

**Council Action Log
September 15, 2016**

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

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 15th day of September, 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, Acting City Manager
Fred Gibbs, Planning and Development Director
Guadalupe Ruiz, Human Resources Director
Kim Pence, City Secretary
Curtis Birt, Fire Chief
Andy Messer, City Attorney
Jason Alexander, Economic Development Director
Shea Rodgers, Technology Services Manager
Cody Collier, Public Works Director
Barbara Cubbage, Planning and Development Manager

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.

1. Consider and act on Minutes from the August 4, 2016 Workshop Session.

MOTION made by Council Member Don Glockel to approve. 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

Passed

2. Consider and act on Minutes from the August 4, 2016 Regular Session.

MOTION made by Council Member Don Glockel to approve, 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

3. Consider and act on Minutes from the August 18, 2016 Regular Session.

MOTION made by Council Member Don Glockel to approve, 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

4. Consider an act on a contract with SunGard Public Sector TRAKiT systems for the implementation and purchase of Planning and Development software.

MOTION made by Council Member Don Glockel to approve, 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

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.

Mayor Heidemann recessed the Regular Session at 6:05 p.m. * See Closed Session.

Mayor Heidemann reconvened the Regular Session at 6:57 p.m.

PUBLIC HEARING

5. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT JUSTIN LANSDOWNE, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER DENTON COUNTY ELECTRIC COOP (COSERV) FOR A ZONING CHANGE FROM I, INDUSTRIAL TO PLANNED DEVELOPMENT I (PD I) ADDING A TOWER/ANTENNA AND OUTSIDE STORAGE AS PERMITTED USES ON 47.847 ACRES LEGALLY DESCRIBED AS LOT 2R, COSERV ADDITION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (This property is located at 7701 S. Stemmons Frwy.)

BUSINESS: Consider and act on an ordinance for a zoning change from I, Industrial to Planned Development I (PD I) adding Tower/Antenna and Outside Storage as permitted uses on 47.847 acres legally described as Lot 2R, CoServ Addition in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Sam Burke to approve with approval of the site plan for the tower be made by the Council and not administratively by staff. 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

6. Consider and act on a the site plan on 47.847 acres being Lot 2R CoServ Addition in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Lowell Johnson to approve as presented. 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

7. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING REQUEST FROM THE PROPERTY OWNER, SWISHER @ I-35 CORINTH LP FOR A ZONING CHANGE FROM C-2, COMMERCIAL TO PLANNED DEVELOPMENT C-2 (PD C-2) ON PROPERTY LEGALLY DESCRIBED AS 3.2882 ACRES BEING A PORTION OF LOT 1, BLOCK A, SWISHER 35-E ADDITION AND SHOWN ON THE PROPOSED REPLAT AS LOT 9 AND LOT X2, BLOCK A, SWISHER 35-E ADDITION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (This property is located on the north bound IH 35E frontage road north of Swisher and south of Burl St.)

BUSINESS: Consider and act on an ordinance for a zoning change from C-2, Commercial to Planned Development C-2 (PD C-2) on property legally described as 3.2882 acres being being a portion of Lot 1, Block A, Swisher 35E Addition and shown on the proposed replat as Lot 9 and Lot X2, Block A, Swisher 35-E Addition in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Scott Garber to deny. 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

8. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT RICHARD FRONTERHOUSE, WITH GLENN THURMAN, INC., AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER FIRST TEXAS HOMES, INC., FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW A "TEMPORARY CONCRETE BATCH PLANT" ON PROPERTY ZONED PLANNED DEVELOPMENT (PD) SF-4, SINGLE FAMILY RESIDENTIAL DISTRICT ON APPROXIMATELY 2.5 ACRES OUT OF A TOTAL 25.75 ACRES LEGALLY DESCRIBED AS LOTS 1-30, Block A; Lots 1-11, Block B; Lots 1-10, Block C; Lots 1-10, Block D; Lots 1-10, Block E and Lots 1-17, Block F, Valencia Addition being 25.752 acres situated in The Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract Number 153 in the City of

Corinth, Denton County, Texas. This property is located on the north side of F.M. 2181, west of Post Oak Dr.

BUSINESS: Consider and act on a Specific Use Permit (SUP) to allow a “Temporary Concrete Batch Plant” for approximately two weeks on property zoned Planned Development (PD) SF-4, Single Family Residential District on approximately 2.5 acres out of a total of 25.75 acres being 25.752 acres legally described as Lots 1-30, Block A; Lots 1-11, Block B; Lots 1-10, Block C; Lots 1-10, Block D; Lots 1-10, Block E and Lots 1-17, Block F, Valencia Addition being 25.752 acres situated in The Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract Number 153 in the City of Corinth, Denton County, Texas.

MOTION made by Council Member Don Glockel to accept as presented. Seconded by Council Member Sam Burke

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

Passed

9. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT/PROPERTY OWNER ANTHONY SWARTZ OF OXFORD 2181, INC., FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FROM RETAIL TO MIXED USE WITH RESIDENTIAL ON APPROXIMATELY 8.826 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1R, BLOCK 1, TALLAL ADDITION, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

BUSINESS: Consider and act on an amendment to the Comprehensive Plan Future Land Use Designation from Retail to Mixed Use with Residential on approximately 8.826 acres of land legally described as Lot 1R, Block 1, Tallal Addition, in the City of Corinth, Denton County, Texas. (This property is located on the north side of F.M. 2181, and the east side of S. Garrison Rd.)

MOTION made by Mayor Pro-Tem Joe Harrison 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

10. **PUBLIC HEARING:** TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT/OWNER ANTHONY SWARTZ OF OXFORD 2181, INC. FOR A ZONING CHANGE FROM C-2 COMMERCIAL DISTRICT TO PLANNED DEVELOPMENT (PD) MX-R MIXED USE WITH RESIDENTIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 8.826 ACRES OF LAND LEGALLY DESCRIBED AS LOT 1R, BLOCK 1, TALLAL ADDITION, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

BUSINESS: Consider and act on a zoning change from C-2 Commercial District to Planned Development (PD) MX-R Mixed Use with Residential District on 8.826 acres of land legally described as Lot 1R, Block 1, Tallal Addition, in the City of Corinth, Denton County, Texas. (This property is located on the north side of F.M. 2181, and the east side of S. Garrison Rd.)

BUSINESS AGENDA

MOTION made by Mayor Pro-Tem Joe Harrison to approve. 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

11. Consider and act on an Ordinance adopting the 2016-2017 Annual Budget and appropriating resources for the budget year beginning October 1, 2016.

MOTION made by Council Member Lowell Johnson to approve. Seconded by Mayor Pro-Tem Joe Harrison

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

Passed

12. Consider and act on an Ordinance levying and adopting the tax rate for the 2016-2017 Fiscal Year.

MOTION made by Mayor Pro-Tem Joe Harrison 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

13. Consider and act on an Ordinance approving the 2016 Tax Rolls and accepting the anticipated collection rate of 100 percent for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

MOTION made by Council Member Lowell Johnson 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

14. Consider vote to ratify the property tax increase reflected in the city's annual budget for FY 2016-2017.

MOTION made by Mayor Pro-Tem Joe Harrison to approve. 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

15. Consider and act on a Resolution approving the progression within the pay group for eligible employees on the police and fire pay schedules for Fiscal Year 2016-2017; and providing for an effective date.

MOTION made by Mayor Pro-Tem Joe Harrison to approve. Seconded by Council Member Sam Burke

AYE: Council Member Sam Burke, Council Member Scott Garber, Council Member Lowell

Johnson, Mayor Pro-Tem Joe Harrison, Council Member Don Glockel

Passed

16. Consider and act on nominations, appointments, resignations and removal of members from the Planning & Zoning Commission, Economic Development Corporation, Finance Audit Committee, Keep Corinth Beautiful, Zoning Board of Adjustments, and Board of Construction Appeals.

MOTION made by Mayor Pro-Tem Joe Harrison to appoint Breien Velde, Place 2 to the Planning and Zoning Commission, Reappoint Dwayne Zinn, Place 4 to the Planning and Zoning Commission, Reappoint Marc Powell, Place 5 to the Planning and Zoning Commission, Appoint Chuck Mill, Place 6 1st Alternate to the Planning and Zoning Commission, Reappoint David Burnett, Place 3 to the Economic Development Corporation, Reappoint Tina Henderson, Place 7 to the Economic Development Corporation, Reappoint Council Representative Lowell Johnson, Place 1 to the Keep Corinth Beautiful Commission, Appoint David Rinaldi, Place 6 to the Keep Corinth Beautiful Commission, Reappoint Council Representative Lowell Johnson, Place 2 to the Finance Audit Committee, Appoint Mike Taylor, Place 3 to the Finance Audit Committee
Seconded by Council Member Sam Burke

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

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 or (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 551.071. (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.

Council met in Closed Session from 6:05 p.m. until 6:55 p.m.

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.

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. **Deliberations of the employment, reassignment or duties of the City Manager.**
- b. **Deliberations regarding the appointment, evaluation, reassignment, duties, discipline, or**

dismissal of appointees to the Planning and Zoning Commission, Economic Development Corporation and Zoning Board of Adjustments.

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.

ADJOURN:

Mayor Heidemann adjourned the meeting at 9:11 P.M.