



CITY OF DECATUR, TEXAS

REGULAR - CITY COUNCIL MEETING
Decatur City Hall - 201 E. Walnut, Decatur, TX
February 13, 2023
AND VIA VIDEOCONFERENCE/TELECONFERENCE

Vide Conferencing is being used to allow the public and staff to join the meeting. This meeting will be held using videoconferencing/teleconferencing technology with public viewing access via WWW.ZOOM.US/JOIN (MEETING/WEBINAR ID: 882 4164 2850 PASSCODE: 563791) or watch live at: <https://decaturtx.new.swagit.com/views/212/>

If you have questions you can call 940-393-0204 before noon on the date of the meeting.

*If you join the meeting via videoconferencing and want to address the Council on an agenda item, you will need to have your camera on and **SEND A CHAT MESSAGE THAT YOU HAVE A COMMENT AT THE BEGINNING OF THE MEETING**, when the Mayor calls for public comment, you will be recognized by the Mayor to address the Council and will be allowed 3 minutes to complete your comments.*

Anyone wishing to speak on a posted agenda item must complete a speaker card with his/her name and address and must identify the agenda item number for which he/she would like to speak. A card must be submitted to Asucena Garcia, City Secretary, so that the speaker may be recognized by the Mayor at the appropriate time. Speakers will each be allowed a three (3) minute time period to provide comments regarding the posted agenda item for which the request to speak was submitted and may speak during this item or during the Council's consideration of individual items in accordance with City Council Rules of Procedure. The three (3) minute time period will be extended to six (6) minutes if a translator is required for a non-English speaker to communicate his/her comments regarding the posted agenda item for which the request to speak was filed.

REGULAR MEETING 6:00 p.m.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. HEAR PRESENTATION FROM POLICE CHIEF CAMPBELL REGARDING PLANS FOR THE NEW DECATUR POLICE DEPARTMENT.
2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A DEVELOPMENT AGREEMENT BETWEEN DECATUR MC, LLC AND THE CITY OF DECATUR FOR THE MEADOW CREEK DEVELOPMENT, AN APPROXIMATE 130 ACRES OF LAND.
3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, DECLARING INTENT TO SUPPORT

RESERVE AT DECATUR, LLC AND A PROPOSED DEVELOPMENT FOR AFFORDABLE HOUSING AND AUTHORIZING THE MAYOR TO GRANT A REDUCTION IN FEES AND PROVIDING AN EFFECTIVE DATE. **RESOLUTION 2023-02-04**

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ESTABLISHING PRIORITIES FOR THE 88TH LEGISLATIVE SESSION IN TEXAS, AUTHORIZING REPRESENTATION OF THE MUNICIPALITY IN ADVOCATING CERTAIN POSITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. **RESOLUTION 2023-02-03**
5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ADOPTING A COMPREHENSIVE FUND BALANCE AND RESERVE POLICY FOR THE GENERAL FUND, GENERAL FUND CAPITAL, AND WATER AND SEWER FUND TO PROVIDE SUFFICIENT CASH FLOW FOR DAILY OPERATIONS AND PROVIDE FUNDS TO MEET UNFORESEEN EMERGENCY EXPENDITURES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING A CUMULATIVE REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. **RESOLUTION 2023-02-05**
6. PRESENT YEARLY REPORT REGARDING POLICE RACIAL PROFILING REVIEW STATISTICS FOR JANUARY 2022 THRU DECEMBER 2022 AND DISCUSS WITH COUNCIL AND STAFF.

Public Hearing Items:

7. CONDUCT A 1ST PUBLIC HEARING, REGARDING THE PROPOSED ANNEXATION BY THE CITY OF DECATUR, TEXAS OF CERTAIN PROPERTY: IDENTIFIED AS BEING AN APPROXIMATE 1.747 ACRE TRACT KNOWN AS THE RIGHT-OF-WAY OF COUNTY ROAD 4127 ADJACENT TO 3472 S US HIGHWAY 287, WISE COUNTY, TEXAS.
8. CONDUCT A 2ND PUBLIC HEARING, REGARDING THE PROPOSED ANNEXATION BY THE CITY OF DECATUR, TEXAS OF CERTAIN PROPERTY: IDENTIFIED AS BEING AN APPROXIMATE 1.747 ACRE TRACT KNOWN AS THE RIGHT-OF-WAY OF COUNTY ROAD 4127 ADJACENT TO 3472 S US HIGHWAY 287, WISE COUNTY, TEXAS.
9. CONSIDER FIRST READING OF THE ORDINANCE AND A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON AN AMENDMENT TO APPENDIX "B," "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS, THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY, TO REZONE AN APPROXIMATE 0.344 ACRES OF LAND LOCATED AT 1001 S. TRENCHARD STREET, DECATUR, TEXAS, AND AN APPROXIMATE 0.133 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF EAST HALE STREET, AND AN APPROXIMATE 0.076 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF SOUTH TRENCHARD STREET, DECATUR, TEXAS, FROM A SF-2, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TO A C-2, THOROUGHFARE BUSINESS ZONING DISTRICT. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 1001 S. TRENCHARD STREET, DECATUR, TEXAS. **(ZONING CHANGE APPLICATION 2023-01—MR. JAKE HAYES, ON BEHALF OF PROPERTY OWNER WALTER CHARLES PITTS.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.) ZC2023-01**

10. CONSIDER FIRST READING OF THE ORDINANCE AND A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON AN AMENDMENT TO APPENDIX “D,” “COMPREHENSIVE PLAN,” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS, TO AMEND THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP OF THE CITY, FOR AN APPROXIMATE 5.061 ACRES OF LAND LOCATED NORTH OF US HIGHWAY 380 BUSINESS AND BOTH EAST AND WEST OF VALCIK STREET, DECATUR, TEXAS, AND AN APPROXIMATE 0.873 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF WEST US HIGHWAY 380 BUSINESS, AND AN APPROXIMATE 0.092 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF SOUTH VALCIK STREET, DECATUR, TEXAS, FROM TRADITIONAL NEIGHBORHOOD (TN) AND PROFESSIONAL SERVICE AND LIGHT INDUSTRIAL (PSLI) LAND USE DESIGNATIONS TO COMMUNITY COMMERCIAL (CC) LAND USE DESIGNATION. THE PROPERTIES, MORE COMMONLY REFERRED TO AS 404 PARK WEST COURT, 405 PARK WEST COURT, 407 PARK WEST COURT, 408 PARK WEST COURT, 1700 W. US HIGHWAY 380 BUSINESS, 1606 W. US HIGHWAY 380 BUSINESS AND 408 VALCIK STREET, ARE LOCATED NORTH OF US HIGHWAY 380 BUSINESS AND BOTH EAST AND WEST OF VALCIK STREET, DECATUR, TEXAS. **(COMPREHENSIVE PLAN AMENDMENT APPLICATION 2023-01—MRS. BREANNA SMITH, ON BEHALF OF PROPERTY OWNERS MARK DUNCUM, DAVID FULLER, GARY SHELTON, DEBBIE HEARRELL, RON WESTBROOK AND SUE WESTBROOK) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 6-0. PER SECTION 4.4.7.E. OF THE ZONING ORDINANCE, A VOTE OF THREE-FOURTHS (3/4) OF ALL MEMBERS OF THE CITY COUNCIL IS REQUIRED TO OVERRULE A RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION THAT A PROPOSED CHANGE TO A REGULATION OR BOUNDARY BE DENIED.) CP2023-01**
11. CONSIDER FIRST READING OF THE ORDINANCE AND A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON AN AMENDMENT TO APPENDIX “B,” “ZONING,” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS, THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY, TO REZONE AN APPROXIMATE 5.061 ACRES OF LAND LOCATED NORTH OF US HIGHWAY 380 BUSINESS AND BOTH EAST AND WEST OF VALCIK STREET, DECATUR, TEXAS, AND AN APPROXIMATE 0.873 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF WEST US HIGHWAY 380 BUSINESS, AND AN APPROXIMATE 0.092 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF SOUTH VALCIK STREET, DECATUR, TEXAS, FROM OFFICE (C-O) ZONING DISTRICT TO THOROUGHFARE BUSINESS (C-2) ZONING DISTRICT. THE PROPERTIES, MORE COMMONLY REFERRED TO AS 404 PARK WEST COURT, 405 PARK WEST COURT, 407 PARK WEST COURT, 408 PARK WEST COURT, 1700 W. US HIGHWAY 380 BUSINESS, 1606 W. US HIGHWAY 380 BUSINESS AND 408 VALCIK STREET, ARE LOCATED NORTH OF US HIGHWAY 380 BUSINESS AND BOTH EAST AND WEST OF VALCIK STREET, DECATUR, TEXAS. THE COMMISSION RECOMMENDATION FOR THIS ITEM IS SUBJECT TO THE CITY COUNCIL’S APPROVAL OF THE REQUEST FOR THE PROPOSED COMPREHENSIVE PLAN AND FUTURE LAND USE MAP AMENDMENT. **(ZONING CHANGE APPLICATION 2023-02—MRS. BREANNA SMITH, ON BEHALF OF PROPERTY OWNERS MARK DUNCUM, DAVID FULLER, GARY SHELTON, DEBBIE HEARRELL, RON WESTBROOK AND SUE WESTBROOK) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 6-0. OPPOSITION TO THE ZONING CHANGE APPLICATION HAS REACHED 29.5%. PER SECTION 4.4.7.D. OF THE ZONING ORDINANCE, A FAVORABLE VOTE OF THREE-FOURTHS (3/4) OF ALL MEMBERS OF THE CITY COUNCIL IS REQUIRED TO APPROVE ANY CHANGE IN**

ZONING WHEN A WRITTEN PROTEST SIGNED BY THE OWNERS OF AT LEAST TWENTY (20) PERCENT OF EITHER (1) THE AREA OF THE LOTS OR LAND COVERED BY THE PROPOSED CHANGE; OR (2) THE AREA OF THE LOTS OR LAND IMMEDIATELY ADJOINING THE AREA COVERED BY THE PROPOSED CHANGE AND EXTENDING TWO HUNDRED (200) FEET FROM THE AREA, HAS BEEN FILED WITH THE CITY SECRETARY, AND MEETS ALL REQUIREMENTS OF SECTION 211 OF THE TEXAS LOCAL GOVERNMENT CODE. PER SECTION 4.4.7.E. OF THE ZONING ORDINANCE, A VOTE OF THREE-FOURTHS (3/4) OF ALL MEMBERS OF THE CITY COUNCIL IS REQUIRED TO OVERRULE A RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION THAT A PROPOSED CHANGE TO A REGULATION OR BOUNDARY BE DENIED) ZC2023-02

12. **CONSENT AGENDA** – ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 6-0.)**

- A. **PP2023-01** CONSIDER TAKING ACTION ON A REQUEST TO PRELIMINARY PLAT LOTS 1 & 2, BLOCK 1, BISHOP HEIGHTS ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING AN APPROXIMATE 16.653-ACRE TRACT OF LAND OUT OF THE J. BULLOCK SURVEY, ABSTRACT NO. 79, WISE COUNTY, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION PP2023-01—MR. LOU CHRISTOPHER, ON BEHALF OF NS MF PARTNERS LLC.)**
- B. **FP2023-01** CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOTS 1 & 2, BLOCK 1, BISHOP HEIGHTS ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING AN APPROXIMATE 16.653-ACRE TRACT OF LAND OUT OF THE J. BULLOCK SURVEY, ABSTRACT NO. 79, WISE COUNTY, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION FP2023-01—MR. LOU CHRISTOPHER, ON BEHALF OF NS MF PARTNERS LLC.)**

CONSENT AGENDA VOTE WILL INCLUDE THE FOLLOWING REGULAR COUNCIL CONSENT ITEMS:

- C. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF THE COUNCIL MEETING HELD JANUARY 9, AND JANUARY 23, 2023.
 - D. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR JANUARY 2023.
 - E. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST BY KELLY BRAMLETT FOR ABBY'S JOY COLOR RUN MAY 13, 2023 AT 8:00 A.M. CLOSING THE 100 BLOCKS OF STATE AND MAIN STREET.
13. **EXECUTIVE SESSION:** IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, SECTION 551.001, ET SEQ., THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:

§551.071(b) CONSULTATION WITH ATTORNEY. TO CONSULT WITH THE CITY'S ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO

THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER: LEGAL REVIEW OF COMPUTER INFORMATION SYSTEMS, INC. CONTRACT.

14. **RECONVENE INTO OPEN SESSION** – IN ACCORDANCE WITH TEXAS GOVERNMENT CODE CHAPTER 551, THE CITY COUNCIL WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.
15. COUNCIL TO HEAR PUBLIC INPUT (please complete a Speaker Registration Form before speaking) each speaker will be limited to 3 minutes, the Open Meeting Act does not allow for discussion in response to the comments, comments should be directed to the Council as a whole rather than to individual members, and no action will be taken by the Council.
16. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

I hereby certify that the above agenda was posted on the official bulletin board at City Hall, 201 E. Walnut, Decatur Texas, on Friday, February 10, 2023 by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

Asucena Garcia

Asucena Garcia, TRMC
City Secretary

*NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY.**