



City of Red Oak
Minutes - Final
City Council Regular Meeting

Monday, December 11, 2017

7:00 PM

Red Oak Municipal Center
200 Lakeview Parkway

A Regular Meeting of the Red Oak City Council was held on Monday, December 11, 2017, 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
Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Absent (1):

Councilmember Ron Wilson

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: Mayor Pro Tem Toney gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

- Introduction – IT Application Specialist

IT Director John Binford introduced the new IT Application Specialist, Nicole Benjamin. Binford stated she comes to Red Oak with several years of experience from a neighboring city. City Council welcomed Benjamin to Red Oak.

CONSENT AGENDA:

1. Consider approving the following Minutes:
 - November 13, 2017 – Regular Council MeetingApproved on the Consent Agenda
2. Consider adoption of Resolution No. 17-076R approving Positive Pay Service Agreement with Prosperity Bank and authorizing a signer to execute documents.
Adopted
Enactment No: RES 17-076R
3. Consider adoption of Resolution No. 17-077R approving the terms and conditions of Interlocal Agreements with City of Midlothian, the City of Waxahachie, and the City of Ennis, Texas, for the purchase of goods and services; and providing an effective date.
Adopted
Enactment No: RES 17-077R
4. Consider approving expenditure by the Red Oak Industrial Development Corporation (RODIC) in the amount of \$4,000.00 for a Professional Services Agreement between the ROIDC and Via Rail

Engineering, Inc. for the design engineering of track layouts to include Conceptual Track Layout(s), Preferred Conceptual Track Layout, and Opinion of Probable Costs.
Approved

5. Consider approving the design and construction plans, development plan, estimate for project costs, and timetable for improvements for the monument sign and entry features for the Coyote Ridge subdivision.
Approved
6. Consider approving the absence of Councilmember Tim Lightfoot from the November 13, 2017, Regular Meeting of the Red Oak City Council.
Approved

Mayor Hugley read the Consent Agenda.

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

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

CITIZENS COMMENTS:
No one spoke.

COUNCIL BUSINESS – REGULAR SESSION:

7. Conduct a Public Hearing and consider approval of Ordinance No. 17-055 approving a zoning change from Residential-2 (R-2) to Planned Development 87 (PD-87) for approximately .55 acres, Lot 5, Block F, Highland Meadows Addition, Rev; and a zoning change from Commercial-1 (C-1) to Planned Development 87 (PD-87) for approximately .39 acres, Lots 3-4, Block F. Highland Meadows Addition, Rev, City of Red Oak, Ellis County, Texas, to allow for a commercial shopping center, requested by Ecosium, LLC.

Mayor Hugley read Agenda Item No. 7 and City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:09 p.m.

Chris Acker, 5100 Honeysuckle Road, Midlothian, Texas, spoke in favor of the project and stated all that is requested tonight is a zoning change, a change that would make the property more marketable.

Gary Bailey, 513 Bluebonnet, Red Oak, wrote in stating he was against the zoning change.

Councilmember Lightfoot made the motion, seconded by Councilmember Lindsey, to close the Public Hearing at 7:12 p.m.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Mayor Hugley, City Manager Fuller and Council discussed the agenda item at length with input from Chris Acker and Naddy Guermi (Ecosium, LLC).

Councilmember Lightfoot made the motion, seconded by Councilmember Lindsey, to approve Ordinance No. 17-055 as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Approved
Enactment No: ORD 17-055

8. Conduct a Public Hearing and consider approval of Ordinance No. 17-056 approving a zoning change from Planned Development 88 (PD-88) to Planned Development 88, Revised (PD-88R) to allow for development regulations for the construction of a single-family residence on approximately 13.5 acres, McComas Survey, A-695, City of Red Oak, Ellis County, Texas, requested by Lance Brooks.

Mayor Hugley asked City Manager Fuller to read Agenda Item No. 8 and City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:20 p.m.

Lance Brooks, 1918 Lillian, Glenn Heights, spoke in favor of building his house.

Ian Davis, 118 Country Ridge Court, Red Oak, wrote in stating he was against the development and asked for a copy of the deed restrictions for the property.

Sherry and Kevin Williams, 101 Country Ridge Court, Red Oak, wrote in stating they were against the development.

Councilmember Drake made the motion, seconded by Councilmember Lightfoot, to close the Public Hearing at 7:22 p.m.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Mayor Hugley, City Manager Fuller and Council further discussed the agenda item.

Councilmember Lindsey asked if City Manager Fuller or City Staff ever respond to the write-in comments from citizens. Fuller answered in the affirmative, stating that they respond where they can and give an explanation.

Councilmember Lightfoot made the motion, seconded by Mayor Pro Tem Toney, to approve Ordinance No. 17-056 as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Approved
Enactment No: ORD 17-056

9. Conduct a Public Hearing and consider approval of Ordinance No. 17-057 approving a zoning change from Planned Development/RAE 36 (PD/RAE-36) to Planned Development/RAE 36, Revised (PD/RAE-36R) to allow for the construction of an accessory dwelling unit for 1240 Pratt

Rd., Lot 1, Block A, Chase Randal Estates, approximately 1.4 acres, City of Red Oak, Ellis County, Texas, requested by Ryan Smola.

Mayor Hugley read Agenda Item No. 9. City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:30 p.m.

Ryan Smola, 1240 Pratt Road, Red Oak, spoke in favor of approving the zoning change and special use permit. He gave a detailed explanation of his current situation and the need to move forward with this plan.

Jane Smola, 1240 Pratt Road, Red Oak, spoke in favor of the project. She expressed her frustration with the process. She asked for Council's approval.

Emil Smola, 1240 Pratt Road, Red Oak, spoke in favor of the project while expressing his opinions about it. He asked for Council's approval.

Audrey Tello, 310 Gingerbread Lane, Waxahachie, TX, spoke stating that she is friends with the family (the Smolas) and thinks very highly of them. She explained how difficult this process has been for all of them. She hoped that Council would approve this project for the family.

Jo Bradshaw, 1241 Pratt Road, Red Oak, TX, wrote in stating she was in favor of the zoning change.

Mayor Pro Tem Toney made the motion, seconded by Councilmember Lightfoot, to close the Public Hearing at 7:40 p.m.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Mayor Hugley spoke and gave a detailed explanation of the matter, including his thoughts and opinions. Mayor, Council and City Manager Fuller then discussed the matter at length amongst themselves. Council also asked questions of Ryan Smola.

Councilmember Lightfoot made the motion, seconded by Councilmember Lindsey, to approve Ordinance No. 17-057 including the zoning change in Agenda Item No. 9 as requested by the applicant for an accessory dwelling unit at 1240 Pratt Road with the south elevation consisting of masonry for a wainscoting and Hardy plank for the remainder of the south elevation. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

**Approved
Enactment No: ORD 17-057**

10. Conduct a Public Hearing and consider approval of Ordinance No. 17-0XX approving a zoning change from Agriculture (AG) to Residential Estates (RE) to allow for a residence at 212 Uhl Rd., being approximately 1.95 acres, Lot 1, Block A, Bowmar Acres, City of Red Oak, Ellis County, Texas, requested by Debi McCarty.

Agenda Item No. 10 removed. No action.

11. Conduct a Public Hearing and consider approval of Ordinance No. 17-0XX approving a zoning change from Planned Development 77, Revised 2 (PD77-R2) to Planned Development 77, Revised 3 (PD77-R3) to allow for development changes for the Chick-Fil-A Restaurant, approximately 1.95 acres, Lot 2, Block A, Ovilla Corner II, City of Red Oak, Ellis County, Texas.

Agenda Item No. 11 removed. No action.

12. Consider adoption of Resolution No. 17-078R creating the Capital Improvements Advisory Committee, setting forth the rules for and the duties thereof, all in compliance with the Impact Fee Statutes found in Chapter 395 of the Local Government Code; making various findings and provisions related to the creation of the Capital Improvements Advisory Committee; setting a date for a Public Hearing to discuss and consider the City's Proposed Land Use Assumptions and Capital Improvements Plan; and providing for an effective date.

Mayor Hugley read Agenda Item No. 12. He briefly summarized this agenda item and gave some background information. City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley, Council, City Attorney Hager and City Manager Fuller discussed the matter at length amongst themselves. Questions were asked of Stewart Hamilton and he responded. City Attorney Hager suggested the motion be to approve Resolution No. 17-078R appointing the P & Z Commission as the advisory committee and setting the hearing date.

Councilmember Lightfoot made the motion, seconded by Councilmember Drake, to adopt Resolution No. 17-078R as read. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

Adopted
Enactment No: RES 17-078R

DEPARTMENTAL REPORTS:

19. 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. Human Resources
 - November Administrative Monthly Report
- F. Finance Department
 - Finance Report
 - Monthly Investment Report
 - Financial Statement
- G. IT Department
 - Major Accomplishments
 - Current Initiatives

- Challenges
- H. Library
 - YTD Statistics
 - Monthly Newsletter
 - Legacy Data
- I. Court
 - November Statistical Highlights

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

Assistant City Manager (ACM) Lawrence spoke and stated that the current contract with Waste Connections allows them to annually look at the consumer price index and increase rates by 90 percent. They have done that this year with an increase of about 2.89 percent, only on the residential refuse customers. Per ACM Lawrence, the City typically passes that cost along to customers and increases its rate in the Master Fee Schedule. Since the fee is nominal this year, about \$0.96 cents per customer per year, the City can cover the extra \$2,444.00 and not increase rates. He stated that next year, the City will be renegotiating the contract and will look at it then. ACM Lawrence concluded by stating that Waste Connections has been charging a surcharge for fuel because fuel costs were higher; however, they are no longer charging the surcharge since fuel costs have been lower.

Library Director Ragsdale spoke and invited Council and everyone to the Library's upcoming event, the Polar Express movie showing.

CLOSED SESSION:

13. 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.
14. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with City Attorney to seek legal advice concerning the legal requirements related to employment of law enforcement personnel.**
15. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with Attorney concerning Road Expansion Contract #2964-12-003/2964-12-001.**
16. Pursuant to the Texas Government Code, Section §551.072 – **Deliberate an Offer for Sale, Acquisition, or Exchange of Real Properties east of I-35E, west of State Hwy 342, south of Daubitz Drive, and north of Waller Avenue.**
17. Pursuant to the Texas Government Code, Section §551.072 – **Deliberate an Offer for Sale, Acquisition, or Exchange of Real Properties generally located at Uhl Road and FM 664/W. Ovilla Road.**

Mayor Hugley read Agenda Item Nos. 13, 14, 15, 16 and 17 for Closed Session into the record. City Manager Fuller asked ACM Lawrence, Code/Community Development Director Silva-Reyes, Economic Development Director McCleary and Police Chief Wolf to remain in Chambers. Mayor Hugley then moved Council into Closed Session at 8:17 p.m.

REGULAR SESSION:

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

Council reconvened into Regular Session at 9:24 p.m. No action taken for Agenda Item Nos. 13, 14, 15 and 17. See below for action taken on Agenda Item No. 16.

16. Pursuant to the Texas Government Code, Section §551.072 – **Deliberate an Offer for Sale, Acquisition, or Exchange of Real Properties** east of I-35E, west of State Hwy 342, south of Daubitz Drive, and north of Waller Avenue.

Council Tim Lightfoot made the motion, seconded by Councilmember Lindsey, to approve the terms and conditions of a contract to purchase two acres of land on west Red Oak Road from 17 Mile Real Estate, LLC, in an amount of \$110,000.00 plus costs, if any, for public infrastructure improvements; and, authorize the City Manager to sign. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney

ADJOURNMENT:

Councilmember Drake made the motion, seconded by Councilmember Lightfoot, to adjourn the meeting at 9:25 p.m. The motion carried unanimously.

Ayes (4): Councilmember William Drake
Councilmember Tim Lightfoot
Councilmember Scott Lindsey
Mayor Pro Tem Gordon Toney


PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on January 8, 2018.

Approved:



Alan Hugley, Mayor

Attest:


Dana Argumaniz, TRMC
City Secretary

