



# REGULAR CITY COUNCIL MEETING MONDAY, AUGUST 4, 2014 at 5:30 P.M.

KRUM CITY HALL – 146 W. McCART STREET

Terri Wilson, Mayor  
Nick Vincent, Councilmember - PI.1  
Justin Diviney, Councilmember - PI.3  
Lance Vanzant, City Attorney

Joe Beall, Councilmember - PI.2  
Michael B. Wilkes, Mayor Pro-Tem  
Christine Rodriguez, Councilmember - PI.5  
Andrea Dzioba, City Secretary

## MINUTES

### A. CALL TO ORDER

Mayor Terri Wilson called the meeting to order at 5:31 p.m.

### B. QUORUM PRESENT

Those present were Mayor Terri Wilson and Councilmembers Michael Wilkes, Nick Vincent, Joe Beall, Justin Diviney, and Christine Rodriguez. Also present were Interim Police Chief Terry Hargis, Fire Chief Ken Swindle, Public Works Director Mark Patterson, Library Director Donna Pierce, City Engineer Gabe Johnson, City Planner Sherry Sefko, City Attorney Lance Vanzant and City Secretary Andrea Dzioba.

### C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Joe Beall gave the invocation.

Mayor Terri 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.

Mr. Sam Alexander, 3219 McReynolds Road, expressed his concerns about the trap-neuter-release feral cat program and animal services related to same.

Ms. Sanden Cottongame, 1218 E. Sixth Street, expressed her concerns about the feral cat ordinance and the City's animal control service's handling of feral cats.

Ms. Vicki Whitmer, 6064 Jackson Road, expressed her concerns about the feral cat ordinance and the requirement of the ordinance for a Feral Cat Colony Oversight Committee.

### E. DISCUSSION

#### 1. Engineering Update – Gabe Johnson, Johnson Civil Engineering – Emergency Force Main Replacement update; Oil and Gas Mineral Leases; and Fire Station, PW Building and Public Library RFQ.

Gabe Johnson, Johnson Civil Engineering, made a presentation and provided an engineering update related to the Emergency Force Main Replacement and stated that they would be providing additional information at an upcoming meeting regarding a manhole that required replacement; Oil and Gas Mineral Leases and that he would like the City Council's input at an upcoming meeting regarding temporary water lines, sale of water, and use of proceeds; and advised that the City had received eleven (11) Statements of Qualifications in response to the Fire Station, Public Works Building and Public Library Request for Qualifications.

- 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 take action on approval of the minutes from the July 14, 2014 Regular City Council meeting.**
  3. **Consider and take action to approve the purchase of two (2) 4-drawer fireproof vertical file cabinets.**

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

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

G. **REGULAR AGENDA ITEMS**

4. **Hold a Public Hearing to consider a zoning request initiated by Rheta Morris and Not Quite 4A Properties to rezone a 0.4± acre property to Multi-Family Apartments (MF-1), said property being generally located on the south side of Jones Street, approximately 140± feet east of S. First Street, in the City of Krum, Texas (Legal description: Lots 2R1 and 2R2, Block 8, in the Spurlock Addition).**

Mayor Wilson opened the public hearing. There were no individuals present to speak during the public hearing.

Mayor Wilson closed the public hearing.

5. **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 AN APPROXIMATE 0.4-ACRE TRACT OF LAND DESCRIBED AS LOTS 2R1 AND 2R2, BLOCK 8, IN THE SPURLOCK ADDITION BY CHANGING THE ZONING DISTRICT TO MULTI-FAMILY APARTMENTS (MF-1); 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.**

City Planner Sherry Sefko made a presentation to the City Council regarding proposed Ordinance and the rezoning request. Discussion was held by the City Council.

Councilmember Beall made a motion approve ORDINANCE NO. 2014-08-01 OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON AN APPROXIMATE 0.4-ACRE TRACT OF LAND DESCRIBED AS LOTS 2R1 AND 2R2, BLOCK 8, IN THE SPURLOCK ADDITION BY CHANGING THE ZONING DISTRICT TO MULTI-FAMILY APARTMENTS (MF-1); 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 Rodriguez.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

6. **Hold a Public Hearing to consider a zoning request initiated by Melvin J. Knight to rezone a 6.5± acre property to Planned Development – Commercial/Multi-Family/Duplex (PD-COMM/MF-1/MF-2), said property being generally located on the south side of FM1173 (McCart Street), approximately 200± feet east of the G C & SF Railroad tracks, in the City of Krum, Texas (Legal description: Lot1A, Block 40, in the Old Town Krum Addition).**

Mayor Wilson opened the public hearing.

Mrs. Janice Callarman spoke during the public hearing and expressed her concerns about the additional traffic that the possible development might create.

Mayor Wilson closed the public hearing.

7. **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 AN APPROXIMATE 6.5-ACRE TRACT OF LAND DESCRIBED AS LOT 1A, BLOCK 40, IN THE OLD TOWN KRUM ADDITION BY CHANGING THE ZONING DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL/MULTI-FAMILY/DUPLEX (PD-COMM/MF-1/MF-2); 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.**

City Planner Sherry Sefko made a presentation to the City Council regarding the request for a change in zoning to a Planned Development and provided the Councilmembers with a summary of their options related to same. Discussion was held by the City Council.

Councilmember Beall made a motion to approve ORDINANCE NO. 2014-08-02 OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON AN APPROXIMATE 6.5-ACRE TRACT OF LAND DESCRIBED AS LOT 1A, BLOCK 40, IN THE OLD TOWN KRUM ADDITION BY CHANGING THE ZONING DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL/MULTI-FAMILY/DUPLEX (PD-COMM/MF-1/MF-2); 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 [Option #1 to approve the zoning to a Planned Development – Commercial/Multi-Family/Duplex (PD-COMM/MF-1/MF-2), as requested by the applicant (with amended PD standards per the Planning & Zoning Commission's recommendation] with a second by Councilmember Rodriguez.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

8. **Discuss, consider and take action on the formation of a 4A Corporation and the appointment of its board of directors.**

Mayor Wilson advised the Councilmembers that she would like them to think of people that they might like to see appointed to a 4A Corporation board of directors and requested that they forward their recommendations to City Secretary Andrea Dzioba.

9. **Discuss, consider and take action on a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ESTABLISHING THAT THE CELEBRATE KRUM EVENT ON SEPTEMBER 20, 2014 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.**
10. **Discuss, consider, and take action on a request for a closure of an alley located southwest of the corner of South First Street (FM 156) from Friday, September 12, 2014 through Monday, September 22, 2014 for the Celebrate Krum event to be held on Saturday, September 20, 2014.**

*Items No. 9 and No. 10 were discussed and considered together.*

Councilmember Rodriguez made a motion to approve RESOLUTION NO. 2014-08-01 OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ESTABLISHING THAT THE CELEBRATE KRUM EVENT ON SEPTEMBER 20, 2014 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 and the closure of an alley located southwest of the corner of South First Street (FM 156) from Friday, September 12, 2014 through Monday, September 22, 2014 for the Celebrate Krum event to be held on Saturday, September 20, 2014 with a second by Councilmember Wilkes.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

11. **Discuss, consider and take action to adopt the proposed City of Krum Personnel Manual.**

Mayor Wilson and Councilmember Rodriguez spoke about the proposed City of Krum Personnel Manual and some of the proposed changes to it. Fire Chief Ken Swindle, City Secretary Andrea Dzioba, and Library Director Donna Pierce made comments regarding exempt employees noting any absence from work on their timesheets.

Councilmember Diviney made a motion to table this item with a second by Councilmember Vincent and Councilmember Beall.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

12. **Discuss, consider and take action on a proposed oil and gas lease from Vantage Fort Worth Energy, LLC.**

City Engineer Gabe Johnson made a presentation regarding the proposed lease and options available to the City Council. Sunni McAsey from Scott Land Services was available to answer questions and provide additional information related to the proposed oil and gas lease from Vantage Fort Worth Energy, LLC. Discussion was held by the City Council.

Councilmember Vincent made a motion to approve the terms of the counteroffer recommended by the City Engineer and delegated negotiation of those terms of the contract to the City Attorney, City Engineer, and Mayor with a second by Councilmember Wilkes.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

**13. Discuss, consider and take action on a proposed oil, gas, and mineral lease from EagleRidge Energy, LLC.**

City Engineer Gabe Johnson made a presentation regarding the proposed lease and options available to the City Council. Discussion was held by the City Council.

Councilmember Vincent made a motion to approve the terms of the counteroffer recommended by the City Engineer and delegated negotiation of those terms of the contract to the City Attorney, City Engineer, and Mayor with a second by Councilmember Rodriguez.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

**14. Discuss, consider and take action to approve providing water service to FM 1173 which is located outside of the city limits. 7428**

Public Works Director Mark Patterson provided information regarding providing water service to 7428 FM 1173 which is located outside of the city limits. Discussion was held by the City Council.

Councilmember Beall made a motion to approve providing water service to 7428 FM 1173 which is located outside of the city limits with the condition that Public Works Director Mark Patterson contact Bolivar CCN and obtain their approval first with a second by Councilmember Wilkes.

The following votes were cast:

Ayes: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

**15. Discuss and review the FY 2014-15 Proposed Budget.**

Councilmember Rodriguez provided an overview of the Fiscal Year 2014-2015 Proposed Budget and suggested that the Department Heads have an opportunity to review it and move funds around as they believe necessary.

She advised that the City Council would need to have another meeting this month in order to discuss a vote on the tax rate and the setting of the public hearings.

Mayor Wilson suggested that the City Council meet again on Monday, August 11, 2014 and provide everyone time to look at it and bring it back for discussion. Also, Mayor Wilson suggested that the Library, Public Works, and Administration present information to the City Council regarding their departmental budgets.

Councilmember Chris Rodriguez suggested that she meet with Department Heads as needed in order to discuss changes necessary to the proposed budget and contemplate their needs for the upcoming fiscal year.

Councilmember Nick Vincent discussed the tax rate and made suggestions about allocation of funds related to street maintenance. Some discussion was held about the salary survey information provided and the positions included in same. Fire Chief Ken Swindle provided information about how the calculations were made on the survey and stated that the goal was to provide a true average for each position. Discussion was held by the Councilmembers related to the salary survey.

Mayor Terri Wilson stated that the next City Council meeting will be held on Monday, August 11, 2014 at 5:30 p.m.

A brief discussion was held regarding whether a City Councilmember would like to sit on the interview board related to the RFQ interviews or whether they just wanted to interview the top five firms. Councilmember Nick Vincent asked for some background history on what will happen to the other existing buildings after the new facilities are built. Fire Chief Ken Swindle provided information related to mutual aid and why he doesn't believe that the City requires two fire stations at this time.

***Executive Session was held prior to Item No. 15.***

## **H. EXECUTIVE SESSION**

Mayor Wilson announced that the City Council would convene in executive session at 6:55 p.m.

**16. 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. Finance Director**

**17. 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.**

The City Council reconvened into the open meeting at 7:54 p.m. 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.

## **I. ADJOURN**

There being no further business, Mayor Terri Wilson adjourned the meeting at 8:30 p.m.

**APPROVED:**

  
Terri Wilson, Mayor

  
Andrea Dzioba, City Secretary