



REGULAR CITY COUNCIL MEETING MONDAY, OCTOBER 5, 2015 at 6:30 P.M.

KRUM CITY HALL – 146 W. McCART STREET

Ronald G. Harris, Jr., Mayor
Nick Vincent, Councilmember - PI.1
Justin Diviney, Councilmember - PI.3
Lance Vanzant, City Attorney

Rhonda Harrison, Councilmember - PI.2
Cindy Daughhetee, Councilmember – PI. 4
Larry Lamonica, Councilmember - PI.5
Andrea Dzioba, City Secretary

MINUTES

A. CALL TO ORDER

Mayor Ronald G. Harris, Jr. called the meeting to order at 6:30 p.m.

B. QUORUM PRESENT

Those present were Mayor Ronald G. Harris, Jr. and Councilmembers Nick Vincent, Rhonda Harrison, Justin Diviney, Cindy Daughhetee and Larry Lamonica. Also present were Finance Director Shelly Neckar, Police Chief Terry Hargis, Fire Chief Ken Swindle, Public Works Director Mark Patterson, City Planner Tom Elgin, Library Director Donna Pierce, City Attorney Lance Vanzant and City Secretary Andrea Dzioba.

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Ronald G. Harris, Jr. led the pledges to the United States Flag and the Texas Flag.

The invocation was given by Pastor Joe Mayo of the Krum Christian Center Assembly of God.

D. CITIZEN'S AGENDA:

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Per City of Krum Ordinance #0034-09-2006 each and every citizen who wishes to address the council shall be afforded three (3) minutes.

Mr. Paul Leibrock, 303 Broken Arrow, expressed his concern and requested repair of a sidewalk adjacent to his home that he said was heaving.

Mr. Wayne Hussey, 603 E. 6th Street, addressed the City Council about the Public Works Director position. He suggested that the City should hire an employee for that position instead of using a contract director. He discussed the force main project.

Items appear in the order in which they were considered but retain original numbers as listed on the posted agenda.

E. PRESENTATION / DISCUSSION

1. Proclamation – “Fire Prevention Week – Hear the Beep Where You Sleep: Every Bedroom Needs a Working Smoke Alarm”

Mayor Ronald G. Harris, Jr. read and presented the proclamation to Fire Chief Ken Swindle. Fire Chief Swindle thanked everyone for their support and stressed that education related to fire safety starts with the kids in the schools.

2. Mayor's Update

Mayor Ronald G. Harris, Jr. provided an update to the City Council. He advised that the new Fire Station was moving along but that the Library has moved slower than anticipated. The Wastewater Treatment Plant will be under the budgeted/contracted amount by approximately \$600,000.00. He is getting a finalized estimate related to North Point and expects that it will be about \$90,000.00 related to concrete work. He advised that they are working with one street at a time.

3. Discussion – July and August 2015 Financials

Finance Director Shelly Neckar introduced the discussion item and advised the City Council that it appears that the year should end on the positive side and not a negative one.

F. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. If discussion is desired by the Mayor or a Councilmember then that item will be removed from the Consent Agenda and will be considered separately.

- 4. Consider and take action on approval of the minutes from the August 3, 2015 Regular City Council meeting.**
- 5. Consider and take action on a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ESTABLISHING THAT THE CHRISTMAS TREE LIGHTING CEREMONY ON DECEMBER 3, 2015 SERVES A PUBLIC PURPOSE AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CLOSURE OF PORTIONS OF FM 1173 IN THE CITY LIMITS OF THE CITY OF KRUM, TEXAS.**
- 6. Consider and take action on a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ESTABLISHING THAT THE CHRISTMAS PARADE ON DECEMBER 5, 2015 SERVES A PUBLIC PURPOSE AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CLOSURE OF PORTIONS OF FM 1173 AND FM 156 IN THE CITY LIMITS OF THE CITY OF KRUM, TEXAS.**
- 7. Consider and take action on a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ESTABLISHING THAT HOLIDAY SIGNAGE INSTALLED ON OR AROUND DECEMBER 1, 2015 SERVES A PUBLIC PURPOSE AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF THAT SIGNAGE IN THE CITY LIMITS OF THE CITY OF KRUM, TEXAS.**
- 8. Consider and take action on an ORDINANCE OF THE CITY OF KRUM, TEXAS DESIGNATING THE OFFICIAL NEWSPAPER FOR THE CITY OF KRUM FOR FISCAL YEAR 2015-2016 AND REPEALING ALL ORDINANCES OR RESOLUTIONS IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**
- 9. Consider and act on approval of the Fiscal Year 2015–2016 holiday closure schedule for the Krum Public Library.**
- 10. Consider and take action on a Resolution for Membership in the North Central Texas Council of Governments.**

Councilmember Vincent made a motion to approve the consent agenda as presented with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Vincent, Harrison, Diviney, Daughhete, Lamonica
Nays: None
Absent: None

The motion carried unanimously.

G. REGULAR AGENDA ITEMS

Mayor Ronald G. Harris opened Items 11 and 12 to be discussed concurrently.

- 11. Discuss, consider and take action on approval of a Site Plan for plan for Christian Center Assembly of God Church on an approximate 9.3 acre tract of land located on the west side of Masch Branch Road at 5301 Masch Branch Road, approximately 600 feet north of E. McCart Street / F.M. 1173, and being a portion of Tract 21B of the John Gibbons Survey, Abstract No. 446, in the City of Krum, Denton County, Texas. The site plan proposes the first phase of a multiphase church or place of worship facility. Owner: Christian Center Assembly of God, Inc. Applicant: Mershawn Architects, Inc. Case: SPN-2015-02.**
- 12. Discuss, consider and take action on approval of a Final Plat of Lots 1 & 2, Block A, of the Christian Center Assembly of God Church addition, for an approximate 46.8 acre tract of land located on the west side of Masch Branch Road approximately 600 feet north of E. McCart Street / F.M. 1173, and being all of Tract 21B of the John Gibbons Survey, Abstract No. 446, in the City of Krum, Denton County, Texas. Owner: Christian Center Assembly of God, Inc. Applicant: Dallas Mapping & Design. Case: FPT-2015-01.**

City Planner Tom Elgin provided background information related to the site plan and advised that the Planning and Zoning Commission recommended approval including the following variance requests:

1. Use of EFIS in lieu of stucco.
2. 4:12 roof pitch in lieu of the required 6:12.

City Planner Tom Elgin also addressed the City Council related to the Final Plat. Extensive discussion was held by the City Council related to the site plan and the final plat.

Councilmember Harrison made a motion to approve a Site Plan with variances requested [Use of EFIS in lieu of stucco and 4:12 roof pitch in lieu of the required 6:12] for plan for Christian Center Assembly of God Church on an approximate 9.03 acre tract of land located on the west side of Masch Branch Road at 5301 Masch Branch Road, approximately 600 feet north of E. McCart Street / F.M. 1173, and being a portion of Tract 21B of the John Gibbons Survey, Abstract No. 446, in the City of Krum, Denton County, Texas and approval of a Final Plat of Lots 1 & 2, Block A, of the Christian Center Assembly of God Church addition, for an approximate 46.8 acre tract of land located on the west side of Masch Branch Road approximately 600 feet north of E. McCart Street / F.M. 1173, and being all of Tract 21B of the John Gibbons Survey, Abstract No. 446, in the City of Krum, Denton County, Texas with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Vincent, Diviney, Harrison, Daughhete, Lamonica
Nays: None
Absent: None

The motion carried unanimously.

- 13. Presentation and discussion of statement of qualifications of Freese and Nichols, Inc., regarding the provision of professional engineering services.**

City Planner Tom Elgin provided an introduction related to the statement of qualifications of Freese and Nichols, Inc., regarding the provision of professional engineering services. Mayor Harris pointed out that they are a "one-stop shop," that they would bring the City consistency, and that they have an office close by in Denton. Ron King, Project Manager at Freese and Nichols, Inc., stated that their company can provide all typical engineering needs related to growth – what infrastructure can handle, mapping system (GIS), give honest assessment and help prioritize projects, help obtain grants, look at impact fees, and help with water and sewer rate studies among other things. Discussion was held by the City Council.

14. Consider and take action to approve a professional services agreement with Freese and Nichols, Inc., to provide professional engineering services and to authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.

Councilmember Daughhetee made a motion approve a professional services agreement with Freese and Nichols, Inc., to provide professional engineering services and to authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Vincent.

The following votes were cast:

Ayes:	Vincent, Harrison, Daughhetee, Lamonica
Nays:	None
Abstain:	Diviney
Absent:	None

The motion carried.

15. Discuss, consider and take action on approval of an ORDINANCE OF THE CITY OF KRUM, TEXAS, ADOPTING AMENDMENTS TO THE BUDGET OF THE CITY OF KRUM, TEXAS FOR THE FISCAL YEAR, 2014-2015; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED IS OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.

Finance Director Shelly Neckar introduced the item to the City Council. A brief discussion was held by the City Council.

Councilmember Vincent made a motion approve an ORDINANCE OF THE CITY OF KRUM, TEXAS, ADOPTING AMENDMENTS TO THE BUDGET OF THE CITY OF KRUM, TEXAS FOR THE FISCAL YEAR, 2014-2015; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED IS OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE with a second by Councilmember Harrison.

The following votes were cast:

Ayes:	Vincent, Harrison, Diviney, Daughhetee, Lamonica
Nays:	None
Absent:	None

The motion carried unanimously.

16. Discuss, consider and take action to approve Change Order No. 5 to the contract with Gracon Construction, Inc. related to the Wastewater Treatment Plant.

Public Works Director Mark Patterson introduced and provided background information related to Change Order No. 5. A brief discussion was held by the City Council.

Councilmember Harrison made a motion approve Change Order No. 5 to the contract with Gracon Construction, Inc. related to the Wastewater Treatment Plant with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Vincent, Harrison, Diviney, Daughhetee, Lamonica
Nays: None
Absent: None

The motion carried unanimously.

H. EXECUTIVE SESSION

Mayor Harris announced that the City Council would convene in executive session at 8:14 p.m.

18. After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.074 – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

a. Director of Public Works

After determining a quorum is present, the City Council will reconvene into regular session and take any action necessary pursuant to Texas Government Code Section 551.074.

19. Adjourn into Open Meeting.

The City Council reconvened into the open meeting at 8:38 p.m.

20. Action on Executive Session Item 18a if necessary.

No action was taken.

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.074 (Deliberations Regarding the Appointment, Duties, Discipline or Termination of Personnel) and 551.087 (Deliberation Regarding Economic Development Negotiations). Executive Session may be held under these exceptions and at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.

G. REGULAR AGENDA ITEMS

17. Discuss, consider and take action on approval of an Agreement with Patterson Professional Services for Public Works Operation Services and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.

Mayor Harris introduced the Agreement with Patterson Professional Services. Public Works Director Mark Patterson made a presentation to the City Council. Discussion was held by the City Council.

Councilmember Daughhetee made a motion to table this item. Councilmember Daughhetee withdrew her motion.

Councilmember Daughhetee made a motion to table this item with a second by Councilmember Lamonica.

The following votes were cast:

Ayes: Daughhetee, Lamonica
Nays: Vincent, Harrison, Diviney
Absent: None

The motion failed.

Councilmember Diviney made a motion to approval an Agreement with Patterson Professional Services for Public Works Operation Services with a change to paragraph 1 from "90-days' notice" to "30-days' notice" and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Harrison.

The following votes were cast:

Ayes: Vincent, Harrison, Diviney
Nays: Lamonica
Abstain: Daughhetee
Absent: None

The motion carried.

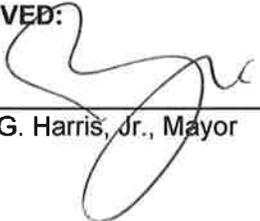
I. FUTURE AGENDA ITEMS

Councilmember Daughhetee requested that streets be on the next City Council agenda.

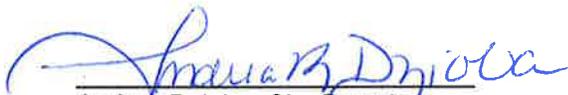
J. ADJOURN

The meeting adjourned at 9:15 p.m.

APPROVED:



Ronald G. Harris, Jr., Mayor



Andrea Dzioba, City Secretary