

**REGULAR MEETING OF THE CITY OF RED OAK  
INDUSTRIAL DEVELOPMENT CORPORATION  
THURSDAY, JANUARY 7, 2021 – 11:00 AM  
200 LAKEVIEW PARKWAY  
RED OAK, TEXAS 75154**

**MINUTES**

**I. CALL TO ORDER**

President Goodwyn called the meeting to order at 11:01 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 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 by telephone conference, however, there will be no public access to the physical location.

**Roll Call Attendance**

*(via teleconference)*

**Board Members Present:**

Ben Goodwyn, President – Aye  
Casey Hargrove, Secretary – Aye  
Alan Hugley, Member – Aye  
David Wells, Treasurer – Aye

**Staff Present:**

Mark L. Stanfill, Mayor  
Todd Fuller, City Manager  
Jonathan Phillips, Asst City Manager  
Lee McCleary, Economic Dev Director

**Board Members Absent:**

Weylan McAnally, Vice President

**II. REGULAR SESSION**

- A. Discussion and consider adopting Resolution No. 21-001R approving a revised Economic Incentive Agreement with Compass Datacenters DFW III, LLC ("Compass") equivalent to a thirty-five percent (35%) rebate to Compass of the ½ cent local sales tax revenue for construction materials, servers and other datacenter equipment (including fixtures, if applicable), other tangible personal property, supplies, and taxable services used or consumed at the Compass property that are not otherwise exempt from Texas sales and use tax.

**President Goodwyn read Agenda Item A into the record. City Attorney Hager spoke and gave a detailed explanation of this agenda item.**

**Secretary Hargrove made the motion, seconded by Member Hugley, to adopt Resolution No. 21-001R as presented. The motion carried unanimously.**

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

- B. Discussion and consider adopting Resolution No. 21-002R approving an offer from the Texas Department of Transportation to purchase right of way of property identified as ROW CSJ:0095-10-056, Parcel No. 34E, ROW CSJ: 0154, Parcel ID: 34E, located in the City of

Red Oak, Ellis County, Texas; and, that the President of the ROEDC [ROIDC] is authorized to execute such agreement after approval by the ROEDC [ROIDC] attorney.

**President Goodwyn read Agenda Item B into the record. Economic Development Director McCleary spoke and gave a brief explanation of this agenda item.**

**Board members and staff discussed the agenda item further.**

**Treasurer Wells made the motion, seconded by Secretary Hargrove, to adopt Resolution No. 21-002R as presented. The motion carried unanimously.**

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

- C. Discussion and consider adopting Resolution No. 21-003R approving an offer from the Texas Department of Transportation to purchase right of way of property identified as ROW CSJ: 1051-01-054 Parcel No. 33, ROW CSJ: 1051-01-054, Parcel ID: P00017574, located in the City of Red Oak, Ellis County, Texas; and, that the President of the ROEDC [ROIDC] is authorized to execute such agreement after approval by the ROEDC [ROIDC].

**President Goodwyn read Agenda Item C into the record. Economic Development Director McCleary spoke and gave a brief explanation of this agenda item.**

**Member Hugley made the motion, seconded by Treasurer Wells, to adopt Resolution No. 21-003R as presented. The motion carried unanimously.**

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

- D. Discussion and consider approving a License Agreement by and between the Red Oak Industrial Development Corporation (ROIDC) and BNSF Railway Company ("BNSF") for the purpose of granting a non-exclusive Temporary Easement to BNSF on the Downtown Rail Spur owned by the ROEDC in connection with the construction of Track Work on BNSF's adjacent property.

**President Goodwyn read Agenda Item D into the record. City Manager spoke and gave a detailed explanation of this agenda item.**

**Secretary Hargrove made the motion, seconded by Treasurer, to approve the License Agreement as presented. The motion carried unanimously.**

**Roll Call Vote:** Ben Goodwyn – Aye  
Casey Hargrove – Aye  
Alan Hugley – Aye  
David Wells – 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 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 Uhl Road, west of Methodist Drive, south of FM 664/Ovilla Road, and north of the Oaks Boulevard, Red Oak, Texas.

IV. **CONVENE INTO EXECUTIVE SESSION** – President Goodwyn opened the Board into Executive Session at 11:38 a.m. He invited Todd Fuller, Jonathan Phillips, Lee McCleary, Robert Hager and members of the Industrial Development Corporation into Executive Session (via teleconference).

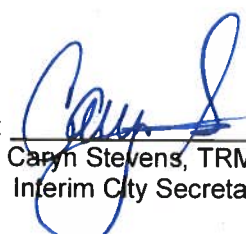
IV. **RECONVENE INTO REGULAR SESSION** – President Goodwyn reconvened the IDC Board into Open Session at 11:57 a.m.

V. **ADJOURNMENT**

Member Hugley made the motion, seconded by Treasurer Wells, to adjourn the meeting at 11:58 a.m. The motion carried unanimously.

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

Submitted by:   
Ben Goodwyn, President

Attested:   
Caryn Stevens, TRMC  
Interim City Secretary