

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

On this, the 14th day of January 2021, the City Council of the City of Corinth, Texas, met in Special 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:

Council Members Present:

Bill Heidemann, Mayor
Sam Burke, Mayor Pro-Tem
Scott Garber, Council Member
Steve Holzwarth, Council Member
Tina Henderson, Council Member
Kelly Pickens, Council Member

Staff Members Present:

Bob Hart, City Manager
Lana Wylie, Interim City Secretary
Patricia Adams, Messer – Fort – McDonald
Lee Ann Bunselmeyer, Finance, Communications & Strategic Services Director
Jerry Garner, Police Chief
Jason Alexander, Economic Development Corporation Director
Helen-Eve Beadle, Planning & Development Director
Michelle Mixell, Planning & Development Manager
Miguel Inclan, Planner
George Marshall, City Engineer
Shea Rodgers, Technology Services Manager
Lance Stacy, City Marshal

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

Mayor Heidemann called the meeting to order at 7:03 P.M. The Invocation was delivered by City Manager Hart, followed by the Pledge of Allegiance and the Texas Pledge.

PRESENTATION

1. **2020 Richard R. Lillie Texas Chapter of the American Planning Association Excellence Award Presentation.**

Helen-Eve Beadle, Planning and Development Director, shared that the City of Corinth received the Richard R. Lillie Planning Excellence Award from the American Planning's Association Texas Chapter for the second consecutive year. The award recognizes planning excellence in municipalities throughout the State. Evaluation criteria include the training of Planning Commissioners and professional staff, professional qualifications of the planning staff, breadth and currency of master plan components, and completion of other planning related projects. The goals of the program include:

- Increasing community awareness of the importance of planning
- Recognizing planning departments that meet certain professional requirements

- Recognizing planning efforts that have achieved community support
- Encouraging the funding of professional training for Planning Commissioners and staff
- Aiding economic development and community image.

The City of Corinth first earned this award in 2019.

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 Council Member, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

2. Consider and act on minutes from the December 17, 2020, workshop session.
3. Consider and act on minutes from the December 17, 2020, regular session.
4. Consider and take appropriate action on Resolution No. 21-01-14-01, a resolution of the City of Corinth, Texas approving an Interlocal Cooperation Agreement for Cooperative Purchasing with the City of Midlothian, Texas in accordance with Chapter 791 of the Texas Government Code and Chapter 271 of the Texas Local Government Code to avoid duplicative procurement efforts and to obtain volume purchasing; authorizing the City Manager to execute the Agreement and any related documents as required by the Agreement; and providing an effective date.
5. Consider and act on an Amendment to the fees for the Joint Election Contract with Denton County for the General and Special Elections held on November 3, 2020.
6. Consider and act on the ratification of a contract for architectural services between the City of Corinth and TBG Partners relating to designing landscaping and construction plans for a signature park in Agora for an amount not to exceed \$171,296.00.
7. Consider authorizing the appraisal the streetlight system within the city.

Council Member Henderson – Move to approve the Consent Agenda as presented. Mayor Pro Tem Burke seconded the motion.

AYES: Burke, Garber, Holzwarth, 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 citizen comments.

BUSINESS AGENDA:

8. Consider and act upon the Alternative Compliance Application for tree preservation on ±2.627 acres located at the southeast corner of Lake Sharon Drive and Tower Ridge Drive and just west of I-35 Frontage Road. (Magnolia Center #AC20-0002)

Ms. Mixell, Planning and Development Manager shared a presentation with the City Council for the Magnolia Center Alternative Compliance Application for tree preservation.

Magnolia Center: Alternative Compliance Request - Tree Preservation (#AC20-0002)



- Location: Near Lake Sharon Drive, Tower Ridge Drive, and west of I-35 Frontage Road
- Seeking approval of Alternative Compliance Application for Tree Preservation
- Planned Development rezoning and Preliminary Plat have already been approved
- Site Plan for Construction is under Administrative Review



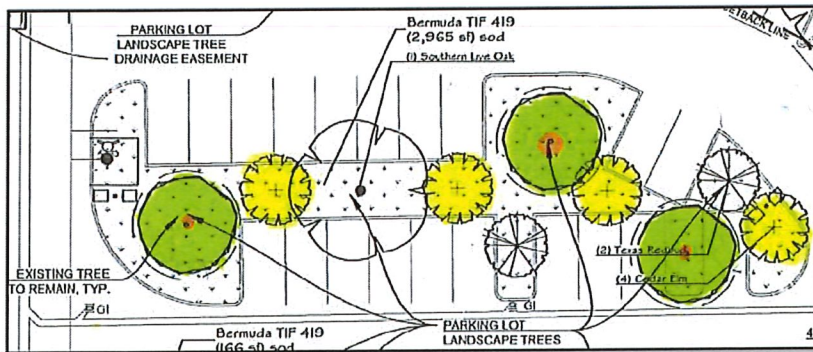


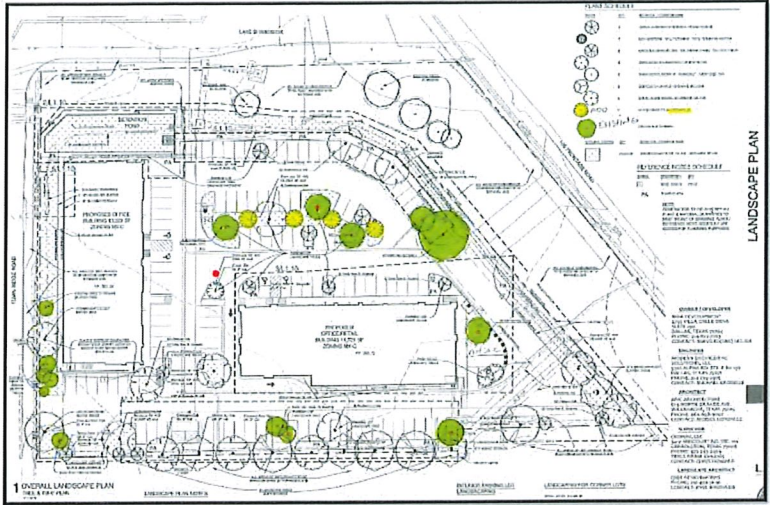
Site Plan Redesign

- Site Plan was redesigned to preserve 15 Protected Trees (300 caliper inches)
- To meet requirements, applicant is proposing:
 - Replacing four Protected Trees (12 caliper inches)
 - Offering fee-in-lieu of replacement totaling \$14,175.00
 - Fee would account for 106.5 caliper inches at \$150.00/caliper inch

Mitigation Proposal:

- (1) Add four 3" Caliper Cedar Elms totaling 12 Caliper Inches
- (2) Fee-in-Lieu-of Replacement of 106.5 Caliper Inches





D. Alternative Compliance Request: City Council may approve requests to (1) plant replacement trees and/or (2) make payment of a fee-in-lieu-of tree replacement.

	Number	Caliper Inches
1. Request: To plant "Replacement Trees" on the same property or on another property within City Limits. Note that proposed "Replacement Trees" shall be shown on a Landscape Plan and be distinguished from other required landscaping material e.g., Shall not include trees required per lot, in landscape buffers, etc., as required by other zoning and subdivision regulations.	4 - 3" CEDAR ELMS IN PARKING LOT ISLAND	12'
2. Request: Fee-in-Lieu-of Replacement of Protected Trees. Identify the criteria necessitating the request for payment of a fee in lieu of replacement fees. City Council May Approve on for developments which meet one of the following Criteria per Section 2.09.02.K.2.	CRITERIA D SELECTED	
Select one of the criteria listed below:	Caliper Inches	Fee-in-Lieu-of Amount*
a. Subdivision is heavily treed and the existing tree canopy would prohibit the growth of the replacement trees		
b. Required replacement trees were to be installed, the replacement trees would be planted under the canopy of any existing trees.		
c. Required replacement trees were to be installed, the economic viability of the property is compromised. (Ex. The value of mitigated trees exceeds the value of the property.)		
d. City has no available property for additional trees to be planted	94.5"	\$14,175.00
Total:	94.5"	\$14,175.00

*Reference City of Corinth Fee Schedule

Past Practice Example

- A 2019 Project was of similar acreage size, received the same 50% reduction for being heavily treed, and fell under past exemptions of Protected Tree exclusions
 - The fee was \$70.00/caliper inch (half the fee schedule amount)
- If this rate was kept, the Magnolia Center mitigation fee would be \$7,455.00, plus replacement of the four Protected Trees (12 caliper inches)

Staff Recommendation

- Staff recommends lowering the fee-in-lieu-of totaling \$7,455.00 and the four replacement trees
 - Prior application of tree preservation standards
 - Applicant's effort to preserve trees and redesign Site Plan
 - Promote commercial development
- Applicant is available for any questions

Mayor Pro Tem Burke - Move to approve the Alternative Compliance Application for tree preservation on ±2.627 acres located at the southeast corner of Lake Sharon Drive and Tower Ridge Drive and just west of I-35 Frontage Road. (Magnolia Center #AC20-0002). Council Member Pickens seconded the motion.

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

MOTION CARRIED

9. Consider and act on Resolution No. 21-01-14-02 to make appointments to the Board of Directors for Tax Increment Financing Reinvestment Zone Number Two, City of Corinth, Texas (TIRZ No.2).

City Manager Hart shared this was discussed during the workshop session and pertained to the agreement entered with Denton County for the TIRZ #2.

Council Member Henderson - Move to approve Resolution No.21-01-14-02 to make appointments to the Board of Directors for Tax Increment Financing Reinvestment Zone Number Two, City of Corinth Texas (TIRZ No.2). The Board Members are Michael Talley, Daniel Peugh, Kelly Sayre, Mayor Pro Tem Burke, Council Member Garber, and Council Member Holzwarth. Mayor Pro Tem Burke seconded the motion.

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

MOTION CARRIED

10. Consider and act on Resolution No. 21-01-14-03 establishing the city's legislative agenda and priorities for the 87th Session of the Texas Legislature to include special called sessions and the interim and providing for an effective date.

City Manager Hart requested adoption of a resolution outlining the legislative priority position. It is used as a communication measure for the members of the legislature. The content is derived from the Texas Municipal League and the North Texas Commission. He shared some of the item's legislation will review.

Mayor Pro Tem Burke - Move to approve Resolution No.21-01-14-03 establishing the city's legislative agenda and priorities for the 87th Session of the Texas Legislature to include special called sessions and the interim and providing for an effective date. Council Member Henderson seconded the motion.

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

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each Council Member the opportunity to provide general updates

and/or comments to fellow Council Members, 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 Council Member may direct that an item be added as a business item to any future agenda.

Ms. Henderson thanked Mr. Alexander, Economic Development Director and the City Council for the sign for the Lake Cities Chamber. She also shared a 'save the date' for Denton County Day's virtual event, tentatively for February 25th.

City Manager Hart shared the City has eleven employees out with Covid-19.

**Mayor Heidemann recessed the Regular Session at 7:29 P.M.
And immediately convened into Closed Session.**

CLOSED SESSION

The City Council will convene in closed session to consider any matters regarding 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.

- a. **Flood mitigation right of entry - ±38.825 acres located at 2455 Silver Meadow Lane, Corinth, Texas 76208.**

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. **Right-of-way consisting of 1.56 acres located at 6881 South I-35E and along Dobbs Road within the H. Garrison Survey, Abstract No. 507, within the City of Corinth, Denton County, Texas. (M/B)**
- b. **Right-of-way consisting of .198 acres located at 6801 S I-35E and 3404 Dobbs Road along Dobbs Road within the H. Garrison Survey, Abstract No. 507, within the City of Corinth, Denton County, Texas. (F)**
- c. **Being approximately 7 acres of land, more or less, located in the J.P. Walton Survey, Abstract No. 1389, City of Corinth, Denton County, Texas (H).**
- d. **Being approximately 13 acres of land, more or less, in the North Central Texas College Addition No. 2, Block A, Lot 1R (N).**

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.

a. Project Agora

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.

**Mayor Heidemann recessed Closed Session at 7:37 P.M.,
And immediately reconvened back into regular session at 7:37 P.M.**

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:37 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 4th day of February 2021.

Lana Wylie
Lana Wylie, City Secretary
City of Corinth, Texas

