zoning from Highway Oriented (HO) to Planned Development 130 (PD-130) to allow for a design, construction, maintenance and use of a truck stop; providing for definition of truck stop and providing for development regulations to be located on approximately 7.3 acres in 161 M.D. Bullion Survey Abstract, City of Red Oak, Ellis County, Texas, being more particularly described in Exhibit "A", which is attached hereto and incorporated herein; providing as specifically set forth in the development site plan, elevations, landscape plan and sign attached hereto as Exhibit "B" through "E", 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 Z21030) Requested by *Mohamad Elchehimi* (Hartman)

BOARD APPOINTMENTS:

18. Appointments/ Reappointments to Red Oak Boards & Commissions – Consider approval regarding the following Boards/Commissions:
- A. Library Advisory Board:
 - Reappointment of Rob Shamel as a Regular Member for a two-year term from October 2021 – October 2023.
 - Reappointment of Mary Sneed as an Alternate Member for a two-year term from October 2021 – October 2023.
 - Appointment of Cindy Belote as a Regular Member for a two-year term from October 2021 – October 2023.

DEPARTMENTAL REPORTS:

19. 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. Communications & Marketing (Alexa Beasley, Communications & Marketing Manager)
 - ❖ Monthly Report
 - D. Development Services (Ben Hartman, City Engineer)
 - ❖ Code Services Report
 - ❖ Building Permit and Inspections Report
 - ❖ Administrative Monthly Report
 - E. Human Resources (Amanda Monsivais, Human Resources Director)
 - ❖ Administrative Monthly Report
 - F. Finance (Gloria Platt, Finance Director)
 - ❖ Finance Report
 - ❖ Monthly Investment Report
 - ❖ Financial Statement
 - ❖ Municipal Court Statistical Highlights
 - G. Information Technology (John Binford, IT Director)
 - ❖ Major Accomplishments
 - ❖ Current Initiatives
 - ❖ Challenges
 - H. Library (Logan Ragsdale, Library Director)
 - ❖ YTD Statistics
 - ❖ Monthly Newsletter
 - I. Parks & Recreation (Kyle Kelley, Parks & Recreation Director)
 - ❖ Monthly Report



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

CLOSED SESSION:

20. 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.
21. 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.
22. 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.
23. 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.
 - C. Discuss or deliberate acquisition, sale and/or exchange, lease or value of Real Properties generally located east of I-35E, west of FM 2377/Louise Ritter Drive, and south of Red Oak Road, Red Oak, Texas.

REGULAR SESSION:

24. 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 October 8, 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 October 12, 2021, will be provided to the City Council and entered into the record for the October 12, 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

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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>

