



\*\*\* PUBLIC NOTICE \*\*\*

**NOTICE OF A CITY COUNCIL SPECIAL SESSION  
OF THE CITY OF CORINTH  
Tuesday, May 17, 2016, 6:00 P.M.  
CITY HALL - 3300 CORINTH PARKWAY**

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**CALL TO ORDER:**

**CITIZENS COMMENTS**

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. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.\* Section 30.041B Code of Ordinance of the City of Corinth.

**BUSINESS AGENDA**

1. Consider and act on a Resolution Canvassing votes for the General Election held on Saturday, May 7, 2016.
2. Consider and act on a Resolution Canvassing votes for the Special Election held on Saturday, May 7, 2016
3. Formal Swearing In of Councilmember Place 1, Place 3 and Place 4.

**COUNCIL COMMENTS & FUTURE AGENDA ITEMS**

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

**CLOSED SESSION**

The City Council will convene in such executive (closed session) to consider any matters regarding any of the above listed agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

**Section 551.074.** To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

**a. Deliberation of the employment, reassignment, or duties of the City Manager.**

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON EXECUTIVE SESSION ITEMS.

**ADJOURN**

Posted this 13 day of May, 2016 at 11:30 A.M. on the bulletin board at Corinth City Hall.

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Kimberly Pence, City Secretary  
City of Corinth, Texas

**City Council Special Session**

**Meeting Date:** 05/17/2016

**Title:** Resolution canvassing votes of the May 7, 2016 General Election.

**Submitted By:** Kim Pence, City Secretary

**Finance Review:** N/A

**Legal Review:** Yes

**Approval:** Lee Ann Bunselmeyer, Acting City Manager

**AGENDA ITEM**

Consider and act on a Resolution Canvassing votes for the General Election held on Saturday, May 7, 2016.

**AGENDA ITEM SUMMARY/BACKGROUND**

On May 7, 2016, the City’s general election was held in accordance with the provisions of the City Charter and the Election Code for the purpose of electing Council members to Place 1, Place 3 and Place 4 to the City Council of the City of Corinth, Texas.

State law requires that the governing body of the City of Corinth canvass all elections.

The returns of the General Election, including the returns of the early voting ballots, duly and legally made. The City Council determined that each candidate for Place 1, Place 3, and Place 4 on the Corinth City Council received the following votes. Please note that these are unofficial results. The City will receive final canvass results prior to the May 17, 2016 City Council Meeting from the Denton County Election Administrator. The resolution attached will be updated with any changes to the preliminary canvass results, if needed.

City Council Place No.	Name of Candidate	Absentee Votes	Total number of Early Votes	Total number of Votes Received on Election Day	Total Number of Votes Received
1	Sam Burke	79	256	214	549
3	Lowell Johnson	80	249	217	546
4	Rachel Roberts	47	151	126	324
4	Joe Harrison	49	204	170	423

The City Council, acting as the canvassing board of the general election, has verified that figures on the tally sheets correspond to the figures on the returns and at the general election held on May 7, 2016, the following candidates were elected to office:

City Council Place No.	Candidate	Total Votes
Place 1	Same Burke	549
Place 3	Lowell Johnson	546
Place 4	Joe Harrison	423

**RECOMMENDATION**

Staff recommends approval of the Resolution canvassing the election results for the General Election held Saturday, May 7, 2016.

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**Attachments**

Cumulative Report  
Resolution

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**Corinth Cumulative — Unofficial**  
**Denton County — 2016 May Joint Election — May 07, 2016**

Total Number of Voters : 28,529 of 377,308 = 7.56%  
 Number of District Voters: 802 of 13,900 = 5.77%

Precincts Reporting 210 of 210 = 100.00%  
 District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
<b>Corinth Councilmember, Place 1, Vote For 1</b>									
	Sam Burke	79	100.00%	256	100.00%	214	100.00%	549	100.00%
	<b>Cast Votes:</b>	79	75.96%	256	66.67%	214	68.15%	549	68.45%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	25	24.04%	128	33.33%	100	31.85%	253	31.55%
<b>Corinth Councilmember, Place 3, Vote For 1</b>									
	Lowell Johnson	80	100.00%	249	100.00%	217	100.00%	546	100.00%
	<b>Cast Votes:</b>	80	76.92%	249	64.84%	217	69.11%	546	68.08%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	24	23.08%	135	35.16%	97	30.89%	256	31.92%
<b>Corinth Councilmember, Place 4, Vote For 1</b>									
	Rachel Roberts	47	48.96%	151	42.54%	126	42.57%	324	43.37%
	Joe R Harrison	49	51.04%	204	57.46%	170	57.43%	423	56.63%
	<b>Cast Votes:</b>	96	92.31%	355	92.45%	296	94.27%	747	93.14%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	8	7.69%	29	7.55%	18	5.73%	55	6.86%
<b>Corinth Proposition No. 1, Vote For 1</b>									
	For	31	31.63%	82	21.75%	57	18.21%	170	21.57%
	Against	67	68.37%	295	78.25%	256	81.79%	618	78.43%
	<b>Cast Votes:</b>	98	94.23%	377	98.18%	313	99.68%	788	98.25%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	6	5.77%	7	1.82%	1	0.32%	14	1.75%
<b>Corinth Proposition No. 2, Vote For 1</b>									
	For	54	51.92%	184	49.33%	152	50.00%	390	49.94%
	Against	50	48.08%	189	50.67%	152	50.00%	391	50.06%
	<b>Cast Votes:</b>	104	100.00%	373	97.14%	304	96.82%	781	97.38%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	0	0.00%	11	2.86%	10	3.18%	21	2.62%

**Corinth Cumulative — Unofficial**  
**Denton County — 2016 May Joint Election — May 07, 2016**

Total Number of Voters : 28,529 of 377,308 = 7.56%  
 Number of District Voters: 802 of 13,900 = 5.77%

Precincts Reporting 210 of 210 = 100.00%  
 District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
<b>Corinth Proposition No. 3, Vote For 1</b>									
	For	100	97.09%	334	89.78%	276	90.20%	710	90.91%
	Against	3	2.91%	38	10.22%	30	9.80%	71	9.09%
	<b>Cast Votes:</b>	103	99.04%	372	96.88%	306	97.45%	781	97.38%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	1	0.96%	12	3.13%	8	2.55%	21	2.62%
<b>Corinth Proposition No. 4, Vote For 1</b>									
	For	73	71.57%	218	59.40%	189	63.00%	480	62.42%
	Against	29	28.43%	149	40.60%	111	37.00%	289	37.58%
	<b>Cast Votes:</b>	102	98.08%	367	95.57%	300	95.54%	769	95.89%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	2	1.92%	17	4.43%	14	4.46%	33	4.11%
<b>Corinth Proposition No. 5, Vote For 1</b>									
	For	32	31.68%	156	42.86%	122	40.94%	310	40.63%
	Against	69	68.32%	208	57.14%	176	59.06%	453	59.37%
	<b>Cast Votes:</b>	101	97.12%	364	94.79%	298	94.90%	763	95.14%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	3	2.88%	20	5.21%	16	5.10%	39	4.86%
<b>Corinth Proposition No. 6, Vote For 1</b>									
	For	46	46.46%	205	56.32%	142	48.14%	393	51.85%
	Against	53	53.54%	159	43.68%	153	51.86%	365	48.15%
	<b>Cast Votes:</b>	99	95.19%	364	94.79%	295	93.95%	758	94.51%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	5	4.81%	20	5.21%	19	6.05%	44	5.49%
<b>Corinth Proposition No. 7, Vote For 1</b>									
	For	44	47.31%	173	47.01%	138	47.26%	355	47.14%
	Against	49	52.69%	195	52.99%	154	52.74%	398	52.86%
	<b>Cast Votes:</b>	93	89.42%	368	95.83%	292	92.99%	753	93.89%
	<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Under Votes:</b>	11	10.58%	16	4.17%	22	7.01%	49	6.11%

**RESOLUTION NO. 16-5-17-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, CANVASSING AND DECLARING THE RESULTS OF THE MAY 7, 2016 GENERAL ELECTION TO ELECT MUNICIPAL OFFICERS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on May 7, 2016, the City's general election was held in accordance with the provisions of the City Charter and the Election Code for the purpose of electing Council members to Place 1, Place 3, and Place 4 to the City Council of the City of Corinth, Texas; and

**WHEREAS**, state law requires that the governing body of the City of Corinth canvass all elections; and

**WHEREAS**, the official returns, including returns of early voting ballots cast, of the presiding judges of the General Election have been presented and delivered; and the City Council acting in capacity as the Canvassing Board and has duly canvassed said returns in accordance with the law;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1.**

That the returns of the General Election, including the returns of the early voting ballots, duly and legally made, the City Council determined that each candidate for Place 1, Place 3 and Place 4 on the Corinth City Council received the following votes:

City Council Place No.	Name of Candidate	Absentee Votes	Total Number of Early Votes	Total Number of Votes Received on Election Day	Total Number of Votes Received
1	Sam Burke	79	256	214	549
3	Lowell Johnson	80	249	217	546
4	Rachel Roberts	47	151	126	324
4	Joe Harrison	49	204	170	423

**SECTION 2.**

The City Council, acting as the canvassing board of the general election held in the City of Corinth, Texas on May 7, 2016 has verified that the following candidates were elected to office by a plurality of the votes cast:

Council Place 1 Sam Burke Total Votes 549

Council Place 3 Lowell Johnson Total Votes 546

Council Place 4 Joe Harrison Total Votes 423

**SECTION 3.**

That the Mayor is hereby authorized and directed to execute and deliver Certificates of Election to the successful candidates elected at the General Election.

**SECTION 4.**

This resolution shall be in full force and effect from and after its passage and it is so resolved.

**PASSED AND APPROVED THIS 17<sup>th</sup> OF MAY, 2016.**

\_\_\_\_\_  
Bill Heidemann, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Pence, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Andy Messer, City Attorney

**City Council Special Session**

**Meeting Date:** 05/17/2016

**Title:** Resolution canvassing votes for the May 7, 2016 Special Election.

**Submitted By:** Kim Pence, City Secretary

**Finance Review:** N/A

**Legal Review:** Yes

**Approval:** Lee Ann Bunselmeyer, Acting City Manager

**AGENDA ITEM**

Consider and act on a Resolution Canvassing votes for the Special Election held on Saturday, May 7, 2016

**AGENDA ITEM SUMMARY/BACKGROUND**

A City Election was held in the City of Corinth, Texas, on the 7th day of May, 2016, for the purpose of submitting to the voters proposed amendments to the Home Rule Charter of the City of Corinth.

The preliminary canvass showed the following results. Please note that these are unofficial results. The City will receive final canvass results prior to the May 17, 2016 City Council Meeting from the Denton County Election Administrator. The resolution attached will be updated with any changes to the preliminary canvass results, if needed.

Proposition	Description	Total Votes (Yes)	Total Votes (No)	Total Votes	Passed/Failed
1	Eminent Domain	170	618	788	Failed
2	Mayor Recommendation	390	391	781	Failed
3	Council Candidate Residency Requirement	710	71	781	Passed
4	City Council Quorum	480	289	769	Passed
5	City Attorney	310	453	763	Failed
6	Votes for Approval of Budget and Tax Rate	393	365	758	Passed
7	Public Records	355	398	753	Failed

**RECOMMENDATION**

Staff recommends approval of the Resolution canvassing the election results for the May 7, 2016 Special Election.

**Attachments**

Resolution

**RESOLUTION NO. 16-05-17-11**

**A RESOLUTION OF THE CITY COUNCIL OF CORINTH, TEXAS,  
APPROVING THE CANVASS OF THE MAY 7, 2016 SPECIAL CHARTER  
AMENDMENT ELECTION RESULTS.**

**WHEREAS**, a special election was duly held in the City of Corinth, Texas, on the 7<sup>th</sup> day of May, 2016, for the purpose of submitting to the voters proposed amendments to the Home Rule Charter of the City of Corinth; and

**WHEREAS**, the Mayor and City Council duly canvassed the vote of the election on this the 17<sup>th</sup> day of May, 2016; and

**WHEREAS**, the canvass showed the following results:

**PROPOSITION NO. 1 – Eminent Domain**

Shall the Charter of the City of Corinth be amended to provide that the City has the authority to exercise the power of eminent domain when necessary to carry out any of the powers conferred upon it by the Charter, Constitution and laws of the State of Texas, amending Section 2.03?

Early Voting	Yes <u>82</u>	No <u>295</u>
Election Day	Yes <u>57</u>	No <u>256</u>
Mail	Yes <u>31</u>	No <u>67</u>
Total:	Yes <u>170</u>	No <u>618</u>

**PROPOSITION NO. 2 – Mayor Recommendations**

Shall the Charter of the City of Corinth be amended to allow the Mayor to recommend appointments to boards and commission if desired, amending Section 3.01.C?

Early Voting	Yes <u>184</u>	No <u>189</u>
Election Day	Yes <u>152</u>	No <u>152</u>
Mail	Yes <u>54</u>	No <u>50</u>
Total:	Yes <u>390</u>	No <u>391</u>

**PROPOSITION NO. 3 - Council Candidate Residency Requirement**

Shall the Charter of the City of Corinth be amended to provide that a candidate for City Council shall have resided in the City for 12 months immediately preceding the election, amending Section 3.03.B?

Early Voting	Yes <u>334</u>	No <u>38</u>
Election Day	Yes <u>276</u>	No <u>30</u>
Mail	Yes <u>100</u>	No <u>3</u>
Total:	Yes <u>710</u>	No <u>71</u>

**PROPOSITION NO. 4 – City Council Quorum**

Shall the Charter of the City of Corinth be amended to provide that the Mayor is not included in the determination of a quorum, amending Section 3.06?

Early Voting	Yes <u>218</u>	No <u>149</u>
Election Day	Yes <u>189</u>	No <u>111</u>
Mail	Yes <u>73</u>	No <u>29</u>
Total:	Yes <u>480</u>	No <u>289</u>

**PROPOSITION NO. 5 – City Attorney**

Shall the Charter of the City of Corinth be amended to provide that the City Manager may appoint the prosecutor for Municipal Court, amending Section 6.03?

Early Voting	Yes <u>156</u>	No <u>208</u>
Election Day	Yes <u>122</u>	No <u>176</u>
Mail	Yes <u>32</u>	No <u>69</u>
Total:	Yes <u>310</u>	No <u>453</u>

**PROPOSITION NO. 6 - Votes for Approval of Budget and Tax Rate**

Shall the Charter of the City of Corinth be amended to provide that the budget and tax rate may be adopted by a vote of three Councilmembers or such number of votes as is required by state law, amending Section 9.04.B?

Early Voting	Yes <u>205</u>	No <u>159</u>
Election Day	Yes <u>142</u>	No <u>153</u>
Mail	Yes <u>46</u>	No <u>53</u>
Total:	Yes <u>393</u>	No <u>365</u>

**PROPOSITION NO. 7 - Public Records**

Shall the Charter of the City of Corinth be amended to provide that the City may except from public disclosure records and information as authorized by state and federal law, amending Section 12.09 of the City Charter?

Early Voting	Yes <u>173</u>	No <u>195</u>
Election Day	Yes <u>138</u>	No <u>154</u>
Mail	Yes <u>44</u>	No <u>49</u>
Total:	Yes <u>355</u>	No <u>398</u>

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, THAT:**

**SECTION 1.**

The City Council finds that the results of the special election as reported in the above canvass are correct.

**SECTION 2.**

The City Council declares and orders that the results of the election on each proposition are as follows:

	<u>Passed/Fail</u>
<b>Proposition No. 1.</b>	<u>Failed</u>
<b>Proposition No. 2</b>	<u>Failed</u>
<b>Proposition No. 3</b>	<u>Passed</u>
<b>Proposition No. 4</b>	<u>Passed</u>
<b>Proposition No. 5</b>	<u>Failed</u>
<b>Proposition No. 6</b>	<u>Passed</u>
<b>Proposition No. 7</b>	<u>Failed</u>

**SECTION 3.**

The City Council hereby finds that pursuant to the May 7, 2016 Special City Charter Amendment Election, the voters of the City have authorized the following amendments to the Corinth City Charter to read as follows:

Proposition No. 3

**“Section 3.03 Qualifications.** Each candidate for an elective office shall meet the following qualifications . . .

C. Shall have resided in the City for ~~one (1) year~~ 12 months immediately preceding the election;”

Proposition No. 4

**“Section 3.06 Quorum.** At all meetings, three (3) Councilmembers shall constitute a quorum for the purpose of transaction of business. The Mayor shall not be counted in the determination of a quorum.”

Proposition No. 6

**“Section 9.04(B) Adoption of the Budget.** The budget and tax rate may be adopted at

any regular or special meeting of the Council prior to the beginning of the budgeted fiscal year by a ~~majority vote of a two-thirds quorum~~ vote of three Councilmembers, or such number of votes as is required by state law. The Council may amend the proposed budget by increasing, decreasing, or removing any programs or amounts, except for expenditures required by law, for debt service or for estimated cash deficit. No amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.”

**SECTION 4.**

This resolution shall take effect immediately upon its adoption, and it is so resolved.

**ADOPTED** this 17th day of May, 2016.

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY