



REGULAR CITY COUNCIL MEETING MONDAY, JUNE 5, 2017 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 Pro Tem Justin Diviney called the meeting to order at 6:32 p.m.

B. QUORUM PRESENT

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

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Pro Tem Justin Diviney led the pledges to the United States Flag and the Texas Flag.

The invocation was given by Councilmember Austin Petersen.

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. INTRODUCTION

1. Introduction of the new Police Officers.

Police Chief Terry Hargis introduced Officer Sheena Lewis, a new Reserve Police Officer and Katrina Thomas, a new Police Officer.

F. PRESENTATION / DISCUSSION

2. Discussion – April 2017 Financials

Mayor Pro Tem Justin Diviney opened the discussion item. There were no questions or discussion.

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.

3. **Consider and take action on approval of the minutes from the March 6, 2017 Regular City Council meeting.**
4. **Consider and take action on approval of the minutes from the April 3, 2017 Regular City Council meeting.**
5. **Consider and take action to approve cost of survey of northwest corner of Masch Branch and FM 1173.**
7. **Consider and take action on approval of an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2017 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS FOR 2018 PENDING RENEGOTIATION OF RRM TERMS AND CONDITIONS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**
8. **Consider and take action on approval of a renewal contract with Agent IT Solutions for managed IT services and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Councilmember Petersen requested that Consent Item No. 6 be considered separately

Councilmember Harrison made a motion to approve consent agenda items numbers 3 through 5 and 7 through 8 as presented 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.

6. **Consider and take action on approval of the purchase of automatic door locks for the restroom facilities at the West Side Park.**

Public Works Director Devon Kennedy provided information related to the purchase of automatic door locks for the restroom facilities at the West Side Park. Discussion was held by the City Council.

Councilmember Lawrence made a motion to approve the purchase of automatic door locks from University Building Specialties for the restroom facilities at the West Side Park with a second by Councilmembers Harrison and Strand.

The following votes were cast:

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

The motion carried unanimously.

H. REGULAR AGENDA ITEMS

9. **Hold a public hearing and discuss, consider and take action on an ordinance approving amendments to the Zoning Ordinance. The amendments may include changes to: zoning district regulations, building design and materials, off-street parking, landscaping, fire lanes, screening wall and buffering, minimum residential floor area, garage conversions, residential carports and other accessory structures, super-majority voting requirements, and other miscellaneous Zoning Ordinance standards and regulations. The amendments do not propose changing any zoning district boundaries of the official zoning map. Applicant: City of Krum. Case: ORD-2016-01.**

Mayor Pro Tem Justin Diviney opened the public hearing at 6:43 p.m.

City Planner Tom Elgin provided an overview related to the possible amendments to the Zoning Ordinance.

No one was present to speak during the public hearing. Discussion was held by the City Council.

Mayor Pro Tem Diviney closed the public hearing at 7:02 p.m.

No further action was taken.

10. **Hold a public hearing and discuss, consider and take action on an ordinance approving amendments to the Subdivision Ordinance. The amendments may include changes to: street and rights-of-way, detention, storm water management, plat approval authority, oversize participation, development agreements, vested rights, screening wall and buffering, and other miscellaneous Subdivision Ordinance standards and regulations. Applicant: City of Krum. Case: ORD-2016-02.**

Mayor Pro Tem Justin Diviney opened the public hearing at 7:02 p.m.

City Planner Tom Elgin provided an overview related to the possible amendments to the Subdivision Ordinance.

No one was present to speak during the public hearing.

Mayor Pro Tem Diviney closed the public hearing at 7:03 p.m.

No further action was taken.

11. **Hold a public hearing and discuss, consider and take action on an ordinance approving a residential zoning request for 337 W. McCart Street, an approximate 0.36 acre tract of land, said property being generally located on the southeast corner of W. McCart Street and Third Street, and known as Lots 13 through 16, Block 20, of the Old Town Krum Addition, in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The existing zoning is Commercial (C). The proposed zoning is Single-Family-7.5 (SF-7.5). The purpose of the zoning request is to convert the daycare center into a single family residence. Owner and Applicant: Loyd Bewley. Case: ZON-2017-01.**

Mayor Pro Tem Justin Diviney opened the public hearing at 7:04 p.m.

City Planner Tom Elgin provided an overview related to the ordinance approving a residential zoning request for 337 W. McCart Street. He advised that, because there wasn't a quorum present at the May 18, 2017 Planning and Zoning Commission, the City Council cannot take action on the zoning request at this meeting.

No one was present to speak during the public hearing.

Councilmember Lawrence made a motion to continue the public hearing to the July meeting 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.

- 12. Hold a public hearing and discuss, consider and take action on an ordinance approving a senior independent living facility planned development zoning request for an approximate 10.0 acre tract of land, said property being generally located on the west side of Hopkins Road approximately 500 feet north of E. Mc Cart Street / FM 1173, and known as Tract 31C in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The existing zoning is Planned Development-Multifamily-15 (PD-MF-15). The proposed zoning is Planned Development-Multifamily-15 (PD-MF-15). The applicant is proposing to amend the development standards of the existing residential planned development zoning. Changes may include amendments to parking, building design and exterior construction materials, site amenities and other standards of the existing PD-MF-15 zoning. Owner and Applicant: The Retreat at Krum, LLC. Case: ZON-2017-02.**

Mayor Pro Tem Justin Diviney opened the public hearing at 7:07 p.m.

City Planner Tom Elgin provided an overview related to the ordinance approving a senior independent living facility planned development zoning request for an approximate 10.0 acre tract of land. He advised that, because there wasn't a quorum present at the May 18, 2017 Planning and Zoning Commission, the City Council cannot take action on the zoning request at this meeting.

No one was present to speak during the public hearing.

Councilmember Harrison made a motion to continue the public hearing to the July meeting 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. Consider and take action on approval of an Interlocal Cooperation Agreement with Denton County for providing for reconstruction of Radecke Road and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Public Works Director Devon Kennedy provided some background information related to the Interlocal Cooperation Agreement with Denton County providing for the reconstruction of Radecke Road. Discussion was held by the City Council.

Councilmember Strand made a motion to approve the Interlocal Cooperation Agreement with Denton County for providing for reconstruction of Radecke Road and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum 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 a First Amendment to the Lease Agreement with Skybeam, LLC dba Rise Broadband and authorize the Mayor to execute all agreement documents on behalf of the City of Krum.

City Secretary Andrea Dzioba provided information related to the First Amendment to the Lease Agreement with Skybeam, LLC dba Rise Broadband. A brief discussion was held by the City Council.

Councilmember Petersen made a motion to approve a First Amendment to the Lease Agreement with Skybeam, LLC dba Rise Broadband and authorize the Mayor to execute all agreement documents on behalf of the City of Krum with a second by Councilmembers Harrison and Strand.

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 to elect a Mayor Pro Tem for a one-year term.

A brief discussion was held by the City Council.

Councilmember Strand made a motion to elect Justin Diviney as Mayor Pro Tem for a one-year term 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.

16. Discuss, consider and take action to approve a professional services agreement with Freese and Nichols, Inc., to provide professional engineering services for an application for Certificate of Convenience and Necessity (CCN) for water service and to authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.

City Planner Tom Elgin and Public Works Director Devon Kennedy made a presentation related to the professional services agreement with Freese and Nichols, Inc., to provide professional engineering services for an application for Certificate of Convenience and Necessity (CCN) for water service and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum. Discussion was held by the City Council.

Councilmember Lawrence made a motion to approve a professional services agreement with Freese and Nichols, Inc., to provide professional engineering services for an application for Certificate of Convenience and Necessity (CCN) for water service and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Harrison.

The following votes were cast:

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

The motion carried.

- 17. Discuss, consider and take action to approve a Contract Change Authorization Form, Amendment #1 with Freese and Nichols, Inc. related to the well sites ammonia feed addition and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.**

Public Works Director Devon Kennedy made a presentation related to the Contract Change Authorization Form, Amendment #1 with Freese and Nichols, Inc. related to the well sites ammonia feed addition. Discussion was held by the City Council.

Councilmember Strand made a motion to approve the Contract Change Authorization Form, Amendment #1 with Freese and Nichols, Inc. related to the well sites ammonia feed addition and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum with a second by Councilmember Harrison.

The following votes were cast:

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

The motion carried.

- 18. Discuss, consider and take action on approval of paving improvements to North Point Drive at Dove Meadows Lane intersection and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.**

Public Works Director Devon Kennedy presented information related to paving improvements to North Point Drive at the Dove Meadows Lane intersection. Discussion was held by the City Council.

Councilmember Harrison made a motion to approve paving improvements to North Point Drive at Dove Meadows Lane intersection and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum 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.

- 19. Discuss, consider and take action related to the Agreement with Patterson Professional Services for Public Works Operation Services.**

Public Works Director Devon Kennedy provided information related to the proposed dissolution of the Agreement with Patterson Professional Services for Public Works Operation Services. Discussion was held by the City Council.

Councilmember Petersen made a motion to approve the dissolution of the Agreement with Patterson Professional Services for Public Works Operation Services 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.

20. Discuss, consider and take action on approval of a change of the regularly scheduled City Council meeting from July 3, 2017 to July 10, 2017.

Councilmember Petersen made a motion to approve a change of the regularly scheduled City Council meeting from July 3, 2017 to July 10, 2017 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.

21. Discuss, consider and take action on approval of a change of the regularly scheduled City Council meeting from September 4, 2017 to September 6, 2017.

Councilmember Harrison made a motion to approve a change of the regularly scheduled City Council meeting from September 4, 2017 to September 6, 2017 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.

I. EXECUTIVE SESSION – None

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. FUTURE AGENDA ITEMS

The City Council would like to discuss Department Measures (KPI's) and evaluations, City Administrator/City Manager, and storm sirens (outside warning devices) in new subdivisions.

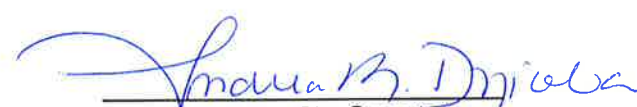
J. ADJOURN

The meeting adjourned at 7:54 p.m.

APPROVED:



Ronald G. Harris, Jr., Mayor



Andrea Dzioba, City Secretary