

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

On this the 4th day of October 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:

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

Members Absent:

None

Staff Members Present:

Bob Hart, City Manager
Michael Ross, Acting Fire Chief
Kimberly Pence, City Secretary
Cody Collier, Public Works Director
Shea Rodgers, Technology Services Manager
Ben Rodriguez, Planning and Development Manager
George Marshall, City Engineer
Helen-Eve Liebman, Planning and Development Director
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 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 August 21, 2018 Workshop Session.
2. Consider and act on minutes from the August 21, 2018 Special Session.
3. Consider and act on minutes from the September 6, 2018 Workshop Session.
4. Consider and act on Minutes from the September 6, 2018 Regular Session.

MOTION made by Councilmember Henderson to approve the Consent Agenda with correction to a date on the September 6, 2018 minutes as noted with the City Secretary. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson, 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.

Greg Allman, 3813 Red Oak Drive - would like to see what the City can do to address the recent flooding that occurred. We have flooding at least a couple times a year and I understand my yard has an easement for a flood zone but the amount of debris and lack of assistance from the City to be able to take care of it and it ends up ruing my side yard. I know we have a long term plan to address this but I don't feel like the City has been managing the short term problem.

Terry Smith, 3804 Red Oak Drive - I would like to know on the funding for this project that is coming up when the expected monies are to be collected? In 2018 or 2019 or both? This must be in a restricted fund that way all those monies are allocated to that department. Will this fund be interest bearing? Whose name will be on the charge of payments and checks the contractors or venders? Will the contractors or venders be required to submit a performance bond by date? The public should know all details of projects, materials used and design with input discussions from the public before construction. How did cost figures come to be? The percentage of tax increase, does it cover the whole project for five years? It is our City and we need to know how are money is being spent.

Bob Hart, City Manager - our plans are to apply for a hazard mitigation grant through the state to go back and make the flood repairs that you are referencing. If that grant is approved then the state will provide some of the funding for that and the City will provide some of the funding for that. We will have engineering plans prepared and the project will go out for bids. Then a contractor will be selected and would perform the work. However, at this point the design work has not been done so we don't know a good cost estimate.

We are assuming in the budget that the total project will be about \$5 million dollars, the state will provide \$4 million and the City will provide \$1 million. So \$1 million dollars has been allocated within the budget and has been earmarked as the match money for the grant application.

Terry Smith, 3804 Red Oak Drive - is it in restricted funds and not in the general fund because that money could be lost real easy.

Bob Hart, City Manager - It is part of our capital projects fund. The reason we have done it that way is when we make the application to the state, we have to certify that the funds are available for this project.

Terry Smith, 3804 Red Oak Drive - I want the tracking of these funds as they are allocated to contractors to be able to know who you are doing business with and if they have a performance bond on them.

Bob Hart, City Manager - right now the funds are in the Capital Projects fund that is being set aside within the budget. The Council has to authorize the expenditure of those funds and that would not happen until the project has been designed and bid and we have a contractor involved.

Terry Smith, 3804 Red Oak Drive - Is this a compounded taxation that we are going to have every year? Is this a 10% for the whole five year plan? Yes or no? We are going to have almost a 10% hike on our taxes, this is everybody in the community, so is it 10% for just these two years in 2018/19 or is it for the whole five years?

Bob Hart, City Manager - \$1 million dollars has been set aside for this project. I will not know what that final number will be until the project has been bid. When we are ready to move forward on the project and it may be done in a year or it may take three or four years but that same million dollars is intended to cover the entirety of that project.

Mayor Heidemann - you may want to make an appointment with the City Manager and the finance director so they can explain and show you where the numbers are.

PUBLIC HEARING:

- 5. TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.06.03 PLANNED DEVELOPMENT, AND SECTION 2.10.09 PD, PLANNED DEVELOPMENT APPLICATION AND REVIEW.**

Helen-Eve Liebman - Planning and Development Director - Staff is proposing amendments to the Planned Development process. The intent of the proposed amendments are to streamline the application and review process as well as remove redundancies contained within the Code with the goal to make the process easier for applicants to navigate.

Notable changes include the following:

Removal of minimum lot size for Planned Development requests.

- Staff is proposing the removal of minimum lot size requirements for Planned Developments. Staff believes that a minimum lot size requirement of two acres for a Planned Development is unnecessary and arbitrary. The intent of a Planned Development district is to allow flexibility and creativity to the applicant with the goal of creating a better development within the City. A minimum lot size requirement stifles the ability for smaller properties to propose innovative and or creative opportunities for development. The property would still be required to meet the minimum lot size requirements of the base zoning district.

Neighborhood meetings

- Staff is proposing the addition of language advising applicants that conducting a neighborhood meeting with homeowners within the vicinity of a Planned Development request is strongly encouraged. This allows the applicant the opportunity to present their proposal to those most likely to be impacted in a more focused environment, while also allowing residents and opportunity to provide input on the proposal in the hopes that accommodations may be made prior to actions by the Planning and Zoning Commission and the City Council.

Codifying Requirements

•Staff is proposing adding the items required for a Planned Development request to the Code of Ordinances. Currently these requirements are only contained within the application packet for a zoning change. This creates confusion for applicants as they are required to go to multiple locations to determine what is required. The proposed amendment will simplify this process and provide applicants with a single location to obtain this information.

Removal of redundant language

•Staff is proposing the removal of language that is already outlined in other sections of our Code. As currently written the regulations for the Planned Development district also lists all of the requirements to develop a property including platting, and site plans. The intent of a Planned Development district is to facilitate the zoning and/or rezoning of a property. Staff feels that the removal of this additional language will simplify things for applicants.

Terminology changes

•Staff is proposing changes to some of the terminology within the Planned Development sections to reflect more commonly used terms within the development community as well as other municipalities within the DFW Metroplex. Examples include renaming “Concept Design Map” to “Concept Plan” and Planned Development “Master Plan” to “Proposal” and “Ordinance”.

Removal of PD expiration

•Staff is proposing the removal of the automatic expiration of Planned Developments which have not developed within two years. Staff feels that an automatic removal of approved zoning is not in compliance with state law as it does not follow the legal process for zoning changes. This will not remove the City’s ability to unilaterally rezone an existing Planned Development if the City feels that is in the best interest of the public’s health, safety or welfare, following adequate noticing and public hearing requirements.

Mayor Heidemann opened the Public Hearing at 7:29 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:29 p.m.

BUSINESS:

5a. Consider and act on an Ordinance amending the City of Corinth Comprehensive Zoning Ordinance, the same being a part of the Unified Development Code, to amend Section 2, Zoning Regulations, by amending Section 2.06.03, Planned Development, of Subsection 2.06, Special Zoning Districts, and by amending Section 2.10.09 PD, Planned Development Application and Review, of Subsection 2.10, Zoning Procedures; providing amendments, providing a penalty, and providing an effective date.

MOTION made by Councilmember Garber to approve the Ordinance amending the City of Corinth Comprehensive Zoning Ordinance, the same being a part of the Unified Development Code, to amend Section 2, Zoning Regulations, by amending Section 2.06.03, Planned Development, of Subsection 2.06, Special Zoning Districts, and by amending Section 2.10.09 PD, Planned Development Application and Review, of Subsection 2.10, Zoning Procedures; providing amendments, providing a penalty, and providing an effective date. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Henderson, Glockel
NOES: None

ABSENT: None

MOTION CARRIED

PUBLIC HEARING:

- 6. TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.09.05 RESIDENTIAL ADJACENCY STANDARDS.**

Helen-Eve Liebman, Planning and Development Director - Staff is proposing amendments to the City's Residential Adjacency Standards. As currently written the adjacency standards must be followed whenever a property being developed is within 400 feet of an existing residential use.

Staff is proposing an amendment that would require developments to adhere to enhanced development standards when developing directly adjacent to residentially zoned properties rather than the current 400 feet of existing residential uses. Staff feels that the 400 foot rule is arbitrarily defined and even exceeds the State's noticing requirements of 200 feet for zoning changes. It creates a situation where a property is unduly burdened with increased setbacks and development costs when there is no direct impact on a home that is 400 feet away.

Staff is also proposing amending the wording requiring adjacency standards when next to a residential "use" to property zoned for detached single family. This is being proposed to avoid situations where a non-conforming home creates an undue impact on a development as the home is anticipated to either convert to a new use or be removed in its entirety in the future.

The Ordinance was approved unanimously by the Planning and Zoning Commission and staff recommends approval of the proposed amendments to the Residential Adjacency Standards.

Mayor Heidemann opened the Public Hearing at 7:35 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:35 p.m.

BUSINESS:

- 6a.** Consider and act on an Ordinance amending the City of Corinth Comprehensive Zoning Ordinance, the same being a part of the Unified Development Code, to amend Section 2, Zoning Regulations, by amending Section 2.09.05, Residential Adjacency Standards, of Subsection 2.09, Zoning Development Regulations; providing amendments, providing a penalty, and providing an effective date.

MOTION made by Councilmember Garber to approve the Ordinance amending the City of Corinth Comprehensive Zoning Ordinance, the same being a part of the Unified Development Code, to amend Section 2, Zoning Regulations, by amending Section 2.09.05, Residential Adjacency Standards, of Subsection 2.09, Zoning Development Regulations; providing amendments, providing a penalty, and providing an effective date. Seconded by Councilmember Johnson.

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

MOTION CARRIED

BUSINESS AGENDA:

7. Consider approval of an ordinance of the city of Corinth, Texas, amending chapter 33 of the Corinth code of ordinances, establishing the finance audit committee, merging the duties, responsibilities, and membership of the investment committee with those of the audit committee; establishing its membership, procedures and terms of office; and providing an effective date.

Bob Hart, City Manager - On April 16, 2015, the Council established a citizen Finance Audit Committee. The new committee merged the duties, responsibilities, and membership of the Investment Committee with the Audit Committee and added representation from the community. The committee consisted of six members: Two Councilmembers, City Manager, Director of Finance, and Two community representatives.

Based on governance principles and recommendations from the Government Finance Officers Association, it is recommended to modify the structure of the committee to replace the City Manager and Director of Finance as permanent members with the Mayor. This would allow the audit committee to full fill its responsibilities of providing an independent review and oversight of the government's financial reporting processes, internal controls, and financial statements.

MOTION made by Councilmember Johnson to approve the Ordinance of the city of Corinth, Texas, amending chapter 33 of the Corinth code of ordinances, establishing the finance audit committee, merging the duties, responsibilities, and membership of the investment committee with those of the audit committee; establishing its membership, procedures and terms of office; and providing an effective date. Seconded by Councilmember Glockel.

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

MOTION CARRIED

8. Consider and act on an ordinance approving a rate increase for the collection of Solid Waste in the master fee schedule and providing an effective date.

Bob Hart, City Manager - we provided a revised Ordinance for you today. We are recommending changes to the Residential solid waste rate of 6.54% and Commercial rates of 15.78%.

MOTION made by Councilmember Garber to approve the ordinance approving a rate increase for the collection of Solid Waste in the master fee schedule as described in the amended documentation. Seconded by Councilmember Henderson.

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

MOTION CARRIED

9. Hold a discussion and receive council direction regarding resident utility billing concerns.

Bob Hart, City Manager - this was placed on the agenda at the request of the Council based upon some contact that you had concerning a residents water meter. We are in the process of installing a smart meter transponder so that we can actually get readings on an hourly basis and that will help pinpoint issues like this one.

On those meters that do not have the new transponders installed, those cases we can only look at what consumption was for a 30 day period. In this case the water meter did not have a new tomahawk responder (smart meter) and was a meter that had been in place for a number of years. The meter was tested and found to be 100% accurate. The customer did have a toilet in which the flapper was stuck in an open position for a period of time. Once the flapper was no longer stuck the meter read the lower consumption.

Currently the Ordinance that governs this prohibits the staff for making adjustments unless it was a mistake on the part of the City or the City equipment.

Councilmember Garber - I was the one that requested this item to be placed on the agenda. Ultimately the intent was to make sure that staff had everything that they needed at their fingertips to be able to address possible concerns and it sounds like staff has taken care of that. If there was nothing else that staff needs I would be happy to remove this agenda item.

NO ACTION TAKEN ON THIS ITEM

- 10.** Consider and act on an ordinance of the City of Corinth approving an amendment to the fiscal year 2018-2019 budget and annual program of services to provide expenditures of funds to pay for the addition of three firefighters; and providing an effective date.

Bob Hart, City Manager - this amendment is dealing with funding of the fire department personnel in order to cover personnel through the award of a SAFER Grant. A SAFER Grant is a program where you can obtain federal funds to help with the cost of personnel. The next item you have on the agenda is the consideration of acceptance of that grant. The grant requires that we can certify that the funds are available and this budget amendment is intended to cover that so we can meet that certification requirement. It provides for appropriations in some of the positions within the Fire Department and with the overtime so that the net cost to the City is zero dollars.

MOTION made by Councilmember Garber to approve the amendment as presented. Seconded by Councilmember Glockel.

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

MOTION CARRIED

- 11.** Consider acceptance of a SAFER Grant for Fire Department personnel.

Bob Hart, City Manager - this is the grant notification that we received and it does require approval by the Government body within 30 days. This will allow us to hire nine (9) firefighters that we would use for the opening of fire station #3.

MOTION made by Councilmember Henderson to accept the Safer Grant for Fire Department personnel. Seconded by Councilmember Johnson.

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

MOTION CARRIED

12. Consider authorizing the city manager to execute a letter agreement (this "Letter Agreement") between City of Corinth, Texas (the "City"), and Community Waste Disposal, LP (the "Contractor"), regarding the second annual extension of the contract for Collection of Solid Waste executed December 10, 2012 (the "Contract").

Bob Hart, City Manager - originally we established a contract with Community Waste Disposal for the collection of solid waste. It was a five (5) year contract with three (3) one year extensions. We are bringing you the letter for the second annual extension. Based on our discussions with Community Waste Disposal, we would like to in early spring enter into a discussion to consider a renewal for a five (5) year period or if the Council decides we can put this service out for bid proposals.

MOTION made by Councilmember Johnson to authorize the city manager to execute a letter agreement (this "Letter Agreement") between City of Corinth, Texas (the "City"), and Community Waste Disposal, LP (the "Contractor"), regarding the second annual extension of the contract for Collection of Solid Waste executed December 10, 2012 (the "Contract"). Seconded by Councilmember Garber.

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

MOTION CARRIED

13. Consider approval of a contract amendment and change order to the Construction of Paving, Drainage, and Water Improvements for Lake Sharon Drive Contract with Munilla Construction Management LLC dba MCM.

NO DISCUSSION AND NO ACTION TAKEN ON ITEM #13

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.

Bob Hart, City Manager - passed out a "Draft" agenda for a Joint meeting with the neighboring cities for Monday evening, October 22nd at the CoServ building. Let me know if you would like to see some modifications to that.

The Core of Engineers will release their Draft Environmental Impact statement for Lake Ray Hubbard tomorrow. There will be a 45 day public comment on that. There will also be a Public Hearing on October 25th and if you would be interested in attending we can make those arrangements.

The Texas Municipal Conference will be going on next week in Fort Worth. We will be driving back and forth and would like to meet at 9:00 am on Wednesday morning.

Mayor Heidemann - I will not be at the next meeting due to hip replacement surgery. I will be turning all the duties over to Mayor Pro-Tem Burke.

There was no Closed Session during the Regular Session 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.

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. MCM Contract for Lake Sharon Roadway Extension

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. Consider acquisition of Right-of-way at 1708 Post Oak Drive.

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. City Manager evaluation

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.

There was no action taken on Closed Session items.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:55 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 15th day of November, 2018.

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