

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, March 8, 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, Finance Director Ana Cañada, Main Street Director Frieda Lasater, Deputy City Secretary Asucena Garcia, City Secretary Diane Cockrell, City Attorney Andy Messer 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@decatortx.org before 3:00 p.m. on Monday, March 8th 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/948883245>

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.

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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 6:00 p.m.

MOMENT OF SILENCE

Mayor McQuiston declared a moment of silence.

PLEDGE OF ALLEGIANCE

Council member Hilton led the pledge.

1. MAYOR MCQUISTON TO RECEIVE PRESENTATION OF A STATE SEAL BY MR. DON REGISTER.

Mayor McQuiston received a seal, handmade, containing 38,000 matchsticks from Mr. Register.

PLANNING AND ZONING REPORT:

2. CONSIDER TAKING ACTION TO APPOINT A PERSON TO FILL THE VACANT PLANNING AND ZONING COMMISSION SEAT, TERM TO EXPIRE OCTOBER 1, 2022. **(THE PLANNING AND ZONING COMMISSION RECOMMEND THAT JARED LUCIER BE SELECTED TO FILL THE VACANT SEAT BY UNANIMOUS VOTE, 5-0.)**

Council member Allen informed council he received a call from the city attorney stating he could make a motion to table this item for further discussion.

Council member Allen moved to table this item until the March 22nd council meeting.

Council member Carpenter seconded the motion. The motion passed unanimously.

END OF PLANNING AND ZONING REPORT:

3. CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 1, 2021, CITY GENERAL ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION IN THE CITY OF DECATUR FOR THE OFFICE OF COUNCILMEMBER FOR PLACES 2, 4 AND 6; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

First reading held.

4. CONSIDER FIRST READING OF AN ORDINANCE REPEALING ORDINANCE 2020-05-10 AMENDING THE CITY OF DECATUR SCHEDULE OF FEES AND ADOPTING A NEW CITY OF DECATUR SCHEDULE OF FEES AS SET FORTH IN EXHIBIT "A"; PROVIDING FOR AN IMPOUND NOTIFICATION FEE; PROVIDING FOR AMENDMENTS TO FEES IMPOSED BY THE CITY FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES, PROVIDING AMENDMENTS TO TRASH BAG FEES, PROVIDING AMENDMENTS TO DEPOSITS REQUIRED FOR TENANTS, PROVIDING FOR AMENDMENTS TO FIRE AND PUBLIC SAFETY RELATED FEES FOR CONSTRUCTION AND MODIFICATION PERMITS (TABLE 4); AND RATIFYING AND REAFFIRMING ALL OTHER FEES SET FORTH IN EXHIBIT "A" WITHOUT AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

First reading held.

5. CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, REPEALING SECTION 14-101, "TRANSFER OF SERVICE FEE", AND AMENDING SECTIONS 14-98, "WATER DEPOSITS", AND 14-104, "DUE DATE FOR BILLS; DELINQUENCY; RECONNECTION", OF ARTICLE III, "RATES, CHARGES AND BILLING PROCEDURE", OF CHAPTER 14, "UTILITIES", OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS, TO PROVIDE FOR REMOVAL OF THE WATER SERVICE TRANSFER FEE, TO PROVIDE FOR REFUNDS OF DEPOSITS, TO CHANGE THE DUE DATE OF BILLS FOR WATER AND SEWER SERVICES FROM THE TENTH TO THE FIFTEENTH DAY OF EACH MONTH, AND TO CHANGE THE TIMING OF DISCONNECTION/DISCONTINUATION OF SERVICES FROM THIRTY DAYS AFTER THE DUE DATE OF A BILL TO TEN DAYS AFTER THE NOTICE OF DELINQUENCY FOR NONPAYMENT OF SERVICES PROVIDED; AND PROVIDING AN EFFECTIVE DATE.

First reading held

6. CONSIDER AND TAKE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR AUTHORIZING APPLICATION AND MATCHING FUNDS FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR THE USE OF FORCE TRAINING SIMULATOR PROJECT; TO BE OPERATED FOR THE 2022 FISCAL BUDGET YEAR; AND PROVIDING AN EFFECTIVE DATE.

Police Chief Campbell informed council other agencies would be able to use this simulator if awarded this grant and would be at no cost to the city.

Council member Reeves moved to approve the resolution as presented. Council member Hilton seconded the motion. The motion passed unanimously.

7. CONSIDER AND TAKE ACTION REGARDING AN INTERLOCAL AGREEMENT WITH WISE COUNTY FOR FIRE DEPARTMENT USE OF CIVICREADY AS AN EMERGENCY MASS NOTIFICATION SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Fire Chief Mara informed council: Civic Plus which is currently used for the city website, has a mass notification feature. Civic Ready can be customized to communicate between staff or with citizens regarding weather, violent incidents, and fire events. If we purchase this feature, the annual fee is sixty five hundred, if we partner with the county the cost would be fifteen hundred per year. Council member Allen moved to approve the interlocal agreement with Wise County as presented. Council member Carpenter seconded the motion. The motion passed unanimously.

8. HEAR UPDATE FROM THE POLICE DEPARTMENT REGARDING DAMAGES INCURRED FROM THE ICE STORM AND A DISCUSSION CONCERNING ANY ACTION FOR THE POLICE FACILITIES.

Police Chief Campbell informed council the public restrooms in the hall between the buildings had damage due to pipes bursting. Council member Reeves expressed her concern for the condition of the police building. Chief Campbell stated that the department employees need to be housed in one location and moving to a different building would be a massive undertaking due to the communications department and property room requirements. He also stated the roof has been repaired several times, but only lasts a couple of years. City manager Shannon stated he would bring in an architect to inspect the police department and report to council on different options and costs.

9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FROM MR. AND MRS. DIXON TO TERMINATE DEVELOPMENT AGREEMENTS FOR WCAD IDS R000008572 AND R000008571 AS REQUESTED; AUTHORIZE PREPARATION OF NECESSARY DOCUMENTS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS.

Council member Allen moved to approve the request of the Dixons to terminate the development agreement. Council member Hayes seconded the motion. The motion failed 3-4 (with Mayor McQuiston and Council members Hilton, Carpenter, and Reeves in opposition).

10. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FROM MR. AND MRS. BRYAN TO TERMINATE DEVELOPMENT AGREEMENT FOR WCAD IDS R000193567 AND R000046934 AS REQUESTED; AUTHORIZE PREPARATION OF NECESSARY DOCUMENTS; AND AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS.

Council member Hayes moved to approve the request of the Bryans to terminate the development agreement. Council member Bennington seconded the motion. The motion failed 3-4 (with Mayor McQuiston and Council members Hilton, Carpenter, and Reeves in opposition).

11. **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 FEBRUARY 22, 2021.
 - B. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR FEBRUARY 2021.
 - C. CONSIDER AND TAKE APPROPRIATE ACTION ON A TERMINATION OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DECATUR, TEXAS AND CHRISTOPHER AND MICAH FERNIHOUGH TO TERMINATE A DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE PARTIES PURSUANT TO SECTION 212.172 OF THE LOCAL GOVERNMENT CODE ON JULY 12, 2017 REGARDING APPROXIMATELY 4.28 ACRES LOCATED AT 2601 S HIGHWAY 287; PROVIDING FOR RELEASE OF LIABILITY; AND PROVIDING AN EFFECTIVE DATE.
 - D. CONSIDER AND TAKE APPROPRIATE ACTION ON A TERMINATION OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DECATUR, TEXAS AND KARL KLEMENT PROPERTIES, INC. TO TERMINATE A DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE PARTIES PURSUANT TO SECTION 212.172 OF THE LOCAL GOVERNMENT CODE ON JULY 12, 2017 REGARDING APPROXIMATELY 7.789 ACRES LOCATED AT 3051 AND 3271 S HIGHWAY 287; PROVIDING FOR RELEASE OF LIABILITY; AND PROVIDING AN EFFECTIVE DATE.
 - E. CONSIDER AND TAKE ACTION REGARDING A REQUEST BY CARSON WICKER OF THE DHS JUNIOR CLASS AND THE POLICE DEPARTMENT ON BEHALF OF THE DECATUR HIGH SCHOOL FOR A PROM PHOTO EVENT ON THE SQUARE, CLOSING THE 100 BLOCK OF STATE STREET AND THE 100 BLOCK OF MAIN STREET ON MARCH 27TH FROM 1 TO 6 PM.
 - F. CONSIDER AND TAKE ACTION REGARDING A REQUEST BY KEEP DECATUR BEAUTIFUL FOR A GLITZY GIRLZ TRAILER PARK EVENT TO CLOSE THE 100 BLOCK OF STATE STREET AT 5 PM ON FRIDAY, APRIL 2ND AND TO CLOSE THE FOLLOWING STREETS FROM 6 AM TO 6 PM ON SATURDAY, APRIL 3RD: 100 BLOCK OF WALNUT, 100 BLOCK OF STATE STREET, 100 BLOCK OF MAIN STREET AND THE 100 BLOCK OF TRINITY STREET.
 - G. CONSIDER AND TAKE ACTION REGARDING A REQUEST BY DECATUR MAIN STREET PROGRAM FOR THE 2021 CRUISE NIGHTS EVENT ON THE COURTHOUSE SQUARE TO CLOSE THE 100 BLOCK OF STATE STREET, THE 100 BLOCK OF MAIN STREET, THE 100 BLOCK OF TRINITY STREET AND THE 100 BLOCK OF WALNUT STREET IN THE IMMEDIATE DOWNTOWN AREA FROM 3 TO 9 PM ON MAY 1ST, JUNE 5TH, SEPTEMBER 4TH AND OCTOBER 2ND.

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

12. RECEIVE OUTSIDE AUDIT REPORT FOR FISCAL YEAR 2019-2020 AND AUTHORIZE

DISTRIBUTION.

Kevin Kemp of BKD, LLP presented the findings of the fiscal year audit for 2019-2020. In our opinion, the financial statements referred above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City, as of September 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Council member Reeves moved to authorize distribution of the audit report. Council member Carpenter seconded the motion. The motion passed unanimously.

13. 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 input

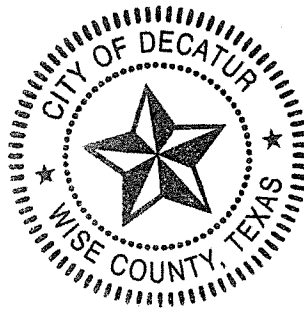
10. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

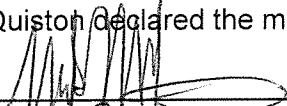
Mayor McQuiston stated for all future agenda items we have a 72 hour window to post the agenda, get your items to City Manager Shannon on Wednesday morning. That would give city staff and any legal review required a couple of days to gather background information and please copy City Secretary Cockrell with the request.

Council member Allen would like to discuss the Governors orders and reopening all city offices and the Planning and Zoning appointment; Council member Reeves would like a list of city priorities sooner than later. City Manager Shannon stated that staff will develop a comprehensive list to be reviewed by Council.

ADJOURNMENT

There being no further business, Mayor McQuiston declared the meeting adjourned at 7:25 p.m.





Mike McQuiston, Mayor



Diane Cockrell, TRMC, CMC, City Secretary