



CITY OF DECATUR, TEXAS

****AMENDED AGENDA
CITY COUNCIL MEETING
Monday, May 13, 2019**

**REGULAR MEETING
6:00 p.m.**

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. PRESENTATION OF A PROCLAMATION DESIGNATING *MAY 23, 2019 AS HEALTHY HEROES SUMMER READING KICK OFF DAY* AT DECATUR PUBLIC LIBRARY.
2. CONSIDER A RESOLUTION CANVASSING THE GENERAL ELECTION OF THE CITY OF DECATUR HELD MAY 4, 2019.
3. PRESENTATION TO COUNCIL MEMBERS SUSAN COCANOUGH, MARGARET DOUBRAVA AND RANDY PARKER.
4. OATHS OF OFFICE TO BE ADMINISTERED TO COUNCIL MEMBERS: PLACE 2 – JAKE HAYES, PLACE 4 – WILL CARPENTER AND PLACE 6 – MELINDA REEVES.
5. ORGANIZATION OF COUNCIL – DETERMINE APPOINTMENTS FOR MAYOR PRO TEM, DEPUTY MAYOR PRO TEM, EDC REPRESENTATIVE, COUNCIL OF GOVERNMENT REPRESENTATIVE AND AIRPORT LIAISON.

Planning and Zoning Report:

6. CONSIDER TAKING ACTION ON 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 SF-2, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO 2F, TWO-FAMILY ZONING DISTRICT FOR AN APPROXIMATE 0.431 ACRE TRACT OF LAND AND FOR AN APPROXIMATE 0.014 ACRES TO THE CENTERLINE OF HENRY STREET (AN UNOPENED R.O.W.) WHERE ADJACENT TO THE 0.431 ACRE TRACT. THE PROPERTY IS LEGALLY DESCRIBED AS LOT 1-R, BLOCK 4, S.L. TERRELL'S ADDITION AND IS MORE COMMONLY REFERRED TO AS 305 E. VERNON STREET, DECATUR, TEXAS. (APPLICATION ZC2019-01—MR. LARRY HENRY'S REQUEST.) **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 3-1, COMMISSIONER LANIER OPPOSED AND VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT. MOTION TO APPROVE FAILED TO RECEIVE A MAJORITY VOTE; THEREFORE, IT FAILED AND THE RECOMMENDATION FOR THE APPLICATION IS DENIAL. 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. OPPOSITION TO THIS APPLICATION**

REACHED 21.45%. 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.)

7. CONSIDER TAKING ACTION ON AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN THE CITY OF DECATUR, TEXAS AND QUIKTRIP CORPORATION FOR DIRECTIONAL SIGNS LOCATED IN UTILITY EASEMENTS ALONG TRENCHARD ST. AND US HWY 81-287 PENDING APPROVAL BY THE BOARD OF ADJUSTMENT (ZBA) FOR FRONT YARD SETBACK ENCROACHMENT VARIANCES AND AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT.
8. HEAR STAFF REPORT AND CONSIDER TAKING ACTION ON SEVERAL **VARIANCE APPLICATIONS (2019-18, 2019-19, 2019-20, 2019-21, 2019-22, 2019-23 AND 2019-24)**—JOHN PIMENTEL’S REQUEST, ON BEHALF OF QUIKTRIP CORPORATION, FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-7(A)(19) DIRECTIONAL SIGNS. SPECIFICALLY, APPLICANT IS REQUESTING SEVEN DIRECTIONAL SIGNS THAT EXCEED THE MAXIMUM ALLOWABLE SIGN AREA AND THE MAXIMUM ALLOWABLE SIGN HEIGHT. THE SUBJECT PROPERTY IS GENERALLY LOCATED AT 701 W. HALE ST., DECATUR, TEXAS:
 - A. V2019-18 – DIRECTIONAL SIGN #1, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG S. TRENCHARD ST.
 - B. V2019-19 – DIRECTIONAL SIGN #2, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG S. TRENCHARD ST.
 - C. V2019-20 – DIRECTIONAL SIGN #3, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG S. TRENCHARD ST.
 - D. V2019-21 – DIRECTIONAL SIGN #4, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG US HWY 81-287 RAMP
 - E. V2019-22 – DIRECTIONAL SIGN #5, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG US HWY 81-287 RAMP
 - F. V2019-23 – DIRECTIONAL SIGN #6, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG US HWY 81-287 RAMP
 - G. V2019-24 – DIRECTIONAL SIGN #7, 12.37 SQ. FT. AND 6’ 3/8” IN HEIGHT, LOCATED ALONG HALE ST.
9. CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-30**—MR. DANNY NEIGHBORS AND MR. ZACHARY HALE’S REQUEST FOR A VARIANCE FROM CHAPTER 2, SECTION 201, STREET IMPROVEMENTS (CURB/GUTTER) OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 489 LINEAR FEET OF PROPERTY LOCATED ALONG DECATUR COUNTRY CLUB RD., WHERE ADJACENT TO THE SOUTH BOUNDARY OF PROPOSED LOT 1, BLOCK 1, BIRDWELL SUBDIVISION, AND MORE COMMONLY REFERRED TO AS 141 DECATUR COUNTRY CLUB RD., DECATUR, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT.)**
10. CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-31**—MR. DANNY NEIGHBORS AND MR. ZACHARY HALE’S REQUEST FOR A VARIANCE FROM CHAPTER 1, SECTION 106, SIDEWALKS OF THE CITY OF DECATUR’S DESIGN STANDARDS ON APPROXIMATELY 489 LINEAR FEET OF PROPERTY LOCATED ALONG DECATUR COUNTRY CLUB RD., WHERE ADJACENT TO THE SOUTH BOUNDARY OF PROPOSED LOT 1, BLOCK 1, BIRDWELL SUBDIVISION, AND MORE COMMONLY REFERRED TO AS 141 DECATUR COUNTRY CLUB RD., DECATUR, TEXAS. PROPERTY IS LOCATED IN THE ETJ. A COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT. **(THE PLANNING AND ZONING**

COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT.)

11. CONSIDER TAKING ACTION REGARDING **VARIANCE APPLICATION 2019-32**—MR. DANNY NEIGHBORS AND MR. ZACHARY HALE'S REQUEST FOR A VARIANCE FROM ARTICLE 3, "PRELIMINARY PLAT," SECTION 3.07 "DRAINAGE" OF THE WISE COUNTY'S DEVELOPMENT RULES AND REGULATIONS. SPECIFICALLY, APPLICANT IS REQUESTING A VARIANCE FROM THE REQUIREMENT FOR AN ENGINEERED DRAINAGE STUDY FOR PROPERTY BEING PRELIMINARY PLATTED IN DECATUR'S EXTRATERRITORIAL JURISDICTION (ETJ). THE PROPERTY IS BEING PROPOSED TO BE PLATTED AS LOTS 1 AND 2, BLOCK 1, BIRDWELL SUBDIVISION, AND MORE COMMONLY REFERRED TO AS 128 N. FM 730 AND 141 DECATUR COUNTRY CLUB RD., DECATUR, TEXAS. **(THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT.)**

12. **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, VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT.)**
 - A. **PP2018-06** CONSIDER TAKING ACTION REGARDING PRELIMINARY PLAT APPLICATION 2018-06—MR. DANNY NEIGHBORS AND MR. ZACHARY HALE'S REQUEST TO PRELIMINARY PLAT LOTS 1 AND 2, BLOCK 1, BIRDWELL SUBDIVISION, BEING A 4.73 ACRE TRACT IN THE GEORGE BIRDWELL SURVEY, ABSTRACT NUMBER 71, WISE COUNTY, TEXAS. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 128 N. FM 730 AND 141 DECATUR COUNTRY CLUB RD. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT. PROPERTY IS LOCATED IN THE ETJ.

 - B. **FP2018-09** CONSIDER TAKING ACTION REGARDING FINAL PLAT APPLICATION 2018-09—MR. DANNY NEIGHBORS AND MR. ZACHARY HALE'S REQUEST TO FINAL PLAT LOTS 1 AND 2, BLOCK 1, BIRDWELL SUBDIVISION, BEING A 4.73-ACRE TRACT IN THE GEORGE BIRDWELL SURVEY, ABSTRACT NUMBER 71, WISE COUNTY, TEXAS. THE PROPERTY IS MORE COMMONLY REFERRED TO AS 128 N. FM 730 AND 141 DECATUR COUNTRY CLUB RD. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT. PROPERTY IS LOCATED IN THE ETJ.

 - C. **PP2019-02** CONSIDER TAKING ACTION REGARDING PRELIMINARY PLAT APPLICATION 2019-02—SARITHA DODLA'S REQUEST, ON BEHALF OF STONE AND MOON REALTY DECATUR, LLC, TO PRELIMINARY PLAT LOT 1, BLOCK 1, 380 MEDICAL PARK, BEING A 1.977-ACRE TRACT IN THE J.B. WILLIAMS SURVEY, ABSTRACT NUMBER 880, WISE COUNTY, TEXAS AND IS MORE COMMONLY REFERRED TO AS 1400 W. US HWY 380 BUSINESS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.

 - D. **FP2019-02** CONSIDER TAKING ACTION REGARDING FINAL PLAT APPLICATION 2019-02—SARITHA DODLA'S REQUEST, ON BEHALF OF STONE AND MOON REALTY DECATUR, LLC, TO FINAL PLAT LOT 1, BLOCK 1, 380 MEDICAL PARK, BEING A 1.977-ACRE TRACT IN THE J.B. WILLIAMS SURVEY, ABSTRACT NUMBER 880, WISE COUNTY, TEXAS AND IS MORE COMMONLY REFERRED TO AS 1400 W. US HWY 380 BUSINESS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS LOCATED ON THE PLAT EXHIBIT FOUND IN THE STAFF REPORT.

Open Public Hearing:

13. **RP2019-03** HEAR STAFF REPORT AND PUBLIC COMMENTS AND CONSIDER TAKING ACTION REGARDING REPLAT APPLICATION 2019-03—MR. AND MRS. GORDON KING'S REQUEST TO FINAL PLAT LOT 1R-1, BLOCK 88, SOUTH DECATUR ADDITION, BEING APPROXIMATELY 0.239 ACRES OF LAND AND A REPLAT OF PART OF LOT 1, BLOCK 88, SOUTH DECATUR ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS AND MORE COMMONLY REFERRED TO AS 101 W. PARK 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 4-0, VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT.)**
14. **ZC2019-02** 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 AMENDING ARTICLE 6, "USE CHART," TABLE 7 TO ALLOW LIGHT MANUFACTURING USES WITH A SPECIFIC USE PERMIT, IN THE C-1A, DECATUR SQUARE BUSINESS DISTRICT. **(APPLICATION ZC2019-02—MR. MATT FISHER'S REQUEST.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 4-0, VICE-CHAIRMAN CRESWELL AND COMMISSIONER ALLEN ABSENT.)**

Close Public Hearing

15. CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL AMENDING SECTION 2-144, ESTABLISHED OF DIVISION 8. PARKS AND RECREATION ADVISORY BOARD, ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS" OF CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES BY REPEALING SECTION 2-144 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 2-144, BOARD ESTABLISHED.
16. RECEIVE AND DISCUSS INFORMATION RELATING TO A PARTICIPATION AGREEMENT WITH CERTAIN DEVELOPERS TO UPGRADE GAGE WASTEWATER LIFT STATION AND FORCE MAIN. (NO ACTION REQUIRED)
17. FINDING AND DECLARING THAT THERE EXISTS A NEED FOR THE HOUSING AUTHORITY OF THE CITY OF DECATUR, TEXAS, TO FUNCTION – APPOINTING COMMISSIONERS JERRY WATSON AND DWIGHT REEVES TO SERVE TWO YEAR TERMS TO EXPIRE MAY 31, 2021.
18. HEAR REQUEST OF MAX ODOM REGARDING AD VALOREM TAX RATE FREEZE FOR PROPERTY OWNERS OVER AGE 65.
19. **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 APRIL 8, 2019
 - B. CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD APRIL 22, 2019
 - C. CONSIDER APPROVAL OF BILLS AND INVOICES FOR APRIL 2019
20. DISCUSS AND APPOINT 2019-2020 BUDGET COMMITTEE.
- **23.** CONSIDER A REQUEST BY THE MAIN STREET PROGRAM TO CLOSE THE

FOLLOWING STREETS ON BEHALF OF THE *SATURDAYS ON THE SQUARE* EVENT:
SOUTH STATE STREET FROM MAIN STREET TO PECAN STREET
FROM 8 AM TO 6 PM. FOR THE FOLLOWING DATES: MAY 18, JUNE 15, JULY 20, AUGUST
17, SEPTEMBER 21, OCTOBER 19, NOVEMBER 16, DECEMBER 21
THIS REQUEST IS AN ADDITION TO THE PREVIOUSLY SUBMITTED AND APPROVED
REQUEST TO CLOSE THE 100 BLOCK OF STATE STREET IN THE IMMEDIATE
DOWNTOWN FOR THE ABOVE 2019 DATES. THIS ADDITIONAL CLOSURE WILL ALLOW
PLACEMENT OF FOOD VENDORS ON THIS SECTION OF STATE STREET AND ALLOW
FOR MORE VENDOR SET UP ON THE SQUARE. MAIN STREET (EAST AND WEST) WILL
REMAIN OPEN TO TRAFFIC.

22. ANNOUNCE TUESDAY, MAY 27TH AS THE NEXT MEETING DATE.

23. 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, May 10, 2019, by 5:00 p.m., pursuant to the Texas Government Code, Chapter 551.

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.