



RED OAK, TEXAS

## City of Red Oak

### Minutes - Final City Council Regular Meeting

---

Monday, April 12, 2021

7:00 PM

Red Oak Municipal Center  
200 Lakeview Parkway

---

A Regular Meeting of the Red Oak City Council was held via teleconference on Monday, April 12, 2021, at 7:00 p.m., with the following members present, to wit:

**City Council (4):**

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

**Absent (1):**

Councilmember William Drake

**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 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 partially by telephone conference, however, there will be no public access to the physical location.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Mayor Stanfill gave the Invocation and led the Pledge of Allegiance.

**PRESENTATIONS:**

- Proclamation – National Crime Victims’ Rights Week

**Mayor Stanfill asked Police Chief Wolf to briefly speak about National Crime Victims’ Rights Week. Mayor Stanfill then read the proclamation into the record and recognized April as National Crime Victims’ Rights Week in the City of Red Oak.**

- Proclamation – National Child Abuse Prevention Month

**Mayor Stanfill recognized April as National Child Abuse Prevention Month in the City of Red Oak. He read the proclamation into the record and introduced Leslie Deen with Ellis County Children’s Advocacy Center who spoke about related abuse statistics and victim help in Ellis County.**

- Introduction – Jody Kirby, new Firefighter

**Fire Chief Blanton introduced new firefighter, Jody Kirby, to Council. Council and staff welcomed Mr. Kirby to Red Oak.**

**CITIZENS COMMENTS:**

**Courtney Aikens, 205 Cotton View Lane, Red Oak, Texas, emailed her comment and City Manager Fuller read it into the record:**

**"I will like the council to revisit the mandate that a person must have 3 units or houses to open an assisted living facility in Red Oak. This law was passed 7 years ago, and I think it needs to be revisited. In all the surrounding counties, a person can have an assisted living facility in a single family residence."**

**Twana Walls emailed her comment and City Manager Fuller read it into the record:**

**"Who is the city councilman/councilwoman who covers the Coyote Ridge/Hickory Creek Estates? And, could you send me his/her contact information? Some issues need to be addressed in this area which I reside."**

**City Manager Fuller spoke and answered Ms. Walls' question.**

**John F. Larmouth, Jr., 106 Post Oak Drive, Red Oak, Texas, emailed his comment and City Manager Fuller read it into the record:**

**"My name is John Larmouth, Jr. I live in the Hickory Creek Subdivision. The residents of Hickory Creek are preparing to establish a new HOA starting at the beginning of 2022. We would like to know what are [t]he steps needed to get this new HOA."**

**City Manager Fuller spoke and answered Mr. Larmouth's question. Mr. Larmouth responded via Zoom.**

**Jon Roberts, 213 S. Hillside Street, Red Oak, Texas, emailed his comment and City Manager Fuller read it into the record:**

**"I'm asking that the city of Red Oak reconsider its zoning parameters as it pertains to backyard chickens. Across Texas, in more urban and populated cities like Dallas, Arlington, and Farmers Branch, backyard chickens have been allowed under certain parameters (they must be in a fence, a coop, no roosters, etc.). In Red Oak, the zones officially allotted to allow for backyard chickens are sparse. After speaking with the gentleman in charge of zoning for the city, he wasn't sure why this was and suggested I bring it before the council. I currently live near old downtown. There is considerable space between each house and backyard. I myself live on a little over a half acre and a majority of it is fully fenced. Despite my neighborhood not being zoned for backyard chickens, I've counted no less than three yards with coops and chickens, including one a few houses down from me. On top of that, across the street from my house, there's a small field with goats, a donkey and a horse. I don't think most citizens are aware of the zoning restrictions as backyard chickens have been something that's been allowed by so many cities at this point. And rather than buying and potentially being asked to get rid of backyard chickens I humbly ask that the council review this policy and consider amending the zoning to allow for it, especially in old downtown where backyard chickens and other livestock are already present. Thank you for your time."**

**Mayor Stanfill and staff spoke and stated that someone would reach out to Mr. Larmouth.**

#### **CONSENT AGENDA:**

1. Consider approving the following Minutes:
  - March 8, 2021 – Regular Meeting**Approved on Consent Agenda**
  
2. Consider adoption of Resolution No. 21-023R approving an expenditure by the Red Oak Industrial Development Corporation (ROIDC), approving an Economic Development Funding Agreement (Agreement) by and between the ROIDC and the City of Red Oak, Texas, for public infrastructure improvements to include the construction of an Austin Boulevard extension north of FM 664/Ovilla Road to include a 20-inch (20") water main, traffic signal, drainage improvements, and appurtenances, and authorizing the City Manager to execute the Agreement.  
**Adopted**  
**Enactment No: RES 21-023R**

3. Consider adoption of Resolution No. 21-024R of the City Council of the City of Red Oak, Texas, hereby awarding a bid to Circle H Contracting for construction of the north extension of Austin Boulevard to include paving, drainage and water line improvements in an amount not to exceed \$2,767,592.40; authorizing the City Manager to execute the terms and conditions of a contract after approval by the City Attorney; and, providing an effective date.  
**Adopted**  
**Enactment No: RES 21-024R**
4. Consider adoption of Resolution No. 21-025R of the City Council of the City of Red Oak, Texas, approving the terms and conditions of the Agreement by and between the City of Red Oak, Texas and Rockett Special Utility District to permit the District to provide an area with potable water in the City's Certificate of Convenience and Necessity service area, as provided in Exhibit "A" attached hereto and incorporated herein; authorizing the City Manager to execute the necessary documents; and, providing an effective date.  
**Adopted**  
**Enactment No: RES 21-025R**
5. Consider adopting Resolution No. 21-026R authorizing continued participation with the Steering Committee of Cities Served By Oncor; and authorizing the payment of six cents (\$0.06) per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.  
**Adopted**  
**Enactment No: RES 21-026R**

**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 upon in one motion or separately. Councilmember Braly asked to move Agenda Item No. 6 to Regular Session.**

**Councilmember Braly made the motion, seconded by Councilmember Goodwyn, to approve the Consent Agenda Nos. 1-5 as read. The motion carried unanimously.**

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

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

6. Consider adopting Resolution No. 21-027R of the City Council of the City of Red Oak, Texas, supplementing Resolution No. 20-022R, extending and amending a State of Emergency as a result of the COVID-19 Virus; providing for interim public safety measures; providing for a face covering requirement in City buildings, facilities, and outdoor spaces; providing for a moratorium for enforcement of mobile food vending; providing for republishing of resolution; providing a severability clause; and, providing an effective date.

**Mayor Stanfill read Agenda Item No. 6 into the record. He explained that the phrase "outdoor spaces" has now been omitted in the Order. City Manager Fuller also spoke and said the language requiring the Mayor to approve gatherings of ten people or more at a park facility has been removed. City Attorney Hager also spoke and gave a brief explanation of changes on this agenda item.**

**Mayor, Council, and staff discussed this agenda item at length.**

**Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-027R with the "outdoor spaces" language omitted in the resolution and Order.**

**Councilmember Wilson moved the motion, seconded by Councilmember Goodwyn. The motion carried 3-1. The motion passed.**

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

**Adopted**  
**Enactment No: RES 21-027R**

7. Consider approval of approval of Ordinance No. 21-008 of the City of Red Oak, Texas, amending Ordinance No. 20-026, amending the Fiscal Year 2021 Official Budget; appropriating funds to increase revenue and expenditures within the General Fund, appropriating funds to increase revenue and expenditures within the Streets Capital Project Fund and appropriating funds to increase revenue and expenditures within the Water and Sewer Fund 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.

**Mayor Stanfill read Agenda Item No. 7 into the record. City Manager Platt spoke and gave a detailed explanation of this agenda item.**

**Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-008 as presented.**

**Mayor Pro Tem Toney moved the motion, seconded by Councilmember Braly. The motion carried unanimously.**

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

**Approved**  
**Enactment No: ORD 21-008**

8. Conduct a Public Hearing and consider Ordinance No. 21-009 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 Agriculture (AG) to Single Family R-2 (SF R-2) property located at 737 Valley View Road, City of Red Oak, Ellis County, Texas, as provided in Exhibit "A" attached hereto and incorporated herein; providing for a plat as provided in Exhibit "B" attached hereto and incorporated herein; 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.

**Mayor Stanfill read Agenda Item No. 8 into the record. Planning & Zoning (P&Z) Manager Guenzel spoke and gave a detailed explanation of this agenda item.**

**Mayor Stanfill opened the Public Hearing at 7:36 p.m.**

**Ana Gonzalez, 1622 Avenue C, Grand Prairie, Texas, spoke in favor of this project.**

**Mayor, Council, and staff discussed this agenda item at length.**

**Councilmember Goodwyn made the motion, seconded by Mayor Pro Tem Toney, to close the Public Hearing at 7:44 p.m. The motion carried unanimously.**

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

**Raul Cardenas, 737 Valley View Road, Red Oak, Texas, spoke briefly about this project.**

**City Attorney Hager spoke and advised that this item be postponed until the May 10<sup>th</sup> Council meeting.**

**City Attorney Hager made the following motion: Motion to postpone Ordinance No. 21-009 until the meeting on May 10<sup>th</sup>.**

**Councilmember Braly moved the motion, seconded by Mayor Pro Tem Toney. The motion carried unanimously.**

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

9. Conduct a Public Hearing and consider Ordinance No. 21-010 of the City of Red Oak, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by granting a change in zoning from Residential Estate (RE) to Single Family Planned Development 118 (PD 118) to allow a detached accessory building as a dwelling unit with attached garage on approximately 3-acres located at 1004 West Red Oak Road, Red Oak, Ellis County, Texas, which is attached hereto as Exhibit “A”; providing for approval of the site plan and elevations, attached hereto as Exhibit “B”; providing approval of the special condition included herein; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violations hereof; providing a savings clause; providing for publication in the official newspaper; and, providing an effective date

**Mayor Stanfill read Agenda Item No. 9 into the record. Planning & Zoning (P&Z) Manager Guenzel spoke and gave a detailed explanation of this agenda item.**

**Mayor Stanfill opened the Public Hearing at 7:55 p.m.**

**Felipe & Mary Ortiz, 1004 West Red Oak Road, Red Oak, Texas, spoke in favor of this project.**

**Councilmember Goodwyn made the motion, seconded by Councilmember Braly, to close the Public Hearing at 7:56 p.m. The motion carried unanimously.**

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

**City Manager Fuller spoke and commented on the deed restrictions for this address and advised them to check on this issue.**

**Mayor Stanfill made the following motion: Motion to approve Ordinance No. 21-010 as presented.**

**Councilmember Braly moved the motion, seconded by Mayor Pro Tem Toney. The motion carried unanimously.**

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

**Approved  
Enactment No: ORD 21-010**

10. Consider adoption of Resolution No. 21-028R providing for setting the dates, time and place of public hearings concerning the **Voluntary Annexation** of two tracts of land, approximately 206.285 acres, more or less, out of the Gaz B. Lamar Survey, Abstract 657, and the James M. Riggs Survey, Abstract 902, and approximately 223.493 acres, more or less, out of the John Bell Survey,

Abstract 61, and the William H. Morris Survey, Abstract 725, in the City of Red Oak ETJ, Ellis County, Texas, and incorporated into the City of Red Oak, Texas

**Mayor Stanfill read Agenda Item No. 10 into the record. City Manager Fuller spoke and gave a detailed explanation of this agenda item.**

**Mayor, Council, and staff discussed this agenda item at length.**

**Mayor Stanfill read the annexation schedule and made the following motion: Motion to adopt Resolution No. 21-028R as presented.**

**Councilmember Goodwyn moved the motion, seconded by Councilmember Braly. The motion carried unanimously.**

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

**Adopted  
Enactment No: RES 21-028R**

11. Consider adoption of Resolution No. 21-029R of the City Council of the City of Red Oak, Texas, accepting Special Warranty Deed from the Texas Parks and Recreation Foundation for 69.137 acres located on 208 H.P. Crum in Red Oak, Ellis County, Texas; and, providing an effective date.

**Mayor Stanfill read Agenda Item No. 11 into the record. Parks & Recreation Director Kelley spoke and gave a detailed explanation of this agenda item. City Manager Fuller also spoke and gave a brief explanation of this agenda item.**

**Mayor Stanfill made the following motion: Motion to adopt Resolution No. 21-029R as presented.**

**Mayor Pro Tem Toney moved the motion, seconded by Councilmember Braly. The motion carried unanimously.**

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

**Adopted  
Enactment No: RES 21-029R**

12. Consider the Community Waste Disposal (CWD) Annual Report Presentation given by Greg Roemer, President of CWD.

**A presentation was given by Greg Roemer, President of Community Waste Disposal, to City Council.**

#### **BOARD APPOINTMENTS:**

13. Appointments/ Reappointments to Red Oak Boards & Commissions – Consider approval regarding the following Boards/Commissions:

- A. Planning & Zoning Commission:
  - Reassignment of Kim Campbell from an Alternate Member to a Regular Member for the remainder of a two-year term from June 2020-June-2022.

**Mayor Stanfill read Agenda Item No. 13 into the record.**

**Councilmember Goodwyn made the motion, seconded by Councilmember Braly, to accept the A above as read. The motion carried unanimously.**

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

**Approved**

#### **DEPARTMENTAL REPORTS:**

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

- A. Fire
  - Monthly Activity Report
- B. Police
  - Monthly Report
- C. Development Services
  - Code Services Report
  - Building Permit and Inspections Report
  - Administrative Monthly Report
- D. Human Resources
  - Administrative Monthly Report
- E. Finance
  - Finance Report
  - Monthly Investment Report
  - Financial Statement
  - Municipal Court Statistical Highlights
- F. Information Technology
  - Major Accomplishments
  - Current Initiatives
  - Challenges
- G. Library
  - YTD Statistics
  - Monthly Newsletter
- H. Parks & Recreation
  - Monthly Report
- I. Public Works
  - Monthly Operational Report

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

**Public Works Director Williams spoke and stated that he had no further updates but was available for questions. Councilmember Goodwyn asked that Mr. Williams prepare a report of the street assessment and priority of repair. Mr. Williams agreed and will provide that information upon completion.**

Parks and Recreation Director Kelley spoke and discussed the need for policies and procedures for the rental of the sports facilities. City Manager Fuller also spoke and gave more explanation about this issue. Director Kelley announced that the Red Oak High School Softball team will be hosting a game at the new Baseball/Softball Fields this weekend along with a homerun hitting contest and other things to raise funds. Also, Red Oak has been approached by the All Ellis County Softball Tournament for hosting their 2022 tournament.

Library Director Ragsdale spoke and stated that he appreciated Council's continued support. He had no further updates but was available for questions.

IT Director Binford spoke and stated that he's been working on bringing up the new email archive server and is in the process of pulling all the old emails from the old server to the new one. He has upgraded the Library's Wi-Fi and been doing network upgrades at Live Oak getting ready for the concession stand. This week, his department is updating the computers and camera systems in the new police vehicles.

Finance Director Platt spoke and reported that the city has received its April deposit for sales tax and we are up from this same period last year, right under four percent.

Human Resources Director Monsivais spoke and stated that she had no further updates but was available for questions.

City Engineer Hartman spoke and stated that he had no further updates but was available for questions.

Police Chief Wolf spoke and thanked Council for their seven brand new patrol vehicles. The camera systems and computers are currently being configured and should be ready to place out on the streets by this weekend. The other vehicles in their fleet are being retrofitted with the new cameras and new computer systems.

Fire Chief Blanton spoke and updated Council on COVID-19 statistics and information for Red Oak, Ellis County and state levels, and he mentioned the Ellis County Vaccine HUB in Waxahachie. He gave instructions on how to schedule an appointment for a vaccine through Baylor Scott and White portal by setting up an account. City Manager Fuller added that a person does not need to be a patient at Baylor Scott and White in order to access the portal and get an appointment scheduled. He further stated that the current vaccines will protect against the several variants of the virus out there. Finally, he cautioned Council and the public to watch the possible severe weather tonight and take appropriate actions to stay safe.

Councilmember Goodwyn asked a question and City Manager Fuller responded.

Mayor Stanfill updated Council about his presentation at the last Red Oak Area Chamber of Commerce Luncheon. He thanked staff for their help in putting together the presentation and for all the hard work they do for the city.

#### **CLOSED SESSION:**

15. 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.*, Civil Action 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; *Rockett Special Utility District v. City of Red Oak, Texas*, Case No. 3:20-cv-1320; *City of Red Oak v. USDA, et al.*, Case No. 1:20-cv-00483-RP, W.D. Tex.; and *Rockett Special Utility District v. Botkin, et al.*, Civil Action No. 20-cv-1207-RP, W.D. Tex.
16. Pursuant to the Texas Government Code, Section §551.071 – **Consultation with the City Attorney** concerning pending litigation styled as *Cassandra Preston Insurance and Financial Services, Inc. v. City of Red Oak, et al.*, Cause Number 103467, filed in 443<sup>rd</sup> Judicial District Court of Ellis County, Texas.



**17. 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.

**18. Pursuant to the Texas Government Code, Sections § 551.071 and § 551.074 – To Seek Legal Advice from the City Attorney on Personnel Matters** and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public employee; to wit: City Manager, Annual Evaluation.

**Mayor Stanfill read Agenda Item Nos. 15, 16, 17, and 18 for Closed Session into the record and moved Council into Closed Session at 8:38 p.m. He invited Council, City Manager Fuller, Assistant City Manager Phillips, Economic Development Director McCleary, City Attorney Hager, EDC President Hugley, Attorney James Parker and Attorney Gabrielle Smith into Closed Session.**

**REGULAR SESSION:**

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

**Council reconvened into Regular Session at 9:50 p.m.**

**Mayor Stanfill made the following motion: Motion to approve the annual evaluation and a five percent (5%) increase in salary for City Manager Todd Fuller.**

**Councilmember Goodwyn moved the motion, seconded by Councilmember Braly. The motion carried unanimously.**

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

**Approved**

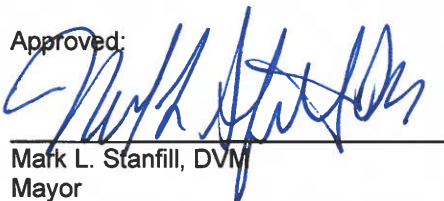
**ADJOURNMENT:**

**Councilmember Wilson made the motion, seconded by Councilmember Goodwyn, to adjourn the meeting at 9:52 p.m. The motion carried unanimously.**

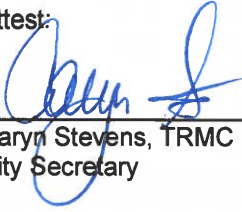
**Roll Call Vote:** Councilmember Michael Braly – Aye  
Councilmember Ben Goodwyn – Aye  
Mayor Pro Tem Gordon Toney – Aye  
Councilmember Ron Wilson – Aye

**PASSED AND APPROVED by the Red Oak City Council at a Regular Meeting held on May 10, 2021.**



Approved:   
Mark L. Stanfill, DVM  
Mayor

Attest:



---

Caryn Stevens, TRMC  
City Secretary