

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

On this the 1<sup>st</sup> day of June 2017, the City Council of the City of Corinth, Texas met in a Workshop 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, Council Member  
Sam Burke, Council Member  
Don Glockel, Council Member  
Scott Garber, Council Member  
Lowell Johnson, Council Member

**Staff Members Present:**

Bob Hart, City Manager  
Mike Brownlee, City Engineer  
Cody Collier, Director, Public Works  
Shea Rodgers, Manager, Technology Services  
Fred Gibbs, Director, Planning  
Kim Pence, City Secretary  
Mack Reinwand, City Attorney

**CALL TO ORDER:**

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

**WORKSHOP BUSINESS AGENDA ITEM:**

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

**CONSENT AGENDA**

1. Consider and act on approval of the "Agreement for Construction, Maintenance and Operation of Safety Lighting Systems Within Municipalities (State Maintains and Contracts for Power)" Blanket Agreement.

**Bob Hart, City Manager** - This is for TXDOT to put street lights by the exits and entrances. TXDOT must have an agreement with the City to be able to put these up and maintain them.

**BUSINESS AGENDA**

2. Consider appointing a Representative to the North Central Texas Council of Governments (NCTCOG).

**Bob Hart, City Manager** - The City of Corinth is a member of the Council of Governments. Cities routinely appoint a City's Mayor or Councilmember to be the official liaison to the Council of Governments. This individual receives official documents at the general assembly meetings. The annual meeting forum is scheduled for June 16<sup>th</sup>. We don't have anyone identified as a representative.

**It was the consensus of the Council for Mayor Bill Heidemann to be the official liaison for the Council of Governments representing the City of Corinth.**

3. Consider and act on an Ordinance adopting Article VII, Right-of-Way Management, to Chapter 95, Streets and Sidewalks, of the City Code of Ordinances and amending the Master Fee Schedule.

**Bob Hart, City Manager** - Item three and four go together. This is the ordinance that we discussed at the workshop at the last meeting. Mack has been working on that and Mike is here and they can answer any questions that you may have. We will have to allocate the space within the rights-of-way and discuss the wireless notes.

**Mack Reinwand, City Attorney** - The House Bill that we talked about last time ended up being adopted by the Senate. It will be implemented. It is not effective until September 1<sup>st</sup>. We do have some time to look at this and make sure that we have a procedure in place.

**Mayor Heidemann** - Is our main purpose for doing this that we want to get something in our ordinance so that we have a point of reference?

**Mack Reinwand, City Attorney** - I don't think it's the main purpose. The city does need a right-of-way ordinance. It's something that is probably long overdue to have some authority to regulate how things are done on the right-of-way as far as permitting. This will give us some enforcement mechanisms to make sure that everyone is compliant.

4. Consider and act on the adoption of the Wireless Services (Small Cells) Design Manual.

**Mack Reinwand, City Attorney** - This is the new Bill that was approved by the Texas Legislature just this past week. This is going to open up city right-of-ways to what they call "small wireless type of facilities" being put on poles within the city. On utility poles, light poles, traffic poles and other types of signs. The State Legislature did give us some authority to regulate this.

**Mayor Heidemann** - Can they go into our parks and add items to the poles in there?

**Mack Reinwand, City Attorney** - No. The Bill that finally got adopted didn't change anything in city parks. There are also some exemptions for small right-of-ways, which are basically streets that are less than 50 feet adjacent to residential areas. It can also prohibit them from coming in next to houses and multi-family apartments. There is some authority to protect our parks and our residential areas.

**Councilmember Glockel** - Wouldn't we want wireless available in the parks?

**Mike Brownlee, City Engineer** - I think in general we and the citizens of Corinth do want wireless to be available in the parks. We want this to be available and accessible. We just don't want it to look bad.

**Councilmember Burke** - Is this cell service or is it something different?

**Mack Reinwand, City Attorney** - It's something different. It's a wireless type service which they can then move on to the back that will run down the internet. It's more of a wireless service that has to be much closer to the user like a Wi-Fi signal or hot spot.

**Councilmember Burke** - So this could be the solution to Corinth's internet issues.

**Mack Reinwand, City Attorney** - That is how it has been promoted. This is the groundwork for the 5G, the next version that comes out that has higher speeds.

**Bob Hart, City Manager** - For Oncor to put the poles in, they have to get permission from us to put it in the right-of-way. We tell them where to put it and set the standards for them. Then all we are saying is if you want to attach additional items in the right-of-way, then you have to come to us to get a permit.

**Councilmember Garber** - My understanding is that this provides us the most authority according to state law. Maybe it is a good idea to maintain as much authority as we can and if we feel like we need to face it later, we can do that later.

**Councilmember Johnson** - We'll start receiving pressure from residents at some point in time regarding wireless services once that starts to be an issue.

**Mack Reinwand, City Attorney** - It will be a balance between the service and the aesthetics. This gives a lot of authority to these companies to come in to your city and put poles up and put nodes on poles.

**Mayor Heidemann** - It is in your best interest to pass the strongest measures that you can and then deal with the other issues as they arise.

**Councilmember Johnson** - Is this going to control, prevent or regulate any of these companies from joining up with another company, e.g., AT&T wants to join up with ATMOS and run along ATMOS's right-of-way?

**Mack Reinwand, City Attorney** - This only relates to the City's right-of-way.

**Bob Hart, City Manager** - My guess is you would be dealing not with right-of-way, but with easements and that is not going to be a grant of right on an easement document.

**Councilmember Johnson** - It is going to be interesting to see how this plays out also with the powerline right-of-ways or easements. I think the legislature dove into something they probably had some unintended consequences they didn't follow up on.

5. Consider and act on a Professional Services Agreement with Level 3 for the replacement of sewer line near the southwest corner of the intersection of Lake Sharon Drive and Interstate 35.

**Mack Reinwand, City Attorney** - This is an agreement related to some damage that was done to the city sewer line and some fiber that was run through it almost 15 years ago. We working through an agreement now to get it fixed and we'll talk about it more in Executive Session.

Mayor Heidemann recessed into Closed Session at 6:06 P.M.

#### **CLOSED SESSION**

The City Council will convene in such executive or (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 governmental body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

- a. **Planned Development conditions and Land Use.**

**Council Met In Executive Session From 6:10 P.M. until 6:55 P.M.**

**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. **Lake Sharon Project - Right-of-Way acquisitions.**
- b. **Hold a discussion and receive direction regarding easement acquisition for a development project located in the general vicinity of Tower Ridge, Lake Sharon, and IH-35E.**

**Council Met In Executive Session From 6:10 P.M. until 6:55 P.M.**

**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 evaluation of City Manager.**

**Council Met In Executive Session From 6:10 P.M. until 6:55 P.M.**

**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.

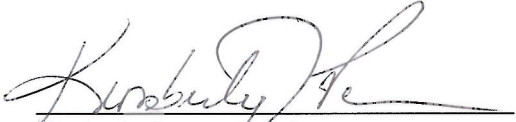
**There were no actions necessary on Closed Session items.**

**ADJOURN:**

Mayor Heidemann adjourned the meeting at 6:55 P.M.

Meeting adjourned.

Approved by Council On 20 day of July, 2017.

  
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Kimberly Pence, City Secretary  
City of Corinth, Texas

