



CITY OF DECATUR, TEXAS

AGENDA CITY COUNCIL MEETING Monday, August 12, 2019 REGULAR MEETING 6:00 p.m.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

OPEN PUBLIC HEARING:

1. RECEIVE COMMENTS REGARDING FISCAL YEAR 2019-2020 AD VALOREM TAX RATE.

CLOSE PUBLIC HEARING

PLANNING AND ZONING REPORT:

2. HEAR STAFF COMMENTS AND CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-37**—MR. MIKE RICHEY'S REQUEST, ON BEHALF OF V & M INVESTMENTS LP, FOR A VARIANCE FROM ARTICLE 3, "PRELIMINARY PLAT," SECTION 3.07 "DRAINAGE" OF THE WISE COUNTY'S DEVELOPMENT RULES AND REGULATIONS. SPECIFICALLY, APPLICANT IS REQUESTING A VARIANCE FROM THE REQUIREMENT FOR AN ENGINEERED DRAINAGE STUDY FOR PROPERTY BEING PRELIMINARY PLATTED IN DECATUR'S EXTRATERRITORIAL JURISDICTION (ETJ). THE PROPERTY IS BEING PROPOSED TO BE PLATTED AS LOTS 1-9, BLOCK 1, CEDAR OAK COUNTRY ESTATES, AND MORE COMMONLY REFERRED TO AS 1607 N. FM 51, DECATUR, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
3. HEAR STAFF COMMENTS AND CONSIDER TAKING ACTION TO MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING **VARIANCE APPLICATION 2019-38**—MR. JODY ADAMS' REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD., FOR A VARIANCE FROM CHAPTER 2, SECTION 201, "STREET IMPROVEMENTS (CURB/GUTTER)," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 270 LINEAR FEET OF PROPERTY LOCATED ALONG OLD REUNION RD., WHERE ADJACENT TO THE WEST BOUNDARY OF PROPOSED LOTS 1 THRU 3, BLOCK 1, OLD REUNION ADDITION, DECATUR, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
4. HEAR STAFF COMMENTS AND CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-39**—MR. JODY ADAMS' REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD., FOR A VARIANCE FROM CHAPTER 1, SECTION 106, "SIDEWALKS," OF

THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 270 LINEAR FEET OF PROPERTY LOCATED ALONG OLD REUNION RD., WHERE ADJACENT TO THE WEST BOUNDARY OF PROPOSED LOTS 1 THRU 3, BLOCK 1, OLD REUNION ADDITION, DECATUR, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**

5. HEAR STAFF COMMENTS AND CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-40**—MR. JODY ADAMS' REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD., FOR A VARIANCE FROM ARTICLE 6 "DESIGN CRITERIA," SECTION 6.02 "LOTS," ITEM B OF THE WISE COUNTY'S DEVELOPMENT RULES AND REGULATIONS. SPECIFICALLY, APPLICANT IS REQUESTING A VARIANCE FROM THE REQUIREMENT THAT "LOTS SHALL HAVE A MINIMUM ROAD FRONTAGE OF 150 FEET AS MEASURED AT THE PROPERTY LINE, EXCEPT IN CUL-DE-SACS AND ALONG STREET EYEBROWS WHERE THE MINIMUM ROAD FRONTAGE SHALL BE 50 FEET AS MEASURED AT THE PROPERTY LINE," AND ALLOWING A MINIMUM ROAD FRONTAGE OF 50 FEET AS MEASURED AT THE PROPERTY LINE OF PROPOSED LOTS 2 AND 3, BLOCK 1, OLD REUNION ADDITION. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
6. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-45**—MR. MARK TULLUS' REQUEST, ON BEHALF OF ORSCHELN PROPERTIES CO., LLC., FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(15) POLE SIGNS. SPECIFICALLY, APPLICANT IS REQUESTING THAT THE MAXIMUM HEIGHT OF 25' BE INCREASED TO 45', A DIFFERENCE OF 20'. THE SUBJECT PROPERTY IS GENERALLY LOCATED AT 1200 W. US HWY 380 BUSINESS, DECATUR, TEXAS.
7. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-46**—MR. MARK TULLUS' REQUEST, ON BEHALF OF ORSCHELN PROPERTIES CO., LLC., FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(15) POLE SIGNS. SPECIFICALLY, APPLICANT IS REQUESTING THAT THE POLE SIGN NOT BE LOCATED IN THE MID 1/3RD OF THE STREET FRONTAGE, BUT ON THE OUTSIDE. THE SUBJECT PROPERTY IS GENERALLY LOCATED AT 1200 W. US HWY 380 BUSINESS, DECATUR, TEXAS.

ITEM H ON THE FOLLOWING CONSENT AGENDA WAS TABLED AT THE APPLICANT'S REQUEST AT THE COUNCIL MEETING HELD JULY 8, 2019, THIS ITEM WILL NEED TO BE PULLED FROM THE TABLE BEFORE ACTION IS TAKEN.

8. **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 6-0.)**
 - A. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **PRELIMINARY PLAT APPLICATION 2018-07**—MR. JODY ADAMS' REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD., TO PRELIMINARY PLAT LOTS 1-3, BLOCK 1, OLD REUNION ADDITION, BEING A 7.412-ACRE TRACT IN THE S. BOWEN SURVEY, ABSTRACT NUMBER 51, THE W.S. HOGUE SURVEY, ABSTRACT NUMBER 385 AND THE S.J. BECK SURVEY, ABSTRACT NUMBER 78, WISE COUNTY, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.

- B. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **FINAL PLAT APPLICATION 2018-10**—MR. JODY ADAMS' REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD., TO FINAL PLAT LOTS 1-3, BLOCK 1, OLD REUNION ADDITION, BEING A 7.412-ACRE TRACT IN THE S. BOWEN SURVEY, ABSTRACT NUMBER 51, THE W.S. HOGUE SURVEY, ABSTRACT NUMBER 385 AND THE S.J. BECK SURVEY, ABSTRACT NUMBER 78, WISE COUNTY, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.
- C. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **PRELIMINARY PLAT APPLICATION 2018-09**—MR. MIKE RICHEY'S REQUEST, ON BEHALF OF V&M INVESTMENTS LP, TO PRELIMINARY PLAT LOTS 1-9, BLOCK 1, CEDAR OAK COUNTRY ESTATES, BEING AN 18.134-ACRE TRACT IN THE J.W. MERRELL SURVEY, ABSTRACT NUMBER 557, THE J. LEVINS SURVEY, ABSTRACT NUMBER 490, THE G. W. CONRAD SURVEY, ABSTRACT NUMBER 982 AND THE H.P. BREWSTER SURVEY, ABSTRACT NUMBER 98, WISE COUNTY, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.
- D. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **FINAL PLAT APPLICATION 2018-12**—MR. MIKE RICHEY'S REQUEST, ON BEHALF OF V&M INVESTMENTS LP, TO FINAL PLAT LOTS 1-9, CEDAR OAK COUNTRY ESTATES, BEING AN 18.134-ACRE TRACT IN THE J.W. MERRELL SURVEY, ABSTRACT NUMBER 557, THE J. LEVINS SURVEY, ABSTRACT NUMBER 490, THE G. W. CONRAD SURVEY, ABSTRACT NUMBER 982 AND THE H.P. BREWSTER SURVEY, ABSTRACT NUMBER 98, WISE COUNTY, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.
- E. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **REPLAT APPLICATION 2018-20**—THE CITY OF DECATUR'S REQUEST AND PHIL REICHENEKER'S REQUEST, ON BEHALF OF WISE COUNTY ANTIQUE AUTO CLUB, TO FINAL PLAT LOT 4RA, BLOCK 14, 1R, BLOCK 15 AND LOT 1R, BLOCK 17, SUNSET HILL ADDITION, BEING A REPLAT OF LOTS 4R, BLOCK 14, LOTS 1-16 AND PART OF LOTS 17-32, BLOCK 15, LOTS 1-2, 15-24 AND PART OF LOTS 3-8 AND 13-14, BLOCK 17, LOTS 1-23, BLOCK 18, PART OF HIGH STREET AND TEXAS AVENUE IN SUNSET HILL ADDITION, CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 1200 / 1208 ROSE AVENUE. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.
- F. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **REPLAT APPLICATION 2019-02**—MR. GARY GARRISON'S REQUEST, ON BEHALF OF GREAT ABODE INVESTMENTS LLC., TO FINAL PLAT LOT 15R, BLOCK 1, LIPSEY ADDITION, BEING A REPLAT OF LOTS 14 AND 15, AND TO THE CENTERLINE OF A TWENTY FOOT (20') ALLEY, BLOCK 1, LIPSEY ADDITION, OF THE CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 2806 S. FM 51. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.
- G. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **FINAL PLAT APPLICATION 2019-06**—MR. JODY ADAMS' REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD., TO FINAL PLAT LOT 1, BLOCK 1, DECATUR MEDICAL PROFESSIONAL ADDITION, BEING A 1.047-ACRE TRACT IN THE D. MOSES SURVEY, ABSTRACT 537, OF THE CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 2200 S. FM51. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT

FOUND IN THE STAFF REPORT.

- H. HEAR STAFF REPORT AND CONSIDER TAKING ACTION REGARDING **REPLAT APPLICATION 2019-08**—MS. KIM CHAMBER'S REQUEST, ON BEHALF OF DECATUR TIRE STORE INC., TO FINAL PLAT LOTS 1R AND 2R, BLOCK A, 1810 SUBDIVISION, BEING A REPLAT OF LOTS 1 AND 2, BLOCK A, 1810 SUBDIVISION, CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 1201 N. US HIGHWAY 81/287, DECATUR, TEXAS. DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(TABLED JULY 8, 2019)**
9. CITY COUNCIL TO CONSIDER AUTHORIZING CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES CONTRACT WITH KIMLEY-HORN FOR THE REWRITE OF THE DECATUR LONG RANGE MASTER PLAN, TO INCLUDE FUNDING FROM THE FOLLOWING SOURCES: GENERAL FUND, EDC (AS APPROVED BY THE EDC BOARD ON JULY 17, 2019) AND IMPACT FEES.

OPEN PUBLIC HEARING:

10. CONSIDER PUBLIC HEARING, PUBLIC COMMENTS AND TAKING ACTION REGARDING **REPLAT APPLICATION 2019-04**—MR. AND MRS. JOSE AGUILAR'S REQUEST TO FINAL PLAT BLOCK 42R, TARLTON ADDITION, BEING APPROXIMATELY 0.465 ACRES OF LAND AND A REPLAT OF BLOCK 37 AND BLOCK 42, TARLTON ADDITION, CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 403 S. LANE 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 6-0.)**
11. CONSIDER PUBLIC HEARING AND FIRST READING OF ORDINANCES AMENDING THE ZONING ORDINANCE, SUBDIVISION REGULATIONS ORDINANCE, DESIGN STANDARDS ORDINANCE AND/OR BUILDING CODES TO CAUSE SAID ORDINANCES TO BE IN COMPLIANCE WITH HOUSE BILL 2439, HOUSE BILL 3167 AND HOUSE BILL 2497, WHICH BILLS TAKE EFFECT ON SEPTEMBER 1, 2019.
- a. **SI2019-01** -- Ordinance addressing House Bill 2439 and House Bill 2497 **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
- b. **SI2019-02** -- Ordinance addressing House Bill 3167 **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
12. HEAR STAFF REPORT AND HOLD THE FIRST OF TWO PUBLIC HEARINGS ON VOLUNTARY ANNEXATION PETITION 2019-01—BRETT SHANNON'S REQUEST, ON BEHALF OF THE CITY OF DECATUR, TO INSTITUTE VOLUNTARY ANNEXATION PROCEEDINGS TO ENLARGE AND EXTEND THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY, AND ADOPT A SERVICE PLAN AND TO AMEND THE OFFICIAL COMPREHENSIVE LAND USE MAP TO INCLUDE THE FOLLOWING LAND USE DESIGNATION FOR THE ANNEXED PROPERTY TO BECOME EFFECTIVE UPON THE EFFECTIVE DATE OF ANNEXATION; AND TO AMEND THE CITY OF DECATUR ZONING ORDINANCE AND THE OFFICIAL ZONING MAP FOR THE ANNEXED PROPERTY WITH SUCH ZONING TO BECOME EFFECTIVE UPON THE EFFECTIVE DATE OF ANNEXATION TO ESTABLISH ZONING DISTRICT FOR THE PROPERTY, TO WIT:

GENERALLY LOCATED 252' WEST OF THE CENTERLINE OF COLLEGE AVE. (FM730) AND 604' SOUTH OF THE CENTERLINE OF US HWY 81-287 WHERE ADJACENT TO THE CURRENT CITY LIMITS IN DECATUR'S SOUTHEASTERN EXTRATERRITORIAL JURISDICTION (ETJ). (A2019-01). THE PROPOSED COMPREHENSIVE PLAN LAND USE DESIGNATION IS LOW DENSITY RESIDENTIAL (LDR) (CP2019-01). THE PROPOSED ZONING IS SINGLE FAMILY RESIDENTIAL-1 (SF-1) (ZC2019-03). **(NO ACTION IS REQUIRED BY THE CITY COUNCIL.)**

CLOSE PUBLIC HEARING

13. 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 JULY 22, 2019.
- B. CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD JULY 29, 2019.
- C. CONSIDER APPROVAL OF BILLS AND INVOICES FOR JULY 2019.

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 Friday, August 9, 2019, 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.