



# REGULAR CITY COUNCIL MEETING MONDAY, APRIL 2, 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 Councilmember Rhonda Harrison.

- 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. Trey Willis, 149 North Point, addressed the City Council related to Parks and Krum Youth Sports Association. He spoke about the many volunteers and groups that have helped with the parks over the years, voiced his objection over the Krum Youth Sports Association being requested to provide their financial information as part of the agreement, distrust of City related to KYCC property, and requested that the KYSA not be "handcuffed" because the City has decided to "invest a little into our parks."

Mr. Jim Carter, 1005 Roadrunner Road, Bartonville, addressed the City Council and reminded them that he was running for County Commissioner for Precinct 4 and requested their support in the May 22, 2018 Republican Primary Runoff.

### E. PRESENTATION / DISCUSSION

#### 1. Mayor's Update

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

**2. Discussion – February 2018 Financials**

Mayor Ronald G. Harris, Jr. opened the discussion item. There were no questions or discussion.

**3. Announcement of the Texas Department of Transportation (TxDOT) meeting and open house regarding FM 117 / McCart Street.**

City Planner Tom Elgin announced that the meeting was going to be on Tuesday, May 8, 2018 from 4:00 p.m. to 9:00 p.m. in the Krum High School cafeteria.

**4. Discussion and direction regarding Library sewer line project.**

Mayor Ronald G. Harris, Jr. briefly discussed that the current solutions are temporary. Public Works Director Devon Kennedy advised that there will be a future 10" gravity sewer line. Discussion was held by the City Council. Public Works Director Devon Kennedy will move forward with the survey of the right-of-way that runs to the north near the Library.

**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.

**5. Consider and take action to approve payment of "fair share" support of the Children's Advocacy Center of Denton County for the FY 2017–2018.**

**6. Consider and take action to approve 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.**

**7. Consider and take action to approve a RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF TWO CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.**

**10. Consider and take action to approve the Mayor to negotiate a consulting agreement with Valley Quest Design in an amount not to exceed \$50,000.00 for the development of an Updated Parks and Open Space Master Plan for the Krum Park Development Corporation and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

It was requested by Mayor Pro Tem Diviney that Consent Item No. 8 and No. 9 be considered separately.

Councilmember Lawrence made a motion to approve consent agenda items numbers 5 – 7 and 10 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.

**8. Consider and take action to approve an amendment to the agreement with CenturyLink related to internet services for the Krum Public Library and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Library Director Donna Pierce provided the City Council information related to the Libraries Connecting Texas (LCT) project that will provide a subsidy that will cover the E-rate non-discounted portion through June 30, 2019. The amendment to the agreement with CenturyLink is to increase the internet bandwidth to a minimum of 100 mbps. Discussion was held by the City Council.

Councilmember Harrison made a motion to approve an amendment to the agreement with CenturyLink related to internet services for the Krum Public Library and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Strand.

The following votes were cast:

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

The motion carried.

9. **Consider and take action to approve the purchase and construction of two (2) twenty-two foot (22') by forty-two foot (42') carports by Vazquez Installations in the parking area behind the City Hall/Police Department building in the amount of \$17,150.00 and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Police Chief Terry Hargis introduced the item related to the purchase and construction of the carports. A brief discussion was held.

Mayor Pro Tem Diviney made a motion to approve the purchase and construction of two (2) twenty-two foot (22') by forty-two foot (42') carports by Vazquez Installations in the parking area behind the City Hall/Police Department building in the amount of \$17,150.00 and authorize the Mayor to execute all agreement 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.

## **G. EXECUTIVE SESSION**

Mayor Harris announced that the City Council would convene in executive session at 7:06 p.m.

11. **After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.087 – Deliberation regarding Economic Development Negotiations.**
  - a. **To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or**
  - b. **To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**

**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 551.087.**

## **Adjourn into Open Meeting.**

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

### **Action on Executive Session Item 11 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.

## **H. REGULAR AGENDA ITEMS**

- 12. Discuss and consider the first of two readings of a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, APPROVING FUNDING BY THE KRUM ECONOMIC DEVELOPMENT CORPORATION ("KEDC") FOR THE "CHAMBERLAIN PROJECT", FOR EXPENDITURES CONSISTENT WITH THE PURPOSES AND DUTIES AS A "TYPE B" CORPORATION FOR PROJECTS THAT PROMOTE JOB CREATION AND RETENTION, AND INCENTIVES FOUND BY THE BOARD OF DIRECTORS OF THE KEDC TO BE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS DEVELOPMENT AND/OR CREATE OR RETAIN PRIMARY JOBS ("PROJECT"), IN AN AMOUNT NOT TO EXCEED \$75,000.00, AS AN AUTHORIZED PROJECT OF THE KRUM ECONOMIC DEVELOPMENT CORPORATION.**

Mayor Ronald G. Harris, Jr. introduced the item and read the caption. Mr. Alan Chamberlain, owner of the Chamberlain Project, addressed the City Council. He discussed how he wanted to make the property a destination. He wants to develop it slowly and make it a quality project. His goal is to benefit the entire community. Extensive discussion was held by the City Council including about food trucks, parking, live music, the desire for a definite plan, and suggested that discussions continue related to formulating a more defined project.

No action was taken.

- 13. 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 Strand made a motion to deny the Application for Business Incentive from Southern Crush, owner of 102 W. McCart but suggested that Southern Crush reapply with a new application that is filled out completely with a second by Councilmember Diviney.

The following votes were cast:

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

The motion carried.

14. **Discuss, consider and take action on the second of two readings to approve a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, APPROVING FUNDING BY THE KRUM ECONOMIC DEVELOPMENT CORPORATION ("KEDC") FOR THE "CHAMBERLAIN PROJECT", FOR EXPENDITURES CONSISTENT WITH THE PURPOSES AND DUTIES AS A "TYPE B" CORPORATION FOR PROJECTS THAT PROMOTE JOB CREATION AND RETENTION, AND INCENTIVES FOUND BY THE BOARD OF DIRECTORS OF THE KEDC TO BE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS DEVELOPMENT AND/OR CREATE OR RETAIN PRIMARY JOBS ("PROJECT"), IN AN AMOUNT NOT TO EXCEED \$75,000.00, AS AN AUTHORIZED PROJECT OF THE KRUM ECONOMIC DEVELOPMENT CORPORATION.**

No action taken.

15. **Discuss, consider and take action on approval of an Application for Business Incentive and Chapter 380 Economic Development Agreement with Alan Chamberlain, The Chamberlain Trust, owner of 100 W. McCart.**

No action taken.

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.**

Mayor Ronald G. Harris, Jr. introduced the item related to an agreement with the Krum Youth Sports Association (KYSA). City Secretary Andrea Dzioba informed the City Council that Misty Willis, KYSA, requested that the term be for five (5) years instead of twelve (12 months) and that Section VII. read "reports" instead of "statements." Misty Willis and Trey Willis addressed the City Council related to the agreement and responded to questions from the City Council. Extensive discussion was held by the City Council.

Councilmember Harrison made a motion to approve an agreement with the Krum Youth Sports Association (KYSA) related to use of City sports facilities as amended and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Strand. Councilmembers Harrison and Strand withdrew their motion and second.

Additional discussion was held between the City Council and KYSA.

Councilmember Harrison made a motion to approve an agreement with the Krum Youth Sports Association (KYSA) related to use of City sports facilities as amended and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Strand.

The following votes were cast:

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

The motion carried unanimously.

17. **Conduct a public hearing, and discuss, consider, and take action on a request for approval of a Replat, Lots 5R, 6R, and 7R, Block 31 of the Original Town Krum Addition, being a replat of two tracts of land consisting of a part of Lot 5, Block 31 and all of Lot 6, Block 31 of the Original Town Krum Addition, said approximate 0.67 acre property being located at the north side of Lake Street approximately 275 feet west of the intersection of Lake Street and North Fourth Street, and situated in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. The purpose of the replat is create three residential lots from the existing two tracts of land. Owner and applicant: Not Quite 4H Properties, Ltd. Case: RPT-2018-01.**

Mayor Ronald G. Harris, Jr. opened the public hearing at 8:44 p.m.

City Planner Tom Elgin provided an overview related to the request for approval of a Replat, Lots 5R, 6R, and 7R, Block 31 of the Original Town Krum Addition.

No comments were made by the public.

Mayor Harris closed the public hearing at 8:46 p.m.

Councilmember Lawrence made a motion to approve a Replat, Lots 5R, 6R, and 7R, Block 31 of the Original Town Krum Addition, being a replat of two tracts of land consisting of a part of Lot 5, Block 31 and all of Lot 6, Block 31 of the Original Town Krum Addition 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.

18. **Conduct a public hearing, and discuss, consider, and take action on an ordinance approving a request for a Specific Use Permit (SUP) for an itinerant retail vendor (snow cone stand) for 100 South Jackson Street. The property is located on the southeast corner of South Jackson Street and FM 1173/McCart Street, City of Krum, Denton County, Texas. The SUP application proposes to allow an itinerant retail vendor (snow cone stand) on the property in addition to the existing ice vending kiosk. Owner: Mel Walterscheid. Applicants: Perry and Shelly Harrison. Case: SUP-2018-01.**

Mayor Ronald G. Harris, Jr. opened the public hearing at 8:47 p.m.

City Planner Tom Elgin provided an overview related to the request for approval of a request for a Specific Use Permit (SUP) for an itinerant retail vendor (snow cone stand) for 100 South Jackson Street.

No comments were made by the public.

Mayor Harris closed the public hearing at 8:50 p.m.

Councilmember Strand made a motion to approve a Specific Use Permit (SUP) for an itinerant retail vendor (snow cone stand) for 100 South Jackson Street 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. Conduct a public hearing and discuss, consider, and take action on AN ORDINANCE OF THE CITY OF KRUM ADOPTING THE 2018 WATER AND WASTEWATER MASTER PLAN PURSUANT TO CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING THE HYDRAULIC MODELS, WATER SYSTEM ANALYSIS, WASTEWATER SYSTEM ANALYSIS, WATER DISTRIBUTION CAPITAL IMPROVEMENT PLAN, AND WASTEWATER CAPITAL IMPROVEMENT PLAN FOR THE PURPOSE OF GUIDING FUTURE DEVELOPMENT OF WATER AND WASTEWATER UTILITIES IN THE CITY OF KRUM AND EXTRATERRITORIAL JURISDICTION TO THE EXTENT ALLOWED BY LAW; PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE. Applicant: City of Krum. Case: ORD-2018-02.**

Mayor Ronald G. Harris, Jr. opened the public hearing at 8:51 p.m.

City Planner Tom Elgin provided an introduction related to the proposed 2018 Water and Wastewater Master Plan.

Andrew Boyle and Mazen Kawasmi from Freese and Nichols made a presentation to the City Council regarding the proposed 2018 Water and Wastewater Master Plan. Discussion was held by the City Council. No comments were made by the public.

Mayor Harris closed the public hearing at 9:11 p.m.

Councilmember Harrison made a motion to approve an ORDINANCE OF THE CITY OF KRUM ADOPTING THE 2018 WATER AND WASTEWATER MASTER PLAN PURSUANT TO CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING THE HYDRAULIC MODELS, WATER SYSTEM ANALYSIS, WASTEWATER SYSTEM ANALYSIS, WATER DISTRIBUTION CAPITAL IMPROVEMENT PLAN, AND WASTEWATER CAPITAL IMPROVEMENT PLAN FOR THE PURPOSE OF GUIDING FUTURE DEVELOPMENT OF WATER AND WASTEWATER UTILITIES IN THE CITY OF KRUM AND EXTRATERRITORIAL JURISDICTION TO THE EXTENT ALLOWED BY LAW; PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE with a second by Councilmember Strand.

The following votes were cast:

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

The motion carried unanimously.

- 20. Conduct a public hearing and discuss, consider, and take action on AN ORDINANCE OF THE CITY OF KRUM, ADOPTING, IMPOSING AND ESTABLISHING WATER AND WASTEWATER IMPACT FEES ON NEW DEVELOPMENT IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION TO THE EXTENT ALLOWED BY LAW; ADOPTING ASSESSMENT AND COLLECTION RATES FOR WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE. Applicant: City of Krum. Case: ORD-2018-01.**

Mayor Ronald G. Harris, Jr. opened the public hearing at 9:12 p.m.

City Planner Tom Elgin provided an introduction related to the adopting, imposing and establishing water and wastewater impact fees on new development in the City limits and extraterritorial jurisdiction to the extent allowed by law.

Andrew Boyle and Mazen Kawasmi from Freese and Nichols made a presentation to the City Council regarding the proposed water and wastewater impact fees on new development in the City limits and extraterritorial jurisdiction to the extent allowed by law. Discussion was held by the City Council. No comments were made by the public.

Mayor Harris closed the public hearing at 9:43 p.m.

Councilmember Lawrence made a motion to approve an ORDINANCE OF THE CITY OF KRUM, ADOPTING, IMPOSING AND ESTABLISHING WATER AND WASTEWATER IMPACT FEES ON NEW DEVELOPMENT IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION TO THE EXTENT ALLOWED BY LAW; ADOPTING ASSESSMENT AND COLLECTION RATES FOR WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE which is adopting the Water and Wastewater Impact Fee Analysis report as submitted and adopting different water and wastewater impact fee assessment and collection rates than as recommended by the Citizen Advisory Committee 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. Discussion and direction on water and sewer tap fees and City of Denton pass-through wastewater impact fees.**

City Planner Tom Elgin provided information related to our current water and sewer tap fees and City of Denton wastewater impact fees. Discussion was held by the City Council. City Planner Tom Elgin will bring back an ordinance for the City Council's consideration at the next City Council meeting as discussed.

- 22. Discuss, consider and take action related to Sirens/Outdoor Warning Devices.**

Fire Chief Ken Swindle provided the City Council with a status related to the Sirens/Outdoor Warning Devices. He advised that they were in the process of getting the first grant started. Discussion was held by the City Council related to the devices, their possible placement, options available and the costs associated with the devices. No further action was taken.



**23. Discuss, consider and take action on Statements of Qualifications for City Engineering Services received in response to the Request for Qualifications.**

City Planner Tom Elgin provided a quick summary of the Statements of Qualifications received for City Engineering Services. Mayor Pro Tem Justin Diviney was abstaining from the discussion and action on this item and stepped out of the City Council Chamber during the discussion. Discussion was held by the City Council.

Councilmember Strand made a motion to table the item with a second by Councilmember Petersen. Councilmembers Strand and Petersen withdrew their motion and second.

Additional discussion was held by the City Council.

Councilmember Lawrence made a motion to table the agenda item related to Statements of Qualifications for City Engineering Services received in response to the Request for Qualifications 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.

**I. EXECUTIVE SESSION**

Mayor Harris announced that the City Council would convene in executive session at 10:40 p.m.

**24. 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. 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 11:41 p.m.

**Action on Executive Session Items 24a and 24b if necessary.**

**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.**

Councilmember Strand made a motion to authorize the Mayor to proceed as discussed 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.

**J. FUTURE AGENDA ITEMS**

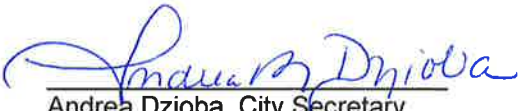
No future agenda items were requested.

**K. ADJOURN**

The meeting adjourned at 11:42 p.m.

**APPROVED:**

  
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Ronald G. Harris, Jr., Mayor

  
\_\_\_\_\_  
Andrea Dzioba, City Secretary