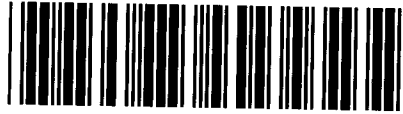


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Item Number: 17

Addendum StartPage: 0



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Minutes - Final PUBLIC UTILITY COMMISSION FILING CLERK
City Council Regular Meeting

Monday, December 8, 2014	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, December 8, 2014, 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
- Council Member Clint Byers
- Council Member Tim Lightfoot
- Council Member Scott Lindsey
- Council Member Ralph Madden

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: Council Member Lightfoot gave the Invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - November 10, 2014 – Regular Council Meeting
 - November 12, 2014 – Public Hearing and Special Meeting

Approved on the Consent Agenda

2. Consider approving the absences of Mayor Pro Tem Ralph Madden and Council Member Clint Byers from the Monday, November 10, 2014, Regular Meeting of the Red Oak City Council.

Approved on the Consent Agenda

3. Consider approving Ordinance No. 14-046 amending Ordinance No 14-035 for Street Construction Fund, amending the Fiscal Year 2014-2015 Official Budget, appropriating funds to increase fund balance transfer within the Capital Projects-Street Fund 155 appropriating funds to increase expenditures in the Capital Projects-Street Fund 165, providing that expenditures for said fiscal year be made in accordance with said amended budget; providing a severability clause; providing an effective date.

Caption reads as follows: **AN ORDINANCE OF THE CITY OF RED OAK, TEXAS, AMENDING ORDINANCE 14-035, FOR STREET CONSTRUCTION FUND, AMENDING THE FISCAL YEAR 2014-2015 OFFICIAL BUDGET, APPROPRIATING FUNDS TO INCREASE FUND BALANCE TRANSFER WITHIN THE CAPITAL PROJECTS – STREET FUND 155 APPROPRIATING FUNDS TO INCREASE EXPENDITURES IN THE CAPITAL PROJECTS –**

17

STREET FUND 165. PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR BE MADE IN ACCORDANCE WITH SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Adopted

Enactment No: ORD 14-046

4. Consider adoption of Ordinance No. 14-047 amending the Home Rule Charter of the City of Red Oak, Texas, amending Sections 2.03, 2.10, 2.11, 3.11, 3.14, 4.20 and Section 7.01 to correct scrivener errors; to provide for and permit conveyances to be authorized by resolution; to provide for and permit the City Manager to select the City Secretary with the confirmation by City Council; to amend to provide for three (3) three (3) year consecutive term limits for Mayor and Council; and providing for an effective date, in accordance with the results of a Special Election held on November 4, 2014.

Caption reads as follows: **AN ORDINANCE OF THE CITY OF RED OAK, TEXAS, AMENDING THE HOME RULE CHARTER OF THE CITY OF RED OAK, TEXAS, IN ACCORDANCE WITH A SPECIAL ELECTION HELD ON NOVEMBER 4, 2014; AMENDING SECTIONS 2.03, 2.10, 2.11, 3.11, 3.14, 4.20 AND SECTION 7.01 TO CORRECT SCRIVENER ERRORS; TO PROVIDE FOR AND PERMIT CONVEYANCES TO BE AUTHORIZED BY RESOLUTION; TO PROVIDE FOR AND PERMIT THE CITY MANAGER TO SELECT THE CITY SECRETARY WITH THE CONFIRMATION BY CITY COUNCIL; TO AMEND TO PROVIDE FOR THREE (3) THREE (3) YEAR CONSECUTIVE TERM LIMITS FOR MAYOR AND COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopted

Enactment No: ORD 14-047

Mayor Hugley read the Consent Agenda.

Council Member Lightfoot made the motion, seconded by Council Member Byers, to approve the Consent Agenda as read. The motion carried unanimously.

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Scott Lindsey
Council Member Ralph Madden

CITIZEN COMMENTS:

There were no citizen comments.

COUNCIL BUSINESS – REGULAR SESSION:

5. Consider adoption of Ordinance No. 14-045 approving a Zoning Change from Planned Development 31 (PD-31) to Planned Development 31-Revised (PD-31R) to amend the development plan to allow for lot depth and setback changes to Area 1, approximately 4 acres, Harmony Estates, John Nugent Survey, A-796, City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. and east of Uhl Rd., requested by HRLD 2 LP.

Caption reads as follows: **AN ORDINANCE OF THE CITY OF RED OAK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF RED OAK, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING PLANNED DEVELOPMENT 31 (PD-31) TO PLANNED DEVELOPMENT 31 REVISED (PD-31R) TO AMEND THE**

DEVELOPMENT PLAN TO ALLOW FOR LOT DEPTH AND SETBACK CHANGES TO AREA 1, AS WELL AS FENCING AND LANDSCAPING CHANGES TO PART OF AREA 1, APPROXIMATELY 4 ACRES, HARMONY ESTATES, JOHN NUGENT SURVEY, A-796, CITY OF RED OAK, ELLIS COUNTY, TEXAS, LOCATED NORTH OF OVILLA RD. AND EAST OF UHL RD, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE PROPERTY TO BE OTHERWISE DEVELOPED IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS APPROVED IN PD-31; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

City Manager Fuller gave a presentation and answered Council questions. Fuller explained that this item was from the last Council meeting held in November and was referred back to the Planning & Zoning Commission for a recommendation on the screening to be used on Uhl Rd. The Planning & Zoning Commission recommended wood screening would be adequate and preferred for this location. Staff recommends this screening material as well. Council was in agreement.

Council Member Lindsey made the motion, seconded by Council Member Lightfoot, to approve Ordinance No. 14-045 as presented. The motion carried unanimously.

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Scott Lindsey
Council Member Ralph Madden

Enactment No: ORD 14-045

6. Consider adoption of Ordinance No. 14-048 providing for the voluntary annexation into the City of Red Oak territory generally described as being 14.813 acres, more or less, generally located south of FM2377 and east of Shawnee, out of the Robert Bell Survey, Abstract 60, Samuel Billingsley Survey, Abstract 78, William Patton Survey, Abstract 840, and J.C. Holcomb and S.H. Peck Survey, Abstract 528, Parcel No. 180169 and Parcel No. 207385.

Caption reads as follows: **AN ORDINANCE OF THE CITY OF RED OAK, ANNEXING 14.813 ACRES OF LAND, MORE OR LESS, AS DESCRIBED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, TO THE CITY OF RED OAK, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE SAID PROPERTY WITHIN THE CITY LIMITS AND 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.**

Council Member Lindsey recused himself from the room during the discussion and motion phase of this item due to his employment by the Red Oak Independent School District.

City Manager Todd Fuller briefly explained this item and was open for any questions by Council.

Council Member Lightfoot made the motion, seconded by Council Member Byers, to approve Ordinance 14-048 as presented. The motion carried 3-0, with Council Member Lindsey abstaining.

Ayes (3): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Ralph Madden

Abstained (1): Council Member Scott Lindsey

Enactment: ORD 14-048

7. Consider approval of Resolution No. 14-063R approving Right-of-Way Funds for the FM664 Ovilla Road Widening Project.

Caption reads as follows: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION, RCSJ: 10501-01-43, AND ATTACHMENTS A-C THERETO, AS SET FORTH IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Hugley presented this item to Council stating that it is time for the City to commit to the FM664 Ovilla Road Widening Project. The total project is estimated to be a \$26-27 million dollar project with our portion to be 5.3% of the right-of-way and utility costs alone. We must approve and sign an agreement with TxDOT and include a check for approximately \$82,000 of the initial estimate. Hugley emphasized that this is an estimate only on TxDOT's part and may vary and be considerably more. The right-of-way at Ovilla Rd. and I35 will be higher than other right-of-ways in the project. This is their initial request and the funds are available. City Manager Fuller added that the costs may go up or down but in order to get the project underway we must commit. The final cost to the City is estimated to be closer to \$200,000. This would be the initial payment with two more to follow. Mayor Hugley and City Manager Fuller recommended approval and answered Council questions.

Mayor Pro Tem Madden made the motion, seconded by Council Member Lightfoot, to approve Resolution No. 14-063R as presented. The motion carried unanimously.

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Scott Lindsey
Council Member Ralph Madden

Enactment No: RES 14-063R

BOARD APPOINTMENTS:

8. Appointment/Reappointment to Boards & Commissions – Consider approval regarding the following Boards/Commissions:
 - A. Library Advisory Board
 - Accept the appointment of Laura Tallman as a Regular Member for the remainder of a two-year term from October 2013 – October 2015 to fill a vacant position.

Council Member Lightfoot made the motion, seconded by Council Member Lindsey, to appoint Laura Tallman as a Regular Member of the Library Advisory Board for the remainder of a two-year term from October 2013 – October 2015 to fill a vacant position. The motion carried unanimously.

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Scott Lindsey
Council Member Ralph Madden

Approved

B. Parks & Recreation Commission

- Accept the resignation of Regular Member Rodney Bridgers effective immediately.

Council Member Lightfoot made the motion, seconded by Council Member Byers, to accept the resignation of Regular Member Rodney Bridgers from the Parks & Recreation Commission effective immediately. The motion carried unanimously.

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Scott Lindsey
Council Member Ralph Madden

Approved

DEPARTMENTAL REPORTS:

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

- A. Fire Department
 - ❖ November Monthly Activity Report
- B. Police Department
 - ❖ November Monthly Report
- C. Community Development
 - ❖ November Code Services Report
 - ❖ November Building Permit and Inspections Report
 - ❖ November Animal Control Report
- D. Public Works Department
 - ❖ November Operational Report
 - ❖ November Administrative Monthly Report
- E. IT Department
 - ❖ Major Accomplishments
 - ❖ Current Initiatives
 - ❖ Challenges
- F. Library
 - ❖ YTD Statistics
 - ❖ Monthly Newsletter
 - ❖ Legacy Data
- G. Court
 - ❖ November Statistical Highlights
- H. Finance Department
 - ❖ Financial Report
 - ❖ Financial Statements

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

Public Works Director Albert Lawrence informed Council that the box spreader is ready for the next ice event. Lawrence also stated that Christmas in Red Oak started slow but picked up with a steady flow until the event ended. Police Lieutenant Boyd Brock thanked Albert Lawrence for having his crew ensure that all intersections were ready with barricades and cones. This made it easy for him to send his people to man the intersections. Lt. Brock commended Lawrence on a job well done.

Mayor Hugley dismissed Staff at 7:28 p.m.

CLOSED SESSION:

9. 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 an offer, if any, with such business prospect.
10. Pursuant to Texas Government Code, Section §551.071 – **Legal Consultation with the City Attorney** granting consent to a request by Walter J. Carroll Water Company for dual certification of the City of Red Oak's Certificate of Convenience and Necessity 11074.

Mayor Hugley moved Council into Closed Session at 7:28 p.m.

REGULAR SESSION:

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

Council reconvened into Regular Session at 8:19 p.m.

9. **No action taken.**

10. **Council Member Lightfoot made the motion, seconded by Mayor Pro Tem Madden, to deny a request by Walter J. Carroll Water Company for dual certification of the potable water system located within the City of Red Oak and subject to Certificate of Convenience and Necessity 11074 contained in the Beckley Pikes subdivision. The motion carried unanimously.**

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot
Council Member Scott Lindsey
Council Member Ralph Madden

ADJOURNMENT:

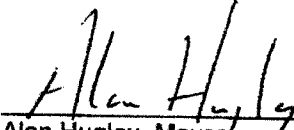
Mayor Pro Tem Madden made the motion, seconded by Council Member Lightfoot, to adjourn the meeting at 8:21 p.m. The motion carried unanimously.

Ayes (4): Council Member Clint Byers
Council Member Tim Lightfoot

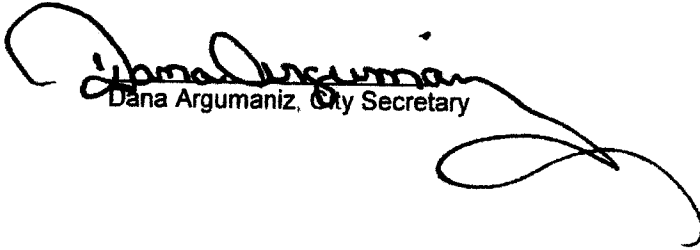
Council Member Scott Lindsey
Council Member Ralph Madden

PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on
January 12, 2015.

Approved:


Alan Hugley, Mayor

Attest:


Dana Argumaniz, City Secretary

