



City of Red Oak

Minutes - Final City Council Regular Meeting

Monday, September 9, 2019

7:00 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Regular Meeting of the Red Oak City Council was held on Monday, September 9, 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 (4):

Mayor Mark L. Stanfill
Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Absent (1):

Councilmember William Drake

CALL TO ORDER: Mayor Stanfill called the meeting to order at 7:01 p.m., declared a quorum and announced that notices were legally posted pursuant to the Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Stanfill gave the Invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - August 12, 2019 – Regular Council Meeting
 - August 26, 2019 – Public Hearing and Special Called Council Meeting**Approved on Consent Agenda**

2. Consider approving the change of the Regular City Council Meeting from Monday, November 11, 2019, to Tuesday, November 12, 2019 due to the Veterans Day holiday.
Approved on Consent Agenda

3. Consider approval of Ordinance No. 19-035 providing for the appointment of Scott Kurth as Municipal Court Judge; providing a severability clause; and providing an effective date.
Approved
Enactment No: ORD 19-035

4. Consider adoption of Resolution No. 19-048R approving a Professional Services Agreement for the Municipal Court Judge, Scott Kurth, authorizing the Mayor to execute the agreement; providing a repealing clause; and, providing an effective date.
Adopted
Enactment No: RES 19-048R

5. Consider approval of Ordinance No. 19-036 providing for the appointment of Kathy Austin as Alternate Municipal Court Judge; providing a severability clause; and, providing an effective date.
Approved
Enactment No: ORD 19-036

6. Consider adoption of Resolution No. 19-049R approving a Professional Services Agreement for the Alternate Municipal Court Judge, Kathy Austin, authorizing the Mayor to execute the agreement; providing a repealing clause; and, providing an effective date.
Adopted
Enactment No: RES 19-049R

7. Consider adoption of Resolution No. 19-050R approving the terms and conditions of the Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Services District #4 and the Red Oak Fire Department for emergency response to fire calls within a certain area in the county and contiguous to the City of Red Oak, which agreement is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to sign said agreement; and, providing an effective date.
Adopted
Enactment No: RES 19-050R

8. Consider adoption of Resolution No. 19-051R amending the terms and conditions of the Interlocal Agreement between the City of Midlothian, Texas, and the City of Red Oak, Texas, for shared Public Safety Radio System, which agreement is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to sign said agreement; and, providing an effective date.
Adopted
Enactment No: RES 19-051R

9. Consider adoption of Resolution No. 19-052R approving a contract with Library Systems & Services, LLC, for library management and operation services for Fiscal Year 2019-2020; authorizing the City Manager to execute the contract; and, providing an effective date.
Adopted
Enactment No: RES 19-052R

10. Consider adoption of Resolution No. 19-053R approving the terms and conditions of an agreement between the Red Oak Industrial Development Corporation (ROIDC) and the City of Red Oak, Texas, for Administrative and Program Support Services for Fiscal Year 2019-2020, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to execute the agreement; and, providing an effective date.
Adopted
Enactment No: RES 19-053R

11. Consider adoption of Resolution No. 19-054R approving the terms and conditions of an agreement between the Red Oak Economic Development Corporation (ROEDC) and the City of Red Oak for Administrative and Program Support Services for Fiscal Year 2019-2020, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to execute the agreement; and, providing an effective date.
Adopted
Enactment No: RES 19-054R

12. Consideration adoption of Resolution No. 19-055R approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's Legal Counsel.
Adopted
Enactment No: RES 19-055R

13. Consider adoption of Resolution No. 19-056R amending the authorized signatories of the bank accounts for the City of Red Oak, Red Oak Economic Development Corporation, and Red Oak Industrial Development Corporation located at Prosperity Bank of Texas by removing Virginia Richardson; providing a repealing clause; providing a severability clause; and, providing an effective date.
Adopted
Enactment No: RES 19-056R

14. Consider adoption of Resolution No. 19-057R approving the Grant Agreement by and between the Red Oak Industrial Development Corporation (ROIDC) and the Red Oak Pee Wee Football Association and an expenditure in an amount not to exceed \$4,500.00; and, providing an effective date.
Adopted
Enactment No: RES 19-057R

15. Consideration and possible action regarding Amendment 1 to the existing IPO Contract by and between the Red Oak Industrial Development Corporation (ROIDC) and Westfall Engineering, PLLC; approving an expenditure in an amount not to exceed \$85,000.00; and, authorizing the President of the ROIDC to execute the same on behalf of the ROIDC.
Approved

16. Consider approving the absence of Councilmember Michael Braly from the August 12, 2019, Regular Meeting and the August 26, 2019, Public Hearing and Special Called Meeting of the Red Oak City Council.
Approved

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.

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

Ayes (3): Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Abstention (1): Councilmember Michael Braly

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

CITIZENS COMMENTS: No one from the public spoke.

COUNCIL BUSINESS – REGULAR SESSION:

17. Conduct a Public Hearing on the Fiscal Year 2019-2020 Annual Operating Budget; and, consider adoption of Resolution No. 19-058R establishing a date for record vote to adopt an ordinance to approve the Fiscal Year 2019-2020 Annual Operating Budget.

Mayor Stanfill read Agenda Item Number 17 into the record. City Manager Fuller gave them a brief explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:06 p.m. No one spoke.

Councilmember Goodwyn made the motion, seconded by Councilmember Braly, to close the public hearing at 7:06 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

City Manager Fuller spoke and stated that the date for the record vote to approve an ordinance to approve the Fiscal Year 2019-2020 Budget is set for Monday, September 23, 2019, at 6:30 p.m.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to adopt Resolution No. 19-058R setting the date of September 23, 2019, at 6:30 p.m. to approve the Fiscal Year 2019-2020 Annual Operating Budget. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Adopted
Enactment No: RES 19-058R**

18. Conduct a Public Hearing to receive public comment regarding the proposed 2019-2020 ad valorem tax rate of \$0.703645 per \$100 of assessed valuation; and, consider adoption of Resolution No. 19-059R establishing a date for record vote of an ordinance to approve the ad valorem tax rate for Fiscal Year 2019-2020.

Mayor Stanfill read Agenda Item Number 18 into the record.

Mayor Stanfill opened the Public Hearing at 7:08 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to close the public hearing at 7:08 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

City Manager Fuller spoke and stated that the date for the record vote of the ad valorem tax rate for Fiscal Year 2019-2020 is set for Monday, September 23, 2019, at 6:30 p.m.

Councilmember Wilson made the motion, seconded by Mayor Pro Tem Toney, to adopt Resolution No. 19-059R setting the date of September 23, 2019, at 6:30 p.m. to approve the ad valorem tax rate for Fiscal Year 2019-2020. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

**Adopted
Enactment No: RES 19-059R**

19. Conduct a Public Hearing and consider adoption of Resolution No. 19-060R regarding **Voluntary Annexation** of real property generally described as being 103.741 acres, more or less, out of the A. Frederick Survey, Abstract No. 375, J. Lawrence Survey, Abstract No. 633, and the J. McKnight Survey, Abstract No. 733, in the City of Red Oak, Ellis County, Texas, Parcel No. 183556.

Mayor Stanfill read Agenda Item Number 19 into the record. City Engineer Hartman gave them a detailed explanation of this agenda item.

No public hearing was required or conducted.

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to adopt Resolution No. 19-060R as presented. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted

Enactment No: RES 19-060R

20. Consider adoption of Resolution No. 19-061R designating an official and alternate newspaper for the City of Red Oak.

Mayor Stanfill read Agenda Item Number 20 into the record. City Manager Fuller gave a brief explanation of this agenda item.

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to approve the Waxahachie Daily Light as the designated newspaper and the Waxahachie Sun as the alternate newspaper for the City of Red Oak. The motion carried unanimously.

21. Consider adoption of Resolution No. 19-62R approving Candidate Nominations for Ellis Appraisal District Board of Directors for the years 2019-2020.

Mayor Stanfill read Agenda Item Number 21 into the record. City Manager Fuller gave a brief explanation of this agenda item.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to adopt Resolution No.19-062R approving the nomination of Phillip Lynch for Ellis Appraisal District Board of Directors. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted

Enactment No: RES 19-062R

22. Public reading of Resolution No. 19-063R approving an economic development infrastructure improvement project, and approving an Economic Development Incentive Agreement providing for a grant with an amended expenditure in the amount of \$100,000 by the Red Oak Economic Development Corporation (ROEDC) to CooperZadeh, LLC towards street improvements on the CooperZadeh project for the construction of north-south connecting street to FM 664/Ovilla Road.

Mayor Stanfill read Agenda Item Number 22 into the record. City Manager Fuller gave a detailed explanation of this agenda item. City Attorney Hager read Resolution No. 19-063R into the record. No action taken as this is a first reading of the resolution.

23. Conduct a Public Hearing and consider approving Ordinance No. 19-037 adopting a new official Zoning Map for the City of Red Oak.

Mayor Stanfill read Agenda Item Number 23 into the record. City Engineer Hartman gave a brief explanation of this agenda item. City Attorney Hager spoke and gave further explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:28 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to close the public hearing at 7:29 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Councilmember Goodwyn made the motion, seconded by Councilmember Braly, to approve Ordinance No. 19-037 as presented. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved

Enactment No: ORD 19-037

- 24. Conduct a Public Hearing and consider approving Ordinance No. 19-038 for a zoning change from Planned Development 71, Revised 2 (PD71-R2) to Planned Development 71, Revised 3 (PD71-R3) amending the development plan to allow for on-site consumption of alcohol for events at the Hamptons Event Venue, 196 N. IH35E, approximately 2.8 acres, Mara Estates, 2nd Installment, Lot C-2A, Block 4, City of Red Oak, Ellis County, Texas, located south of Ovilla Rd and east of IH-35E requested by Barry Brewer.**

Mayor Stanfill read Agenda Item Number 24 into the record. City Engineer Hartman gave a detailed explanation of this agenda item.

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

City Manager Fuller read into the record those comment forms received in the mail:

Timothy and Shannon O'Connor, 410 Tara Lane, wrote in favor of this project.

John R. and Mary C. Kelcher, 6710 Rolling Vista Drive, Dallas, Texas, wrote in favor of this project.

Eugene E. Moore, 201 Lorene Drive, Red Oak, Texas, wrote that he was for this project, but was concerned about trespassing on his property and the liabilities of said trespassing. (Mr. Moore was present in Council chambers.)

Mayor, Councilmembers, City Manager Fuller and City Engineer Hartman briefly discussed this agenda item.

Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to close the public hearing at 7:39 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Councilmember Braly made the motion, seconded by Mayor Pro Tem Toney, to approve Ordinance No. 19-038 as presented. The motion carried 3-0-1.

Ayes (3): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney

Abstention (1): Councilmember Ron Wilson
Approved
Enactment No: ORD 19-038

25. Conduct a Public Hearing and consider approving Ordinance No. 19-039 approving a zoning change from Agriculture (AG) to Residential-2 (R-2) for the construction a new single-family residence for Lot 1, Block 4, Deercreek Addition, approximately .801 acres, City of Red Oak, Ellis County, Texas, requested by Gilbert Escobedo, Jr.

Mayor Stanfill read Agenda Item Number 25 into the record. City Engineer Hartman gave a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:41 p.m. No one spoke.

City Engineer Hartman read into the record those comment forms received in the mail:

Gilbert Escobedo, Jr., 1100 Pierce Road, Red Oak, Texas, spoke in favor of the project.

Karl and Jodie Kowalski, 121 Deercreek Drive, Red Oak, Texas, spoke in favor of the project.

Councilmember Goodwyn made the motion, seconded by Councilmember Wilson, to close the public hearing at 7:42 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Councilmember Wilson made the motion, seconded by Councilmember Braly, to approve Ordinance No. 19-039 as presented. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 19-039

26. Conduct a Public Hearing and consider approving Ordinance No. 19-040 approving a zoning change from Agriculture (AG) to Residential-2 (R-2) for the construction of a new single-family residence for Lot 5, Block 4, Bowmar Acres, approximately 0.9 acres, City of Red Oak, Ellis County, Texas, requested by Javier Aguilar.

Mayor Stanfill read Agenda Item Number 26 into the record. City Engineer Hartman gave them a detailed explanation of this agenda item.

Mayor Stanfill opened the Public Hearing at 7:44 p.m. No one spoke.

Councilmember Braly made the motion, seconded by Councilmember Wilson, to close the public hearing at 7:45 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Councilmember Wilson made the motion, seconded by Councilmember Braly, to approve Ordinance No. 19-040 as presented. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 19-040

27. Conduct a Public Hearing and consider approving Ordinance No. 19-041 approving a text amendment change in the Red Oak Zoning Ordinance by amending Article 14, 1.2, Specific Definitions, to revise the definition of GROCERY STORE and adding a new definition for DISCOUNT VARIETY STORE; by amending Article 6, Table 6.1 USE SUMMARY, by adding Discount Variety Store as an allowable use by Specific Use Permit (“SUP”) only.

Mayor Stanfill read Agenda Item Number 27 into the record. City Engineer Hartman gave them a detailed explanation of this agenda item. City Manager Fuller spoke and added a brief explanation of this agenda item.

Mayor Stanfill and Council spoke about this agenda item at length.

Mayor Stanfill opened the Public Hearing at 7:54 p.m. No one spoke.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to close the public hearing at 7:55 p.m. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Mayor Stanfill and Council continued to speak about this agenda item. City Attorney Hager spoke and added an explanation to the discussion.

Councilmember Wilson made the motion, seconded by Councilmember Braly, to approve Ordinance No. 19-041 as presented. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Approved
Enactment No: ORD 19-041

28. Public reading and consider adoption of Resolution No. 19-063R approving an economic development infrastructure improvement project, and approving an Economic Development Incentive Agreement providing for a grant with an amended expenditure in the amount of \$100,000 by the Red Oak Economic Development Corporation (ROEDC) to CooperZadeh, LLC towards street improvements on the CooperZadeh project for the construction of north-south connecting street to FM 664/Ovilla Road.

City Attorney Hager announced that Agenda Item Number 28 is the second reading of this resolution. He then read the agenda item and resolution into the record.

Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to adopt Resolution No. 19-063R as presented. The motion carried unanimously.

Ayes (4): Councilmember Michael Braly
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

Adopted

Enactment No: RES 19-063R

DEPARTMENTAL REPORTS:

29. 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. Human Resources
 - Administrative Monthly Report
- E. Finance Department
 - Finance Report
 - Cash Balance Report
 - Financial Statement
- F. IT Department
 - Major Accomplishments
 - Current Initiatives
 - Challenges
- G. Library
 - YTD Statistics
 - Monthly Newsletter
- H. Court
 - Statistical Highlights
- I. Public Works Department
 - Monthly Operational Report

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

Assistant City Manager/Fire Chief Thompson spoke and updated Council on the recent TIFMAS deployment in Hardin County, northwest of Wichita Falls. The ROFR also participated with the Police Department in conducting drills on each of the campuses in ROISD.

Police Chief Wolf spoke and updated Council on activities within his department. The department participated in the FEMA section planning chief training for ICS. Red Oak has been named as the 60th safest city in Texas according to Background Checks.org.

City Engineer Hartman spoke and updated Council on activities within his department. He stated that Deannie Blake is retiring as Planning & Zoning Coordinator of the City of Red Oak after 18 years of service.

Human Resources Director Lawson had no additional updates for Council at this time.

Interim Finance Director Platt spoke and stated that she was diligently working on the budget at this time. City Manager Fuller added that there is one position open in Utility Billing.

IT Director Binford spoke and updated Council on activities within his department. He stated that he has prepared a Cyber Security Incident Response Guide to be integrated into the NIMS training.

Library Director Ragsdale was absent.

Court Administrator Collins spoke and stated she had no other updates at this time, but was available for questions. She added that she is retiring at the end of the month. Assistant City Manager Phillips spoke and stated that we are currently conducting interviews to fill her position.

Public Works Director Williams spoke and updated Council on activities within his department. He stated that Alex Downing was promoted to Utilities Supervisor. Also, Henry Berg retired as Superintendent and Wesley Hubbard was hired for that position.

CLOSED SESSION:

30. 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.

31. 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 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 Numbers 30 and 31 into the record and moved Council into Closed Session at 8:14 p.m. He invited Assistant City Manager/Fire Chief Thompson, Assistant City Manager Phillips, City Attorney Hager and Economic Development Director McCleary to Closed Session.

REGULAR SESSION:

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


Council reconvened into Regular Session at 8:41 p.m. No action taken.

ADJOURNMENT:


Councilmember Wilson made the motion, seconded by Councilmember Braly, to adjourn the meeting at 8:41 p.m. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Ben Goodwyn
Mayor Pro Tem Gordon Toney
Councilmember Ron Wilson

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on October 15, 2019.

Approved: 

Mark L. Stanfill, DVM
Mayor

Attest: 

Caryn Stevens
Deputy City Secretary

