



REGULAR CITY COUNCIL MEETING MONDAY, APRIL 6, 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 5:30 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, City Planner Tom Elgin, Library Director Donna Pierce, City Engineer Gabe Johnson (arrived at 5:56 p.m.), 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.

No one signed up to speak during the Citizen's Agenda.

E. INTRODUCTION

1. Introduction of an alternate Engineer and new City Planner.

Mayor Terri Wilson introduced the alternate engineer, Shea Kirkman, and the new City Planner, Tom Elgin, to the City Council.

F. PRESENTATION / DISCUSSION

2. Proclamation – "National Library Week".

Mayor Terri Wilson read the proclamation and presented it to Library Director Donna Pierce.

3. Presentation – "Love Your Library" – Donna Pierce, Library Director.

Library Director Donna Pierce addressed the City Council about the "Love Your Library" event and read what some individuals wrote about why they love the Krum Public Library.

G. WORK SESSION

- 4. Travel from Krum City Hall to the City of Krum Wastewater Treatment Plant located on approximately 4 acres (Legal Description: Abstract A0075a, A.J. Bernard Survey, Tract 6) accessible from the far west end of Jagoe Street.**
- 5. Tour the City of Krum Wastewater Treatment Plant site.**
- 6. Return to Krum City Hall.**

Due to muddy conditions, the tour of the City of Krum Wastewater Treatment Plant site was not completed. It will be on the May agenda so that the City Council has an opportunity to tour the plant site.

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.

- 7. Consider and take action on approval of the minutes from the January 22, 2015 Special City Council meeting.**
- 8. Consider and take action on approval of the minutes from the January 26, 2015 Special City Council meeting.**
- 9. Consider and take action on approval of the minutes from the March 2, 2015 Regular City Council meeting.**
- 10. Consider and take action on approval of the February 2015 Financials.**
- 11. Discuss, consider and take action on a grant in the amount of \$13,484.00 from the Texas A&M Forest Service to be used for new rescue equipment for the Krum Fire Department.**
- 12. Consider and take action on a RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.**
- 13. Consider and take action on approval of the resignation of Paul Meine from the Krum Economic Development Corporation.**
- 14. Consider and take action on approval of the appointment of Adrienne Pohrte to the Krum 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.

H. REGULAR AGENDA ITEMS

- 15. Discuss, consider and take action to accept and call for public hearings on, or to reject, a petition initiated by Stonehollow Homes, LLC 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).**

City Planner Tom Elgin made a brief presentation related to the voluntary annexation petition. Ryan Hayes, Vice President of Stonehollow Homes, was available to answer any questions.

Councilmember Vincent made a motion to accept the petition for voluntary annexation of the subject 60.1 acre tract of land into the City and call for public hearings on the matter at future City Council meetings 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.

- 16. Discuss, consider and take action on acceptance of the Fiscal Year 2013-2014 Audit.**

Mr. Woody Matthews of Auldrige Griffin PC made a presentation related to the Fiscal Year 2013-2014 Audit.

Councilmember Rodriguez made a motion to accept the Fiscal Year 2013-2014 Audit 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 approval of a proposal for Website Redesign and Implementation of a Web Content Management System and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.**

City Secretary Andrea Dzioba made a presentation related to the proposal for Website Redesign and Implementation of a Web Content Management System and provided information related to her suggested recommendation. Discussion was held by the City Council.

Councilmember Vincent made a motion approve a proposal for Website Redesign and Implementation of a Web Content Management System 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, Diviney, Rodriguez
Nays: None
Absent: None

The motion carried unanimously.

18. Discuss, consider and take action on City Employee Health Insurance and Benefit Renewal Options.

Finance Director Clayton Gray made a presentation related to the City employee health insurance and benefit renewal options and provided his recommendation to the City Council. Terry Patton from Patton Insurance was available to answer any questions related to the options presented. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approval a renewal of health insurance with Blue Cross Blue Shield of Texas, a \$1,000.00 Health Savings Account contribution by the City for employees on the Blue Cross Blue Shield HSA plan, a renewal of vision insurance with Guardian Life Insurance Company, and renewal of dental insurance with Dental Select 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.

19. Discuss, consider and take action on an equipment rental agreement with The Stewart Organization for new photocopiers for City Hall and the Police Department and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.

Finance Director Clayton Gray made a presentation related to an equipment rental agreement with The Stewart Organization for new photocopiers for City Hall and the Police Department and the benefits related to same. Discussion was held by the City Council.

Councilmember Vincent made a motion to approve an equipment rental agreement with The Stewart Organization for new photocopiers for City Hall and the Police Department and authorize the Mayor to execute all agreement 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.

20. Discuss, consider and take action on a Mobile Device Policy.

Finance Director Clayton Gray made a presentation related to a Mobile Device Policy. With the exception of the cell phones in the Fire vehicles and the Public Works on-call phone, all of the other City cell phones would no longer be active or paid for by the City. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve the Mobile Device Policy 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 an Application for Business Incentive from the City of Krum, 146 W. McCart.**
22. **Discuss, consider and take action to authorize the Mayor to advertise for requests for proposals for completion of a new Comprehensive Plan for the City of Krum.**

Items No. 21 and No. 22 were discussed together.

Councilmember Christine Rodriguez provided background information related to the contribution of \$50,000.00 that was approved by the Krum Economic Development Corporation at their March 9, 2015 Regular Meeting. City Planner Tom Elgin made a presentation and provided background information regarding what a comprehensive plan is and the benefits of same. City Engineer Gabe Johnson provided information about some of the parts that make up a comprehensive plan such as the water, wastewater, and thoroughfare portions that are included. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve business incentive of \$50,000.00 as requested in an Application for Business Incentive from the City of Krum, 146 W. McCart, 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.

Councilmember Wilkes made a motion to authorize the Mayor to advertise for requests for proposals for completion of a new Comprehensive Plan for 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.

23. **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.**

- 24. 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. 23 and No. 24 were discussed together.

Finance Director Clayton Gray made a presentation related to the proposed ordinances. Councilmember Rodriguez suggested that maybe this revenue could be used for a vehicle replacement fund. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve 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, with a stipulation that funds be used for a vehicle replacement fund 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.

Councilmember Rodriguez made a motion to approve 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, with a stipulation that funds be used for a vehicle replacement plan with a second by Councilmember Wilkes.

The following votes were cast:

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

The motion carried.

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

Councilmember Rodriguez made a motion to adopt the proposed City of Krum Personnel Manual with a stipulation that they review the portions related to exempt employees in May 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.

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

Mayor Wilson suggested that the 4A Corporation be comprised of 2 members from Krum Youth Sports Association (KYSA), 2 members from the Krum Park Advisory Board, 1 City Councilmember (Councilmember Diviney volunteered), 1 Public Works Department employee, and 1 Planning and Zoning Commission member.

No formal action was taken related to this item.

D. EXECUTIVE SESSION

Mayor Wilson announced that the City Council would convene in executive session at 7:07 p.m.

27. 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; and Section 551.071, Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or all other matters permitted by such section.

- a. **Approximately .452 acres of land out of Abstract No. 0370A, Despallier, Denton County, Texas.**
- b. ***Taylor Rice v. City of Krum.***
- c. **Complaint letter regarding Gant property.**

28. 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 Section 551.071.

29. Adjourn into Open Meeting.

The City Council reconvened into the open meeting at 7:49 p.m.

30. Action on Executive Session Items No. 27a, 27b or 27c if necessary.

27a – No action.

27b – No action.

27c – Councilmember Beall made a motion for the City Attorney to enforce all applicable ordinances 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.

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 7:50 p.m.

APPROVED:



Terri Wilson, Mayor



Andrea Dzioba, City Secretary