



## City of Red Oak

### Minutes - Final City Council Regular Meeting

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Monday, March 11, 2019

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 11, 2019, 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 (3):**

Mayor Mark L. Stanfill  
Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Absent (2):**

Councilmember Tim Lightfoot  
Councilmember Scott Lindsey

**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.

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

**PRESENTATIONS:**

- Introduction – Employee-of-the-Year Award to Joane Muhammad

City Manager Fuller announced that Joane Muhammad received the City of Red Oak Employee-of-the-Year award for 2018. City Manager Fuller presented Ms. Muhammad with a plaque and thanked her for her many contributions and service of excellence to the city and its citizens. In addition, Police Chief Wolf spoke about Ms. Muhammad's excellent service and dedication to Red Oak, as well as her volunteerism, particularly with the Police Explorers program and the annual National Night Out event. Mayor Stanfill concluded by saying that Joane is a hard worker and an asset to the city.

- Introduction – Police Officer, Rebecca Pevehouse

Police Chief Wolf spoke and introduced Red Oak's newest police officer, Officer Rebecca Pevehouse. He stated that Ms. Pevehouse currently lives in Allen, Texas. She graduated from the Garland Police Academy, Garland, Texas, in April of 2018. She has a Bachelor's degree in Criminal Justice with a minor in Military Science. Ms. Pevehouse joined the Army reserve in 2014 and was commissioned as a first lieutenant in May of 2015. She's currently in her first phase of training and doing a great job.

- Employee Recognition – Assistant Public Works Director, Jared Binford

City Manager Fuller spoke and introduced our new Assistant Public Works Director, Jared Binford. He stated that Mr. Binford has been with the city for approximately five years and

worked in several capacities, most recently as the supervisor for the water/waste water sewer system. Public Works Director Williams also spoke and stated that Mr. Binford's promotion is a blessing to the city.

- Employee Recognition – Fire Chief / Assistant City Manager, Eric Thompson

City Manager Fuller spoke and recognized Fire Chief / ACM Eric Thompson. He stated that Mr. Thompson has been with the city in one capacity or another since the late 1990s. He was one of Red Oak's first full-time firefighters and worked his way up. He took over as Fire Chief in 2005. He has been recently designated as a Chief Fire Officer through the Center for Public Safety Excellence. Throughout his career, he has received many awards, including the following: Fire Service Medal of Honor, Meritorious Conduct, two life-saving awards, Officer-of-the-Year, Paramedic-of-the-Year, four Firefighter-of-the-Year awards and multiple letters of commendation. This year, Mr. Thompson won the President's Award from the Texas Fire Chiefs Association. He has served seven terms as president of the EDUCT group, a regional group of 12 cities that shares resources and provides mutual aid. He is the North Branch Coordinator for TIFMAS. He headed the emergency coordination efforts during Hurricane Harvey in the Houston area. He is also on the ROISD school board. This year, the Texas Fire Chiefs Association across the state, numbering about 1,500 chief fire officers, awarded Mr. Thompson with the prestigious Fire Chief of the Year! City Manager Fuller stated that Mr. Thompson is also our Assistant City Manager and is also heading up the city's Excellence Program. He concluded by congratulating Mr. Thompson for this great honor and that the city appreciates everything he does.

Fire Chief / ACM Thompson spoke and thanked everyone for allowing him to be here and that it's an honor to serve this community.

#### **CONSENT AGENDA:**

1. Consider approving the following Minutes:
  - February 11, 2019 – Regular Council Meeting**Approved on Consent Agenda**
  
2. Consider adoption of Resolution No. 19-008R ordering cancellation of the General Election on May 4, 2019, and declaring the election of unopposed candidates for Place 2, Place 4, and Place 5 of the City Council of the City of Red Oak, Texas, providing for issuance of the certificates of election; providing for the posting of this resolution; and, providing an effective date.  
**Adopted**  
**Enactment No: RES 19-008R**
  
3. Consider approval of Ordinance No. 19-005 amending Ordinance No. 17-038, amending the Fiscal Year 2017-2018 Official Budget, appropriating funds to increase revenue from developer contributions and budgeted use of restricted fund balance, as well as budgeted expenditures in the General Fund as attached in Exhibit "A", Page 1; appropriating funds to increase revenue from budgeted use of fund balance, as well as budgeted expenditures in the Streets Capital Improvement Fund, as attached in Exhibit "A", Page 2; 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 19-005**
  
4. Consider approval of Ordinance No. 19-006 ratifying the Budget for 2017-2018 Fiscal Year; providing that expenditures for said fiscal year be made in accordance with said ratified budget; providing a severability clause; and, providing an effective date.  
**Approved**  
**Enactment No: ORD 19-006**

5. Consider approval of Ordinance No. 19-007 amending Ordinance No. 18-037, amending the Fiscal Year 2018-2019 Official Budget, appropriating funds to increase revenue from Grants – Police/Fire Revenue, as well as budgeted expenditures in the General Fund 115 as attached in Exhibit “B”; 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 19-007**

**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 on in one motion or separately.**

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

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Mayor Stanfill explained the Citizens Comments section of the meeting and read the rules displayed on the monitors.**

#### **CITIZENS COMMENTS:**

**Omar Jaay, 124 Crystal Creek, Red Oak, Texas, spoke about the sewer and water rates being unacceptably high in Red Oak. He stated that the citizens are justifiably angry. He referenced posts and messages on social media sites by citizens of Red Oak about the rates. Citizens are asking why rates are so high compared to cities surrounding Red Oak. Mr. Jaay read a post from the Facebook® page, Red Oak Talk, which stated, “sewer rates are too high – treason.” He stated that he does not believe Council has committed treason and understands that Councilmembers are also fellow citizens of Red Oak. He stated that he does share the poster’s frustration, however. Mr. Jaay stated that when he moved from Cedar Hill in 2016 and received his first water bill, he was shocked. The bill was about three times the cost of what he paid in Cedar Hill. He believed things would get better, but they did not. In December of 2016, his bill was \$395.00. Mr. Jaay called the city and was told that the rates were high because Red Oak bought the water from Dallas. However, Cedar Hill also bought their water from Dallas. In January of 2018, he noticed that his sewer rate was twice that of his water. He spoke with City Manager Fuller who explained the reason why the sewer rates went up. City Manager Fuller also explained the contract for waste water with Trinity River Authority (TRA). Mr. Jaay asked Council and the Mayor to look for best practices that meet industry standards giving Red Oak residents a cost-effective water supply and waste treatment so that all can continue to enjoy affordable water rates.**

**Norma Vila, 427 Mara Lane, Red Oak, Texas, spoke about an empty lot near her home. About one week ago, a person was digging holes next to her fence without a permit. She was told that cows would be placed on the lot. She wants to know who purchased the lot and why they are putting cows on it when it’s located in the city. She has a group of neighbors with her at Council with the same situation. Mayor Stanfill responded and told her that although Council could not comment since this issue is not on the agenda, he will have City Manager Fuller to reach out to her to help resolve her problem. City Manager Fuller then spoke and stated that the city is aware of the situation. He introduced Ben Hartman, City Engineer, to Ms. Vila. Mr. Hartman spoke and stated that he would handle the situation.**

**Winston Warner**, 425 Mara Lane, Red Oak, Texas, spoke about the same issue as Ms. Vila. He asked about someone filling in the holes that were made in his property. City Engineer Hartman said he would reach out to the property owner and ask them about it.

City Manager Fuller then spoke and addressed the water and sewer rates with the public and Council. He explained in detail the process of setting water and sewer rates, and the history behind the high rates here in Red Oak. The City of Red Oak, along with other cities, are in a binding contract with Trinity River Authority (TRA) for sewage treatment. We pay TRA to take our water in and treat it. We are charged by the amount of use that they produce in the treatment facility. The treatment facility is in Red Oak, but there are lines in that system that go all the way to Cedar Hill, and to Lancaster and DeSoto, etc. Pay is based on how much usage occurs here at the plant. Red Oak uses the most, approximately 33 percent of all the sewer treatment that happens in that system. Staff and City Attorney have looked at the contract many times to try and find ways out of it. The problem is even if we lessen our use of the TRA facilities, we can't do away with them. There are minimums that Red Oak still has to send to TRA contractually. City Manager Fuller stated that he sympathized and agreed with Mr. Jaay and the public, and wished there was a way around this problem. City Attorney Hager added that as long as there is bond indebtedness, we'll be tied into that contract. Mayor Stanfill added that it's a vicious circle and we're stuck with it. The city is trying to soften the blow as well as it can.

#### **COUNCIL BUSINESS – REGULAR SESSION:**

6. Consider adoption of Resolution No. 19-009R approving the terms and conditions of a Master Agreement for the purchase and sale of electric energy and related services with ENGIE Resources LLC ("ENGIE") and the City of Red Oak, Texas, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to execute said agreement; and, providing for an effective date.

Mayor Stanfill read Agenda Item No. 6 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item.

City Attorney Hager added that this purchase of electricity is for running city facilities, not a rate for citizens.

Mayor Stanfill, Council, City Manager Fuller and City Engineer Hartman discussed this agenda item at length.

**Rick Ausmus**, Representative with Texzon Utilities, spoke in favor of the agreement and offered himself for questions from Council. He commended Council and staff on their decision, two years prior, to remove the City's services from an aggregation group.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Wilson, to adopt Resolution No. 19-009R as presented. The motion carried unanimously.

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Adopted**  
**Enactment No: RES 19-009R**

7. Consider approval of Ordinance No. 19-008 establishing a Code of Ethics Municipal Officers and Employees; providing for statement of purpose; providing definitions; providing standard of conduct; providing for prohibited conduct; providing for disclosure of intent; providing for penalty clause; providing a severability clause; and, providing an effective date.

**Mayor Stanfill read Agenda Item No. 7 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item. City Attorney Hager added that when Franklin Publishing did the codification of our ordinances, this ordinance was inadvertently left out. Council is just reinstating it and making sure it's in the code book.**

**Councilmember Drake made the motion, seconded by Councilmember Wilson, to approve Ordinance No. 19-008 as presented. The motion carried unanimously.**

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved  
Enactment No: ORD 19-008**

- 8.** Consider adoption of Resolution No. 19-010R accepting a voluntary annexation petition and authorizing the setting of a date, time, and place for two (2) public hearings on the contemplated annexation described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof for all purposes ("Annexation Area"), by the City of Red Oak, Texas; authorizing and directing city staff to publish notice of such hearings, with the institution of the annexation proceedings, by adoption of the annexation ordinance to occur at a regular called City Council session, and to prepare a service plan for the annexation area; said annexation area being more particularly described in Exhibit "A" and depicted in Exhibit "B"; and, providing for an effective date.

**Mayor Stanfill read Agenda Item No. 8 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item, indicating the property on the monitors.**

**Councilmember Drake made the motion, seconded by Mayor Pro Tem Toney, to adopt Resolution No. 19-010R as presented. The motion carried unanimously.**

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Adopted  
Enactment No: RES 19-010R**

- 9.** Conduct a Public Hearing and consider approving Ordinance No. 19-009 approving a zoning change from Industrial (I) to Planned Development 100 (PD-100) to allow for a single-family residential subdivision, 250 SFR lots and 17 common areas, being approximately 67 acres, John Nugent Survey, A-796, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. and west of IH 35E, SB, requested by AP Ft. Wayne Limited Partnership.

**Mayor Stanfill read Agenda Item No. 9 into the record. City Manager Fuller spoke briefly and indicated the property on the monitors. City Engineer Hartman spoke and gave a detailed explanation of this agenda item with City Manager adding additional information.**

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

**Phil Butler, 213 Pecan Creek, Red Oak, spoke and asked about the development being over the county line. City Manager answered and gave a detailed explanation.**

**Richard Hovas, Engineering Concepts & Design, L.P., 201 Windco Circle, Suite 200, Wylie, Texas, spoke and stated that they intend to start this [development] as soon as it's approved. He was available for questions.**

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

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Mayor, Council, City Manager Fuller and City Engineer Hartman discussed this agenda item at length.**

**Councilmember Wilson made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 7:59.**

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Mayor Pro Tem Toney made the motion, seconded by Councilmember Drake, to approve Ordinance No. 19-009 as read. The motion carried unanimously.**

**Ayes (3):** Councilmember William Drake  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved  
Enactment No: ORD 19-009**

#### **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. Engineering & Community Development
  - Code Services Report
  - Building Permit and Inspections Report
  - Animal Control Report
- D. Public Works & Parks 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

I. Court

- Statistical Highlights

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 / ACM Thompson spoke and updated Council on activities within his department. He briefly explained the fire department's performance document and annual report.**

**Police Chief Wolf spoke and updated Council on activities within his department. He briefly explained the police department's annual report and racial profiling report. He updated Council on the new Public Safety Academy. He also updated Council on hiring.**

**City Engineer Hartman spoke and updated Council on activities within his department. He stated that a new building inspector has been hired. He stated that his department exceeded the previous month in the number of new home permits issued.**

**Public Works & Parks Director Williams spoke and updated Council on activities within his department. He briefly touched on budgetary needs in his monthly report. He also explained the department's new data loggers.**

**Human Resources Director Lawson spoke and updated Council on activities within her department. She stated that HR is gearing up for the annual performance reviews. She explained new on-line training for employees. She told Council about Employee Appreciation Day on March 1. Employees were treated to ice cream.**

**Finance Director Richardson spoke and updated Council on activities within her department. She told Council that she hired a new Utility Billing Clerk and hopes to hire another one soon.**

**IT Director Binford spoke and updated Council on activities within his department. He told Council that he updated all communication devices in the police and fire departments. He created a new phone app for the City of Red Oak website. He has installed the new time keeping system, TimeClock®. City Manager Fuller added that IT is working on updating a contract with NextLink, the City's internet provider, who had offered internet services in exchange for rental of space on top of the water tower. Now that they are no longer providing that service, IT is working with NextLink to update the contract. The city will now receive revenue from that.**

**Library Director Ragsdale spoke and updated Council on activities within his department. He shared numbers and statistics with Council regarding use of the library. There was a 41 percent increase in materials checked out from the library in comparison to this time last year. There was a 47 percent increase in new borrowers.**

**Court Administrator Collins spoke and updated Council on activities within her department. She updated Council on the Warrant Roundup which is taking place from February 23 through March 16.**

**CLOSED SESSION:**

11. 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.

**12. Pursuant to the Texas Government Code, Section §551.071 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property.**

- A. Discuss or deliberate acquisition, sale, and/or exchange of Real Properties generally located east of I-35E, west of SH 342, south of FM 664/Ovilla Road, and north of US 77, Red Oak, Texas.
- B. Discuss or deliberate acquisition, sale, and/or exchange of Real Properties generally located east of Uhl Road, west of I-35E, south of the Ellis County Line, and north of FM 664/Ovilla Road, Red Oak, Texas.
- C. Discuss or deliberate acquisition, sale and/or exchange of Real Properties generally located east of Uhl Road, west of I-35E, south of Red Oak Road, and north of the Oaks Boulevard, Red Oak, Texas.

**Mayor Stanfill read Agenda Item Nos. 11 and 12 for Closed Session into the record and moved Council into Closed Session at 8:10 p.m.**

**REGULAR SESSION:**

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


**Council reconvened into Regular Session at 8:53 p.m. No action taken.**

**ADJOURNMENT:**

**Councilmember Drake made the motion, seconded by Councilmember Wilson, to adjourn the meeting at 8:53 p.m. The motion carried unanimously.**

**Ayes (3):** Councilmember William Drake  
 Mayor Pro Tem Gordon Toney  
 Councilmember Ron Wilson

**PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on April 8, 2019.**

Approved:  
  
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 Mark L. Stanfill, DVM, Mayor

Attest:  
  
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 Caryn Stevens  
 Deputy City Secretary

