



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, February 12, 2018

7:00 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Regular Meeting of the Red Oak City Council was held on Monday, February 12, 2018, 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 (4):

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

Absent (2):

Councilmember Tim Lightfoot
Councilmember Ron Wilson

CALL TO ORDER: Mayor Hugley 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.

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

PRESENTATIONS:

- Introduction – New Police Officer, Jacob Sands

Mayor Hugley invited Police Chief Wolf to the podium to introduce his new police officer, Jacob Sands, and gave some background information on him. Sands is from Ferris, Texas. He graduated from Navarro College with a degree in Construction Technology, graduating cum laude. He is currently serving in the Texas Army National Guard with the 124th Cavalry Regiment Troop out of Waco, as a cavalry scout. He graduated from Class 245 from the North Central Texas Council of Governments. Sands has two daughters, Annie and Audrey, and a son named Elijah. His girlfriend, Jodie, is with him here tonight. Police Chief Wolf commended Sands on his work and expressed his hope that he stays with the department for a long time.

- Proclamation – Love Your Library Month

Mayor Hugley stated that we have a library here in the City of Red Oak that we are very proud of and, in particular, because we have a librarian that we are particularly proud of. He introduced Logan Ragsdale and stated that he's done an excellent job. The city has seen a lot of activity here that it hasn't seen before – a lot of activity and a lot of kids, and it is appreciated. He then read the Love Your Library proclamation into the record and presented it to Library Director Ragsdale. After receiving the proclamation, Library Director Ragsdale introduced the members of the Library Board and Friends of the Library to Council and the public.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - January 8, 2018 – Regular Council Meeting
 - January 29, 2018 – Special Called Meeting

Approved on the Consent Agenda

2. Consider adoption of Resolution No. 18-003R declaring certain personal property as obsolete, valueless, and surplus; providing for disposal of the same by the City Manager or his designee; authorizing the Mayor to execute; providing a severability clause; providing an effective date.

Adopted
Enactment No: RES 18-003R

3. Consider approval of Ordinance No. 18-004 amending Ordinance 17-038, amending the Fiscal Year 2018 Official Budget; appropriating funds to increase revenue from proceeds within the General Fund 115 as per attached Exhibit A; appropriating funds to spend a portion of Restricted Cash, Committed Fund Balance, and Unassigned Fund Balance; appropriating funds to increase expenditures in the General Fund 115, as per attached Exhibit A; providing that expenditures for said Fiscal Year be made in accordance with said amended budget; providing a severability clause; and providing an effective date.

Approved
Enactment No: ORD 18-004

4. Consider adoption of Resolution No. 18-004R calling for a General Election to be held on May 5, 2018, for the purpose of electing a Mayor and two (2) members to the Red Oak City Council for Place One (1) and Place Three (3), to be elected at large for a period of three (3) years; establishing procedure for said election, designating locations of polling places; designating filing deadlines; designating presiding election judge and alternative presiding judge; providing for the publication and posting of Notice; providing for the authorization to enter into Joint Election Agreements with Ellis County and the Red Oak Independent School District to conduct such election; providing a severability clause; and providing an effective date.

Adopted
Enactment No: RES 18-004R

Councilmember Drake made the motion, seconded by Councilmember Lindsey, to approve the Consent Agenda as published. The motion carried unanimously.

Ayes (3): Councilmember William Drake
 Councilmember Scott Lindsey
 Mayor Pro Tem Gordon Toney

BOARD APPOINTMENTS:

13. Appointments/Reappointment to Boards & Commissions – Consider approval regarding the following Boards/Commission:
 - A. Parks & Recreation Commission
 - Accept resignation of Regular Member, Kay Jones, from a two-year term from June 2017-2019 due to relocation out of the City of Red Oak.
 - Reappointment of Alternate Member, Kevin Crain, from a two-year term from June 2017-2019 to a Regular Member for the remainder of a two-year term from June 2017-2019.

Mayor Hugley read Agenda Item No. 13 for board appointments.

Councilmember Lindsey made the motion, seconded by Councilmember Lightfoot, to approve the resignation of Kay Jones from the Parks & Recreation Commission for a two-year term from June 2017-2019. The motion was carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Councilmember Drake made the motion, seconded by Mayor Pro Tem Toney, to approve the reappointment of Kevin Crain from Alternate Member to Regular Member of the Parks & Recreation Commission for the remainder of a two-year term from June 2017-2019. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

CITIZENS COMMENTS:

Mayor Hugley explained the process of the Citizens Comments portion of the meeting.

Sandra Strong Humphrey, 107 White Oak Lane, Red Oak, Texas, spoke and stated that she lives in the Hickory Creek subdivision and has been in the Red Oak area for 30 years. Her concern is that Red Oak is growing so rapidly and she doesn't see much initiative for the aesthetics of the city. She used Hickory Creek as an example. She stated that the landscaping at the pond is benign. She hopes that something (aesthetically pleasing landscaping) can be planned by Council for the future when putting new houses in.

COUNCIL BUSINESS – REGULAR SESSION:

5. Conduct a Public Hearing and consider approval of Ordinance No. 18-005 approving a zoning change from Planned Development 61, Revised 3 (PD61-R3) to Planned Development 61, Revised 4 (PD61-R4), to allow for a temporary batch plant for the Cove at Hickory Creek, approximately 10.4 acres, George C Parks Survey, A-836, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. and east of Hickory Creek Drive, requested by Casey Hargrove.

Mayor Hugley addressed Council and the public regarding the process of public hearings. Mayor Hugley read Agenda Item No. 5 into the record.

City Manager Fuller gave a detailed explanation of Agenda Item No. 5 and indicated the subject area on the monitor.

Mayor Hugley opened the Public Hearing at 7:26 p.m.

Casey Hargrove, developer and resident, 213 Rose Garden Way, Red Oak, Texas, spoke in favor of the batch plant. He stated that he lives in the Harmony subdivision which recently received notice of a batch plant going in for a new subdivision. He stated that this caused a lot of commotion on social media and, in turn, misconceptions about the project. Hargrove stated that having a batch plant is much better than having the concrete trucked in. He assured Council and the public that the plant would greatly reduce the impact on the community. He gave a detailed explanation of the batch plant project going into the Hickory Creek addition including the estimated time line for completion.

Sandra Strong Humphrey, 107 White Oak Lane, Red Oak, Texas, spoke and asked that something be put in writing as to the length of time that the batch plant will be in place and if an extension is requested, that residents be notified. She also hoped that the area would be cleaned up and look like it did before the plant was opened. She further stated that she is concerned with safety due to bus drop offs and young drivers, and the inevitable traffic.

Councilmember Lindsey made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:32 p.m. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Councilmember Lindsey spoke and thanked Humphrey for her concerns. He stated that he's followed up on other batch plants with people who had the same concerns to see how it ended up going. Overwhelmingly, these other concerned people were very pleased because it did cut down on traffic and that high-traffic hours were avoided by the trucks. He referenced his own experience with a batch plant near his home and how little he noticed about it and how quiet it was. He stated that he would like to follow up with her after the event to see how she felt about it.

Mayor Hugley and Council further discussed the agenda item. Mayor Hugley stated he understood the concerns. He further stated that the truth is that these plants are very positive for a lot of reasons: they cut down on wear and tear on roads, they cut down on a lot of traffic coming in and out of the area, and the quality of the concrete is better being made on-site. The roadways will be the city's and taxpayer's responsibilities after they are built and therefore, the city wants the best quality roads. Having the plant on-site ensures a better-quality product. Mayor Hugley also stated that the batch plant will be there the absolute shortest amount of time so that they can move on to the next project.

City Manager Fuller stated that the timeline for the project is contained within the ordinance itself. The hours of operation as well as the 60-day window of time when they will be able to place it out there are in the ordinance.

Mayor Hugley concluded by stating the area of the batch plant will be fully cleaned up when they leave.

Shaun Whitten, 119 Post Oak, Red Oak, Texas, spoke and asked a question about the construction on her street and how long it will be going on. Casey Hargrove answered stating that the first part of the construction is always the worst part, and it's the same way with the concrete construction. He stated that once they can actually access that street, after the concrete is poured, then the construction activity will be contained on the site and inward.

Councilmember Lindsey made the motion, seconded by Councilmember Drake, to approve Ordinance No. 18-005 as read. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Approved
Enactment No: ORD 18-005

6. Conduct a Public Hearing regarding voluntary annexation of real property generally described as being 5.50 acres, more or less, out of the John Nugent Survey, Abstract No. 796, Parcel No. 188572

Mayor Hugley read Agenda Item Nos. 5 and 6 into the record.

City Manager Fuller gave a detailed explanation of Agenda Item Nos. 5 and 6 and indicated the subject areas on the monitor.

Mayor Hugley opened the Public Hearing at 7:48 p.m.

Brett Hess, 327 Blue Ribbon Road, Waxahachie, Texas, spoke stating that he represents the Kells, the owners of the property, and it is their wish to annex this property so that it may be developed.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Lindsey, to close the Public Hearing at 7:49 p.m. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

There was no discussion or action.

7. Conduct a Public Hearing regarding voluntary annexation of real property generally described as being 69.82 acres, more or less, out of the John Nugent Survey, Abstract No. 796, Parcel No's. 188562 and 1885783.

See Agenda Item No. 6 above for explanation.

8. Consider adoption of Resolution No. 18-005R approving the terms and conditions of a Professional Services Agreement with Hardin & Associates Consulting, LLC for On-Site Sewage Facility (OSSF; septic systems) Plan Review and Inspections; and authorizing the City Manager to execute the agreement between Hardin & Associates Consulting, LLC and the City of Red Oak on behalf of the City; and providing an effective date.

Mayor Hugley stated that Agenda Item Nos. 8, 9 and 10 are all related and he then read each of them into the record.

City Manager Fuller gave a detailed explanation of these agenda items.

There was no discussion among Council regarding these agenda items.

Councilmember Drake made the motion, seconded by Councilmember Lindsey, to adopt Resolution Nos. 18-005R, 18-006R and 18-007R as presented. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

**Adopted
Enactment No: RES 18-005R**

9. Consider adoption of Resolution No. 18-006R approving the terms and conditions of a Professional Services Agreement with SC Tracking, LLC for the implementation of Cloud-Based Notification and Reporting Computer Link to manage the City's Backflow, Customer

Service Inspection, Fog Program, and On-Site Sewer Programs; and providing for the City Manager to Execute the agreement between SC Tracking Solutions, LLC and the City of Red Oak on behalf of the City; and providing an effective date.

See Agenda Item No. 8 above for action taken.

Councilmember Drake made the motion, seconded by Councilmember Lindsey, to adopt Resolution Nos. 18-005R, 18-006R and 18-007R as presented. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

**Adopted
Enactment No: RES 18-006R**

10. Consider adoption of Resolution No. 18-007 amending the Maser Fee Schedule by amending Chapter 5.00, "Building and Development Fees", by amending Section 5.003 to amend Miscellaneous Construction Fees charged on Permits Issued for new On-Site Sewage Facilities (OSSF; septic systems) Installation including City Administrative costs and updating the Backflow License Fees; and amending Section 5.003 to reflect additional fees for Tracking/Record Maintenance for OSSF System and Grease Hauler; providing a repealing clause; providing a severability clause; and providing an effective date.

See Agenda Item No. 8 above for action taken.

Councilmember Drake made the motion, seconded by Councilmember Lindsey, to adopt Resolution Nos. 18-005R, 18-006R and 18-007R as presented. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

**Adopted
Enactment No: RES 18-007R**

11. Consider adoption of Resolution No. 18-008R awarding the bid for the construction of Dunn Street 8-Inch Water Line Project to the lowest bidder, Circle H Contractors, LP; 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. 11 into the record.

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

Councilmember Drake moved the motion, seconded by Mayor Pro Tem Toney, to adopt Resolution No. 18-008R as presented. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

**Adopted
Enactment No: RES 18-008R**

12. Consider approval of Ordinance No. 18-006 authorizing the abandonment and vacation of a 0.227 acre Temporary Street Easement and a 0.036 acre Temporary Street Easement, both being located on a portion of the 55.651 acre tract 3, of the John Nugent Survey,

Abstract No. 796, as described in the deed recorded in Volume 02096, Page 2100, Deed Records for Ellis County, Texas, being more fully described in the exhibits A, B C and D, attached hereto and incorporated herein; providing for the furnishing of a Certified Copy of this Ordinance for recording in the Real Property Records of Ellis County, Texas, as a Quitclaim Deed; providing for the Indemnification of the City of Red Oak, Texas, Against damages arising out of the abandonment; authorizing the City Manager to execute and record necessary documents evidencing the abandonment of said easement; providing a severability clause; and providing an effective date.

Mayor Hugley read Agenda Item No. 12 into the record.

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

Councilmember Lindsey moved the motion, seconded by Councilmember Drake, to adopt Ordinance No. 18-006 as presented. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Approved
Enactment No: ORD 18-006

DEPARTMENTAL REPORTS:

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

- A. Fire Department
 - Monthly Activity Report
- B. Police Department
 - Monthly Report
- C. Community Development
 - Code Services Report
 - Building Permit and Inspections Report
 - Animal Control Report
- D. Public Works Department
 - Operational Report
 - Administrative Monthly Report
- E. Human Resources
 - 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
- Statistical Highlights

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

Fire Chief Thompson spoke and stated that January was their busiest month on record that did not have a major event, like a tornado, ice storm, etc. There were 132 occurrences but their response time did not suffer due to our mutual aid agreements and our department models. He expressed his pride in their ability to keep up with calls without giving up quality customer service. Also, they are now responding to more EMS calls.

Police Chief Wolf stated the department brought on a part-time kennel attendant at the Animal Shelter. He stated that they have some very diligent investigations going on with some of their unsolved crimes; PD was able to clear out a majority of those significant occurrences for this last year. He is pleased with the activity and the cooperation he's experienced with some of the surrounding cities in solving these crimes. He stated he was available for questions from Council. Mayor Hugley congratulated Police Chief Wolf on his new officer, Jacob Sands. He then asked how many positions were still open at this time. Police Chief Wolf answered stating that the department is still down 5 officer positions and one city marshal position.

Human Resources Director Lawson is absent.

Finance Director Richardson stated the positive pay system has been implemented with Prosperity Bank. This system works through checks and balances which means the city's assets are now better safeguarded.

Library Director Ragsdale spoke and thanked Council for their continued support. He said that the Library saw a significant jump in the number of items checked out in January, likely due to Story Time events starting back up again after the holidays. He referred Council to the Love Your Library bags given to each of them.

Assistant City Manager (ACM) Lawrence spoke and stated that he will be going to the City of Waxahachie to be their new Assistant City Manager. His proposed last date will be March 2. This was his news, his update and his final report. Mayor congratulated ACM Lawrence on his new job and wished him well.

CLOSED SESSION:

14. 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.
15. Pursuant to the Texas Government Code, Sections §551.071 and §551.074 – **To Seek Legal Advice from the City Attorney** and deliberate on the duties of a public employee; to wit: Assistant City Manager.

Mayor Hugley read Agenda Item Nos. 14 and 15 for Closed Session. Council moved into Closed Session at 8:07 p.m.

REGULAR SESSION:

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

Council reconvened into Regular Session at 8:56 p.m. There was no action.

ADJOURNMENT:

Councilmember Drake made the motion, seconded by Mayor Pro Tem Toney, to adjourn the meeting at 8:56 p.m. The motion carried unanimously.

Ayes (3): Councilmember William Drake
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

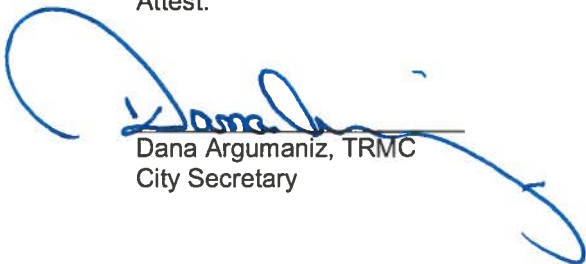
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on March 12, 2018.

Approved:



Alan Hugley, Mayor

Attest:


Dana Argumaniz, TRMC
City Secretary

