



REGULAR CITY COUNCIL MEETING

MONDAY, OCTOBER 6, 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 5:35 p.m.

B. QUORUM PRESENT

Those present were Mayor Terri Wilson and Councilmembers Michael Wilkes, Nick Vincent, Joe Beall, Justin Diviney, and Christine Rodriguez (Councilmember Rodriguez arrived at 5:37 p.m.). 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, Assistant City Attorney Trey Sargent 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. Richard Swiger, 341 W. Huffman, expressed his concerns about the lack of sidewalks on his street and needed street repairs.

Public Works Director advised Mr. Swiger that they were in the process of receiving estimated costs related to the installation of sidewalks on Huffman.

E. INTRODUCTION

1. Introduction of the new Police Officer.

Police Chief Hargis provided some background information regarding Officer Hooten and his experience. Police Chief Hargis introduced the new Police Officer Roger Hooten.

F. PRESENTATION

2. Proclamation – “Fire Prevention Week – Working Smoke Alarms Save Lives: Test Yours Every Month.”

Mayor Terri Wilson read the proclamation which was then presented to Fire Chief Ken Swindle. Fire Chief Ken Swindle thanked the Mayor and City Council for all of their support. He also stressed the importance of early detection of fires.

G. DISCUSSION

3. **Engineering Update – Gabe Johnson, Johnson Civil Engineering – Safe Routes to Schools Construction, WWTP update 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 Wastewater Treatment Plant. He advised that construction is approximately 20% complete and provided information regarding the items that are currently being worked on at the site. He advised that interviews related to the Fire Station, Public Works Building and Public Library RFQs will be held on October 20th and hope to bring the top 2 firms back to the City Council for their consideration. Mr. Johnson spoke about the Safe Routes to Schools Construction. He discussed some of the items that are being completed in Phase I and what they are working on and correcting related to Phase II construction.

H. 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 4, 2014 Regular City Council meeting.**
5. **Consider and take action on approval of the minutes from the August 11, 2014 Special City Council meeting.**
6. **Consider and take action on approval of the minutes from the August 25, 2014 Special City Council meeting.**
7. **Consider and take action on approval of the minutes from the September 4, 2014 Special City Council meeting.**
8. **Consider and take action on approval of the minutes from the September 15, 2014 Special City Council meeting.**
9. **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 1, 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 IN THE CITY LIMITS OF THE CITY OF KRUM, TEXAS.**
10. **Consider and take action on a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ESTABLISHING THAT THE CHRISTMAS PARADE ON DECEMBER 6, 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.**
11. **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, 2014 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.**

12. **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 2014-2015 AND REPEALING ALL ORDINANCES OR RESOLUTIONS IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**
13. **Consider and take action on a letter of engagement with Auldridge Griffin, PC for audit services for Fiscal Year 2013-2014.**

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

The following votes were cast:

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

The motion carried unanimously.

I. REGULAR AGENDA ITEMS

14. **Discuss and consider the Krum Public Library Emergency Procedures and Disaster Plan.**

Mayor Wilson advised that this is not an action item but was to provide them an opportunity to review the plan and ask any questions that they might have at this time. Library Director Donna Pierce made a presentation and provided information regarding her online plan.

15. **Hold a Public Hearing on a zoning request initiated by Barthold Estates, Ltd. to rezone a 19.2± acre property to Planned Development – Commercial/Multi-Family (PD-COMM/MF-1), said property being generally located at the southwest corner of FM 1173 and Masch Branch Road, in the City of Krum, Texas (Legal description: Tract 3A in the J. Haney Survey, Abstract No. 515, Denton County, Texas). (Z2014-04)**

Mayor Wilson opened the public hearing.

No one requested to speak during the public hearing.

Mayor Wilson closed the public hearing.

16. **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 APPROXIMATELY 19.2-ACRE TRACT OF LAND DESCRIBED AS TRACT 3A IN THE J. HANEY SURVEY, ABSTRACT NO. 515 BY CHANGING THE ZONING DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL/MULTI-FAMILY (PD-COMM/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. (Z2014-04)**

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.

Mr. Mark Angeli, one of the owners, spoke regarding the request for a change in zoning. Mr. Angeli advised that he had spoken with the Superintendent of the school district and would welcome the future development. Jeff Crandall, the engineer, was also on hand to answer any questions.

Councilmember Rodriguez made a motion to approve ORDINANCE NO. 2014-10-02 OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON AN APPROXIMATELY 19.2-ACRE TRACT OF LAND DESCRIBED AS TRACT 3A IN THE J. HANEY SURVEY, ABSTRACT NO. 515 BY CHANGING THE ZONING DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL/MULTI-FAMILY (PD-COMM/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 [Option #1 to approve the zoning to a Planned Development – Commercial/Multi-Family (PD-COMM/MF-1), as requested by the applicant (with amended PD standards per the Planning & Zoning Commission's recommendation)] with a second by Councilmember Beall.

The following votes were cast:

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

The motion carried unanimously.

17. **Discuss, consider and take action to accept and call for public hearings on, or to reject, a petition initiated by D.R. Horton – Texas, Ltd. to annex a 60.1± acre property, said property being generally located on the east side of Hopkins Road at Radecke Road, in Denton County, Texas (Legal description: Tract 15 in the John W. Gibbons Survey, Abstract No. 446, Denton County, Texas).**
18. **Hold a Public Hearing to consider a zoning request initiated by D.R. Horton – Texas, Ltd. to zone a 60.1± acre property to Planned Development – Single-Family Residential 4A (PD-SF-4A), said property being generally located on the east side of Hopkins Road at Radecke Road, in Denton County, Texas (Legal description: Tract 15 in the John W. Gibbons Survey, Abstract No. 446, Denton County, Texas). (Z2014-05)**

Items No. 17 and No. 18 were discussed together.

Discussion was held as to whether either of the items should be considered. Assistant City Attorney Trey Sargent advised that there wasn't anything to discuss on these items since the landowner had withdrawn their petition. No action was taken on these items.

19. **Discuss, consider and take action on a request for approval of a Replat of Lot 27A, in the Little Brook Estates, Unit No. 2 Addition, an approximately 9±-acre property generally located at the southeast corner of FM 1173 and Masch Branch Road in the City of Krum, Texas.**

City Planner Sherry Sefko made a presentation to the City Council regarding the request for approval of a replat of Lot 27A, in the Little Brook Estates, Unit No. 2 Addition. City Engineer Gabe Johnson spoke regarding calculations of the true 100-year flood plain. The applicant, Greg Andrews was available for questions. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve the Replat of Lot 27A in the Little Brook Estates, Unit No. 2 Addition, an approximately 9 ± acre property generally located at the southeast corner of FM 1173 and Masch Branch Road in the City of Krum, Texas subject to minor corrections if needed prior to filing with Denton County 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.

20. Discuss, consider and act on a rate increase request by Progressive Waste Solutions for Solid Waste services.

Mayor Terri Wilson provided background information concerning the rate increase request by Progressive Waste Solutions. Discussion was held by the City Council.

Councilmember Vincent made a motion to approve the rate increase request by Progressive Waste Solutions for Solid Waste services 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.

21. Discuss, consider and take action to authorize the Mayor to execute change orders for the construction of the sidewalks for the Safe Routes to School (SRTS) grant in an amount not to exceed \$15,000.

Discussion was held by the City Council. The additional funding will come from the G

Councilmember Rodriguez made a motion to authorize the Mayor to execute change orders for the construction of the sidewalks for the Safe Routes to School (SRTS) grant in an amount not to exceed \$15,000.00 to be paid from the General Fund Street Account 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.

22. 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, 2013-2014; 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 Clayton Gray made a presentation regarding the budget amendments. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve ORDINANCE NO. 2014-10-03 OF THE CITY OF KRUM, TEXAS, ADOPTING AMENDMENTS TO THE BUDGET OF THE CITY OF KRUM, TEXAS FOR THE FISCAL YEAR, 2013-2014; 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 Wilkes.

The following votes were cast:

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

The motion carried unanimously.

- 23. Discuss, consider and take action on approval of a Water Use and Temporary Access Agreement with Vantage Fort Worth Energy, LLC and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.**

City Engineer Gabe Johnson and Public Works Director Mark Patterson made a presentation regarding the proposed Water Use and Temporary Access Agreement. Discussion was held by the City Council.

Councilmember Wilkes made a motion to approve a Water Use and Temporary Access Agreement with Vantage Fort Worth Energy, LLC and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum with a second by Councilmember Rodriguez.

The following votes were cast:

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

The motion carried.

- 24. Discuss, consider and take action on appointment of members to the Zoning Board of Adjustment.**

City Planner Sherry Sefko made a presentation to the City Council related to the Zoning Board of Adjustment. She suggested that the City Council appoint itself to act as the Zoning Board of Adjustment until new members could be appointed. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to appoint the City Council to act as the Zoning Board of Adjustment until new members could be appointed 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.

J. EXECUTIVE SESSION

Mayor Wilson announced that the City Council would convene in executive session at 6:50 p.m.

- 25. After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.072, Deliberation regarding Real Property, to deliberate the purchase, exchange, lease or value of real property.**
- a. Approximately .34 acres of land out of Abstract No. SK0020A, O T Krum, Denton County, Texas.**
- 26. 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 551.072 and 551.074.**

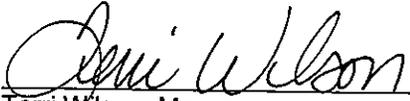
The City Council reconvened into the open meeting at 7:05 p.m. No action was taken.

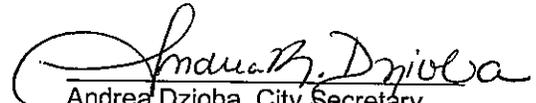
Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.074 (Deliberations Regarding the Appointment, Duties, Discipline or Termination of Personnel) and 551.087 (Deliberation Regarding 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 7:06 p.m.

APPROVED:


Terri Wilson, Mayor


Andrea Dzioba, City Secretary