



CITY OF DECATUR, TEXAS

REGULAR - CITY COUNCIL MEETING VIA - VIDEOCONFERENCING

Decatur City Hall
201 E. Walnut, Decatur, TX
Monday, February 8, 2021
REGULAR MEETING
6:00 p.m.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

*General Agenda Comments – **ALL ATTENDEES WILL BE SCREENED AT THE DOOR AND ASKED TO WEAR MASKS – SOCIAL DISTANCING MEASURES WILL BE OBSERVED***

The videoconferencing option of this meeting is a trial being used to allow Council members, staff and public participants to join the meeting in person or by videoconferencing or you may email your comments to be read at the meeting to: dcockrell@decaturtx.org before 3:00 p.m. on Monday, February 8th give your name, address phone number and agenda item number, limiting comments to 3 minutes.

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

Join the meeting via Videoconferencing at the following link from your computer, tablet or smartphone:
<https://global.gotomeeting.com/join/430239453>

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 hold up your hand when the Mayor calls for public comment and you will be recognized by the Mayor to address the Council and will be allowed 3 minutes to complete your comments.

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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 Diane Cockrell, City Secretary, so that the speaker may be recognized by the Chair at the appropriate time. Speakers will each be allowed a total of 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 Commission'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.

PLANNING AND ZONING REPORT:

1. **CONSENT AGENDA** – ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE DECIDED IN 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, 4-0, COMMISSIONER CRESWELL ABSENT.

- A. PP2021-01** CONSIDER TAKING ACTION ON A REQUEST TO PRELIMINARY PLAT LOT 1, BLOCK 1, BRAUM'S ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING A 1.314-ACRE TRACT OF LAND OUT OF THE A.J. WALKER SURVEY, ABSTRACT NO. 860, WISE COUNTY, TEXAS, AND MORE COMMONLY REFERRED TO AS 701 S. WASHBURN ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION 2021-01—MR. DEREK MCCALL, ON BEHALF OF BRAUM'S)**
 - B. FP2021-01** CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOT 1, BLOCK 1, BRAUM'S ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING A 1.314-ACRE TRACT OF LAND OUT OF THE A.J. WALKER SURVEY, ABSTRACT NO. 860, WISE COUNTY, TEXAS, AND MORE COMMONLY REFERRED TO AS 701 S. WASHBURN ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION 2021-01—MR. DEREK MCCALL, ON BEHALF OF BRAUM'S)**
 - C. PP2021-02** CONSIDER TAKING ACTION ON A REQUEST TO PRELIMINARY PLAT LOT 1 AND LOT 2, BLOCK 1, ROSE AVENUE ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS, BEING A 19.199-ACRE TRACT OF LAND IN THE J.B. WILLIAMS SURVEY, ABSTRACT NO. 880, WISE COUNTY, TEXAS, AND MORE COMMONLY REFERRED TO AS 1555 W. US HIGHWAY 380, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION 2021-02—MR. RYAN VOORHEES, ON BEHALF OF DECATUR OZF)**
 - D. RP2021-01** CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOTS 1R, 4X, 5, 6 AND 7, BLOCK 1, EAGLES LANDING BUSINESS PARK ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS, BEING A REPLAT OF LOT 1, BLOCK 1, EAGLES LANDING BUSINESS PARK ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS, AND MORE COMMONLY REFERRED TO AS 3200 ENTERPRISE DR., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION 2021-01—MR. KEVIN HOLZBOG, ON BEHALF OF DECATUR ECONOMIC DEVELOPMENT CORPORATION AND CARDINAL PAINTS)**
2. HEAR STAFF REPORT AND CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(13) "WALL SIGNS." SPECIFICALLY, APPLICANT IS REQUESTING A WALL SIGN THAT EXCEEDS THE CITY'S TOTAL MAXIMUM ALLOWABLE SIGN AREA OF 60.75 SQ. FT. THE APPLICANT IS SEEKING A WALL SIGN THAT IS 280 SQ. FT. WHICH IS IN EXCESS OF THE MAXIMUM ALLOWABLE SIGN AREA BY 219.25 SQ. FT., AN INCREASE OF 158.5 SQ. FT. APPLICANT IS SEEKING THIS INCREASE TO MAKE THE PAINTED BRICK SIGN NOSTALGIC AND FIT THE MOTIF OF DOWNTOWN DECATUR. THE SUBJECT PROPERTY IS LOCATED AT 114 N. TRINITY STREET, DECATUR, TEXAS. **(VARIANCE APPLICATION 2021-01—DAN BLACK, ON BEHALF OF TRINITY STREET COFFEE BAR)**
 3. HEAR STAFF REPORT AND CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(14) "MONUMENT SIGNS." SPECIFICALLY, APPLICANT IS REQUESTING A MONUMENT SIGN THAT EXCEEDS THE CITY'S MAXIMUM ALLOWED AREA OF 60 SQ. FT. AND HEIGHT OF 8' AND THAT IS LOCATED OUTSIDE THE MID ONE-THIRD (1/3) OF THE STREET FRONTAGE, AND THAT THE REQUIREMENT FOR STRUCTURAL PLANS BE WAIVED, AS REQUIRED BY THE SIGN REGULATIONS. THE APPLICANT IS SEEKING A MONUMENT SIGN THAT IS 62.72 SQ. FT., 17.41' IN TOTAL HEIGHT AND IS LOCATED FAR WEST OF THE MID ONE-THIRD

OF THE STREET FRONTAGE. APPLICANT IS SEEKING THESE VARIANCES TO MAINTAIN HER BUSINESS FRANCHISE. THE SUBJECT PROPERTY IS LOCATED AT 1606 W. US HWY 380 BUS, DECATUR, TEXAS. (**VARIANCE APPLICATION 2021-02—SUE ANN DENTON, REALTOR**)

4. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS AMENDING APPENDIX “B”, “ZONING,” OF THE CITY’S CODE OF ORDINANCES, CONTAINING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, (“ZONING ORDINANCE”), TO PROVIDE FOR AMENDMENTS TO THE DEFINITIONS SECTION, AMENDMENTS TO APPLICABLE SECTIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES AT GOLF COURSES AND COUNTRY CLUBS LOCATED IN RESIDENTIAL DISTRICTS PROVIDED THAT A SPECIFIC USE PERMIT IS APPROVED, AMENDMENTS TO APPLICABLE SECTIONS REGULATING SIDE YARD SETBACKS IN THE SINGLE FAMILY 1 (SF-1) AND SINGLE FAMILY 2 (SF-2) ZONING DISTRICTS, AND AMENDMENTS TO FENCE REGULATIONS IN RESIDENTIAL AREAS TO ALLOW FENCES UNDER A SPECIFIED HEIGHT TO BE LOCATED IN FRONT YARDS OF CERTAIN LOTS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE UPON CONVICTION IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.

END OF PLANNING AND ZONING REPORT.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ORDERING AND CALLING FOR A JOINT GENERAL ELECTION BETWEEN THE CITY OF DECATUR (“CITY”), DECATUR INDEPENDENT SCHOOL DISTRICT (“DISD”) AND A SPECIAL ELECTION WITH WISE COUNTY WATER SUPPLY DISTRICT (“WATER DISTRICT”) TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS: PLACE 2, PLACE 4 (SINGLE MEMBER GEOGRAPHICAL DISTRICTS) AND PLACE 6 (AT-LARGE) FOR TWO (2) YEAR TERMS EACH TO SERVE AS MEMBERS OF THE DECATUR CITY COUNCIL; AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT WITH WISE COUNTY ELECTIONS OFFICE TO CONDUCT THE ELECTION; SETTING FORTH POLLING DATES, TIMES AND LOCATIONS FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PUBLICATION OF NOTICES AS REQUIRED BY LAW AND PROVIDING PROCEDURES TO CONDUCT THE ELECTION IN ACCORDANCE WITH CITY CHARTER AND STATE LAW.
6. CONSIDER AND PROVIDE STAFF DIRECTION ON A REQUEST FROM WASTE CONNECTIONS FOR A CONSUMER PRICE INDEX INCREASE (CPI) EQUAL TO .33% EFFECTIVE APRIL 1, 2021.
7. HEAR YEARLY REPORT REGARDING POLICE RACIAL PROFILING REVIEW STATISTICS FOR JANUARY 2020 THRU DECEMBER 2020 AND DISCUSS WITH COUNCIL AND STAFF.
8. CITY MANAGER TO PROVIDE UPDATE REGARDING 2020-2021 GOALS AND DISCUSS WITH COUNCIL AND STAFF.
9. **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 MEETING HELD ON JANUARY 4, 2021.

- B. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON JANUARY 25, 2021.
- C. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON FEBRUARY 1, 2021.
- D. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR JANUARY 2021.

EXECUTIVE SESSION:

- 10. 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:
 - a) § 551.071 (1) and (2): Consultation with Attorney. To consul 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 the Texas Open Meetings Act and for Council to seek the advice of its attorney about pending or contemplated litigation: Annexation statute and development agreements, Fernihough and Klement petitions
- 11. 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:

Consider and take appropriate action regarding annexation and development agreements for the Fernihough and Klement properties.
- 12. 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.
- 13. 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 5, 2021, by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

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.