



## City of Red Oak

### Minutes - Final City Council Regular Meeting

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Monday, February 11, 2019

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, February 11, 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 (5):**

Mayor Mark L. Stanfill  
Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**CALL TO ORDER:** Mayor Stanfill 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:** Councilmember Lightfoot gave the Invocation and the Boys Scouts of America local pack led the Pledge of Allegiance.

**PRESENTATIONS:**

- Proclamation – Love Your Library Month

Mayor Stanfill read the Love Your Library Month Proclamation into the record. Mayor Pro Tem Toney presented the proclamation to Library Director Ragsdale as well as members of the Friends of the Library group.

- Introduction – Officer-of-the-Year Announcement, Dustin Bragg

City Manager Fuller spoke and presented the Officer-of-the-Year award to Dustin Bragg, introducing him to Council and the public. Lt. Marc Schroeder also spoke about Officer Bragg.

**CONSENT AGENDA:**

1. Consider approving the following Minutes:
  - January 14, 2019 – Regular Council Meeting  
Approved on Consent Agenda
2. Consider the absence of Councilmember Scott Lindsey from the January 14, 2019, Regular Meeting of the Red Oak City Council.  
Approved on Consent Agenda
3. Consider adopting Resolution No. 19-004R approving a Mater Interlocal Cooperative Purchasing Agreement between the City of Grand Prairie and the City of Red Oak for the

purchase of goods and services; authorizing the City Manager to execute said document; and providing an effective date.

**Adopted**

**Enactment No: RES 19-004R**

**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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and may be acted on in one motion or separately. Councilmember Lindsey spoke and stated that he would abstain from Agenda Item No. 2. Councilmember Lightfoot spoke and asked that Agenda Item No. 4 be removed from the Consent Agenda for discussion.**

**Councilmember Wilson made the motion, seconded by Councilmember Lightfoot, to approve the Consent Agenda as published. The motion carried unanimously.**

**Ayes (4):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Abstention (1):** Councilmember Scott Lindsey

#### **COUNCIL BUSINESS – REGULAR SESSION:**

4. Consider adoption of Resolution No. 19-005R approving the proposal from AT&T for the upgrade of the Internet network data bandwidth from the current 100M to a 250M fiber link, and migrated IP Flex Voice, and author the City Manager to negotiate and the Mayor to execute after attorney review and approval of a 24-month service agreement.

**Mayor Stanfill read Agenda Item No. 4 into the record. IT Director Binford spoke and gave a detailed explanation of this agenda item.**

**Mayor Stanfill, Council and IT Director Binford discussed this agenda item at length. Councilmember Lightfoot commended IT Director Binford on researching and finding a better contract and savings.**

**Councilmember Drake made the motion, seconded by Councilmember Lightfoot, to adopt Resolution No. 19-005R as presented. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Adopted**

**Enactment No: RES 19-005R**

5. Consider adoption of Resolution No. 19-006R ordering the General Election to be held on May 4, 2019, for the purpose of electing three (3) members to the Red Oak City Council for Place Two (2), Place Four (4), and Place Five (5), to be elected at large for a period of three (3) years; establishing procedure for said election, designating locations of polling places; designating filing deadlines; designating Presiding Election Judge and Alternate Presiding Judge; providing for the publication and posting of Notice; providing for authorization to enter into a Joint Election Agreement with Ellis County to conduct such election; providing a severability clause; and, providing an effective date.

**Mayor Stanfill read Agenda Item No. 5 into the record.**

**City Manager Fuller alerted Mayor Stanfill about passing the Citizens Comments section of the agenda. It was agreed to finish Agenda Item No. 5 and then go to Citizens Comments.**

**Mayor Stanfill, Council and City Manager Fuller briefly discussed this agenda item and a question from Councilmember Lightfoot was answered.**

**Councilmember Lindsey made the motion, seconded by Councilmember Drake, to adopt Resolution No. 19-006R as presented. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Adopted**  
**Enactment No: RES 19-006R**

### **CITIZENS COMMENTS:**

**No one spoke.**

6. Consider approval of Ordinance No. 19-002 abandoning an 8" Strip of Right-of-Way and Easement known as being part of a 60-foot Right-of-Way Easement in the A.J. Parks Survey, Abstract No. 849, Brothers Boulevard, as described and depicted in Exhibit "A"; providing that said ordinance shall constitute a Quitclaim Deed that may be recorded with the County Clerk of Ellis County, Texas; providing for a severability clause; providing for a repealing clause; and providing for an effective date.

**City Manager Fuller read Agenda Item No. 6 into the record on behalf of the Mayor. City Engineer Hartman spoke and gave a detailed explanation of this agenda item.**

**Mayor Stanfill, Council, City Manager Fuller and City Engineer Hartman discussed this agenda item at length.**

**Councilmember Wilson made the motion, seconded by Councilmember Lightfoot, to approve Ordinance No. 19-002 as presented. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 19-002**

7. Discuss and consider approving the Assignment of Option from the City of Red Oak, Texas ("City"), to the Red Oak Independent School District ("ROISD") for 24.01 ± acres of property for use as open space and future development.

**City Manager Fuller read Agenda Item No. 7 into the record on behalf of the Mayor. City Manager Fuller spoke and gave a detailed explanation of this agenda item, indicating the property on the monitor.**

**Mayor Pro Tem Toney made the motion, seconded by Councilmember Drake, to approve the Assignment of Option as presented. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**

8. Consider approving a grant in the amount of Fifty Thousand and No/100 Dollars ("\$50,000.00) by the Red Oak Economic Development Corporation (ROEDC) to CooperZadeh, LLC, towards street improvements along the south side of Harmony Drive.

**City Manager Fuller read Agenda Item No. 8 into the record on behalf of the Mayor. City Manager Fuller spoke and gave a detailed explanation of this agenda item, indicating the property on the monitor.**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve a grant as presented. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**

9. Consider adopting Resolution No. 19-007R granting support for an age-restricted, multifamily development at the northwest corner of Red Oak Road and Hickory Creek Drive. The purpose of this resolution is to provide the developer with proof of community support for his proposed development as part of an application to receive tax credits from Texas Department of Housing and Community Affairs (THDCA) [sic].

**City Manager Fuller read Agenda Item No. 9 into the record on behalf of Mayor Stanfill. He then gave a brief explanation of this agenda item. City Engineer Hartman then spoke and gave a detailed explanation of this agenda item.**

**Mayor, Council, City Manager Fuller and City Attorney Hager discussed this agenda item at length.**

**Councilmember Lindsey made the motion, seconded by Councilmember Wilson, to adopt Resolution No. 19-007R as read. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Adopted**

**Enactment No: RES 19-007R**

**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 – **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 I-35E, west of SH 342, south of FM 664/Ovilla Road, and north of US 77, Red Oak, Texas.
  - B. Discuss or deliberate acquisition, sale, and/or exchange of Real Properties generally located east of Uhl Road, west of I-35E, south of the Ellis County Line, and north of FM 664/Ovilla Road, Red Oak, Texas.
  - C. 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.

**City Attorney Hager read Agenda Item Nos. 13 and 14 for Closed Session into the record to seek confidential legal advice from the City Attorney on Agenda Item Nos. 10 and 11 as posted, and moved Council into Closed Session at 7:31 p.m.**

**REGULAR SESSION:**

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

**Council reconvened into Regular Session at 8:03 p.m. Action taken.**

**COUNCIL BUSINESS – REGULAR SESSION:**

- 10. Conduct a Public Hearing and consider approving Ordinance No. 19-003 for a zoning change from Residential 3 (R-3) to Residential 3 Specific Use Permit (R3/SUP) to allow for a 160' self-support cell tower at 201 N. IH35E, approximately 8.1 acres, Stephen McCommas Survey, A-695, City of Red Oak, Ellis County, Texas, requested by Hemphill, LLC, and landowners Alfredo B. and Felix B. Tamez.

**Mayor Stanfill read Agenda Item No. 10 into the record. City Engineer Hartman spoke and gave a detailed explanation of this agenda item. He stated that this application was brought to the Planning & Zoning meeting in January where it was tabled. It was brought back at the February meeting where a vote was taken and P & Z recommended denial of the SUP by a vote of 4 to 1.**

**Mayor Stanfill opened the Public Hearing at 8:05 p.m.**

**City Manager Fuller read into the record those notice forms that were received in the mail:**

**Rosie Brazier or Juanita Dickerson, 105 Creek Court, Red Oak, Texas, checked the box “against” with no further comment.**

**Wilma Keller, 907 J. A. Rawlins, Parcel ID #189927, Red Oak, Texas, checked the box “against” with no further comment.**

**The Comers, 141 Creekview Drive, Red Oak, Texas, checked the box “against” and made the following comments: “I do not see the necessity for having one so close to the other and I**

do not understand why they have already dug and, I guess, put in the supports before it was approved, this was, I believe, in December.”

Billy Wayne Sanford, 207 Baldwin, Red Oak, Texas, checked the box “against” with no further comment.

Billy Sanford, (not Billy Wayne Sanford), 207 Baldwin, Red Oak, Texas, checked the box “against” with no further comment.

Terry and Brenda Stuart, 133 Hidden Lane, Red Oak, Texas, checked the box “against” and wrote “two” against it; Terry Stuart voted against and Brenda Stuart voted against.

Mayor Stanfill explained to the public the directions for speaking during the public hearing. City Attorney Hager added to the explanation.

Ralph Wyngarden, Faulk & Foster Real Estate, Inc., 678 Front Avenue NW, Suite 215, Grand Rapids, Michigan, 49504, spoke in favor of the project. Mr. Wyngarden spoke on behalf of Hemphill, LLC, as well as Alfredo and Felix Tamez, the property owners who have leased space on their property for the Hemphill project. He stated that the decision made by the Planning & Zoning Commission should concern every property owner in Red Oak. Instead of applying the specific use permit standard required by the ordinance, the Commission instead offered its opinion that the proposed Hemphill tower was not the highest and best use of the property. He explained the dilemma faced by the land owners due to the size of their property making it not readily developable. Mr. Wyngarden stated that he feels Council should set the recommendation by the Planning & Zoning aside and reassure the community that Council will follow its zoning ordinance. He went on to describe the specifics of their project and comparing them to the area. He referred to the arguments likely to be made by counsel for SBA Communications, owner of the nearby tower. He concluded by stating that Council's job is to honor property rights where development is permissible under the ordinance.

Felix Tamez, 5349 Amesbury Drive, Dallas, Texas, property owner, spoke in favor of the project. He stated that he and his brother inherited the property from their father as well as a house in Ovilla, Texas. Together, the property taxes run about \$9,975.00. Mr. Tamez further stated that what they will receive in money from the lease of the tower will only cover the property tax bill, and they won't be making any profit. He spoke about the history of the property in his family and that this will be the first time this property will produce any money.

Bebb Francis, The Francis Law Firm, P.C., 112 E. Pecan, Suite 550, San Antonio, Texas, Counsel for SBA Communications, spoke against the project. Mr. Francis stated that SBA is the owner of the tower located about 600-700 feet west of the site of the proposed Hemphill, 160-foot, telecommunications tower. He compared the height of the proposed tower to that of a 16-story building or structure. He went on to say that SBA has owned and operated this tower for almost 20 years and Verizon Wireless has been servicing Red Oak from the antennas on the SBA tower for 15 years. The application by Hemphill isn't a move to encourage growth or to develop Red Oak, but is a business play. Mr. Francis indicated the area of the SBA tower and proposed Hemphill tower on the monitor with the help of City Manager Fuller and explained each of the slides he presented. The Hemphill tower will be only 100 feet, centered, off these residences' back property line. He went on to talk about the 100 X 100 foot compound and its fence, stating that the fencing will be only 50 feet off of the residences' back yards. He concluded by reading the Article 7, Section 7.1.3 (A) of the Zoning Ordinance regarding Specific Use Permit Regulations. He respectfully requested that Council deny Hemphill's application for a specific use permit because it is not a harmonious use.

**Brenda Stewart**, 133 Hidden Lane, Red Oak, Texas, spoke against the project. She explained that she already has the SBA tower in her back yard and does not want to have another one in her area.

**Todd Little**, 441 Country Ridge Lane, Red Oak, Texas, spoke against the project. He explained to Council the location of his house in relation to the proposed Hemphill tower. He related that whenever there is fog in the area, a strobe light comes on once there is a certain density of the fog. Mr. Little stated that last evening, due to fog, he could see a white, bright, strobe light through his window every five seconds. He respectfully requested that Council deny Hemphill's SUP because he does not think it is harmonious with the area, particularly his neighborhood. He believes that the [Hemphill] tower would be out of scale with the area and would be incompatible with the neighborhood, and could be injurious in the event of a fall. He concluded by saying that the Planning & Zoning Commission does have the authority and the ability to rule on a specific use permit. He respectfully requested that Council not consider an inappropriate use like this one.

City Attorney Hager asked Mayor Stanfill to enter into the record the PowerPoint presentation given by attorney Bebb Francis as well as any other written information or item offered by the applicants and opponents.

Councilmember Lightfoot made the motion, seconded by Councilmember Wilson, close the Public Hearing at 8:32 p.m. The motion carried unanimously.

**Ayes (5):**  
Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

City Attorney Hager stated that based upon the presentation of the applicant, the opponent, and the speakers, Mayor and Council have sufficient information before them by which to exercise their discretion to make a decision on the matter.

Mayor, Council, City Manager Fuller and City Attorney Hager discussed this agenda item at length. City Attorney Hager explained the terms "highest and best use" and "harmonious" to Council.

Councilmember Lightfoot made the motion, seconded by Councilmember Drake, to approve Ordinance No. 19-003 as read.

Mayor Stanfill took a roll call vote.

**Ayes (0)**

**Nays (5):**  
Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**FAILED  
ORD 19-003**

City Attorney Hager announced that the motion and ordinance failed with no (0) votes in favor and five (5) votes against, and the change of zoning was denied.

11. Consider approval of Ordinance No. 19-004 amending the Code of Ordinances, Chapter 1, "General Provisions", Article 1.04 "Officers of the City", by adding new section 1.04.032 to Division 2, "City Manager" (or his designee) for the annual adoption, review and revision of the City of Red Oak Employee Handbook (also referred to as the City of Red Oak Personnel Policy Manual), and providing the City Manager with approval authority for changes to the employee handbook; and providing a repealing clause; providing a savings clause; and providing an effective date.

**Mayor Stanfill read Agenda Item No. 11 into the record. City Attorney Hager spoke and gave a detailed explanation of this agenda item.**

**Mayor, Council, City Manager Fuller and City Attorney Hager discussed this agenda item at length. City Attorney Hager suggested that the item be tabled for further research to bring back to Council at a later date for consideration.**

**Mayor Stanfill consented to tabling Agenda Item No. 11. No action was taken.**

#### **DEPARTMENTAL REPORTS:**

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



- Statistical Highlights

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

**Councilmember Lightfoot had a comment for the Police Department report. He stated that he's received a lot of positive feedback about the social media endeavors: the YouTube™ channel, the neighborhood app, Facebook™ page . . . all positive! He stated that he appreciates the effort and believes it's making a big impact on the community, for those people who use those channels.**

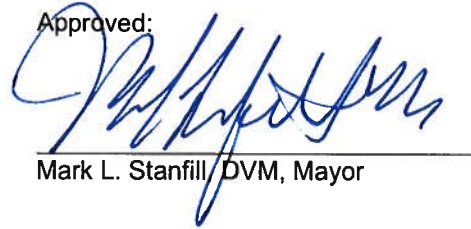
**ADJOURNMENT:**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to adjourn the meeting at 8:54 p.m. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on March 11, 2019.**

Approved:



Mark L. Stanfill, DVM, Mayor

Attest:



Caryn Stevens  
Deputy City Secretary

