



REGULAR CITY COUNCIL MEETING MONDAY, MARCH 5, 2018 at 6:30 P.M.

KRUM CITY HALL – 146 W. McCART STREET

Ronald G. Harris, Jr., Mayor
Austin Petersen, Councilmember - PI.1
Justin Diviney, Councilmember - PI.3
Lance Vanzant, City Attorney

Rhonda Harrison, Councilmember - PI.2
Toby L. Lawrence, Councilmember – PI. 4
Mike Strand, Councilmember - PI.5
Andrea Dzioba, City Secretary

MINUTES

A. CALL TO ORDER

Mayor Ronald G. Harris, Jr. called the meeting to order at 6:31 p.m.

B. QUORUM PRESENT

Those present were Mayor Ronald G. Harris, Jr., Mayor Pro Tem Justin Diviney, Councilmembers Austin Petersen, Rhonda Harrison, Toby L. Lawrence and Mike Strand. Also present were Fire Chief Ken Swindle; Police Chief Terry Hargis; Finance Director Shelly Neckar; Public Works Director Devon Kennedy; City Planner Tom Elgin; Library Director Donna Pierce; Assistant City Attorney Trey Sargent; and City Secretary Andrea Dzioba.

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Ronald G. Harris, Jr. led the pledges to the United States Flag and the Texas Flag.

The invocation was given by Mayor Pro Tem Justin Diviney.

- 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. Dale Gant, 905 Clearview, addressed the City Council related to the Economic Development Corporation. He stated that they have actively pursued businesses but that we really need the census. He also spoke about the items that the Economic Development Corporation can consider for improvements.

E. PRESENTATION / DISCUSSION

- 1. Discussion - Goals, business incentives, Application for Business Incentive, and direction related to the Krum Economic Development Corporation**

Mayor Ronald G. Harris, Jr. opened the item for discussion. Councilmember Harrison suggested that the Krum Economic Development Corporation hold another work session with the City Council. She did not believe that they could revise the application at this point.

Councilmember Strand stated that they needed to stick with the ballot language and by-laws. They also need to specify more about incentives for maintenance vs. economic development.

2. Mayor's Update

Mayor Harris advised that there was a monthly project update included in their agenda packet. No discussion was held.

3. Discussion – January 2018 Financials

Mayor Ronald G. Harris, Jr. opened the discussion item. Councilmember Petersen asked if in the event of shortfalls in revenue if it goes back to the City Council. Finance Director Shelly Neckar advised that there is a policy in place that outlines each step should that occur.

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.

- 4. Consider and take action on a request from the Krum Masonic Lodge 1453 for a temporary closure of a portion of North 2nd Street for an annual barbeque fundraiser to be held on Saturday, April 28, 2018.**
- 5. Consider and take action on acceptance of a grant in the amount of \$20,000.00 from Texas A&M Forest Service for fire/rescue equipment for the Krum Fire Department.**
- 6. Consider and take action on the purchase of materials from Sports Field Solutions, LLC. by the Krum Park Development Corporation for the rebuilding and reconditioning of the West Side Park ballfields in the amount of \$4,215.00.**
- 7. Consider and take action on approval of an Agreement for Street Lighting Service with Oncor Electric Delivery Company LLC and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**
- 8. Consider and take action on approval of a Fiscal Fiduciary Agreement with the North Texas Library Consortium and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**
- 9. Consider and take action on approval of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.**

Councilmember Strand made a motion to approve consent agenda as presented with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

G. REGULAR AGENDA ITEMS

- 10. Discuss, consider and take action to award the contract for Solid Waste and Recycling Services and authorize the Mayor to negotiate and execute all contract documents regarding same on behalf of the City of Krum.**

City Secretary Andrea Dzioba provided background information related to the advertised request for proposals. She advised that her recommendation was to accept the proposal from Community Waste Disposal (CWD) which would cost residents an additional \$.96 per month but would add additional services such as a twice per year event to allow residents to dispose of household hazardous waste, used electronics, scrap metal, tires and provide on-site document shredding.

Individuals were on hand from Progressive Waste Solutions of TX, Inc. d/b/a Waste Connections of Texas, Frontier Solutions, and Community Waste Disposal. Discussion was held by the City Council.

Councilmember Strand made a motion to award the contract for Solid Waste and Recycling Services to Progressive Waste Solutions of TX, Inc. d/b/a Waste Connections of Texas with a two (2) year lock in on the monthly rates charged and authorize the Mayor to negotiate and execute all contract documents regarding same on behalf of the City of Krum with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

- 11. Discuss, consider and take action on an Application for Business Incentive from Southern Crush, owner of 102 W. McCart.**

Discussion was held by the City Council.

Councilmember Harrison made a motion to take no action on the Application for Business Incentive from Southern Crush, owner of 102 W. McCart with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Harrison
Nays: Diviney, Petersen, Lawrence, Strand
Absent: None

The motion failed to carry.

Councilmember Strand made a motion to take table the Application for Business Incentive from Southern Crush, owner of 102 W. McCart with a second by Councilmember Lawrence.

The following votes were cast:

Ayes: Diviney, Petersen, Lawrence, Strand
Nays: None
Abstain: Harrison
Absent: None

The motion carried.

12. Discuss, consider and take action on acceptance of the Certification of Unopposed Candidates for Other Political Subdivisions (Not County).

Councilmember Harrison made a motion to accept the Certification of Unopposed Candidates for Other Political Subdivisions (Not County) with a second by Councilmember Lawrence.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

13. Discuss, consider and take action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, CANCELING THE MAY 5, 2018 GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE AS ELECTED TO OFFICE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Strand made a motion to approve an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, CANCELING THE MAY 5, 2018 GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE AS ELECTED TO OFFICE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE with a second by Councilmember Harrison.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

14. Discuss, consider and take action on approval of the expenditure in the amount of \$1,194.00 for services from ArchiveSocial for the time period of April 1, 2018 through September 30, 2018.

City Secretary Andrea Dzioba provided information to the City Council related to the request to utilize services from ArchiveSocial until the end of the fiscal year. A brief discussion was held by the City Council.

Councilmember Petersen made a motion to approve the expenditure in the amount of \$1,194.00 for services from ArchiveSocial for the time period of April 1, 2018 through September 30, 2018 with a second by Councilmember Lawrence.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

15. Discuss, consider and take action related to Sirens/Outdoor Warning Devices.

Mayor Ronald G. Harris, Jr. opened the item for discussion. Fire Chief Ken Swindle provided background information related to sirens/outdoor warning devices. Chief Swindle provided information related to several options that they would need to consider related to materials and placement. Extensive discussion was held by the City Council related to possible locations, costs, and a possible grant that may help offset the costs. Chief Swindle advised that he would have cost information for the next City Council meeting.

- 16. Discuss, consider and take action on approval of an agreement with the Krum Youth Sports Association (KYSA) related to use of City sports facilities and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Councilmember Strand made a motion to table this item until after the executive session with a second by Councilmember Petersen.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

H. EXECUTIVE SESSION

Mayor Harris announced that the City Council would convene in executive session at 8:14 p.m.

- 17. After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.072 – Deliberate the purchase, exchange, lease or value of real property and Section 551.074 – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

- a. **803 E. McCart Street**
- b. **600 E. Sixth Street**
- c. **333 W. Lake Street**
- d. **City Administrator**

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 551.074.

Adjourn into Open Meeting.

The City Council reconvened into the open meeting at 9:04 p.m.

Action on Executive Session Items 17a, 17b, 17c and 17d 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.

G. REGULAR AGENDA ITEMS

16. Discuss, consider and take action on approval of an agreement with the Krum Youth Sports Association (KYSA) related to use of City sports facilities and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.

Krum Youth Sports Association President Misty Willis was in attendance to discuss the proposed agreement between the City and the Krum Youth Sports Association (KYSA). Extensive discussion was held with the City Council related to concession stand use, KYSA schedules, the term of the agreement, adding "general liability" to paragraph VI, and KYSA disagreement related to the language in paragraph VII.

Councilmember Strand made a motion to allow the Mayor to enter into negotiations related to the agreement with the change made to the term and "general liability" language be added to paragraph VI and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Diviney.

The following votes were cast:

Ayes: Diviney, Harrison, Petersen, Lawrence, Strand
Nays: None
Absent: None

The motion carried unanimously.

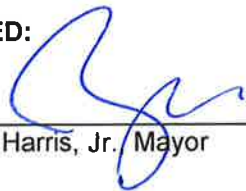
I. FUTURE AGENDA ITEMS

The City Council would like to have the following items on the next City Council agenda: outdoor warning sirens and an executive session item related to 803 E. McCart Street and City Administrator.

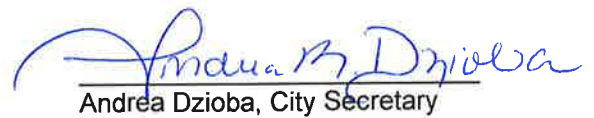
J. ADJOURN

The meeting adjourned at 9:32 p.m.

APPROVED:



Ronald G. Harris, Jr. Mayor



Andrea Dzioba, City Secretary