

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

On this the 15th day of November 2018 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:

Sam Burke, Mayor Pro-Tem
Lowell Johnson, Council Member
Scott Garber, Council Member
Tina Henderson, Council Member
Don Glockel, Council Member

Members Absent:

Bill Heidemann, Mayor

Staff Members Present

Bob Hart, City Manager
Kimberly Pence, City Secretary
Brenton Copeland, Technology Services Assistant Manager
Helen-Eve Liebman, Planning and Development Director
Cody Collier, Public Works Director
Jason Alexander, Economic Development Corporation Director
George Marshall, City Engineer
Lori Levy, Senior Planner
Melissa Cranford, Messer, Rockefeller, & Fort
Patricia Adams, Messer, Rockefeller, & Fort

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 Pro-Tem Burke 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 October 4, 2018 Workshop Session.
2. Consider and act on minutes from the October 4, 2018 Regular Session.
3. Consider and act on minutes from the October 18, 2018 Workshop Session.
4. Consider and act on minutes from the October 18, 2018 Regular Session.

MOTION made by Councilmember Henderson to approve the Consent Agenda with the correction noted with the City Secretary. Seconded by Councilmember Garber.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

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.

There were no Citizen's Comments made.

BUSINESS AGENDA:

5. Consider and act on a Resolution of the City Council authorizing the Corinth Economic Development Corporation to enter into an Economic Development Incentive Agreement with Utter Properties, L.L.C. to provide economic development assistance in an amount not to exceed \$24,790.00 for costs associated with a proposed facility expansion project (FIRST READING).

Jason Alexander, Economic Development Director - Bill Utter Ford recently expanded their automotive retail sales operations. Their expansion advances the economic and physical development interests of the Corinth Economic Development Corporation by creating jobs, increasing sales and property tax revenues and enhancing the visual image of Corinth. An Economic Development Incentive Agreement has been proposed between the CEDC and Utter Properties, L.L.C., and crafted pursuant to the provisions of the Development Corporation Act of 1979 (the "**Act**"). The CEDC is authorized under the Act to undertake and fund projects that will "promote new or expanded business development."

If approved, the term of the Agreement will commence on November 15, 2018 and expire on December 31, 2022. The Agreement provides that the CEDC will provide economic development assistance to Utter Properties, L.L.C. in the amount of \$24,790.00 (the "**Grant Payment**") for the expenditures incurred from the addition of new personal property and the creation and retention of jobs. In exchange for this economic benefit, Utter Properties, L.L.C.:

- Will continuously operate the establishment of a quality and character equal to or superior to that existing as of the effective date of the Agreement for the duration of the term; **and**
- Will continuously employ at least 157 persons in jobs on or before August 31, 2019, and maintain such level of employment during the term of the Agreement. It should be noted that the total number of persons employed, as called for by the Agreement, must include the retention of at least 150 jobs and the creation of at least seven (7) jobs.

In the event that Utter Properties, L.L.C. determines that continued operation of its business is not commercially reasonable and ceases such operation, then the company must repay, within 120 days, the

Grant Payment as described above in accordance with the following schedule:

<u>Year 1:</u>	\$24,790.00
<u>Year 2:</u>	\$18,592.50
<u>Year 3:</u>	\$12,395.00
<u>Year 4:</u>	\$6,197.50

Also, if the Applicant decides to terminate the Agreement, then the entire amount of the Grant Payment plus five (5) percent interest per annum, must be repaid to the CEDC within ten (10) days from the date of termination.

The CEDC Board of Directors considered, and acted on the Agreement, and voted unanimously to provide an affirmative recommendation to the City Council.

In accordance with State law, the City Council must give the resolution two (2) separate readings.

MOTION made by Councilmember Johnson to approve a Resolution of the City Council authorizing the Corinth Economic Development Corporation to enter into an Economic Development Incentive Agreement with Utter Properties, L.L.C. to provide economic development assistance in an amount not to exceed \$24,790.00 for costs associated with a proposed facility expansion project. Seconded by Councilmember Glockel.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

6. Consider and act on a request from the applicant, Kevin Patel, authorized representative for the property owner, B.M.A.J., Inc., for a Major Subdivision Waiver to the City of Corinth Access Management Standards out of the City's Unified Development Code (UDC) to allow a reduction in the minimum required distance between driveways along a major arterial street for the proposed driveway on property legally described as 1.629 acres situated in the L. Bates Survey, Abstract Number 204, in the City of Corinth, Denton County, Texas. (This property is located on the northwest corner of N. Corinth Street and the Missouri Pacific Railroad.)

Lori Levy, Senior Planner - The applicant is requesting a major subdivision waiver to reduce the minimum required distance from the existing driveway off I-35E (old Geico site) and the proposed driveway off I-35E into the proposed Motel 6 site.

Section 3.05.04 Access Management of the Unified Development Code requires the minimum distance between driveways along a major arterial of State maintained roadways to be a minimum of 300 feet; whereas the applicant is proposing a minimum distance of 218.41 feet. The proposed driveway will also serve as mutual access for the adjacent property to the south. Driveway permits are also required from TXDOT for all proposed driveways along State maintained roadways, such as I-35E.

The Planning and Zoning Commission recommended unanimous **Approval** of the request, subject to the required TXDOT driveway permit at the October 15, 2018 special meeting.

MOTION made by Councilmember Glockel to approve the request from the applicant, Kevin Patel,

authorized representative for the property owner, B.M.A.J., Inc., for a Major Subdivision Waiver to the City of Corinth Access Management Standards out of the City's Unified Development Code (UDC) to allow a reduction in the minimum required distance between driveways along a major arterial street for the proposed driveway subject to the required TXDOT driveway permit on property legally described as 1.629 acres situated in the L. Bates Survey, Abstract Number 204, in the City of Corinth, Denton County, Texas. (This property is located on the northwest corner of N. Corinth Street and the Missouri Pacific Railroad.) Seconded by Councilmember Johnson.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

7. Consider and act on a request from the applicant, Kevin Patel, authorized representative for the property owner, B.M.A.J., Inc., for a Major Subdivision Waiver to the City of Corinth Access Management Standards out of the City's Unified Development Code (UDC) to allow a reduction in the minimum required distance between driveways along a major arterial street for the proposed driveway permit on property legally described as 1.629 acres situated in the L. Bates Survey, Abstract Number 204, in the City of Corinth, Denton County, Texas. (This property is located on the northwest corner of N. Corinth Street and the Missouri Pacific Railroad.)

MOTION made by Councilmember Johnson to approve the applicant, Kevin Patel, authorized representative for the property owner, B.M.A.J., Inc., for a Major Subdivision Waiver to the City of Corinth Access Management Standards out of the City's Unified Development Code (UDC) to allow a reduction in the minimum required distance between driveways along a major arterial street for the proposed driveway subject to the required TXDOT driveway on property legally described as 1.629 acres situated in the L. Bates Survey, Abstract Number 204, in the City of Corinth, Denton County, Texas. (This property is located on the northwest corner of N. Corinth Street and the Missouri Pacific Railroad.) Seconded by Councilmember Glockel.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

8. Consider and act on an award of bid for the Public Works facility remodel to 308 Construction in the amount of \$494,352 and authorize the City Manager to execute the contract.

Bob Hart, City Manager - this project was submitted for sealed bid opening on October 16, 2018. Corinth received the following bids:

308 Construction - \$494,352
Mart INC. - \$729,000.03
JC Commercial INC. - \$744,777
AUI Partners - \$825,002

Funding for this project was provided in the 2017-18 budget with \$1.5 million. Deducting the professional service fees of \$226,380 and the proposed 308 Construction contract of \$494,352 will allow for \$779,268 to remain for the proposed phase 2 construction of the equipment storage

facility and the Fire Department Training facility.

Staff recommends Council award the Public Works remodel contract to 308 Construction in the amount of \$494,352.00 and authorize the City Manager to execute contract.

MOTION made by Councilmember Henderson to approve 308 Construction in the amount of \$494,352 and authorize the City Manager to execute the contract. Seconded by Councilmember Garber.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

9. Consider and act on a Resolution to renew the guidelines and criteria for the Policy Statement for Tax Abatement, to provide effective and expiration dates, to repeal conflicting resolutions and to provide an effective date.

Bob Hart, City Manager - our current tax abatement policy expires December 15th and we are bringing this Resolution to you to extend ours until September 1, 2019. The proposed amendment would renew the Policy and provide an effective date of December 15, 2018 and an expiration date of September 1, 2019, unless it is extended in effect by the Texas Legislature. This will ensure that the community is afforded all the economic development incentive tools needed to retain, expand and attract businesses and will ensure that the Policy remains consistent with the provisions of the Act.

MOTION made by Councilmember Garber to approve a Resolution to renew the guidelines and criteria for the Policy Statement for Tax Abatement, to provide effective and expiration dates, to repeal conflicting resolutions and to provide an effective date. Seconded by Councilmember Henderson.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

10. Consider and act on a Resolution authorizing the Corinth Economic Development Corporation to enter into a contract for service with Jerry Hodge & Associates to assist the City with acquisition of surplus Texas Department of Transportation right-of-way located at the four corners of the Interstate Highway 35E and Corinth Parkway Interchange and to assist with driveway permitting for property located at the northeastern corner of said interchange in an amount not to exceed \$28,500.00.

Bob Hart, City Manager - The City of Corinth (the "City") and the Corinth Economic Development Corporation (the "CEDC") are presented with an opportunity to acquire Texas Department of Transportation ("TxDOT") right-of-way at the four corners of the Interstate Highway 35E and Corinth Parkway Interchange.

Acquisition of some, most or all of this right-of-way can stimulate opportunities for economic development, particularly as it relates to hotel, restaurant and retail development, and in some instances, may help to positively influence development patterns within Corinth's growing urban core. Per the proposal, Jerry Hodge & Associates (the "Consultant") will act on behalf of the City to research right-of-way documents,

confer with relevant TxDOT officials and perform other duties as contractually assigned to assist with acquisition of right-of-way and driveway permitting.

The fee structure for the proposal is as follows:

<u>TxDOT Right-of-way Acquisition:</u>	\$16,500.00
<u>Driveway Permit Access:</u>	\$8,500.00
<u>Traffic Impact Analysis (If necessary):</u>	\$3,500.00
TOTAL:	\$28,500.00

As the contract for service could possibly involve expenditures in excess of \$25,000.00, and it is a contract that would be funded by the CEDC, it requires a resolution of approval from the City Council per the Bylaws.

MOTION made by Councilmember Garber to approve the Resolution authorizing the Corinth Economic Development Corporation to enter into a contract for service with Jerry Hodge & Associates to assist the City with acquisition of surplus Texas Department of Transportation right-of-way located at the four corners of the Interstate Highway 35E and Corinth Parkway Interchange and to assist with driveway permitting for property located at the northeastern corner of said interchange in an amount not to exceed \$28,500.00. Seconded by Councilmember Glockel

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

11. Consider and act on a Resolution of the City Council authorizing the Corinth Economic Development Corporation to enter into an Economic Development Incentive Agreement with Utter Properties, L.L.C. to provide economic development assistance in an amount not to exceed \$24,790.00 for costs associated with a proposed facility expansion project (SECOND READING).

Bob Hart, City Manager - this is being brought to you as the second consideration of the item City Council considered earlier tonight.

MOTION made by Councilmember Johnson to approve a Resolution of the City Council authorizing the Corinth Economic Development Corporation to enter into an Economic Development Incentive Agreement with Utter Properties, L.L.C. to provide economic development assistance in an amount not to exceed \$24,790.00 for costs associated with a proposed facility expansion project (SECOND READING). Seconded by Councilmember Henderson.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

12. Consider and Act on a proposal with Weatherproofing Services, allowing the City Manager to enter into an agreement for the emergency repair of the roof at the Public Safety Complex in the amount of \$93,350.

Bob Hart, City Manager - Since the completion of the remodel of the Public Safety Complex, there have been several issues with the roof. With the abnormal amount of rain Corinth has experienced this fall, it has become apparent that the roof needs to be repaired immediately. There are multiple areas in both the Police and Fire side of the building that have suffered from extensive water damage as a result of the leaking roof. Technology Services has met with several contractors that all recommended a membrane replacement for the majority of the roof.

The City has tentatively selected Weatherproofing Services (2336 Oak Grove Lane, Cross Roads, TX 76227) as the contractor of choice, since they warrantied the same roof when the building was owned by CoServ. Additionally, this contractor is a Historically Underutilized Business (HUB) vendor, operating out of Denton County and is a member of The Interlocal Purchasing System (TIPS) contract vehicle contract No. 170201 Trades, Labor and Materials.

The first quote shows the costs of replacing the Ethylene Propylene Diene Terpolymer (EPDM) synthetic rubber roofing material that exists mostly on the Fire side of the building and the Police sally port, for a subtotal of \$48,000.

The second quote shows the costs of replacing the metal roof structure that exists mostly over the Police side of the building. Its subtotal is \$42,350.

The combined costs for both roof repairs is \$93,350.

MOTION made by Councilmember Henderson to allow the City Manager to enter into an agreement with Weatherproofing Services for the Emergency repair of the roof at the Public Safety complex in the amount of \$93,350. Seconded by Councilmember Glockel.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

MOTION CARRIED

13. Consider and Act on a proposal with CBS Mechanical, Inc., allowing the City Manager to enter into an agreement for the replacement of the geothermal HVAC units at the Public Safety Complex in the amount of \$78,180.

Bob Hart, City Manager - this is the companion item for the Public Safety Complex. During the remodel of the Public Safety Complex, the City elected to retain the existing geothermal units in the Fire side of the building. These units have been working intermittently and require constant maintenance. One unit of the six was replaced shortly after occupying the building, since it completely stopped working, leaving five geothermal units in place. This inconsistent service from the remaining units is resulting in several areas of the building, particularly the Technology Services wiring closets housing network switches, to become well above the comfort threshold.

In the six months of occupancy, Technology Services has spoken with several contractors, all of whom have recommended a complete replacement of the geothermal HVAC system and recommended doing so at the same time as the roof repair, since the contractors can work in conjunction with one another to ensure that any holes or mounting points made for the new HVAC units can be properly patched on the roof.

The City has tentatively selected CBS Mechanical, Inc. (5000 Energy Pl. Bldg. 100, Denton, TX 76207) as the contractor of choice as they were the contractor selected to replace the first malfunctioning geothermal

unit. Technology Services also received a quote from Johnson Controls, Inc., but the cost for replacement was considerably more than CBS. Additionally, Gexa Energy, LP. requested to be considered for a bid, but due to the time constraint, has not been able to provide the City with a quote.

CBS Mechanical has provided the City with their bid totaling \$68,180. They are estimating an additional \$10,000 of electrical work would be needed to convert those units. CBS Mechanical will subcontract out this electrical work.

In compliance with Corinth's Purchasing Policy, due to the emergency nature of this purchase, staff is requesting the Council to approve the contract with CBS Mechanical under Sec 252.022 of the Texas Government code as a procurement necessary because of unforeseen damage to public machinery, equipment, and or property.

MOTION made by Councilmember Garber to approve the proposal with CBS Mechanical, Inc., allowing the City Manager to enter into an agreement for the replacement of the geothermal HVAC units at the Public Safety Complex in the amount of \$78,180. Seconded by Councilmember Glockel.

AYES: Mayor Pro-Tem Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: Mayor Heidemann

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 Henderson - thanked the staff for a great luncheon on Monday and wish everyone a Happy Thanksgiving.

Mayor Pro-Tem Burke recessed the Regular Session at 7:26 p.m. * See Closed Session.

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.

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer:

A. *Marcus Mote v. Debra Walthall*, Case No. 4:16-CV-00203-RC, United States District Court for the Eastern District of Texas.

Section 551.071, (1) Private consultation with its attorney to see 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 Bar of Texas clearly conflicts with the Texas Open Meetings Act.

A. MCM Contract for Lake Sharon Roadway Extension.

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.

Council met in Closed Session from 7:28 p.m. until 7:48 p.m.

A. City Manager evaluation.

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, pursuant to Section 551.071 of the Texas Government Code, Consultation with City Attorney.

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.

There was no action taken on Closed Session items.


ADJOURN:

Mayor Pro-Tem Burke adjourned the meeting at 7:49 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 10th day of January, 2019.



Kimberly Pence, City Secretary
City of Corinth, Texas

