REGULAR CITY COUNCIL MEETING
MONDAY, MAY 6, 2013 at 7:00 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 7:02 p.m.

B. QUORUM PRESENT

Those present were Mayor Terri Wilson and Councilmembers Christine Rodriguez, Michael Wilkes, Joe Beall, and Bert Witherspoon. Also present were Director of Finance Chris Speights, Fire Chief Ken Swindle, Public Works Director Adam Farguson, Library Director Donna Pierce, and City Secretary Andrea Dzioba.

Councilmember Meine was absent.

C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Michael Wilkes 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.**

Miss Molly Mayfield, a 3rd grader from 305 Broken Arrow, spoke in support of Library Proposition 2.

Ms. Andrea Bonenberger, 1602 Withers Way, and Michael Yett, 1606 Sequoia Drive, spoke in opposition to individuals within Saddlebrook being allowed to manufacture and distribute firearms.

Mr. Justin Diviney, 507 Park Lane, spoke in support of Mr. Gary Calmes being appointed as the Board Member to the Board of Directors of the Upper Trinity Regional Water District.

Ms. Elaine Herzog, 912 Glengarden Circle, spoke in support of the City of Krum considering a resolution to have the Upper Trinity Regional Water District explore all possible future water supply options. She also urged that the City Council choose a person that represented the best interests of the City of Krum to serve as a Board Member to the Board of Directors of the Upper Trinity Regional Water District.

Mr. Charles Cross, 113 Dickens Drive, Coppell, Economic Development of Texas, spoke regarding some of the services that his organization provides and possible inclusion in an upcoming publication campaign.

E. PROCLAMATION

1. Proclamation – "Motorcycle Safety and Awareness Month"

Mayor Terri Wilson presented the proclamation for "Motorcycle Safety and Awareness Month" to a group of individuals which included Mandy Trapp, Denton ABATE Secretary; Gail Banks, founding member of Denton ABATE; Chuck McMurray; Jersey; and members of the Iron Guardians.

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.

2. Consider and Act on Approval of the Minutes from the April 1, 2013 Regular City Council Meeting.

3. Consider and Act on Approval of the Minutes from the April 8, 2013 Special City Council Meeting.

4. Consider and Act on the Resignation of Simon Rodriguez from the Krum Park Advisory Board.

5. Discuss, Consider and Take Action on a Grant in the Amount of $8,294.00 from the Texas A & M Forest Service for the Purchase of Wildland Personal Protective Equipment for the Krum Fire Department.

6. Discuss, Consider and Take Action on a Grant in the Amount of $8,400.00 from the Texas A & M Forest Service for the Purchase of Structural Personal Protective Equipment for the Krum Fire Department.

7. Discuss, Consider and Act on a Resolution Authorizing Continued Participation with the Steering Committee of Cities Served by Oncor and Authorizing the Payment of 10 cents ($0.10) Per Capita to the Steering Committee.

8. Discuss, Consider and Take Action on an ORDINANCE OF THE CITY OF KRUM, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF KRUM, DENTON COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES; PROVIDING AN ENGROSSMENT AND ENROLLMENT AND PROVIDING AN EFFECTIVE DATE.

10. Discuss, Consider and Take Action on Approval of a Twenty-Four Month Lease Agreement with Datamax Relating to the Lease of a Konica Minolta Copier for the Police Department and Authorizing the Mayor to Execute said Agreement on Behalf of the City of Krum, Texas.

11. Discuss, Consider and Take Action to Set Date for a Special Council Meeting to Canvass the May 11, 2013 General and Special Elections for the City of Krum, Texas. (May 20, 2013)

Mayor Terri Wilson requested that Consent Item #9 be considered separately.

Councilmember Rodriguez made a motion to approve the consent agenda items excluding Consent Item #9 with a second by Councilmember Beall.
The following votes were cast:
Ayes: Rodriguez, Wilkes, Beall, Witherspoon
Nays: None
Absent: Meine

The motion carried unanimously.

9. Discuss, Consider and Take Action on Authorizing the Mayor to Execute an Exclusive Franchise Agreement for the Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste, and Recyclable Materials in the City of Krum, Texas with Progressive Waste Solutions of TX, Inc. (IESI TX Corporation).

Mayor Terri Wilson provided an update on the Exclusive Franchise Agreement for Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste, and Recyclable Materials in the City of Krum, Texas with Progressive Waste Solutions of TX, Inc. (IESI TX Corporation). Mr. Bill Osweiler, Division Manager, and Mr. Bob Kneis, Senior Area Manager, were available to respond to any questions presented by the City Council. Mr. Bob Kneis provided additional information about services that they will be providing to the City of Krum.

Councilmember Rodriguez made a motion to authorize the Mayor to execute an Exclusive Franchise Agreement for the Collection, Hauling, Recycling and Disposal of Municipal Solid Waste, Construction and Demolition Waste, and Recyclable Materials in the City of Krum, Texas with Progressive Waste Solutions of TX, Inc. (IESI TX Corporation) with a second by Councilmember Witherspoon.

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

The motion carried unanimously.

G. REGULAR AGENDA ITEMS

12. Discuss, Consider and Take Action on a Variance Request to Allow an LED Sign to be Installed at 202 W. McCart Street.

Mr. Cecil Drake, President of Drake Communications, Inc, spoke about his variance request to allow an LED sign to be installed at 202 W. McCart Street and its possible uses.

Discussion was held by the City Council.

Councilmember Witherspoon made a motion to approve a variance request to allow an LED sing to be installed at 202 W. McCart Street with a second by Councilmembers Rodriguez and Beall.

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

The motion carried unanimously.

13. Discuss, Consider and Take Action on an Engagement Agreement with Vybranz LLC for Cost Reduction Solutions.

Finance Director Chris Speights spoke regarding some of the types of services that Vybranz LLC provides to municipalities.

Ms. Danell Winsor gave a presentation to the City Council regarding the services that Vybranz LLC would provide to the City of Krum.

Discussion was held by the City Council.

This item was tabled and it was requested that Finance Director Chris Speights obtain additional information from others that have done business with Vybranz LLC.

14. Discuss, Consider and Take Action on the Audit Report for Fiscal Year 2011-2012.

Mr. W.L. "Woody" Mathews, Jr. of AuldridgeGriffin gave a presentation related to the audit report for Fiscal Year 2001-2012.

Councilmember Witherspoon made a motion to accept the audit report for Fiscal Year 2001-2012 with a second by Councilmember Rodriguez.

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

The motion carried unanimously.

15. Discuss, Consider and Take Action on the Third and Final Invoice from Orasi in the Amount of $12,500.00.

Councilmember Rodiguez presented the item for consideration of the City Council.

Councilmember Rodriguez made a motion to approve payment of the third and final invoice from Orasi in the amount of $12,500.00 with a second by Councilmember Wilkes.

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

The motion carried unanimously.

16. Discuss, Consider and Take Action on an Application for Business Incentive from James and Cynthia Neville.

Councilmember Rodriguez reminded the City Council that approval of the application would be the same as they previously approved being that they would pay 70% if within 90 days of approval by Council up to $1,672.00; but if after 90 days will pay 50% up to $875.00.

Councilmember Beall made a motion to approve the Application for Business Incentive from James and Cynthia Neville regarding the installation of a monitored fire alarm system at 114 McCart Street with a second by Councilmember Rodriguez.

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

The motion carried unanimously.

17. Discuss, Consider and Take Action on City Employee Health Insurance Renewal Options.

Mr. Rodney Dryden gave a presentation to the City Council regarding the options available to the City related to employee health insurance. Finance Director Chris Speights provided information regarding the current and presented employee health insurance options.

Discussion was held by the City Council.

Councilmember Rodriguez made a motion to select the Market 3 options with Aetna and all other coverages to remain the same with a second by Councilmember Witherspoon.

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

The motion carried unanimously.

18. Discuss, Consider and Take Action on Appointing a Board Member to the Board of Directors of the Upper Trinity Regional Water District.

Mayor Terri Wilson provided some background information and direction regarding the necessity for more communication between the Board Member representing the City of Krum and the City Council. Mr. Gary Calmes spoke to the City Council about his representation, voting record, and Lake Ralph Hall and the permit approval process related to Lake Ralph Hall.

Discussion was held by the City Council.

Councilmember Witherspoon made a motion to appoint Mr. Gary Calmes as a Board Member to the Board of Directors of the Upper Trinity Regional Water District with a second by Councilmember Beall.

The following votes were cast:
Ayes: Wilkes, Beall, Witherspoon
Nays: Rodriguez
Absent: Meine

The motion carried with a 3 – 1 vote.

19. Discuss, Consider and Take Action on Determining a Proposed Main Street Program Area for the Letter of Intention for the Texas Main Street Program.

Councilmember Rodriguez provided information regarding the need to determine a proposed Main Street Program Area for the Letter of Intention for the Texas Main Street Program.

Discussion was held by the City Council.

Councilmember Witherspoon made a motion to approve the proposed Main Street Program Area for the Letter of Intention for the Texas Main Street Program with a second by Councilmember Rodriguez.

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

The motion carried unanimously.

20. Discuss, Consider and Take Action on an Ordinance AMENDING THE CITY OF KRUM CODE OF ORDINANCES, ARTICLE I.I2 PARKS AND RECREATION, SEC. 1.12.042 COMPOSITION; APPOINTMENT AND TERM OF MEMBERS CHANGING THE RESIDENCY REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE.

Public Works Director Adam Farguson made a presentation regarding the proposed ordinance and the request of the Krum Parks Advisory Board to allow that the residency requirement be expanded to include the Krum Independent School District area.

Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve Ordinance No. 2013-05-02 AMENDING THE CITY OF KRUM CODE OF ORDINANCES, ARTICLE I.I2 PARKS AND RECREATION, SEC. 1.12.042 COMPOSITION; APPOINTMENT AND TERM OF MEMBERS CHANGING THE RESIDENCY REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE with a second by Wilkes.

The following votes were cast:
Ayes: Rodriguez, Wilkes, Beall
Nays: Witherspoon
Absent: Meine

The motion carried with a 3 – 1 vote.

H. EXECUTIVE SESSION – None.

I. ADJOURN

There being no further business, Mayor Terri Wilson adjourned the meeting at 8:17 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