



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, February 14, 2022

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, February 14, 2022, at 7:00 p.m., with the following members present to wit:

City Council (4):

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

Absent (1):

Councilmember Ben Goodwyn

*Councilmember Ron Wilson joined virtually at 7:06 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 Mark Stanfill gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Proclamation – Love Your Library Month

Mayor Stanfill recognized Love Your Library Month and read the Proclamation into the record. Library Director Ragsdale thanked Council for its support.

- Recognition – Jason Esquibel, Officer of the Year and promotion to Police Lieutenant

Police Chief Wolf recognized Jason Esquibel as Officer of the Year for his dedication to the department and going above and beyond as a police officer. Jason was also promoted to lieutenant and presented with a plaque and an Officer of the Year award bar to wear on his uniform.

- Introduction – Emma Chetuya, New Planning and Zoning Manager

City Engineer Hartman recognized Emma Chetuya as the new Planning and Zoning Manager and gave a brief background on her career. Mayor Stanfill and Council congratulated and welcomed her to the City of Red Oak.

- Presentation – Red Oak ISD Bond 2022

Red Oak ISD gave a PowerPoint presentation of the Red Oak ISD Bond 2022. Mayor Stanfill stated that this will help the city overall.

CITIZENS COMMENTS:

There were no citizens comments.

CONSENT AGENDA:

1. Consider approving the following minutes:
 - ❖ January 10, 2021 – Regular Meeting**Approved**
2. Consider adoption of Resolution No. 22-007R of the City Council of the City of Red Oak, Texas, declaring certain personal property as obsolete, valueless and surplus; providing for disposal of same by the City Manager or his designee; authorizing the Mayor to execute; providing a severability clause; providing a repealing clause; and, providing an effective date.
Adopted
Enactment No: RES 22-007R
3. Consider adoption of Resolution No. 22-008R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of a Lease Agreement with American Medical Response (AMR); authorizing the Mayor to execute a Lease Agreement with AMR, which is attached hereto as Exhibit "A", following review by the City Attorney; repealing all resolutions in conflict; providing a severability clause; and, providing an effective date.
Adopted
Enactment No: RES 22-008R
4. Consider adoption of Resolution No. 22-009R of the City of Red Oak, Texas, authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
Adopted
Enactment No: RES 22-009R
5. Consider adoption of Resolution No. 22-010R of the City of Red Oak, Texas, authorizing continued participation with the Steering Committee of Cities Served by Oncor (Steering Committee); and authorizing the payment of ten cents (\$0.10) per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
Adopted
Enactment No: RES 22-010R
6. Consider adoption of Resolution No. 22-011R of the City Council of the City of Red Oak, Texas, approving additional funding for the contract with Prime Source Construction in the amount of \$34,300.00 for the Live Oak Municipal Center roof replacement as provided in Exhibit "A" attached hereto and incorporated herein; authorizing the City Manager to execute the necessary documents; and, providing an effective date.
Adopted
Enactment No: RES 22-011R
7. Consider adoption of Resolution No. 22-012R, supplementing Resolution No. 22-002R, 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.

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.

Mayor Stanfill made a motion to consider the approval of the Consent Agenda.

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 Ron Wilson – Aye

COUNCIL BUSINESS – REGULAR SESSION:

8. Consider adoption of Resolution No. 22-013R of the City Council of the City of Red Oak, Texas, ordering for a General Election to be held on May 7, 2022, for the purpose of electing three (3) Councilmembers to the Red Oak City Council for Place Two (2), Place Four (4), and Place Five (5), for three (3) year terms; establishing procedure for said election, designating locations of polling places (vote centers); designating filing deadlines; designating presiding election judge and alternate presiding judge; providing for the publication and posting of Notice; providing for authorization to enter into a Joint Election Contract for Election Services with Ellis County to conduct such election; providing a severability clause; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 8 into the record.

Mayor made the following motion: Motion to adopt Resolution No. 22-013R 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 Ron Wilson – Aye

**Adopted
Enactment No: RES 22-013R**

9. Conduct a Public Hearing regarding **Voluntary Annexation** of real property generally described as being 147.47 acres, more or less, out of the Robert A. Lemmans Survey, Abstract No. 628, in the City of Red Oak ETJ, Ellis County, Texas, Parcel No. 148132.

Mayor Stanfill read Agenda Item No. 9 into the record. City Engineer Hartman spoke and gave a brief explanation of this item.

Mayor Stanfill opened the Public Hearing up at 7:33 p.m.

Sam Satterwhite, Engineering Concepts and Design, 201 Windco Circle, Wylie, Texas, spoke in favor of this agenda item.

Mayor Stanfill made a motion to close the Public Hearing at 7:35 p.m. 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 Ron Wilson – Aye

10. Consider adoption of Resolution No. 22-014R of the City of Red Oak, Texas, approving intent to establish a City of Red Oak Property Assessed Clean Energy Program (“City of Red Oak PACE Program”); authorizing the Mayor to execute the necessary documents; and, providing an effective date.

Mayor Stanfill read Agenda Item No. 10 into the record. City Manager Fuller spoke briefly on the item. The President of Texas PACE Authority Charlene Heydinger spoke on this item and gave a presentation.

Mayor, Council, and staff discussed this item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 22-014R as presented.

Mayor Pro Tem Braly 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 Ron Wilson – Aye

Adopted

Enactment No: RES 22-014R

- 11. Consider adoption of Resolution No. 22-015R of the City of Red Oak, Texas, 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 Guaranteed Maximum Price (GMP), for construction services at Live Oak Municipal Center of guaranteed maximum price for the Live Oak Municipal Center located in the City of Red Oak in an amount not to exceed four million, two hundred thirty-three thousand, three hundred seventy-two dollars (\$4,233,372.00); authorizing the Mayor to execute; and, providing an effective date.**

Mayor Stanfill read Agenda Item No. 11 into the record. Assistant City Manager Phillips gave a detailed explanation of the item.

Mayor Stanfill made the following motion: Motion to adopt Resolution No. 22-015R 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 Ron Wilson – Aye

Adopted

Enactment No: RES 22-015R

- 12. Discussion and consideration of pond dredging and related management of Pearson Park Lake.**

Mayor Stanfill read Agenda Item No. 12 into the record. Parks and Recreation Director Kelley spoke and gave a detailed explanation of this item. City Manager Fuller also spoke and gave a brief explanation of this item.

Mayor, Council, and staff discussed this item at length.

Councilmember Frankin recommended a silt survey.

BOARD APPOINTMENTS:

- 13. Appointments/Reappointments/Resignations for Boards & Commissions – Consider approval regarding the following Boards/Commissions:**

A. Parks & Recreation Commission:

- **Accept the resignation of JoAnn Smith effective January 18, 2022.**

Mayor Stanfill read Agenda Item No. 13 into the record.

Mayor Stanfill made the following motion: Motion to accept the resignation of JoAnn Smith effective January 18, 2022.

Councilmember Drake moved the item, 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 Ron Wilson – Aye

Approved

DEPARTMENTAL REPORTS:

14. 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

- K. Administration
 - ❖ Monthly Report on Municipal Center Project

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

Fire:

Fire Chief Blanton recognized the City Staff for their outstanding work in handling the winter weather with protocols and readiness. Chief Blanton expressed there were a few power outages. Chief Blanton thanked the human resources and communications and marketing departments for their assistance with informing citizens on the weather conditions. Notifications were made through social media and the city alert and notification system, CivicReady. Chief Blanton recognized the police department for their hard work in assisting vehicles during the winter weather and checking in with the citizens that did lose power and emergency water shutoffs. Chief Blanton expressed that the staff is better prepared for future winter storms. In addition to the winter weather, the city has been under a burn ban since January 25, 2022, due to the lack of rain and extreme dry vegetation in Ellis County. This will remain in effect for 90 days. Chief Blanton stated that if you see a grass fire to report it immediately because it is so dry it can spread rapidly.

Police:

Police Chief Wolf briefly spoke and recognized Sergeant Esquibel for being Officer of the Year. Chief Wolf also recognized and thanked Public Works for helping the police department during the winter weather. Chief Wolf spoke about the fatality accident that occurred back in December of 2021. The police department found the suspect and made a case against him, issuing warrants for his arrest. The offender is now serving 25 years in prison.

Communications and Marketing:

Communications and Marketing Director Beasley highlighted the Chamber Luncheon that took place on January 26th. Director Beasley thanked the Mayor and Mayor Pro Tem for helping with the State of the City video that was presented at the Chamber luncheon. She stated that she is hoping to do the State of the City video next year and with possible quarterly and mid-year updates. She announced the Red Oak White and Blue event that will take place on July 2, 2022, from 7:00 to 10:00 pm at the Oaks Church; further details will be released closer to the event date. Director Beasley stated that her department will be starting a social media campaign called "Employee Spotlight." The campaign will highlight what the employees do, background about them, and will celebrating their promotions and achievements.

Development Services:

City Engineer Hartman expressed that the department has been working hard doing inspections and permits in-house and have issued 44 home permits in January. Director Hartman also highlighted that the Austin Boulevard project is done and there was a final walkthrough at the beginning of February.

Human Resources:

Assistant City Manager Phillips spoke on behalf of Human Resources Director Monsivais. ACM Phillips gave an update on the positions for the Assistant Fire and Police Chiefs. The department has also started recruitment for the Assistant Finance Director.

Finance:

Finance Director Platt highlighted and recognized the IT department for setting up the department to work remotely due to COVID outbreak in their office in January and February. Platt reported on property tax collections and stated that the city has received 88.74% of the budget as of the end of January. Director Platt also reported that sales tax collections for January had a 17.32% increase from fiscal year 2021. She finished her report by stating that the revenues deposited were increased by 75% over the previous year.

Information Technology:

IT Director Binford reported that the department purchased new laptops and PC's and have been switching them out. The department has also started Windows 11 updates on computers. He reminded staff about cybersecurity training.

Library:

Library Director Ragsdale highlights that the library has been making appointments and walk-up appointments. Director Ragsdale stated that the circulation of checked out books has increased 95 percent from last year, unique borrowed books are up 99 percent and e-books have increased by 30 percent. Ragsdale stated that he has done story time via zoom in the months of January through February and will continue to do them on zoom since the building is closed. Ragsdale expressed that when numbers go down hopefully, he will go back to doing story time in person.

Parks and Recreation:

Parks and Recreation Director Kelley highlighted the "Touch-a-Truck" event. During this event this year, the weather was windy, cold, and started to snow. Director Kelley stated there were approximately 248 participants. He thanked the Public Works, Police, and Fire departments for coming out to the event. The fire department brought ladder trucks and a vintage truck. Director Kelley stated that Chief Wolf brought a military-style vehicle. Public Works brought out three different types of dump trucks and the kids were excited to see all the different trucks. Kelley highlighted that the new part time Parks Maintenance 1 Attendant, Tim Graves. Kelley also highlighted the department has a new Administrative Assistant, Sarah Zuniga and will be recognized at the next City Council meeting. He stated that Bombardier donated 20 trees and their employees will be planting them. Finally, Director Kelley asked Council for any recommendations for the Parks & Recreation Commission.

Public Works:

Public Works Director Williams commended Police Chief Wolf and Fire Chief Blanton for their collaborating efforts and public safety measures during the winter storm. Director Williams stated that the Public Works department had four-man crews running 12-hour shifts during the storm. They treated the designated areas, bridges, and intersections with workers putting out 30 yards of ice melt and 12 yards of sand. He also stated that 28-man hours extended into the following Monday by sweeping and picking up the material that went on the road. Williams updated Council on the site drainage project at the Live Oak building and the contractors are getting ready to begin pouring concrete for the fire Lane. Finally, Director Williams reported that the contractors have already started the retaining wall at Methodist Street and Red Oak Road and soon the wall will be in place.

Administration:

Assistant City Manager Phillips reported that there was an ADA survey done at the new municipal building and there were several deficiencies found. There were slope issues with the concrete and trip hazards. ACM Phillips stated that the HVAC system at the building is being assessed. Roof insulation has been delivered for the new municipal building. He stated that he met with IT Director Binford to go over the IT systems. ACM Phillips reported that everything is moving along smoothly with the building processes.

CLOSED SESSION:

15. 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.

16. 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.
17. 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.
18. 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.

Mayor Stanfill stated that if there are no specific concerns there is no need to go into executive session. There were no questions or concerns from Council or staff.

REGULAR SESSION:

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

ADJOURNMENT:

Mayor Stanfill made the following motion: Motion to adjourn the Red Oak City Council Meeting at 8:45 p.m.

Councilmember Franklin motioned the adjournment of the meeting, 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 Ron Wilson – Aye

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on March 14, 2022.



Approved:

Mark L. Stanfill, DVM
Mayor

Attest:



Caryn Stevens, TRMC
City Secretary