

**MINUTES OF THE
CITY COUNCIL MEETING
Monday, March 13, 2023 at 6:00 p.m.**

Regular meeting of the Decatur City Council was called to order by Mayor McQuiston at 6:02 p.m. Mayor McQuiston declared a moment of silence. Councilmember Carpenter led the pledge. Those present included: Mayor Mike McQuiston, Councilmembers: Eddie Allen, Will Carpenter, Jake Hayes, Debra Jackson, and Melinda Reeves. Council member Darlene Hilton was absent. Staff members present: City Manager Nate Mara, Fire Chief Deroy Bennett, Fire Prevention Captain Chris Mercer, Assistant Police Chief Mike Dobyms, Chief Building Official Wayne Smith, Public Works/Airport Director Greg Hall, Assistant Public Works Director Joe Guinn, Public Works Executive Administrative Assistant Katherine Griffith, Library Director Dawn Wilbert, Planning Director Dedra Ragland, Planning Coordinator Cheryl Fuss, Finance Director Ana Cañada, City Secretary Asucena Garcia, Attorney Pam Liston and Austin Jackson representing the Wise County Messenger. Connected via videoconferencing: City Engineer Earl Smith.

REGULAR MEETING 6:00 p.m.

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.

Councilmember Reeves moved to approve the resolution as presented. Councilmember Allen seconded the motion. The motion passed unanimously.

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.

First reading held.

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.

First reading held.

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.

Councilmember Allen moved to approve the architectural services contract as presented. Councilmember Carpenter seconded the motion. The motion passed unanimously.

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.

Councilmember Hayes moved to approve the agreement as presented. Councilmember Jackson seconded the motion. The motion passed unanimously.

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**

Councilmember Reeves moved to approve re-plat 2023-01 as presented. Councilmember Carpenter seconded the motion. The motion passed unanimously.

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

Councilmember Carpenter moved to approve CP2023-01 as presented. Councilmember Reeves seconded the motion. The motion passed unanimously.

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**

Councilmember Carpenter moved to approve ZC2023-02 as presented. Councilmember Jackson seconded the motion. The motion passed unanimously.

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**

Councilmember Hayes moved to approve variance 2023-01. Councilmember Carpenter seconded the motion. Councilmembers Allen, Reeves, and Jackson opposed the motion. The motion did not pass 3-3-0

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**

Councilmember Allen moved to approve the variance as presented. Councilmember Hayes seconded the motion. The motion passed unanimously.

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.

Councilmember Reeves moved to approve the agreement as presented. Councilmember Carpenter seconded the motion. The motion passed unanimously.

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.

Councilmember Allen moved to approve the consent agenda as presented. Councilmember Jackson seconded the motion. The motion passed unanimously.

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.

No public comment.

14. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.
ADJOURNMENT

Mayor McQuiston declared the meeting adjourned at 6:33 p.m.

APPROVED:


Mike McQuiston, Mayor

ATTEST:


Asucena Garcia, TRMC, City Secretary

