



SPECIAL CITY COUNCIL MEETING TUESDAY, SEPTEMBER 22, 2015 at 6:30 P.M.

KRUM CITY HALL – 146 W. McCART STREET

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

Rhonda Harrison, Councilmember - PI.2
Cindy Daughhetee, Councilmember – PI. 4
Larry Lamonica, Councilmember - PI.5
Andrea Dzioba, City Secretary

MINUTES

A. CALL TO ORDER

Mayor Pro Tem Justin Diviney called the meeting to order at 6:31 p.m.

B. QUORUM PRESENT

Those present were Councilmembers Nick Vincent, Rhonda Harrison, Justin Diviney, Cindy Daughhetee and Larry Lamonica. Mayor Ronald G. Harris, Jr. was absent. Also present were Finance Director Shelly Neckar, Assistant Fire Chief Matt Kilgore 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 Nick Vincent.

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.

Mrs. Janice Callarman, 301 W. McCart, spoke at length regarding the initial improvements made to the park, the current condition of the park and the wildflowers being mowed as mowers changed. Mrs. Callarman's three (3) minutes expired.

Councilmember Lamonica made a motion to grant Mrs. Callarman additional time with a second by Councilmember Daughhetee.

The following votes were cast:

Ayes:	Vincent, Harrison, Daughhetee, Lamonica
Nays:	None
Absent:	None
Abstain:	Diviney

The motion carried.

Mrs. Callarman continued about the butterfly garden not being cared for and the plants died. She talked about how donated trees were planted by volunteers and how most have also died. She also stated that about half of the trees planted by the City were also now dead. She expressed here concern about the lack of drainage and dirt that is now across the sidewalk. Because of the drainage, she is concerned that the fence along the pasture will fall. She thinks that maybe the bench located at the butterfly garden that is not being used should be moved from West Side Park to East Side Park. She requested that the City Council listen to the volunteers on the Boards.

Mr. Larry Lamonica, 206 W. Lake Street, expressed his concern about the applicants for Public Works and that he feels that there are qualified applicants. He feels that there is a lack of honesty. He stated that he feels as though the City Council was by-passed related to the members of the Krum Economic Development Corporation. He said that he feels as though there has been political retaliation related to signs located at the businesses of Mr. Scott Sackett and Ms. Kriston Wilson. He also believes that there is an ethics violation related to a financial claim by a relative of the Mayor's and that he should have recused himself from the situation but handled it on his own.

Mr. Ken Sutton, 5127 Mountain View Drive, talked about the water being supplied to the gas well by the City and the lack of a backflow meter on the system. He claims that the water from fracking backed into the water system. He stated that they have used 886,300 gallons since the 8th of September and that the meter is cracked and is leaking. Mr. Sutton's three (3) minutes expired.

Councilmember Vincent made a motion to grant Mr. Sutton additional time with a second by Councilmember Daughhetee.

The following votes were cast:

Ayes:	Vincent, Harrison, Diviney, Daughhetee, Lamonica
Nays:	None
Absent:	None

The motion carried.

Mr. Sutton continued to speak about the use of the water that had not been authorized. He did state that there was a backflow prevention device on the meter currently.

E. CONSENT AGENDA – None

Items are listed in the order that they were considered but retain the original numbering.

F. REGULAR AGENDA ITEMS

1. Discuss and review the proposed budget for Fiscal Year 2015–2016.

Extensive discussion was held related to budget, including the following:

Councilmember Lamonica discussed the budgeting for the Public Works Director position, a significant water leak by the fire hydrant at 6th Street that was reported but not taken care of, back up on sewer line and stated that the crew blew the sewage into a home with the jetter – he stated that it was inexcusable, and that citizens believe that City Hall is not the solution but that it is the problem.

Councilmember Harrison clarified her prior statement regarding making a "silk purse out of a sow's ear" and that it was related to the work that had been done on the budget. She was proud of the work that the Department Heads have done on the budget.

Councilmember Daughhetee discussed the need for improvements to the streets and infrastructure and wondered if those issues would be addressed.

Councilmember Diviney stated that infrastructure needs to be completed before re-doing the streets and that there needs to be a "game plan" related to the repairs for streets, parks, etc. He believes that the numbers seem low and that the City needs to move forward with information obtained from study and clear expectations need to be provided to Public Works related to utilities, parks, water, sewers, and streets and that too much time has passed for repairs.

The City Council would like to have a policy for a capital improvements project fund from surpluses and a policy for transfers.

6. Discuss, consider and take action on approval of a Water Use and Temporary Access Agreement with EagleRidge Operating, LLC and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.

City Planner Tom Elgin introduced and provided background information related to the proposed Water Use and Temporary Access Agreement with EagleRidge Operating, LLC. Mr. Lee Allison of Allison Engineering was on-hand representing EagleRidge Operating, LLC and present to answer any questions that the City Council might have. Extensive discussion was held between Mr. Allison and the City Council. Mr. Allison suggested that they either omit the language related to the temporary access rights or that the City accept \$15,000.00 for the temporary access rights. After some negotiation between Councilmember Daughhetee and Mr. Allison, Mr. Allison agreed to the amount of \$17,500.00 for temporary access rights and it was indicated that the "extra" \$2,500.00 could be used to purchase a new hydrant meter that was not damaged.

Councilmember Lamonica made a motion approve a Water Use and Temporary Access Agreement with EagleRidge Operating, LLC 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, Diviney, Lamonica
 Nays: None
 Abstain: Vincent, Daughhetee
 Absent: None

The motion carried.

2. Discuss, consider and take action on an Ordinance adopting the 2015–2016 Budget and appropriating resources for the budget year beginning October 1, 2015.

Councilmember Vincent made a motion to approve an ordinance adopting the Fiscal Year 2015-2016 Annual Budget and appropriating resources for the fiscal year beginning October 1, 2015 and ending September 30, 2016 as proposed with a second by Councilmember Harrison.

A record vote was taken as follows:

Record Vote: <i>Councilmember</i>	<u>For</u>	<u>Against</u>
Justin Diviney, Mayor Pro Tem	√	
Rhonda Harrison	√	
Nick Vincent	√	
Cindy Daughhetee		√
Larry Lamonica		√
Abstain: None		
Absent: None		

The following votes were cast:

Ayes: Diviney, Harrison, Vincent
 Nays: Daughhetee, Lamonica
 Absent: None

The motion carried.

3. Discuss, consider and take action on an Ordinance levying and adopting the tax rate at a rate of \$0.647489 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the corporate limits of the City for the 2015–2016 Fiscal Year.

Councilmember Harrison made a motion that the total property tax revenues be increased by the adoption of a tax rate of \$0.647489 per \$100 assessed valuation, which is effectively an 8.11% increase in total property tax revenue with a second by Councilmember Vincent.

A record vote was taken as follows:

Record Vote: <i>Councilmember</i>	<u>For</u>	<u>Against</u>
Justin Diviney, Mayor Pro Tem	√	
Rhonda Harrison	√	
Nick Vincent	√	
Cindy Daughhetee		√
Larry Lamonica		√
Abstain: None		
Absent: None		

The following votes were cast:

Ayes: Diviney, Harrison, Vincent
 Nays: Daughhetee, Lamonica
 Absent: None

The motion carried.

4. Discuss, consider and take action on an Ordinance approving the 2015 Tax Rolls and accepting the anticipated collection rate of 100 percent for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

Councilmember Vincent made a motion to approve the Ordinance accepting the 2015 Tax Rolls and to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2015 and ending September 30, 2016 with a second by Councilmember Lamonica.

The following votes were cast:

Ayes: Vincent, Harrison, Diviney, Daughhetee, Lamonica
 Nays: None
 Absent: None

The motion carried unanimously.

5. Discuss, consider and take action on a vote to ratify the property tax increase reflected in the City’s annual budget for Fiscal Year 2015–2016.

Councilmember Harrison made a motion to ratify the property tax increase reflected in the City’s annual budget for Fiscal Year 2015-2016 with a second by Councilmember Vincent.

The following votes were cast:

Ayes: Vincent, Harrison, Diviney,
Nays: Daughhetee, Lamonica
Absent: None

The motion carried.

H. 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

No discussion was held.

J. ADJOURN

The meeting adjourned at 8:03 p.m.

APPROVED:



Ronald G. Harris, Jr., Mayor



Andrea Dzioba, City Secretary