



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
MONDAY, NOVEMBER 8, 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, November 8, 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: (Franklin)

PRESENTATIONS:

- Proclamation – National Hospice & Palliative Care Month (Mayor)
- Introduction – Alton Dixon, Purchasing Manager (Platt)

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*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)
 - ❖ October 12, 2021 – Regular Meeting
 - ❖ October 18, 2021 – Special Called Meeting



2. Consider approval of Ordinance No. 21-046 of the City of Red Oak, Texas, amending Ordinance No. 21-034, amending the Fiscal Year 2022 Official Budget; appropriating funds to increase expenditures within the General Fund, appropriating funds to increase expenditures within the General Capital Projects Fund and appropriating funds to increase expenditures within the Water and Sewer Fund for capital projects carried over from Fiscal Year 2021 as attached hereto in Exhibit "A"; providing that expenditures for said fiscal year be made in accordance with said amended budget; providing a severability clause; and, providing an effective date. (Platt)
3. Consider adoption of Resolution No. 21-091R of the City of Red Oak, Texas, awarding Buyboard Contract No. 638-21 and approving acquisition from NEMA 3 Electric, Inc., through the Local Government Purchasing Cooperative (Buyboard); for the lighting and electrical equipment for the Multi-Use Field lighting located at 101 Live Oak Street, Red Oak, Texas, 75154, as set forth in Exhibits "A", "B" and "C" which are attached hereto and incorporated herein, by the between the City of Red Oak, Texas, in an amount not to exceed one hundred seventy-nine thousand, three hundred forty dollars (\$179,340.00); and authorizing the separate purchase of bonding to cover the equipment purchase from NEMA 3 Electric, Inc., not included in Buyboard Contract No. 638-21, in an amount not to exceed three thousand, two hundred twenty dollars (\$3,220.00), authorizing the City Manager to execute the necessary documents; and, providing an effective date. (Kelley)
4. Consider adoption of Resolution No. 21-092R of the City of Red Oak, Texas, approving the purchase of one (1) Falcon Asphalt Patcher from Kirby-Smith Machinery, Inc., for the Public Works Department and authorizing the City Manager to execute such necessary documents for such equipment in an amount not to exceed fifty thousand, five hundred dollars (\$50,500.00) utilizing the Texas Statewide Cooperative Purchasing Contract No. 597-19 competitively bid by Buyboard, which is attached hereto and incorporated herein as Exhibit "A"; providing a repealing clause; providing a severability clause; and, providing an effective date. (Williams)
5. Consider adoption of Resolution No. 21-093R of the City Council of the City of Red Oak, Texas, approving an Agreement between the City of Red Oak and Insituform Technologies, LLC., for the rehabilitation and repair of four (4) sanitary sewer manholes and authorizing the City Manager to execute necessary documents for such equipment in an amount not to exceed seventy-four thousand, nine hundred seventy-one dollars (\$74,971.00) utilizing the Texas Statewide Cooperative Purchasing Contract No. 635-21 competitively bid by Buyboard, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (Williams)
6. Consider approving an expenditure by the Red Oak Industrial Development Corporation ("ROIDC") for the contract purchase price in the amount of one million, nine hundred four thousand dollars (\$1,904,000.00), plus related costs, if any, for the acquisition of real property located north of Louise Ritter Road/FM2377, south of Pierce Road, west of Pratt Road, and east of SH 342, Red Oak, Texas. (McCleary)
7. 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 fifteen thousand dollars (\$15,000.00), for street lighting for four (4) to five (5) locations in the vicinity of the southwest corner of Red Oak Road and the I-35E southbound service road, with city staff to plan and determine adequate lighting to meet requirements. (McCleary)
8. Consider adoption of Resolution No. 21-094R of the City Council of the City of Red Oak, Texas, approving an Interlocal Water and Wastewater Service Area Agreement between the City of Red Oak, Texas, and the City of Glenn Heights, Texas; authorizing the Mayor to execute the same and any other documents necessary to provide effect thereto; and, providing an effective date. (Hartman)
9. Consider adoption of Resolution No. 21-095R of the City Council of the City of Red Oak, Texas, approving the purchase of five (5) Chevy Tahoes including Police upfitting for the Police Department as approved in the Fiscal Year 2022 Budget; authorizing the City Manager to execute the necessary documents to purchase vehicles in an amount not to exceed three hundred twenty-three thousand,



three hundred sixty-three dollars (\$323,363.00) from Caldwell Country Chevrolet utilizing the Texas Statewide Cooperative Purchasing Contract No. 601-19 competitively bid by Buyboard, which is attached hereto and incorporated herein as Exhibit "A"; providing a repealing clause; providing a severability clause; and, providing an effective date. (Wolf)

10. Consider adoption of Resolution No. 21-096R, supplementing Resolution No. 21-087R, 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:

11. Consider adoption of Resolution No. 21-097R of the City Council of the City of Red Oak, Texas, amending Resolution No. 17-065R, a Written Investment Policy; designating investment officers; and, providing an effective date. (Platt)
12. Consider adoption of Resolution No. 21-098R of the City of Red Oak, Texas, hereby awarding a bid to AUI Partners, LLC., and approving the terms and conditions of the Construction Manager at Risk Agreement, which is attached hereto and incorporated herein as Exhibit "A", by and between the City of Red Oak, Texas, and AUI Partners, LLC., for construction services at Live Oak Municipal Center located in the City of Red Oak in an amount not to exceed four hundred ten thousand, one hundred eighty-eight dollars (\$410,188.00); authorizing the City Manager to execute the terms and conditions of a contract after approval by the City Attorney; and, providing an effective date. (Phillips)
13. Conduct a Public Hearing and consider approval of Ordinance No. 21-047 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 Single Family Residential 3 (R-3) to a Planned Development 131 (PD-131) to allow Commercial-1 (C-1) uses and development standards, and for an office building to be located at real property 101 E. Red Oak Road, City of Red Oak, Ellis County, Texas, being approximately .8 acres; said property being more particularly described in Exhibit "A", which is attached hereto and incorporated herein; providing for use of the property in accordance with uses chart, site plan, landscape plan and elevations attached hereto as Exhibits "B" through "E", respectively, which are incorporated herein by reference 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 Z21027) *Requested by Joyce Stanton* (Hartman)
14. Discussion to direct staff to bring forth a zoning code amendment to Section 6.15.2.G. of the Zoning Ordinance to the Regular City Council meeting on December 13, 2021. (Hartman)
15. Discussion to direct staff to bring forth a zoning code amendment to Section 3.1.2.B. of the Zoning Ordinance to the Regular City Council meeting on December 13, 2021. (Hartman)
16. Consider adoption of Resolution No. 21-099R of the City Council of the City of Red Oak, Ellis County, Texas, authorizing the exercise of eminent domain by the City Council of the City of Red Oak, Texas; for property located adjacent the eastern right-of-way of Sunnyside Lane as depicted in Exhibit "A" within the City of Red Oak, Ellis County, Texas; providing the necessity and public purpose for the acquisition for construction, connection, expansion and maintenance of Sunnyside Lane; authorizing the City Attorney to file proceedings in eminent domain, if necessary, to acquire said property; and, providing an effective date. (Hartman)
17. Consider adoption of Resolution No. 21-100R of the City Council of the City of Red Oak, Texas, to ratify and/or authorize an emergency expenditure in an amount of funds not to exceed one hundred six thousand, two hundred seventy-five dollars (\$106,275.00) for the emergency repair of the retaining wall along Red Oak Road at Methodist Street; and, providing an effective date. (Williams)



18. Discussion of the results of the Pavement Condition Assessment and Guidance Report for the City of Red Oak's Pavement Management Plan. (Williams)
19. Discussion and consideration regarding partnering with the City of Glenn Heights for library services. (Franklin)

BOARD APPOINTMENTS:

20. Appointments/Reappointments/Resignations relating to Red Oak Boards & Commissions – Consider approval regarding the following Boards/Commissions:
 - A. Library Advisory Board:
 - Accept the resignation of Lauren Crain as a Regular Member for the term of October 2020 - 2022.

DEPARTMENTAL REPORTS:

21. 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:

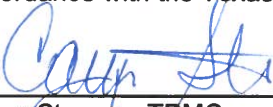
22. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** concerning pending litigation: *Rockett Special Utility District v. Botkin, et al.*, Civil Action No. 19-cv-1007-RP, W.D. Tex.; *City of Red Oak, Tex. v. USDA et al.*, Civil Action No. 19-cv-02761-S, 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.
23. 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.
24. 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.
25. 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 Uhl Road, west of I-35E, north of FM 664/Ovilla Road, and south of Ellis County line, Red Oak, Texas.

REGULAR SESSION:

26. 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 November 5, 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 November 8, 2021, will be provided to the City Council and entered into the record for the November 8, 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/UCntzB1px9caZvdvvHlnEMQ/>

Join Zoom Meeting

<https://us06web.zoom.us/j/99098862219?pwd=eVFhVWpkciscwVDhWbUVRyYjJvZ3RyZz09>

Meeting ID: 990 9886 2219

Passcode: 705825

One tap mobile

+13462487799,,99098862219#,,,,*705825# US (Houston)

+16699006833,,99098862219#,,,,*705825# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+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://us06web.zoom.us/j/kcaS7Dq6pj>

