



REGULAR CITY COUNCIL MEETING MONDAY, JANUARY 9, 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
Cindy Daughhete, 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 6:37 p.m.

B. QUORUM PRESENT

Those present were Mayor Ronald G. Harris, Jr., Councilmembers Austin Petersen, Rhonda Harrison, Justin Diviney and Mike Strand. Councilmember Cindy Daughhete was absent. Also present were Fire Chief Ken Swindle; City Planner Tom Elgin; Library Director Donna Pierce; Assistant City Attorney Trey Sargent; Attorney Jeffrey Hines; 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.

Items appear in the order in which they were considered but retain original numbers as listed on the posted agenda.

E. PRESENTATION / DISCUSSION

1. Presentation – Support Our Soldiers

Mayor Ronald G. Harris, Jr. introduced Teresa Nelson, Executive Director and Founder, of Support Our Soldiers non-profit organization. Ms. Nelson provided an overview of the services that the organization provides and the impact that those services have on our soldiers serving in our military. Mayor Harris advised that the City will place collection boxes at the Fire Station, City Hall and Library to collect donations for Support Our Soldiers.

2. Mayor's Update

Mayor Harris then advised that the new Library was still moving along. Construction at the new Fire Station was almost complete and that they were still working on some drainage issues that will be corrected. Mayor Harris stated that he expects that he should be able to firm up a start date with Commissioner's Eads' office related to Radecke Road.

3. Discussion – November 2016 Financials

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

4. Discussion – Library Hours

Mayor Ronald G. Harris, Jr. opened the discussion item. A brief discussion was held.

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 on approval of the minutes from the October 3, 2016 Regular City Council meeting.

6. Consider and take action on approval of an Addendum to the contract with Tim Beaty Builders and authorize the Mayor to execute all agreement documents regarding same on behalf of the City of Krum.

Item No. 7 was pulled from the Consent Agenda.

Councilmember Diviney made a motion to approve consent agenda Items No. 5 and 6 with a second by Councilmember Harrison.

The following votes were cast:

Ayes: Petersen, Harrison, Diviney, Strand

Nays: None

Absent: Daughhetee

The motion carried unanimously.

H. EXECUTIVE SESSION

Mayor Harris announced that the City Council would convene in executive session at 6:56 pm.

16. 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. Public Works 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.

The City Council reconvened into the open meeting at 7:26 p.m.

Action on Executive Session Item No. 16a and 16b if necessary.

Councilmember Diviney made a motion to proceed as discussed with a second by Councilmember Petersen.

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

The motion carried unanimously.

F. CONSENT AGENDA

7. Consider and take action on approval of the proposed Meeting Room Policy for the Krum Public Library.

Library Director Donna Pierce introduced this agenda item and provided information regarding same. Discussion was held by the City Council and concerns were voiced related to the occupancy of the meeting room and rental rates being proposed.

Councilmember Diviney made a motion to table this agenda item with a second by Councilmember Strand.

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

The motion carried unanimously.

G. REGULAR AGENDA ITEMS

8. Discuss, consider and take action on Requests for Qualifications for Engineering Services received for the City of Krum Water Well Project.

Mayor Harris introduced the item related to Requests for Qualifications for Engineering Services received for the City of Krum Water Well Project. He advised that the Greater Texoma Utility Authority (GTUA) provided the information related to same.

Councilmember Strand made a motion to choose Freese and Nichols for engineering services for the City of Krum Water Well Project with a second by Councilmember Harrison.

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

The motion carried.

9. Discuss, consider and take action on approval of a Site Plan for The Retreat at Krum, a senior independent living facility, on a 9.97 acre tract of land being generally located on the west side of Hopkins Road approximately 500 feet north of E. McCart Street / FM 1173, and known as Tract 31C in the Charles Despallier Survey, Abstract No. 370, City of Krum, Denton County, Texas. Owner: Antrim Properties of Texas, Inc. Applicant: Crannell, Crannell & Martin Engineering Corporation. Case: SPN-2016-02.

City Planner Tom Elgin provided information related to the Site Plan for The Retreat at Krum, a senior independent living facility. Mark Angeli, President of TCM Real Estate Investments, Inc., and Jeff Crannell of Crannell, Crannell & Martin Engineering Corporation were in attendance and provided information related to the site plan. Discussion was held by the City Council.

Councilmember Harrison made a motion to approve the Site Plan for The Retreat at Krum, a senior independent living facility, on a 9.97 acre tract of land being generally located on the west side of Hopkins Road approximately 500 feet north of E. McCart 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: Petersen, Harrison, Diviney, Strand
Nays: None
Absent: Daughhete

The motion carried unanimously.

- 10. Hold a public hearing and discuss, consider and take action on an ordinance approving single family residential planned development zoning plan request for an approximate 60.1 acre tract of land located generally on the east side of Hopkins Road north of Radecke Road in Denton County, Texas, and known as Tract 15 of the John Hopkins Survey, Abstract No. 446, Denton County, Texas. The existing zoning is Single Family Estate (SF-E, minimum one acre lot size). The requested zoning is Planned Development-1-Single-Family Residential 7.5 (PD-1-SF-7.5). The planned development zoning request and concept plan propose 156 residential lots and four open space lots. Owner: Estate of Herman Hopkins. Applicant: Crannell, Crannell & Martin Corporation. Case: ZON-2016-06.**

City Planner Tom Elgin provided an overview related to the ordinance approving single family residential planned development zoning plan request for an approximate 60.1 acre tract of land located generally on the east side of Hopkins Road north of Radecke Road in Denton County, Texas, and known as Tract 15 of the John Hopkins Survey, Abstract No. 446, Denton County, Texas.

Mayor Ronald G. Harris, Jr. opened the public hearing at 8:06 p.m.

Bob Minter, 3596 Hopkins Road, expressed concerns about privacy and drainage. Bruce Heikkinen of Impression Homes and Jeff Crannell of Crannell, Crannell & Martin Engineering Corporation were in attendance and provided information related to the planned development. Discussion was held by the City Council.

Mayor Harris closed the public hearing at 8:18 p.m.

Councilmember Strand made a motion to approve an ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY BY CHANGING THE ZONING ON A 60.1 ACRE TRACT OF LAND SITUATED IN THE JOHN W. GIBBONS SURVEY, ABSTRACT NO. 446, CITY OF KRUM, DENTON COUNTY, TEXAS, AND MORE COMMONLY KNOWN AS TRACT 15 IN THE JOHN W. GIBBONS SURVEY, ABSTRACT NO. 446, BY CHANGING THE ZONING DISTRICT FROM SINGLE FAMILY RESIDENTIAL-ESTATE (SF-E) TO PLANNED DEVELOPMENT-1-SINGLE FAMILY RESIDENTIAL-7.5 (PD-1-SF-7.5); PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDING OF THE OFFICIAL ZONING MAP ACCORDINGLY; REQUIRING COMPLIANCE WITH ALL OTHER APPLICABLE ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE with a second by Councilmember Harrison.

The following votes were cast:

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

The motion carried unanimously.

11. Discuss, consider and take action to approve a lease agreement with Stryker Flex Financial and authorize the Mayor to execute all agreements regarding same on behalf of the City of Krum.

Fire Chief Ken Swindle and Captain Corey Gregory provided information related to the lease agreement with Stryker Flex Financial. Discussion was held by the City Council.

Councilmember Strand made a motion to approve a lease agreement with Stryker Flex Financial and authorize the Mayor to execute all agreements regarding same on behalf of the City of Krum with a second by Councilmember Diviney.

The following votes were cast:

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

The motion carried unanimously.

12. Discuss, consider and take action to approve the purchase of a new brush truck with a slip-on unit for the Fire Department.

Fire Chief Ken Swindle and Captain Corey Gregory provided information related to the purchase of a new brush truck with a slip-on-unit for the Fire Department. Discussion was held by the City Council.

Councilmember Petersen made a motion to approve the purchase of a new brush truck with a slip-on unit for the Fire Department with a second by Councilmember Harrison.

The following votes were cast:

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

The motion carried unanimously.

13. Hold a public hearing and discuss, consider and take action on approval of an application for a gas well drilling permit. The location of the gas well drilling permit is approximately 2,100 feet north of E. McCart Street / FM 1173 and 1,200 feet west of Masch Branch Road. Applicant: EnerVest Operating, LLC. Case: OGP-2016-01.

City Planner Tom Elgin provided an overview related to application for a gas well drilling permit. Mr. Keith Barton, Manager-Regulatory of EnerVest, and Mr. Faron McCain, Area Supt Barnett N of EnerVest, were in attendance to provide information related to the application for a gas well drilling permit.

Mayor Ronald G. Harris, Jr. opened the public hearing at 8:38 p.m.

Bob Minter, 3596 Hopkins Road, spoke about the use of green tanks on the well site and had spoken with his neighbor Mr. Fishburn. They had discussed the pleasant appearance of a nearby gas well site. Extensive discussion was held by the City Council.

Mayor Harris closed the public hearing at 8:43 p.m.

Councilmember Harrison made a motion to approve an application for a gas well drilling permit as submitted with Sound, Dust/Mud Control, and Fencing amendments as recommended by staff and approval of the use of gas compression equipment subject to the following performance criteria:

- a. Landscaping, earthen berms, fencing, equipment sound enclosures, fa2 silences, mufflers, and/or other sound mitigation measures shall be utilized to reduce gas compression equipment sound levels to an acceptable level of noise as defined in (d) below.
- b. At the sole expense to EnerVest and subject to review and approval by the City of Krum, an acoustical engineer shall be employed to certify ambient noise conditions as defined in (c) below prior to installation of gas compression equipment and to certify compliance with acceptable level of noise as defined in (d) below of operational gas compression equipment after the installation of sound mitigation measures.
- c. Ambient noise levels shall be measure at the four corners of the proposed gas well site in accordance with International Standards Organization Code of Practice 1996 to establish a baseline noise environment prior to installation of gas compression equipment.
- d. The acceptable level of noise after the installation of gas compressor equipment with sound mitigation measures shall be:
 - i. No greater than 68.5 dBA Leq for one hour at five feet in height and ten feet in distance measure from the gas lift compressor or measured from equipment sound enclosure if used as a mitigation measure.
 - ii. No greater than 88.5 dBC Leq for one hour at five feet in height and ten feet in distance measured from the gas lift compressor or measured from equipment sound enclosure if used as a mitigation measure.
 - iii. No greater than either the nighttime ambient noise level for one hour plus an increase of 5 dBA measure at five feet in height at the property lines of property used as residence or religious institution land use and at the property lines of any residentially zoned property within the City of Krum.

with a second by Councilmember Diviney.

The following votes were cast:

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

The motion carried unanimously.

- 14. Discuss, consider and take action to approve a variance request to allow work related to the drilling and completion of gas wells to take place outside of the hours of operation allowed under Article 8.03, Noise, in the Code of Ordinances for the City of Krum. The location of the gas well site is approximately 2,100 feet north of E. McCart Street / FM 1173 and 1,200 feet west of Masch Branch Road. Applicant: EnerVest Operating, LLC.**

A brief discussion was held by the City Council.

Councilmember Diviney made a motion to approve a variance request to allow work related to the drilling and completion of gas wells to take place outside of the hours of operation allowed under Article 8.03, Noise, in the Code of Ordinances for the City of Krum with a second by Councilmember Harrison.

The following votes were cast:

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

The motion carried unanimously.

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

A brief discussion was held by the City Council.

Councilmember Strand made a motion to approve a Water Use and Temporary Access Agreement with EnerVest 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 Petersen.

The following votes were cast:

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

The motion carried unanimously.

H. EXECUTIVE SESSION

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.

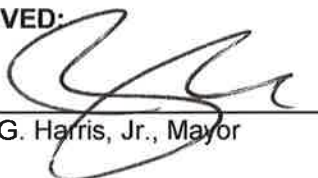
I. FUTURE AGENDA ITEMS

No future agenda items were requested.

J. ADJOURN

The meeting adjourned at 8:55 p.m.

APPROVED:



Ronald G. Harris, Jr., Mayor



Andrea Dzioba, City Secretary