

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

On this the 22nd day of August 2019 the City Council of the City of Corinth, Texas met in Special 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
Brenton Copeland, Technology Services Asst. Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriguez, Planning and Development Manager
Brett Cast, Engineering Services Coordinator
Garrett Skrehart, GIS Manager
Cody Collier, Public Works Director
Lee Ann Bunselmeyer, Director of Finance, Communication & Strategic Services
Chris Rodriguez, Asst. Finance Director
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Kim Pence, City Secretary

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.

PRESENTATION:

Sue Tejml, Board Member, Denco Area 9-1-1 will give an update to City Council on the Denco Area 9-1-1-District.

In the last year 13 Counties around us have lost their 9-1-1, Tarrant County for five hours, Collin County for one hour among other counties. Denco 9-1-1 answers every day 900 to 1,000 calls. Within the first minute in a half to two in a half minutes they have reached their first responder to dispatch. Can you imagine calling 9-1-1- and getting a busy signal or calling back desperately and getting no answer at all. Denco Area 9-1-1 gets

their fees from the state. They charge 50 cents a month on your cell phone and about 85% of our income comes from those 50 cent cell phone calls. If you have a land line we know where you are but we have to keep up with GIS because everybody calls from their cell phone these days.

We recently completed an annex, there are only about 3 in the State of Texas for 9-1-1. What that means if you have a tornado come in it will survive. If you have a freeze that takes out your electricity, it will survive and could probably survive a terrorist attack but as you well know a tornado does not observe city boundary lines and we all live side by side. With the annex, your call takers can come to our annex start receiving emergency calls from your area and dispatching right away and that is huge.

I would like to ask you on your next agenda to put a vote for the board member for Denco Area 9-1-1. This is not a plea for my election, I have 20 votes but it is a way for you to say to the 9-1-1 organization in Denton County that you appreciate them and respect them.

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 the fiscal year 2019-2020 Proposed Budget for the City of Corinth Crime Control and Prevention District.
2. Consider and act on an ordinance reviewing and amending the Master Fee Schedule to incorporate changes to the City's Credit Card Processing Fees effective October 1, 2019.
3. Consider approval of authorizing the payment to Upper Trinity Regional Water District for materials purchased per the Inter local Agreement Amendment No. 1 for the construction of the Lake Sharon Waterline in the amount of \$62,118.47 and authorizing the City Manager to execute any necessary documents.

MOTION made by Councilmember Garber to approve the Consent Agenda as presented. Seconded by Councilmember Henderson.

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

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.

No one spoke during Citizens Comments.

PUBLIC HEARING:

4. Hold a public hearing on a proposal to consider a tax rate, which will exceed the lower of the rollback rate or the effective tax rate and will increase total tax revenues from properties on the tax roll in the preceding tax year by 13.17 percent.

Bob Hart, City Manager - According to Property Tax Code Section 26.05(d), the City is required to hold two public hearings on the proposed tax increase if the City Council is proposing a rate that exceeds the lower of the rollback rate or the effective rate. Additional requirements include publishing a quarter-page notice informing the public of the proposed tax rate, preceding year tax rate, effective & rollback tax rate, formula for estimated tax amount, and the date, time, and location of the two required public hearings. The Notice of 2019 Tax Year Proposed Property Tax Rate for the City of Corinth was published in the Denton Record Chronicle on Tuesday, August 13, 2019, as required by the Texas Property Tax Code timetables.

The publication notices were calculated based on the highest possible rate the City Council may consider. The City Council may adopt any rate below the published tax rate.

On August 8, 2019, the City Council voted to publish a FY2019-2020 tax rate of \$.54500 that they will consider approving on September 19, 2019.

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.

5. The Corinth City Council will conduct a Public Hearing to consider testimony and act upon an ordinance amending the City's Unified Development Code, Section 3: Subdivision Regulations, subsection 3.02: "Subdivision submittal and processing procedures."

Helen-Eve Liebman, Planning and Development Director - H.B. 3167 was signed by Governor Abbot on June 14, 2019. H.B. 3167 places statutory time requirements for plat approvals effective on September 1, 2019.

The new time requirements state that plats must be approved within 30 days of receiving an application. While this 30 day rule has been in state law for a number of years, typically developers and residents would submit a waiver of their right to a 30 day review to allow additional time for communication with staff and to allow their consultants time to make any necessary changes to the documents following the City's review.

The changes to state law remove the ability for applicants to waive their right to a 30 day review and requires that any extensions be granted by the Planning and Zoning Commission and are limited to one 30 day extension.

The ordinance under consideration will ensure that the City is in compliance with the state law changes which will go into effect on September 1, 2019.

The Planning and Zoning Commission unanimously recommended approval and staff recommends approval as well.

Mayor Heidemann opened the Public Hearing at 7:38 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:38 p.m.

MOTION made by Councilmember Garber to approve as presented. Seconded by Councilmember Burke.

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

ABSENT: None

MOTION CARRIED

6. The Corinth City Council will conduct a Public Hearing to consider testimony and act upon an ordinance amending the City's Unified Development Code, Section 2: Zoning Regulations, subsection 2.09: Zoning Development Standards, 2.09.04 Building Façade & Material Standards.

Helen-Eve Liebman, Planning and Development Director - On June 14, 2019 Governor Abbot signed HB 2439 which places limits on municipal regulation of building materials used for both residential and non-residential structures.

Beginning on September 1, 2019, any material listed as approved for use in a National Model Code, including the International Building Code within the last three code cycles are allowed.

The effect of this means that municipalities may no longer specify required masonry percentages, or the materials, that the structure is built with provided it is allowed in a National Model Code.

Additionally, H.B. 2497 which will also be in effect on September 1, 2019 amends municipal zoning board of adjustment procedures to allow anyone within 200 feet of a property to appeal a decision made by an administrative official to the Board of Adjustment. Previously only property owners or those with direct interest in a property affected by a decision made by an administrative official could appeal the decision.

The proposed ordinance ensures that the City will be in compliance with the changes in state law effective on September 1, 2019.

Mayor Heidemann opened the Public Hearing at 7:40 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:40 p.m.

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

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

MOTION CARRIED

BUSINESS AGENDA:

7. Consider and act on an Ordinance amending Chapter 33 "Boards, Commissions, and Departments" of Title III "Administration" of the Code of Ordinances by adding subsections 33.10 through 33.15 to create a Parks and Recreation Board for the City of Corinth.

Bob Hart, City Manager - This Ordinance is being brought to you based on some of the discussions with the budget and strategic plan in terms of resident engagement. The proposed ordinance creates a five member parks and recreation board with a focus on the following elements:

1. Act in an advisory capacity to the City Council and the Director of Public Works pertaining to parks and recreation, and cooperate with other governmental agencies, civic groups and all citizens of the City in the advancement of sound parks and recreation planning and programming;

2. Recommend policies related to parks and recreation for approval by the City Council;
3. Recommend the adoption of standards for parks, playgrounds, and trails and their financial support;
4. Make or cause to be made an annual review of existing recreation services and a survey of services, including existing services provided and services needed. The Board shall interpret the findings of such review and survey to discern the needs of the public and shall relate that interpretation to the City Council and to the Director of Public Works along with recommendations on planning and implementation;
5. Aid in coordinating trail connections with the programs of other governmental agencies and interested groups;
6. Review the effectiveness of the parks and recreation program with the Director of Public Works and the City Manager; and
7. Serve as an advocate for parks and recreation services to the public.

Creation of the board will be beneficial in the future if the city seeks grant funding for park and trail improvements.

MOTION made by Councilmember Johnson to approve as presented. Seconded by Councilmember Pickens.

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

MOTION CARRIED

8. Consider and act on an Ordinance amending Chapter 33 "Boards, Commissions and Departments of the Code of Ordinances adopting amendments to the membership, procedure, purpose, and related provisions applicable to the Keep Corinth Beautiful Commission.

Bob Hart, City Manager - The proposed ordinance expands the KCB board from five members to seven. It also extends the length of service to four terms rather than three terms. Further, the ordinance focuses the efforts to the following:

1. Actively promote community beautification efforts, litter prevention, and waste reduction.
2. Determine and recommend to the City Council management and program priorities on a citywide basis;
3. Recommend enforcement and additional program alternatives;
4. Monitor City performance from data collected and examined under the Keep Texas Beautiful, Inc. Affiliate System guidelines and make an annual report to the City Council;
5. Maintain membership in Keep Texas Beautiful as an affiliate.

MOTION made by Councilmember Johnson to approve as presented. Seconded by Councilmember Garber.

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 Henderson - reminded the Mayor, Council and staff of the ribbon cutting and grand opening tomorrow at 11:30 a.m. at the Millennium Place Apartments.

Bob Hart, City Manager - the North Texas Commission luncheon will be on Monday, September 16th and would like over the next couple of days who would like to attend.

Mayor Heidemann - I was at COG most of the day and it was really an eye opener for me. I see so much benefit in this organization where they can help us because we are not a big city and we don't have excess staff and they have a lot of expertise that reside there and can be very beneficial to us in terms of future projects that the city will have to undertake.

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.

- a. Texas House Bills 2439, 2497, 3314 and 3167, and new laws.
- b. 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 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.

9. Consider and act on the Termination and Settlement Agreement for Paving, Drainage and Water Improvements for Lake Sharon Drive, by and between the City, Magnum Construction Management, LLC f/k/a Munilla Construction Management, LLC, and Berkshire, Hathaway Specialty Insurance Company; and authorizing the City Manager or his designee to execute necessary documents.

MOTION made by Councilmember Burke to approve the termination and settlement agreement for Paving, Drainage and Water Improvements for the Lake Sharon Drive project between the City of Corinth and Munilla Construction Management, L.L.C and Berkshire, Hathaway Specialty Insurance Company; and authorize any necessary minor modifications that do not increase total expenditures by the city and to authorize the City Manager to execute the agreement with finalized exhibits. Seconded by Councilmember Johnson.

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

MOTION CARRIED

10. Consider and act on the Tender Agreement for Completion of the Lake Sharon Drive Project, by and between the City, Berkshire Hathaway Specialty Insurance Company, and Wildstone Construction, LLC; and authorizing the City Manager or his designee to execute necessary documents.

MOTION made by Councilmember Burke to approve the Tender Agreement for Completion of the Lake Sharon Drive Project, by and between the City, Berkshire Hathaway Specialty Insurance Company, and Wildstone Construction, LLC; and authorize any necessary minor modifications that do not increase total expenditures by the City and to authorize the City Manager to execute the agreement with finalized exhibits. Seconded by Councilmember Henderson.

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

MOTION CARRIED

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:45 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 17 day of October, 2019.

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