

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, January 25, 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, Fire Chief Nate Mara, Assistant Fire Chief Deroy Bennett, Police Chief Delvon Campbell, City Finance Director Ana Cañada, Deputy City Secretary Asucena Garcia, City Attorney Brenda McDonald and City Secretary Diane Cockrell. Connected via videoconferencing: Planning Director Dedra Ragland, Public Works/Airport Director Greg Hall, City Engineer Earl Smith and Building Official Wayne Smith.

*The attendees were screened for Covid-19 symptoms prior to entry by Decatur Fire personnel and social distancing was 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, January 25th 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/717806677>

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.

*New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/717806677>

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.

Before the meeting was called to order State Representative King gave the Council and attendees an update/overview of the upcoming Legislative Session.

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

CALL TO ORDER

Mayor McQuiston called meeting to order at 6:11 p.m.

MOMENT OF SILENCE

Mayor McQuiston declared a moment of silence.

PLEDGE OF ALLEGIANCE

City Manager Shannon led the pledge.

1. HEAR PROPERTY OWNER PRESENTATION AND HOLD A DISCUSSION REGARDING DEVELOPMENT AGREEMENTS ENTERED INTO IN LIEU OF ANNEXATION PURSUANT TO SECTION 212.172 OF THE TEXAS LOCAL GOVERNMENT CODE.

Chris Fernihough PO Box 1088, Decatur, TX and State Representative Phil King addressed the Council

Convened into Executive Session at 6:56 p.m.

EXECUTIVE SESSION:

2. 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
3. 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.

Reconvened into Regular Session at 8:18 p.m.

ACTION FROM EXECUTIVE SESSION

No action taken. City Attorney and City Manager Shannon will work with Mr. Klement and Chris Fernihough and their Attorney to address their concerns.

PLANNING AND ZONING REPORT:

4. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE AMENDING APPENDIX "B" "ZONING," OF THE CODE OF ORDINANCES, CONTAINING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY ("ZONING ORDINANCE") INCLUDING AMENDMENTS TO THE DEFINITIONS SECTION, CHANGES TO APPLICABLE SECTIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES AT GOLF COURSES AND COUNTRY CLUBS LOCATED IN RESIDENTIAL DISTRICTS TO ALLOW SUCH USE PROVIDED THAT A SPECIFIC USE PERMIT IS APPROVED, CHANGES TO APPLICABLE ZONING ORDINANCE SECTIONS REGULATING SIDE YARD SETBACKS IN THE SINGLE FAMILY 1 (SF-1) AND SINGLE FAMILY 2 (SF-2) ZONING DISTRICTS, AND REGULATING FENCES IN RESIDENTIAL AREAS TO ALLOW FENCES UNDER A SPECIFIED HEIGHT TO BE LOCATED IN FRONT YARDS; 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 OF NOT LESS THAN ONE DOLLAR (\$1.00) NOR MORE THAN 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 AN EFFECTIVE DATE. **(APPLICATION SI2020-02 – CITY OF DECATUR STAFF INITIATED) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 4-0, VICE-CHAIRMAN CRESWELL ABSENT.)**

Council member Reeves moved to table application SI2020-02 until February 8, 2021 to consider amendment to ordinance regarding front yard fencing. Council member Hayes seconded the motion. The motion passed unanimously.

REGULAR SESSION:

5. **RECEIVE STAFF PRESENTATION AND HOLD DISCUSSION REGARDING PROCEDURES TO ESTABLISH NEW CITY WATER SERVICE.**

Finance Director Cañada gave an overview of requirements to initiate service. Discussion ensued. Council members expressed concern on restrictions applied to commercial business owners that have numerous properties and their information is repeatedly requested to open new accounts. Council also aired their concerns regarding customer service throughout the city. Council member Allen requested that a customer service survey be initiated to get feedback, not just for Water Department, all departments.

Council member Hayes moved to remove item A from the consent agenda as presented. Council member Carpenter seconded the motion. The motion passed unanimously.

6. **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 DECEMBER 14, 2020.~~

B. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON DECEMBER 21, 2020.

C. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON JANUARY 11, 2021.

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

7. **ACCEPTANCE OF QUARTERLY INVESTMENT REPORT.**

Quarterly Investment Report provided. No action taken.

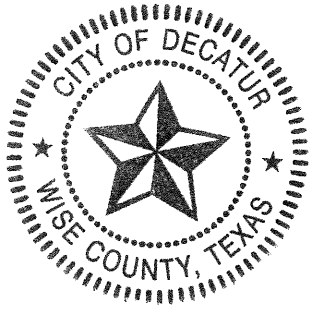
8. **COUNCIL TO HEAR PUBLIC INPUT** (please complete a Speaker Registration Form before speaking) each speaker will be limited to 3 minutes, the Open Meeting Act does not allow for discussion in response to the comments, comments should be directed to the Council as a whole rather than to individual members, and no action will be taken by the Council.

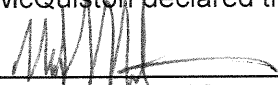
No public input.

9. **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