



# REGULAR CITY COUNCIL MEETING MONDAY, MARCH 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 (arrived at 5:38 p.m.). 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 6:00 p.m.), Officer Phillip Ginn, Officer Clarence Mabbitt, City Attorney Lance Vanzant and City Secretary Andrea Dzioba.

### C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Michael Wilkes 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. Larry Lamonica, 206 W. Lake Street, discussed streets and sidewalks – specifically about streets that have kids walking. He also spoke regarding underground drainage in Old Town Krum.

Mr. Dale Gant, 905 Clearview, discussed the Board of Adjustments. Ms. Sherry Sefko, City Planner, advised that no Board of Adjustment application had been received.

Mr. Tom Shaw, 27 Finley Circle, expressed his thanks to the Mayor and City Council for all that they do.

Ms. Sharon Shirley, 5105 Mountain View, mentioned a certificate of occupancy issued on a home in Aspen Park and then provided a letter to the Mayor and City Council.

### E. INTRODUCTION

#### 1. Introduction of the new Firefighter/Paramedics.

Fire Chief Ken Swindle introduced Jubal Castleberry, Justin Merriott, and Michael Conaway; the new Firefighter/Paramedics to the Mayor and City Council. Matt Heffner was not in attendance.

**F. PRESENTATION / DISCUSSION**

**2. Presentation – Life Saving Achievement Award.**

Police Chief Terry Hargis presented Officer Phillip Ginn with a Life Saving Achievement Award for his part in saving the life of an individual during a call on January 22, 2015.

**3. Presentation – Body Cameras for the Krum Police Department**

Police Chief Terry Hargis advised the City Council that the Krum Christian Center Assembly of God had purchase four (4) body cameras for the Krum Police Department. Pastor Joe Mayo spoke briefly about their donation.

**G. 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 February 2, 2015 Regular City Council meeting.**

**5. Consider and take action on approval of the January 2015 Financials.**

**6. Consider and take action to approve the Business Associate Agreement with ESO Solutions, Inc. for the Krum Fire Department.**

**7. Consider and take action on approval of the Application for Texas State Library Edge Reimbursement Program for the Krum Public Library.**

**8. Consider and take action to adopt the Krum Police Department Annual Racial Profiling Report – 2014.**

**9. Consider and take action on approval of the appointment of Scott Sackett to the Krum Economic Development Corporation.**

**10. Consider and take action on approval of the appointment of Tonya Copeland to the Planning and Zoning Commission.**

**11. Consider and take action on approval of the appointment of Devon (Trey) Willis III to the Krum Park Advisory Board.**

**12. Consider and take action on approval of the appointment of William W. Stephens to the Krum Park Advisory Board.**

Councilmember Rodriguez made a motion to approve the consent agenda as presented 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.

**H. REGULAR AGENDA ITEMS**

- 13. 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, 2014-2015; 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 brief presentation related to the amendments to the budget included in the ordinance.

Councilmember Vincent made a motion to approve an ORDINANCE OF THE CITY OF KRUM, TEXAS, ADOPTING AMENDMENTS TO THE BUDGET OF THE CITY OF KRUM, TEXAS FOR THE FISCAL YEAR, 2014-2015; 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 Rodriguez.

The following votes were cast:

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

The motion carried unanimously.

- 14. Discuss, consider and take action on approval of an ORDINANCE OF THE CITY OF KRUM, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF KRUM, CHAPTER 11 TAXATION, ARTICLE 11.03 SALES AND USE TAXES, AUTHORIZING THE REIMPOSITION OF TAXATION OF RECEIPTS FROM RESIDENTIAL USE OF GAS AND ELECTRICITY WITHIN THE CITY AS AUTHORIZED BY SECTION 321.105, TAX CODE, V.A.T.C.S.; PROVIDING FOR NOTIFICATION TO THE COMPTROLLER OF THE STATE OF TEXAS; PROVIDING THAT NO SUCH TAX PROVIDED FOR HEREIN SHALL SERVE AS AN OFFSET TO OR TO REDUCE ANY AMOUNT PAYABLE BY ANY PROVIDER OF ELECTRICITY AND GAS SERVICES PURSUANT TO ANY FRANCHISE, STREET USE ORDINANCE, STATUTE OR ANY OTHER IMPOSITION OF THE CITY OF KRUM; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

- 15. Discuss, consider and take action on approval of an ORDINANCE OF THE CITY OF KRUM, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF KRUM, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 11 TAXATION BY ADDING A SECTION 11.03.004 TELECOMMUNICATION SERVICES TAX RELATING TO TAXATION OF TELECOMMUNICATIONS SERVICES; REPEALING THE APPLICATION OF THE EXEMPTION PROVIDED FOR IN SECTION 321.210 OF THE TEXAS TAX CODE; PROVIDING FOR NOTIFICATION TO THE COMPTROLLER OF THE STATE OF TEXAS; PROVIDING THAT NO SUCH TAX PROVIDED FOR HEREUNDER SHALL SERVE AS AN OFFSET TO OR TO REDUCE ANY AMOUNT PAYABLE BY ANY PROVIDER OF TELECOMMUNICATIONS SERVICES PURSUANT TO ANY FRANCHISE, STREET USE ORDINANCE, STATUTE OR ANY OTHER IMPOSITION OF THE CITY OF KRUM; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

*Items No. 14 and No. 15 were discussed together.*

Finance Director Clayton Gray made a presentation related to the ordinances proposed in these items. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to table Items No. 14 and No. 15 with a second by Councilmember Vincent.

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 adopt the proposed City of Krum Personnel Manual.**

Mayor Wilson advised that there had been some statutory edits to the document that the City Council had previously received and that she would like to table this item to provide the City Council an opportunity to look over the document again in its entirety.

Councilmember Rodriguez made a motion to table Item No. 16 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.

**17. Discuss, consider and take action on a plant closure plan for the Wastewater Treatment Plant.**

Public Works Director Mark Patterson provided the City Council information related to a plant closure plan for the Wastewater Treatment Plant. Discussion was held by the City Council as to which option they would like to pursue.

Councilmember Diviney made a motion to approve an "in-place" plant closure plan for the Wastewater Treatment Plant in the amount of \$22,000.00 to be paid from Water Development Board Funds with a second by Councilmember Vincent.

The following votes were cast:

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

The motion carried unanimously.

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

City Engineer Gabe Johnson provided the City Council information related to the possible roads in most need of repairs. Extensive discussion was held by the City Council. Mr. Johnson advised that he would provide a Dropbox link related to the streets and that the information related to the roads that the City Council would like to improve and repair would be sent to Commissioner Eads.

Councilmember Diviney made a motion to table Item No. 18 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.

- 19. Discuss, consider and take action to approve the proposal of Cobb, Fendley & Associates, Inc. for professional surveying and engineering services related to the North Point Drive Drainage Study and authorize the Mayor to execute all documents regarding same on behalf of the City of Krum.**

Public Works Director Mark Patterson provided the City Council information related to the proposal of Cobb, Fendley & Associates, Inc. for professional surveying and engineering services related to the North Point Drive Drainage Study. The study will provide four (4) scenarios and cost estimates.

Councilmember Diviney made a motion to approve the proposal of Cobb, Fendley & Associates, Inc. for professional surveying and engineering services related to the North Point Drainage Study in an amount not to exceed \$17,500.00 (to be paid from Contract Services 710-5540-3055) and authorize the Mayor to execute all 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, Diviney, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

## **I. EXECUTIVE SESSION**

Mayor Wilson announced that the City Council would convene in executive session at 6:35 p.m.

- 20. 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 .452 acres of land out of Abstract No. 0370A, Despallier, Denton County, Texas.**
- 21. 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.**
- 22. Adjourn into Open Meeting.**

The City Council reconvened into the open meeting at 6:55 p.m.

- 23. Action on Executive Session Items No. 20a if necessary.**

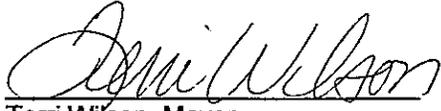
No action was taken.

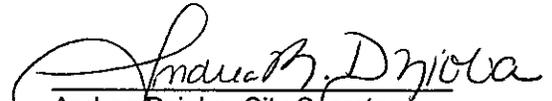
Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.074 (Deliberations Regarding the Appointment, Duties, Discipline or Termination of Personnel) and 551.087 (Deliberation Regarding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

**J. ADJOURN**

There being no further business, Mayor Terri Wilson adjourned the meeting at 6:56 p.m.

**APPROVED:**

  
Terri Wilson, Mayor

  
Andrea Dzioba, City Secretary