



CITY OF DECATUR, TEXAS

SPECIAL - CITY COUNCIL MEETING Decatur City Hall - 201 E. Walnut, Decatur, TX May 15, 2023 AND VIA VIDEOCONFERENCE/TELECONFERENCE

Vide Conferencing 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 (MEETING/WEBINAR ID: 898 5257 6751 PASSCODE: 585409) 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.

SPECIAL MEETING 6:00 p.m.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, CANVASSING THE GENERAL ELECTION HELD MAY 6, 2023. **RESOLUTION R2023-05-13 Page 1**
2. OATHS OF OFFICE TO BE ADMINISTERED TO COUNCIL MEMBERS: PLACE 2 – JAKE HAYES, PLACE 4 – WILL CARPENTER AND PLACE 6 – MELINDA REEVES. No backup
3. ORGANIZATION OF COUNCIL – DETERMINE APPOINTMENTS FOR MAYOR PRO TEM, DEPUTY MAYOR PRO TEM, EDC REPRESENTATIVE, COUNCIL OF GOVERNMENT REPRESENTATIVE AND AIRPORT LIAISON. No backup

Open Public Hearing:

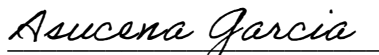
4. CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING THE NOMINATION OF ENTEGRIS, INC. FOR THE TEXAS ENTERPRISE ZONE PROGRAM AS A SINGLE ENTERPRISE PROJECT. No backup

Close Public Hearing:

5. CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ENTEGRIS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT). **ORDINANCE 2023-05-12** Pages 2-6
6. 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.
7. 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, May 11, 2023, 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.**

RESOLUTION NO. R2023-05-13

A RESOLUTION CANVASSING THE GENERAL ELECTION OF THE CITY OF DECATUR HELD MAY 6, 2023

WHEREAS; the City Council of the City of Decatur has considered the returns of an election held on the 6th day of May, 2023 for the purpose of electing, the hereinafter named officials and appearing from said returns there were cast at said election 1186 valid and legal votes; and

WHEREAS, each of the following candidates in said election received the following votes:

	EARLY & ABSENTEE VOTES	ELECTION DAY	TOTAL VOTES
<u>Place 2</u>			
Jake Hayes	206	64	270
<u>Place 4</u>			
Will Carpenter	156	58	214
Marc Stanwyck	44	16	60
<u>Place 6</u>			
Melinda Reeves	477	165	642

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS:

SECTION 1. That said election was duly called, that notice of said election was held in accordance with law, and that **Jake Hayes – Place 2, Will Carpenter – Place 4 and Melinda Reeves Place 6,** were duly elected as Council members of City of Decatur at said election and are hereby duly elected to said respective offices, subject to the taking of their oaths and statements as provided by the laws of the State of Texas.

PASSED AND APPROVED this 15th day of May, 2023,

Mike McQuiston, Mayor

ATTEST:

Asucena Garcia, TRMC, City Secretary

ORDINANCE NO. 2023-05-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ENTEGRIS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT).

WHEREAS, the City Council of the City Decatur ("City Council") desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, ENTEGRIS, INC. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that ENTEGRIS, INC. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on May 15th, 2023;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS:

Section 1: The City nominates ENTEGRIS, INC. for enterprise project status.

Section 2: The following local incentives, at the election of the governing body, are or will be made available to the nominated project or activity of the qualified business:

- a) The City may provide local sales tax refunds and may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Decatur Tax Abatement Policy, and with qualified employee being defined by the Act.

- b) The City may provide tax increment financing, freeport exemptions, Ch 380 incentives, as well as Economic Development Sales Tax (4A) Contributions or other tax incentives.
- c) The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances;
 - 2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - 3) streamlined permitting.
- d) The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection;
 - 2) institution of community crime prevention programs; or
 - 3) special public transportation routes or reduced fares.
- e) The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities;
 - 2) road repair; or
 - 3) creation or improvement of parks.
- f) The City may provide improvements to housing, including:
 - 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
- g) The City may provide business and industrial development services, including:
 - 1) low-interest loans for business;
 - 2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
 - 3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
 - 4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 5) promotion and marketing services.
- h) The City may provide job training and employment services to businesses, including:
 - 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

Section 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4: The City of Decatur City Council directs and designates its City Manager as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and

communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section 5: The City finds that ENTEGRIS, INC. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a.) ENTEGRIS, INC. is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business’ new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c.) The designation of ENTEGRIS, INC. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on **June 1, 2028**.

Section 7: This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Decatur, Texas.

PRESENTED ON FIRST READING ON THE 15TH DAY OF MAY, 2023.

PRESENTED ON SECOND READING AND APPROVED ON THE 22ND DAY OF May, 2023, BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS, AT A REGULAR MEETING OF THE DECATUR CITY COUNCIL.

APPROVED:

Mike McQuiston, MAYOR

ATTEST:

Asucena Garcia, CITY SECRETARY

Approved as to form:

Pam Liston, City Attorney

*** * * NOTES * * ***

NOTE 1: THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES. CONSULTATION WITH YOUR CITY ATTORNEY IS STRONGLY RECOMMENDED.

NOTE 2: PURSUANT TO SB1205 PASSED DURING THE REGULAR SESSION OF THE 71ST LEGISLATURE, DESIGNATION OF AN ENTERPRISE ZONE AUTOMATICALLY DESIGNATES A REINVESTMENT ZONE FOR PURPOSES OF TAX ABATEMENT AFTER AUGUST 28, 1989. THE REINVESTMENT ZONE IS EFFECTIVE FOR THE LIFE OF THE ENTERPRISE ZONE. THE ESTABLISHMENT OF AN ENTERPRISE ZONE AND REINVESTMENT ZONE DOES NOT CREATE A MANDATE THAT AD VALOREM TAX ABATEMENT HAS TO BE OFFERED TO ANY PARTY. BEFORE A TAXING ENTITY MAY CREATE A REINVESTMENT ZONE, THE TAXING ENTITY MUST FIRST OFFICIALLY ADOPT "GUIDELINES AND CRITERIA" THAT SET THE TERMS AND CONDITIONS TO GUIDE TAX ABATEMENT AGREEMENTS. THE GUIDELINES AND CRITERIA MUST BE READOPTED EVERY TWO YEARS, IN ACCORDANCE WITH CHAPTER 312.002(c), TEXAS TAX CODE.

NOTE 3: STATUTE ONLY REQUIRES ONE READING. ADDITIONAL READINGS ARE NECESSARY ONLY IF REQUIRED BY YOUR COMMUNITY.

NOTE 4: PUBLIC HEARING MUST OCCUR BEFORE ORDINANCE OR ORDER IS PASSED.