

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, September 27, 2021
WORKSHOP 5:30 p.m.**

PRESENT: Mayor Mike McQuiston, Council members, Eddie Allen, Will Carpenter, Jake Hayes, Darlene Hilton and Melinda Reeves.

ABSENT: Ben Bennington

OTHERS PRESENT: City Manager Brett Shannon, IT Director J.B. McKenzie, Police Chief Delvon Campbell, Fire Chief Nate Mara, Assistant Fire Chief Dero Bennett, Finance Director Ana Cañada, Public Works/Airport Director Greg Hall, Human Resource Director MaryAnn Henline, Library Director Dawn Wilbert, Planning Coordinator Cheryl Fuss, Deputy City Secretary Asucena Garcia, City Secretary Diane Cockrell, City Attorney Patricia Adams, and Kristen Tribe representing the Wise County Messenger. Connected via videoconferencing: City Engineer Earl Smith and Planning Director Dedra Ragland.

This meeting will be held using videoconferencing/teleconferencing technology with public access via:

**WWW.ZOOM.US/JOIN OR
(888)788-0099 (TOLL FREE)**

MEETING/WEBINAR ID: 817 5047 6447 PASSCODE: 823992

This videoconferencing meeting is being used to allow Council, staff and public participants to join the meeting in the following manner:

Anyone may join the meeting via videoconferencing at www.zoom.us/join or via telephone by calling you may email your comments to be read at the meeting to: dcockrell@decatortx.org before 3:00 p.m. on the date of the meeting, 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.

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 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.

MONTHLY DEPARTMENT REPORTS – Fire Department, Planning and Zoning and Public Works/Airport

Fire Department – Hear and discuss monthly report by Chief Nate Mara including relevant and follow-up discussion with Council and other staff.

Planning – Hear and discuss bi-monthly report by Planning Director Ragland, including relevant and follow-up discussion with Council and other staff regarding the following items:

- Planning applications processed, including plats, zoning changes, sign variances, subdivision variances, design standards variances and annexation cases; site plans/building permit applications; Zoning Board of Adjustment variances; and ordinance/policy amendments for July thru August, 2021.
- Building permits and inspections, code compliance inspections and violations, environmental health permits and inspections and BSI testing and rebate report for July thru August, 2021.

Public Works and Airport – Hear and discuss monthly report by Greg Hall, Public Works Director/Airport Manager, including relevant and follow-up discussion with Council and other staff. Reports were provided.

REGULAR MEETING 6:00 p.m.

CALL TO ORDER

Mayor McQuiston called the regular meeting to order at 6:01 p.m.

MOMENT OF SILENCE

Mayor McQuiston declared a moment of silence.

PLEDGE OF ALLEGIANCE

Police Chief Campbell led the pledge.

1. PRESENTATION OF A PROCLAMATION DECLARING OCTOBER 3RD THRU 9TH, 2021 AS FIRE PREVENTION WEEK.

Mayor McQuiston presented the proclamation to Fire Chief Mara.

2. PRESENTATION BY ROBERT DRANSFIELD OF NORTON ROSE FULBRIGHT, BOND COUNSEL FOR THE CITY, REGARDING FUTURE DEBT ISSUANCE AND DISCUSSION OF SAME.

Robert Dransfield joined the meeting via zoom to address the council and public. He explained the financial options – general obligation or permanent improvement bonds approved by the voters and elections are held only in November or May yearly (Call election mid-February for May, Call election mid-August for November. You would offer ballot propositions for specific purposes. You can't combine all projects in one proposition. The projects would need to be broken down in separate propositions, for example: roads or buildings or police or fire improvements. Each project would have a not to exceed amount of money. Voters would authorize the issuance of bonds in a timeframe determined by Council.

Flexibility in structuring for different types of restrictive revenue streams (airport for airport use only etc.) GO bonds, pledgeable source of revenue of certificate of obligation, general obligation bonds, and permanent improvement bonds. If a specific proposition fails in an election, you cannot use a certificate of obligation bond or other debt instrument within 3 years for that same project. Coordination with the election administrator regarding publication of the notice will be needed.

Regarding the process timing: probably 90-120 days, with deadline to publish intention no later than 46 days (meeting to declare publication of notice of intent to issue debt) before 2nd reading of Ordinance consideration to allow for a potential petition filing period.

3. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS AMENDING ORDINANCE NO. 2020-09-13 BY APPROVING AN AMENDMENT TO THE FISCAL YEAR 2020-2021 BUDGET FOR THE CITY OF DECATUR ("CITY BUDGET"), IN ORDER TO PROPERLY ACCOUNT FOR THE APPROPRIATION

OF FUNDS FROM SURPLUS UNAPPROPRIATED FUNDS WITHIN THE CITY BUDGET TO FUNDS DESIGNATED FOR PROPERTY TAX COLLECTION IN THE GENERAL FUND; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ORDINANCE 2020-09-13; PROVIDING FOR THE FILING OF THE BUDGET; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council member Hilton moved to approve the ordinance with an effective date of October 1, 2021 Council Member Carpenter seconded the motion. The motion passed unanimously.

4. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, DECLARING THE PUBLIC NECESSITY FOR THE PROVISION OF ADEQUATE NEIGHBORHOOD AND COMMUNITY PARKS AND RECREATION FACILITIES; AMENDING CHAPTER 3, "GENERAL SUBDIVISION DEVELOPMENT", OF APPENDIX A, "SUBDIVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR BY ADDING A NEW SECTION, SECTION 303 TO BE ENTITLED, "PARKLAND DEDICATION AND DEVELOPMENT", TO ADOPT PARKLAND DEDICATION REQUIREMENTS FOR THE CITY OF DECATUR; ADOPTING PARK DEVELOPMENT FEES FOR THE DEVELOPMENT OR REDEVELOPMENT OF PROPERTY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A PENALTY FOR VIOLATIONS HEREOF AND EACH AND EVERY DAY A VIOLATION OCCURS ON CONTINUES SHALL CONSTITUTE A SEPARATE VIOLATION; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Council member Allen moved to approve the ordinance excluding the ETJ provision as presented. Council member Carpenter seconded the motion. The motion passed 5-1-0 Council member Reeves opposed.

PLANNING AND ZONING REPORT:

5. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE AMENDING APPENDIX "B," "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC OR MIXED BEVERAGES FOR ON-PREMISES CONSUMPTION IN THE C-1A, DECATUR SQUARE BUSINESS ZONING DISTRICT, ON APPROXIMATELY 0.050 ACRES OF LAND BEING LEGALLY DESCRIBED AS CENTER PART OF LOT 3, BLOCK 3, ORIGINAL TOWN OF DECATUR, OR MORE COMMONLY REFERRED TO AS 107 S. TRINITY ST., DECATUR, TEXAS. (APPLICATION SUP2021-01—MR. BRENDAN MITCHELL'S REQUEST, ON BEHALF OF TCS OPERATIONS LLC AND BARRISTER HOLDINGS, LLC SERIES C) **THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 5-0, CHAIRMAN LEMOND ABSENT.**

Council member Hilton moved to approve the ordinance as presented. Council member Allen seconded the motion. The motion passed 5-0-1 with Council member Carpenter abstaining.

END PLANNING AND ZONING REPORT

6. CONSIDER TAKING ACTION ON A PERFORMANCE AGREEMENT BETWEEN THE DECATUR EDC AND OMEGA RESEARCH, INC. FOR CONVEYANCE OF PROPERTY WITHIN THE EAGLES LANDING BUSINESS PARK TO OMEGA RESEARCH, INC. FOR THE OPERATION OF A PROCESS CONTROL LABORATORY AND WAREHOUSE, QUALIFIED EXPENDITURES OF AT LEAST \$7,000,000.00, AND THE CREATION OF AT LEAST 13 FULL-TIME JOBS.

EDC Executive Director Holtzboog addressed Council; Omega Research is an aerospace focused process control laboratory, the company currently has a facility in Euless Texas. We are looking at a complete relocation into the Industrial Park. Omega is committed to invest 7 million dollars of capital investment in real and personal property by December 31st 2022. The site includes a minimum of 43,000 square feet of laboratory and warehouse space. Additionally they have a commitment to create a minimum of 13 new full-time jobs over term of the agreement with a minimum average salary of \$75,000 per job.

Council member Carpenter moved to approve the performance agreement as presented. Council member Reeves seconded the motion. The motion passed unanimously.

7. CONSIDER TAKING ACTION ON AN EDC PERFORMANCE AGREEMENT WITH BIGGAR HAT STORE, LLC FOR THE OPERATION OF A BIGGAR HAT STORE MANUFACTURING SPACE, QUALIFIED EXPENDITURES OF AT LEAST \$550,000.00 AND CREATION OF AT LEAST 10 FULL-TIME JOBS.

EDC Executive Director Holtzboog addressed Council; Biggar Hat Company was founded in 2013 and is experiencing rapid growth in the wholesale business. They manufacture felt custom hats here in Decatur. All of their straw production is in another community this project does relocate that portion of the business to 103 US Hwy 287. They are committed to the minimum capital investment of \$550,000 in real and personal property by April 30th 2022. Additionally committed to the creation of a minimum of 10 additional full-time jobs over the period of this contract which is 5 years and having a certificate of occupancy and being operational by April 30th of 2022. The agreement provides for financial incentives of \$125,000 for reimbursement to the company. These are based off of receipts of qualified expenditures. In addition all products manufactured by this company will say "Made in Decatur."

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

8. CONSIDER NOMINATIONS FOR WISE COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR A TWO YEAR TERM BEGINNING JANUARY 1, 2022.

No action taken.

9. CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON SEPTEMBER 13, 2021.

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

10. CONSIDER A REQUEST FROM THE DECATUR POLICE DEPARTMENT FOR THE CLOSURE OF THE 100 BLOCK OF NORTH STATE AND 100 BLOCK OF WEST MAIN STREETS ON TUESDAY, OCTOBER 5th, 2021 FROM 5:00 TO 10:00 P.M. FOR THE CELEBRATION OF NATIONAL NIGHT OUT.

Council member Hilton moved to approve the request as presented. Council member Allen seconded the motion. The motion passed unanimously.

11. 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.

Convened into Executive Session at 7:17 p.m.

12. **EXECUTIVE SESSION** – IN ACCORDANCE WITH TEXAS GOVERNMENT CODE,

SECTION 551.001, ET SEQ., THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

A. § 551.074: Personnel Matters. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee: evaluation of City Manager

B. § 551.071(1): Consultation with Attorney. Consultation with the City Attorney about pending or contemplated litigation or a settlement offer: Universal AdCom Settlement

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 9:51 p.m.

13. CONSIDER AND TAKE APPROPRIATE ACTION TO APPROVE AN OFFER OF SETTLEMENT FROM UNIVERSAL ADCOM; AND AUTHORIZE THE MAYOR TO EXECUTE A RELEASE IN FAVOR OF UNIVERSAL ADCOM.

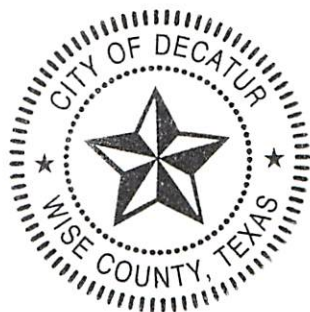
Council member Carpenter moved to approve the settlement offer from Universal Adcom and authorize Mayor McQuiston to execute the release. Council member Hilton seconded the motion. The motion passed unanimously.


Council member Hilton moved to approve a two percent salary increase for City manager Shannon. Council member Carpenter seconded the motion. The motion passed unanimously.

14. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

There being no further business, Mayor McQuiston declared the meeting adjourned at 9:56 p.m.





Mike McQuiston, Mayor



Diane Cockrell, TRMC, CMC, City Secretary