



# CITY OF DECATUR, TEXAS

**\*\*AMENDED AGENDA  
REGULAR - CITY COUNCIL MEETING  
Decatur City Hall - 201 E. Walnut, Decatur, TX  
Monday, November 22, 2021**

**WORKSHOP 5:30 p.m.**

**REGULAR MEETING 6:00 p.m. (or immediately following the workshop)  
AND VIA VIDEOCONFERENCE/TELECONFERENCE**

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

This videoconferencing meeting is being used to allow the public and staff to join the meeting. This meeting will be held using videoconferencing/teleconferencing technology with public viewing access via [WWW.ZOOM.US/JOIN](http://WWW.ZOOM.US/JOIN) watch live at: <https://decaturtx.new.swagit.com/views/212/> WEBINAR ID: 817 5047 6447 PASSCODE: 823992

**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, 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.*

**WORKSHOP 5:30 p.m.**

MONTHLY DEPARTMENT REPORTS – Fire Department, Planning and Zoning and Public Works/Airport

**Finance Department** – Hear and discuss monthly report by Ana Cañada including relevant and follow-up discussion with Council and other staff.

**Fire Department** – Hear and discuss monthly report by Chief Nate Mara including relevant and follow-up discussion with Council and other staff.

**Planning** – Hear and discuss monthly report by Planning Director Ragland, including relevant and follow-up discussion with Council and other staff regarding the following items:

1. Planning applications processed, including plats, zoning changes, sign variances, subdivision variances, design standards variances, and annexation cases; site plans/building permit reviews; zoning board of adjustment variances; and ordinance/policy amendments for September and October.
2. Building permits and inspections, code compliance inspections and violations, environmental health permits and inspections and BSI testing and rebate report for September and October.

**Public Works and Airport** – Hear and discuss monthly report by Greg Hall, Public Works Director/Airport Manager, including relevant and follow-up discussion with Council and other staff.

### ***REGULAR MEETING 6:00 p.m.***

1. MAYOR MCQUISTON TO ADMINISTER OATH OF OFFICE TO FIRE FIGHTERS TODD GIFFORD, KEATON JORDAN, TANNER REEVES AND TANNER TERRELL.

#### **PLANNING AND ZONING REPORT:**

#### **OPEN PUBLIC HEARING:**

2. HEAR STAFF REPORT, HOLD A PUBLIC HEARING AND RECEIVE PUBLIC COMMENTS, AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING 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 6.7245 ACRES OF LAND LOCATED AT 2202 W. US HIGHWAY 380 BYPASS, DECATUR, TEXAS, AND AN APPROXIMATE 1.57 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF US HIGHWAY 380 BYPASS AND ADJACENT TO 2202 W. US HIGHWAY 380 BYPASS, DECATUR, TEXAS, FROM ESTATE LIVING (EL) AND TRADITIONAL NEIGHBORHOOD (TN) LAND USE DESIGNATIONS TO AN ACTIVITY CENTER (AC) LAND USE DESIGNATION. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 304 E. MAIN ST., DECATUR, TEXAS. **CP2021-01 (APPLICATION CP2021-01—MR. JORDAN SCHAEFER, ON BEHALF OF C.L. GAGE, GEORGE GAGE AND CEFCO) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL ABSENT.)**
3. HEAR STAFF REPORT, HOLD A PUBLIC HEARING AND RECEIVE PUBLIC COMMENTS, AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING 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 6.7245 ACRES OF LAND LOCATED AT 2202 W. US HIGHWAY 380 BYPASS, DECATUR, TEXAS, AND AN APPROXIMATE 1.57 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF US HIGHWAY 380 BYPASS AND ADJACENT TO 2202 W. US HIGHWAY 380 BYPASS, DECATUR, TEXAS, FROM A SF-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TO A C-2, THOROUGHFARE BUSINESS ZONING DISTRICT. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 304 E. MAIN ST., DECATUR, TEXAS. **(APPLICATION ZC2021-02—MR. JORDAN SCHAEFER, ON BEHALF OF C.L. GAGE, GEORGE GAGE AND CEFCO) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL ABSENT.)**
4. HEAR STAFF REPORT, HOLD A PUBLIC HEARING AND RECEIVE PUBLIC COMMENTS, AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING SECTION 3.2,

“DEFINITIONS”, OF ARTICLE 3, “DEFINITIONS”, OF APPENDIX “B”, “ZONING”, OF THE CITY’S CODE OF ORDINANCES, CONTAINING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, (“ZONING ORDINANCE”), TO PROVIDE THAT AUTOMATIC TELLER MACHINES (“ATMS”), MAY BE CONSIDERED A PRIMARY STRUCTURE IN THE C-1A, “DOWNTOWN DECATUR BUSINESS DISTRICT”, C-1, “RESTRICTED BUSINESS DISTRICT”, C-2, “THOROUGHFARE BUSINESS DISTRICT”, CO, “OFFICE DISTRICT”, LI, “LIGHT INDUSTRIAL DISTRICT” AND THE HI, “HEAVY INDUSTRIAL” ZONING DISTRICTS OF THE CITY UPON CITY COUNCIL APPROVAL OF A SPECIFIC USE PERMIT (“SUP”); AND PROVIDING CRITERIA FOR COUNCIL CONSIDERATION OF A SPECIFIC USE PERMIT. **(APPLICATION SI2021-03—CITY OF DECATUR) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL ABSENT.)**

5. HEAR STAFF REPORT, HOLD A PUBLIC HEARING AND RECEIVE PUBLIC COMMENTS, AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING SUBSECTION 4.3.6, “VARIANCES”, OF SECTION 4.3, “BOARD OF ADJUSTMENT”, OF ARTICLE 4, “ZONING PROCEDURES AND ADMINISTRATION”, OF 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 ZONING BOARD OF ADJUSTMENT’S CONSIDERATION OF CRITERIA IN ITS DETERMINATION OF UNDUE HARDSHIP. **(APPLICATION SI2021-04—CITY OF DECATUR) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL ABSENT.)**

#### **CLOSE PUBLIC HEARING:**

6. CONSIDER AND TAKE APPROPRIATE ACTION ON A SECOND READING OF AN ORDINANCE AMENDING ARTICLE IV, “UNSAFE, DANGEROUS OR HAZARDOUS BUILDINGS AND STRUCTURES”, OF CHAPTER 10, “NUISANCES”, OF THE CITY OF DECATUR’S CODE OF ORDINANCES BY AMENDING SECTIONS 10-102, 10-108 AND 10-110, REPEALING AND READOPTING SECTIONS 10-103 THROUGH 10-107, AND ADOPTING NEW SECTIONS RELATED TO THE CITY’S BUILDING STANDARDS COMMISSION TO PROVIDE UPDATED REGULATIONS COMPLIANT WITH STATE LAW; FURTHER AMENDING SECTION 2-148, “ESTABLISHED”, OF DIVISION 10, “CITY OF DECATUR BOARD OF ADJUSTMENT”, OF ARTICLE III, “BOARDS, COMMITTEES, COMMISSIONS”, OF CHAPTER 2, “ADMINISTRATION”, OF THE CODE OF ORDINANCES TO PROVIDE THAT THE BOARD OF ADJUSTMENT SHALL ALSO SERVE AS THE BUILDING STANDARDS COMMISSION; FURTHER AMENDING AND RENAMING SECTION 4-56, “AMENDMENTS TO BOARD OF ADJUSTMENT PROCEDURES”, OF ARTICLE II, “BUILDING CONSTRUCTION STANDARDS”, OF CHAPTER 4, “BUILDINGS AND BUILDING REGULATIONS”, OF THE CODE OF ORDINANCES AS “AMENDMENTS TO BUILDING STANDARDS COMMISSION PROCEDURES” TO PROVIDE FOR APPEALS TO THE BUILDING STANDARDS COMMISSION; PROVIDING FOR THE INCORPORATION OF PREMISES; AUTHORIZING THE COMMISSION TO HEAR AND DETERMINE CASES CONCERNING ALLEGED VIOLATIONS OF CITY ORDINANCES REGULATING BUILDINGS CODES, FIRE SAFETY OF A BUILDING, DANGEROUSLY DAMAGED OR DETERIORATED BUILDINGS, AND SUBSTANDARD BUILDINGS; PROVIDING MINIMUM PROPERTY STANDARDS; PROVIDING PROCEDURES FOR PROCEEDINGS OF THE COMMISSION; PROVIDING FOR AN APPEAL; AUTHORIZING THE COMMISSION TO ASSESS CIVIL PENALTIES; PROVIDING A CRIMINAL PENALTY NOT TO EXCEED \$2,000 FOR EACH DAY OR PART THEREOF WHEN A VIOLATION EXISTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. **SI2021-02**

#### **END OF PLANNING AND ZONING REPORT**

7. CONSIDER AND TAKE ACTION ON A RESOLUTION OF THE CITY OF DECATUR, TEXAS, ADOPTING CRITERIA FOR USE IN THE 2021 REDISTRICTING PROCESS BASED ON THE 2020 CENSUS, AND PROVIDING FOR RELATED MATTERS.
8. CONSIDER AND TAKE ACTION ON A RESOLUTION OF THE CITY OF DECATUR, TEXAS,

ESTABLISHING GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS DURING THE 2021 REDISTRICTING PROCESS; AND PROVIDING FOR RELATED MATTERS.

9. HEAR A PRESENTATION AND DISCUSS FINDINGS OF POPULATION PROJECTIONS AND POSSIBLE FUTURE WATER AND WASTEWATER PLANT CAPACITIES AS PART OF THE 2021 WATER TREATMENT FACILITIES MASTER PLAN AND 2021 WASTEWATER TREATMENT MASTER PLAN.
10. CONSIDER STAFF RECOMMENDATIONS ON USE OF THE ARPA FUNDS AND GIVE DIRECTION.
11. CONSIDER AND TAKE ACTION ON AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF DECATUR AND BLAKE SANDFORD, 97 CIRCLE S CONVENIENCE STORES, FOR A SIGN LOCATED IN DRAINAGE AND UTILITY EASEMENTS LOCATED AT 1210 S. FM 51; AND AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT.
12. CONSIDER AND TAKE APPROPRIATE ACTION ON A FIRST AMENDMENT TO THE EXCLUSIVE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING, AND DISPOSAL OF HOUSEHOLD WASTE IN THE CITY OF DECATUR, TEXAS WITH HHW SOLUTIONS, TO BE EFFECTIVE UNTIL DECEMBER 31, 2024, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT.
13. RECEIVE A PRESENTATION AND HOLD A DISCUSSION REGARDING THE VISTA PARK PUBLIC IMPROVEMENT DISTRICT AND DEVELOPMENT AGREEMENT; CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A DEVELOPMENT AGREEMENT BETWEEN ROCKWATER DEVELOPMENTS, LLC AND THE CITY OF DECATUR FOR THE VISTA PARK DEVELOPMENT, AN APPROXIMATE 87.66 ACRES OF LAND ZONED PLANNED DEVELOPMENT PD2021-03; AND AUTHORIZE THE MAYOR TO EXECUTE NECESSARY DOCUMENTS, INCLUDING A PROFESSIONAL SERVICES AGREEMENT FOR DEVELOPER PAYMENT OF COSTS OF CITY PROFESSIONAL SERVICES.
14. CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD NOVEMBER 8, 2021.
15. BRYAN BROWN TO ADDRESS COUNCIL, SEEKING AN AMENDMENT TO THE SIGN ORDINANCE TO NOT PROHIBIT OFF PREMISE SIGNS; DISCUSSION BY COUNCIL.
16. **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. CONSULTATION WITH ATTORNEY. TO CONSULT 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: SIGN REGULATIONS AND REWRITE

**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.

17. PROVIDE STAFF AND CONSULTANTS DIRECTION REGARDING THE SIGN ORDINANCE REWRITE (**APPLICATION SI2021-05—CITY OF DECATUR**).
- \*\*18. DISCUSSION REGARDING BUILDING OFFICIAL POSITION.
19. 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.

20. 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, November 19, 2021, 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.

**\*\*PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY.**