

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, February 22 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, Building Official Wayne Smith, Deputy City Secretary Asucena Garcia, City Attorney Andy Messer and City Secretary Diane Cockrell and Kristen Tribe representing the Wise County Messenger. Connected via videoconferencing: Planning Director Dedra Ragland, Public Works/Airport Director Greg Hall and City Engineer Earl 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, February 22nd 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/579020141>

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/579020141>

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.

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

CALL TO ORDER

Mayor McQuiston called meeting to order at 6:02 p.m.

MOMENT OF SILENCE

Mayor McQuiston declared a moment of silence.

PLEDGE OF ALLEGIANCE

Council member Allen led the pledge.

EXECUTIVE SESSION: Convened into Executive Session at 6:05 pm

1. 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 and requests

2. 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 7:30 pm

3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (1) THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND KARL KLEMENT PROPERTIES, INC.; (2) THE REQUEST FROM KARL KLEMENT PROPERTIES TO AMEND THE DEVELOPMENT AGREEMENT AS REQUESTED; OR (3) THE REQUEST FROM KARL KLEMENT PROPERTIES TO TERMINATE THE DEVELOPMENT AGREEMENT AS REQUESTED.

Council member Allen moved to approve the request of Karl Klement Properties to terminate the development agreement.

Council member Hayes seconded the motion. The motion passed 4 to 3 with Mayor McQuiston and Council members Carpenter and Reeves in opposition.

Council member Allen signed a Conflict of Interest Affidavit and left the Council table.

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (1) THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CHRISTOPHER AND MICAH FERNIHOUGH; (2) THE REQUEST FROM THE FERNIHOUGHS TO AMEND THE DEVELOPMENT AGREEMENT AS REQUESTED; OR (3) THE REQUEST FROM THE FERNIHOUGHS TO TERMINATE THE DEVELOPMENT AGREEMENT AS REQUESTED.

Council member Hayes moved to approve the request of the Fernihoughs to terminate the development agreement. Council member Bennington seconded the motion. The motion failed 3-3-1 (with Mayor McQuiston and Council members Carpenter and Reeves in opposition and Council member Allen abstaining). After further discussion another motion was proposed.

Council member Reeves moved to reconsider the action on this item. Council member Hayes seconded the motion. The vote passed 5-1-1 (Council member Carpenter voted in opposition and Council member Allen abstained).

Council member Hayes moved (again) to approve the request of the Fernihoughs to terminate the development agreement. Council member Hilton seconded the motion. The motion passed 4-2-1 with Mayor McQuiston and Council member Carpenter voting in opposition and Council member Allen abstaining).

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING EMERGENCY ORDINANCE NO. 2021-02-02, AN EMERGENCY ORDINANCE DECLARING A LOCAL DISASTER FOR WINTER WEATHER EMERGENCY AND EXTENDING THE MAYOR’S DECLARATION OF LOCAL DISASTER FOR WINTER WEATHER EMERGENCY; PROVIDING FOR SUSPENSION OF CERTAIN ORDINANCE REQUIREMENTS IMPOSING INSPECTION

AND PERMITTING FEES TO MITIGATE FINANCIAL IMPACT TO RESIDENTS; RATIFYING ACTIONS TAKEN IN ORDER TO MITIGATE NEGATIVE IMPACTS OF THE SEVERE WINTER WEATHER ON CITY EQUIPMENT AND RELATED MATTERS; AND PROVIDING A DATE FOR EXPIRATION OF THE ORDINANCE.

Building Official Smith explained that the waiver will allow permit fees to be waived as quoted in the ordinance to give relief to property owners that were impacted by the severe weather last week.

Council member Carpenter moved to approve ordinance 2021-02-02 as presented. Council Member Hilton seconded the motion. The motion passed unanimously.

6. CONSIDER AND TAKE ACTION ON AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF DECATUR AND DECATUR INDEPENDENT SCHOOL DISTRICT (DISD), FOR SIGNS, FENCE AND GOAL POST LOCATED IN PUBLIC ACCESS, DRAINAGE AND UTILITY EASEMENTS LOCATED AT 1200 EAGLE DRIVE AND AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT.

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

7. HEAR A VIRTUAL PRESENTATION BY MIKE BUTLER REGARDING "BIRD" A STAND UP ELECTRIC VEHICLE; DISCUSSION OF SAME.

Mr. Butler addressed the Council regarding the scooters. City Manager Shannon asked that he submit a proposal/samples for review.

8. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON FEBRUARY 8, 2021.

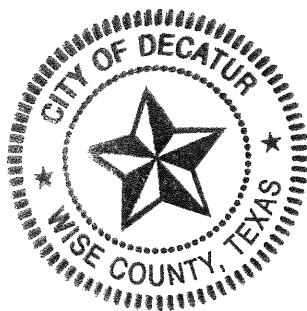
Council member Carpenter moved to approve the minutes as presented. Council member Hilton seconded the motion. The motion passed unanimously.

9. 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.

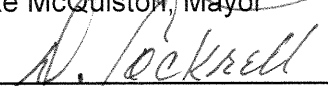
10. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

There being no further business, Mayor McQuiston declared the meeting adjourned at 8:03 p.m.




Mike McQuiston, Mayor


Diane Cookrell, TRMC, CMC, City Secretary