



CITY OF DECATUR, TEXAS

REGULAR - CITY COUNCIL MEETING Decatur City Hall - 201 E. Walnut, Decatur, TX November 14, 2022 AND VIA VIDEOCONFERENCE/TELECONFERENCE

Videoconferencing 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) (MEETING/WEBINAR ID: 882 4164 2850 PASSCODE: 563791) or watch live at: <https://decaturtx.new.swagit.com/views/212/>

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 Mayor 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.

REGULAR MEETING 6:00 p.m.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. CONSIDER TAKING ACTION ON A SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS AMENDING ARTICLE II, "WEEDS AND WILD GROWTH OF VEGETATION" OF CHAPTER 10, "NUISANCES" OF THE CODE OF ORDINANCES TO PROHIBIT THE ACCUMULATION OF WEEDS AND OTHER OBJECTIONABLE MATTER, PROVIDING A METHOD FOR NOTICE, ABATEMENT, AND FILING OF LIEN BY THE CITY; PROVIDING FOR AN APPEAL PROCESS; PROVIDING ADDITIONAL AUTHORITY FOR ABATEMENT OF DANGEROUS WEEDS WITHOUT NOTICE; PROVIDING A PENALTY FOR VIOLATION NOT TO EXCEED \$2,000 PER DAY FOR EACH VIOLATION THAT OCCURS OR EXISTS ON A DAY OR PART OF A DAY; AND PROVIDING AN EFFECTIVE DATE. **ORDINANCE 2022-11-30**
2. CONSIDER TAKING ACTION ON A SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS PROVIDING FOR AN AMENDMENT TO THE CITY'S FY 2022-2023 BUDGET, ADOPTED VIA ORDINANCE NO. 2022-09-21, TO ACCOUNT FOR THE ACCEPTED ARPA FUNDS IN THE GENERAL FUND; PROVIDING FOR THE INCORPORATION OF

PREMISES; PROVIDING FOR AN AMENDMENT TO ORDINANCE NO. 2022-09-21; PROVIDING FOR THE FILING OF THE AMENDED FY 2022-2023 BUDGET; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **ORDINANCE 2022-10-25**

3. CONSIDER AND TAKE APPROPRIATE ACTION ON A REVISED PERFORMANCE AGREEMENT BETWEEN THE CORPORATION FOR ECONOMIC DEVELOPMENT OF THE CITY OF DECATUR, TEXAS AND GT PRODUCTS.
4. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSULTING AGREEMENT WITH GREG MOORE OF MOORE DATA SOLUTIONS LLC TO IMPLEMENT THE CASELLE SOFTWARE PROJECT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.
5. CONSIDER AND TAKE APPROPRIATE ACTION TO AWARD A BID FOR CITY EMPLOYEE GROUP INSURANCE FOR THE ENROLLMENT PERIOD OF JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS.
6. CONSIDER A REQUEST OF THE DECATUR CHAMBER OF COMMERCE FOR STREET CLOSURES FOR THE ANNUAL CHRISTMAS TREE LIGHTING FOR A CHRISTMAS TREE LIGHTING EVENT ON THE COURTHOUSE SQUARE FROM 5:00 TO 7:00 PM:
 - BEGINNING AT 3:30 PM ON MONDAY, NOVEMBER 28, 2022 TO 8:00 PM ON TUESDAY, NOVEMBER 29, 2022 THE 100 BLOCK OF SOUTH TRINITY FROM MAIN STREET TO PECAN STREET
 - BEGINNING AT 3:00 PM ON TUESDAY, NOVEMBER 29TH: THE 100 BLOCK OF WEST MAIN TO MARKET STREET ON THE EAST END AND THE 100 BLOCK OF NORTH TRINITY
7. CONSIDER A REQUEST OF THE DECATUR CHAMBER OF COMMERCE REGARDING THE FOLLOWING STREET CLOSURES FOR THE MOONLIGHT MADNESS LIGHTED PARADE ON SATURDAY, DECEMBER 3, 2022:
 - 10:00 PM ON FRIDAY, DECEMBER 2ND TO 10:00 PM ON SATURDAY, DECEMBER 3RD: THE INTERIOR PARKING SPOTS AROUND THE COURTHOUSE ON WALNUT, STATE, TRINITY AND MAIN STREETS
 - 2:00 PM TO 8:00 PM ON SATURDAY, DECEMBER 3RD: 121 N. STATE STREET TO 103 N. STATE STREET
 - 2:00 PM SATURDAY, DECEMBER 3RD: BLOCK PARKING SPACES ON WALNUT AND MAIN STREETS ON BUSINESS SIDE, SPACES TO REOPEN FOLLOWING THE PARADE
 - 3:30 PM ON SATURDAY, DECEMBER 3RD: EMBRY STREET LEADING INTO EAGLE STADIUM
 - 5:30 PM ON SATURDAY, DECEMBER 3RD THE PARADE WILL HEAD WEST ON WALNUT STREET, LEFT ON WASHBURN, THEN TURN LEFT ON TO MAIN STREET. PARADE WILL BEGIN AT 6:00 PM.
8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, GRANTING A PETITION REQUESTING ANNEXATION OF APPROXIMATELY 1.604 ACRE (69,860 SQUARE FOOT) TRACT OF LAND SITUATED IN THE DAVID MOSES SURVEY, ABSTRACT NO. 537, WISE COUNTY, TEXAS; SAID TRACT BEING PART OF THOSE CERTAIN TRACTS OF LAND DESCRIBED IN GENERAL WARRANTY DEEDS TO DEER PARK QOZB LLC, RECORDED IN INSTRUMENT NO. 202113185 AND INSTRUMENT NO. 202113187 OF THE OFFICIAL PUBLIC RECORDS OF WISE COUNTY, TEXAS; SAID 1.604 ACRE (69,860 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (BEARING SYSTEM FOR THIS SURVEY IS

BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE 4202. DISTANCES REPORTED HAVE BEEN SCALED BY APPLYING A COMPUTED SCALE FACTOR OF 1.00017002991) AND GENERALLY LOCATED AT THE INTERSECTION OF DEER PARK ROAD AND THOMPSON STREET, WISE COUNTY, TEXAS, AS FURTHER DESCRIBED WITHIN, SETTING A PUBLIC HEARING FOR THE ANNEXATION; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO HAVE NOTICE OF SUCH PUBLIC HEARING PUBLISHED; AUTHORIZING CITY STAFF TO NEGOTIATE AND EXECUTE A WRITTEN SERVICE AGREEMENT WITH THE PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE. **RESOLUTION 2022-11-23 (APPLICANTS: DEVELOPER: MR. JOSH JEZEK, ON BEHALF OF LANDOWNER DEER PARK QOZB, LLC)**

9. CONSIDER AND TAKE APPROPRIATE ACTION TO ON A SHARED PARKING AND ACCESS AGREEMENT BETWEEN DECATUR OPPORTUNITY FUND II. LLC, 1400 AND 1404 S. FM 51, (THE "SOUTH TRACT OWNER") AND FX5 REAL ESTATE, LP, 1300 S. FM 51, (THE "NORTH TRACT OWNER"). **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 4-0, COMMISSIONERS WOODRUFF AND CROSS ABSENT.)**
10. **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, 4-0, COMMISSIONERS WOODRUFF AND CROSS ABSENT.)**

- A. **PP2022-04** CONSIDER TAKING ACTION ON A REQUEST TO PRELIMINARY PLAT PHASE 1, LOTS 1-29, 30-X, 31-X, BLOCK A; LOTS 1-X, 2-55, BLOCK B; LOTS 1, 2-X, 3-X, 4-X, BLOCK C; LOTS 1-X, 2-22, BLOCK D; LOTS 1-37, 38-X, BLOCK E; LOTS 1-30, BLOCK F, LOTS 1-44, LOT G; LOTS 34- 50, BLOCK H; LOTS 1, 2-X, 3, BLOCK I, LOTS 1-X, 2-4, BLOCK J; PHASE 2, LOTS 1-33, BLOCK H; LOTS 5-13, BLOCK J; LOTS 1-45, BLOCK K; LOTS 1-34, BLOCK L; LOTS 1-62, 63- X, 64 AND 65-X, BLOCK M AND LOT 1, BLOCK N (435 TOTAL LOTS) PALOMA TRAILS, BEING AN APPROXIMATELY 165.511-ACRE TRACT OF LAND IN THE H.D. DONALD SURVEY, ABSTRACT NUMBER 1158 AND JOHN C. LOGAN SURVEY, ABSTRACT NUMBER 494, CITY OF DECATUR, WISE COUNTY, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION PP2022-04—MR. TODD WINTTERS, ON BEHALF OF JAMES CHRISTOPHER KNAPP, DARCY LEE KNAPP FRICKS AND SHELLY LYNN KNAPP, ET AL)**

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

- B. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETINGS HELD OCTOBER 10, 2022 AND OCTOBER 24, 2022.
 - C. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR OCTOBER 2022.
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.

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:

§ 551.074: PERSONNEL MATTERS. DELIBERATION REGARDING THE APPOINTMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF PUBLIC OFFICER OR EMPLOYEE: EVALUATION OF CITY MANAGER

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.

13. 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 Thursday, November 10, 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.**