

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

On this the 15<sup>th</sup> day of February 2018 the City Council of the City of Corinth, Texas met in a Regular Session at the Corinth City Hall at 5:30 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  
Joe Harrison, Mayor Pro-Tem  
Sam Burke, Council Member  
Lowell Johnson, Council Member  
Scott Garber, Council Member  
Don Glockel, Council Member

**Members Absent:**

None

**Staff Members Present:**

Bob Hart, City Manager  
Curtis Birt, Fire Chief  
Barbara Cubbage, Interim Planning and Development Director  
Mike Brownlee, City Engineer  
Lori Levy, Senior Planner  
Cindy Deckard, Engineering Services Coordinator  
Kim Pence, City Secretary  
Brenton Copeland, Technology Services Assistant  
Mack Reinwand, 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 and the Texas Pledge.

**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 January 11, 2018 Special Session.
2. Consider and act on minutes from the January 18, 2018 Workshop Session.
3. Consider and act on minutes from the January 18, 2018 Regular Session.

4. Discuss and consider approval of Contract Amendment No. 7 to the Lake Sharon Roadway design contract to add Construction Phase Services for Engineering and Surveying in the amount of \$35,000.00.
5. Discuss and consider approval of Change Order Two in the amount of Thirteen Thousand One Hundred Eighty Five Dollars and Sixty Eight Cents (\$13,185.68) and Change Order Three in the amount of Forty Three Thousand Five Hundred Four Dollars and Sixty Nine Cents (\$43,504.69) increasing the current contract price of Five Million Eighty Five Thousand Four Hundred Sixty Eight Dollars and Thirty Seven Cents (\$5,085,468.37) with Munilla Construction Management, LLC dba MCM for the construction of Paving, Drainage & Water Improvements for Lake Sharon Drive by the total amount of Fifty Six Thousand Six Hundred Ninety Dollars and Thirty Seven Cents (\$56,690.37).
6. Review and approve the Investment Policy for City of Corinth for FY 2017-2018.
7. Review and approve the Investment Policy for the Economic Development Corporation for FY 2017-2018.
8. Review and approve the Investment Policy for the Crime Control & Prevention District for FY 2017-2018.

**MOTION** made by Councilmember Johnson to approve the Consent Agenda as presented. 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.

No one spoke during Citizens Comments.

**PUBLIC HEARING**

**Mayor Heidemann opened the Public Hearing at 7:01 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:02. p.m.**

9. To hear public opinion regarding amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.09.01 Landscape Regulations, Table 15: Approved Plant Material List.

**Cindy Deckard, Engineer Services Coordinator** - the Unified Development Code was adopted by City Council in May 2013. Periodically changes and updates are needed to improve the predictability and flexibility of the City's development process. City Council specified earlier this year that native plants should be added to the plant list found in the Landscape Section of the Unified Development Code (UDC).

The amendment adds a Grasses Section to the current list as well updates the plant list to remove and correct errors. We have also added a Section to the UDC that states all plant material must be listed in the USDA Hardiness Zone 7B map. We also added some informational sections just to give some websites for people to go and research plant material that are recommended for this zone.

**BUSINESS:**

- 9a. Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.09.01 Landscape Regulations, Table 15: Approved Plant Material List.

**MOTION** made by Councilmember Harrison to approve the Ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.09.01 Landscape Regulations, Table 15: Approved Plant Material List. Seconded by Councilmember Garber.

**PUBLIC HEARING:**

**Mayor Heidemann opened the Public Hearing at 7:12 p.m.**

**Donald Silvermen, Developer**

**Mayor Heidemann closed the Public Hearing at 7:16 p.m.**

10. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT ERIC WILHITE, AUTHORIZED REPRESENTATIVE FOR PROPERTY OWNER, CORINTH RETAIL 2499, LLC FOR A ZONING CHANGE FROM C-2 COMMERCIAL 2 DISTRICT TO PLANNED DEVELOPMENT (PD) C-2 COMMERCIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 5.299 ACRES OF LAND LEGALLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE JASPER C. BAKER SURVEY, ABSTRACT NO. 48, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. THIS PROPERTY IS LOCATED ON THE SOUTHWEST CORNER OF F.M. 2181 AND F.M. 2499.

**Lori Levy, Senior Planner** - items number 10 and 11 are companion items and will discuss the cases together. The applicant is proposing a rezoning from C-2 Commercial 2 District on approximately 5.299 acres to a Planned Development (PD) C-2 Commercial 2 District with modified development standards in order to develop a 7-11 convenience store with a gasoline filling station on the southwest corner (Area 1/Proposed Lot 1) of F.M. 2181 and F.M. 2499. A 14,000 square foot retail building with an outdoor patio is conceptually proposed for Area 2 (Proposed Lot 2), and a 5,000 square foot financial institution is conceptually proposed for Area 3 (Proposed Lot 3) within the Planned Development. Stamped sections of pavement throughout the development will provide connections to the City's proposed trail system along both F.M. 2181 and F.M. 2499.

A site plan is included for the 3,010 sq. ft. proposed 7-11 convenience store with gasoline pumps without

a car wash for Area 1 (Proposed Lot 1). However, the proposed layout for Areas 2 and 3 (Proposed Lots 2 and 3) is conceptual and site plans will be required prior to development of those lots.

Three driveways are proposed for this development. The proposed driveway on F.M. 2181 nearest the intersection of F.M. 2499 is a right-in, right-out only. There are 2 driveways proposed along F.M. 2499 to serve the conceptually proposed retail buildings in Areas 2 and 3 (Proposed Lots 2 and 3).

TXDOT has already approved all 3 proposed driveways and TXDOT driveway permits were issued in April, 2017. However, the TXDOT driveway permits expire after 6 months. A request to extend the driveway permits has been submitted to TXDOT.

The applicant is showing detention in the form of a detention pond within a drainage easement located behind the proposed retail buildings on Areas 2 and 3 (Proposed Lots 2 and 3) to be maintained by the property owner of Area 2 (Proposed Lot 2) that will serve the detention needs for all buildings within the proposed (PD) Planned Development.

The applicant is also proposing alternative compliance to pay a fee in lieu into the tree fund for mitigation of 591 caliper inches of protected trees that must be removed for development of the heavily treed site. A total of 627 caliper inches are required to be mitigated with the reduction of 50% required replacement for a heavily treed lot. The applicant has included as many replacement trees (36 caliper inches) on the landscape plans as space will allow for development of Phase 1 (7-11). However, of the total 627 caliper inches of replacement trees required, a deficit of 591 inches remain. The applicant has provided the attached estimate of \$109,289.36 from the City approved plant nursery for replacement of 197, 3" caliper Oak and Elm trees, including delivery and installation. A tree survey/protection plan and tree mitigation for Areas 2 and 3 (Proposed Lots 2 and 3) will be required during re-platting, and prior to development of those Areas/Lots.

The Unified Development Code requires consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan. The proposed zoning is in conformance with the Comprehensive Plan. Therefore, a Comprehensive Plan Amendment is not necessary and the Commission may make a recommendation on this zoning request.

Staff recommends approval of this request, subject to approval of the Major Subdivision Waiver for the driveway off of FM 2181 and extension of TXDOT permit approval for all driveways.

The Planning and Zoning Commission unanimously recommended approval of this request with staff stipulations at the January 22, 2018 meeting.

**Donald Silvermen, Project Developer** - we are ready to move ahead. We were involved in the CVS and we are happy to be in Corinth and looking forward to develop here.

#### **BUSINESS:**

- 10a. Consider and act on an ordinance for a zoning change from C-2 Commercial 2 District to Planned Development (PD) C-2 Commercial 2 District with modified development standards on approximately 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas. (This property is located on the southwest corner of F.M. 2181 and F.M. 2499).

**MOTION** made by Councilmember Harrison to approve the ordinance for a zoning change from C-2 Commercial 2 District to Planned Development (PD) C-2 Commercial 2 District with modified development standards on approximately 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract 5.299 acres of land legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas. (This property is located on the southwest corner of F.M. 2181 and F.M. 2499). Seconded by Councilmember Glockel.

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

**MOTION CARRIED**

11. Consider and act on a request from the applicant Eric Wilhite, authorized representative for the property owner, Corinth Retail, 2499, LLC for a Major Subdivision Waiver to the City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow a reduction in the minimum required distance from the intersection along a major arterial to the proposed driveway on property legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas. (This property is located on the southwest corner of F.M. 2181 and F.M. 2499).

**MOTION** made by Councilmember Johnson to approve the a request from the applicant Eric Wilhite, authorized representative for the property owner, Corinth Retail, 2499, LLC for a Major Subdivision Waiver to the City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow a reduction in the minimum required distance from the intersection along a major arterial to the proposed driveway on property legally described as a tract of land situated in the Jasper C. Baker Survey, Abstract No. 48, in the City of Corinth, Denton County, Texas and include in the motion that this is stipulated based on the completion of the engineering comments and other staff stipulations as discussed with the developer. Seconded by Councilmember Garber.

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

**MOTION CARRIED**

12. Consider and act on a Resolution ordering a Joint General Election with Denton County to be held on May 5, 2018 to fill the offices of Councilmember Places 1, 3 and 4; establishing procedures for that election and providing an effective date.

**Bob Hart, City Manager** - this is the Resolution that you do annually calling the election for members of the City Council.

**MOTION** made by Councilmember Burke to approve the Resolution ordering a Joint General Election with Denton County to be held on May 5, 2018 to fill the offices of Councilmember Places 1, 3 and 4; establishing procedures for that election and providing an effective date. Seconded by Councilmember Garber.

**AYES:** Burke, Garber, Johnson, Harrison, Glockel

**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** - would like to add to a future agenda a discussion concerning the closing of the stub -end street just past Greystone in the Meadow Oaks Subdivision. There is some complications related to that in the HOA that need to be discussed.

Make sure you save March 24<sup>th</sup> on your calendar for Corinth Make A Difference Day, we all get a chance to pull weeds and lay mulch. We may get a chance to work on this with Corinth Elementary and the students from UNT will be here as well. We could have as many as 100 people and we will be out there from 9:00 am until 2:00 pm.

**Councilmember Glockel** - would like to take another look at the addressing of the 100 Block of Lake Sharon and Post Oak. Specifically in my area of Lake Sharon. If you look in Terrace Oaks, the 100 Block matches the 100 Block south of me which is Fairview west. As I went to change addresses the Post Office says my address is west of Post Oak and I am east. So it has always been an issue and years ago it was 2001 not 2101. I don't know why it has changes and it is a controversy and if you try to get the postal service to deliver there they say it is not the correct route.

**Mayor Heidemann** - I attended the Fire Annual Banquet and they are always fun to go to and see people receive awards and would encourage everyone to go to them.

The upcoming Easter Festivities will be down at the Community Park on March 24<sup>th</sup>. We should get the word out on that.

#### **CLOSED SESSION**

**There was no 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.

**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. Purchase of Right-of-Way for Lake Sharon Blvd near I-35E.

**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

**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.

a. Deliberations regarding economic development incentives 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.**

13. Discuss and consider authorizing staff to purchase a 0.106 acres (4,627 square feet) parcel of land for Right of Way acquisition part of a called 1.592 acre tract of land in the E.A. Garrison Survey, Abstract 511, City of Corinth, Denton County, Texas, conveyed to SEL Meadows Oak, LLC by deed recorded in Instrument Number 2008-713 of the Deed Records of Denton County Texas, commonly known as 3302 Lake Sharon Drive and generally located at the SE corner of Lake Sharon Drive and Tower Ridge Drive.

**Bob Hart, City Manager** - this item has been placed on the agenda for consideration for the purchase of Right-of-way for the completion of Lake Sharon near Interstate 35E that would help with the future alignment of Dobb's Road. We are requesting authority to purchase the right-of-way in the amount discussed in Executive Session.

**MOTION** made by Councilmember Garber to approve purchase of a 0.106 acres (4,627 square feet) parcel of land for Right of Way acquisition part of a called 1.592 acre tract of land in the E.A. Garrison Survey, Abstract 511, City of Corinth, Denton County, Texas, conveyed to SEL Meadows Oak, LLC by deed recorded in Instrument Number 2008-713 of the Deed Records of Denton County Texas, commonly known as 3302 Lake Sharon Drive and generally located at the SE corner of Lake Sharon Drive and Tower Ridge Drive. Seconded by Councilmember Burke.

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

**MOTION CARRIED**

14. Consider and act on a Resolution of the City Council approving a Chapter 380 Economic Development Incentive Agreement between the City of Corinth, Texas, the Corinth Economic Development Corporation and Huffines Children's Trust providing economic development incentives for the relocation and expansion of Huffines Kia and Subaru.

**Mayor Heidemann recused himself from any discussion on item #14.**

**Mayor Pro-Tem Harrison read the item into the record.**

**Jason Alexander, Economic Development Director** - this item is a tentative agreement between the City, the Corinth Economic Development Corporation and Huffines for incentives to assist in the construction and the operation of Huffines Kia and Subaru. Essentially, it is a revenue sharing agreement where 50% of the sales and use taxes on personal property that has been generated by Huffines as they are constructing their facility, would be rebated from the City and from Economic Development Corporation. The Street Maintenance and the Crime Control Prevention District funds would not be affected.

The term of the agreement is for 10 years and should Huffines be in compliance with the agreement, it will automatically renew for another 5 year for a total of 15 years.

**MOTION** made by Councilmember Johnson to approve Chapter 380 Economic Development Incentive agreement between the City of Corinth, Texas, the Corinth Economic Development Corporation and Huffines Children's Trust providing economic development incentives for the relocation and expansion of Huffines Kia and Subaru. Seconded by Councilmember Glockel.

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

**MOTION CARRIED**

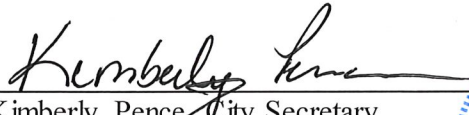
**ADJOURN:**

Mayor Heidemann adjourned the meeting at 7:36 P.M.

**AYES:** All

Meeting adjourned.

Approved by Council on the 1<sup>st</sup> day of March, 2018.

  
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Kimberly Pence, City Secretary  
City of Corinth, Texas

