



City of Red Oak

Minutes - Final City Council Special Called Meeting

Monday, September 27, 2021

6:30 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Special Called Meeting of the Red Oak City Council was held in person and via teleconference on Monday, September 27, 2021, at 6:30 p.m., with the following members present, to wit:

City Council (5):

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

Absent (1):

Mayor Mark L. Stanfill

CALL TO ORDER: Mayor Pro Tem Braly called the meeting to order at 6:32 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 both in-person and via 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).

Mayor Pro Tem Braly recessed the City Council meeting at 6:32 p.m. to allow the Planning & Zoning Commission (P&Z) to meet; after the conclusion of their meeting, City Council will reconvene and conduct their business.

Mayor Pro Tem Braly reconvened the City Council meeting at 6:48 p.m.

COUNCIL BUSINESS – REGULAR SESSION:

1. Conduct a Public Hearing and consider approval of Ordinance No. 21-041 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 106 First Revision (PD-106-R) to Planned Development 106 Second Revision (PD-106-R2) located on approximately 179 acres located north of Ovilla Road (FM 664) and east of Houston School Road, an addition to the City of Red Oak, Ellis County, Texas, as previously described in Ordinances 19-045 and 20-033; by repealing the current site plan and replacing it with a new site plan as set forth in Exhibit “A” and by repealing the elevations and replacing with new elevations as set forth in Exhibit “B” which as 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 Pro Tem Braly read Agenda Item No. 1 and 2 into the record. City Attorney Hager spoke and asked that all the comments from the public hearing at the P&Z meeting, that Councilmembers were witness to, be incorporated into this portion of the agenda item during Council’s public hearing. If any additional persons with comments wish to speak, either in-person or via zoom, they will be afforded an opportunity to comment.

Mayor Pro Tem Braly opened the Public Hearing at 6:48 p.m. No additional persons spoke.

Comments from Planning & Zoning Commission meeting during the public hearing incorporated into these minutes:

Chris Curtis, Compass Data Centers, 14555 N. Dallas Pkwy., Dallas, Texas, spoke in favor of the project.

James “Jim” Scott, 410 Houston School Road, Red Oak, Texas, spoke in favor of the project.

Councilmember Goodwyn made the motion, seconded by Councilmember Drake, to close the Public Hearing at 6:50 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

City Attorney Hager read the following motion into the record: Motion to approve Ordinance No. 21-041 as presented and approve the Revised Preliminary Plat for Compass Data Centers as posted on the agenda.

Councilmember Wilson 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

**Approved
Enactment No: ORD 21-041
Revised Preliminary Plat**

- 2. Consider approving a Revised Preliminary Plat for Compass Data Centers for Lots 1-R-1 & 3R of Block A, Lots 1 & 2 of Block C of Project Cardinal, a subdivision of approximately 177.2 acres, including the Project Cardinal Phases I & II and otherwise as may be located in the John Spoon Survey, Abstract 1014, Alfred J. Parks Survey, Abstract No. 850, and Mayor W. Spencer Survey, Abstract 1367, in the City of Red Oak, Ellis County, Texas.**

See Agenda Item No. 1 for action taken.

- 3. 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 0.0975± 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.**

Mayor Pro Tem Braly read Agenda Item No. 3 into the record. P&Z Manager Guenzel spoke and gave a brief explanation of this agenda item.

Mayor Pro Tem Braly read the following motion into the record: Motion to approve Ordinance No. 21-029 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

Approved
Enactment No: ORD 21-029

4. Consider approving a Grant Agreement by and between the Red Oak Economic Development Corporation (“ROEDC”) and the City of Red Oak, Texas, (“City”) in an amount not to exceed \$500,000 towards the Live Oak Municipal Center and EDC office space.

Mayor Pro Tem Braly read Agenda Item No. 4 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

Mayor Pro Tem Braly read the following motion into the record: Motion to approve the Grant Agreement as presented.

Councilmember Drake moved the motion, seconded by Councilmember Goodwyn. 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

CLOSED SESSION:

5. 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.

Mayor Pro Tem Braly read Agenda Item No. 5 for Closed Session into the record and moved Council into Closed Session at 6:59 p.m. He invited Council, City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary, City Attorney Hager and James Parker into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 7:42 p.m. No action taken.

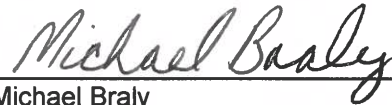
ADJOURNMENT:

Councilmember Drake made the motion, seconded by Councilmember Goodwyn, to adjourn the meeting at 7:44 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

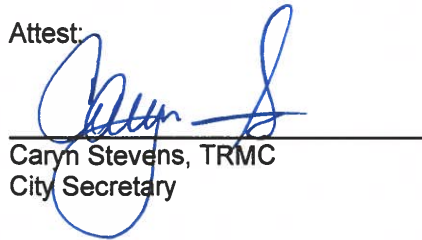
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on October 12, 2021.

Approved:



Michael Braly
Mayor Pro Tem

Attest:


Caryn Stevens, TRMC
City Secretary