

**MINUTES OF THE
CITY COUNCIL MEETING – VIA VIDEOCONFERENCING
Monday, March 14, 2022
WORKSHOP 5:30 p.m.**

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

ABSENT: Ben Bennington and Jake Hayes

OTHERS PRESENT: City Manager Brett Shannon, Police Chief Delvon Campbell, Fire Chief Nate Mara, EDC Executive Director Holtzbog, Main Street Director Frieda Lasater, Public Works/Airport Director Greg Hall, Assistant Public Works Director Joe Guinn, Finance Director Ana Cañada, Library Director Dawn Wilbert, IT Director J.B. McKenzie, Technology Services Technician Sebastian Davis, Human Resource Director MaryAnn Henline, Planning Coordinator Cheryl Fuss, City Secretary Asucena Garcia, Attorney Patricia Adams, 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: 882 4164 2850 PASSCODE: 563791) 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 McQuiston called the workshop to order at 5:33 p.m.

MOMENT OF SILENCE

Mayor McQuiston declared a moment of silence.

PLEDGE OF ALLEGIANCE

City Manager Shannon led the pledge.

WORKSHOP 5:30 p.m.

DISCUSSION LED BY DECATUR EDC REGARDING PACE (PROPERTY ASSESSED CLEAN ENERGY) PROGRAM.

EDC Executive Director Holtzbog introduced Glen Silva and Brian McCormick with Lone Star Pace. Mr. Silva informed Council; Property Assessed Clean Energy ("PACE") is a simple and effective way to finance renewable energy, energy efficiency and water efficiency upgrades. PACE can be utilized to upgrade "business" properties such as commercial, industrial and multi-family facilities (5 or more units).

- Over 37 States have PACE legislation.
- 60+ Texas cities and counties have established a PACE program
- Authorized under Chapter 399 of the Texas Local Government Code
- Property owners enter into a voluntary assessment with same status as property tax
- Promotes "green" initiatives, economic development, and at no cost to taxpayers
- Facilitates private investment in energy/water upgrades to commercial, industrial and multifamily properties (5 or more units).
- Assessments term up to 30 years

REGULAR MEETING 6:00 p.m.

1. CONSIDER A FIRST READING OF 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.

First reading held.

PLANNING AND ZONING REPORT:

Public Hearing Items:

2. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING 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 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% AND 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.) CP2022-01**

Jerry Watson of 2003 Deer Park Rd., and William Ikerd of 2103 Deer Park Rd., addressed Council in opposition of this item. First reading held.

3. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF 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.) ZC2022-01**

William Ikerd of 2103 Deer Park Rd., and Mark Duncum of 2201 S. FM 51, Ste.600 addressed Council in opposition of this item.
First reading held.

4. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF 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.) ZC2022-02**

Keith Bryan of 871 CR 4270 addressed Council in favor of this item. Charles Dodd of 1204 S. Trinity St. and Belinda Dunn of 104 E. Prince addressed Council in opposition of this item.
First reading held.

Non-Public Hearing Items:

5. **CONSENT AGENDA – ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE RECOMMENDED IN 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. CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOT 1, BLOCK 2, ORIGINAL TOWN OF DECATUR, BEING APPROXIMATELY A 0.55 ACRE

TRACT OF LAND IN THE CITY OF DECATUR, WISE COUNTY, TEXAS AND BEING A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 2, ORIGINAL TOWN OF DECATUR, DECATUR, TEXAS AND MORE COMMONLY REFERRED TO AS 106 S. TRINITY ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION RP2022-03—MRS. FRIEDA LASATER, ON BEHALF OF CITY OF DECATUR)**

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

- B. CONSIDER AND TAKE ACTION REGARDING A REQUEST BY THE DECATUR MAIN STREET PROGRAM FOR STREET CLOSURES RELATED TO A GLITZY GIRLZ TRAILER PARK EVENT ON SATURDAY, APRIL 16th FROM 10 AM TO 5 PM, SPECIFICALLY, THE CLOSURE OF THE 100 BLOCK OF STATE STREET FROM 3 PM ON FRIDAY, APRIL 15th TO 7 PM ON SATURDAY, APRIL 16th, AND THE CLOSURE OF THE 100 BLOCK OF WALNUT STREET, THE 100 BLOCK OF STATE STREET, THE 100 BLOCK OF MAIN STREET, AND THE 100 BLOCK OF TRINITY STREET ON SATURDAY, APRIL 16th FROM 6 AM TO 7 PM.
- C. CONSIDER AND TAKE ACTION REGARDING A REQUEST BY THE DECATUR MAIN STREET PROGRAM FOR STREET CLOSURES RELATED TO THE 2022 CRUISE NIGHTS EVENTS ON THE COURTHOUSE SQUARE AS FOLLOWS: THE CLOSURE OF 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 7th, JUNE 4th, SEPTEMBER 3rd AND OCTOBER 1st.
- D. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETING HELD FEBRUARY 28, 2022 AND BILLS AND INVOICES FOR FEBRUARY 2022.

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

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REVISED SELECTION CRITERIA, PROCESS AND METHODOLOGY FOR CANDIDATES DESIRING TO SERVE ON THE PLANNING AND ZONING COMMISSION. **(APPLICATION SI2021-01—CITY OF DECATUR) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 6-0.)**

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

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON A FIRST READING OF AN ORDINANCE AMENDING THE CITY'S SUBDIVISION REGULATIONS TO PROVIDE FOR A THREE (3) YEAR PERIOD OF EFFECTIVENESS FOR CURB, GUTTER AND SIDEWALK VARIANCES WHEN USE REMAINS THE SAME. **(THE PLANNING AND ZONING COMMISSION DOES NOT SUPPORT THE PROPOSED AMENDMENT AND RECOMMEND NO CHANGES TO THE CURRENT PROCESS, 6-0.) SI2022-02**

First reading held.

- 8. CONSIDER AND TAKE ACTION REGARDING A REQUEST BY THE POLICE DEPARTMENT ON BEHALF OF CASA AND THE CHILDREN'S ADVOCACY CENTER FOR

NORTH TEXAS FOR STREET CLOSURES FOR A FAMILY NIGHT OUT EVENT IN RECOGNITION OF CHILD ABUSE PREVENTION MONTH, SPECIFICALLY THE CLOSURE OF THE 100 BLOCK OF STATE STREET AND THE 100 BLOCK OF MAIN STREET ON APRIL 4TH FROM 3:00 PM TO 8:00 PM, AS WELL AS CONSIDERATION OF APRIL 18TH AS A POSSIBLE BACKUP DATE IN CASE OF BAD WEATHER.

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

9. HOLD A DISCUSSION, CONSIDER AND TAKE APPROPRIATE ACTION REGARDING BUDGET, EMPLOYEE RETENTION AND IMPACT OF CURRENT ECONOMY.

Council appointed Council members Allen, Carpenter and Reeves to form a committee to discuss further.

Convened into Executive Session at 7:33 p.m.

10. **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:

CONSULTATION WITH ATTORNEY. § 551.071(2): 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: 1) REVIEW OF PLANNING AND DEVELOPMENT SERVICES DEPARTMENT; 2) CITY POLICIES.

CONSULTATION WITH ATTORNEY. § 551.071(1)(B): CONSULTATION WITH ATTORNEY REGARDING PENDING OR CONTEMPLATED SETTLEMENT OFFER: OPENGOV CONTRACT.

Reconvened into Regular Session at 9:22 p.m.

11. **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.

ACTION FROM EXECUTIVE SESSION.

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. DISCUSS AND TAKE APPROPRIATE ACTION ON A PROPOSED SETTLEMENT WITH OPENGOV.

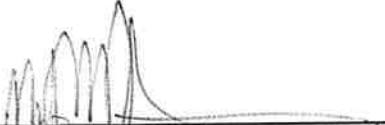
Council member Carpenter moved to authorize City Attorney Adams to continue negotiations with OpenGov. Council member Reeves seconded the motion. The motion passed unanimously.

14. 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.


15. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.
City Manager Shannon announced his retirement.

ADJOURNMENT

There being no further business, Mayor McQuiston declared the meeting adjourned at 9:29 p.m.



Mike McQuiston, Mayor



Asucena Garcia, TRMC, City Secretary