



# CITY OF DECATUR, TEXAS

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## AGENDA CITY COUNCIL MEETING Monday, January 13, 2020 **REGULAR MEETING 6:00 p.m.**

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

### *General Agenda 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.*

### OPEN PUBLIC HEARING:

1. HEAR STAFF REPORT AND PUBLIC COMMENTS AND CONSIDER TAKING ACTION REGARDING **REPLAT APPLICATION 2019-22**—MR. DARRELL MCCANDLESS' REQUEST, ON BEHALF OF ZUBERI AND ASSOCIATES, INC., TO FINAL PLAT LOT 1R, BLOCK 16, SOUTH DECATUR ADDITION, BEING APPROXIMATELY 0.588 ACRE TRACT OF LAND IN THE CITY OF DECATUR, WISE COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS DESCRIBED AS LOTS 1 & 2, BLOCK 16, SOUTH DECATUR ADDITION AS RECORDED IN VOLUME 8, PAGE 642 OF THE DEED RECORDS OF WISE COUNTY, TEXAS AND THE SOUTH 25 FEET OF ABANDONED COLLINS ST. IN CITY ORDINANCE NO. 2016-03-04, AS RECORDED IN INSTRUMENT NO. 201602359, OFFICIAL RECORDS OF WISE COUNTY, TEXAS AND THE EAST 17 FEET OF AN ABANDONED ALLEY IN CITY ORDINANCE 2005-10-19 AS RECORDED IN VOLUME 377, PAGE 559 D.R.W.C.T., AND MORE COMMONLY REFERRED TO AS 800 S. TRENCHARD ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**
2. HEAR STAFF REPORT AND PUBLIC COMMENTS AND CONSIDER FIRST 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 A C-1A, DECATUR SQUARE BUSINESS ZONING DISTRICT, ON APPROXIMATELY 0.057 ACRES OF LAND AND INCLUDING APPROXIMATELY 0.014 ACRES TO THE CENTERLINE OF N. STATE ST. AND 0.005 ACRES TO THE CENTERLINE OF A 17' ALLEY WHERE ADJACENT TO THE SUBJECT TRACT. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 25' WEST OF THE CENTERLINE OF N. STATE ST. AND 88' SOUTH OF THE CENTERLINE OF W.

WALNUT ST. AND IS MORE COMMONLY REFERRED TO AS 113 N. STATE ST., DECATUR, TEXAS. (**APPLICATION SUP2019-04**—MR. MICHAEL BARNETT’S REQUEST, ON BEHALF OF STATE ST. PIZZA CO.) (**THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.**)

3. HEAR STAFF REPORT AND PUBLIC COMMENTS AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING APPENDIX “B,” “ZONING,” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A COMPREHENSIVE PLAN AMENDMENT AND TO AMEND THE LAND USE MAP FROM AN INSTITUTIONAL (INST) LAND USE DESIGNATION TO A COMMERCIAL (COM) LAND USE DESIGNATION, ON AN APPROXIMATE 1.856-ACRE TRACT OF LAND AND INCLUDING APPROXIMATELY 0.05 ACRES TO THE CENTERLINE OF S. FM51 AND 0.40 ACRES TO THE CENTERLINE OF PRESKITT RD. WHERE ADJACENT TO THE SUBJECT TRACT. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST INTERSECTION OF S. FM51 AND PRESKITT RD. AND IS MORE COMMONLY REFERRED TO AS 2501 S. FM 51, DECATUR, TEXAS. (**APPLICATION CP2019-03**—JODY ADAMS’ REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL LTD.) (**THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.**)
4. HEAR STAFF REPORT AND PUBLIC COMMENTS AND CONSIDER FIRST READING OF AN ORDINANCE AMENDING APPENDIX “B,” “ZONING,” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A ZONING CHANGE AND TO AMEND THE ZONING MAP FROM A C-1, RESTRICTED BUSINESS ZONING DISTRICT TO A C-2, THOROUGHFARE BUSINESS ZONING DISTRICT FOR AN APPROXIMATE 1.856-ACRE TRACT OF LAND AND INCLUDING APPROXIMATELY 0.57 ACRES TO THE CENTERLINE OF S. FM51 AND 0.40 ACRES TO THE CENTERLINE OF PRESKITT RD. WHERE ADJACENT TO THE SUBJECT TRACT. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST INTERSECTION OF S. FM51 AND PRESKITT RD. AND IS MORE COMMONLY REFERRED TO AS 2501 S. FM 51, DECATUR, TEXAS. (APPLICATION ZC2019-06—JODY ADAMS’ REQUEST, ON BEHALF OF DOUBLE CREEK CAPITAL, LTD.) (**THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.**)

### **CLOSE PUBLIC HEARING**

5. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, AMENDING ORDINANCE NO. 2019-12-29 TO ALTER THE MAXIMUM PENALTY PROVIDED FOR IN ORDINANCE NO. 2019-12-29 FROM \$500.00 TO \$200.00 TO REFLECT THE MAXIMUM PENALTY PERMITTED BY SECTION 542.401 OF THE TEXAS TRANSPORTATION CODE; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING AMENDMENTS TO ORDINANCE NO. 2019-12-29; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.
6. **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 ON AUGUST 19, 2019
  - B. CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON DECEMBER 9, 2019
  - C. CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON DECEMBER 30, 2019
  - D. CONSIDER APPROVAL OF BILLS AND INVOICES FOR DECEMBER 2019.

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 10, 2020**, by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

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Diane Cockrell, TRMC, CMC, 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.