

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, March 28, 2022
WORKSHOP 5:30 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, Police Chief Delvon Campbell, Assistant Fire Chief Deroy Bennett, Public Works/Airport Director Greg Hall, Finance Director Ana Cañada, Main Street Director Frieda Lasater, Library Director Dawn Wilbert, Conference Center Director Carla Johnson, Conference Center Business Manager Tim Hightshoe, IT Director J.B. McKenzie, Technology Services Technician Sebastian Davis, Human Resource Director MaryAnn Henline, Planning Coordinator Cheryl Fuss, City Secretary Asucena Garcia, Attorney Robin Cross, and Richard Greene representing the Wise County Messenger. Connected via videoconferencing: City Engineer Earl Smith, Planning Director Dedra Ragland,

Videoconferencing technology is being used to allow the public and staff to join this meeting. This meeting will be held using videoconferencing/teleconferencing technology with public access via: WWW.ZOOM.US/JOIN OR MEETING/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 and 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 Asucena Garcia, City Secretary, so that the speaker may be recognized by the Mayor 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.

CALL TO ORDER

Mayor Pro Tem Reeves called the workshop to order at 5:31 p.m.

MOMENT OF SILENCE

Mayor Pro Tem Reeves declared a moment of silence.

PLEDGE OF ALLEGIANCE

Council member Bennington led the pledge.

WORKSHOP 5:30 p.m.

MONTHLY DEPARTMENT REPORTS – Conference Center, Library, Main Street and Police Department

Conference Center report by Conference Center Director, Carla Johnson including relevant information and follow-up discussion with Council and other staff regarding operations.

Library report by Library Director, Dawn Wilbert including relevant information and follow-up discussion with Council and other staff.

Main Street report by Main Street Director, Frieda Lasater including relevant information and follow-up discussion with Council and other staff regarding the following items:

- Organization
- Promotion
- Design
- Economic Vitality

Police Department report by Chief of Police, Delvon Campbell including relevant information and follow-up discussion with Council and other staff.
Reports were provided.

REGULAR MEETING 6:00 p.m.

1. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION NO. 2022-03-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, DEMONSTRATING THE CITY'S INTENT TO ESTABLISH A PROPERTY ASSESSED CLEAN ENERGY ("PACE") PROGRAM; AND AUTHORIZE THE REPORT REQUIRED BY CHAPTER 399 OF THE LOCAL GOVERNMENT CODE BE MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO AN UPCOMING PUBLIC HEARING ON THE ESTABLISHMENT OF THE PROGRAM.

Council member Hilton moved to approve Resolution No. 2022-03-04 presented. Council member Carpenter seconded the motion. The motion passed unanimously.

2. CONSIDER A SECOND READING AND TAKE APPROPRIATE ACTION REGARDING AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, REPEALING ORDINANCE 2021-03-03 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 AMENDMENT TO THE WRECKER FEE; PROVIDING FOR AMENDMENTS TO THE FEES IMPOSED FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES (TO BE EFFECTIVE APRIL 1, 2022); ADOPTING A WATER DEPARTMENT INSPECTION FEE FOR PLUMBING REPAIRS; AND REPEALING CERTAIN PERMIT AND PLANNING REVIEW FEES; AND PROVIDING AN EFFECTIVE DATE.

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

PLANNING AND ZONING REPORT:
Non-Public Hearing Items:

3. CONSIDER SECOND READING AND TAKE APPROPRIATE ACTION REGARDING AN ORDINANCE AMENDING TO APPENDIX "D," "COMPREHENSIVE PLAN," OF THE

Withdrawn

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 3.035 ACRES OF LAND LOCATED AT 2112 DEER PARK ROAD, DECATUR, TEXAS, AND AN APPROXIMATE 0.191 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF DEER PARK ROAD AND ADJACENT TO 2112 DEER PARK ROAD, DECATUR, TEXAS, FROM ESTATE LIVING (EL) LAND USE DESIGNATION TO COMPACT NEIGHBORHOOD (CN) LAND USE DESIGNATION. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 2112 DEER PARK RD., DECATUR, TEXAS. **(APPLICATION CP2022-01—MR. NAVEEN KHAMMAMPATI) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-3, CHAIRMAN LEMOND TIE BREAKER AND COMMISSIONERS BERUBE, CRESWELL AND LANIER OPPOSED.) (OPPOSITION HAS EXCEEDED 20%.)**

4. CONSIDER SECOND READING AND TAKE APPROPRIATE ACTION REGARDING 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 3.035 ACRES OF LAND LOCATED AT 2112 DEER PARK ROAD, DECATUR, TEXAS, AND AN APPROXIMATE 0.191 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF DEER PARK ROAD AND ADJACENT TO 2112 DEER PARK ROAD, DECATUR, TEXAS, FROM A SF-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TO A TH, TOWNHOUSE RESIDENTIAL ZONING DISTRICT. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 2112 DEER PARK RD., DECATUR, TEXAS. **(APPLICATION ZC2022-01—MR. NAVEEN KHAMMAMPATI) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL, 5-0-1, COMMISSIONER WOODRUFF ABSTAINED. 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. ADDITIONALLY, OPPOSITION HAS EXCEEDED 20%. 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.**
5. CONSIDER SECOND READING AND TAKE APPROPRIATE ACTION REGARDING 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 0.231 ACRES OF LAND LOCATED AT 1303 S. TRINITY STREET, DECATUR, TEXAS, AND AN APPROXIMATE 0.071 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF TRINITY STREET AND 0.06 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF PRINCE STREET AND ADJACENT TO 1303 S. TRINITY STREET, DECATUR, TEXAS, FROM A SF-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TO A 2F, TWO-FAMILY RESIDENTIAL ZONING DISTRICT. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 1303 S. TRINITY STREET, DECATUR, TEXAS. **(APPLICATION ZC2022-02—MR. KEITH BRYAN) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 6-0.)**

Council member Hilton moved to approve the ordinance as presented. Council member Hayes seconded the motion. The motion passed unanimously.

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

6. HEAR STAFF REPORT AND CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(13) WALL SIGNS. SPECIFICALLY, APPLICANT IS REQUESTING A CUMULATIVE WALL SIGN AREA THAT EXCEEDS THE MAXIMUM ALLOWABLE AREA. BASED ON INFORMATION PROVIDED BY THE APPLICANT, THE REGULATIONS ALLOW A MAXIMUM SIGN AREA OF 130.43 SQ. FT. APPLICANT HAS BEEN APPROVED FOR A 110.50 SQ. FT. WALL SIGN ON THE LEFT PORTION OF THE FRONTAGE OF THE BUILDING. THE APPLICANT IS SEEKING A 118.94 SQ. FT. WALL SIGN IN THE MIDDLE OF THE FRONTAGE, WHICH, IN TOTAL, IS IN EXCESS OF THE MAXIMUM ALLOWABLE SIGN AREA BY 99.01 SQ. FT. THE SUBJECT PROPERTY IS LOCATED AT 2803 S. US HIGHWAY 81-287, DECATUR, TEXAS. **(VARIANCE APPLICATION 2022-01— HA MANH NGUYEN, ON BEHALF OF WISE HONDA)**

Council member Carpenter moved to approve the variance as presented. Council member Hayes seconded the motion. The motion passed 6-0-1 Council member Allen abstained.

7. HEAR STAFF REPORT AND CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(13) WALL SIGNS. SPECIFICALLY, APPLICANT IS REQUESTING A CUMULATIVE WALL SIGN AREA THAT EXCEEDS THE MAXIMUM ALLOWABLE AREA. BASED ON INFORMATION PROVIDED BY THE APPLICANT, THE REGULATIONS ALLOW A MAXIMUM SIGN AREA OF 130.43 SQ. FT. APPLICANT HAS BEEN APPROVED FOR A 110.50 SQ. FT. WALL SIGN ON THE LEFT PORTION OF THE FRONTAGE OF THE BUILDING. THE APPLICANT IS SEEKING A 123.30 SQ. FT. WALL SIGN ON THE RIGHT SIDE OF THE FRONTAGE, WHICH, IN TOTAL, IS IN EXCESS OF THE MAXIMUM ALLOWABLE SIGN AREA BY 222.31 SQ. FT. THE SUBJECT PROPERTY IS LOCATED AT 2803 S. US HIGHWAY 81-287, DECATUR, TEXAS. **(VARIANCE APPLICATION 2022-02 — HA MANH NGUYEN, ON BEHALF OF WISE HONDA)**

Council member Hayes moved to approve the variance as presented. Council member Carpenter seconded the motion. The motion passed unanimously. The motion passed 6-0-1 Council member Allen abstained.

Council member Allen returned to the Council Chambers.

8. **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 APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON MARCH 14, AND MARCH 21, 2022.
 - B. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST BY DECATUR MAIN STREET FOR THE FOLLOWING CLOSURES FOR THE DECATUR MAIN STREET SUMMER CONCERT ON JULY 22, 2022 FROM 12 PM TO 1AM: THE 100 BLOCK OF TRINITY, THE 100 BLOCK OF WALNUT STREET, THE 100 BLOCK OF STATE STREET, AND THE 100 BLOCK OF MAIN STREET.
 - C. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST BY DECATUR MAIN STREET FOR THE FOLLOWING CLOSURES FOR THE EIGHTH FROM DECATUR BICYCLE RALLY 2022 ON SEPTEMBER 17, 2022 FROM 6AM TO 2PM: THE 100 BLOCK OF TRINITY, THE 100 BLOCK

OF WALNUT STREET, THE 100 BLOCK OF STATE STREET, AND THE 100 BLOCK OF MAIN STREET.

- D. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST BY DECATUR MAIN STREET FOR THE FOLLOWING CLOSURES FOR THE BOO BASH HALLOWEEN FESTIVAL ON OCTOBER 30, 2022 FROM 2PM TO 8PM: THE 100 BLOCK OF TRINITY, THE 100 BLOCK OF WALNUT STREET, THE 100 BLOCK OF STATE STREET, AND THE 100 BLOCK OF MAIN STREET.

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

Convened into Executive Session at 6:16 p.m.

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:

SECTION 551.071(2): CONSULTATION WITH ATTORNEY: CONSULTATION WITH 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 RE: EMPLOYING A NEW CITY MANAGER; INTERVIEWS; REVIEW OF PLANNING AND DEVELOPMENT SERVICES PROCESSES; CITY POLICIES

Reconvened into Regular Session at 8:06 p.m.

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

11. CONSIDER AND TAKE ACTION TO ACCEPT CITY MANAGER'S NOTICE OF RETIREMENT, AND TAKE APPROPRIATE ACTION REGARDING CITY MANAGER POSITION.

Council member moved to accept City Manager Shannon's letter of retirement. Council member Carpenter seconded the motion. The motion passed unanimously.

12. DISCUSS AND TAKE APPROPRIATE ACTION/PROVIDE DIRECTION TO CITY MANAGER REGARDING CONSULTANT RECOMMENDATIONS RELATIVE TO PLANNING AND DEVELOPMENT SERVICES PROCESS REVIEW.

No action taken.

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.

14. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

There being no further business, Mayor McQuiston declared the meeting adjourned at 8:08 p.m.



Mike McQuiston

Mike McQuiston, Mayor

Asucena Garcia

Asucena Garcia, TRMC, City Secretary