

CITY OF DECATUR, TEXAS

REGULAR - CITY COUNCIL MEETING Decatur City Hall - 201 E. Walnut, Decatur, TX Monday, January 10, 2022

REGULAR MEETING 6:00 p.m. AND VIA VIDEOCONFERENCE/TELECONFERENCE

This videoconferencing meeting is being used to allow the public and staff to join the meeting. This meeting will be held using videoconferencing/teleconferencing technology with public viewing access via [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) watch live at: <https://decaturtx.new.swagit.com/views/212/>
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, 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 Chair at the appropriate time. Speakers will each be allowed a 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 Council'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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. CONSIDER A SECOND READING AND TAKE APPROPRIATE ACTION REGARDING AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, REPEALING ORDINANCE NO. 2011-09-13 AND ADOPTING A REVISED PLAN FOR THE CITY'S COUNCIL SINGLE MEMBER DISTRICTS AND A RELATED MAP; PROVIDING FOR RELATED MATTERS AND AN EFFECTIVE DATE.
2. CONSIDER A SECOND READING AND TAKE APPROPRIATE ACTION REGARDING AN ORDINANCE OF THE CITY OF DECATUR, TEXAS PROVIDING FOR AN AMENDMENT TO THE CITY'S FY 2021-2022 BUDGET, ADOPTED VIA ORDINANCE NO. 2021-09-12, TO ACCOUNT FOR THE ACCEPTED ARPA FUNDS IN THE GENERAL FUND AND THE WATER AND SEWER FUND; PROVIDING FOR THE FILING OF THE AMENDED FY 2021-2022 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

PLANNING AND ZONING REPORT:

OPEN PUBLIC HEARING:

3. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING FOR VOLUNTARY ANNEXATION OF AN APPROXIMATE 10.852 ACRES OF LAND LOCATED WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION INTO THE CORPORATE LIMITS OF THE CITY OF DECATUR. THE PROPERTY TO BE ANNEXED IS GENERALLY LOCATED SOUTH OF CROSSROADS CHURCH'S SOUTHERN PROPERTY LINE, APPROXIMATELY 118.4' NORTHWEST OF THE CENTERLINE OF WEST THOMPSON STREET, AND APPROXIMATELY 98.9' WEST OF THE CENTERLINE OF DEER PARK ROAD, ADJACENT TO THE CURRENT CITY LIMITS IN DECATUR'S WESTERN EXTRATERRITORIAL JURISDICTION (ETJ), WISE COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS ON THE SURVEY LOCATED AT THE PLANNING & DEVELOPMENT SERVICE BUILDING, 1601 S. STATE ST., BLDG. C, DECATUR, TEXAS. **(ANNEXATION APPLICATION A2021-01—MR. JOSH JEZEK'S REQUEST, ON BEHALF OF DECATUR QOZB LLC) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
4. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO 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 11.224 ACRES OF LAND WHICH IS CURRENTLY IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY BUT FOR WHICH THE PROPERTY OWNER HAS REQUESTED ANNEXATION INTO THE CITY'S CORPORATE LIMITS, TO CHANGE THE DESIGNATION ON THE PROPERTY FROM AGRICULTURE AND RURAL LIVING (AR - ETJ) TO ACTIVITY CENTER (AC) LAND USE DESIGNATION. THE PROPERTY IS GENERALLY LOCATED SOUTH OF CROSSROADS CHURCH'S SOUTHERN PROPERTY LINE, APPROXIMATELY 83.5' NORTHWEST OF THE CENTERLINE OF WEST THOMPSON STREET, AND APPROXIMATELY 65.2' WEST OF THE CENTERLINE OF DEER PARK ROAD, ADJACENT TO THE CURRENT CITY LIMITS IN DECATUR'S WESTERN EXTRATERRITORIAL JURISDICTION (ETJ), WISE COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS ON THE SURVEY LOCATED AT THE PLANNING & DEVELOPMENT SERVICE BUILDING, 1601 S. STATE ST., BLDG. C, DECATUR, TEXAS, THE "PROPERTY". COUNCIL CONSIDERATION AND APPROVAL OF THIS ITEM IS SUBJECT TO COUNCIL APPROVAL OF THE REQUEST FOR ANNEXATION. **(COMPREHENSIVE PLAN AMENDMENT APPLICATION 2021-02—MR. JOSH JEZEK'S REQUEST, ON BEHALF OF DECATUR QOZB LLC) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
5. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO 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 11.224 ACRES OF LAND WHICH IS CURRENTLY IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY BUT FOR WHICH THE PROPERTY OWNER HAS REQUESTED ANNEXATION INTO THE CITY'S CORPORATE LIMITS. UPON THE EFFECTIVE DATE OF ANNEXATION, THE PROPERTY WOULD BE ZONED AS MULTI-FAMILY RESIDENTIAL (MF) ZONING DISTRICT. THE PROPERTY IS GENERALLY LOCATED SOUTH OF CROSSROADS CHURCH'S SOUTHERN PROPERTY LINE, APPROXIMATELY 83.5' NORTHWEST OF THE CENTERLINE OF WEST THOMPSON STREET, AND APPROXIMATELY 65.2' WEST OF THE CENTERLINE OF DEER PARK ROAD, ADJACENT TO THE CURRENT CITY LIMITS IN DECATUR'S WESTERN EXTRATERRITORIAL JURISDICTION (ETJ), WISE COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS ON THE SURVEY LOCATED AT THE PLANNING & DEVELOPMENT SERVICE BUILDING, 1601 S. STATE ST., BLDG. C, DECATUR, TEXAS, THE "PROPERTY". COUNCIL CONSIDERATION AND APPROVAL OF THIS ITEM IS SUBJECT TO ITS APPROVAL OF BOTH THE REQUEST FOR ANNEXATION AND THE ACCOMPANYING PROPOSED COMPREHENSIVE PLAN AND FUTURE LAND USE MAP AMENDMENT. **(ZONING CHANGE APPLICATION 2021-03 —MR. JOSH JEZEK'S REQUEST, ON BEHALF OF DECATUR QOZB LLC) (THE PLANNING**

AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)

6. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING FOR VOLUNTARY ANNEXATION OF AN APPROXIMATE 137.02 ACRES OF LAND WHICH IS CURRENTLY IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY. THE PROPERTY TO BE ANNEXED IS GENERALLY LOCATED SOUTH OF SOUTH MARTIN BRANCH PLANNED DEVELOPMENT'S SOUTHERN PROPERTY LINE, APPROXIMATELY 628.3' EAST OF THE CENTERLINE OF OLD REUNION ROAD AND APPROXIMATELY 51.1' WEST OF THE CENTERLINE OF FM 730 IN DECATUR'S SOUTHERN EXTRATERRITORIAL JURISDICTION (ETJ), ADJACENT TO THE CURRENT CITY LIMITS, WISE COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS ON THE SURVEY LOCATED AT THE PLANNING & DEVELOPMENT SERVICE BUILDING, 1601 S. STATE ST., BLDG. C, DECATUR, TEXAS. **(ANNEXATION APPLICATION A2021-02—MR. TROY LEWIS, ON BEHALF OF RICK AND DEREK MCCARLEY) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
7. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO 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 137.02 ACRES OF LAND WHICH IS CURRENTLY IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY BUT FOR WHICH THE PROPERTY OWNER HAS REQUESTED ANNEXATION INTO THE CITY'S CORPORATE LIMITS, TO CHANGE THE DESIGNATION ON THE PROPERTY, FROM AGRICULTURE AND RURAL LIVING (AR - ETJ) TO A COMMUNITY COMMERCIAL (CC) AND COMPACT NEIGHBORHOOD (CN) LAND USE DESIGNATION. THE PROPERTY IS GENERALLY LOCATED SOUTH OF SOUTH MARTIN BRANCH PLANNED DEVELOPMENT'S SOUTHERN PROPERTY LINE, APPROXIMATELY 628.3' EAST OF THE CENTERLINE OF OLD REUNION ROAD AND APPROXIMATELY 51.1' WEST OF THE CENTERLINE OF FM 730 IN DECATUR'S SOUTHERN EXTRATERRITORIAL JURISDICTION (ETJ), ADJACENT TO THE CURRENT CITY LIMITS, WISE COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS ON THE SURVEY LOCATED AT THE PLANNING & DEVELOPMENT SERVICE BUILDING, 1601 S. STATE ST., BLDG. C, DECATUR, TEXAS. COUNCIL CONSIDERATION AND APPROVAL OF THIS ITEM IS SUBJECT TO ITS APPROVAL OF THE REQUEST FOR ANNEXATION. **(COMPREHENSIVE PLAN AMENDMENT APPLICATION 2021-02—MR. TROY LEWIS, ON BEHALF OF RICK AND DEREK MCCARLEY) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
8. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO 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 11.224 ACRES OF LAND WHICH IS CURRENTLY IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY BUT FOR WHICH THE PROPERTY OWNER HAS REQUESTED ANNEXATION INTO THE CITY'S CORPORATE LIMITS. UPON THE EFFECTIVE DATE OF ANNEXATION, THE PROPERTY WOULD BE ZONED AS SINGLE FAMILY-2 RESIDENTIAL (SF-2) AND RESTRICTED BUSINESS (C-1) ZONING DISTRICT. THE PROPERTY IS GENERALLY LOCATED SOUTH OF SOUTH MARTIN BRANCH PLANNED DEVELOPMENT'S SOUTHERN PROPERTY LINE, APPROXIMATELY 628.3' EAST OF THE CENTERLINE OF OLD REUNION ROAD AND APPROXIMATELY 51.1' WEST OF THE CENTERLINE OF FM 730 IN DECATUR'S SOUTHERN EXTRATERRITORIAL JURISDICTION (ETJ), ADJACENT TO THE CURRENT CITY LIMITS, WISE COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS ON THE SURVEY LOCATED AT THE PLANNING & DEVELOPMENT SERVICE BUILDING, 1601 S. STATE ST., BLDG. C, DECATUR, TEXAS. COUNCIL CONSIDERATION AND APPROVAL OF THIS ITEM IS SUBJECT TO ITS APPROVAL OF BOTH THE REQUEST FOR ANNEXATION AND THE ACCOMPANYING PROPOSED COMPREHENSIVE PLAN AND FUTURE LAND USE MAP AMENDMENT. **(ZONING CHANGE APPLICATION 2021-03—MR. TROY LEWIS, ON BEHALF OF RICK AND DEREK MCCARLEY) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**

9. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO 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 23.03 ACRES OF LAND LOCATED AT 3472 S. US HIGHWAY 81/287, DECATUR, TEXAS, AND AN APPROXIMATE 3.15 ACRES OF LAND GENERALLY LOCATED TO THE CENTERLINE OF US HIGHWAY 81/287 SERVICE ROAD, DECATUR, TEXAS, FROM COMPACT NEIGHBORHOOD (CN) LAND USE DESIGNATIONS TO AN ACTIVITY CENTER (AC) LAND USE DESIGNATION. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 3472 S. US HIGHWAY 81/287, DECATUR, TEXAS. **(COMPREHENSIVE PLAN AMENDMENT APPLICATION 2021-04—CITY OF DECATUR, ON BEHALF OF WISE ASSET PROPERTY DECATUR LTD) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 5-0-1, COMMISSIONER WOODRUFF ABSTAINED.)**
10. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO SECTION 6.1.2, "ALLOWED USES AND PERMIT REQUIREMENTS", OF ARTICLE 6, "USE REGULATIONS", OF APPENDIX "B", "ZONING", OF THE CITY'S CODE OF ORDINANCES, CONTAINING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO AMEND REGULATIONS RELATING TO THE SALE OF ALCOHOLIC BEVERAGES, INCLUDING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION AND THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION IN VARIOUS ZONING DISTRICTS, TO ALLOW THOSE USES IN THE CONVENTION OVERLAY DISTRICT (CD) UPON CITY COUNCIL APPROVAL OF A SPECIFIC USE PERMIT ("SUP") AND PROVIDING CRITERIA FOR COUNCIL CONSIDERATION OF A SPECIFIC USE PERMIT. **(APPLICATION SI2021-06_SUP2021-04—CITY OF DECATUR) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
11. HOLD A PUBLIC HEARING AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO APPENDIX "B," "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CONVENIENCE STORE IN A CD, CONVENTION OVERLAY ZONING DISTRICT, ON AN APPROXIMATE 6.7245 ACRE TRACT OF LAND BEING LEGALLY DESCRIBED AS LOT 1, BLOCK 1, CEFCO ADDITION, OR MORE COMMONLY REFERRED TO AS 2202 W. US HIGHWAY 380 BYPASS, DECATUR, TEXAS. **(APPLICATION SUP2021-02—MR. JORDAN SCHAEFER, ON BEHALF OF C.L. GAGE, GEORGE GAGE AND CEFCO) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
12. HOLD A PUBLIC HEARING, HEAR COMMENTS AND CONSIDER FIRST READING OF AN ORDINANCE PROVIDING AN AMENDMENT TO 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 BEVERAGES FOR OFF-PREMISES CONSUMPTION IN A CD, CONVENTION OVERLAY ZONING DISTRICT, ON AN APPROXIMATE 6.7245 ACRE TRACT OF LAND BEING LEGALLY DESCRIBED AS LOT 1, BLOCK 1, CEFCO ADDITION, OR MORE COMMONLY REFERRED TO AS 2202 W. US HIGHWAY 380 BYPASS, DECATUR, TEXAS. **(APPLICATION SUP2021-03— MR. JORDAN SCHAEFER, ON BEHALF OF C.L. GAGE, GEORGE GAGE AND CEFCO) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
13. HOLD A PUBLIC HEARING AND TAKE APPROPRIATE ACTION REGARDING AN EXCEPTION TO THE DISTANCE REQUIREMENTS CONTAINED IN APPENDIX "B", "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS, SPECIFICALLY SECTION 6.2.8(E)(4), TO ALLOW THE COUNTY SEAT BAR LOCATED AT 107 S. TRINITY STREET, DECATUR, TEXAS TO SELL ALCOHOLIC BEVERAGES AND THE SALE OF BEER AND WINE FOR ON-PREMISES CONSUMPTION TO BE 233.1 FEET FROM A PRIVATE SCHOOL, 66.9 FEET CLOSER THAN WHAT IS PERMITTED BY THE CODE OF ORDINANCES. **(APPLICATION ABX2021-01—MR. BRENDAN MITCHELL'S REQUEST, ON BEHALF OF TCS OPERATIONS, LLC AND BARRISTER HOLDINGS, LLC SERIES C) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 5-1, VICE-CHAIRMAN CRESWELL OPPOSED.)**

CLOSE PUBLIC HEARING:

14. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CONTRACT OF SERVICE BETWEEN WISE COUNTY AND THE DECATUR PUBLIC LIBRARY FOR SERVICES AS A COUNTY LIBRARY 2021-2022 AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT.
15. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REVISIONS TO THE CITY OF DECATUR'S PERSONNEL POLICIES.
16. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST BY MELISSA MCALISTER, DISD ADMINISTRATOR TO CLOSE THE 100 BLOCK OF STATE STREET AND THE 100 BLOCK OF MAIN STREET IN THE IMMEDIATE DOWNTOWN AREA FROM 4:00 TO 6:30 P.M. ON SATURDAY, MARCH 26, 2022 FOR PROM PHOTOS.
17. **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 DECEMBER 13, 2021.
 - B. CONSIDER APPROVAL OF BILLS AND INVOICES FOR DECEMBER 2021
 - C. CONSIDER THE APPOINTMENT OF JAFID HERRERA TO SERVE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM ENDING ON MAY 31, 2022.
18. 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.
19. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

ADJOURNMENT

I hereby certify that the above agenda was posted on the official bulletin board at City Hall, 201 E. Walnut, Decatur Texas, on Friday, January 7, 2022, by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

Asucena Garcia, TRMC
City Secretary

***NOTE:** The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY.**

