



# CITY OF DECATUR, TEXAS

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**REGULAR - CITY COUNCIL MEETING**  
**Decatur City Hall - 201 E. Walnut, Decatur, TX**  
**March 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](http://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. DISCUSS AND CONSIDER RESOLUTION NO. R2023-03-08 SETTING A DATE, TIME, AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY IDENTIFIED AS BEING AN APPROXIMATE 16.84 ACRE TRACT BEING A PORTION OF THE RIGHT-OF-WAY OF US HWY 380 GENERALLY BETWEEN THE 1400 BLOCK THROUGH THE 1600 BLOCK OF US HWY 380 BY THE CITY OF DECATUR, TEXAS; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO HAVE PUBLISHED NOTICE OF SUCH PUBLIC HEARINGS; AND AUTHORIZING AND DIRECTING CITY STAFF TO PREPARE A SERVICE PLAN.
2. CONSIDER FIRST READING OF AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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, EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY, AND ADOPTING A SERVICE PLAN.

3. CONSIDER A FIRST READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, REPEALING ORDINANCE 2022-09-23 AMENDING THE CITY OF DECATUR SCHEDULE OF FEES AND ADOPTING A NEW CITY OF DECATUR SCHEDULE OF FEES AS SET FORTH IN EXHIBIT "A"; PROVIDING FOR AMENDMENT TO THE ANIMAL CONTROL FEES; WATER DEPARTMENT TAMPER FEE; FIRE AND PUBLIC SAFETY FEES; PROVIDING FOR AMENDMENTS TO THE FEES IMPOSED FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICE TO BE EFFECTIVE APRIL 1, 2023.
4. CONSIDER AND TAKE ACTION ON A CONTRACT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF DECATUR AND BROWN REYNOLDS WATFORD ARCHITECTS, INC. FOR DECATUR LIBRARY RENOVATIONS.
5. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING AN AGREEMENT WITH SALTUS TECHNOLOGIES, LLC FOR PURCHASE OF THE DIGITICKET ELECTRONIC CITATION SYSTEM FOR THE POLICE DEPARTMENT.

**Public Hearing Items:**

6. HOLD A PUBLIC HEARING, HEAR COMMENTS, AND CONSIDER TAKING ACTION REGARDING A REQUEST TO FINAL PLAT LOT 2A, BLOCK 111, SOUTH DECATUR ADDITION, BEING APPROXIMATELY A 0.30 ACRE TRACT OF LAND IN THE CITY OF DECATUR, WISE COUNTY, TEXAS AND BEING A REPLAT OF PART OF LOTS 2 & 3, BLOCK 111, SOUTH DECATUR ADDITION, MORE COMMONLY REFERRED TO AS 249 EAST WALKER STREET, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION RP2023-01—MR. TOMMY BURKS, ON BEHALF OF PROPERTY OWNER PAT MILLER) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.) RP2023-01**

**Non-Public Hearing Items:**

7. CONSIDER SECOND READING AND TAKE APPROPRIATE ACTION REGARDING AN ORDINANCE PROVIDING 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, SUE ANN DENTON AND RON 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. CP2023-01**

8. **CONSIDER SECOND READING AND TAKE APPROPRIATE ACTION REGARDING AN ORDINANCE PROVIDING 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, SUE ANN DENTON AND RON 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**
  
9. **CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 2, SECTION 201, “STREET IMPROVEMENTS (CURB/GUTTER),” OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 76.5 LINEAR FEET OF PROPERTY LOCATED ALONG EAST WALKER ST., WHERE ADJACENT TO THE SOUTHERN BOUNDARY OF LOT 2A, BLOCK 111, SOUTH DECATUR ADDITION, AND MORE COMMONLY REFERRED TO AS 249 E. WALKER STREET, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. (APPLICATION V2023-01—MR. TOMMY BURKS, ON BEHALF OF PROPERTY OWNER PAT MILLER) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 6-0.) V2023-01**
  
10. **CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, “SIDEWALKS,” OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 76.5 LINEAR FEET OF PROPERTY LOCATED ALONG EAST WALKER ST., WHERE ADJACENT TO THE SOUTHERN BOUNDARY OF LOT 2A, BLOCK 111, SOUTH**

DECATUR ADDITION, AND MORE COMMONLY REFERRED TO AS 249 E. WALKER STREET, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2023-02—MR. TOMMY BURKS, ON BEHALF OF PROPERTY OWNER PAT MILLER) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.) V2023-02**

11. CONSIDER AND TAKE ACTION ON AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF DECATUR AND ERIC R. AND LAUREEN B. LANGTO, FOR AN OUT-BUILDING LOCATED IN PUBLIC RIGHT-OF-WAY ON E. PARK STREET, PROPERTY KNOWN AS 1307 S. TRINITY AND AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT.
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.
  - A. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETINGS HELD FEBRUARY 13, 2023, AND FEBRUARY 27, 2023
  - B. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR FEBRUARY 2023.
13. 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.
14. 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 Thursday, March 9, 2023, by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

  
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.**