



REGULAR CITY COUNCIL MEETING MONDAY, JULY 10, 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 Ronald G. Harris, Jr. called the meeting to order at 6:30 p.m.

B. QUORUM PRESENT

Those present were Mayor Ronald G. Harris, Jr., Councilmembers Austin Petersen, Rhonda Harrison, and Mike Strand. Councilmembers Justin Diviney and Toby L. Lawrence were absent. Also present were Fire Chief Ken Swindle; Finance Director Shelly Neckar; Public Works Director Devon Kennedy; City Planner Tom Elgin; Library Director Donna Pierce; Assistant City Attorney William Scazzero; 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 Mike Strand.

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. EXECUTIVE SESSION

Mayor Harris announced that the City Council would convene in executive session at 6:34 p.m.

1. **After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.071, Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or all other matters permitted by such section and Section 551.074 – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

- a. *Taylor Rice v. City of Krum*
- b. **Library Director**

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 551.071 and 551.074.

Adjourn into Open Meeting.

The City Council reconvened into the open meeting at 6:45 p.m.

Action on Executive Session Items 1a and 1b 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.

F. REGULAR AGENDA ITEMS

2. **Discuss, consider and take action on an ORDINANCE OF THE CITY OF KRUM, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF KRUM, CHAPTER 8: OFFENSES AND NUISANCES, ARTICLE 8.05: SEX OFFENDER RESIDENCY RESTRICTIONS, SECTION 8.05.002 PROHIBITED AREAS; EXCEPTIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Harrison made a motion to approve an ORDINANCE OF THE CITY OF KRUM, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF KRUM, CHAPTER 8: OFFENSES AND NUISANCES, ARTICLE 8.05: SEX OFFENDER RESIDENCY RESTRICTIONS, SECTION 8.05.002 PROHIBITED AREAS; EXCEPTIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT, AND PROVIDING AN EFFECTIVE DATE with a second by Councilmember Strand.

The following votes were cast:

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

The motion carried unanimously.

G. PRESENTATION / DISCUSSION

3. **Mayor's Update**

Mayor Ronald G. Harris, Jr. informed the City Council that the construction has begun on Radecke Road, some extra work is being done on North Point, and trying to work with the County related to E. Huffman and looking into possibly getting sidewalks in that area.

4. Discussion – May 2017 Financials

Councilmember Harrison inquired about the water revenues and whether the rate increase will affect those numbers. Finance Director Shelly Neckar said that they should and have begun to see a difference but it will depend on rain, etc. Councilmember Petersen asked about unused expenses and whether those rollover. Finance Director Shelly Neckar stated that unused budget amounts do roll back into reserves.

5. Discussion – Department Measures and Employee Evaluations

Discussed later in the meeting under Item No. 25.

6. Discussion – City Administrator/City Manager position

No discussion on this item at this meeting.

7. Discussion – Sirens/Outdoor Warning Devices in New Subdivisions

No discussion on this item at this meeting.

H. 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.

8. Consider and take action on approval of the minutes from the March 13, 2017 Special City Council meeting.

9. Consider and take action on approval of the minutes from the May 1, 2017 Regular City Council meeting.

10. Consider and take action on approval of the resignation of Russell Wilson from the Krum Economic Development Corporation.

11. Consider and take action on approval of the resignation of Jim Mays from the Park Development Corporation.

12. Consider and take action on approval of the resignation of Jim Mays from the Planning and Zoning Commission.

13. Consider and take action on approval of the appointment of Andy Shelton to the Krum Economic Development Corporation.

14. Consider and take action on approval of the appointment of Robert Holley to the Krum Economic Development Corporation.

15. Consider and take action on approval of the appointment of Eric Laird to the Planning and Zoning Commission.

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

The following votes were cast:

Ayes: Harrison, Petersen, Strand

Nays: None

Absent: Diviney, Lawrence

The motion carried unanimously.

I. REGULAR AGENDA ITEMS

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

Fire Chief Ken Swindle provided some information related to the Denco Area 9-1-1 District Board of Managers. Discussion was held by the City Council.

Councilmember Harrison made a motion to approve a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS FOR THE APPOINTMENT OF ONE MEMBER (Sue Tejml) TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT with a second by Councilmember Petersen.

The following votes were cast:

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

The motion carried unanimously.

- 17. Discuss, consider, and take action on a request for approval of a Minor Plat of Hillview Drive Estates, an approximate 10.0 acre tract of land located generally at the north end of Hillview Drive, approximately 3,000 feet north of Jackson Road, in the A. Polk Survey, Abstract No. 998, Denton County, Texas. The property lies within the City of Krum extraterritorial jurisdiction. The minor plat proposes to create three residential lots. Owners and Applicants: Betty Armel, Byrl Armel, Connie Armel, Gary L. Sampley, and Lapage Sampley. Case: MPT-2017-01.**

City Planner Tom Elgin provided an overview of the Minor Plat of Hillview Drive Estates, an approximate 10.0 acre tract of land located generally at the north end of Hillview Drive, approximately 3,000 feet north of Jackson Road, in the A. Polk Survey, Abstract No. 998, Denton County, Texas.

Councilmember Harrison made a motion to approve a Minor Plat of Hillview Drive Estates, an approximate 10.0 acre tract of land located generally at the north end of Hillview Drive, approximately 3,000 feet north of Jackson Road, in the A. Polk Survey, Abstract No. 998, Denton County, Texas, subject to a dedication of an access easement for the portion of the Hillview Drive cul-de-sac in Lot 3 with a second by Councilmember Petersen.

The following votes were cast:

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

The motion carried unanimously.

- 18. 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 Ronald G. Harris, Jr. opened the public hearing at 7:00 p.m.

City Planner Tom Elgin provided an overview related to the residential zoning request for 337 W. McCart Street and provided some background about the request.

Mr. Loyd Bewley stated that it was changed to allow the daycare to operate in October 1996 but he thought that it would revert automatically back to residential when the daycare operations ended.

No one additional spoke during the public hearing. Discussion was held by the City Council.

Mayor Ronald G. Harris, Jr. closed the public hearing at 7:03 p.m.

Councilmember Strand made a motion to approve an ordinance approving a residential zoning request to rezone 337 W. McCart Street from Commercial (C) to Single-Family-7.5 (SF-7.5), 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 with a second by Councilmember Harrison.

The following votes were cast:

Ayes: Harrison, Petersen, Strand

Nays: None

Absent: Diviney, Lawrence

The motion carried unanimously.

19. **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-2-Multifamily-15 (PD-2-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 Ronald G. Harris, Jr. opened the public hearing at 7:05 p.m.

City Planner Tom Elgin provided an overview related to senior independent living facility planned development zoning request.

Fire Chief Ken Swindle requested that the elevators used be center elevators. That was his main concern.

Mr. Jeff Crannell of Crannell, Crannell & Martin Engineering Corporation was in attendance and provided information related to the project.

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

Mayor Ronald G. Harris, Jr. closed the public hearing at 7:16 p.m.

Councilmember Harrison made a motion to approve an ordinance approving the zoning of Planned Development-2-Multifamily-15 (PD-2-MF-15) for 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 with a second by Councilmember Petersen.

The following votes were cast:
Ayes: Harrison, Petersen, Strand
Nays: None
Absent: Diviney, Lawrence

The motion carried unanimously.

- 20. Discuss, consider, and take action on a request for approval of an amended Site Plan for a senior independent living facility on 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 site plan proposes amendments to parking, site amenities, access ways, and elevators. Owner and Applicant: The Retreat at Krum, LLC. Case: SPN-2017-01.**

Discussion was held by the City Council.

Councilmember Strand made a motion to approve an amended Site Plan for a senior independent living facility on 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 with a second by Councilmember Petersen.

The following votes were cast:
Ayes: Harrison, Petersen, Strand
Nays: None
Absent: Diviney, Lawrence

The motion carried unanimously.

- 21. Discuss, consider and take action on the member composition for the Krum Park Development Corporation.**

City Secretary Andrea Dzioba provided an introduction related to the member composition for the Krum Park Development Corporation. She explained that this is the first step towards having members of the Krum Park Advisory Board and the Krum Park Development Corporation contain the same members and that an ordinance related to the Krum Park Advisory Board would be considered at the next City Council meeting. Discussion was held by the City Council.

Councilmember Petersen made a motion to approve that the Krum Park Development Corporation consist of seven (7) members including one (1) member from the City Council and one (1) member from the Public Works Department and the members shall reside within the boundaries of the Krum Independent School District except for the one (1) member from the Public Works Department with a second by Councilmember Harrison.

The following votes were cast:
Ayes: Harrison, Petersen, Strand
Nays: None
Absent: Diviney, Lawrence

The motion carried unanimously.

22. Discuss, consider and take action on a managed action plan for the Krum Public Library.

Councilmember Mike Strand began discussion and advised that this item relates directly to Items No. 5 and 6, 24 and 25. Discussion was held related to the managed action plan for the Krum Public Library. The City Council would like to see more accurate "gate counts." They want to know how many people are coming in to use the Library and not count employees or other non-Library users. Library Director Donna Pierce provided some information on how they count. Councilmember Strand advised that the Library needs to be a non-political place and that the Library Director should develop a policy for staff advising that they can't comment related to political discussions. The City Council would also like to receive job descriptions related to each employee and plan for the future development and education. They would like to encourage the employees to stay.

Councilmember Strand made a motion to approve the Managed Action Plan for the Krum Public Library with a second by Councilmember Petersen.

The following votes were cast:

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

The motion carried unanimously.

23. Discuss, consider and take action on recommendations and amendments to Chapter 1, General Provisions, Article 1.11 Library.

Discussion was held by the City Council. It was suggested that an amendment to Chapter 1, General Provisions, Article 1.11 Library be considered at the next City Council meeting. It was requested that a Councilmember also be on the Library Advisory Board.

24. Discuss, consider and take action on amendments to the Krum Personnel Manual.

Extensive discussion was held by the City Council. The City Council discussed that evaluations be at 3 months, 6 months, and then yearly. He made the suggestions that each Department Head could be evaluated with the Mayor or Mayor Pro Tem and one Councilmember by Place. The City Council also discussed having Department Heads evaluated by their employees. Fire Chief Ken Swindle also believes that employees also need to evaluate themselves.

25. Discuss, consider and take action related to conducting employee evaluations.

No additional discussion or action was held on this item.

J. EXECUTIVE SESSION

Mayor Harris announced that the City Council would convene in executive session at 7:58 p.m.

26. After determining a quorum is present, the City Council will convene in executive session pursuant to Texas Government Code, Section 551.071, Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or all other matters permitted by such section and Section 551.074 – Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- c. *Taylor Rice v. City of Krum*
- d. **Library Director**

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 551.071 and 551.074.

Adjourn into Open Meeting.

The City Council reconvened into the open meeting at 8:25 p.m.

Action on Executive Session Items 26a and 26b if necessary.

26b – No action taken.

26a – Councilmember Strand made a motion to approve the Managed Action Plan for the Library Director as discussed with a second by Councilmember Petersen.

The following votes were cast:

Ayes: Harrison, Petersen, Strand

Nays: None

Absent: Diviney, Lawrence

The motion carried unanimously.

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 the City Administrator/City Manager, and storm sirens (outside warning devices). Mayor Harris advised that we will be meeting soon to start discussing the budget.

J. ADJOURN

The meeting adjourned at 8:38 p.m.

APPROVED:



Ronald G. Harris, Jr., Mayor



Andrea Dzioba, City Secretary