



City of Red Oak

Minutes - Final City Council Special Meeting

Thursday, May 28, 2020

6:30 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Special Meeting of the Red Oak City Council was held via teleconference on Thursday, May 28, 2020, at 6:30 p.m., with the following members present, to wit:

City Council (5):

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

CALL TO ORDER: Mayor Stanfill called the meeting to order at 6:44 p.m., declared a quorum and announced that notices were legally posted pursuant to the Open Meetings Act and in accordance with an Order of the Office of the Governor issued on March 16, 2020, and as amended on April 2, 2020, the City Council for the City of Red Oak, Texas, will conduct the regular meeting by telephone conference to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19). This is an open meeting conducted by telephone conference, however, there will be no public access to the physical location.

COUNCIL BUSINESS – REGULAR SESSION:

1. Discussion and possible action adopting Resolution No. 20-024R authorizing the City Manager to accept a grant in the amount of two million five hundred thousand dollars and no cents (\$2,500,000.00) from the Red Oak Industrial Development Corporation (ROIDC) for improvements to the Live Oak Sports Complex; and providing an effective date.

Mayor Stanfill read Agenda Item No. 1 into the record. City Manager Fuller briefly spoke about this agenda item.

City Attorney Hager read the following motion into the record: Motion to approve [adopt] Resolution No. 20-024R authorizing the City Manager to accept and sign a grant from the ROIDC to fund \$2,500,000.00 towards improvements to be constructed and maintained by the City of Red Oak Live Oak Sports Complex.

Councilmember Wilson moved the motion, seconded by Councilmember Drake.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

All in favor, the motion carried 5-0. 5 Ayes; 0 Nays. The motion carried unanimously.

**Adopted
Enactment No: RES 20-024R**

2. Discussion and possible action approving the terms and conditions of a Construction Agreement ("Agreement") between the City of Red Oak, Texas ("City"), and Sportscares, LLC for the improvements to the Live Oak Sport Complex with the amount of Agreement not to exceed \$4,873,000.00; authorizing the City Manager to execute; and providing an effective date.

Mayor Stanfill read Agenda Item No. 2 into the record. City Manager Fuller spoke and gave a brief explanation of this agenda item. Parks & Recreation Director Kelley spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill, Council and staff discussed the agenda item.

City Attorney Hager read the following motion into the record: Motion to approve a Construction Manager At Risk Construction Agreement by and between the City of Red Oak and Sportscares, LLC in the amount of \$4,873,000.00 as a guaranteed maximum price and authorize the City Manager to sign.

Councilmember Goodwyn moved the motion, seconded by Councilmember Wilson.

Roll Call Vote: Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

Abstention (1): Councilmember Michael Braly

All in favor, the motion carried 4-0. 4 Ayes; 0 Nays; 1 Abstention.

Approved

3. Discussion and possible action concerning Special Events.

Mayor Stanfill read Agenda Item No. 3 into the record. Parks & Recreation Director Kelley briefly spoke about this agenda item. Fire Chief Blanton also spoke about this agenda item.

Mayor Stanfill, Council and staff discussed the agenda item.

City Attorney Hager read the following motion into the record: Motion to cancel a special event for July 4, 2020 (Red Oak White & Blue).

Councilmember Drake moved the motion, seconded by Councilmember Braly.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye
Councilmember Ron Wilson – Aye

All in favor, the motion carried 5-0. 5 Ayes; 0 Nays. The motion carried unanimously.

Approved

4. Discussion and possible action concerning park amenities and re-opening.

Mayor Stanfill read Agenda Item No. 4 into the record. Parks & Recreation Director Kelley spoke and gave a detailed explanation of this agenda item.

Mayor Stanfill, Council, IDC board members and staff discussed the agenda item.

City Attorney Hager read the following motion into the record: Motion to reopen the park facilities and amenities on June 1st and will generally follow the CDC guidelines on large gatherings.

Councilmember Wilson moved the motion, seconded by Councilmember Goodwyn.

Roll Call Vote: Councilmember Michael Braly – Aye
Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Councilmember Wilson – Aye

Nay (1): Mayor Pro Tem Gordon Toney

All in favor, the motion carried 4-0. 4 Ayes; 1 Nay.

Approved

CLOSED SESSION:

5. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** concerning pending litigation: *Rockett Special Utility District v. Botkin, et al.*, Cause No. 19-cv-1007-RP, W.D., Tex., *City of Red Oak, Tex. v. USDA et al.*, Civil Action No. 19-cv-02761-S, N.D., Tex., *ex parte-City of Red Oak v. 201st Judicial District Court of Travis County*, Cause No. D-1GN-20-002116; and *Rockett Special Utility District v. City of Red Oak, Texas*, Case No. 3:20-cv-1320.
6. 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 financial or other incentive, if any, with such business prospect.

Mayor Stanfill read Agenda Item Numbers 5 and 6 into the record and moved Council into Closed Session at 8:08 p.m.

REGULAR SESSION:

7. 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. The following action was taken:

City Attorney Hager read the following motion into the record: Motion to appoint Lloyd Gosselink, et al., as legal counsel to represent the City of Red Oak in a legal matter styled *Rockett Special Utility District v. City of Red Oak, Texas*, and authorize the City Manager to execute the appropriate representation agreement.

Councilmember Goodwyn moved the motion, seconded by Councilmember Drake.

Roll Call Vote: Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye

Abstention (2): Councilmember Michael Braly

Councilmember Ron Wilson

All in favor, the motion carried 3-0. 3 Ayes; 0 Nays; 2 Abstentions.

Approved

ADJOURNMENT:

Councilmember Drake made the motion, seconded by Councilmember Goodwyn, to adjourn the meeting at 9:00 p.m.

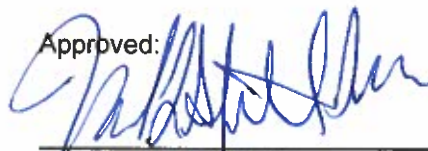
Roll Call Vote: Councilmember William Drake – Aye
Councilmember Ben Goodwyn – Aye
Mayor Pro Tem Gordon Toney – Aye

Abstention (2): Councilmember Michael Braly
Councilmember Ron Wilson

All in favor, the motion carried 3-0. 3 Ayes; 0 Nays; 2 Abstentions.

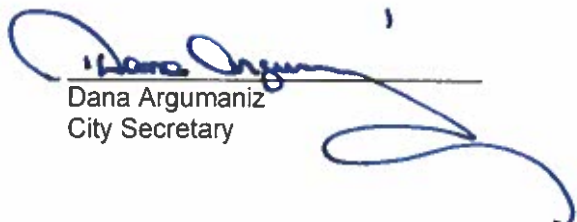
PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on June 8, 2020.

Approved:



Mark L. Stanfill, DVM
Mayor

Attest:



Dana Argumaniz
City Secretary