

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

Regular meeting of the Decatur City Council was called to order by Mayor McQuiston at 6:00 p.m. Mayor McQuiston declared a moment of silence. Keely and Kaden Hayes led the pledge. Those present included: Mayor Mike McQuiston, Councilmembers: Eddie Allen, Will Carpenter, Jake Hayes, Darlene Hilton, Debra Jackson, and Melinda Reeves. Staff members present: City Manager Nate Mara, Fire Chief Deroy Bennett, Fire Prevention Captain Chris Mercer, Police Chief Delvon Campbell, EDC Executive Director Kevin Holtzbog, Chief Building Official Wayne Smith, Public Works/Airport Director Greg Hall, Assistant Public Works Director Joe Guinn, Public Works Executive Administrative Assistant Katherine Griffith, 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. HEAR PRESENTATION FROM POLICE CHIEF CAMPBELL REGARDING PLANS FOR THE NEW DECATUR POLICE DEPARTMENT.

Police Chief Campbell made presentation. Highlighting the different amenities; expanded dispatch room, training room with seating for 40 plus people, larger patrol room for briefings, crime lab, and controlled access parking for the Police Department. The next phase is the design and development phase.

2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A DEVELOPMENT AGREEMENT BETWEEN DECATUR MC, LLC AND THE CITY OF DECATUR FOR THE MEADOW CREEK DEVELOPMENT, AN APPROXIMATE 130 ACRES OF LAND.

Councilmember Reeves moved to approve the Meadow Creek development agreement between Decatur MC, LLC and the City with the condition that all requirements of the traffic impact analysis will be met at each appropriate phase by the developer at the developer's cost and with the changes present in Exhibit E. Council member Carpenter seconded the motion. The motion passed unanimously.

3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, DECLARING INTENT TO SUPPORT RESERVE AT DECATUR, LLC AND A PROPOSED DEVELOPMENT FOR AFFORDABLE HOUSING AND AUTHORIZING THE MAYOR TO GRANT A REDUCTION IN FEES AND PROVIDING AN EFFECTIVE DATE. **RESOLUTION 2023-02-04**

Mark Moran informed Council, Pivotal Housing is based in Ohio and known to have over 10,000 units across the United States. This development is designed to be affordable housing for residents 55 years of age and older. Darren Smith, head of development addressed Council and answered questions.

Councilmember Hayes moved to approve the resolution as presented. Councilmember Hilton seconded the motion. The motion passed unanimously.

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ESTABLISHING PRIORITIES FOR THE 88TH LEGISLATIVE SESSION IN TEXAS, AUTHORIZING REPRESENTATION OF THE

MUNICIPALITY IN ADVOCATING CERTAIN POSITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. **RESOLUTION 2023-02-03**

Councilmember Carpenter moved to approve the resolution as presented. Councilmember Jackson seconded the motion. The motion passed unanimously.

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ADOPTING A COMPREHENSIVE FUND BALANCE AND RESERVE POLICY FOR THE GENERAL FUND, GENERAL FUND CAPITAL, AND WATER AND SEWER FUND TO PROVIDE SUFFICIENT CASH FLOW FOR DAILY OPERATIONS AND PROVIDE FUNDS TO MEET UNFORESEEN EMERGENCY EXPENDITURES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING A CUMULATIVE REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. **RESOLUTION 2023-02-05**

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

6. PRESENT YEARLY REPORT REGARDING POLICE RACIAL PROFILING REVIEW STATISTICS FOR JANUARY 2022 THRU DECEMBER 2022 AND DISCUSS WITH COUNCIL AND STAFF.

Annual report was provided.

Public Hearing Items:

7. CONDUCT A 1ST PUBLIC HEARING, REGARDING THE PROPOSED ANNEXATION BY THE CITY OF DECATUR, TEXAS OF CERTAIN PROPERTY: 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.

City Attorney Liston, informed Council there must be two public hearings within a certain amount of time per Chapter 43 of the state law and it's common for them to be one after the other on the same agenda.

First public hearing held, no public comment.

8. CONDUCT A 2ND PUBLIC HEARING, REGARDING THE PROPOSED ANNEXATION BY THE CITY OF DECATUR, TEXAS OF CERTAIN PROPERTY: 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.

Second public hearing held, no public comment.

9. CONSIDER FIRST READING OF THE ORDINANCE AND A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON 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 0.344 ACRES OF LAND LOCATED AT 1001 S. TRENCHARD STREET, DECATUR, TEXAS, AND AN APPROXIMATE 0.133 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF EAST HALE STREET, AND AN APPROXIMATE 0.076 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF SOUTH TRENCHARD STREET, DECATUR, TEXAS, FROM A SF-2, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TO A C-2, THOROUGHFARE BUSINESS ZONING DISTRICT. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 1001 S. TRENCHARD STREET, DECATUR, TEXAS. **(ZONING CHANGE APPLICATION 2023-01—MR. JAKE HAYES, ON BEHALF OF**

PROPERTY OWNER WALTER CHARLES PITTS.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.) ZC2023-01

First reading held.

10. CONSIDER FIRST READING OF THE ORDINANCE AND A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON 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, RON WESTBROOK AND SUE WESTBROOK) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL 6-0. 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.) CP2023-01**

First reading held.

11. CONSIDER FIRST READING OF THE ORDINANCE AND A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON 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, RON WESTBROOK 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

First reading held.

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. (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 6-0.)

- A. **PP2023-01** CONSIDER TAKING ACTION ON A REQUEST TO PRELIMINARY PLAT LOTS 1 & 2, BLOCK 1, BISHOP HEIGHTS ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING AN APPROXIMATE 16.653-ACRE TRACT OF LAND OUT OF THE J. BULLOCK SURVEY, ABSTRACT NO. 79, WISE COUNTY, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. (APPLICATION PP2023-01—MR. LOU CHRISTOPHER, ON BEHALF OF NS MF PARTNERS LLC.)
- B. **FP2023-01** CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOTS 1 & 2, BLOCK 1, BISHOP HEIGHTS ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS BEING AN APPROXIMATE 16.653-ACRE TRACT OF LAND OUT OF THE J. BULLOCK SURVEY, ABSTRACT NO. 79, WISE COUNTY, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. (APPLICATION FP2023-01—MR. LOU CHRISTOPHER, ON BEHALF OF NS MF PARTNERS LLC.)

CONSENT AGENDA VOTE WILL INCLUDE THE FOLLOWING REGULAR COUNCIL CONSENT ITEMS:

- C. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF THE COUNCIL MEETING HELD JANUARY 9, AND JANUARY 23, 2023.
- D. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR JANUARY 2023.
- E. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST BY KELLY BRAMLETT FOR ABBY'S JOY COLOR RUN MAY 13, 2023 AT 8:00 A.M. CLOSING THE 100 BLOCKS OF STATE AND MAIN STREET.

Councilmember Hilton moved to approve the consent agenda as presented. Councilmember

Carpenter seconded the motion. The motion passed unanimously.

Convened into executive session at 7:27 p.m.

13. **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:

§551.071(b) 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 THIS CHAPTER: LEGAL REVIEW OF COMPUTER INFORMATION SYSTEMS, INC. CONTRACT.

14. **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 open session at 8:21 p.m.

No action taken.

15. 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.

16. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

Mayor McQuiston declared the meeting adjourned at 8:21 p.m.



APPROVED:


 Mike McQuiston, Mayor

ATTEST:


 Asucena Garcia, TRMC, City Secretary