

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

On this the 19th day of September 2019 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 7:00 P.M., 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, Mayor Pro-Tem
Scott Garber, Council Member
Lowell Johnson, Council Member
Tina Henderson, Council Member
Kelly Pickens, Council Member

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Michael Ross, Fire Chief
Jimmie Gregg, Police Captain
Brenton Copeland, Technology Services Asst. Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriquez, Planning and Development Manager
Brett Cast, Engineering Services Coordinator
Cody Collier, Public Works Director
Lee Ann Bunselmeyer, Director of Finance, Communication & Strategic Services
Chris Rodriquez, Asst. Finance Director
Guadalupe Ruiz, Human Resource Director
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Lana Wylie, Sr. Admin Assistant

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:02 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance.

CITIZEN'S 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 during Citizens Comments.

1. Consider and act on an Ordinance adopting the 2019-2020 Annual Budget and appropriating resources for the budget year beginning October 1, 2019.

MOTION made by Councilmember Burke to approve an Ordinance adopting the Fiscal Year 2019-2020 Annual Budget and appropriating resources for the fiscal year beginning October 1, 2019 and ending September 30, 2020. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

2. Consider and act on an Ordinance levying and adopting the tax rate for the 2019-2020 Fiscal Year.

MOTION made by Councilmember Burke to approve an Ordinance that the property tax rate be increased by the adoption of a tax rate of \$0.54500 per \$100 assessed valuation, which is effectively 13.17% increase in the tax rate. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

3. Consider and act on an Ordinance approving the 2019 Tax Rolls and accepting the anticipated collection rate of 100 percent for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

MOTION made by Councilmember Burke to approve the Ordinance accepting the 2019 Tax Roll and to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2019 and ending September 30, 2020. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

4. Consider vote to ratify the property tax increase reflected in the city's annual budget for FY2019-2020.

MOTION made by Councilmember Burke to move to ratify the property tax increase reflected in the city's annual budget for FY 2019-2020. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

5. Consider and act on a Resolution approving a compensation plan for employees, adopting pay schedules for General Government, Police, and Fire employees; and providing for an effective date.

MOTION made by Councilmember Burke to approve the Resolution as presented. Seconded by Councilmember Henderson.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

6. Consider and act on a Resolution approving a First Amended and Restated Chapter 380 Economic Development Incentive Agreement between the City of Corinth, Texas, the Corinth Economic Development Corporation and 6Q Hospitality, L.L.C. in connection with the construction and operation of a hotel and conference center in the City that, among other things, clarifies the performance obligations of the parties and extends the dates for meeting certain performance obligations.

Bob Hart, City Manager - this is an agreement that the Council approved about two years ago. The proposed revisions to the Agreement contemplate the following:

- Extending the termination date of the Agreement from December 31, 2029 to December 31, 2030.
- Requiring the hotel and conference center be constructed at 6557 South Interstate 35E (Millennium Place).
- Requiring 6Q Hospitality, L.L.C., to commence construction of the hotel and conference center on or before January 1, 2020 and complete construction of the same on or before August 31, 2021.
- Amending the language for: (i) calculating the minimum cumulative assessed value to include the combined assessed value of the real property and the improvements to be constructed thereon; and (ii) extending the date for establishing the cumulative minimum assessed value to January 1, 2022. Although the minimum assessed value as of January 1, 2022 is required to be at least \$10,000,000.00, the Agreement provides safeguards for the City and 6Q Hospitality, L.L.C. if there are increases or decreases in the total value of all real property in Corinth due to economic and market changes. The threshold remains at ten (10) percent.
- Extending the date for creating and retaining at least 22 full-time employment positions from January 31, 2021 to January 31, 2022.
- Extending the date for commencing operation of the hotel and conference center from October 1, 2020 to October 1, 2021.

The economic development incentives for the construction and operation of the hotel remain the same under the proposed amendments and revisions to the agreement: (i) reimbursement of sales and use tax revenues on personal property purchased under a Texas Direct Payment Permit and attributable to the construction, equipping and maintenance of the hotel and conference center; (ii) reimbursement of hotel occupancy tax

revenues for the benefit of the conference center and related purposes as authorized by Chapter 351 of the Texas Tax Code; and (iii) a reimbursement in the amount of \$150,000.00 for costs, expenses and fees incurred by 6Q Hospitality, L.L.C. for required permits, licenses and inspections. Concerning the reimbursement of sales and use tax revenues on the addition of personal property, it should be noted that such revenues are not inclusive of any revenues collected by the Texas Comptroller of Public Accounts for receipt by any present or future special tax fund (e.g., Crime Control and Prevention District and the Street Maintenance Tax Fund).

Finally, the proposed amendments and revisions clarify that the City is responsible for collecting hotel occupancy taxes as authorized by state law.

MOTION made by Councilmember Henderson to approve the amended and reinstated Chapter 380 Economic Development Incentive agreement as presented. Seconded by Councilmember Johnson.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

7. Consider and act upon a Major Subdivision Waiver for driveway spacing on a 2.327 Acre property totaling legally described as Abstract 0511A E.A. Garrison Survey, Tract 19(PT)(ROW), Tract 19(PT), Tract 20(PT)(ROW), Tract 20(PT), Tract 21(PT), and Tract 22. (Magnolia Center Major Subdivision Waiver)

Helen - Eve Liebman, Planning and Development Director - The applicant is requesting a variance from the City's Unified Development Code "UDC" Subdivision Regulations as it pertains to minimum spacing between driveways.

The property is located at the southeast corner of IH 35 and Lake Sharon Drive.

The City's UDC states that there shall be a minimum of 250 feet of spacing between driveways or intersections on state maintained roadways. Ex. FM 2181, IH35, and FM 2499.

The applicant is requesting a variance to allow a driveway to be placed within 100 feet of the nearest intersection and 82 feet from the nearest driveway. The applicant has agreed to provide a cross access point that will connect to the adjoining car dealership and the adjoining property fronting Tower Ridge. TxDOT has signaled that this location is the only place that they would permit a drive to be placed on this property.

The City Engineer has reviewed the proposed variance and has approved the location pending final approval by the Planning and Zoning Commission and the City Council.

Following the approval of the waiver the City will forward the applicants driveway request for TxDOT's approval. TxDOT approval is contingent on the City's approval of the applicant's request. The Planning and Zoning Commission recommended approval and staff recommends approval as presented.

MOTION made by Councilmember Johnson to approve the Major Subdivision Waiver as presented. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION CARRIED

8. Consider and act on nominations, appointments, resignations and removal of members from Keep Corinth Beautiful Commission.

1 Magan Lersch
2 Kristen Fisher
3 Amanda Scallon
4 Scott Porter
6 Michelle Mc Nally
7 Justus Carlile

9. Consider and act on nominations, appointments, resignations and removal of members from the Planning and Zoning Commission.

1 Steve Holzwarth
2 Wade May
3 Brian Rush Chair
4 Lindsey Baker
5 Robert Pace
6 Rodney Thornton, Alt 2
7 Cody Gober, Alt 1

10. Consider and act on nominations, appointments, resignations and removal of members from the Board of Construction Appeals.

1 John Horney
2 Douglas Fernow
3 Robert Pace
4 John Cox
5 Keith Koeninger
6 David Burnett, 2nd Alt
7 David Payne, 1st Alt

11. Consider and act on nominations, appointments, resignations and removal of members from the Citizen Finance Audit Committee.

1 Councilmember Burke Vice Chairman
2 Councilmember Garber Chairman
3 Richard Weir
4 Catherine Miller

12. Consider and act on nominations, appointments, resignations and removal of members from the Ethics Committee.

1 Tom Winterburn
2 Lee Ann Heath

- 3 Molly Fillmore
- 4 Joan Mazza

13. Consider and act on nominations, appointments, resignations and removal of members from Corinth Economic Development Corporation.

- 1 Bradley Hinson
- 2 Eric Wiser
- 3 Jerry Blazewicz
- 4 Tina Henderson
- 5 Grady Ray
- 6 Robert Goodwin
- 7 Joan Mazza

14. Consider and act on nominations, appointments, resignations and removal of members from the Zoning Board of Adjustments.

- 1 John Horney Chair
- 2 Douglas Fernow
- 3 Robert Pace
- 4 John Cox
- 5 Keith Koeninger
- 6 David Burnett, 2nd Alt
- 7 David Payne, 1st Alt

15. Consider and act on nominations/ appointments to the Parks and Recreation Board.

- 1 Billy Byassee
- 2 Paula Lanigan
- 3 Adam Johnson
- 4 Tim Page
- 5 Catherine Miller

MOTION made by Councilmember Henderson to approve items 8-15 with addition of adding Laura Paul to the Ethics Committee. Seconded by Councilmember Pickens.

AYES: Burke, Garber, Johnson, Henderson, Pickens
NOES: None
ABSENT: None

MOTION 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 Johnson - thanked the staff for the work they have done on the budget you have done another incredible job again this year. To my colloquies on the Council, I would highly recommend that if you have not had any financial training through TML or COG please get it because you will need it more and more as things get more complicated.

Councilmember Henderson - it was very interesting in doing our interviews for the boards and commissions. We have really qualified people and I thought it was great. It was consistent on where the individuals found the information, there was so many places on our website and our social media so cuddo's to Lee Ann and your folks for doing that.

I also would like to invite everyone, next Wednesday at 7:00 a.m. The Town of Hickory Creek is having a "See You at the Station" they will be having a prayer around the flagpole for all of our first responders so anyone that can come out to that, we would love to have you.

Bob Hart, City Manager - I would like to remind everyone about the Joint Meeting between the Planning and Zoning Commission and the Council, and our Citizens Planning Advisory Committee next Tuesday at 6:00 p.m. This has to do with the early stages of working on our Comprehensive Plan.

National Night Out is coming up on October 1st, we have the Mayor and Councilmember Pickens are signed up to go out with the officers and if anyone else has an interest please let me know.

Mayor Heidemann - I would like to thank the staff, it is easy for us to sit up here and vote but it is you that does all the leg work for us and make sure that we make good decisions up here and I think that this is one of the things that came out in our interviews when people signed up for the various committees and commissions is the fact that they appreciate what the city is doing for the citizens and they appreciate our openness and our transparency and I think that this Council should be congratulated on their efforts in terms of approving the funding for a lot of these different programs that the City is implementing right now and it just makes the city a better place to live and work and we are very proud of this city.

The Gala for the Lakes Cities Education Foundation will be recognizing my wife so please come and enjoy the music and also the testimony of the people who had been with her. Thank you.

There was no Closed Session during the Regular Schedule meeting.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code. **Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.**

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.

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 government 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. Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.

RECONVENE IN OPEN SESSION - In accordance with Texas Government Code, Chapter 551 the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

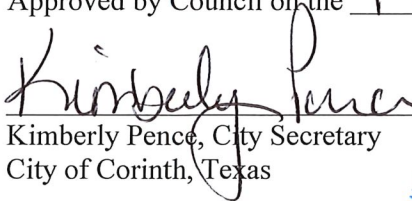
ADJOURN:

Mayor Heidemann adjourned the meeting at 7:56 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 14 day of November, 2019.


Kimberly Pence, City Secretary
City of Corinth, Texas

