



A G E N D A
RED OAK CITY COUNCIL
REGULAR MEETING
MONDAY, AUGUST 12, 2024 | 7:00 P.M.

Mayor:
Mark L. Stanfill, DVM

Councilmembers:
Willie G. Franklin, Jr.
Ben Goodwyn

City Manager:
Todd Fuller

City Attorney:
Robert E. Hager

Mayor Pro Tem:
Jeffrey Smith

Ricardo Miller
Tim Lightfoot

Deputy City Manager:
Jonathan Phillips

City Secretary:
Caryn Stevens, TRMC

Pursuant to Section 551 of the Texas Government Code, notice is hereby given of a Regular Meeting of the Red Oak City Council to be held on Monday, August 12, 2024, at 7:00 p.m., in the Red Oak Government Center, Council Chamber, 101 S. Live Oak Street, Red Oak, Texas, and by videoconference as authorized by Section 551.127 of the Texas Government Code, at which time the following will be discussed and considered:

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into Closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

CALL TO ORDER: *The Mayor will call the meeting to order, declare a quorum, if present, and declare notices legally posted pursuant to the Open Meetings Act.*

INVOCATION AND PLEDGES OF ALLEGIANCE: (Mayor Pro Tem Smith)

PRESENTATIONS:

- **Introductions:**
 - Dennis Songer, Police Officer (Wolf)
 - Ethan Ellard, Police Officer (Wolf)
 - Tim McRoberts, Assistant Finance Director (Phillips)
- **Recognition:** Red Oak Fire Rescue and the Fritch, Texas, wildfire deployment (Blanton)

CITIZENS COMMENTS: *The public is invited to address City Council on any topic. Speakers should complete a Citizens Comments form and submit it to the City Secretary prior to the beginning of the meeting. To submit written comments via email, see instructions at the bottom of the agenda. The Texas Open Meetings Act prohibits City Council from discussing or taking action on issues not posted on the agenda; however, the Mayor, City Manager or designee may provide specific factual information, recite an existing policy, or schedule a discussion of the issue for possible placement on a future agenda. **Speakers are limited to a maximum of three (3) minutes.***

COUNCIL BUSINESS – CONSENT AGENDA: *Consent Agenda items are considered to be 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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*

1. Consider approving the following minutes of the Red Oak City Council: (Stevens)
 - July 8, 2024 – Regular Meeting
 - July 15, 2024 – Strategic Planning Workshop and Budget Workshop
 - July 22, 2024 – Special Called Meeting
 - July 31, 2024 – Budget Workshop II and Special Called Meeting
2. Consider approval of the absence of Mayor Pro Tem Jeffrey Smith from the July 8, 2024, Regular Meeting of the Red Oak City Council. (Stevens)



3. Consider approval of Ordinance No. 24-029 of the City of Red Oak, Texas, amending Ordinance No. 23-028, amending the Fiscal Year 2024 Official Budget; appropriating funds to increase revenues and expenditures in the General Fund for year-end true up, for issuance of Tax Notes, Series 2024, to fund expenses in the Public Works and Fire Departments, to transfer funds for capital carryover; and to increase revenues and expenditures in the water and sewer fund for year-end true up, and to fund water and sewer operations expenses, as attached in Exhibit "A"; providing that expenditures for said fiscal year be made in accordance with said amended budget; providing a severability clause; and, providing an effective date. (Platt)
4. Consider approval of Ordinance No. 24-030 of the City Council of the City of Red Oak, Texas, providing for the appointment of Holly Fox as Alternate Municipal Court Judge of the Red Oak Municipal Court; providing a severability clause; and, providing an effective date. (Platt)
5. Consider adoption of Resolution No. 24-059R of the City Council of the City of Red Oak, Texas, providing for the two-year appointment of, and authorizing the Mayor or designee to execute a Professional Services Agreement with, Holly Fox as Alternate Municipal Court Judge of the Red Oak Municipal Court; providing a repealing clause; and, providing an effective date. (Platt)
6. Consider adoption of Resolution No. 24-060R of the City Council of the City of Red Oak, Texas, approving the terms, conditions, purchase and installations from GL Seaman & Company for DIRT Glass Wall System, as set forth in the Proposal VER03, which is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager to execute the necessary documents; and, providing an effective date. (Phillips)
7. Consider adoption of Resolution No. 24-061R of the City Council of the City of Red Oak, Texas, awarding a bid and approving an amendment with Yellowstone Landscape for the months of August, September and October, 2024, as set forth in the mowing request for Proposal (RFP) 2024-7-19, for mowing services of City-owned property, rights-of-way, medians, easements and nuisance abatements in an amount not to exceed Seventeen Thousand Three Hundred Two Dollars and Fifty-Six Cents (\$17,302.56), which is attached hereto and incorporated herein as Exhibit "A"; authorizing the City Manager or designee to execute the necessary documents upon approval as to form by the City Attorney; and, providing an effective date. (Kelley)
8. Consideration and possible action regarding approving the proposed Red Oak Economic Development Corporation ("ROEDC") Administrative Services Agreement with the City of Red Oak, Texas, to provide administrative services for Fiscal Year 2024-2025. (McCleary)
9. Consideration and possible action regarding approving the proposed City of Red Oak Industrial Development Corporation ("CROIDC") Administrative Services Agreement with the City of Red Oak, Texas, to provide administrative services for Fiscal Year 2024-2025. (McCleary)
10. Consideration and possible action regarding approving an expenditure of funds by the City of Red Oak Industrial Development Corporation ("CROIDC") in an amount of Forty Thousand Dollars (\$40,000.00) for a workforce development training grant agreement by and between the CROIDC and The TSTC (Texas State Technical College) Foundation; and, providing an effective date. (McCleary)
11. Consider adoption of Resolution No. 24-062R of the City of Red Oak, Texas ("City"), approving a Separated Sales Tax/Rebate Agreement between the City and DataBank Holdings, LTD ("DataBank"), equivalent to thirty-five percent (35%) of the one-cent (1¢) local sales tax revenue for construction materials, other tangible personal property, supplies, and taxable services used or consumed at the DataBank property that are not otherwise exempt from Texas sales and use tax; approving the terms and conditions of said agreement, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (McCleary)
12. Consider adoption of Resolution No. 24-063R of the City of Red Oak, Texas ("City"), approving a Separated Sales Tax/Rebate Agreement between the Red Oak Economic Development Corporation ("ROEDC") and DataBank Holdings, LTD ("DataBank"), equivalent to thirty-five percent (35%) of the



one-half (½) cent local sales tax revenue for construction materials, other tangible personal property, supplies, and taxable services used or consumed at the DataBank property that are not otherwise exempt from Texas sales and use tax; approving the terms and conditions of said agreement, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (McCleary)

13. Consider adoption of Resolution No. 24-064R of the City of Red Oak, Texas ("City"), approving a Separated Sales Tax/Rebate Agreement between the City of Red Oak Industrial Development Corporation ("CROIDC") and DataBank Holdings, LTD ("DataBank"), equivalent to thirty-five percent (35%) of the one-half (½) cent local sales tax revenue for construction materials, other tangible personal property, supplies, and taxable services used or consumed at the DataBank property that are not otherwise exempt from Texas sales and use tax; approving the terms and conditions of said agreement, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (McCleary)
14. Consider adoption of Resolution No. 24-065R of the City of Red Oak, Texas ("City"), approving a Separated Sales Tax/Rebate Agreement between the City and AREP SOF III RED OAK, LLC ("AREP"), equivalent to thirty-five percent (35%) of the one-cent (1¢) local sales tax revenue for construction materials, other tangible personal property, supplies, and taxable services used or consumed at the AREP property that are not otherwise exempt from Texas sales and use tax; approving the terms and conditions of said agreement, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (McCleary)
15. Consider adoption of Resolution No. 24-066R of the City of Red Oak, Texas ("City"), approving a Separated Sales Tax/Rebate Agreement between the Red Oak Economic Development Corporation ("ROEDC") and AREP SOF III RED OAK, LLC ("AREP"), equivalent to thirty-five percent (35%) of the one-half (½) cent local sales tax revenue for construction materials, other tangible personal property, supplies, and taxable services used or consumed at the AREP property that are not otherwise exempt from Texas sales and use tax; approving the terms and conditions of said agreement, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (McCleary)
16. Consider adoption of Resolution No. 24-067R of the City of Red Oak, Texas ("City"), approving a Separated Sales Tax/Rebate Agreement between the City of Red Oak Industrial Development Corporation ("CROIDC") and AREP SOF III RED OAK, LLC ("AREP"), equivalent to thirty-five percent (35%) of the one-half (½) cent local sales tax revenue for construction materials, other tangible personal property, supplies, and taxable services used or consumed at the AREP property that are not otherwise exempt from Texas sales and use tax; approving the terms and conditions of said agreement, which is attached hereto and incorporated herein as Exhibit "A"; and, providing an effective date. (McCleary)
17. Consider adoption of Resolution No. 24-068R of the City of Red Oak, Texas, approving an expenditure of funds by the City of Red Oak Industrial Development Corporation ("CROIDC") in an amount not to exceed Eighty-Four Thousand Seventeen Dollars (\$84,017.00) for a Professional Services Agreement with Freese and Nichols, Inc., for performing the basic design services for the Bear Creek Park Master Plan; and, providing an effective date. (McCleary)
18. Consider adoption of Resolution No. 24-069R of the City of Red Oak, Texas, approving an expenditure of funds by the City of Red Oak Industrial Development Corporation ("CROIDC") in the amount of Five Million Four Hundred Eighty-Five Thousand Five Hundred Dollars (\$5,485,500.00) plus additional closing costs, if any, for the purchase of approximately 73.14± acres of real property ("Land") located along FM 2377 in the City of Red Oak, Ellis County, Texas, for economic development purposes; authorizing the signing of such further documents as may be necessary to consummate said purchase; and, providing an effective date. (McCleary)

COUNCIL BUSINESS – REGULAR AGENDA:



19. Consider adoption of Resolution No. 24-070R of the City Council of the City of Red Oak, Texas, ordering a Special Election for Local Option Proposition to be held on November 5, 2024, for the purpose of submitting to the voters the following proposition: (1) Shall the City of Red Oak, Texas, permit the legal sale of mixed beverages in restaurants by food and beverage certificate holders only; providing for the authorization to enter into a Joint Election Contract for Election Services with Ellis County to conduct such election; providing for election judges; providing for early voting; providing for the canvass of votes; providing a severability clause; and, providing an effective date. **(Stevens)**
20. Conduct a Public Hearing and consider approval of Ordinance No. 24-031 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 from Planned Development 164 (PD-164) to Planned Development 164 Revised 1 (PD-164R1) for the development of a data center complex and associated infrastructure on a tract of land situated in the Robert Crow Survey, Abstract No. 199, William Winnford Survey, Abstract No. 1145, and John Eveens Survey, Abstract No. 1344, City of Red Oak, Ellis County, Texas; said tract being a portion of a tract of land described as Tract No. 1 and a portion of a tract of land described as Tract No. 2, in Warranty Deed to Dallad Joint Venture No. 2, recorded in Volume 723, Page 295, of the Deed Records, Ellis County, Texas (D.R.E.C.T.); located north of Stainback Road, south of the Ellis County limit, west of the Oncor Electric easement, and east of the approximately 65-acre Ranchette Estates tract in the City of Red Oak, Ellis County, Texas. (ZC24-15) *Requested by DB DataBank Red Oak, LLC* **(Hartman)**
21. Conduct a Public Hearing and consider approval of Ordinance No. 24-032 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 from Planned Development 66 Revised 5 (PD-66R5) and Agricultural District (AG) to Planned Development 175 (PD-175) to allow for development of a data center complex and associated infrastructure on an approximately 32.4-acre tract of land situated in the Benjamin E. Frazier Survey, Abstract No. 371, City of Red Oak, Ellis County, Texas; all of the official public records of Ellis County, Texas; and an approximately 11.3-acre tract of land situated in the Benjamin E. Frazier Survey, Abstract No. 371, City of Red Oak, Ellis County, Texas; the site is located on the southeast corner of North State Highway 342 and East Ovilla Road, in the City of Red Oak, Ellis County, Texas, being more particularly described in Exhibit "A", which is attached hereto and incorporated herein; providing concept plan, planned development regulations, landscape plan and elevation plan, which are attached hereto and incorporated herein as Exhibits "B" through "E", respectively; providing a repealing clause; providing a severability clause; providing a saving 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. (ZC24-13) *Requested by Walton Red Oak Crossing, LP* **(Hartman)**
22. Conduct a Public Hearing and consider adoption of Resolution No. 24-071R of the City Council of the City of Red Oak, Texas ("City"), approving the terms and conditions of a Tax Abatement Agreement by and between the City and AREP SOF III RED OAK, LLC ("AREP Red Oak"); authorizing its execution by the Mayor; and, providing an effective date. **(McCleary)**
23. Conduct a Public Hearing and consider approval of Ordinance No. 24-033 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 from Highway Oriented (HO) to Planned Development 176 (PD-176), to allow for development use and maintenance of highway-oriented use; and a reduction in landscaping, parking, and signage requirements described as Lot 1R, Block A, of the S&H Business Park, Phase 1, and addressed as 100 Harris Avenue, in the City of Red Oak, Ellis County, Texas, and being more particularly depicted in Exhibit "A", which is attached hereto and incorporated herein; providing for site plan, landscape plan and elevation plans attached hereto as Exhibits "B" through "D", respectively, as development regulations; 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. (ZC24-14) *Requested by Saldena Properties, LP* **(Hartman)**



24. Conduct a Public Hearing and consider approval of Ordinance No. 24-034 of the City Council of the City of Red Oak, Texas, adopting, imposing, and collecting rates for water and wastewater impact fees; adopting and establishing an assessment and collection rate for roadway impact fees inside City limits and Extraterritorial Jurisdiction ("ETJ"); amending water, wastewater and roadway impact fees on new development in the City limits and ETJ to the extent allowed by law; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and, providing an effective date. (Jared Binford)
25. Consider adoption of Resolution No. 24-072R of the City Council of the City of Red Oak, Texas, amending the Master Fee Schedule by adding Chapter 13 "Impact Fees for Water, Wastewater and Roadways"; providing a repealing clause; providing a severability clause; and, providing an effective date. (Jared Binford)
26. Conduct a Public Hearing and consider adoption of Resolution No. 24-073R of the City Council of the City of Red Oak, Texas, establishing a date to consider approving an ordinance adopting the Fiscal Year 2025 Annual Operating Budget for the City of Red Oak, Texas; and, providing an effective date. (Platt)

DEPARTMENTAL REPORTS:

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

- A. Fire (Ben Blanton, Fire Chief)
 - Monthly Activity Report
 - Project Updates/Initiatives
- B. Police (Garland Wolf, Police Chief)
 - Monthly Report
 - Hiring Status
 - Update on Animal Control Building Renovations
- C. Communications & Marketing (Alexa Beasley, Director)
 - Monthly Report
- D. Development Services (Ben Hartman, City Engineer and Director)
 - Development Projects Status
 - Building Permit and Inspections Report
 - Code Compliance Report
- E. Finance (Gloria Platt, Director)
 - Finance Report
 - Monthly Investment Report
 - Financial Statement
 - Municipal Court Statistical Highlights
- F. Human Resources (Amanda Monsivais, Director)
 - Administrative Monthly Report
- G. Information Technology (John Binford, Director)
 - Major Accomplishments
 - Current Initiatives
 - Challenges
- H. Library (Elise Cook, Director)
 - YTD Statistics
 - Monthly Newsletter



- I. Parks & Recreation (Kyle Kelley, Director)
 - Update on Projects, Events & Operations
- J. Public Works (Jared Binford, Interim Director)
 - Monthly Operational Report
 - Project Updates/Initiatives

CLOSED EXECUTIVE SESSION:

- 28. Pursuant to Texas Government Code, §551.071 - **Consultation with the City Attorney** regarding potential litigation regarding facilities at Hargrove Park.
- 29. 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, Texas.
 - B. Discuss or deliberate the offer of a financial or other incentive, if any, with such business prospect.
- 30. Pursuant to Texas Government Code, §551.072 – **Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property.**
 - A. Discuss or deliberate regarding acquisition, sale and/or exchange, lease or value of Real Property generally located south of Pierce Road, north of FM 983, west of Batchler Road, and east of Goodloe Lane, Red Oak, Texas.

REGULAR SESSION:

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

ADJOURNMENT:

CERTIFICATION: I hereby certify that the above agenda of items to be considered by the Red Oak City Council was posted in the Red Oak Government Center kiosk on August 9, 2024, before 7:00 p.m. in accordance with Texas Government Code, Chapter 551.


Caryn Stevens, TRMC
City Secretary



ACCESSIBILITY STATEMENT

The Red Oak Government Center is wheelchair accessible with entry ramps and accessible parking spaces located in the front and east side of the building. Request for accommodations must be made 48 hours prior to the meeting by contacting the City Secretary's office at (972) 617-3638.

Instructions for Citizens Comments:

To speak during Citizens Comments, you must attend the City Council meeting in person. Speakers should complete a Citizens Comments Form and submit it to the City Secretary prior to the meeting. Forms are available online (see [Link to Citizens Comments Form](#) below) and at the Council meeting.



If you cannot attend in person, but still wish to comment, you may submit written comments via email. To submit comments, email your name, address, phone number, email address and topic to citysecretary@redoaktx.org, and title the subject of the email "Citizens Comments." Alternatively, you may click on the link below entitled **Link to Citizens Comments Form** to submit your comments electronically. Your comments must be received by 5:00 p.m. on the day of the meeting or they will not be accepted.

Link to Citizens Comments Form:

<http://www.redoaktx.org/FormCenter/Meetings-9/City-Meetings-Citizens-Comments-62>

Citizens may watch the meeting via live-stream at:

<https://www.youtube.com/channel/UCntzB1px9caZvdivvHlnEMQ/>

