

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

On this the 5th day of May 2016 the City Council of the City of Corinth, Texas met in a Workshop Session at 5:30 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
Joe Harrison, Mayor Pro-Tem
Scott Garber
Don Glockel
Sam Burke
Lowell Johnson

Members Absent:

None

Staff Members Present:

Lee Ann Bunselmeyer, Acting City Manager
Kim Pence, City Secretary
Fred Gibbs, Planning & Development Director
Mack Reinwand, City Attorney
Jason Alexander, Economic Development Director
Elaine Herzog, Business Manager
Brenton Copeland, Technology Services
Mike Brownlee, City Engineer

CALL TO ORDER FOR WORKSHOP:

Mayor Heidemann called the meeting to order at 5:30 pm.

1. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of executive/closed session items as set forth in the Executive/Closed Session agenda items below.

Business Item #1

Fred Gibbs, Planning & Development Director – This is a drainage easement that was filed at the County without the City’s consent. The city didn’t review the drainage easement that was filed at the County. When the project was designed, we had to ask them to redesign the project in which that drainage easement was no longer a valid easement. It’s going to be an open channel system that was stretched all the way across the property on the exhibit. We are asking to abandoned that drainage easement and retain the sanitary sewer easement because we need that to feed the subdivision and there’s a small area we will need an easement and a sanitary sewer easement to help facilitate the development. This ordinance will allow that abandonment to take place at the county.

Mayor Heidemann – Would this be an area that would have to be maintained by the city in terms of cutting and mowing and things of that nature?

Fred Gibbs, Planning & Development Director – Yes, Sir if this easement that was dedicated to the City originally and the original design had an open channel drainage system there, our ordinance doesn't allow an open channel system if it's over 200CFS from an engineering standpoint. That particular design did have that design in it within that easement. If that was dedicated to the city, we would have to mow and maintain that drainage ditch the whole length. They went back and redesigned the project to meet our code, so then that easement was not needed at that point.

Councilmember Johnson – Is there any possibility we might need that easement in the future as that piece of property is developed? If the Taylor property develops and we need that easement.

Fred Gibbs, Planning & Development Director – There's potential that you may need additional drainage easements in that area, it's pretty flat through there with some drainage. Until the property is developed and designed accordingly, it's hard to tell right now what kind of easements and how big the easements need to be for drainage.

Mayor Heidemann – I have to reclude myself when it comes to talking about and discussing anything that has to do with car dealerships, because of my place of employment. I'll reclude myself and the Mayor Pro-Tem will take over and go through the car dealership items for tonight, after he gets through that, we'll come back in here, we'll go into executive session. We have two items on executive that we want to discuss for the meeting. When we get to the car section, I will reclude myself.

Councilmember Harrison, Mayor Pro-Tem – Opened the Public Hearing on the zoning change for Utter Properties.

Councilmember Johnson - The ordinance has been corrected to get the Denton acreage out of the ordinance that's in here?

Fred Gibbs, Planning & Development Director – Yes, tonight I will ask that in the original, we noticed we did the original 12 acres as the agenda item as the agenda illustrates, but it's actually 11.076 acres, that's because of that easement. I wanted to point that out before, so when the motion is made it's on the 11.076 acres.

Councilmember Harrison, Mayor Pro-Tem – Opened the next Public Hearing for the Tri-Steel Addition. The applicant has asked to continue that Public Hearing be moved to the 19th of May, we are going to go to the 19th of May. On the first one a continuing of the Public Hearing and on the second one, we'll have to do the postponement.

Councilmember Johnson – Is everybody going to be here on the 19th? I will not be here on the 19th, I will be here the 3rd.

Councilmember Burke – With regards to the Robinsons, one or more of the Robinsons are clients of my law firm, so I am informing the City Manager that I am recusing myself on that matter. I believe the representation covers the possible sale of this property.

Mack Reinwand, City Attorney – So you'll abstain from it and participation, like what the Mayor is doing right now.

Councilmember Johnson – I will not be here the 19th so if you guys still have a quorum, go ahead and handle it.

Councilmember Harrison, Mayor Pro-Tem – So what we need to do is advise the applicant so the applicant knows what we are doing.

Fred Gibbs, Planning & Development Director – If the Council, as a group, wants to postpone it until June 2nd instead of the May 19th, you guys have every right to do that. I would just ask if you open the Public Hearing, I would consider leaving it open or closing it, that way we can re-advertise, sometimes you get too far off from a potential Public Hearing and people lose interest in it or forget about it. If you go beyond 20 or 30 days, I would open and close it and we can re-advertise and do it again on June 2nd. We can re-notify and let everybody know, if you go past May 19th.

Councilmember Glockel – I would recommend that we go to the June 2nd, it's going to be a super quorum decision. One person on the 19th is sick or can't be here, we can't act on it.

Councilmember Harrison, Mayor Pro-Tem – So if we are going to open and close the Public Hearing at that time and are we going to open the Public Hearing and continue it to June 2nd or close it altogether and have them re-advertise?

Councilmember Garber – I would recommend that we close and re-advertise.

Councilmember Harrison, Mayor Pro-Tem – Open it and close it and re-advertise. Do we need to do anything with the Business Item at that time City Manager/Attorney?

Lee Ann Bunselmeyer, Acting City Manager – I think we need to postpone that until June 2nd, is that correct?

Mack Reinwand, City Attorney – Right, continue it on June 2nd.

Mack Reinwand, City Attorney – On the Business Item, I would continue it until June 2nd. So you can open and close the Public Hearing and have it re-advertised, but the Business Item can continue until June 2nd. So you'll just have to have a motion to continue that until June 2nd.

Councilmember Harrison, Mayor Pro-Tem – Item #4 & #5, there is two parts we are doing. We're splitting them up and we're going to open the Public Hearing.

Mack Reinwand, City Attorney – For the Public Record, it was recommended for denial by the Planning & Zoning Commission. For you all to approve it, there will be a super majority requirement, a 3/4th vote would be required from Council.

Councilmember Harrison, Mayor Pro-Tem – The difference between #4 and #5, one has to deal with future land use and item #5 deals with zoning changes. They require two separate processes that we go through.

Mack Reinwand, City Attorney - #4 doesn't require the super majority, that's only #5 the actual zoning that requires the super majority.

Councilmember Harrison, Mayor Pro-Tem adjourned into Closed Session at 5:40 pm.

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 551.071. (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. **Consultation with the City Attorney regarding legal issues associated with pending zoning change applications on Interstate 35 and comprehensive plan.**
- b. **Consider legal advice regarding Ordinance No. 02-06-20-16 abandoning right-of-way.**
- c. **Consultation with the City Attorney regarding legal issues associated with the matter listed under Section 551.072.**

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 R1-1 and Lot 1R-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. **Consider appointment, duties, employment, evaluation, reassignment, discipline, or dismissal 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.

Council met in Executive Session from 5:41 pm until 6:29 pm.

Mayor Heidemann reconvened the workshop at 6:30 pm.

Mayor Heidemann adjourned the Workshop Session at 6:35 pm.

Approved by Council on the 16 day of June, 2016

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