



RED OAK, TEXAS

**AGENDA
REGULAR MEETING
RED OAK CITY COUNCIL
MONDAY, DECEMBER 13, 2021, 7:00 P.M.**

Mayor:
Mark L. Stanfill, DVM

Councilmembers:
William Drake
Willie G. Franklin, Jr.

City Manager:
Todd Fuller

City Attorney:
Robert E. Hager

Mayor Pro Tem:
Michael Braly

Ben Goodwyn
Ron Wilson

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, December 13, 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: (Braly)

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*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)
 - ❖ November 8, 2021 – Regular Meeting
2. Consider approving the absence of Councilmember Ron Wilson from the November 8, 2021, Regular Meeting of the Red Oak City Council. (Stevens)
3. Consider adoption of Resolution No. 21-101R of the City Council of the City of Red Oak, Texas, declaring certain personal property of the Police Department as obsolete and valueless; providing for the disposal of such property in accordance with state law; authorizing the City Manager to execute all necessary documents; and, providing an effective date. (Wolf)



4. Consider adoption of Resolution No. 21-102R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Red Oak, Texas, and Ellis County, Texas, for roadway repairs and maintenance; authorizing the Mayor to sign; authorizing and providing for the terms and conditions; and, providing an effective date. (Williams)
5. Consider adoption of Resolution No. 21-103R of the City Council of the City of Red Oak, Texas, approving the purchase of one (1) Chevrolet Tahoe including upfitting for the Fire Department as approved in the Fiscal Year 2022 Budget; authorizing the City Manager to execute the necessary documents to purchase the vehicle in an amount not to exceed fifty-five thousand dollars (\$55,000.00) 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. (Blanton)
6. Consider adoption of Resolution No. 21-104R of the City Council of the City of Red Oak, Texas, awarding a bid for SCADA replacement project to RLC Controls, Inc., in an amount not to exceed fifty-five thousand dollars (\$55,000.00); and authorize the City Manager to execute a Purchasing Agreement; providing a repealing clause; providing a severability clause; and, providing an effective date. (Williams)
7. Consider adoption of Resolution No. 21-105R of the City Council of the City of Red Oak, Texas, adopting the Texas Term Sheet and its Intrastate Allocation Schedule regarding the global opioid settlement; and, providing an effective date. (Hager)
8. Consider adoption of Resolution No. 21-106R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of a Ground and Tower Lease Agreement between T-Mobile West, LLC., and the City of Red Oak, Texas; and, providing an effective date. (John Binford)
9. Consider adoption of Resolution No. 21-107R, supplementing Resolution No. 21-096R, 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)

CLOSED SESSION:

10. 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.
11. 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.
12. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** regarding Planning & Zoning Commission Case No. Z21036.
13. 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.
14. 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:

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

COUNCIL BUSINESS – REGULAR SESSION:

16. Consider adoption of Resolution No. 21-108R of the City of Red Oak, Texas, approving the Payment Agreement regarding litigation cases in the City of Red Oak and Compass Datacenters DFW III, LLC., with Rockett Special Utility District relating to pending litigation in *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., which is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to execute; and, providing an effective date. (Fuller)
17. Consider approving the Grant Agreement by and between the Red Oak Industrial Development Corporation ("ROIDC") and the City of Red Oak, Texas, relating to pending litigation in *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.; and, approving an expenditure by the ROIDC in the amount of \$3,260,000.00. (Fuller)
18. Consider adoption of Resolution No. 21-109R of the City of Red Oak, Texas, approving the Settlement Agreement regarding litigation cases in *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., which is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to execute; and, providing an effective date. (Fuller)



19. Consider adoption of Resolution No. 21-110R approving votes cast to elect directors for the Ellis Appraisal District Board of Directors for the years 2022-2023. (Fuller)
20. Consider adoption of Resolution No. 21-111R of the City of Red Oak, Texas, approving the terms and conditions of Construction Management Agreement, which is attached hereto and incorporated herein as Exhibit "A", by and between City of Red Oak, Texas, and Fitzpatrick Design Construction Services, for project manager services for a renovation project located at 100 Live Oak, in the City of Red Oak, Texas; authorizing the City Manager to execute; and, providing an effective date. (Phillips)
21. Conduct a Public Hearing and consider approval of Ordinance No. 21-048 of the City of Red Oak, Texas, to amend a text change to the Code of Ordinances of the City of Red Oak, Texas, by amending Chapter 14, "Zoning", by amending Article 3, "Zoning Amendment, Appeals and Variances", Section 1 "Zoning", Subsection 3.1.2 "Authority to Amend Code" by repealing Subsection "B" in its entirety and replacing with new Subsection "B"; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two hundred dollars (\$200.00) for each offense; and, providing an effective date. (Case Z21038) *Requested by the City Council of Red Oak* (Hartman)
22. Conduct a Public Hearing and consider approval of Ordinance No. 21-049 of the City Council of the City of Red Oak, Texas, to amend a text change to the Code of Ordinances of the City of Red Oak, Texas, by amending Chapter 14, "Zoning", by amending Article 6, "Use and Lot Standard Regulations", Section 15, "Special Yard, Height and Railroad Access Requirements", Section 6.15.2 "Outside Storage" be repealing Subsection "G" in its entirety and replacing with new Subsection "G"; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two hundred dollars (\$200.00) for each offense; and, providing an effective date. (Case Z21039) *Requested by the City Council of Red Oak* (Hartman)
23. Conduct a Public Hearing and consider approval of Ordinance No. 21-050 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 70 (PD-70) to Planned Development 70 Revised 1 (PD-70R1) to amend the development regulations for approximately 5.8 acres, Lot 2, Block D, Red Oak Industrial Park, City of Red Oak, Ellis County, Texas; providing for revised site plan and revised elevations provided herein as Exhibits "A" and "B" respectively; 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 Z21036) *Requested by Four B's* (Hartman)
24. Conduct a Public Hearing and consider approval of Ordinance No. 21-051 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 an Agricultural Zoning (AG) to Single Family R-2 (R-2), being approximately .89 acres located at 121 Hillcrest, Lot 6, Block C or Bowmar Acres in the City of Red Oak, Ellis County, Texas; said property being more particularly depicted in Exhibit "A", which is 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. (Case Z21034) *Requested by Jorge Cumes* (Hartman)
25. Conduct a Public Hearing and consider approval of Ordinance No. 21-052 of the City of Red Oak, Texas, approving a new Official Zoning Map by amending the City of Red Oak Code of Ordinance, Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Article 5 "Zoning Districts and Zoning Map", Section 4 "Zoning District Map" and Subsection 5.4.1 "Adoption" and incorporating an amended zoning and zoning map attached hereto and incorporated herein as Exhibits "A" and "B"; and by adopting a new updated zoning map as Appendix C to the Code of Ordinances; providing for the repeal of all ordinances in conflict; providing a severability clause; and, providing an effective date. (Case Z21037) *Recurring Request by the City Council of Red Oak* (Hartman)



26. Conduct a Public Hearing and consider approval of Ordinance No. 21-053 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 Commercial-1 (C-1) to Planned Development 132 (PD-132); to relocate signage, landscaping and parking being approximately .73 acres on Lot 4RR-1 of Block E of Red Oak Estates, in the City of Red Oak, Ellis County, Texas; providing for a site plan and signage plan in Exhibits "A" and "B" respectively; 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 Z21035) *Requested by O'Reilly Auto Parts (Hartman)*
27. Consider adoption of Resolution No. 21-112R of the City of Red Oak, Texas, amending the Master Fee Schedule, by amending; also, by amending Chapter 11.00, "Utility Fees" by amending Section 11.004, Garbage Collection Charges, subsection (A), and Subsection (B), to establish new rates; providing a repealing clause; providing a severability clause; and, providing an effective date. (Williams)
28. Discussion with a developer about possible development of an 84-acre tract in the City of Red Oak located at the northwest corner of Pratt Road and FM 2377/Louise Ritter Drive.

DEPARTMENTAL REPORTS:

29. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.

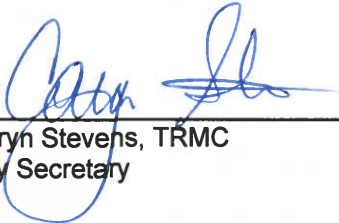
- A. Fire (Ben Blanton, Fire Chief)
 - ❖ Monthly Activity Report
- B. Police (Garland Wolf, Police Chief)
 - ❖ Monthly Report
- C. Communications & Marketing (Alexa Beasley, Communications & Marketing Manager)
 - ❖ Monthly Report
- D. Development Services (Ben Hartman, City Engineer)
 - ❖ Code Services 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

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 December 10, 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 December 13, 2021, will be provided to the City Council and entered into the record for the December 13, 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://us06web.zoom.us/j/99098862219?pwd=eVFxVWpkciscwVDhWbUVrYiJvZ3RyZz09>

Meeting ID: 990 9886 2219

Passcode: 705825

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