REGULAR CITY COUNCIL MEETING
MONDAY, APRIL 1, 2013 at 6:30 P.M.

KRUM CITY HALL – 146 W. McCART STREET

Terri Wilson, Mayor
Paul Meine, Councilmember - Pl.1
Bert Witherspoon, Councilmember - Pl.3
Lance Vanzant, City Attorney

Joe Beall, Mayor Pro-Tem
Michael B. Wilkes, Councilmember - Pl.4
Christine Rodriguez, Councilmember - Pl.5
Andrea Dzioba, City Secretary

MINUTES

A. CALL TO ORDER

Mayor Terri Wilson called the meeting to order at 6:30 p.m.

B. QUORUM PRESENT

Those present were Mayor Terri Wilson and Councilmembers Christine Rodriguez, Michael Wilkes, Paul Meine, Joe Beall, and Bert Witherspoon. Also present were City Attorney Lance Vanzant, Director of Finance Chris Speights, Director of Public Works Adam Farguson, Police Chief Dennis Bassinger, and City Secretary Andrea Dzioba.

C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Paul Meine gave the invocation.

Mayor Wilson led the pledges to the United States Flag and the Texas Flag.

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.**

Ms. Sandra Bowman, 707 E. 6th Street, discussed the upcoming bond election regarding streets and the proposed fire station/public works facilities and the needs vs. wants of the City.

E. 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.**

1. **Consider and Act on Approval of the Minutes from the March 4, 2013 Regular City Council Meeting.**

2. **Discuss, Consider and Take Action on the Appointment of Brad Sebastian to the Krum Park Advisory Board.**

3. **Consider and Act on Receipt of Denco 9-1-1 District Annual Report for Fiscal Year 2012, ending September 30, 2012.**

4. **Discuss, Consider and Take Action on a Resolution of the City of Krum, Texas Authorizing Designated Signators for its Safe Routes to School Program Contracts 0918-46-255 and 0918-46-256.**

5. **Discuss, Consider and Take Action on a Resolution of the City of Krum, Texas Adopting the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise Program.**

6. **Discuss, Consider and Take Action on Acceptance and Expenditure of a Police Restricted Donation in the Amount of $38,500.00 from the Denton County Sheriff's Office to the City of Krum Police Department.**

7. **Discuss, Consider and Take Action on an Ordinance Amending an Ordinance Calling an Election for the Purpose of Seeking Voter Approval for an Additional Economic Development Sales Tax in the City on May 11, 2013, to Conform the Notice of Election Provisions to Provisions of the Texas Election Code.**

Councilmember Witherspoon made a motion to approve the consent agenda items as presented with a second by Councilmember Meine.
The following votes were cast:
Ayes: Rodriguez, Wilkes, Meine, Beall, Witherspoon
Nays: None
Absent: None

The motion carried unanimously.

F. REGULAR AGENDA ITEMS

8. **Public Hearing on Request by Christopher Cofer to Change the Zoning from Single Family 4 to Multi-Family 2 (Duplex) on an approximately 0.2076 Acre of Land Located in the Old Town of Krum, Block 32, Lot 3 (sw 112') and Lot 4 or More Generally Located at 518 West McCart Street.**

Mayor Wilson opened the public hearing. June Burns, 123 W. 5th Street presented a "petition" to the City Council in opposition to the zoning change and spoke in opposition to the request. Perry Burns, 123 W. 5th Street; Pete Porter, 512 W. McCart Street; and Sandra Meine, 125 W. 5th Street, spoke in opposition to Christopher Cofer's zoning change request.

9. **Discuss, Consider and Take Action on an ORDINANCE OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON A TRACT OF LAND DESCRIBED AS APPROXIMATELY 0.2076 ACRE OF LAND LOCATED IN THE OLD TOWN OF KRUM, BLOCK 32, LOT 3 (SW 112') AND LOT 4 BY CHANGING THE ZONING DISTRICT FROM SINGLE FAMILY FOUR TO MULTI-FAMILY TWO DUPLEX; REQUIRING COMPLIANCE WITH ALL OTHER APPLICABLE ORDINANCES; DIRECTING THE CITY SECRETARY TO CHANGE THE ZONING MAP ACCORDINGLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Christopher Cofer, Applicant, spoke regarding his request to change the zoning on a tract of land described as approximately 0.2076 acre of land located in the Old Town of Krum, Block 32, Lot 3 (SW 112') and Lot 4 from Single Family Four to Multi-Family Two Duplex.

Councilmember Rodriguez made a motion to deny Ordinance No. 2013-04-01 Amending the Official Zoning Map for the City by Changing the Zoning on a Tract of Land Described as Approximately 0.2076 Acre of Land Located in the Old Town of Krum, Block 32, Lot 3 (SW 112') and Lot 4 by Changing the Zoning District from Single Family Four to Multi-Family Two Duplex; Requiring Compliance with All Other Applicable Ordinances; Directing the City Secretary to Change the Zoning Map Accordingly; Providing for a Severability Clause; and Providing an Effective Date with a second by Councilmember Witherspoon.

The following votes were cast:
Ayes: Rodriguez, Wilkes, Beall, Witherspoon
Nays: None
Absent: None
Abstain: Meine

The motion carried unanimously.

10. Discuss, Consider and Take Action on an ORDINANCE OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON A TRACT OF LAND DESCRIBED AS APPROXIMATELY 3.81 ACRES OF LAND LOCATED IN THE FRIENDLY ACRES ADDITION PHASE 2, LOT 14r2 BY CHANGING THE ZONING DISTRICT FROM AGRICULTURE TO SINGLE FAMILY FOUR; REQUIRING COMPLIANCE WITH ALL OTHER APPLICABLE ORDINANCES; DIRECTING THE CITY SECRETARY TO CHANGE THE ZONING MAP ACCORDINGLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Planning and Zoning Clerk Lynn Jones provided to the City Council information regarding recommendation of the Planning and Zoning Commission for approval of the request for the zoning change.

Councilmember Rodriguez made a motion to approve Ordinance No. 2013-04-02 Amending the Official Zoning Map for the City by Changing the Zoning on a Tract of Land Described as Approximately 3.81 Acres of Land Located in the Friendly Acres Addition Phase 2, Lot 14r2 By Changing the Zoning District from Agriculture to Single Family Four; Requiring Compliance with All Other Applicable Ordinances; Directing the City Secretary to Change the Zoning Map Accordingly; Providing for a Severability Clause; and Providing an Effective Date with a second by Councilmember Witherspoon.

The following votes were cast:

Ayes:	Rodriguez, Wilkes, Meine, Beall, Witherspoon
Nays:	None
Absent:	None

The motion carried unanimously.

11. Public Hearing on Request by Mel Waltersheid to Change the Zoning from Agriculture to Commercial on an Approximate 1.832 Acre Tract of Land Located in the A0370a Despallier, Tr 38b or More Generally Located at the Southeast Corner of McCart Street and Jackson Street.

Mayor Wilson opened the public hearing. No one wished to speak during the public hearing. Mayor Wilson closed the public hearing.

12. Discuss, Consider and Take Action on an ORDINANCE OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON A TRACT OF LAND DESCRIBED AS APPROXIMATELY 1.832 ACRES OF LAND IN THE A0370a DESPALLIER, TR 38b BY CHANGING THE ZONING DISTRICT FROM AGRICULTURE TO COMMERCIAL; REQUIRING COMPLIANCE WITH ALL OTHER APPLICABLE ORDINANCES; DIRECTING THE CITY SECRETARY TO CHANGE THE ZONING MAP ACCORDINGLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Planning and Zoning Clerk Lynn Jones provided to the City Council information regarding recommendation of the Planning and Zoning Commission for approval of the request for the zoning change.

Councilmember Beall made a motion to approve Ordinance No. 2013-04-03 Amending the Official Zoning Map for the City by Changing the Zoning on a Tract of Land Described as Approximately 1.832 Acres of Land in the A0370a Despallier, Tr 38b by Changing the Zoning District from Agriculture to Commercial; Requiring Compliance with All Other Applicable Ordinances; Directing the City Secretary to Change the Zoning Map Accordingly; Providing for A Severability Clause; and Providing an Effective Date with a second by Councilmember Wilkes.

The following votes were cast:
Ayes: Rodriguez, Wilkes, Meine, Beall, Witherspoon
Nays: None
Absent: None

The motion carried unanimously.

13. Public Hearing Related to the Cost and Impact of the Projects Submitted in Proposition No. 2 of the Election on the Adoption of a Sales and Use Tax and the Expenditure of Funds from Such Tax.

Mayor Wilson opened the public hearing. No one wished to speak during the public hearing. Mayor Wilson closed the public hearing.

14. Discuss, Consider and Take Action on the Bids/Proposals for Commercial and Residential Solid Waste Removal.

Councilmember Witherspoon made a motion to award the bid/proposal to Progressive (formerly IESI) for Commercial and Residential Solid Waste Removal with a second by Councilmember Wilkes.

The following votes were cast:
Ayes: Rodriguez, Wilkes, Meine, Beall, Witherspoon
Nays: None
Absent: None

The motion carried unanimously.

15. Discuss, Consider and Take Action on an ORDINANCE OF THE CITY OF KRUM, TEXAS REPEALING ORDINANCE 04-16 AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF KRUM, CHAPTER 12: TRAFFIC AND VEHICLES, ARTICLE 12.03: OPERATION OF VEHICLES, DIVISION 2. SPEED LIMITS, SECTION 12.03.31: SCHOOL ZONES, PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

Police Chief Dennis Bassinger gave a presentation regarding an Ordinance that amends the Code of Ordinances of the City of Krum, Chapter 12: Traffic and Vehicles, Article 12.03: Operation of Vehicles, Division 2. Speed Limits, Section 12.03.31: School Zones and establishes a school zone and discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve Ordinance No. 2013-04-05 Repealing Ordinance 04-16 and Amending the Code of Ordinances of the City of Krum, Chapter 12: Traffic and Vehicles, Article 12.03: Operation of Vehicles, Division 2. Speed Limits, Section 12.03.31: School Zones, Providing for Incorporation of Premises; Providing for Findings; Providing for Amendments to the Code of Ordinances; Providing a Cumulative Repealer Clause; Providing for Savings; Providing for Severability; Providing for Penalty; Providing for a Publication; Providing for Engrossment and Enrollment; and Providing an Effective Date with a second by Councilmember Witherspoon.

The following votes were cast:
Ayes: Rodriguez, Wilkes, Meine, Beall, Witherspoon
Nays: None
Absent: None

The motion carried unanimously.

16. Discuss, Consider and Take Action on an ORDINANCE OF THE CITY OF KRUM, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF KRUM, CHAPTER 8: OFFENSES AND NUISANCES, ARTICLE 8.02: MINORS, DIVISION 2. CURFEW; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

Police Chief Dennis Bassinger gave a presentation regarding an Ordinance that amends the Code of Ordinances of the City of Krum, Chapter 8: Offenses and Nuisances, Article 8.02: Minors, Division 2. Curfew and discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve Ordinance No. 2013-04-06 Amending the Code of Ordinances of the City of Krum, Chapter 8: Offenses and Nuisances, Article 8.02: Minors, Division 2. Curfew; Providing for Incorporation of Premises; Providing for Findings; Providing for Amendments to the Code of Ordinances; Providing a Cumulative Repealer Clause; Providing for Savings; Providing for Severability; Providing for a Publication; Providing for Engrossment and Enrollment; and Providing an Effective Date with a second by Councilmember Meine.

The following votes were cast:
Ayes: Rodriguez, Wilkes, Meine, Beall, Witherspoon
Nays: None
Absent: None

The motion carried unanimously.

G. EXECUTIVE SESSION – None.

H. ADJOURN

Prior to adjournment, Police Chief Bassinger recognized Cub Scouts Brandon Corey and Cameron Corey from Troop 136 in attendance at the City Council meeting.

There being no further business, Mayor Terri Wilson adjourned the meeting at 7:00 p.m.

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.

APPROVED:

Terri Wilson, Mayor

Andrea Dzioba, City Secretary