

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

On this the 7th day of January 2016 the City Council of the City of Corinth, Texas met in Regular Session at 7:00 pm at the Corinth City Hall, 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:

Members Present:

Bill Heidemann, Mayor
Sam Burke
Joe Harrison, Mayor Pro-Tem
Scott Garber
Lowell Johnson
Don Glockel

Members Absent:

Staff Members Present:

Lee Ann Bunselmeyer, Acting City Manager
Fred Gibbs, Director of Planning and Development Services
Jason Alexander, Economic Development Director
Cody Collier, Acting Public Works Director
Kim Pence, City Secretary
Shea Rogers, Technology Services Manager
Debra Drayovitch, City Attorney

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:

Mayor Heidemann called the meeting to order at 7:00 P.M. Councilmember Garber delivered the invocation and led in the 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 November 5, 2015 Workshop Session.
2. Consider and act on Minutes from the November 5, 2015 Regular Session.
3. Consider and act on Minutes from the November 10, 2015 Special Joint Session.
4. Consider and act on Minutes from the November 19, 2015 Workshop Session.
5. Consider and act on Minutes from the November 19, 2015 Regular Session.
6. Consider and act on Minutes from the November 23, 2015 Special Session.
7. Consider and act on a resolution reviewing and adopting the Investment Policy for the City of Corinth.
8. Consider and act on a resolution reviewing and adopting the Investment Policy for the Corinth Crime

Control & Prevention District.

9. Consider and act on a resolution reviewing and adopting the Investment Policy for funds for the Corinth Economic Development Corporation.

Item #7, #8, and #9 was pulled from the Consent Agenda and will be placed on a future agenda for consideration.

10. Consider and act on approval of calendar year 2016 Co-Sponsorship agreement between the City of Corinth and Lake Cities Soccer Association.
11. Consider and act on approval of calendar year 2016 Co-Sponsorship agreement between the City of Corinth and the Lake Cities Girls Softball Association for Youth Softball, Adult Softball and Youth Baseball.
12. Consider and act on an Ordinance of the City of Corinth, Texas approving an amendment to the Fiscal Year 2015-16 City of Corinth Budget and Annual Program of Services to provide for the expenditure of funds from the Municipal Court Technology Fund for the purchase of body cameras for the Police Department.

MOTION made by Councilmember Johnson to approve the Consent Agenda. Seconded by Councilmember Harrison.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

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.

There were no Citizens Comments made.

BUSINESS:

Mayor Heidemann recused himself from discussion on item #13.

13. Consider and act on the Site Plan for DATCU on property legally described as Tract 2B being 0.98 acres situated in the E. Marsh Survey, County Abstract 833 in the City of Corinth, Denton County, Texas (Proposed Lot 3, Block A, Parkridge Pass Addition). This property is located on the north side of F.M. 2181, west of Parkridge Drive.

Fred Gibbs, Planning and Development Director – the item before you tonight is the DATCU Site Plan for a one-story building along the FM 2181. The Planning and Zoning Commission recommended approval of their site plan. The applicant has requested alternative compliance on the landscaping buffer, we require a 20' foot landscaping buffer and they are asking to do a 19.36 landscape buffer and staff does support that. They are also looking at doing a tree fund in lieu of mitigating all the trees on site. They have proposed to put \$11,350.00 into the tree fund to help with future mitigation within the City. The Planning and Zoning has recommended approval on this and if Council approved this

item tonight staff would ask if you recommend approval subject to the December 7, 2015 Freese & Nichols letter.

MOTION made by Councilmember Burke to approve the site plan as presented subject to the December 7, 2015 Freese & Nichols letter. Seconded by Councilmember Glockel.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

14. Receive a presentation, hold a discussion, and give staff direction on the Amity Village sewer lining project included in the fiscal year 2015-2016 Capital Improvement Program.

Mayor Heidemann returned to the dais for the remainder of items.

Cody Collier, acting Director of Public Works –The 2015-2016 annual budget included funding of \$650,000 to replace or rehabilitate the existing sanitary sewer lines in the Amity Village subdivision due to their age and condition. Upon extensive inspection and research, staff requested a review of the merits of the project by the city's contracted engineering firm Freese and Nichols. Video and data of the Amity village sewer line was provided to Freese and Nichols for their review and recommendation. Upon review of the data, Freese and Nichols issued a letter stating that the firm does NOT recommend the City complete the sewer lining project of the Amity Village subdivision.

The engineering firm recommends performing camera on a routine basis and ongoing maintenance, such as point repairs and repairing or root cutting. See Freese & Nichols Letter attached.

Staff recommends performing maintenance to the Amity Village sewer line as proposed by Freese and Nichols and postponing the replacement or rehabilitation of the existing sanitary sewer line as outlined in the 2015-2016 Annual Budget and Capital Improvement Program.

Councilmember Glockel – this is certainly good news. Do you need to spend any of this money to fix some of these locations according to the Freese & Nichols letter at this point?

Cody Collier, Acting Public Works Director – no, Amity Village Sewer System is right at 50 years old. Fifty years begins the life expectancy of a sewer system but they have been known to go up to 100 years. Realistically you will probably get another 20 years out of it so what they are saying is in another five years to look at doing it. There is nothing in the sanitary sewer now that is abnormal other than small minor separations and you will see those in all of our sanitary sewer systems even the ones that are five years old and that is very common. We do a really good job at running our sewer truck thought it to keep it clean. Everything you see there we would not need to contract folks to do anything. The folks we have in house and the equipment we have in house we know where all those locations are and all these things we can do ourselves as normal maintenance operation.

Councilmember Burke – the system is functioning as intended and we don't need to spend the \$650,000?

Cody Collier, Acting Public Works Director – that is correct.

MOTION made by Councilmember Harrison to cancel the Amity Village sewer lining project included in the fiscal year 2015-2016 Capital Improvement Program in the amount of \$650,000. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

15. Consider and act on a Mosquito Control Policy for the City of Corinth.

Lee Ann Bunselmeyer, Acting City Manager – in December we came forward with some amendments to the mosquito control policy. The City Council had some recommended changes to that and Cody Collier will go through those changes and recommendations that were proposed by staff.

Cody Collier, Acting Public Works Director – a draft Mosquito Control Policy was presented to the City Council on December 3, 2015.

The Council requested the following modifications to the policy:

1. Authorize the City Manager to approve the adulticiding in the City of Corinth without City Council action if the vector index reached a point above 3.5. Staff is recommending a vector index of 4.5 as a trigger for adulticiding. (page 5 section 7.2)
2. Removal of the triggers proposed in the draft policy on December 3, 2015. (page 5 section 7.2)
3. Provide residents a resource to report vacant or abandoned properties to Code Enforcement that are believed to provide breeding habitat. A category will be added to the Report a Concern in the City's Customer Relations module. (page 4 Section 5.0).
3. Include information pertaining to the services provided in the Mosquito Abatement Program adopted by the City Council on December 3, 2015. (page 3 Section 4.0).

MOTION made by Councilmember Harrison to approve the Mosquito Control Policy for the City of Corinth as presented. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

16. Consider nominations for Chair to the Zoning Board of Adjustments.

Lee Ann Bunselmeyer, Acting City Manager – on November 2015, the City Council appointed Mr. John Cox as the Chair to the Board of Adjustments. Since that time Mr. Cox has declined the appointment and so at this time we are asking Council to re-appoint the Chair of this board.

Mayor Heidemann open nominations.

Councilmember Harrison nominated John Horney as Chari to the Zoning Board of Adjustments.

There were no other nominations made.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

NOMINATION CARRIED

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.

Councilmember Harrison – remind everyone that noon one on January 15th they are tearing down Post Oak Bridge and that will be down for about 9 months. On that same day they will have the opening of Corinth Parkway.

Mayor Heidemann recessed the Regular Session at 7:30 P.M. * See Closed Session

CLOSED SESSION:

If, during the course of the meeting, any discussion of any item on the agenda should need to be held in executive or closed session for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D Chapter 551, to consider one or more matters Pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or 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 7:35 P.M. until 8:55 P.M.

- First Glendora Partners, Ltd. dba Impact Outdoor Advertising Co. v. City of Corinth.
- Receive legal advice from the City Attorney regarding the City's responsibility for maintenance and mitigation measures to address erosion and stormwater flows on private property in the Meadows Oak subdivision, including properties abutting Blake Street.

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.

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.

Mayor Heidemann reconvened into Regular Session at 8:57 P.M.

MOTION made by Councilmember Burke that staff be directed to engage in routine maintenance to re-establish the grade that is originally designed in the Forest Wood Subdivision so that the ditches are consistent to the original design. I further move that staff communicate either directly or through Council at the City Manager discretion to the Flynn's the owners I believe of lot 3016 of the Forest oak Subdivision and the Jacob's I believe the owners of lot 3018 in the same subdivision that routine maintenance would be performed. The city believes it may assist in resolving some of the issues with drainage on the Flynn property. To further communicate to the Flynn's and the Jacobs that the City does not believe it has any and certainly does not have any further responsibility to either the Flynn's or the Jacobs beyond restoring a portion of this drainage system to its original design and that further short of any legal action being taken the staff and the City will not take any additional steps to resolve what appears to the City to have clearly been a private water diversion issue between the Jacobs and the Flynn's and where the prior owners of those lots which has been ongoing for at least the last ten years. Seconded by Councilmember Johnson.

AYES: Burke, Garber, Johnson, Harrison, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

Mayor Heidemann adjourned the meeting at 9:04 P.M.

AYES: All

Meeting adjourned

Approved by Council on the 18 day of February, 2016.

Kimberly Pence
Kimberly Pence, City Secretary
City of Corinth, Texas

November 19, 2015

Mr. Cody Collier
Director of Public Works
City of Corinth
3300 Corinth Parkway
Corinth, Texas 76208

Re: Sanitary Sewer Evaluation – Amity Village

Dear Mr. Collier,

Freese and Nichols, Inc. received camera data from the City of Corinth to evaluate the condition of the existing sewer system in Amity Village. The areas of which your crews were able to camera are the only areas I evaluated. There are multiple locations where sags are located in the pipe, roots are protruding in from services, and a few locations of joints that are offset in the system. At this time, I do not feel that lining the portion of the sewer system we evaluated is necessary or would correct any of the current issues you have in the system. However I do recommend performing camera on a routine basis at least every five years unless you experience maintenance issues or overflows in this area. The pipe appeared to be in good condition minus the issues stated above.

I recommend the following:

- Point repairs for the locations where sags are present
- Point repairs at the location of the moderate to severe offsets
- Repairing or root cutting the services in which roots are located
- Repairing all locations in which the camera could not pass in order to camera those areas so that an evaluation can take place.

Please let me know if you have any questions. I will provide you with a memo of the exact findings at a later date.

Sincerely,



Rebecca P. Diviney, P.E.
Engineer