



REGULAR CITY COUNCIL MEETING MONDAY, FEBRUARY 2, 2015 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 5:32 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 Police Chief Terry Hargis, Fire Chief Ken Swindle, Finance Director Clayton Gray, Public Works Director Mark Patterson, Library Director Donna Pierce, City Engineer Gabe Johnson (arrived at 5:45 p.m.), 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.

Items appear in the order in which they were considered but retain original numbers as listed on the posted agenda.

G. REGULAR AGENDA ITEMS

- 18. **Discuss, consider and take action to approve an agreement with Kelly Clark (Chute 2 Productions) and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Mayor Terri Wilson provided background information on the agreement as it relates to the Celebrate Krum event in September.

Councilmember Diviney made a motion to approve an agreement with Kelly Clark (Chute 2 Productions) and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmembers Wilkes and Rodriguez.

The following votes were cast:

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

The motion carried unanimously.

E. PRESENTATION / DISCUSSION

- 2. Receive a presentation and discuss a proposal for possible further development of Hopkins Crossing, a proposed 132-unit apartment community to be located on the west side of Hopkins Road, north of its intersection with F.M. 1173 in Krum, Texas.**

Lee Allison, Allison Engineering, made a presentation related to the proposed 132-unit apartment community, funding, streets, traffic counts, water/sewer and improvements related to same.

Donna Rickenbacker, President of Marque Real Estate Consultants, made a presentation about the discussions from previous meetings. She advised that the proposed development is not Section 8 housing. She discussed tax credits, the amenities that they expect to include in the proposed development and advised that it will be like a high end apartment community. She discussed finding to re-structure Hopkins Road and drainage.

G. REGULAR AGENDA ITEMS

- 15. Discuss, consider and take action to approve a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, (A) EXPRESSING SUPPORT FOR THE APPLICATION OF HOPKINS CROSSING, LP, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2015 COMPETITIVE NINE-PERCENT HOUSING TAX CREDITS AND FOR THE DEVELOPMENT OF HOPKINS CROSSING APARTMENTS TO BE LOCATED ON HOPKINS ROAD; (B) RECOGNITION OF A COMMITMENT OF FUNDING ASSISTANCE BY THE CITY OF KRUM TO THE PROJECT; AND (C) AUTHORIZING SUCH OTHER ACTIONS NECESSARY OR CONVENIENT TO CARRY OUT THIS RESOLUTION.**

Mayor Wilson discussed the previous resolution and provided the City Council with information about the time period that would be necessary to recoup the City's investment. She believes that the funds would be better used toward the current projects that were not in place when the resolution was approved last year. She discussed sales tax revenue and believes that we need to look at what the City really wants to have built on the limited number of parcels that are available. She stated that the City should be looking at updating the Comprehensive Plan. She is recommending that the City Council deny the resolution.

Mr. Tom Shaw, Chair of the Planning and Zoning Commission, spoke as a citizen of the City of Krum. He believes that the water and traffic issues could be cured in time but doesn't believe that this proposed development is the best use for the property. The density is the biggest problem in this particular area.

Ms. Carol Turner, 345 Radecke Road, expressed her concerns and spoke against the proposed development of Hopkins Crossing. She stated that Krum needs to "live for generations" and have "small town growth".

Mr. Brett Fishburn, 3281 Hopkins Road, expressed his concerns about the proposed development and believes that the complex violates the character of the area.

Ms. Sarah Villareal, 9424 Plainview Road, expressed her concerns and spoke against the proposed development. She would like to stay more of a small town and tax dollars to develop what would be best for the City.

Ms. Lindsey Rindal, 13443 Highway 380 West, expressed her concerns about allowing a low income housing addition being developed in Krum. She chose to live better than a low income mentality and would like Krum to stay the town that she chose to move to.

Ms. Denise Burns, 5013 Ute Court, expressed her concerns about the proposed development. She teaches at the school district and is very concerned about traffic but is primarily concerned about the kids.

Ms. Amber Harper, 5129 Meadow Lane, expressed her concerns regarding added traffic and more people. She is concerned about safety and the number of cars that would be added to Hopkins. She then read a letter from Daniel and Laura Shortridge, 5107 Crystal Lake; and Russell and Amy Shortridge, 1514 Sturgeon Trail, discouraging approval of the proposed development.

Mr. Kevin Thomas, Dove Meadows, expressed his concerns about how long the developer would retain the property before it was "flipped" and was concerned about promises being kept.

Mr. Kyle Green, 5102 Meadow Lane, listed the things that made him move here – schools, their church. He is concerned about the traffic at FM 1173 and Hopkins Road. He believes that the City needs better infrastructure for growth.

Ms. Kara Myers, 425 Jackson Street, expressed her concern about the City losing its character and "hometown feel". She also stated that she believed that a traffic light would be needed.

Mr. Elzy Dee Johnson, 441 Jackson Street, stated that he supports the citizens that have spoken regarding this item.

Donna Rickenbacker, President of Marque Real Estate Consultants, advised that they are required to own and operative the development for 15 years. She advised that drainage would be discussed as the plans were drawn up and suggested that they would have to all work together. She stressed that the program for tax credits is very regulated and has restrictive leasing requirements. She provided some details related to the requirements under which they have to operate and how the City would be able to provide their contribution – loans, tax abatements, and in-kind contributions. Lee Allison, Allison Engineering, acknowledged that infrastructure issues are out there. He also advised that the cost of a street light would be approximately \$250,000.00 to \$350,000.00.

Councilmember Diviney made a motion to deny the resolution with a second by Councilmember Vincent and Councilmember Rodriguez.

The following votes were cast:

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

The motion carried unanimously.

Mayor Wilson called a recess at 6:42 p.m. The meeting was called back to order at 6:50 p.m.

- 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.

No one spoke under the Citizen's Agenda.

E. PRESENTATION / DISCUSSION

- 1. Engineering Update – Gabe Johnson, Johnson Civil Engineering – Design-Build Contract with Tim Beaty Builders; Park Entry Road Bids; and FY 2013 Street Bond Program.**

City Engineer Gabe Johnson provided a background about the bids received for the Park Entry Road Project and the contracts for the Design-Build with Tim Beaty Builders.

- 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 January 5, 2015 Regular City Council meeting.
4. Consider and take action on approval of the December 2014 Financials.
5. Consider and take action to approve Amendment #1 to the engineering consultant contract with Johnson Civil Engineering and approve a professional services agreement with Kirkman Engineering and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.
6. Consider and take action on approval of the Denton County Library Advisory Board Minimum Criteria and Request for Funding and authorize the Mayor to execute same on behalf of the City of Krum.
7. Consider and take action on an Application for Business Incentive from Chad Mudd, owner of 208 W. McCart.
8. Consider and take action on approval of the resignation of David Wolfe from the Planning and Zoning Commission.
9. Consider and take action on approval of the resignation of Julie Reynolds from the Krum Economic Development Corporation.
10. Consider and take action on approval of the resignation of Linda Schamber from the Krum Public Library Advisory Board.

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

The following votes were cast:

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

The motion carried unanimously.

G. REGULAR AGENDA ITEMS

11. Conduct a Public Hearing on a zoning request initiated by Keith D. Acklie to rezone a 0.1± acre property from Agricultural (AG) to Commercial (COMM), said property being generally located 200± feet north of FM 1173 and adjacent to the eastern property line of Lot 7 in the Hopkins Business Park Addition, in Krum, Texas (legal description: a 0.1± acre portion of Tracts 22 and 22A in the John W. Gibbons Survey, Abstract No. 446, Denton County, Texas). (Z2015-01)

Mayor Terri Wilson opened the public hearing at 6:56 p.m.

City Planner Sherry Sefko provided an overview of the request initiated by Keith D. Acklie.

No one requested to speak during the public hearing.

Mayor Terri Wilson closed the public hearing at 6:57 p.m.

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 AN APPROXIMATELY 0.1± ACRE TRACT OF LAND DESCRIBED AS A PORTION OF TRACTS 22 AND 22A IN THE JOHN W. GIBBONS SURVEY, ABSTRACT NO. 446, IN DENTON COUNTY, TEXAS, BY CHANGING THE ZONING DISTRICT FROM AGRICULTURAL (AG) TO COMMERCIAL (COMM); REQUIRING COMPLIANCE WITH ALL OTHER APPLICABLE ORDINANCES; DIRECTING THE CITY SECRETARY TO CHANGE THE ZONING MAP ACCORDINGLY; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE ZONING CLASSIFICATION; PROVIDING FOR ZONING MAP REVISION; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE. (Z2015-01)**

Councilmember Diviney made a motion to approve an ORDINANCE OF THE CITY OF KRUM AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON AN APPROXIMATELY 0.1± ACRE TRACT OF LAND DESCRIBED AS A PORTION OF TRACTS 22 AND 22A IN THE JOHN W. GIBBONS SURVEY, ABSTRACT NO. 446, IN DENTON COUNTY, TEXAS, BY CHANGING THE ZONING DISTRICT FROM AGRICULTURAL (AG) TO COMMERCIAL (COMM); REQUIRING COMPLIANCE WITH ALL OTHER APPLICABLE ORDINANCES; DIRECTING THE CITY SECRETARY TO CHANGE THE ZONING MAP ACCORDINGLY; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE ZONING CLASSIFICATION; PROVIDING FOR ZONING MAP REVISION; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE with a second by Councilmember Rodriguez and Councilmember Beall.

The following votes were cast:

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

The motion carried unanimously.

13. **Conduct a Public Hearing on a request for approval of a Replat of Lot 7 in the Hopkins Business Park Addition, said property being generally located on the north side of FM 1173, between Hopkins Road and Masch Branch Road, in Krum, Texas.**

Mayor Terri Wilson opened the public hearing at 6:58 p.m.

No one requested to speak during the public hearing.

Mayor Terri Wilson closed the public hearing at 6:58 p.m.

14. **Discuss, consider and take action on a request for approval of a Replat of Lot 7 in the Hopkins Business Park Addition, said property being generally located on the north side of FM 1173, between Hopkins Road and Masch Branch Road, in Krum, Texas.**

Councilmember Vincent made a motion to approve the replat subject to minor corrections to the plat, if needed, prior to filing the replat for record at the County with a second by Councilmember Wilkes and Councilmember Beall.

The following votes were cast:

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

The motion carried unanimously.

- 16. Discuss, consider and take action to authorize the Mayor to execute Design-Build contracts for the construction of a Fire Station, Public Works Facility and Library not to exceed the maximum amount of \$3,626,000.00.**

City Engineer Gabe Johnson provided the City Council information related to the Design-Build contracts for the construction of a Fire Station, Public Works Facility and Library. He will provide the City Council with a construction schedule as soon as one is completed.

Councilmember Rodriguez made a motion to authorize the Mayor to execute Design-Build contracts for the construction of a Fire Station, Public Works Facility and Library not to exceed the maximum amount of \$3,626,000.00 with a second by Councilmember Diviney and Councilmember Vincent.

The following votes were cast:

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

The motion carried unanimously.

- 17. Discuss, consider and take action to award the bid for the Park Entry Road and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum in an amount not to exceed the maximum of \$60,000.00.**

City Engineer Gabe Johnson provided the City Council information related to bids received for the Park Entry Road and advised that the lowest qualified bidder was P.C. Contractors. Discussion was held by the City Council.

Councilmember Vincent made a motion to award the bid for the Park Entry Road and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum in an amount not to exceed the maximum of \$60,000.00 with a second by Councilmember Beall.

The following votes were cast:

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

The motion carried unanimously.

- 19. Discuss, consider and take action to order the General Election for Mayor, Councilmember Place 2, Councilmember Place 4 and Councilmember Place 5 (unexpired term) for the City of Krum, to be held on Saturday, May 9, 2015.**

- 20. Discuss, consider and take action to approve a Joint Election Agreement with Denton County for Election Services and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.**

Items No. 19 and 20 were handled as one item.

Councilmember Beal made a motion to order the General Election for Mayor, Councilmember Place 2, Councilmember Place 4 and Councilmember Place 5 (unexpired term) for the City of Krum, to be held on Saturday, May 9, 2015 and to approve a Joint Election Agreement with Denton County for Election Services and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum with a second by Councilmember Wilkes.

The following votes were cast:

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

The motion carried unanimously.

21. Discuss, consider and take action on the selection of road improvement projects.

City Engineer Gabe Johnson provided the City Council information related to the most likely roads to be repaired and/or redone. Discussion was held by the City Council. It was requested that it might be helpful to complete geotesting bores/core samples. There will be a work session prior to the next meeting to again discuss which roads will be selected.

No action was taken.

22. Discuss, consider and take action on approval of additional city surplus property to be sold by online auction by Rene Bates Auctioneers, Inc.

Fire Chief Ken Swindle provided information related to the 2003 Ford Ambulance that he would like to auction. He advised that he will still have two ambulances in operation. A brief discussion was held by the City Council.

Councilmember Vincent made a motion to approve the additional city surplus property to be sold by online auction by Rene Bates Auctioneers, Inc. with a second by Councilmember Rodriguez.

The following votes were cast:

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

The motion carried unanimously.

23. Discuss, consider and take action to approve an ORDINANCE OF THE CITY OF KRUM, TEXAS, AMENDING ORDINANCE # 97-4, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KRUM, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 14, EXHIBIT A: ZONING ORDINANCE; SECTION 5.4 PENALTY FOR VIOLATIONS; 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.

City Secretary Andrea Dzioba advised that this ordinance was on the agenda for consideration at the recommendation of the City Attorney Lance Vanzant to correct the amount included in the Comprehensive Zoning Ordinance for the penalty.

Councilmember Rodriguez made a motion to approve an ORDINANCE OF THE CITY OF KRUM, TEXAS, AMENDING ORDINANCE # 97-4, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KRUM, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 14, EXHIBIT A: ZONING ORDINANCE; SECTION 5.4 PENALTY FOR VIOLATIONS; 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 Wilkes.

The following votes were cast:

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

The motion carried unanimously.

24. Discuss, consider and take action to approve a resolution adopting a Clean Fleet Vehicle Policy for the City of Krum, Texas, in accordance with the requirements implemented by the Regional Transportation Council (RTC).

City Attorney Lance Vanzant provided information related to the proposed resolution.

Councilmember Wilkes made a motion to approve a resolution adopting a Clean Fleet Vehicle Policy for the City of Krum, Texas, in accordance with the requirements implemented by the Regional Transportation Council (RTC) with a second by Councilmember Diviney.

The following votes were cast:

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

The motion carried unanimously.

H. EXECUTIVE SESSION

Mayor Wilson announced that the City Council would convene in executive session at 7:38 p.m.

25. 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. Police Chief

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.

26. Adjourn into Open Meeting.

The City Council reconvened into the open meeting at 8:17 p.m.

27. Action on Executive Session Item 25a if necessary.

Councilmember Beall made a motion approve the contract as discussed with a second by Councilmember Rodriguez and Councilmember Vincent.

The following votes were cast:

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

The motion carried unanimously.

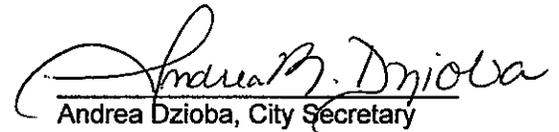
Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.074 (Deliberations Regarding the Appointment, Duties, Discipline or Termination of Personnel) and 551.087 (Deliberation Regarding 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 8:17 p.m.

APPROVED:


Terri Wilson, Mayor


Andrea Dzioba, City Secretary