

COUNCIL ACTION LOG
August 18, 2016

****Official minutes will be posted after Council approval****

STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH

On this this 18th day of August, 2016 the City Council of the City of Corinth, Texas met in a Regular and Workshop Session at the Corinth City Hall at 7:00 PM, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Present: Bill Heidemann, Mayor

Joe Harrison, Mayor Pro-Tem

Sam Burke, Council Member

Scott Garber, Council Member

Lowell Johnson, Council Member

Don Glockel, Council Member

Staff Members Present: Lee Ann Bunselmeyer, Finance Director

Caryn Riggs, Assistant Finance Director

Fred Gibbs, Planning and Development Director

Guadalupe Ruiz, Human Resources Director

Jason Alexander, Economic Development Director

Barbara Cubbage, Planning and Development Manager

Chris Rodriguez, Financial Services Manager

Elaine Herzog, Business Manager

Andy Messer, City Attorney

Kim Pence, City Secretary

Cody Collier, Public Works Director

Mike Brownlee, City Engineer

Attendees: Brenton Copeland, Technology Services Asst. Manager
William Tsao, Developer
Randi Rivera, G&A Consultants, Senior Planner
Thomas Meuer, G&A Consultants, Landscape Architect and Asst. Planner
Lennie Wang, Twang Design, Architect

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

MOTION made by Council Member Scott Garber to Approve, Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

1. Consider and act on minutes from the July 21, 2016 Workshop Session.

MOTION made by Council Member Scott Garber to Approve, Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

2. Consider and act on minutes from the July 21, 2016 Regular Session.

MOTION made by Council Member Scott Garber to Approve, Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

3. Consider and act on minutes from the July 23, 2016 Special Session.

MOTION made by Council Member Scott Garber to Approve, Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

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.

No one spoke

PUBLIC HEARING

4. Hold a public hearing on a proposal to consider a tax rate, which will exceed the lower of the rollback

rate or the effective tax rate and will increase total tax revenues from properties on the tax roll in the preceding tax year by 9.26 percent.

Mayor Pro-Tem Harrison open the Public Hearing at 7:20 P.M. No one spoke during the Public Hearing.

Mayor Pro-Tem Harrison closed the Public Hearing at 7:21 P.M.

Mayor Heidemann recused himself from discussion on item #5

5. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE PROPERTY OWNER 2-10 PROPERTIES LLC DBA AMERICAN EAGLE HARLEY DAVIDSON REPRESENTED BY WILLY SULLIVAN TO AMEND PLANNED DEVELOPMENT ORDINANCE NO. 01-08-16-16, AS AMENDED, SPECIFICALLY CHANGING THE SITE PLAN BY ADDING “SHADE STRUCTURES” AND ADDING A “GASOLINE FUEL TANK” AS AN ALLOWED USE AND SHOWING PLACEMENT OF IT TO THE EXISTING SITE PLAN ON PROPERTY LEGALLY DESCRIBED AS HARLEY DAVIDSON ADDITION LOT 1, BLOCK 1 ON 6.25 ACRES HAVING A PHYSICAL ADDRESS OF 5920 IH 35E IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

BUSINESS: Consider and act on an ordinance amending Planned Development Ordinance No. 01-08-16-16, as amended, specifically changing the site plan by adding “Shade Structures” and adding a “Gasoline Fuel Tank” as an allowed use and showing placement of it to the existing site plan on property legally described as Harley Davidson Addition Lot 1, Block 1 on 6.25 acres having a physical address of 5920 IH 35E in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Lowell Johnson to Approve, Seconded by Council Member Scott Garber

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

6. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT WILLIAM TSAO, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, 24 ACRES LLC, FOR A ZONING CHANGE FROM MX-C, MIXED USE COMMERCIAL TO PLANNED DEVELOPMENT MX-C ON PROPERTY LEGALLY DESCRIBED AS 24.6 ACRES BEING TRACT 5B (1.5 ACRES), TRACT 5C (1.5 ACRES), TRACT 5A (1.5 ACRES) AND TRACT 5 (20.1 ACRES) SITUATED IN THE H. GARRISON SURVEY, COUNTY ABSTRACT 507 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. The 24.6 acres of land is located south of 6501 IH 35E and north of Dobbs Road.

Mayor Heidemann opened the Public Hearing at 8:30 P.M. No one spoke during the Public Hearing.

Mayor Heidemann closed the Public Hearing at 8:31 P.M.

BUSINESS: Consider and act on a request for a zoning change from MX-C, Mixed Use Commercial to Planned Development MX-C on property legally described as 24.6 acres being tract 5b (1.5 acres),

tract 5c (1.5 acres), tract 5a (1.5 acres) and tract 5 (20.1 acres) situated in the H. Garrison Survey, County Abstract 507 in the City of Corinth, Denton County, Texas. The 24.6 acres of land is located south of 6501 IH 35E and north of Dobbs Road.

1st Amendment to item 6:

MOTION made by Council Member Lowell Johnson to amend as **C. Dimensional Regulations** in the chart under PD Area A: ~~60' / 4 Stories~~ 70' / 5 Stories (Hotel Only) 2 ½ stories or 40' w/ SUP on all other buildings. Seconded by Mayor Pro-Tem Joe Harrison

AYE: Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

NAY: Council Member Sam Burke

Passed

2nd amendment to item 6:

MOTION made by Council Member Lowell Johnson as **D. Development Standards – Area A (Non-Residential)** 4. a. Primary building materials shall constitute a minimum of ~~seventy percent (70%)~~ eighty percent (80%) of the façade and shall include a combination of the following materials: Class 1 Masonry, porcelain tile, and high pressure laminate panels. **D. Development Standards – Area A (Non-Residential)** 4. b. Secondary building materials may constitute a maximum of twenty percent (20%) ten percent (10%)
Seconded by Council Member Sam Burke

AYE: Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

NAY: Council Member Sam Burke

Passed

3rd amendment to item 6:

MOTION made by Council Member Lowell Johnson to Amend as **E. Development Standards – Area B (Residential)** 4. c. Covered parking, such as canopies/carports, are not permitted. Covered parking shall comply with the UDC MF-3 garage requirements for a minimum of seventy-five (75) percent of all apartments shall have a one-car enclosed garage, two hundred forty (240) square feet minimum, attached or detached, per dwelling unit. Seconded by Council Member Sam Burke

AYE: Mayor Pro-Tem Joe Harrison

NAY: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Council Member Don Glockel

Failed

4th amendment to item 6:

MOTION made by Council Member Lowell Johnson to Amend as **E. Development Standards – Area B (Residential)** 4. c. Covered parking, such as canopies/carports, are not permitted. Covered parking shall require a minimum of fifty (50) percent of all apartments shall have a one-car enclosed garage, two hundred forty (240) square feet minimum, attached or detached, per dwelling unit. Seconded by Council Member Scott Garber

AYE: Council Member Sam Burke, Council Member Lowell Johnson

NAY: Council Member Scott Garber, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Failed

5th amendment to item 6:

MOTION made by Council Member Lowell Johnson to Amend as **E. Development Standards – Area B (Residential)** 5. a. Primary building materials shall constitute a minimum of eighty percent (80%) of the façade on the first and second stories and a minimum of thirty-five percent (35%) fifty percent (50%) of the façade on the third and fourth stories and shall be Class 1 Masonry: natural stone and brick. Seconded by Council Member Scott Garber

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

6th amendment to item 6:

MOTION made by Council Member Lowell Johnson to Amend as **E. Development Standards – Area B (Residential)** 5. b. Secondary building materials may constitute twenty percent (20%) of the façade on the first and second stories and maximum of sixty-five percent (65%) fifty percent (50%) of the façade on the third and fourth stories and shall be stucco. Seconded by Council Member Scott Garber

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison

NAY: Council Member Don Glockel

Passed

7th amendment to item 6:

MOTION made by Council Member Lowell Johnson to Amend as **G. Administration** 5. Non-Residential Use Trigger Event: Prior to the issuance of a Certificate of Occupancy (CO) for the second Urban Residential building as shown on the approved Concept Plan, a minimum of 15,000 square feet of non-residential building space shall have site plan approval been issued a Certificate of Occupancy (CO) (the hotel shall not be calculated towards the 15,000 square feet). A maximum 10% reduction in required building square footage shall be allowed for required building articulation. Seconded by Council member Sam Burke

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison

NAY: Council Member Don Glockel

MOTION made by Council Member Scott Garber to Approve as amended, Seconded by Council Member Lowell Johnson

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

BUSINESS AGENDA

7. Discuss and take action on an Encroachment Agreement for private facilities inside the city right of way. The location of the said right of way encroachments are commonly known as the entrance to the Northwood Addition at the intersection of FM 2181 and Ashwood Lane.

MOTION made by Council Member Sam Burke to Approve, Seconded by Council Member Don Glockel

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

8. Consider and act on a Memorandum of Understanding between the City of Corinth and the Lake Cities Chamber of Commerce to allow the Lake Cities Chamber of Commerce to occupy office space within City Hall for the purpose of conducting their operations; and to authorize the Mayor or City Manager to execute the Memorandum of Understanding.

MOTION made by Council Member Scott Garber to Approve, Seconded by Council Member Lowell Johnson

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell Johnson, Council Member Don Glockel

NAY: Mayor Pro-Tem Joe Harrison

Passed

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:

Mayor Heidemann recessed the meeting at 9:30 P.M. *See Closed Session

Mayor Heidemann reconvened into Regular Session at 9:41 P.M.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

a. Interlocal Agreement for fire services.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. Receive information and discuss, deliberate, and provide staff with direction regarding the potential acquisition of Lot R1-2, Block One, Pinnell Addition.

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.

Council met in closed session from 9:31 p.m. until 9:40 p.m.

Section 551.087. To deliberate or discuss 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 to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed 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 Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

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

No motion was made from Closed Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 9:41 P.M.