



CITY OF DECATUR, TEXAS

REGULAR - CITY COUNCIL MEETING Decatur City Hall - 201 E. Walnut, Decatur, TX December 12, 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 ORDINANCE NO. 2021-09-12 TO APPROPRIATE AND BUDGET FUNDS FOR SERIES 2022 BOND EXPENSES IN THE WATER AND SEWER FUND. PROVIDING FOR THE FILING OF THE AMENDED FY 2021-2022 BUDGET; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **ORDINANCE 2022-11-31**
2. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ADOPTING A NON-SUFFICIENT FUNDS (NSF)/ RETURNED CHECKS OR BANK DRAFTS/AUTOMATED CLEARING HOUSE (ACH) REJECTS POLICY AND FEE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING A CUMULATIVE REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. **RESOLUTION 2022-12-26**

**Planning and Zoning
Public Hearing Items:**

3. CONSIDER FIRST READING OF THE ORDINANCE AND HOLDING A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON THE PROPOSED VOLUNTARY ANNEXATION BY THE CITY OF DECATUR, TEXAS, OF A TRACT OF LAND FOR RIGHT-OF-WAY, 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, 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 A2022-02—MR. JOSH JEZEK, ON BEHALF OF PROPERTY OWNERS DEER PARK QOZB, LLC.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.) A2022-02**
4. CONSIDER FIRST READING OF THE ORDINANCE AND HOLDING A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON 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 1.604 ACRES OF LAND FOR RIGHT-OF-WAY, 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 AGRICULTURAL AND RURAL LIVING (AR - ETJ) TO AN ACTIVITY CENTER (AC) LAND USE DESIGNATION. THE PROPERTY IS GENERALLY LOCATED IN THE DAVID MOSES SURVEY, ABSTRACT NO. 537, WISE COUNTY, TEXAS AND GENERALLY LOCATED AT THE INTERSECTION OF DEER PARK ROAD AND THOMPSON STREET, 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 COMMISSION RECOMMENDATION FOR THIS ITEM IS SUBJECT TO THE CITY COUNCIL'S APPROVAL OF THE REQUEST FOR ANNEXATION. **(COMPREHENSIVE PLAN AMENDMENT APPLICATION 2022-03—MR. JOSH JEZEK, ON BEHALF OF PROPERTY OWNERS DEER PARK QOZB, LLC.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.) CP2022-03**
5. CONSIDER FIRST READING OF THE ORDINANCE AND HOLDING A PUBLIC HEARING GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON 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 1.604 ACRES OF LAND FOR RIGHT-OF-WAY, 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 IN THE DAVID MOSES SURVEY, ABSTRACT NO. 537, WISE COUNTY, TEXAS AND GENERALLY LOCATED AT THE INTERSECTION OF DEER PARK ROAD AND THOMPSON STREET, 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 COMMISSION RECOMMENDATION FOR THIS ITEM IS SUBJECT TO THE CITY COUNCIL'S APPROVAL OF THE REQUEST FOR ANNEXATION AND THE ACCOMPANYING PROPOSED COMPREHENSIVE PLAN AND FUTURE LAND USE MAP AMENDMENT. **(ZONING CHANGE APPLICATION 2022-04—MR. JOSH JEZEK, ON BEHALF OF PROPERTY OWNERS DEER PARK QOZB, LLC.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.) ZC2022-04**

Non-Public Hearing Items:

6. **V2022-12** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 2, SECTION 201, "STREET IMPROVEMENTS (CURB/GUTTER)," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 100.0 LINEAR FEET OF PROPERTY LOCATED ALONG SOUTH CHURCH ST., WHERE ADJACENT TO THE WESTERN BOUNDARY OF LOT 3, BLOCK 6, SOUTH DECATUR ADDITION, AND MORE COMMONLY REFERRED TO AS 709 S. CHURCH ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-12—MR. HECTOR DE AVILA) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**
7. **V2022-13** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, "SIDEWALKS," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 100.0 LINEAR FEET OF PROPERTY LOCATED ALONG SOUTH CHURCH ST., WHERE ADJACENT TO THE WESTERN BOUNDARY OF LOT 3, BLOCK 6, SOUTH DECATUR ADDITION, AND MORE COMMONLY REFERRED TO AS 709 S. CHURCH ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-13—MR. HECTOR DE AVILA) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**
8. **V2022-14** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 2, SECTION 201, "STREET IMPROVEMENTS (CURB/GUTTER)," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 109.9 LINEAR FEET OF PROPERTY LOCATED ALONG EAST COLLINS ST., WHERE ADJACENT TO THE SOUTHERN BOUNDARY OF LOT 3, BLOCK 6, SOUTH DECATUR ADDITION, AND MORE COMMONLY REFERRED TO AS 709 S. CHURCH ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-14—MR. HECTOR DE AVILA) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**
9. **V2022-15** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, "SIDEWALKS," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 109.9 LINEAR FEET OF PROPERTY LOCATED ALONG EAST COLLINS ST., WHERE ADJACENT TO THE SOUTHERN BOUNDARY OF

LOT 3, BLOCK 6, SOUTH DECATUR ADDITION, AND MORE COMMONLY REFERRED TO AS 709 S. CHURCH ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-15—MR. HECTOR DE AVILA) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**

10. **V2022-16** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 2, SECTION 201, "STREET IMPROVEMENTS (CURB/GUTTER)," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 460 LINEAR FEET OF PROPERTY LOCATED ALONG WEST THOMPSON ST., WHERE ADJACENT TO THE SOUTHERN BOUNDARY OF LOT 1, BLOCK 1, DECATUR ISD SCHOOL ADDITION, AND MORE COMMONLY REFERRED TO AS 1201 W. THOMPSON ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-16—MR. JOHN KNOWLES, ON BEHALF OF DECATUR ISD) (THE PLANNING AND ZONING COMMISSION RECOMMEND DENIAL, 3-2, COMMISSIONERS CROSS AND WOODRUFF OPPOSED AND CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**
11. **V2022-17** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, "SIDEWALKS," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 1,624 LINEAR FEET OF PROPERTY LOCATED ALONG WEST THOMPSON ST., WHERE ADJACENT TO THE NORTHERN BOUNDARY OF LOT 1, BLOCK 1, DECATUR ISD SCHOOL ADDITION, AND MORE COMMONLY REFERRED TO AS 1201 W. THOMPSON ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-17—MR. JOHN KNOWLES, ON BEHALF OF DECATUR ISD) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**
12. **V2022-18** CONSIDER TAKING ACTION ON A REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, "SIDEWALKS," OF THE CITY OF DECATUR'S DESIGN STANDARDS ON APPROXIMATELY 1,730 LINEAR FEET OF PROPERTY LOCATED ALONG WEST EAGLE DR., WHERE ADJACENT TO THE SOUTHERN BOUNDARY OF LOT 1, BLOCK 1, DECATUR ISD SCHOOL ADDITION, AND MORE COMMONLY REFERRED TO AS 1201 W. THOMPSON ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(APPLICATION V2022-18—MR. JOHN KNOWLES, ON BEHALF OF DECATUR ISD) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**
13. **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. **FP2022-03** CONSIDER TAKING ACTION ON A REQUEST TO FINAL PLAT LOT 1, BLOCK 1, DECATUR TA ADDITION, BEING AN APPROXIMATELY 17.479-ACRE TRACT OF LAND IN THE ANTONIO HERNANDEZ SURVEY, ABSTRACT NUMBER 401, 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 FP2022-03—MR. MAJED KHALAF, ON BEHALF OF ELORR REALTY, LLC.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL, 5-0, CHAIRMAN LEMOND AND COMMISSIONER HICKS ABSENT.)**

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

- B. CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF COUNCIL MEETINGS HELD NOVEMBER 14, 2022, NOVEMBER 16, 2022 AND NOVEMBER 28, 2022.
 - C. CONSIDER AND TAKE ACTION ON APPROVAL OF BILLS AND INVOICES FOR NOVEMBER 2022.
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. **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.

§ 551.071: 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: ANNEXATION.

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.

16. 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, December 8, 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.**