



# REGULAR CITY COUNCIL MEETING MONDAY, JULY 14, 2014 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 5:33 p.m.

### B. QUORUM PRESENT

Those present were Mayor Terri Wilson and Councilmembers Michael Wilkes, Nick Vincent, Joe Beall, Justin Diviney, and Christine Rodriguez. Also present were Interim Police Chief Terry Hargis, Fire Chief Ken Swindle, Public Works Director Mark Patterson, Finance Assistant Kay Prather, Library Director Donna Pierce, City Engineer Gabe Johnson, Assistant City Attorney Trey Sargent 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.

Mr. Larry Lamonica, 206 W. Lake Street, expressed his concerns about expansion of infrastructure without a plan, water left running and debris in the grass at the park, and tall grass on the downtown Economic Development Corporation property.

### E. PRESENTATION

#### 1. Presentation – Rod Barthold

Mayor Wilson presented Rod Barthold with a plaque in appreciation for his many years of service to the City and its citizens. Mrs. Janice Callarman read a summary that she had written regarding Mr. Barthold's family and their longtime involvement in the City of Krum and his involvement within the community for many years.

### F. DISCUSSION

#### 2. Engineering Update – Gabe Johnson, Johnson Civil Engineering – Emergency Force Main Replacement update, Oil and Gas Mineral Leases, Safe Routes to School, Waste Water Treatment Plant and Fire Station, PW Building and Public Library RFQ.

Gabe Johnson, Johnson Civil Engineering, provided an engineering update related to the Emergency Force Main Replacement and provided information regarding a manhole that required replacement and some of the options; Oil and Gas Mineral Leases; Safe Routes to School project; Waste Water Treatment Plant; and Fire Station, Public Works Building and Public Library Request for Qualifications.

**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 June 2, 2014 Regular City Council meeting.
4. Consider and take action on approval of the minutes from the June 9, 2014 Special City Council meeting.
5. Consider and take action on approval of the minutes from the June 23, 2014 Special City Council meeting.
7. Consider and take action on approval of the resignation of Les Bishop from the Krum Park Advisory Board.
8. Consider and take action to change the date of the September Regular City Council meeting (September 4, 2014).
9. Consider and take action to approve payment of "fair share" support of the Children's Advocacy Center of Denton County for FY 2013-2014.
10. Consider and take action to approve an engineering consultant contract with Johnson Civil Engineering and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.
11. Consider and take action to approve a RESOLUTION SUPPORTING THE ADEQUATE FUNDING OF THE TRANSPORTATION SYSTEM (R14-03).
12. Consider and take action to approve a RESOLUTION APPROVING THE "DRAFT" DENCO AREA 9-1-1 DISTRICT FISCAL YEAR 2015 FINANCIAL PLAN, PURSUANT TO THE TEXAS HEALTH AND SAFETY CODE, CHAPTER 772, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.
13. Consider and take action to approve a RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.
14. Consider and take action to approve a variance request to allow construction work related to the Wastewater Treatment Plant to take place outside of the hours allowed under Section 8.03.004(5) in the Code of Ordinances for the City of Krum.
15. Consider and take action to approve Change Order No. 1 to the contract with Gracon Construction, Inc. related to the Wastewater Treatment Plant.
16. Consider and take action to approve Change Order No. 2 to the contract with Gracon Construction, Inc. related to the Wastewater Treatment Plant.

Consent Agenda Item #6 was pulled from the Consent Agenda by Councilmember Vincent to be considered separately.

Councilmember Vincent made a motion to approve the consent agenda items #3 – 5 and 7 – 16 as presented with a second by Councilmember Beall.

The following votes were cast:

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

The motion carried unanimously.

**6. Consider and take action on approval of the May 2014 Financials.**

Discussion was held by the City Council regarding the May 2014 Financials. Fire Chief Ken Swindle advised the City Council that the EMS billing had not been reconciled.

Councilmember Vincent made a motion to approve the consent agenda items #6 as presented with a second by Councilmember Beall.

The following votes were cast:

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

The motion carried unanimously.

**H. REGULAR AGENDA ITEMS**

**17. Discuss, consider and take action on the appointment of an individual to fill Councilmember, Place 5 vacancy until the next uniform election date to be held in May 2015.**

Councilmember Beall made a motion to nominate Christine Rodriguez to fill the Councilmember, Place 5 vacancy until the next uniform election date to be held in May 2015 with a second by Councilmember Wilkes.

The following votes were cast:

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

The motion carried.

**18. Administer the Oath of Office to Councilmember, Place 5.**

City Secretary Andrea Dzioba administered the Oath of Office to Christine Rodriguez.

**19. Discuss, consider and take action to elect a Mayor Pro Tem for a one-year term.**

Councilmember Vincent made a motion to elect Councilmember Wilkes as Mayor Pro Tem for a one-year term with a second by Councilmember Rodriguez.

The following votes were cast:

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

The motion carried unanimously.

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

Discussion was held by the City Council. Councilmember Rodriguez requested that page numbers be added to the City of Krum Personnel Manual. City Secretary Andrea Dzioba will add page numbers to the City of Krum Personnel Manual. Mayor Wilson advised Councilmembers that any questions regarding the City of Krum Personnel Manual should be forwarded to City Secretary Andrea Dzioba.

This item was tabled until the August Regular City Council meeting.

**21. Discuss, consider and take action to approve an agreement with Kelly Clark (Chute 2 Productions) and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.**

Finance Assistant Kay Prather made a presentation to the City Council regarding the agreement with Kelly Clark (Chute 2 Productions) and provided information regarding the services and events that they would provide to the City of Krum for its Celebrate Krum event in September. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve an agreement with Kelly Clark (Chute 2 Productions) and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum with a second by Councilmember Vincent.

The following votes were cast:

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

The motion carried unanimously.

**22. Discuss, consider and take action on a proposed oil and gas lease from Vantage Fort Worth Energy, LLC.**

**23. Discuss, consider and take action on a proposed oil, gas, and mineral lease from EagleRidge Energy, LLC.**

*Items No. 22 and No. 23 were discussed together.*

City Engineer Gabe Johnson made a presentation regarding the proposed leases and options available to the City Council. Sunni McAsey from Scott Land Services was available to answer questions and provide information related to the proposed oil and gas lease from Vantage Fort Worth Energy, LLC. Discussion was held by the City Council.

These items were tabled until the August Regular City Council meeting.

**24. Discuss, consider and take action to approve a payment to Professional Ambulance Sales and Services of the Grant Donation Expense.**

Fire Chief Ken Swindle and EMS Coordinator Corey Gregory made a presentation regarding the requested payment of \$30,000.00 related to the new ambulance and the deadlines for reimbursement of the \$30,000.00 related to the grant from the Texas Department of State Health Services. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve a payment of \$30,000.00 to Professional Ambulance Sales and Services of the Grant Donation Expense with a second by Councilmember Diviney.

The following votes were cast:

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

The motion carried unanimously.

**25. Discuss, consider and take action on a RESOLUTION OF THE CITY OF KRUM, TEXAS NOMINATING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

Mayor Wilson provided information related to the City of Krum's possible nomination of a member to the Board of Managers of the Denco Area 9-1-1 District. Discussion was held by the City Council. No action was taken.

**26. Discuss, consider and take action to accept the bid from Jorge Olguin for the repair of ten (10) sections of sidewalk; repair of twenty-six (26) sections of curb; and installation of two hundred ten linear feet (210') of new sidewalk and authorize the Mayor to execute all contract documents regarding same on behalf of the City of Krum.**

Public Works Director Mark Patterson made a presentation to the City Council regarding the bids received to complete the necessary sidewalk work. Discussion was held by the City Council.

Councilmember Beall made a motion to accept the bid from Jorge Olguin for the repair of ten (10) sections of sidewalk; repair of twenty-six (26) sections of curb; and installation of two hundred ten linear feet (210') of new sidewalk and authorize the Mayor to 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: Vincent, Beall, Diviney, Wilkes, Rodriguez  
Nays: None  
Absent: None

The motion carried unanimously.

**27. Discuss, consider and take action on the formation of a Feral Cat Colony Oversight Committee.**

Interim Police Chief Terry Hargis made a presentation to the City Council regarding the formation of a Feral Cat Colony Oversight Committee. Interim Police Chief Terry Hargis said that he has spoken with several individuals and suggests that the Feral Cat Colony Oversight Committee consist of Dr. Jennifer Lee, Veterinarian; Dr. Tracy Dietz, University of North Texas; and Kay Prather, Finance Assistant for the City of Krum.

Councilmember Diviney made a motion to form a Feral Cat Colony Oversight Committee consisting of Dr. Jennifer Lee, Veterinarian; Dr. Tracy Dietz, University of North Texas; and Kay Prather, Finance Assistant for the City of Krum with a second by Councilmember Rodriguez.

The following votes were cast:

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

The motion carried unanimously.

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

Mayor Wilson provided information related to the formation of a 4A Corporation and the appointment of its board of directors. Discussion was held by the City Council. Mayor Wilson asked that City Secretary Andrea Dzioba e-mail information to the Councilmembers related to 4A Corporations.

This item was tabled until the August Regular City Council meeting.

- 29. Discuss, consider and take action to approve an amount not to exceed \$7,500.00 for the repair of a failed storm gutter (bird bath) located on Ute Court in Aspen Park.**

Public Works Director Mark Patterson made a presentation to the City Council regarding the failed storm gutter (bird bath) located on Ute Court in Aspen Park and the complaints that had been received. Discussion was held by the City Council.

Councilmember Rodriguez made a motion to approve an amount not to exceed \$7,500.00 for repair of a failed storm gutter (bird bath) located on Ute Court in Aspen Park. The motion failed for lack of a second.

- 30. Discuss and review City Council priorities related to the Fiscal Year 2014 – 2015 budget.**

Mayor Wilson and Councilmember Rodriguez advised the City Council that they had been working on the proposed budget for Fiscal Year 2014-2015 and requested suggestions on things that the Councilmembers considered to be priorities. Discussion was held by the City Council. They would like to see streets as a priority, a salary survey of comparable cities (e.j. Sanger, Justin, and Ponder), financials to include fund balances, and a vehicle replacement schedule.

Councilmember Rodriguez advised that there would be a draft budget provided at the August Regular City Council meeting.

## **I. EXECUTIVE SESSION**

Mayor Wilson announced that the City Council would convene in executive session at 7:17 p.m.

- 31. After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.074 – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

- a. Police Chief
- b. Finance Director

- 32. 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 551.074.**

The City Council reconvened into the open meeting at 7:55 p.m. 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.

**J. ADJOURN**

There being no further business, Mayor Terri Wilson adjourned the meeting at 7:56 p.m.

**APPROVED:**

  
Terri Wilson, Mayor

  
Andrea Dzioba, City Secretary