

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, September 13, 2021
REGULAR MEETING
6:00 p.m.**

PRESENT: Mayor Mike McQuiston, Council members, Eddie Allen, Ben Bennington, Will Carpenter, Jake Hayes, Darlene Hilton and Melinda Reeves.

ABSENT:

OTHERS PRESENT: City Manager Brett Shannon, IT Director J.B. McKenzie, Police Chief Delvon Campbell, Fire Chief Nate Mara, Assistant Fire Chief Dero Bennett, Finance Director Ana Cañada, Public Works/Airport Director Greg Hall, Human Resource Director MaryAnn Henline, Main Street Director Frieda Lasater, Deputy City Secretary Asucena Garcia, City Secretary Diane Cockrell, City Attorney Andy Messer, and Kristen Tribe representing the Wise County Messenger. Connected via videoconferencing: City Engineer Earl Smith and Planning Director Dedra Ragland.

This meeting will be held using videoconferencing/teleconferencing technology with public access via:

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MEETING/WEBINAR ID: 882 4164 2850 PASSCODE: 563791

This videoconferencing meeting is being used to allow Council, staff and public participants to join the meeting in the following manner:

Anyone may join the meeting via videoconferencing at www.zoom.us/join or via telephone by calling you may email your comments to be read at the meeting to: dcockrell@decaturtx.org before 3:00 p.m. on the date of the meeting, 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.

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 and 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 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.

CALL TO ORDER

Mayor McQuiston called the regular meeting to order at 6:01 p.m.

MOMENT OF SILENCE

Mayor McQuiston declared a moment of silence.

PLEDGE OF ALLEGIANCE

Fire Chief Mara led the pledge.

1. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW; PROVIDING FOR THE FILING OF THE BUDGET AS REPRESENTED IN "SCHEDULE A"; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council member Hilton moved to approve the ordinance with an effective date of October 1, 2021 Council Member Carpenter seconded the motion. A roll call vote was taken. The motion passed 7-0-0.

2. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS APPROVING THE 2021 CERTIFIED APPRAISAL ROLL; LEVYING AD VALOREM TAXES FOR 2021 AT \$0.581692 PER ONE HUNDRED DOLLARS ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY TO PROVIDE REVENUES FOR CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING DUE AND DELINQUENT DATES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council member Carpenter moved to approve the ordinance with an effective date of October 1, 2021. Council Member Allen seconded the motion. The motion passed 7-0-0.

3. CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS AMENDING ORDINANCE NO. 2020-09-13 BY APPROVING AN AMENDMENT TO THE FISCAL YEAR 2020-2021 BUDGET FOR THE CITY OF DECATUR ("CITY BUDGET"), IN ORDER TO PROPERLY ACCOUNT FOR THE APPROPRIATION OF FUNDS FROM SURPLUS UNAPPROPRIATED FUNDS WITHIN THE CITY BUDGET TO FUNDS DESIGNATED FOR PROPERTY TAX COLLECTION IN THE GENERAL FUND; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ORDINANCE 2020-09-13; PROVIDING FOR THE FILING OF THE BUDGET; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

First reading held.

4. CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, DECLARING THE PUBLIC NECESSITY FOR THE PROVISION OF ADEQUATE NEIGHBORHOOD AND COMMUNITY PARKS AND RECREATION FACILITIES; AMENDING CHAPTER 3, "GENERAL SUBDIVISION DEVELOPMENT", OF APPENDIX A, "SUBDIVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR BY ADDING A NEW SECTION, SECTION 303 TO BE ENTITLED, "PARKLAND DEDICATION AND DEVELOPMENT", TO ADOPT PARKLAND DEDICATION REQUIREMENTS FOR THE CITY OF DECATUR; ADOPTING PARK DEVELOPMENT FEES FOR THE DEVELOPMENT OR REDEVELOPMENT OF PROPERTY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A PENALTY FOR VIOLATIONS HEREOF AND EACH AND EVERY DAY A VIOLATION OCCURS ON CONTINUES SHALL CONSTITUTE A SEPARATE VIOLATION; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

City Attorney Messer addressed council stating; the Parkland Dedication and Development ordinance assists the city in providing parks in new residential multifamily developments within

the city limits and ETJ. This ordinance functions in two ways. The developer must dedicate land and fee to the city for parks or pay a fee in lieu depending on the number of single-family tracks that are in the development. Secondly the developer must construct improvements in the park or pay a second fee in lieu thereof. Both of those requirements are at the discretion of the city council. The minimum size of a park is one acre per fifty four residential units. There are provisions about bonds that are required for the improvements, with a two year warranty period. A designated account must be set up by the city for these fees and funds must be used for parks.

First reading held.

PLANNING AND ZONING REPORT:

OPEN PUBLIC HEARING:

5. HEAR STAFF REPORT, CONDUCT A PUBLIC HEARING, 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 TO ALLOW THE SALE OF ALCOHOLIC OR MIXED BEVERAGES FOR ON-PREMISES CONSUMPTION IN A C-1A, DECATUR SQUARE BUSINESS ZONING DISTRICT, ON APPROXIMATELY 0.050 ACRES OF LAND BEING LEGALLY DESCRIBED AS CENTER PART OF LOT 3, BLOCK 3, ORIGINAL TOWN OF DECATUR, OR MORE COMMONLY REFERRED TO AS 107 S. TRINITY ST., DECATUR, TEXAS. (APPLICATION SUP2021-01—MR. BRENDAN MITCHELL'S REQUEST, ON BEHALF OF TCS OPERATIONS LLC AND BARRISTER HOLDINGS, LLC SERIES C) **THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 5-0, CHAIRMAN LEMOND ABSENT.**

On August 9, 2021, Brendan Mitchell submitted an application for a Specific Use Permit to have a bar at 107 S. Trinity St. A bar is defined as an establishment that derives seventy-five (75) percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages. TCS Operations LLC and Barrister Holdings, LLC Series C have 0.050 acres of land and are proposing a speakeasy style bar. The building will also have an outdoor covered patio. Council shall have full discretion to approve or deny an SUP application for a bar or tavern and may impose any reasonable condition deemed necessary by the council, including SUP expiration provisions, business name and signage, and change of ownership requirements to ensure community health, safety and welfare in approving a bar or tavern.

First reading held.

CLOSE PUBLIC HEARING

6. SI2021-01 – CONSIDER TAKING ACTION ON PROPOSED SELECTION CRITERIA, PROCESS AND METHODOLOGY FOR CANDIDATES DESIRING TO SERVE ON THE PLANNING AND ZONING COMMISSION. **THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND ABSENT.**

Following Commissioner Eddie Allen's resignation from the Commission, three candidates expressed an interest in filling the vacancy. An applicant was selected and the Planning and Zoning Commission forwarded their recommendation to the City Council. The City Council declined to accept the recommended candidate and instead, directed the Planning and Zoning Commission to establish criteria and a process for filling vacant seats, especially when there are multiple candidates. Methodology has been established to allow Commissioners to award points based off the criteria sheet and to award extra points for items not on the criteria sheet to affect an applicant's overall ranking. The application selection criteria in phase one is intended to serve as a guideline for questions in phase two. Applicants with the highest ranking may not necessarily

be nominated as the Planning and Zoning Commission's candidate. Vacant seats will remain open for 30 days after vacancy is posted and the applications will remain active for one year. Eileen Cross, 3004 Dry Creek Ct addressed council. Mrs. Cross is a member of the Planning and Zoning Commission. We thought we were making the best recommendation at the time. Our selection was based on what we thought would be the best fit for the commission. Council member Hilton expressed concern about scoring candidates but not selecting the one with the highest score, "it doesn't seem fair." Council member Carpenter expressed similar concerns. Council member Allen moved to approve the Planning and Zoning Commission selection process as presented. Council member Reeves seconded the motion. Council members Hilton and Carpenter opposed. Motion passed 5-2-0.

7. **CONSENT AGENDA – ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE RECOMMENDED 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, 5-0.**

- A. **CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOT 1, BLOCK 1, CIRCLE S PLAZA, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING AN APPROXIMATE 0.642-ACRE TRACT OF LAND OUT OF THE A. J. WALKER SURVEY, ABSTRACT NO. 860, WISE COUNTY, TEXAS, AND MORE COMMONLY REFERRED TO AS 1210 S. FM 51, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. (APPLICATION FP2021-04—MR. HANK QUIGG, ON BEHALF OF 97 CIRCLE S CONVENIENCE STORES INC.)**

END PLANNING AND ZONING REPORT - CONSENT AGENDA VOTE WILL INCLUDE THE FOLLOWING REGULAR COUNCIL CONSENT ITEMS:

- B. **CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD AUGUST 23, 2021.**
- C. **CONSIDER APPROVAL OF BILLS AND INVOICES FOR AUGUST 2021.**

Council member Allen moved to approve the consent agenda as presented. Council member Carpenter seconded the motion. The motion passed unanimously.

8. **CONSIDER AND TAKE ACTION TO AUTHORIZE CITY MANAGER TO EXECUTE AN ENGINEERING AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE 2021 WASTEWATER TREATMENT PLANT MASTER PLAN.**

City Engineer Smith addressed Council; the scope of work is to develop a plan for the existing wastewater treatment facilities to expand to serve the growing wastewater treatment needs of the City. The Facilities Master Plan will include a capital improvement plan for recommended improvements. The cost of the plan is \$125,000 and will take six months to complete. Nine (9) tasks are delineated in the proposal and generally include:

- Develop future WWTP flows and loads.
- Evaluate existing facilities site and redundancy and recommend improvements
- Evaluate current and proposed regulatory requirements
- Evaluate existing treatment units process capacities and recommend improvements

- Evaluate existing treatment units hydraulic capacities
- Evaluate alternative treatment technologies including odor control
- Evaluate electrical, SCADA and back-up systems.
- Prepare Wastewater Facilities Master Plan including a conceptual level project cost estimate
- Staff meeting and City Council presentation

City Council favored obtaining this proposal at the August 23, 2021 council meeting. Recent development projects and the projected impacts on the wastewater treatment facilities warrants the detailed study of the facilities. The City does not have a detailed study such as this and the results of the plan will serve to advise the City Council of appropriate actions. City Attorney has reviewed the proposal and approves as to form.

Council member Hayes moved to approve the engineering agreement as presented. Council member Carpenter seconded the motion. Motion passed unanimously.

9. CONSIDER AND TAKE ACTION TO AUTHORIZE CITY MANAGER TO EXECUTE AN ENGINEERING AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE 2021 WATER TREATMENT FACILITIES MASTER PLAN.

City Engineer Smith addressed Council; the scope of work is to develop a plan for the existing water treatment facilities to expand to serve the growing water needs of the City. The Facilities Master Plan will include a capital improvement plan for recommended improvements. The cost of the plan is \$135,000 and will take six months to complete. Nine (9) tasks are delineated in the proposal and generally include:

- Develop future flows and raw water quality parameters
- Evaluate existing facilities and redundancy and recommend improvements
- Evaluate current and proposed regulatory requirements
- Evaluate existing raw water intake, raw water pumps and pipeline capacities and recommend improvements
- Evaluate existing plant treatment units capacities
- Evaluate alternative treatment technologies
- Evaluate electrical, SCADA and back-up systems.
- Prepare Water Facilities Master Plan including a conceptual level project cost estimate
- Staff meeting and City Council presentation

City Council favored obtaining this proposal at the August 23, 2021 council meeting. Recent development projects and the projected impacts on the wastewater treatment facilities warrants the detailed study of the facilities. The City does not have a detailed study such as this and the results of the plan will serve to advise the City Council of appropriate actions. City Attorney has reviewed the proposal and approves as to form.

Council member Carpenter moved to approve the engineering agreement as presented. Council member Hilton seconded the motion. Motion passed unanimously.

10. CONSIDER AND TAKE ACTION TO RENEW THE MARKETING AGREEMENT FOR AN ADDITIONAL THREE YEARS WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA, TO OFFER CITIZENS OF DECATUR EXTERNAL WATER SERVICE LINE WARRANTY, EXTERNAL SEWER/SEPTIC LINE WARRANTY AND INTERIOR PLUMBING AND DRAINAGE WARRANTY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. EFFECTIVE DATE 10/1/21.

Council member Reeves moved to approve the agreement as presented and authorize the City Manager to execute. Council member Carpenter seconded the motion. Motion passed

unanimously.

11. CONSIDER TAKING ACTION ON A SITE LEASE AGREEMENT WITH FIRST STATE BANK FOR AN ATM TO BE LOCATED AT THE DECATUR VISITOR CENTER; AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT SUBJECT TO COUNCIL APPROVAL OF REQUIRED AMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE.

Main Street Director Lasater and Andrew Rottner from First State Bank addressed Council: after looking at a few locations for a new automated teller machine. It was decided the best location would be at the Visitor Center. First State Bank will own, operate and maintain the machine. All taxes will be the responsibility of the bank. The city will receive a fee of \$100.00 per month throughout the lease term. Additionally, First State Bank shall pay \$25.00 per month for the first three months for electric service. After the initial three (3) months, City and First State Bank shall adjust the monthly electric service charge pursuant to this Agreement as needed based on actual usage by First State Bank.

Council member Carpenter moved to approve the agreement as presented. Council member Hilton seconded the motion. Motion passed unanimously.

12. DISCUSS POTENTIAL BOND PROJECTS, PROVIDE DIRECTION TO STAFF INCLUDING PRIORITIES, TIMING, COSTS AND RELATED MATTERS.

Murphy Davis with Sentry Management informed Council the projected tax rate would be 3.75 to complete the water, waste water system projects, facility and parks improvements as discussed at the August 23rd Council meeting. He also recommends a thirty year bond. The annual tax increase per \$100,000 would be \$204.83. Council members and staff agreed to remove the facility improvements at 303 E. Walnut reducing the grand total of \$32,809,200 to \$32,201,200.

13. RECEIVE CITY MANAGER SHANNON'S EVALUATION PACKET AND INSTRUCTION/ DIRECTION FROM HUMAN RESOURCE DIRECTOR MARY ANN HENLINE.

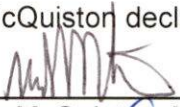
Human Resource Director Henline passed out the evaluation packet to Council.

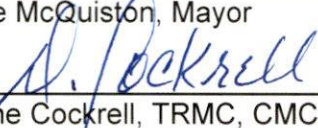
14. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

There being no further business, Mayor McQuiston declared the meeting adjourned at 8:59 p.m.




Mike McQuiston, Mayor


Diane Cockrell, TRMC, CMC, City Secretary