

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

On this the 7th day of May 2020 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:

Mayor Heidemann
Sam Burke, Mayor Pro Tem
Scott Garber, Council Member
Lowell Johnson, Council Member
Tina Henderson, Council Member
Kelly Pickens, Council Member

Staff Members Present

Bob Hart, City Manager
Kim Pence, City Secretary
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Patricia Adams, Messer, Fort & McDonald
Jerry Garner, Police Chief
Michael Ross, Fire Chief
Cody Collier, Public Works Director
Helen-Eve Beadle, Planning and Development Director
Jason Alexander, Corinth Economic Development Corporation Director
George Marshall, City Engineer
Shea Rodgers, Technology Services Communications Manager
Brett Cast, Engineering Services Coordinator
Lana Wylie, Sr. Administrative Assistant

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:

Mayor Heidemann called the meeting to order at 7:00 P.M. City Manager Bob Hart delivered the Invocation, due to the COVID-19, the Pledge of Allegiance and the Texas Pledge did not take place.

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 March 19, 2020 workshop session.
2. Consider and act on minutes from the March 19, 2020 regular session.
3. Consider and act on minutes from the April 2, 2020 workshop session.
4. Consider and act on minutes from the April 2, 2020 regular session.

5. Award of bid for the Riverview Drive repaving project from South Garrison Drive to the I-35 Frontage Road with Advanced Paving Company in an amount not to exceed \$97,845.43.
6. Award of bid for the Shady Shores Road repair project with Reynolds Asphalt and Construction in an amount not to exceed \$252,842.50.
7. Consider and act on an agreement for the transfer of certain real property known as the TxDOT Surplus Property within the rights-of-way of the intersection of IH-35 E and Corinth Parkway within the City of Corinth from the City to the Corinth Economic Development Corporation and for the Economic Development Corporation's reimbursement of the purchase price and related costs of acquiring the Surplus Property from TxDOT to City.

MOTION made by Mayor Pro Tem Burke to approve the Consent Agenda as presented. Seconded by Councilmember Henderson.

AYES: Burke, Garber, Johnson, Henderson, Pickens
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.

There were no Citizens Comments made.

BUSINESS AGENDA:

8. Consider and act upon an Ordinance repealing Section 94.35, "Definitions", of Chapter 94, "Nuisances", of Title IX, "General Regulations", of the City's Code of Ordinances and amending and readopting Section 94.36, "Noise Nuisances", of Chapter 94 of Title IX of the City's Code of Ordinances, in its entirety.

Helen-Eve Beadle, Planning & Development Director - At the City Council meeting on January 23, 2020 the City Council directed staff to propose amendments to the City's noise nuisance standards to make them enforceable. The City's current noise nuisance standards are very broad and open to interpretation by language which states that noise nuisances are those that "disturb persons with ordinary sensibilities." As currently written, the regulations make it difficult for City staff to enforce outside of kindly asking residents or business to keep the noise down.

In preparing the proposed changes, Staff compared the noise regulations from the Cities of Allen, Frisco, Lewisville, Denton, Flower Mound, and McKinney. Based on these comparisons Staff presented its preliminary findings to the City Council in a Workshop on April 2, 2020. During that presentation the City Council recommended Staff move forward with the proposed regulations and had the following questions/suggestions:

1. What impact does wind have on the digital sound level meter reading?

In speaking with suppliers, low to moderate wind speeds do not have an impact on the device. The microphone specifications are designed to reduce this type of noise being received. Additionally, the foam covering provides added protection from wind noise as the covering dissipates the incoming wind before it reaches the microphone. However, during high wind conditions, the strong winds may interfere with the accuracy of the device. The suppliers have advised us to not use the meters during these types of conditions.

2. What type of training is needed to utilize the digital sound level meter?

Outside of reading and understanding the manual for the device, Staff has not identified any formal training or certification to operate the meter. The functionality of the unit is controlled by proper and regular calibration and operating the meter according to the manual directions provides accurate results. The City will purchase the required calibration equipment for the meters. The City's Code Compliance Officer has over three years of experience in operating a noise meter without any challenges from presumed noise violators. Additionally, our Code Compliance Officer is willing to hold training sessions to any staff or police officers that may need to utilize the meter. It is the City's position that we will promote compliance through education and courtesy notifications to residents and business owners of the noise standards in lieu of issuing citations.

3. The suggestion was made to consider an ending time for outdoor concerts/musical events and that it coincides with the ending of alcohol sales in restaurants. Additionally, City Council directed an earlier ending time for such events on Sundays through Thursdays.

A limitation on outdoor musical/concert or events has been added to the proposed ordinance requiring that the concert/musical event ends at 11:59 pm on Fridays and Saturdays. This time coincides with the City's hours on alcohol sales in restaurants. Such noise from outdoor concert/musical or events will end at 9:00 pm on Sunday through Thursday.

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

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

9. Consider and act upon an Ordinance of the City of Corinth, Texas amending Title III, "Administration", of the City's Code of Ordinances to add a new chapter, Chapter 29, to be entitled "City Manager", and a new section to Chapter 29, Section 20.001, to be entitled "Signature Authority of City Manager", to provide general authority to the City Manager to contract for expenditures.

Patricia Adams, Messer, Fort & McDonald - During the review of land acquisition practices, the city attorney found the code of ordinances were not clear as to the authority of the city manager to sign on behalf of the city. The attached ordinance was prepared to clarify this authority based on the city charter. Section 4.01 of Article IV of the Charter allows the City Council to adopt an ordinance setting limits and giving the City Manager general authority to contract for expenditures without further approval of the City Council, if the Council considers it proper for the administration of City affairs and to administer the budget approved by the Council. Further, the council adopted the City's Purchasing Policy via Resolution No. 12-12-016 on December 20, 2012, which delegated to the City Manager the authority to approve and execute certain documents without City Council action, provided funds are budgeted. The proposed ordinance consolidates these points and clarifies as follows:

- Contracts for the purchase of goods or services for which funds have been adopted by budget or amended budget in the fiscal year during which payment is due;
- Contracts for the purchase of goods or services which do not require an expenditure of funds and which are determined necessary for the efficient operation of the City and the implementation of the budget or any amended budget;
- Contracts for use of bond proceeds, including professional services, which have been included in the budget or any amended budget approved by City Council;
- Contracts for expenditures of TIF funds made in accordance with an approved Project and Financing Plan;
- Contracts for the use of City owned facilities by a third party when such facilities have been designated by the City Council as a facility available for public use;
- Contracts for which the City Council has otherwise expressly provided authorization for execution by the City Manager, including the Purchasing Policy adopted via Resolution No. 12-12-016, including all amendments thereto, on file with the office of the City Secretary.

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

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

10. Consider and act on an Ordinance amending section 30.055 "Regular Meetings" of chapter 30 "City Council" of Title III Administration of the City's Code of Ordinances to amend the City Council's regular meeting time.

Patricia Adams, Messer, Fort & McDonald - Currently, Section 30.055 of Corinth's Code of Ordinances, states that the City Council shall "meet in regular session on the evenings of the first and third Thursday of each month at 7:00 p.m., or at any other dates and times set by the Council.

The amendment would state the following language: The City Council shall meet in regular session on the evenings of the first and third Thursday of each month, at the time posted in the City Council agenda or City Council public hearing notice, or at any other dates and times set

by the Council, unless postponed or canceled. All regular meetings of the City Council will be held in the City Hall unless otherwise posted.

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

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

11. Consider and take appropriate action to ratify the Mayor's Disaster Declaration to extend until May 25, 2020.

Bob Hart, City Manager – The updated ordinance continues the declaration from the last meeting, including the chart. We recommend you adopt the Ordinance with the understanding that the playgrounds and basketball courts will be open beginning Monday, May 18.

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

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

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.

Mayor Pro Tem Burke - would like a brief update on DCTA.

Councilmember Henderson - congratulated Councilmember Johnson for earning his MPA.

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 Bar of Texas clearly conflicts with the Texas Open Meetings Act.

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.

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.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

MOTION made by Mayor Pro Tem Burke to authorize the City Manager commonly referred to as Dr. Badie's property from Stacy Martin for the approximate price of \$826,000. Seconded by Councilmember Garber.

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

ADJOURN:

Mayor Heidemann adjourned the Regular meeting at 7:33 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the 2 day of July 2020.



Lana Wylie, Interim City Secretary
City of Corinth, Texas

