



## City of Red Oak

### Minutes - Final City Council Regular Meeting

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Monday, March 12, 2018

7:00 PM

Red Oak Municipal Center  
200 Lakeview Parkway

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A Regular Meeting of the Red Oak City Council was held on Monday, March 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 (5):**

Mayor Alan Hugley  
Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Absent (1):**

Mayor Pro Tem Gordon Toney

**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 Wilson gave the Invocation and led the Pledge of Allegiance.

**PRESENTATIONS:**

- Proclamation – Meals on Wheels – March for Meals Awareness Month

Mayor Hugley spoke and talked about the Meals on Wheels organization and his work with it. He then asked Lisa Neese and Gladys Burns to come forward for an introduction. Ms. Neese gave a brief explanation of the organization and its routes in Red Oak and the area. She stated that 650 meals are delivered every day by volunteers and, per Ms. Neese, they couldn't do it without volunteers. She thanked the community for their giving up of their time, talents and treasures. Mayor Hugley then read the Proclamation into the record and presented it to Ms. Neese and Ms. Burns.

**CONSENT AGENDA:**

1. Consider approving the following Minutes:
  - February 12, 2018 – Regular Council Meeting
  - February 13, 2018 – Public Hearing & Special Called MeetingApproved on the Consent Agenda
2. Consider adoption of Resolution No. 18-009R 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 18-009R

3. Consider adoption of Resolution No. 18-010R ordering cancellation of the General Election on May 5, 2018, and declaring the election of unopposed candidates for Mayor, Place 1, and Place 3 of the City Council of the City of Red Oak, Texas; providing for the issuance of the certificates of election; providing for the posting of this resolution and providing an effective date.  
**Adopted**  
**Enactment No: RES 18-010R**
  
4. Consider adoption of Resolution No. 18-011R approving a tariff authorizing an annual rate review mechanism ("RRM") as a substitution for the Annual Interim Rate Adjustment Process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division and the Steering Committee of Cities served by Atmos; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this resolution was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this resolution to the company and legal counsel for the Steering Committee.  
**Adopted**  
**Enactment No: RES 18-011R**
  
5. Consider adoption of Resolution No. 18-012R authorizing the City Manager to approve an expenditure in an amount not to exceed \$105,000.00 for the reconstruction and resurfacing of various roads located in Red Oak, Texas, through an Interlocal Government Contract with Ellis County Commissioner, Precinct 4.  
**Adopted**  
**Enactment No: RES 18-012R**
  
6. Consider adoption of Resolution No. 18-013R setting an amending date for a Public Hearing to discuss and consider the proposed Water & Wastewater Impact Fees on new development; and providing an effective date.  
**Adopted**  
**Enactment No: RES 18-013R**
  
7. Consider approving the absences of Councilmember Tim Lightfoot and Councilmember Ron Wilson from the February 12, 2018, Regular Meeting of the Red Oak City Council.  
**Approved**

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

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**CITIZENS COMMENTS:**

**No one spoke.**

**COUNCIL BUSINESS – REGULAR SESSION:**

8. Conduct a Public Hearing and consider approval of Ordinance No. 18-007 approving a zoning change from Planned Development 41, Revised (PD-41R) to Planned Development 41, Revised 2 (PD-41R2) to allow for the construction of an on-line grocery pick-up expansion to the existing Walmart, 100 Ryan Drive, City of Red Oak, Ellis County, Texas,

located north of Ovilla Rd., and east of Ryan Drive, requested by Walmart Stores Texas, LP.

Mayor Hugley briefly explained the Public Hearing process and read Agenda Item No. 8 into the record. He then asked City Manager Fuller to give a further, more detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:16 p.m.

Mark Stanfill, 919 Country Creek Lane, Red Oak, Texas, spoke and asked Council and the Walmart representative if they could go with the color of maroon, the color of the City, instead of the color orange (for the striping in the on-line grocery pick-up area).

Councilmember Lindsey made the motion, seconded by Councilmember Wilson, to close the Public Hearing at 7:17 p.m. The motion carried unanimously.

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

A representative of Walmart spoke and answered Councilmember Lindsey's inquiry about the striping color, as mentioned by Mark Stanfill. He stated that the color has been set at orange, even at the location in College Station.

Councilmember Wilson made the motion, seconded by Councilmember Lightfoot, to approve Ordinance No. 18-007 as read. The motion carried unanimously.

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 18-007**

9. Consider approval of Ordinance No. 18-008 providing for the voluntary annexation into the City of Red Oak territory generally described as being 5.50 acres, more or less, out of the John Nugent Survey, Abstract No. 796, Parcel No. 188572 situated in Ellis County, Texas, granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions, and regulations of said city; providing for a service plan, which is attached hereto and incorporated herein by reference; providing a severability clause; and providing for the effective date of said ordinance.

Mayor Hugley and City Attorney Hager read Agenda Item Nos. 9 and 10 into the record. Mayor Hugley then gave a brief description and background of both agenda items.

Councilmember Drake made the motion, seconded by Councilmember Lightfoot, to approve Ordinance Nos. 18-008 and 18-009 as read. The motion carried unanimously.

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 18-008**

10. Consider approval of Ordinance No. 18-009 providing for the voluntary annexation into the City of Red Oak territory generally described as being 69.82 acres, more or less, out of the John Nugent Survey, Abstract No. 796, Parcel No. 188562 and Parcel No. 188573 situated in Ellis County, Texas, granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions, and regulations of said city; providing for a service plan, which is attached hereto and incorporated herein by reference; providing a severability clause; and providing for the effective date of said ordinance.

**See Agenda Item No. 9 above for action taken.**

**Councilmember Drake made the motion, seconded by Councilmember Lightfoot, to approve Ordinance No. 18-008 and 18-009 as read. The motion carried unanimously.**

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Approved**

**Enactment No: ORD 18-009**

11. Consider approval of a Preliminary Plat for Lots 1 & 2, Bock 1, 7-Eleven Red Oak Addition, 1.732 acres, AJ Parks Survey, A-849, Robert Bell Survey, A-60, Samuel Billingsley Survey, A-77, City of Red Oak, Ellis County, Texas, requested by Vertical Construction Management.

**Mayor Hugley read Agenda Item No. 11 into the record.**

**City Manager Fuller gave a detailed explanation of this agenda item. He stated that staff recommends approval with incorporation of engineering comments.**

**Councilmember Wilson made the motion, seconded by Councilmember Lindsey, to approve the preliminary plat as described. The motion was unanimous.**

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Approved**

12. Consider approval of Ordinance No. 18-010 authorizing the abandonment and vacation of a 0.159 acre Right of Way Easement being located on a portion of the 1.13 acre tract, Lot 1, Block A, of the R. Bell Survey, Abstract No. 60, depicted in Exhibit A, 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.**

**Mayor Hugley further discussed the agenda item with Council.**

Councilmember Lightfoot made the motion, seconded by Councilmember Drake, to approve Ordinance No. 18-010 as read. The motion carried unanimously.

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 18-010**

13. Consider approval of Ordinance No. 18-011 amending Ordinance No. 17-038, amending the Fiscal Year 2018 Official Budget; reallocating savings in the General Fund and Water/Sewer Fund from departmental payroll costs to each respective fund's reserves; reallocating departmental payroll related costs from Fund Reserves to various departments; providing that expenditures for said Fiscal Year be made in accordance with said amended budget; providing a severability clause; and providing an effective date.

Mayor Hugley read Agenda Item No. 13 into the record. He then gave a detailed explanation of the agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Lightfoot, to approve Ordinance No. 18-011 as read. The motion carried unanimously.

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 18-011**

#### **DEPARTMENTAL REPORTS:**

18. 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
  - Monthly Investment 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 / Interim Assistant City Manager Thompson stated that the department turned in two reports this month including their annual report for 2017. It is a comprehensive report outlining performance. He recognized the department for their dedicated service and leadership for making it all happen. Incident numbers increased, but so did the response time, and performance improved to meet the demands of the community. Six minutes and three seconds as an average response time is very good. Councilmember Lindsey commented stating that we, as a city, are so fortunate to have the type of fire department we have and these reports prove it. He further stated that he appreciated all the time that went into both reports.**

**Police Chief Wolf stated he had no updates at this time but was available for questions. Mayor Hugley asked Police Chief Wolf about hiring. Police Chief Wolf answered and updated Mayor and Council about their recruits, stating that three officers have been hired at this time.**

**Community Development (CD) / Public Works (PW) Director Silva-Reyes spoke and updated Council on the water line project at I-35 and Red Oak Road. He also stated that he's updated the water Master Plan and gave more detailed information about the projects. Silva-Reyes added that, due to growth in the Public Works and Community Development departments thereby necessitating the acquiring of more space for additional employees, they are remodeling the old fire station. A total of \$75,000.00 has been set aside for that project. He gave details about the planned renovations. Changing out the electrical system, and bringing it up to code, has increased the cost substantially. Silva-Reyes further explained the funding for the project. He concluded by informing Council about the Easter Egg Hunt on Wednesday, March 28, and invited them out to the event.**

**Library Director Ragsdale spoke and stated that the Library has two programs during Spring Break.**

**Court Administrator Collins stated she had no updates at this time but was available for questions. Councilmember Lindsey spoke and asked what plans were in place for collecting on the warrants. He indicated that we are over 2 million. Police Chief Wolf responded stating that they are in the process of evaluating applicants for the City Marshal position which will help us get that covered. He also mentioned the Warrant Round-Up that is coming up soon. Wolf discussed the matter further. Councilmember Lindsey then asked if there has been an uptick in the number of warrants. Collins responded in the affirmative.**

**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, Section §551.071 and §551.074 – **To Seek Legal Advice from the City Attorney** and deliberate on the duties of a public employee; to wit: City Manager.
16. Pursuant to the Texas Government Code, Section §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, 15, and 16 for Closed Session. He stated that he expected to have some action coming out of Executive Session. He moved Council into Closed Session at 7:47 p.m.

#### **REGULAR SESSION:**

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

Council reconvened into Regular Session at 10:25 p.m. See below for action taken for Agenda Item No. 15.

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

Mayor Hugley stated for the record that Item No. 13 and the increase for Item No. 15 are market-based decisions to bring salaries in the City of Red Oak to median market levels. We have taken an in-depth look at surrounding cities and we are considerably lower. We lost our Assistant City Manager at a salary of approximately \$25,000 over what our City Manager is currently making. By bringing salaries to market level we will be able to have an edge in retention and the ability to hire positions we need filled now. The City Manager has been instructed to review the salary funds we have and redistribute to get salaries in the ranges to allow us to receive good applicants to get the positions filled and bring current department heads to market level so that we do not lose any more staff.

Councilmember Drake made the motion, seconded by Councilmember Lindsey, to approve an Employment Agreement with Todd Fuller to continue serving as City Manager for the City of Red Oak through September 30, 2023, with a current salary agreement of \$179,500.00 per year. The motion carried unanimously.

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

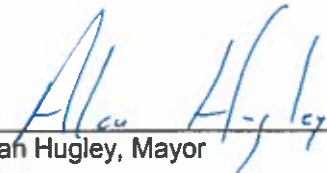
**ADJOURNMENT:**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 10:42 p.m. The motion carried unanimously.**

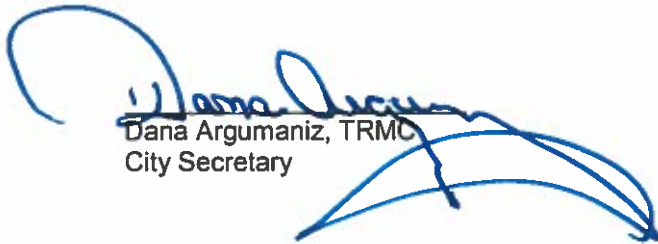
**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Councilmember Ron Wilson

**PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on April 9, 2018.**

Approved:

  
Alan Hugley, Mayor

Attest:

  
Dana Argumaniz, TRMC  
City Secretary

