



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, November 13, 2017

7:00 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Regular Meeting of the Red Oak City Council was held on Monday, November 13, 2017, at 7:00 p.m., in the Council Chambers of the Red Oak Municipal Center, 200 Lakeview Parkway, Red Oak, Texas, with the following members present, to wit:

City Council (5):

Mayor Alan Hugley
Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Absent (1):

Councilmember Tim Lightfoot

CALL TO ORDER: Mayor Hugley called the meeting to order at 7:03 p.m., declared a quorum and announced that notices were legally posted pursuant to the Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: Councilmember Lindsey gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

➤ Proclamation – National Hospice and Palliative Care Month

Mayor Hugley spoke, recognizing the issue of end-of-life care, and introduced Penny Rosen, a volunteer coordinator with Family First Hospice. Mayor Hugley encouraged anyone interested in volunteering to speak with Rosen. He then read the proclamation into the record.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - October 10, 2017 – Regular Council Meeting
Approved on the Consent Agenda
2. Consider adoption of Resolution No. 17-070R approving votes cast to elect directors for the Ellis Appraisal District for years 2018-2019.
Adopted
Enactment No: RES 17-070R
3. Consider adoption of Resolution No. 17-071R approving additional road improvement expenses to G-Rod Construction, LLC, for the Burney Lane Paving Project; authorizing the City Manager to execute a contract in a form approved by the City Attorney on behalf of the City; and providing an effective date.
Adopted
Enactment No: RES 17-071R

4. Consider adoption of Resolution No. 17-072R approving additional road improvement expenses to G-Rod Construction, LLC, for the Methodist Street Road Improvements; authorizing the City Manager to execute a contract in a form approved by the City Attorney on behalf of the City; and providing an effective date.
Adopted
Enactment No: RES 17-072R

Councilmember Drake made the motion, seconded by Mayor Pro Tem Toney, to approve the Consent Agenda as published. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

CITIZENS COMMENTS:

O.D. Gaither, 113 S. Valley Street, Red Oak, Texas, longtime resident of this area, spoke about his service in various capacities with the City and the County. He then spoke about the City's water bill and sewage. He referred Council to the handout he gave each of them and asked them to review it while he read through it. He said that he did not know the difference between storm water and storm drainage. He said the City is charging residents for something that the City has no control over. The rain water and storm water are acts of God. Gaither does not agree with the charges for storm water. He believes sewage should be charged as a flat rate.

Perry McMillan, 343 Crestview, Red Oak, Texas, spoke and stated that he vacations in Colorado from May to September during the year, yet he pays \$100.00 for his water bill, for nothing.

COUNCIL BUSINESS – REGULAR SESSION:

5. Consider adoption of Resolution No. 17-073R approving the Supplemental Terms and Responsibilities Agreement Texas Intrastate Fire Mutual Aid System (TIFMAS) Vehicle Grant, which is attached hereto as Exhibit A, for the purpose of acquiring a Type 6 Engine Truck for the City of Red Oak, Texas; authorizing the City Manager to execute the agreement, repealing all resolutions in conflict; providing a severability clause; and providing an effective date.

Mayor Hugley read Agenda Item No. 5 into the record. City Manager Fuller gave a brief explanation of this agenda item and then Deputy Fire Chief/Fire Marshal Blanton gave a more detailed explanation of this agenda item.

Mayor Hugley stated that we have an excellent fire department and have been recognized at the state level. He commended the fire department on a job well done and thanked them.

Councilmember Wilson made the motion, seconded by Councilmember Lindsey, to adopt Resolution No. 17-073R as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted
Enactment No: RES 17-073R

6. Conduct a Public Hearing and consider approval of Ordinance No. 17-051 approving a zoning change from Agriculture (AG) to Planned Development 88 (PD-88) to allow for the construction of a single-family residence on approximately 13.5 acres, McComas Survey, A-695, City of Red Oak, Ellis County, Texas, requested by Lance Brooks.

Mayor Hugley briefly explained the Public Hearing process and read Agenda Item No. 6 into the record.

City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:34 p.m.

Lance Brooks, 1918 Lillian Lane, Glenn Heights, Texas, owner of this lot, spoke in favor of this construction.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:35 p.m. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Hugley and City Manager Fuller further discussed the agenda item.

Councilmember Lindsey made the motion, seconded by Mayor Pro Tem Toney, to approve Ordinance No. 17-051 as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Approved
Enactment No: ORD 17-051**

7. Conduct a Public Hearing and consider approval of Ordinance No. 17-052 approving a zoning change from Planned Development 77R (PD-77R) to Planned Development 77R-2 (PD-77R2) to allow for the development of a commercial shopping center for approximately 2.2 acres, Lot 3, Block A, Ovilla Corner II, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. and east of IH 35, requested by Tom DeCicco.

Mayor Hugley read Agenda Item No. 7 and City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:42 p.m.

Tom DeCicco, Dallas, Texas, developer for this project, spoke in favor of the project and stated he is available for any questions from Council.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:43 p.m.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Hugley, City Manager Fuller and Council, as well as Police Chief Wolf and DeCicco, further discussed the agenda item.

Councilmember Drake made the motion, seconded by Mayor Pro Tem Toney, to approve Ordinance No. 17-052 as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 17-052

8. Conduct a Public Hearing and consider approval of Ordinance No. 17-053 approving a zoning change from Agriculture (AG) to Planned Development 89 (PD-89) to allow for the development of a convenience store with gas pumps for approximately 1.8 acres, S Billingsley Survey, A-695, City of Red Oak, Ellis County, Texas, requested by Vertical Construction/Hamel Industries.

Mayor Hugley read Agenda Item No. 8 and City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:51 p.m.

Charles Pantango, Construction Manager with Vertical Construction (along with his coworker, Cody Woodruff – Civil Engineer) spoke and stated he was available to answer questions from Council.

Councilmember Lindsey made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 7:52 p.m.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Hugley, City Manager Fuller and Council further discussed the agenda item.

Councilmember Lindsey made the motion, seconded by Councilmember Drake, to approve Ordinance No. 17-053 as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 17-053

9. Conduct a Public Hearing and consider approval of Ordinance No. 17-054 amending Ordinance No. 07-07, by amending Article 10 Miscellaneous Requirements, Section 10.01 Lotting Requirements, Subsection "B"; by amending the Minimum Size of Lotting Requirements for Onsite Sewage Facilities; providing a repealing clause; providing a severability clause; providing a savings clause.

Mayor Hugley read Agenda Item No. 9. City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:56 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 7:57 p.m.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

There was no discussion among Council regarding the agenda item.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Wilson, to approve Ordinance No. 17-054 as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Approved
Enactment No: ORD 17-054**

- 10. Consider adoption of Resolution No. 17-074R to approve the alternate bid item for the FM 664 Water and Sanitary Sewer Relocation Project; and authorizing the City Manager to execute a contract in a form approved by the City Attorney; and providing an effective date.**

Mayor Hugley read Agenda Item No. 10. City Manager Fuller gave a detailed explanation of this agenda item.

There was no discussion among Council regarding the agenda item.

Councilmember Lindsey moved the motion, seconded by Councilmember Wilson, to adopt Resolution No. 17-074R as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Adopted
Enactment No: RES 17-074R**

DEPARTMENTAL REPORTS:

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

- A. Fire Department**
 - October Monthly Activity Report
- B. Police Department**
 - October Monthly Report
- C. Community Development**
 - October Code Services Report
 - October Building Permit and Inspections Report
 - October Animal Control Report

- D. Public Works Department
 - October Operational Report
 - October Administrative Monthly Report

- E. Human Resources
 - October Administrative Monthly Report

- F. Finance Department
 - Finance Report
 - Cash Balance Report
 - Financial Statement

- G. IT Department
 - Major Accomplishments
 - Current Initiatives
 - Challenges

- H. Library
 - YTD Statistics
 - Monthly Newsletter
 - Legacy Data

- I. Court
 - October Statistical Highlights

All departmental reports were submitted to Council and addressed individually as needed. Significant updates given included:

Deputy Fire Chief/Fire Marshall Blanton informed Council about the new records management software they just installed. Promotional exams were completed and those firefighters were promoted. He stated that it has been a busy month for ROFR. He concluded by saying that he was available for questions.

Police Chief Wolf updated Council on the National Night Out event stating that it was a success and that they had a very good turnout. The department also participated in the Drug Take Back, securing approximately 112 pounds of prescription drugs and turned them over to the DEA. Police Chief Wolf also stated that the PD is participating in the “No Shave Movember” for the men’s health charities challenge, allowing officers to circumvent the grooming standards for one month if they buy into the program. Police Chief Wolf also stated that PD is in its hiring process right now. He concluded by saying that he was available for questions.

Code / Community Development Director Silva-Reyes stated that he hired a new Building Official, Johnny Bray. He went on to introduce Mr. Bray and detail his background and qualifications to Council. City Manager Fuller spoke about Mr. Bray and welcomed him aboard.

Finance Director Richardson stated that she heard from MuniServices, the agency that does our sales tax audits, regarding some errors that will be corrected. She further stated that the investment reports, included in Council’s packet, have an error due to bank sending the wrong report. The investment report has been revised and will be included in the November report for December’s meeting.

IT Director Binford updated Council on the new security and video systems that have been installed for the Methodist Pump Station and City Hall. He further stated that he conducted interviews and has hired someone for the IT Application Specialist position.

Library Director Ragsdale stated there was a lot of outreach in the month of October. The Library participated in National Night Out at the Police Department and also at the Fall Festival. The Library also hosted about 200 people for the Trick-or-Treat Halloween event probably due to the rainy weather. Mayor Pro Tem Toney spoke and informed Library Director Ragsdale that several people have told him what a great job he is doing with the Library and the programs offered for the kids. He commended Library Director Ragsdale on a great job.

CLOSED SESSION:

12. 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.
13. Pursuant to the Texas Government Code, Section §551.071 and §551.072 – **To Seek Legal Advice from the City Attorney concerning the acquisition of right-of-way for Daubitz Rd. Water Line Project.**

Mayor Hugley read Agenda Item Nos. 13 and 14 for Closed Session. City Manager Fuller invited Code/Community Development Director Silva-Reyes and Economic Development Director McCleary, and Mayor Hugley moved Council into Closed Session at 8:08 p.m.

REGULAR SESSION:

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

Council reconvened into Regular Session at 8:20 p.m.

11. Consider adoption of Resolution No. 17-075R authorizing acquisition of a Waterline Easement and Temporary Construction Easement from MSC-1, LTD, described as 26.159-acre tract located in northeast quadrant of IH-35 and Daubitz Road in the City of Red Oak, Ellis County, Texas, and more particularly described in Exhibit A attached hereto and incorporated herein; authorizing the City Manager to sign acquisition; and providing an effective date.

Mayor Hugley gave a detailed explanation of this agenda item and City Manager Fuller added to Mayor Hugley's explanation.

Councilmember Wilson made the motion, seconded by Councilmember Drake, to adopt Resolution No. 17-075R as stated. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted
Enactment No: RES 17-075R

ADJOURNMENT:

Councilmember Drake made the motion, seconded by Councilmember Wilson, to adjourn the meeting at 8:24 p.m. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on December 11, 2017.

Approved:



Alan Hugley, Mayor

Attest:



Dana Argumaniz, TRMC
City Secretary

