



# CITY OF DECATUR, TEXAS

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## AGENDA CITY COUNCIL MEETING Monday, October 8, 2018 REGULAR MEETING 6:00 p.m.

### CALL TO ORDER

### MOMENT OF SILENCE

### PLEDGE OF ALLEGIANCE

1. MAYOR WOODRUFF TO PRESENT A PROCLAMATION TO CLAY R. EARP OF TROOP 121 WITHIN THE LONGHORN COUNCIL FOR SUCCESSFULLY COMPLETING ALL REQUIREMENTS FOR SCOUTING'S HIGHEST RANK AS AN EAGLE SCOUT.
2. **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 APPROVAL OF MINUTES OF COUNCIL MEETING HELD SEPTEMBER 24, 2018.
  - B. CONSIDER APPROVAL OF BILLS AND INVOICES FOR SEPTEMBER 2018.
  - C. CONSIDER AND TAKE ACTION REGARDING A CONTRACT OF SERVICE BETWEEN WISE COUNTY AND THE DECATUR PUBLIC LIBRARY FOR SERVICES AS A COUNTY LIBRARY FOR FISCAL YEAR 2018-2019.
  - D. CONSIDER MAIN STREET REQUEST TO CLOSE THE 100 BLOCK OF MAIN STREET (FROM STATE STREET ON THE WEST TO TRINITY STREET/FM 730 ON THE EAST) ON FRIDAY, OCTOBER 12<sup>TH</sup> FOR *PAINT THE TOWN PINK* FROM 7:00 A.M. TO 1:00 P.M.

### **Planning and Zoning Report:**

3. HEAR AND CONSIDER AND TAKE ACTION ON **PRELIMINARY PLAT APPLICATION 2018-02**—MR. DANIEL STOKER'S REQUEST, ON BEHALF OF STOKER CAPITAL LLC, TO PRELIMINARY PLAT LOTS 1-6, BLOCK 1, HACKBERRY CREEK ESTATES, BEING A 15.51 ACRE TRACT IN THE ASA HILL SURVEY, ABSTRACT NUMBER 363, WISE COUNTY, TEXAS, BEING PART OF A CERTAIN CALLED 25.391 ACRE TRACT (TRACT 1), PART OF A CERTAIN CALLED 0.593 ACRE TRACT (TRACT 2) AND PART OF A CERTAIN CALLED 1.437 ACRE TRACT (TRACT 3) DESCRIBED IN INSTRUMENT RECORDED IN CLERK'S FILE NUMBER 201805705, OFFICIAL RECORDS, WISE COUNTY, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT. **(THE PLANNING**

**AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**

4. HEAR AND CONSIDER AND TAKE ACTION ON **FINAL PLAT APPLICATION 2018-03**—MR. DANIEL STOKER’S REQUEST, ON BEHALF OF STOKER CAPITAL LLC, TO FINAL PLAT LOTS 1-6, BLOCK 1, HACKBERRY CREEK ESTATES, BEING A 15.51 ACRE TRACT IN THE ASA HILL SURVEY, ABSTRACT NUMBER 363, WISE COUNTY, TEXAS, BEING PART OF A CERTAIN CALLED 25.391 ACRE TRACT (TRACT 1), PART OF A CERTAIN CALLED 0.593 ACRE TRACT (TRACT 2) AND PART OF A CERTAIN CALLED 1.437 ACRE TRACT (TRACT 3) DESCRIBED IN INSTRUMENT RECORDED IN CLERK’S FILE NUMBER 201805705, OFFICIAL RECORDS, WISE COUNTY, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
5. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-13**—MS. PAGE WARNER’S REQUEST, ON BEHALF OF MARGARET PAGE WARNER NON-EXEMPT TRUST, FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 161 LINEAR FEET ALONG S. COWAN STREET AND 118 LINEAR FEET ALONG W. MAIN STREET, WHERE ADJACENT TO THE WEST AND NORTH BOUNDARY OF PROPOSED LOT 13R, S.L. BROWN’S ADDITION, AND MORE COMMONLY KNOWN AS 605 W. MAIN ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL OF SIDEWALK VARIANCE FOR COWAN ST. AND DENIAL OF SIDEWALK VARIANCE FOR MAIN STREET 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
6. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-14**—MRS. AUDRA RHINE’S REQUEST, ON BEHALF OF J & S WOOD INVESTMENTS L.P., FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 385 LINEAR FEET ALONG S. TRINITY STREET AND 295 LINEAR FEET ALONG THOMPSON STREET, WHERE ADJACENT TO THE EAST AND NORTH BOUNDARY OF LOT 3, BLOCK 1R, FLUSCHE ADDITION, MORE COMMONLY KNOWN AS 1798 S. TRINITY ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL OF SIDEWALK VARIANCE 3-2, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
7. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-15**—MR. DIEGO SEMPER’S REQUEST, ON BEHALF OF LIGHTHOUSE HOMES LLC, FOR A VARIANCE FROM CHAPTER 2, SECTION 201, STREET IMPROVEMENTS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 125 LINEAR FEET ALONG E. CARPENTER STREET, WHERE ADJACENT TO THE NORTH BOUNDARY OF PROPOSED LOT 1R-1, BLOCK 5, SOUTH DECATUR ADDITION, MORE COMMONLY KNOWN AS 701 S. MILLER ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
8. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-16**—MR. DIEGO SEMPER’S REQUEST, ON BEHALF OF LIGHTHOUSE HOMES LLC, FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 125 LINEAR FEET ALONG

E. CARPENTER STREET AND APPROXIMATELY 100 LINEAR FEET ALONG S. MILLER STREET, WHERE ADJACENT TO THE NORTH AND WEST BOUNDARY OF PROPOSED LOT 1R-1, BLOCK 5, SOUTH DECATUR ADDITION, MORE COMMONLY KNOWN AS 701 S. MILLER ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**

9. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-17**—MR. AND MRS. SAM LEE’S REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 52 LINEAR FEET ALONG E. CARPENTER STREET AND 97 LINEAR FEET ALONG S. HILL STREET, WHERE ADJACENT TO THE SOUTH AND EAST BOUNDARY OF PROPOSED LOT 24R, BLOCK 3, C.D. CATES ADDITION, MORE COMMONLY KNOWN AS 604 S. HILL ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
10. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-18**—MS. CARLA TIPTON’S REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 190 LINEAR FEET ALONG W. HALLSELL ST., WHERE ADJACENT TO THE SOUTH BOUNDARY OF LOT 3, BLOCK 20, SOUTH DECATUR ADDITION, MORE COMMONLY KNOWN AS 804 S. TRINITY ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
11. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-19**—MS. CARLA TIPTON’S REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 67 LINEAR FEET ALONG S. STATE ST., WHERE ADJACENT TO THE WEST BOUNDARY OF LOT 3, BLOCK 20, SOUTH DECATUR ADDITION, MORE COMMONLY KNOWN AS 804 S. TRINITY ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 4-0, COMMISSOINERS ALLEN AND LANIER ABSENT.)**
12. HEAR AND CONSIDER AND TAKE ACTION ON **VARIANCE APPLICATION 2018-20**—MS. CARLA TIPTON’S REQUEST FOR A VARIANCE FROM CHAPTER 2, SECTION 201, STREET IMPROVEMENTS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 190 LINEAR FEET ALONG W. HALLSELL ST., WHERE ADJACENT TO THE SOUTH BOUNDARY OF LOT 3, BLOCK 20, SOUTH DECATUR ADDITION, MORE COMMONLY KNOWN AS 804 S. TRINITY ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**

**Open Public Hearing:**

13. HEAR STAFF REPORT, PUBLIC COMMENT AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING APPENDIX “B,” “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A SPECIFIC USE PERMIT

(APPLICATION **SUP2018-04**—MS. PAGE WARNER'S REQUEST, ON BEHALF OF MARGARET PAGE NON-EXEMPT TRUST) TO ALLOW A BED AND BREAKFAST IN A C-1, RESTRICTED BUSINESS DISTRICT ZONING DISTRICT, ON APPROXIMATELY 0.436 ACRES OF LAND BEING LEGALLY DESCRIBED AS LOTS 13 AND 14, PART OF LOT 15, AND PART OF 20' CLOSED ALLEY, S.L. BROWN'S ADDITION (PROPOSED TO BE REPLATTED AS LOT 13R, S.L. BROWN'S ADDITION, RP2018-09), CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 605 W. MAIN ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY CAN BE FOUND IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**

14. HEAR STAFF REPORT, PUBLIC COMMENT AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING APPENDIX "B," "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A SPECIFIC USE PERMIT (APPLICATION **SUP2018-05**—MRS. PATRICIA GROSS' REQUEST, ON BEHALF OF KUEO BIRTH CENTER LLC) TO ALLOW A BIRTHING CENTER IN A C-1, RESTRICTED BUSINESS DISTRICT ZONING DISTRICT, ON APPROXIMATELY 0.344 ACRES OF LAND BEING LEGALLY DESCRIBED AS LOT 12, BLOCK 1, LIPSEY ADDITION), CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 2802 S. FM 51, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**
  
15. HEAR STAFF REPORT, PUBLIC COMMENT AND CONSIDER TAKING ACTION ON **REPLAT APPLICATION 2018-10**—MR. AND MRS. SAM LEE'S REQUEST TO FINAL PLAT LOT 24R, BLOCK 3, C.D. CATES ADDITION, BEING APPROXIMATELY 0.172 ACRES OF LAND AND A REPLAT OF LOT 24, BLOCK 3, C.D. CATES ADDITION, TO THE CITY OF DECATUR, WISE COUNTY TEXAS AND MORE COMMONLY REFERRED TO AS 604 S. HILL ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, COMMISSIONERS ALLEN AND LANIER ABSENT.)**

**Close Public Hearing:**

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 Thursday, October 4, 2018, by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

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Diane Cockrell, TRMC, CMC, 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.

