



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, December 13, 2021

7:00 PM

**Red Oak Municipal Center
200 Lakeview Parkway**

A Regular Meeting of the Red Oak City Council was held in person and via teleconference on Monday, December 13, 2021, at 7:00 p.m., with the following members present, to wit:

City Council (5):

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

*Councilmember Wilson joined the meeting at 7:39 p.m.

CALL TO ORDER: Mayor Stanfill called the meeting to order at 7:00 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).

INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Pro Tem Braly gave the Invocation and led the Pledge of Allegiance.

CITIZENS COMMENTS:

Joe Wright, 140 Fawn Ridge Drive, Red Oak, Texas, spoke and stated his complaint regarding code enforcement.

Apostal White, 211 Castle Creek Drive, Red Oak, Texas, spoke regarding speeding issues and the installation of speed bumps on the streets of Cole Manor addition.

Bryan Tennison, 150 Fawn Ridge, Red Oak, Texas, spoke and stated his complaint regarding code enforcement.

City Attorney informed Mayor and Council to direct these citizens to the appropriate department personnel for assistance. Mayor asked if anyone else wanted to speak during citizens comments but heard from no one.

CONSENT AGENDA:

1. Consider approving the following minutes:
 - ❖ November 8, 2021 – Regular Meeting**Approved**
2. Consider approving the absence of Councilmember Ron Wilson from the November 8, 2021, Regular Meeting of the Red Oak City Council.
Approved

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 the necessary documents; and, providing an effective date.
Adopted
Enactment No: RES 21-101R

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.
Adopted
Enactment No: RES 21-102R

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.
Adopted
Enactment No: RES 21-103R

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.
Adopted
Enactment No: RES 21-104R

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.
Adopted
Enactment No: RES 21-105R

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.
Adopted
Enactment No: RES 21-106R

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.
Adopted
Enactment No: RES 21-096R

Mayor Stanfill read the Consent Agenda and explained that these items are considered 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 may be acted upon in one motion or separately.

Councilmember Goodwyn made the motion, seconded by Councilmember Drake, to approve the Consent Agenda as presented. 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

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** concerning 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, Sections § 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 I-35E, west of SH 342, south of FM 664/Ovilla Road, and north of Red Oak Road, 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 FM2377/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 I-35E, west of FM 2377/Louise Ritter Drive, and south of Red Oak Road, Red Oak, Texas.

Mayor Stanfill read Agenda Item Nos. 10, 11, 12, 13 and 14 for Closed Session into the record and moved Council into Closed Session at 7:25 p.m. He invited Council, City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary, City Engineer Hartman, Economic Development Corporation President Hugley, City Attorney Hager and Attorney Gabrielle Smith into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 8:41 p.m. No action taken. Councilmember Wilson joined the meeting via videoconference at 7:39 p.m. during Executive 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

Mayor Stanfill read Agenda Item No. 16 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-108R as presented.

Councilmember Franklin moved the motion, seconded by Mayor Pro Tem Braly. 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

Adopted

Enactment No: RES 21-108R

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.

Mayor Stanfill read Agenda Item No. 17 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item.

Mayor Stanfill made the following motion: Motion to approve the Grant Agreement by and between the ROIDC and the City of Red Oak, Texas, in the amount of \$3,260,000.00 as presented.

Councilmember Drake moved the motion, seconded by Councilmember Franklin. 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

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.

Mayor Stanfill read Agenda Item No. 18 into the record. City Manager Fuller spoke and gave a brief explanation of this item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-109R as presented.

Councilmember Drake moved the motion, seconded by Councilmember Wilson. 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

**Adopted
Enactment No: RES 21-109R**

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.

Mayor Stanfill read Agenda Item No. 19 into the record. Mayor Stanfill spoke and gave a brief explanation of this agenda item.

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-110R as presented and cast all 109 votes for Ryan Pitts.

City Manager Fuller spoke and gave some background information on Ryan Pitts.

Mayor Pro Tem Braly 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

**Adopted
Enactment No: RES 21-110R**

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.

Mayor Stanfill read Agenda Item No. 20 into the record. Assistant City Manager Phillips spoke and gave a detailed explanation of this agenda item. City Manager Fuller also spoke and gave a brief statement regarding this agenda item.

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-111R as presented.

Councilmember Franklin 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

Adopted

Enactment No: RES 21-111R

- 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.**

Mayor Stanfill read Agenda Item No. 21 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 8:58 p.m. No one spoke.

Councilmember Franklin made the motion, seconded by Councilmember Drake, to close the Public Hearing at 9:00 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

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-048 with the correction of two hundred dollars (\$200.00) to two thousand dollars (\$2,000.00).

Mayor Pro Tem Braly moved the motion, seconded by Councilmember Wilson. 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 21-048

- 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.

Mayor Stanfill read Agenda Item No. 22 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 9:06 p.m. No one spoke.

Councilmember Franklin made the motion, seconded by Councilmember Goodwyn, to close the Public Hearing at 9:07 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

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-049 with the correction of two hundred dollars (\$200.00) to two thousand dollars (\$2,000.00).

Councilmember Franklin moved the motion, seconded by Councilmember Wilson. 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 21-049**

- 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.**

Mayor Stanfill read Agenda Item No. 23 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 9:15 p.m.

Jonathan Vinson, Attorney at Law, Jackson Walker, LLP, 2323 Ross Avenue, Suite 600, Dallas, Texas, representing NFI, spoke in favor of the project.

Troy Adams, Vice President of Real Estate, NFI Industries, TRIAD1828 Centre, 2 Cooper Street, Camden, New Jersey, spoke in favor of the project.

Councilmember Franklin made the motion, seconded by Councilmember Drake, to close the Public Hearing at 9:30 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

Mayor, Council, City Attorney and staff discussed this agenda item.

Councilmember Goodwyn made the motion to deny Ordinance No. 21-050, 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

Denied

- 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.

Mayor Stanfill read Agenda Item No. 24 into the record. City Engineer Hartman spoke and gave a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 9:59 p.m. No one spoke.

Mayor Pro Tem Braly made the motion, seconded by Councilmember Franklin, to close the Public Hearing at 10:00 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

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-051 as presented.

Mayor Pro Tem Braly 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 21-051

- 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.

Mayor Stanfill read Agenda Item No. 25 into the record. City Engineer Hartman spoke and gave a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 10:03 p.m. No one spoke.

Councilmember Goodwyn made the motion, seconded by Councilmember Franklin, to close the Public Hearing at 10:04 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

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-052 as presented.

Councilmember Franklin moved the motion, seconded by Councilmember Wilson. 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 21-052**

- 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.**

Mayor Stanfill read Agenda Item No. 26 into the record. City Engineer Hartman spoke and gave a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 10:09 p.m.

Paul Engel, Anderson Engineering, Inc., 3213 S. West Bypass, Springfield, Missouri, spoke in favor of this project.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Braly, to close the Public Hearing at 10:10 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

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-053 as presented.

Councilmember Franklin moved the motion, seconded by Councilmember Wilson. 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 21-053

- 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.**

Mayor Stanfill read Agenda Item No. 27 into the record. Public Works Director Williams spoke and gave a detailed explanation of this agenda item.

Mayor, Council and staff discussed this agenda item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-112R 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

Adopted

Enactment No: RES 21-112R

- 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..**

Mayor Stanfill read Agenda Item No. 28 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item.

Chad Adams, Oakhull Investments, LLC., P.O. Box 1145, Midlothian, Texas, spoke regarding this agenda item.

Steven Uetrecht, 3448 Vinecrest Drive, Dallas, Texas, spoke regarding this agenda item.

DEPARTMENTAL REPORTS:

- 29. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.**
- A. Fire**
 - Monthly Activity Report
 - B. Police**
 - Monthly Report

- C. Communications & Marketing
 - Monthly Report
- D. Development Services
 - Code Services Report
 - Building Permit and Inspections Report
 - Administrative Monthly Report
- E. Human Resources
 - Administrative Monthly Report
- F. Finance
 - Finance Report
 - Monthly Investment Report
 - Financial Statement
 - Municipal Court Statistical Highlights
- G. Information Technology
 - Major Accomplishments
 - Current Initiatives
 - Challenges
- H. Library
 - YTD Statistics
 - Monthly Newsletter
- I. Parks & Recreation
 - Monthly Report
- J. Public Works
 - Monthly Operational Report

All departmental reports were submitted to Council and addressed individually as needed. Mayor Stanfill asked the Directors to present anything significant if needed.

Fire Chief Blanton spoke and stated that he currently has three firefighters that were deployed through the TIFMAS out to Amarillo and Electra for firefighting of about 2,500 acres of fires.

Police Chief Wolf spoke and stated that PD had a surprise audit from TCOLE (Texas Commission on Law Enforcement) and the department passed with no deficiencies which has been the case for the last three years. He attributed a large part of this outcome to his lieutenant. Chief then updated Council about the speeding issues on Post Oak Drive. A radar trailer was used as well as increased patrolling, however no significant speeding issues were discovered. He thanked Public Works Director Williams for working with his department in adding extra speed limit signage.

Communications & Marketing Manager Beasley spoke and stated that our new emergency notification system, CivicReady, is live and have already started the social marketing campaign encouraging residents to register for the platform.

City Engineer Hartman spoke and stated that the new restaurant, Tejun, is finally open. He also stated that Austin Boulevard is being paved right now and should be completed by Christmas. The Oaks development just moved equipment on site and will be getting started on construction. City Manager Fuller spoke and stated that in reference to the code enforcement complaints against the code enforcement officer, the employee is just working harder. He compared numbers of cases opened by a previous officer and percentage-wise, the numbers of complaints are not increasing, it's just that the officer is doing a lot more work. City Engineer Hartman also spoke to this issue adding additional information.

HR Director Monsivais spoke and updated Council on recruitment. The city added and processed four new hires in November. There are currently eight positions being actively recruited. Recruitment has slowed down for applicants as the holidays near but should pick up in the next couple of weeks.

Finance Director Platt spoke and stated the city is starting to receive its December sales tax collections and those are up 16.98 percent over the previous year for the same month. December collections also represent the first actual month of fiscal year 2022 revenue as the previous two months were accrued back into fiscal year 2021 because those are collected in arrears. The Finance Department has been getting quotes for a payment kiosk for utility billing allowing the department to expand its payment options for customers. The kiosk will be completely refundable from COVID grant funds. Finally, the department has gone out for bids for our local depository contract. The current contract expires in May of 2022.

IT Application Specialist Jenkins spoke and stated the city received its new NetMotion software and will get that installed by end of year. Also, several patches were installed on the email server, and it is now up-to-date and secure. The department got the public works application for the document management system running so they can begin digitizing their records. The department purchased 60 licenses of the new Microsoft Office 365 and has begun converting users over to that version.

Library Director Ragsdale spoke and stated that he was pleased to work with LS&S to work on an annual report for the last fiscal year. He believes it turned out well and hopes Mayor and Council have a chance to look at it. He added that Tuesday story time has been moved back inside just in time for the colder weather.

Parks and Recreation Director Kelley spoke and informed Council that Christmas in Red Oak event was a complete success. He thanked Police, Fire, Public Works, Library, Finance, Tourism and Marketing for their support and contributions to the event. There were over 35 entrants in the parade with over 1,000 people attending the event itself. He also updated Council on his department putting on movies in the park with the kick-off event last Thursday. There were 125 people. Director Kelley thanked Library Director Ragsdale and his library team for all their efforts supporting the event.

Public Works Director Williams spoke and updated Council on the retaining wall at Red Oak Road at Methodist Street stating that the blocks have been removed and work will begin on the repairs once the new blocks arrive. New conduit has been installed at the new municipal center at Live Oak and Oncor will come in and relocate the current electrical lines into the new conduit. Director Williams then updated Council on Stainback Road. After the roadway was paved, the city was made aware of some vehicles leaving the roadway damaging trees. His department has gone back and striped the roadway and put reflectors on each side of the stripe for additional safety markers

CLOSED SESSION:

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.

City Manager Fuller read Agenda Item No. 13 for Closed Session into the record and moved Council into Closed Session at 11:02 p.m. He invited Council, City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary, Economic Development Corporation President Hugley and City Attorney Hager into Closed Session.

REGULAR SESSION:

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

Council reconvened into Regular Session at 11:21 p.m. No action taken.

ADJOURNMENT:

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to adjourn the meeting at 11:22 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

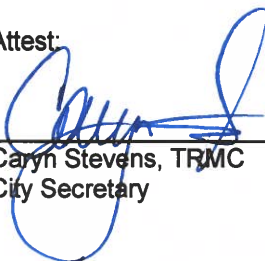
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on January 10, 2022.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:


Caryn Stevens, TRMC
City Secretary