



REGULAR CITY COUNCIL MEETING MONDAY, JUNE 6, 2016 at 6:30 P.M.

KRUM CITY HALL – 146 W. McCART STREET

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

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

MINUTES

A. CALL TO ORDER

Mayor Ronald G. Harris, Jr. called the meeting to order at 6:31 p.m.

B. QUORUM PRESENT

Those present were Mayor Ronald G. Harris, Jr., Councilmembers Austin Petersen, Rhonda Harrison, Justin Diviney, Cindy Daughhetee, and Mike Strand. Also present were Police Chief Terry Hargis; Fire Chief Ken Swindle; Public Works Director Mark Patterson; City Planner Tom Elgin; Library Director Donna Pierce; Assistant City Attorney Trey Sargent; and City Secretary Andrea Dzioba.

C. INVOCATION/PLEDGE OF ALLEGIANCE

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

The invocation was given by Councilmember Austin Petersen.

D. PRESENTATION

1. Mayor's Update.

Mayor Harris informed the City Council that the Library project was moving along and that the plans were in.

Mayor Harris advised that the City has hired a new Finance Assistant and that she should be starting next week.

Mayor Harris recognized Library Director Donna Pierce who gave a brief summary related to the Summer Reader's Challenge being held in June and July.

2. Discussion – April 2016 Financials.

A brief discussion was held by the City Council and City Secretary Andrea Dzioba advised that she would verify information related to the reconciliation for the sales tax for the Krum Park Development Corporation and provide them with the response.

E. 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. Ruben Rivas, 5122 Mountain View, advised that he is opposed to the proposed Hopkins multi-family development and that the City has outgrown its infrastructure and streets. He said that the City needs to "look down the road long term."

Thomas and Adrienne Pohrte, 5115 Meadow Lane, stated that the apartment project will add to rainfall issues.

Ms. Amanda Green, 5102 Meadow Lane, is opposed to the proposed Hopkins multi-family development and said that it will add to the issues that rain creates, cause major traffic issues, and was concerned that the complex could be sold after the development.

Ms. Alisa Barber, 315 Southview Court, stated that the apartment complex is "not good for Krum". She expressed her concerns about traffic at Hopkins and FM 1173.

Mr. Jim Barber, 315 Southview Court, stated that he wasn't "looking for rooftops" when he moved in. He inquired as to whether the comprehensive plan had been abandoned.

Ms. Amber Harper, 5129 Meadow Lane, stated that she opposes the proposed apartments and is concerned about the buses that go to Aspen Park and said that there is too much traffic.

Mr. Luis Torres, 5100 Meadow Lane, stated that he agrees with his neighbors and is opposed to the proposed apartments.

Mr. Thomas Callarman, 204 Radecke Road, spoke in favor of the proposed multi-family development and said that he is concerned about traffic but also about economic development. He encouraged citizens to talk to TxDOT and Denton County about their traffic concerns.

Mr. Ken Sutton, 5127 Mountain View, expressed his concerns about property taxes, stated that Denton gives a larger over 65 exemption than Krum does, and that taxes will go up unless a larger exemption is approved.

Ms. Brooke Fouts, 5014 Spruce Street, stated that she is opposed to the proposed multi-family on Hopkins. She is concerned about traffic and is wondering what the complex offers to the community.

Ms. Denise Burns, 5013 Ute Court, stated that she is opposed to the proposed multi-family development. She expressed her concerns about traffic, people using Hopkins as a cut-through, and drainage in that area.

Mr. Benjamin Peterson, 5116 Mountain View, stated that he thought that the developer should rethink where the proposed apartments are placed.

Ms. Cathryn Peterson, 5116 Mountain View, expressed her concerns that the location chosen for the proposed apartments was not the best location due to the flooding in that area.

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.

3. Consider and take action on approval of the minutes from the May 2, 2016 Regular City Council meeting.

4. Consider and take action on approval of the minutes from the May 16, 2016 Special City Council meeting.

5. Consider and take action on approval of a contribution to the Denton County Law Enforcement Memorial.
6. Consider and take action on approval of an Interlocal Cooperation Agreement for Shared Governance Communications & Dispatch Services System (Police and Fire) with Denton County and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.
7. Consider and take action on approval of the SFY2016 ILL Lending Reimbursement Program Grant Agreement and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.
8. Consider and take action on approval of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.
9. Consider and take action on appointment of David Willmon to the Park Development Corporation as recommended by the Krum Youth Sports Association.

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

The following votes were cast:

Ayes:	Petersen, Harrison, Diviney, Daughetee, Strand
Nays:	None
Absent:	None

The motion carried unanimously.

G. REGULAR AGENDA ITEMS

10. Discuss, consider and take action on a sign ordinance variance for 102 W. McCart Street on the north side of W. McCart Street, east of N. First Street. Applicant and Owner: Brett & Melanie Ferguson. Case: SNV-2016-02.

City Planner Tom Elgin introduced the request for a sign ordinance variance for 102 W. McCart Street. Ms. Melanie Ferguson was available to respond to any questions that the City Council may have regarding the variance request. Discussion was held by the City Council.

Councilmember Strand made a motion approve the sign ordinance variance for 102 W. McCart Street on the north side of W. McCart Street, east of N. First Street with the stipulation that the sign be located twelve inches (12") past the roof cap with a second by Councilmember Diviney.

The following votes were cast:

Ayes:	Petersen, Harrison, Diviney, Daughetee, Strand
Nays:	None
Absent:	None

The motion carried unanimously.

11. **Hold a Public Hearing on a Replat, Lots 1-5, Exeter Addition, said approximate 3.52 acre property being located on the east end of West Lake Street, West Lloyd Street and Huffman Street, and situated in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The purpose of the replat is to create five nonresidential lots. Owner: Exeter 15243 DE, LLC. Applicant: Eagle Surveying. Case: RPT-2016-03.**
12. **Discuss, consider and take action on approval of a Replat, Lots 1-5, Exeter Addition, said approximate 3.52 acre property being located on the east end of West Lake Street, West Lloyd Street and Huffman Street, and situated in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The purpose of the replat is to create five nonresidential lots. Owner: Exeter 15243 DE, LLC. Applicant: Eagle Surveying. Case: RPT-2016-03.**

Items No. 11 and 12 were opened and considered concurrently.

Mayor Ronald G. Harris, Jr. opened the public hearing at 7:26 p.m.

City Planner Tom Elgin introduced the Replat, Lots 1-5, Exeter Addition and provided an overview of the request. Discussion was held by the City Council.

No one was present to speak during the public hearing.

Mayor Harris closed the public hearing at 7:34 p.m.

Councilmember Strand made a motion approve the proposed Replat, Lots 1-5, Exeter Addition, said approximate 3.52 acre property being located on the east end of West Lake Street, West Lloyd Street and Huffman Street, and situated in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas with a second by Councilmember Harrison.

The following votes were cast:

Ayes:	Petersen, Harrison, Daughetee, Strand
Nays:	Diviney
Absent:	None

The motion carried.

13. **Hold a Public Hearing on a senior independent living facility, planned development zoning request for an approximate 10.0 acre tract of land, said property being generally located on the west side of Hopkins Road approximately 500 feet north of E. McCart Street / FM 1173, and known as Tract 31C in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The existing zoning is Commercial (C). The proposed zoning is Planned Development-Multifamily-15 (PD-MF-15). The proposed planned development zoning limits the development of the site as an age restricted, senior independent living facility only and proposes to amend density, parking, building design and exterior construction materials, and other standards for the Multifamily-15 (MF-15) zoning district. Owners: Gary & Bettye Barber. Applicant: Crannell, Crannell & Martin Corporation. Case: ZON-2016-02.**

14. **Discuss, consider and take action on ordinance approving a senior independent living facility, planned development zoning request for an approximate 10.0 acre tract of land, said property being generally located on the west side of Hopkins Road approximately 500 feet north of E. McCart Street / FM 1173, and known as Tract 31C in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The existing zoning is Commercial (C). The proposed zoning is Planned Development-Multifamily-15 (PD-MF-15). The proposed planned development zoning limits the development of the site as an age restricted, senior independent living facility only and proposes to amend density, parking, building design and exterior construction materials, and other standards for the Multifamily-15 (MF-15) zoning district. Owners: Gary & Bettye Barber. Applicant: Crannell, Crannell & Martin Corporation. Case: ZON-2016-02.**

Items No. 13 and 14 were opened and considered concurrently.

Mayor Ronald G. Harris, Jr. opened the public hearing at 7:36 p.m.

City Planner Tom Elgin introduced the planned development zoning request for an approximate 10.0 acre tract of land, said property being generally located on the west side of Hopkins Road approximately 500 feet north of E. McCart Street / FM 1173, and known as Tract 31C in the Charles Despallier Survey, Abstract No. 370 and provided an overview of the request.

Ms. Adrienne Pohrte, 5115 Meadow Lane, inquired about the recourse if impact of water flows fails and expressed her concern related to accidents near that location and the development's impact on traffic.

Mr. Kyle Green, 5102 Meadow Lane, is opposed to the proposed development and stated that infrastructure should come first and then development.

Mr. Jim Barber, 315 Southview Court, inquired about the property being currently being zoned commercial but is being used as agricultural. He stated that medium density used to be larger lots.

Ms. Amber Harper, 5129 Meadow Lane, stated her concerns related to health issues.

Mr. Ken Sutton, 5127 Mountain View Drive, stated that if road and drainage not fixed that Council will be voted out.

Mr. Tom Callarman, 204 Radecke Road, stated that people are interested in economic development options and will vote for you.

Mr. Toby Lawrence, 209 East Lloyd Street, stated that an action plan is needed for property tax revenue for when it comes in. He thinks that this proposed development may not be "the right people at the right place or time".

Mr. Mark Angeli and Mr. Jeff Crannell were in attendance and also provided an overview of the proposed development and were available to answer any questions that the City Council may have. Extensive discussion was held by the City Council.

Mayor Harris closed the public hearing at 9:04 p.m.

Councilmember Harrison made a motion approve an ordinance approving a senior independent living facility, planned development zoning request for an approximate 10.0 acre tract of land, said property being generally located on the west side of Hopkins Road approximately 500 feet north of E. McCart Street / FM 1173, and known as Tract 31C in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas as presented with a second by Councilmember Strand.

The following votes were cast:

Ayes: Petersen, Harrison, Diviney, Strand
Nays: Daughhetee
Absent: None

The motion carried.

Mayor Harris called a brief recess at 9:14 p.m. The meeting was called back to order at 9:23 p.m.

- 15. Discuss, consider and take action on a resolution setting a date, time, and place for public hearings on the proposed annexation of certain property by the City of Krum, Texas, and authorizing and directing the Mayor to publish notice of such public hearings. The property is a 10.382 tract of land situated in the P.J. Langford Survey, Abstract No. 733, Denton County, Texas, commonly known as Tract 10 of said survey, and situated on the west side of F.M. 156, approximately 230 feet south of South Street. Owner and Applicant: Brad Carrell, C&G Electric, Inc. Case: ANX-2016-01.**

City Planner Tom Elgin introduced the proposed resolution setting a date, time, and place for public hearings on the proposed annexation of certain property by the City of Krum, Texas, and authorizing and directing the Mayor to publish notice of such public hearings. Discussion was held by the City Council.

Councilmember Strand made a motion approve a resolution setting a date, time, and place for public hearings on the proposed annexation of certain property by the City of Krum, Texas, and authorizing and directing the Mayor to publish notice of such public hearings with a second by Councilmember Petersen.

The following votes were cast:

Ayes: Petersen, Harrison, Diviney, Daughhetee, Strand
Nays: None
Absent: None

The motion carried unanimously.

- 16. Discuss, consider and take action to elect a Mayor Pro Tem for a one-year term.**

Mayor Harris introduced the item related to electing a Mayor Pro Tem for a one-year term.

Councilmember Harrison made a motion to elect Councilmember Diviney for Mayor Pro Tem for a one-year term with a second by Councilmembers Petersen and Strand.

The following votes were cast:

Ayes: Petersen, Harrison, Diviney, Daughhetee, Strand
Nays: None
Absent: None

The motion carried unanimously.

- 17. Discuss, consider and take action on approval of an ORDINANCE OF THE CITY OF KRUM AMENDING THE CITY'S CODE OF ORDINANCES; APPENDIX A: FEE SCHEDULE, ARTICLE A4.000: BUILDING RELATED FEES, PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE, PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

City Planner Tom Elgin introduced the proposed ordinance related to building related fees. Discussion was held by the City Council.

Councilmember Diviney made a motion to approve an ORDINANCE OF THE CITY OF KRUM AMENDING THE CITY'S CODE OF ORDINANCES; APPENDIX A: FEE SCHEDULE, ARTICLE A4.000: BUILDING RELATED FEES, PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE, PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE with a second by Councilmember Harrison.

The following votes were cast:

Ayes: Petersen, Harrison, Diviney, Daughhete, Strand
Nays: None
Absent: None

The motion carried unanimously.

18. Discuss, consider and take action on suggestions and input from the City Council for amendments to the Code of Ordinances of the City of Krum, Chapter 2 Animal Control, Article 2.06 Keeping Livestock, Bees and Other Animals.

Mayor Harris introduced the item related to Chapter 2 Animal Control, Article 2.06 Keeping Livestock, Bees and Other Animals.

Police Chief Terry Hargis introduced Miss Sterling Pieniazek who provided some recommendations to the City Council related to backyard chicken flocks.

Discussion was held by the City Council and some of the suggestions were to allow eight (8) chickens, no roosters, remove distance stipulation, include something related to sanitation/nuisance and add a penalty. A draft amended ordinance will be provided to the City Council at the July meeting. No action was taken.

19. Discuss, consider and take action on approval of water blending and expenses related thereto.

Public Works Director Mark Patterson made a presentation related to water blending and expenses related to same. Extensive discussion was held by the City Council.

Councilmember Harrison made a motion for approval of water blending and expenses related thereto in an amount not to exceed \$50,000.00 and submitted to the Texas Commission on Environmental Quality (TCEQ) and subject to the final review of the corrosive study with a second by Councilmember Strand.

The following votes were cast:

Ayes: Petersen, Harrison, Daughhete, Strand
Nays: None
Abstain: Diviney
Absent: None

The motion carried.

20. Discuss, consider and take action on approval of conducting a water rate study and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.

Mayor Harris introduced the item related to conducting a water rate study. Discussion was held by the City Council.

Councilmember Diviney made a motion to draft and send out Request for Qualifications related to the conducting of a water rate study with a second by Councilmember Strand.

The following votes were cast:

Ayes: Petersen, Harrison, Diviney, Daughhettee, Strand

Nays: None

Absent: None

The motion carried unanimously.

H. EXECUTIVE SESSION – None

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.

I. FUTURE AGENDA ITEMS

No future agenda items were requested.

J. ADJOURN

The meeting adjourned at 10:25 p.m.

APPROVED:



Ronald G. Harris, Jr., Mayor



Andrea Dzioba, City Secretary