

**SPECIAL MEETING OF THE CITY OF RED OAK  
INDUSTRIAL DEVELOPMENT CORPORATION  
THURSDAY, SEPTEMBER 23, 2021 – 7:00 PM  
200 LAKEVIEW PARKWAY  
RED OAK, TEXAS 75154**

**MINUTES**

**I. CALL TO ORDER**

President Goodwyn called the meeting to order at 7:01 p.m. He confirmed that a quorum was present with a roll call of the board, and he 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 March 16, 2020, and as amended on April 2, 2020. The Industrial Development Corporation for the City of Red Oak, Texas, will conduct the regular meeting in the Ronald Reagan Room of the Red Oak Municipal Center, 200 Lakeview Parkway in person and by videoconference as authorized by Section 551.127 of the Texas Government Code.

**Board Members Present:**

Ben Goodwyn, President  
Casey Hargrove, Secretary  
Alan Hugley, Member

**Staff Present:**

Todd Fuller, City Manager  
Jonathan Phillips, Assistant City Manager  
Lee McCleary, Economic Dev Director  
Robert E. Hager, City Attorney

**Board Members Absent:**

Weylan McAnally, Vice President  
David Wells, Treasurer

**II. REGULAR SESSION**

- A. Discussion and possible action concerning approving the 2<sup>nd</sup> Amendment to the Real Estate Exchange Contract by and between the Red Oak Industrial Development ("ROIDC") and Alamo Mission, LLC. ("Alamo").

**President Goodwyn read Agenda Item A into the record.**

**Secretary Hargrove moved the motion, seconded by Member Hugley. The motion carried unanimously.**

**Roll Call Vote:** Ben Goodwyn – Aye  
Casey Hargrove – Aye  
Alan Hugley – Aye

- B. Discussion and consider adopting Resolution 21-010R approving a specific agreement between Kimley-Horn and Associates, Inc. (the Consultant), and the Red Oak Industrial Development Corporation ("ROIDC") in accordance with the terms of the Master Agreement for Continuing Professional Services dated December 20, 2011. (Master Agreement).

**President Goodwyn read Agenda Item B into the record.**

**Member Hugley made the motion, seconded by Secretary Hargrove, to adopt Resolution 21-010R as presented. The motion carried unanimously.**

**Roll Call Vote:** Ben Goodwyn – Aye  
Casey Hargrove – Aye  
Alan Hugley – Aye

### III. EXECUTIVE SESSION

Texas Government Code, Section 551.071: As authorized by Chapter 551 of the Texas Government Code, the City of Red Oak Industrial Development Corporation ("ROIDC") reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the Corporate Attorney about any matters listed on the agenda.

- A. 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.*, Cause 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. 201<sup>st</sup> 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.
- B. Pursuant to Texas Government Code, Section §551.087 – **Deliberations Regarding Economic Development Negotiations**
  - 1. 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.
  - 2. Discuss or deliberate an offer, if any, with such business prospect.
- C. Pursuant to the Texas Government Code, Section §551.072 – **Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property**
  - 1. Discuss or deliberate acquisition, sale and/or exchange of Real Properties generally located east of Houston School Road, west of SH 342, south of the Ellis County line, and north of FM 664/Ovilla Road, Red Oak, Texas.
  - 2. Discuss or deliberate acquisition, sale and/or exchange of Real Properties generally located east of Lowrance Road, west of Batchler Road, north of FM 2377, and south of the city limits line, Red Oak, Texas.

IV. **CONVENE INTO EXECUTIVE SESSION – President Goodwyn opened the Board into Executive Session at 7:07 p.m. He invited Todd Fuller, Jonathan Phillips, Lee McCleary, Robert Hager and members of the Industrial Development Corporation into Executive Session.**

IV. **RECONVENE INTO REGULAR SESSION – President Goodwyn reconvened the IDC Board into Open Session at 8:18 p.m. The following action was taken.**

**City Attorney Hager read the following motion into the record:**

**Motion for the City of Red Oak IDC sub nom to enter into a purchase and sale agreement with H&H Capital Acquisitions LLC to sell approximately 134 acres of property at a price of \$2.00 per square foot and authorize the President to sign the appropriate PSA and to undertake those actions necessary for a conveyance.**

**Member Hugley moved the motion, seconded by Secretary Hargrove. The motion carried unanimously.**

**Roll Call Vote:** Ben Goodwyn – Aye  
Casey Hargrove – Aye  
Alan Hugley – Aye

**City Attorney Hager read the following motion into the record:**

**Motion to approve the assignment of a purchase and sale agreement by and between Property Analysts Inc. and Caroline Butler to authorize that assignment to ROIDC and authorize the President to sign the assignment, close and accept such property upon payment as reflected in the assignment and the PSA.**

**Secretary Hargrove moved the motion, seconded by Member Hugley. The motion carried unanimously.**

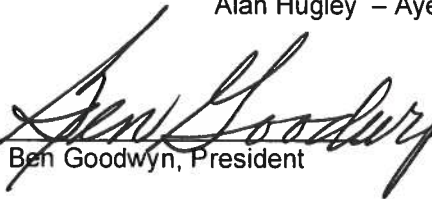
**Roll Call Vote:** Ben Goodwyn – Aye  
Casey Hargrove – Aye  
Alan Hugley – Aye

**V. ADJOURNMENT**

**Secretary Hargrove made the motion, seconded by Member Hugley, to adjourn the meeting at 8:22 p.m. The motion carried unanimously.**

**Roll Call Vote:** Ben Goodwyn – Aye  
Casey Hargrove – Aye  
Alan Hugley – Aye

Submitted by:

  
Ben Goodwyn, President

Attested:

  
Lori McGlothlin, Executive Assistant