



\*\*\*\* PUBLIC NOTICE \*\*\*\*

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING  
A WORKSHOP SESSION  
OF THE CITY OF CORINTH**

**Thursday, August 22, 2019, 5:45 P.M.  
CITY HALL - 3300 CORINTH PARKWAY**

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**CALL TO ORDER:**

**WORKSHOP BUSINESS AGENDA**

1. Receive a report, hold a discussion, and provide staff direction on the Fiscal Year 2019-2020 Annual Program of Services and Capital Improvement Program.
2. 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.

**ADJOURN WORKSHOP SESSION**

**\*NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

**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".**

**PRESENTATIONS/REPORTS:**

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

**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.

### **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.

### **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.
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."
  1. Staff Presentation
  2. Public Hearing Open
  3. Public Hearing Close
  4. Staff Recommendation
  5. Take Action
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.
  1. Staff Presentation
  2. Public Hearing Open
  3. Public Hearing Close
  4. Staff Recommendation
  5. Take Action

### **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.

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.

**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.

**CLOSED SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will recess into Executive Session (closed meeting) to discuss the following:

**Section 551.071.** Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re:----

- 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 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.**

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 Mayor or his designee to execute necessary documents.
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 Mayor or his designee to execute necessary documents.

**ADJOURN:**

Posted this 16th day of August, 2019 at 11:30 a.m. on the bulletin board at Corinth City Hall.

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Kimberly Pence, City Secretary  
City of Corinth, Texas

**WORKSHOP BUSINESS ITEM 1.**

**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** Annual Budget Workshop  
**Submitted For:** Lee Ann Bunselmeyer, Director  
**Submitted By:** Lee Ann Bunselmeyer, Director  
**City Manager Review:** Bob Hart, City Manager

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**AGENDA ITEM**

Receive a report, hold a discussion, and provide staff direction on the Fiscal Year 2019-2020 Annual Program of Services and Capital Improvement Program.

**AGENDA ITEM SUMMARY/BACKGROUND**

The City Charter, Section 9.02, requires that the City Manager be responsible for submitting an annual budget not later than sixty (60) days prior to the first day of the new fiscal year. In compliance with the Charter requirement, the Fiscal Year 2019-2020 budget was submitted to the Council by Tuesday, July 31, 2019 and can also be found on the City's website. This budget workshop is one of several for Council to deliberate on the Fiscal Year 2019-2020 annual budget and to provide staff direction.

The City's budget development procedures are in conformance with State Law outlined in the Truth in Taxation process. The complete budget timeline is provided below.

| Meeting Date     | Budget Agenda Item  |
|------------------|---|
| July 31          | Publication of the Proposed Annual Program of Services (Budget)   |
| August 1         | Council Workshop - Budget Overview  |
| August 8         | Council Workshop- Discuss Governmental Funds, Special Revenue & Fleet Replacement Program<br>Council vote on Published tax rate and to set the public hearing dates   |
| <b>August 22</b> | <b>Council Workshop on the Budget - Discuss Proprietary Funds &amp; Capital Improvement Program</b><br><b>Approve Crime Control &amp; Prevention District Budget</b><br><b>First Public Hearing on the Tax Rate</b> |
| September 5      | Council Workshop on the Budget<br>Second Public Hearing on the Tax Rate<br>Public Hearing on the Annual Budget  |
| September 19     | Adoption of the Annual Program of Services (Budget)<br>Adoption of the Tax Rates and Tax Rolls  |

**RECOMMENDATION**

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**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** Approve Crime Control & Prevention District Budget  
**Submitted For:** Lee Ann Bunselmeyer, Director  
**Submitted By:** Lee Ann Bunselmeyer, Director  
**Finance Review:** N/A **Legal Review:** Yes  
**City Manager Review:** Bob Hart, City Manager

**AGENDA ITEM**

Consider and act on the fiscal year 2019-2020 Proposed Budget for the City of Corinth Crime Control and Prevention District.

**AGENDA ITEM SUMMARY/BACKGROUND**

The Texas Local Government Code Sections 363.204 and 363.205 prescribe procedures for adoption of the crime control budget. Texas Local Government Code 363.204(f) permits the Board to develop and adopt procedures for adopting a budget different from the procedures as outlined in the statute. In 2009, the Board adopted an order establishing the following procedures.

- a) Board shall hold a public hearing on the proposed budget for the District. Any resident of the district is entitled to be present and participate in the hearing.
- b) Board shall publish a notice of the public hearing in a newspaper with general circulation in the district not later than the fifth (5th) day before the date of the hearing.
- c) The proposed budget shall be made available in the Office of the City Secretary for public inspection at least five (5) days prior to the public hearing
- d) After the public hearing, the Board may make any changes in the proposed budget that in its judgment, is in the interest of the taxpayers of the District. The Board may adopt the budget immediately following the public hearing or at any time within ten (10) days following the public hearing.
- e) The Secretary of the Board shall submit the adopted budget to the City Council of the City of Corinth not later than the 10th day after the date the budget is adopted.

Expenditures for the proposed 2019-2020 budget includes wages and benefits for two (2) sworn police officer positions (\$173,242) and funding for the Enterprise vehicle replacement program (\$203,986).

The ending fund balance is estimated at \$495,797 for the 2019-2020 fiscal year.

**RECOMMENDATION**

Staff recommends approval of the FY 2019-2020 Crime Control and Prevention Annual Budget.

**Attachments**

CCD Budget

**CRIME CONTROL & PREVENTION SALES TAX FUND**

**DESCRIPTION**

The Corinth Crime Control & Prevention tax is a special tax levied for crime control and prevention that allows the City to provide the citizens with professional and efficient police services. The Crime Control & Prevention District Fund was established on January 1, 2005. A special election was held on September 11, 2004 for the purpose of adopting a .25% local sales and use tax for crime control & prevention. An election on May 10, 2014 reauthorized the dedicated sales tax for another five years.

| <b>RESOURCE SUMMARY</b> | <b>2017-18<br/>ACTUAL</b> | <b>2018-19<br/>BUDGET</b> | <b>2018-19<br/>ESTIMATE</b> | <b>2019-20<br/>REQUESTED</b> | <b>2019-20<br/>PACKAGES</b> | <b>2019-20<br/>BUDGET</b> |
|-------------------------|---------------------------|---------------------------|-----------------------------|------------------------------|-----------------------------|---------------------------|
| Sales Tax               | \$ 362,534                | \$ 378,175                | \$ 378,175                  | \$ 389,520                   | \$ -                        | \$ 389,520                |
| Investment Income       | -                         | -                         | -                           | -                            | -                           | -                         |
| Interest Income         | 3,340                     | 1,500                     | 3,500                       | 2,000                        | -                           | 2,000                     |
| Miscellaneous           | -                         | -                         | -                           | -                            | -                           | -                         |
| Transfers               | -                         | -                         | -                           | -                            | -                           | -                         |
| <b>TOTAL REVENUES</b>   | <b>365,874</b>            | <b>\$ 379,675</b>         | <b>\$ 381,675</b>           | <b>\$ 391,520</b>            | <b>\$ -</b>                 | <b>\$ 391,520</b>         |
| Use of Fund Balance     | -                         | -                         | -                           | -                            | -                           | -                         |
| <b>TOTAL RESOURCES</b>  | <b>\$ 365,874</b>         | <b>\$ 379,675</b>         | <b>\$ 381,675</b>           | <b>\$ 391,520</b>            | <b>\$ -</b>                 | <b>\$ 391,520</b>         |

| <b>EXPENDITURE SUMMARY</b> | <b>2017-18<br/>ACTUAL</b> | <b>2018-19<br/>BUDGET</b> | <b>2018-19<br/>ESTIMATE</b> | <b>2019-20<br/>REQUESTED</b> | <b>2019-20<br/>PACKAGES</b> | <b>2019-20<br/>BUDGET</b> |
|----------------------------|---------------------------|---------------------------|-----------------------------|------------------------------|-----------------------------|---------------------------|
| Wages & Benefits           | \$ 175,929                | \$ 168,235                | \$ 168,231                  | \$ 173,242                   | \$ -                        | \$ 173,242                |
| Professional Fees          | -                         | -                         | -                           | -                            | -                           | -                         |
| Maint. & Operations        | -                         | -                         | -                           | -                            | -                           | -                         |
| Supplies                   | 22,537                    | 125                       | 125                         | -                            | -                           | -                         |
| Utilities                  | -                         | -                         | -                           | -                            | -                           | -                         |
| Communications             | -                         | -                         | -                           | -                            | -                           | -                         |
| Vehicle & Fuel             | -                         | -                         | -                           | -                            | -                           | -                         |
| Training                   | -                         | -                         | -                           | -                            | -                           | -                         |
| Capital Outlay             | 5,249                     | 24,524                    | 24,524                      | -                            | -                           | -                         |
| Capital Lease              | 39,945                    | 160,400                   | 160,400                     | 203,986                      | -                           | 203,986                   |
| Transfers                  | -                         | -                         | -                           | -                            | -                           | -                         |
| <b>TOTAL EXPENDITURES</b>  | <b>\$ 243,661</b>         | <b>\$ 353,284</b>         | <b>\$ 353,280</b>           | <b>\$ 377,228</b>            | <b>\$ -</b>                 | <b>\$ 377,228</b>         |

| <b>PROJECTED FUND BALANCE<br/>REVIEW</b> | <b>2017-18<br/>ACTUAL</b> | <b>2018-19<br/>BUDGET</b> | <b>2018-19<br/>ESTIMATE</b> | <b>2019-20<br/>REQUESTED</b> | <b>2019-20<br/>PACKAGES</b> | <b>2019-20<br/>BUDGET</b> |
|--|---------------------------|---------------------------|-----------------------------|------------------------------|-----------------------------|---------------------------|
| Beginning Fund Balance                   | \$ 330,897                | \$ 453,110                | \$ 453,110                  | \$ 481,505                   | \$ -                        | \$ 481,505                |
| Net Income                               | 122,213                   | 26,391                    | 28,395                      | 14,292                       | -                           | 14,292                    |
| <b>ENDING FUND BALANCE</b>               | <b>453,110</b>            | <b>\$ 479,501</b>         | <b>\$ 481,505</b>           | <b>\$ 495,797</b>            | <b>\$ -</b>                 | <b>\$ 495,797</b>         |

| <b>FTE<br/>(Full-Time Equivalents)</b> | <b>2017-18<br/>ACTUAL</b> | <b>2018-19<br/>BUDGET</b> | <b>2018-19<br/>ESTIMATE</b> | <b>2019-20<br/>REQUESTED</b> | <b>2019-20<br/>CHANGES</b> | <b>2019-20<br/>BUDGET</b> |
|--|---------------------------|---------------------------|-----------------------------|------------------------------|----------------------------|---------------------------|
| Sworn/Civil Service                    | 2.00                      | 2.00                      | 2.00                        | 2.00                         | -                          | 2.00                      |
| <b>TOTAL</b>                           | <b>2.00</b>               | <b>2.00</b>               | <b>2.00</b>                 | <b>2.00</b>                  | <b>-</b>                   | <b>2.00</b>               |

**NEW PROGRAM FUNDING**

There is no new program funding.

**CONSENT ITEM 2.**

**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** Credit Card Fee Ordinance  
**Submitted For:** Lee Ann Bunselmeyer, Director  
**Submitted By:** Lee Ann Bunselmeyer, Director  
**Finance Review:**  
**City Manager Review: Approval:** Bob Hart, City Manager  
**Strategic Goals:** Citizen Engagement & Proactive Government

**Legal Review:**

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**AGENDA ITEM**

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.

**AGENDA ITEM SUMMARY/BACKGROUND**

The attached amendment to the Master Fee Schedule incorporates changing the current fee structure from a flat, fixed fee to a percentage base for Planning & Permitting fees. Based on the past year's experience, the \$3.95 per transaction flat fee does not recover the costs associated with this service. Staff is proposing changing the fee to 2.00% for all transactions (face-to-face, phone and on-line). All other transactions for court, utility billing, police and fire would remain at \$3.95 per on-line and phone transaction.

**RECOMMENDATION**

Staff recommends that the City Council approve an amendment to the Master Fee Schedule modifying the credit card processing fee for Planning & Development fees from \$3.95 to 2.00% for both face-to-face and on-line transactions effective October 1, 2019.

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**Attachments**

Ordinance

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**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF CORINTH, TEXAS, AMENDING THE CODE OF ORDINANCES TO REVISE THE CREDIT CARD PAYMENT PROCESSING FEE; AMENDING THE MASTER FEE SCHEDULE TO REFLECT THE SAME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Section 132.002 of the Texas Local Government Code provides that the governing body of a municipality may authorize a municipal official who collects fees, fines, court costs or other charges to accept payment for these by credit card; and

**WHEREAS**, Section 132.002 also provides that the official may also collect a fee for processing the payment by credit card; and

**WHEREAS**, the City Council desires to amend the code of ordinances and the fee schedule to establish a credit card payment processing fee for fees, fines, court costs or other charges paid by credit card; and

**WHEREAS**, the City Council desires to set the credit card payment fee at an amount that is reasonably related to the expenses that are incurred by the City when municipal officials process the payment by credit card.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CORINTH, TEXAS:**

**SECTION 1**

That the existing Chapter 38 of the Code of Ordinances of the City of Corinth, Texas, entitled "City Policies and Fees" is hereby amended by adding a Section 38.21 to that Chapter to read as follows:

**§ 38.21 PROCESSING FEES FOR PAYMENT BY CREDIT CARD**

(A) A municipal official who is authorized to collect fees, fines, court costs or any other types of charges on behalf of the city may accept payment for any such fee, fine, court cost or other charge by credit card.

(B) A municipal official who collects payment of any fee, fine, court cost or other charge, excluding planning and development fees shall collect a processing

fee that is a flat fee of the fee, fine, court cost or other charge paid by credit card either on-line or by phone. The flat fee is set forth in the Master Fee Schedule, Section 39.01 of this Code, provided, however, that the processing fee shall not exceed \$3.95 per transaction.

(C) A municipal official who collects payment of any fee, fine, cost or other charges for planning and development fees shall collect a processing fee that is a percentage fee of the fee, fine, cost or other charge paid by credit card either in person, on-line or phone. The percentage fee is set forth in the Master Fee Schedule, Section 39.01 of this Code, provided, however, that the processing fee shall not exceed 2.00% per transaction.

(D) If, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn, the city shall collect a service charge from the person who owes the fee, fine, court cost or other charge in addition to the original fee, fine, court cost or other charge. The amount of the service charge shall equal the fee charged for the collection of a check drawn on an account with insufficient funds as set forth in Section 38.03 and the Master Fee Schedule, Section 39.01 of this Code.

(E) The municipal official collecting the processing fee or service charge under this chapter shall deposit the fee or charge in the general fund of the municipality.

## SECTION 2

That the existing Chapter 39 of the Code of Ordinances of the City of Corinth, Texas, Section 39.01, entitled “Master Fee Schedule,” is hereby amended by adding under the section of the table regarding “Miscellaneous Fees,” the following:

| Section Referenced | Category   | Fee  |
|--------------------|--|--|
| § 38.21            | 16. Credit Card Payments                           | \$3.95 per transaction for on-line or phone                      |
| § 38.21            | 16.a Credit Card Payments – Planning & Development | 2.00% per transaction for either face-to-face, on-line or phone. |

## SECTION 3

This Ordinance shall be cumulative of all provisions of the City of Corinth, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such

Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 4**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and Sections of this Ordinance are severable and if any phrase, clause, sentence, paragraph or Section of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Ordinance since the same could have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

**SECTION 5**

All rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of any Ordinances affecting fees charged by the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 6**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Bill Heidemann, Mayor

ATTEST:

\_\_\_\_\_  
Kim Pence, City Secretary

APPROVED AS TO FORM:

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City Attorney

**CONSENT ITEM 3.**

**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** UTRWD pre-purchase materials per Inter-local agreement  
**Submitted For:** Helen-Eve Liebman, Director **Submitted By:** George Marshall, Engineer  
**Finance Review:** Yes **Legal Review:** N/A  
**City Manager Review:** **Approval:** Bob Hart, City Manager  
**Strategic Goals:** Infrastructure Development  
Citizen Engagement & Proactive  
Government  
Regional Cooperation

**AGENDA ITEM**

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.

**AGENDA ITEM SUMMARY/BACKGROUND**

The Extension of Lake Sharon from Oakmont to FM 2499 included the realignment of a 20" UTRWD water line. This work was originally in the contract with MCM. However their failure to complete the work before the City's high water use season (spring/summer) of 2018 caused the City to delay this work till December 2018. During that delay time, MCM expressed their interest in not completing the entire project. Therefore, the City explored other options to get the necessary water relocation work performed during the low water use season (fall/winter). The City worked with UTRWD to devise a plan to execute this work. Our engineer re-designed the bypass work and provide bid documents to UTRWD for their use in obtaining bids for the work. This work was outlined in the Inter-local Agreement Amendment No. 1. During the same time UTRWD was receiving bids, the subcontractor for MCM, Wildstone, approached City staff expressing their interest in performing the bypass work, the remainder of their subcontracted work and possibly performing the remainder of the entire project.

At the December 6, 2018, council meeting the Inter-local Agreement Amendment No. 1 was ratified by council. In the interest of time, after approval of the revised agreement, UTRWD procured the necessary time critical items to perform the work. Due to design changes in the re-bid process the materials were not contained within the original contract with MCM. When UTRWD received the bids for the relocation work, the bids came back quite high. Much higher than the original contract items. Therefore, the City with legal recommendation determined a path forward utilizing Wildstone to perform the remainder of their work. Due to the design changes, the procured materials were utilized by Wildstone for the bypass work. The bypass work was successfully completed prior to our March 1, 2019, deadline based on anticipated increase water usage by the community.

**RECOMMENDATION**

Staff recommends approval of payment to UTRWD in the amount of \$62,118.47 for the materials procured for the bypass work on the Lake Sharon Extension project.

**Attachments**

Material Invoice



**DISTRICT COPY**  
(PLEASE RETURN THIS COPY WITH PAYMENT)

REGIONAL WATER DISTRICT

**City of Corinth**

**RTWS**

Statement for reimbursement of materials purchased for Lake Sharon Pipeline project

**Statement Date: 4/22/2019**

**Invoice No: LS101904**

| Description                                  | QTY | Unit Price   | Ext. Price          |
|--|-----|--------------|---------------------|
| Materials purchased for Lake Sharon Pipeline | 1   | \$ 62,118.47 | \$ 62,118.47        |
| <b>Charge Due</b>                            |     |              | <b>\$ 62,118.47</b> |

**Total Amount Due This Bill**

**\$ 62,118.47**

**Please Pay By:**

**5/12/2019**



# STATEMENT

P.O. Box 305 • Lewisville, TX 75067

(972) 219-1228 • Fax (972) 221-9896

**City of Corinth**

**RTWS**

Statement for reimbursement of materials purchased for Lake Sharon Pipeline project

**Statement Date: 4/22/2019**

**Invoice No: LS101904**

| Description                                  | QTY | Unit Price   | Ext. Price   |
|--|-----|--------------|--------------|
| Materials purchased for Lake Sharon Pipeline | 1   | \$ 62,118.47 | \$ 62,118.47 |
| Charge Due                                   |     |              | \$ 62,118.47 |

**Total Amount Due This Bill**

**\$ 62,118.47**

**Please Pay By:**

**5/12/2019**



PURCHASE ORDER

P.O. Drawer 305 • Lewisville, TX 75067

REGIONAL WATER DISTRICT

(972) 219-1228 • Fax (972) 221-9896

PURCHASE ORDER # 19-03661

1/11/2019

SHIP TO:

UTRWD  
900 N. KEALY ST.  
LEWISVILLE, TX 75057  
MAINTENANCE BUILDING

ISSUED TO:

VEND #: 99-00448      REQ #19-03661  
FEI - DALLAS WATERWORKS #7  
12500 JEFFERSON AVE.  
NEWPORT NEWS, VA 23602

| UNITS  | DESCRIPTION        | G/L ACCOUNT  |                      | PRICE    | AMOUNT    |
|--------|--------------------|--------------|----------------------|----------|-----------|
| 4.00   | 20" MJ 45 BEND     | 21 -52L-4751 | PIPELINE MAINTENANCE | 389.22   | 1,556.88  |
| 4.00   | 20" MJ LONG SLEEVE | 21 -52L-4751 | PIPELINE MAINTENANCE | 353.39   | 1,413.56  |
| 2.00   | 20" MJ T           | 21 -52L-4751 | PIPELINE MAINTENANCE | 665.05   | 1,330.10  |
| 4.00   | 20" MJ GATE VALVE  | 21 -52L-4751 | PIPELINE MAINTENANCE | 9,914.15 | 39,656.60 |
| 1.00   | 20" FLG COUP ADPT  | 21 -52L-4751 | PIPELINE MAINTENANCE | 1,183.24 | 1,183.24  |
| 34.00  | 20" MEGALUG SET    | 21 -52L-4751 | PIPELINE MAINTENANCE | 283.88   | 9,651.92  |
| 100.00 | 20" CL350 DI PIPE  | 21 -52L-4751 | PIPELINE MAINTENANCE | 59.49    | 5,949.00  |
| 2.00   | 20" MJ SLD PLUG    | 21 -52L-4751 | PIPELINE MAINTENANCE | 298.09   | 596.18    |

PURCHASE OF PIPE AND VARIOUS FITTINGS FROM FERGUSON WATERWORKS FOR THE UPPER TRINITY REGIONAL WATER DISTRICT (LAKE SHARON). SEE QUOTE #788, DATED 1/11/19 FOR COMPLETE SCOPE OF WORK. NO CHARGES AUTHORIZED ABOVE \$61,337.48 WITHOUT WRITTEN APPROVAL. PRODUCTS DELIVERED FOB: DESTINATION. PAYMENT TERMS: NET 30. QUESTIONS REGARDING THIS PURCHASE ORDER SHOULD BE DIRECTED TO THE DISTRICT'S PURCHASING STAFF AT 972-219-1228 OR PURCHASING@UTRWD.COM.



\*\*\* TOTAL \*\*\*

61,337.48

ORDERED BY : JEREMY SANDER

APPROVED BY: PURCHASING DEPT.





UPPER TRINITY REGIONAL WATER DISTRICT

WATER PROJECT FUND  
P.O. DRAWER 305  
LEWISVILLE, TX 75067  
(972) 219-1228

WELLS FARGO BANK TEXAS, N.A.  
101 S. LOCUST ST.  
DENTON, TX 76201  
www.wellsfargo.com  
888-303-7268  
37-65/1119

005489

005489

2/15/2019

PAY TO THE  
ORDER OF

FEI - DALLAS WATERWORKS #788

\$ 10,845.72

----- TEN THOUSAND EIGHT HUNDRED FORTY FIVE & 72/100 DOLLARS ----- DOLLARS

FEI - DALLAS WATERWORKS #788  
PO BOX 847411  
DALLAS, TX 75284-7411

  
AUTHORIZED SIGNATURE

MEMO

⑈005489⑈ ⑆⑆⑆⑆900659⑆569044027⑆⑈

UPPER TRINITY REGIONAL WATER DISTRICT

005489

VEND:00448 FEI - DALLAS WATERWORKS #788

005489 2/15/2019

| DATE      | I.D.    | PO #     | DESCRIPTION | AMOUNT   |
|-----------|---------|----------|-------------|----------|
| 1/18/2019 | 1003957 | 19-03661 | FERGUSON    | 4,896.72 |
| 1/25/2019 | 1003966 | 19-03661 | FERGUSON    | 5,949.00 |

**COPY FOR YOUR  
INFORMATION**

STUB TOTAL 10,845.72  
CHECK TOTAL 10,845.72

949

UPPER TRINITY REGIONAL WATER DISTRICT

005489

VEND:00448 FEI - DALLAS WATERWORKS #788

005489 2/15/2019

| DATE      | I.D.    | PO #     | DESCRIPTION | AMOUNT   |
|-----------|---------|----------|-------------|----------|
| 1/18/2019 | 1003957 | 19-03661 | FERGUSON    | 4,896.72 |
| 1/25/2019 | 1003966 | 19-03661 | FERGUSON    | 5,949.00 |

CHECK TOTAL 10,845.72

# FERGUSON®

## WATERWORKS

FERGUSON WATERWORKS #788  
 2650 SOUTH PIPELINE RD  
 EULESS, TX 76040-6633

Please contact with Questions: 817-267-3900

10710 1 MB 0.428 E0148 I0270 D4462963404 S2 P6092954 0002:0002



UPPER TRINITY REGIONAL W D  
 19-03361 20" LINE  
 PO BOX 305  
 LEWISVILLE TX 75067-0305

| INVOICE NUMBER | TOTAL DUE  | CUSTOMER | PAGE   |
|----------------|------------|----------|--------|
| 1003957        | \$4,896.72 | 35798    | 1 of 1 |

**PLEASE REFER TO INVOICE NUMBER WHEN MAKING PAYMENT AND REMIT TO:**

FERGUSON WATERWORKS #788  
 PO BOX 847411  
 DALLAS, TX 75284-7411

SHIP TO:

UPPER TRINITY REGIONAL W D  
 900 N KEALY ST  
 LEWISVILLE, TX 75057

| SHIP WHSE.   | SELL WHSE. | TAX CODE    | CUSTOMER ORDER NUMBER   | SALESMAN   | JOB NAME | INVOICE DATE   | BATCH    |
|--|------------|-------------|-------------------------|------------|----------|----------------|----------|
| 3081   | 3081       | TXE         | 19-03661                | DPA        |          | 01/18/19       | ID 46426 |
| ORDERED  | SHIPPED    | ITEM NUMBER | DESCRIPTION             | UNIT PRICE | UM       | AMOUNT         |          |
| 4  | 4          | MJ4LA20     | 20 MJ C153 45 BEND L/A  | 389.220    | EA       | 1556.88        |          |
| 4  | 4          | MJLS20      | 20 MJ C153 LONG SLV W/A | 353.390    | EA       | 1413.56        |          |
| 2  | 2          | MJTLA20     | 20 MJ C153 TEE L/A      | 665.050    | EA       | 1330.10        |          |
| 2  | 2          | MJSP20      | 20 MJ C153 SLD PLUG     | 298.090    | EA       | 596.18         |          |
| <b>INVOICE SUB-TOTAL</b>   |            |             |                         |            |          | <b>4896.72</b> |          |
| <p>LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH *NP IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.</p> |            |             |                         |            |          |                |          |
| <p><b>RECEIVED</b><br/>                 FEB 08 2019</p> <p><b>RECEIVED</b><br/>                 FEB - 6 2019<br/>                 IN ACCOUNTING</p> <p><i>ADM 2/6/19</i><br/> <i>RS 2/7/19</i><br/> <i>MJ</i><br/> <i>02/07/19</i></p>   |            |             |                         |            |          |                |          |

**Thank you for your business**



|                      |                  |           |            |
|----------------------|------------------|-----------|------------|
| TERMS: NET 10TH PROX | ORIGINAL INVOICE | TOTAL DUE | \$4,896.72 |
|----------------------|------------------|-----------|------------|

All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale> incorporated by reference. Seller may convert checks to ACH.

# FERGUSON®

## WATERWORKS

FERGUSON WATERWORKS #788  
 2650 SOUTH PIPELINE RD  
 EULESS, TX 76040-6633

Please contact with Questions: 817-267-3900

| INVOICE NUMBER | TOTAL DUE  | CUSTOMER | PAGE   |
|----------------|------------|----------|--------|
| 1003966        | \$5,949.00 | 35798    | 1 of 1 |

PLEASE REFER TO INVOICE NUMBER WHEN  
 MAKING PAYMENT AND REMIT TO:

FERGUSON WATERWORKS #788  
 PO BOX 847411  
 DALLAS, TX 75284-7411

10710 1 MB 0.428 E0148X I0269 D4462897360 S2 P6092954 0001:0002



UPPER TRINITY REGIONAL W D  
 19-03361 20" LINE  
 PO BOX 305  
 LEWISVILLE TX 75067-0305

SHIP TO:

UPPER TRINITY REGIONAL W D  
 900 N KEALY ST  
 LEWISVILLE, TX 75057

| SHIP WHSE.  | SELL WHSE. | TAX CODE    | CUSTOMER ORDER NUMBER       | SALESMAN   | JOB NAME | INVOICE DATE | BATCH ID |
|---|------------|-------------|-----------------------------|------------|----------|--------------|----------|
| 3081  | 3081       | TXE         | 19-03661                    | DPA        |          | 01/25/19     | 46486    |
| ORDERED   | SHIPPED    | ITEM NUMBER | DESCRIPTION                 | UNIT PRICE | UM.      | AMOUNT       |          |
| 100   | 100        | AFT350P20   | 20 CL350 CL DI FASTITE PIPE | 59.490     | FT       | 5949.00      |          |
| INVOICE SUB-TOTAL   |            |             |                             |            |          | 5949.00      |          |
| <p>LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH "NP" IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.</p> |            |             |                             |            |          |              |          |
| <p><b>RECEIVED</b><br/>                 FEB 4 2019</p> <p><b>ENTERED</b><br/>                 FEB 08 2019</p> <p><b>RECEIVED</b><br/>                 FEB -6 2019<br/>                 IN ACCOUNTING</p> <p><i>MS 02/07/19</i></p> <p><i>Agm 2/6/19</i><br/> <i>KS 2/7/19</i></p>   |            |             |                             |            |          |              |          |
| <p><b>Thank you for your business</b></p>   |            |             |                             |            |          |              |          |

|                      |                  |           |            |
|----------------------|------------------|-----------|------------|
| TERMS: NET 10TH PROX | ORIGINAL INVOICE | TOTAL DUE | \$5,949.00 |
|----------------------|------------------|-----------|------------|

All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.

UPPER TRINITY REGIONAL WATER DISTRICT

WATER PROJECT FUND  
P.O. DRAWER 305  
LEWISVILLE, TX 75067  
(972) 219-1228

WELLS FARGO BANK TEXAS, N.A.  
101 S. LOCUST ST.  
DENTON, TX 76201  
www.wellsfargo.com  
888-303-7268  
37-65/1119

005507

005507

3/08/2019

PAY TO THE  
ORDER OF

FEI - DALLAS WATERWORKS #788

\$ 10,835.16

----- TEN THOUSAND EIGHT HUNDRED THIRTY FIVE & 16/100 DOLLARS ----- DOLLARS

FEI - DALLAS WATERWORKS #788  
PO BOX 847411  
DALLAS, TX 75284-7411

  
AUTHORIZED SIGNATURE

MEMO

⑈005507⑈ ⑆⑆⑆⑆⑆900659⑆569044027⑆⑈

UPPER TRINITY REGIONAL WATER DISTRICT

005507

VEND:00448 FEI - DALLAS WATERWORKS #788

005507 3/08/2019

| DATE      | I.D.    | PO #     | DESCRIPTION | AMOUNT   |
|-----------|---------|----------|-------------|----------|
| 2/04/2019 | 1003962 | 19-03661 | FERGUSON    | 9,651.92 |
| 2/06/2019 | 1003965 | 19-03661 | FERGUSON    | 1,183.24 |

**COPY FOR YOUR  
INFORMATION**

STUB TOTAL 10,835.16  
CHECK TOTAL 10,835.16

9499

UPPER TRINITY REGIONAL WATER DISTRICT

005507

VEND:00448 FEI - DALLAS WATERWORKS #788

005507 3/08/2019

| DATE      | I.D.    | PO #     | DESCRIPTION | AMOUNT   |
|-----------|---------|----------|-------------|----------|
| 2/04/2019 | 1003962 | 19-03661 | FERGUSON    | 9,651.92 |
| 2/06/2019 | 1003965 | 19-03661 | FERGUSON    | 1,183.24 |

CHECK TOTAL 10,835.16

# FERGUSON® WATERWORKS

FERGUSON WATERWORKS #788  
2650 SOUTH PIPELINE RD  
EULESS, TX 76040-6633

Please contact with Questions: 817-267-3900 FEB 18 2019

Wgt# 19-2447

| INVOICE NUMBER | TOTAL DUE  | CUSTOMER | PAGE   |
|----------------|------------|----------|--------|
| 1003962        | \$9,651.92 | 35798    | 1 of 1 |

PLEASE REFER TO INVOICE NUMBER WHEN  
MAKING PAYMENT AND REMIT TO:

FERGUSON WATERWORKS #788 *Logged*  
PO BOX 847411  
DALLAS, TX 75284-7411

8010 1 MB 0.428 E0271X I0611 D4512984028 S2 P6139926 0001:0001



UPPER TRINITY REGIONAL W D  
19-03361 20" LINE  
PO BOX 305  
LEWISVILLE TX 75067-0305

SHIP TO:

UPPER TRINITY REGIONAL W D  
900 N KEALY ST  
LEWISVILLE, TX 75057

| SHIP WHSE. | SELL WHSE. | TAX CODE | CUSTOMER ORDER NUMBER | SALESMAN | JOB NAME | INVOICE DATE | BATCH    |
|------------|------------|----------|-----------------------|----------|----------|--------------|----------|
| 3081       | 3081       | TXE      | 19-03661              | DPA      |          | 02/04/19     | ID 46562 |

| ORDERED           | SHIPPED | ITEM NUMBER | DESCRIPTION              | UNIT PRICE | UM | AMOUNT  |
|-------------------|---------|-------------|--------------------------|------------|----|---------|
| 34                | 34      | E1120AS     | 20 MEGALUG ACC SET F/ DI | 283.880    | EA | 9651.92 |
| INVOICE SUB-TOTAL |         |             |                          |            |    | 9651.92 |

LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION PRODUCTS WITH \*NP IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.

RECEIVED  
FEB 28 2019  
IN ACCOUNTING

ENTERED  
MAR 1 2019

DATE: 2/22/19  
AMT:\$ 9651.92 CODE: 21-52L-4751  
AMT:\$ \_\_\_\_\_ CODE: \_\_\_\_\_  
RECEIVED BY: [Signature]  
APPROVED BY: [Signature] 2/22/19

*MJ*  
*02/23/19*

*JE TAW*  
*2-28-19*

Thank you for your business



|                      |                  |           |            |
|----------------------|------------------|-----------|------------|
| TERMS: NET 10TH PROX | ORIGINAL INVOICE | TOTAL DUE | \$9,651.92 |
|----------------------|------------------|-----------|------------|

All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.

# FERGUSON® WATERWORKS

FERGUSON WATERWORKS #788  
2650 SOUTH PIPELINE RD  
EULESS, TX 76040-6633

Please contact with Questions: 817-267-3900

FEB 19 2019

109#19-2448

| INVOICE NUMBER | TOTAL DUE  | CUSTOMER | PAGE   |
|----------------|------------|----------|--------|
| 1003965        | \$1,183.24 | 35798    | 1 of 1 |

PLEASE REFER TO INVOICE NUMBER WHEN  
MAKING PAYMENT AND REMIT TO:

FERGUSON WATERWORKS #788  
PO BOX 847411  
DALLAS, TX 75284-7411

*Logged*

SHIP TO:

UPPER TRINITY REGIONAL W D  
900 N KEALY ST  
LEWISVILLE, TX 75057

11281 1 AB 0.412 E0097X I0202 D4517208700 S2 P6143346 0001:0001



UPPER TRINITY REGIONAL W D  
19-03361 20" LINE  
PO BOX 305  
LEWISVILLE TX 75067-0305



| SHIP WHSE. | SELL WHSE. | TAX CODE | CUSTOMER ORDER NUMBER | SALESMAN | JOB NAME | INVOICE DATE | BATCH    |
|------------|------------|----------|-----------------------|----------|----------|--------------|----------|
| 3081       | 3081       | TXE      | 19-03661              | DPA      |          | 02/06/19     | ID 46585 |

| ORDERED                  | SHIPPED | ITEM NUMBER     | DESCRIPTION                  | UNIT PRICE | UM | AMOUNT         |
|--------------------------|---------|-----------------|------------------------------|------------|----|----------------|
| 1                        | 1       | S91321602000003 | 20 FLG COUP ADPT 21.48-21.69 | 1183.240   | EA | 1183.24        |
| <b>INVOICE SUB-TOTAL</b> |         |                 |                              |            |    | <b>1183.24</b> |

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ORDERED

MAR 1 2019

*MM*  
*03/16/19*

DATE: 2/22/19  
 AMT: \$ 1,183.24 CODE: 21-52L-4751  
 AMT: \$ \_\_\_\_\_ CODE: \_\_\_\_\_  
 RECEIVED BY: [Signature]  
 APPROVED BY: Adam [Signature]  
[Signature] 2/20/19

*OK TSW*  
*2-28-19*

RECEIVED  
FEB 28 2019  
IN ACCOUNTING

Thank you for your business



|                   |                  |           |            |
|-------------------|------------------|-----------|------------|
| MS: NET 10TH PROX | ORIGINAL INVOICE | TOTAL DUE | \$1,183.24 |
|-------------------|------------------|-----------|------------|

past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <http://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.

UPPER TRINITY REGIONAL WATER DISTRICT

WATER PROJECT FUND  
P.O. DRAWER 305  
LEWISVILLE, TX 75067  
(972) 219-1228

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101 S. LOCUST ST.  
DENTON, TX 76201  
www.wellstargo.com  
888-303-7268  
37-65/1119

005517

005517

3/15/2019

PAY TO THE  
ORDER OF

FEI - DALLAS WATERWORKS #788

\$ 40,437.59

--- FORTY THOUSAND FOUR HUNDRED THIRTY SEVEN & 59/100 DOLLARS --- DOLLARS

FEI - DALLAS WATERWORKS #788  
PO BOX 847411  
DALLAS, TX 75284-7411

  
AUTHORIZED SIGNATURE

MEMO

⑈005517⑈ ⑆111900659⑆5690440271⑈

UPPER TRINITY REGIONAL WATER DISTRICT

005517

VEND:00448 FEI - DALLAS WATERWORKS #788

005517 3/15/2019

| DATE      | I.D.    | PO #     | DESCRIPTION | AMOUNT    |
|-----------|---------|----------|-------------|-----------|
| 2/15/2019 | 1003959 | 19-03661 | FERGUSON    | 40,437.59 |

**COPY FOR YOUR  
INFORMATION**

STUB TOTAL 40,437.59  
CHECK TOTAL 40,437.59

945

UPPER TRINITY REGIONAL WATER DISTRICT

005517

VEND:00448 FEI - DALLAS WATERWORKS #788

005517 3/15/2019

| DATE      | I.D.    | PO #     | DESCRIPTION | AMOUNT    |
|-----------|---------|----------|-------------|-----------|
| 2/15/2019 | 1003959 | 19-03661 | FERGUSON    | 40,437.59 |





**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** First Public Hearing on Tax Rate  
**Submitted For:** Lee Ann Bunselmeyer, Director  
**Submitted By:** Lee Ann Bunselmeyer, Director  
**Finance Review:** N/A **Legal Review:** Yes  
**City Manager Review:** Bob Hart, City Manager

---

**AGENDA ITEM**

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.

**AGENDA ITEM SUMMARY/BACKGROUND**

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.

**RECOMMENDATION**

**Please Read the statement below prior to opening the Public Hearing:**

This is the first of two public hearings to discuss the FY 2019-2020 proposed tax rate of \$.54500 that represents a \$0.015 tax increase from the FY 2018-2019 tax rate of \$.53000. The second Public Hearing will be held on September 5, 2019, at 7:00 p.m., at the Corinth Municipal Council Chambers, located at 3300 Corinth Parkway, Corinth, Texas.

The City Council will vote on both the FY 2019-2020 Proposed Budget and the proposed tax rate at a meeting scheduled on September 19, 2019, at 7:00 p.m., located at the Corinth Municipal Council Chambers at 3300 Corinth Parkway, Corinth, Texas.

Once the Public Hearing is opened, the public is encouraged to express their views.

---

**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** Platting Procedure Update related to state law change  
**Submitted For:** Helen-Eve Liebman, Director                      **Submitted By:** Ben Rodriguez, Manager  
**Finance Review:** N/A    **Legal Review:** Yes  
**City Manager Review:** **Approval:** Bob Hart, City Manager  
**Strategic Goals:** Land Development

---

**AGENDA ITEM**

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."

1. Staff Presentation
2. Public Hearing Open
3. Public Hearing Close
4. Staff Recommendation
5. Take Action

**AGENDA ITEM SUMMARY/BACKGROUND**

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.

**RECOMMENDATION**

Staff recommends approval of the ordinance as presented.

---

**Attachments**

Platting Procedure Ordinance

---

ORDINANCE NO. \_\_\_\_\_

**SUBDIVISION PROCEDURE UPDATE RELATED TO H.B. 3167**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING SECTION 3 “SUBDIVISION REGULATIONS” OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter and the laws of the state of Texas; and

**WHEREAS**, the City is authorized to adopt regulations for the peace and welfare of the City and the order and security of its residents; and

**WHEREAS**, H.B. 3167 as signed by the Governor on June 14, 2019 places statutory time requirements for plat approvals; and

**WHEREAS**, the City Council of the City of Corinth finds amending the city’s plat review and approval procedures are necessary to comply with H.B. 3167 prior to September 1, 2019; and

**WHEREAS**, the City Council finds that the procedures set forth herein promote order and the safe construction and occupation of structures and such regulations reasonably promote the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2**  
**AMENDMENTS**

2.01 That Section 3.02.01 “Applicability, Completeness, and Expiration” of Subsection 3.02 “Subdivision Submittal and Processing Procedures” of Section 3, “Subdivision Regulations” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, “Subdivision Regulations” not specifically amended hereby shall remain in full force and effect without amendment:

**“3.02.01 Plat processing procedures”**

**A. Definitions.** The following definitions apply to the provisions of this Ordinance:

(a) “Administrative Official” or “Official” means the administrative official(s) designated by the Subdivision Ordinance, or otherwise designated by the City, as the person(s) responsible for reviewing and evaluating Plats, Subdivision Plans, and Subdivision Applications under this Article, the City’s Subdivision Ordinance, and other applicable City ordinances and state law, including such person(s) authorized designee.

(b) “City” means the City of Corinth, Texas

(c) “City Council” means the City Council of the City of Corinth, Texas.

(d) “Design Standards” means the Design Criteria and Construction Standards” adopted as part of The Unified Development Code of the Code of Ordinances of the City of Corinth, Texas.

(e) “Planning Commission” means the Planning and Zoning Commission of the City of Corinth as designated by the City Charter and is also referred to herein as “Commission”.

(f) “Plat” means a preliminary plat, general plan (including a master plan or plat), final plat, and replat. The terms preliminary plat, general plan, final plat and replat may be referred to individually, and each shall have the meaning set forth in the Subdivision Ordinance.

(g) “Subdivision Application” means a request for approval of a Plat or Subdivision Plan required to initiate the division or development of land pursuant to Tex. Loc. Gov’t Code Ch. 212, Subchapters A and/or B, as amended.

(h) “Subdivision Plan” means a subdivision development plan, subdivision plan, subdivision construction plan, land development application, site development plan or site plan required for approval of a Plat, which is authorized under Tex. Loc. Gov’t Code Ch. 212, Subchapters A and/or B. A Subdivision Plan excludes a Zoning Plan. A Subdivision Plan does not include a site plan required for a Zoning Plan or for building permit approval.

(i) “Subdivision Ordinance” or “Subdivision Regulations” means the Subdivision Ordinance duly adopted by the Corinth City Council and codified as Section 3 of the Unified Development Code of the City of Corinth, Texas, as amended, prior to the effective date of this Ordinance.

(j) “Zoning Plan” means a concept plan, site plan or similar document required to determine compliance with land use regulations which are authorized under Tex. Loc. Gov’t Code, Ch. 211, as amended.

**B. Applicability.**

(a) This Ordinance applies to the procedures for approval of Plats and Subdivision Plans for the division or development of property pursuant to Tex. Loc. Gov’t Code Ch. 212, Subchapters A and/or B.

(b) This Ordinance does not apply to the procedures for approval of Zoning Plans or plans required to accompany applications for building permits.

(c) This Ordinance does not apply to any Subdivision Application, as defined herein, that is filed before September 1, 2019.

**D. Stages of Plat Approval.**

Notwithstanding any other provision of the Subdivision Ordinance to the contrary, the stages of plat approval shall be as follows:

(a) Except for minor plats, as allowed, replats and amending plats, all applications for Plat approval shall consist of an application for preliminary plat approval, followed by an application for final plat approval. Applications for preliminary plat approval and final plat approval shall not be submitted nor processed simultaneously. Each plat application shall require the approval of the Planning Commission as hereinafter provided.

(b) Any procedure in the Subdivision Ordinance that provides for a different time period or process for approval of a Subdivision Application than that required for approval of a Subdivision Application under this Ordinance is superseded by the procedures of this Ordinance, and all other provisions not superseded by this Ordinance shall remain in full force and effect, shall be interpreted as complimentary to, and shall work in concert with the provisions adopted in this Ordinance.

(c) Except as hereinafter provided, the procedure for any appeal from a Planning Commission decision on a Subdivision Application to the City Council is superseded by the procedures of this Ordinance.

(d) Procedures for review of a Subdivision Application for completeness authorized by the Subdivision Ordinance or to be undertaken pursuant to Tex. Loc. Gov't Code sec 245.002(e) are superseded by the procedures in Sections 5 and 6 of this Ordinance, except as otherwise provided in Section 7 of this Ordinance.

(f) Conditional approval of a preliminary Plat application shall mean that each such condition must be satisfied prior to final Plat approval. Such conditions are not subject to the procedures in Section 6 of this Ordinance.

(g) Because the technical requirements for submittal of a Plat or Subdivision Plan application are essential for determining whether the application should be approved, conditionally approved, or disapproved, any deficiency in the submittal requirements for such application shall be grounds for disapproval of the application, unless the Plat or Subdivision Plan application is to be reviewed under the alternative procedures in Section G of this Ordinance.

**E. Procedures for Approval of Plats and Subdivision Plans.**

(a) Approval by Commission. The Planning Commission shall approve, approve with conditions, or disapprove a preliminary plat, final plat or Subdivision Plan application within thirty (30) days after the date the Plat or Subdivision Plan application is filed. A Plat or Subdivision Plan application is deemed approved by the Commission unless it is conditionally approved or disapproved within that period in the manner provided in subsection (e).

(c) Extension by Agreement. The applicant may request in writing and the Planning Commission, may approve the request for an extension of the time for Plat or Subdivision Plan approval required by subsections (a) or (b) for a period not to exceed thirty (30) days. The written request must be made within fifteen (15) days of the date the application is filed and approved by the Commission prior to the time for a decision on the application required by subsections (a) or (b).

(d) Limitation on Submittals. Following the filing of the Plat or Subdivision Plan application, the applicant may not submit additional materials in support of the application during the initial thirty (30) day period during which the Commission or the City Council must decide the application, unless the applicant withdraws the original application and submits a new application with the additional materials. If an extension is sought and granted under subsection (c), the applicant may submit additional materials in support of the application no later than fifteen (15) days from the date the Commission is scheduled to review the application without filing a new application.

(e) Documentation for Conditional Approval or Disapproval. The Planning Commission shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each such condition or reason shall be directly related to the requirements of the Subdivision Regulations, Zoning Regulations, and/or Design Standards and shall include a citation to the applicable law, including a state law or City ordinance, which serves as the basis for the conditional approval or disapproval. The conditions or reasons shall be consistent with this Section and may not be arbitrary.

**F. Post-Decision Procedures.**

(a) Applicant's Response. After the conditional approval or disapproval of a Plat or Subdivision Plan under Section E, the applicant may submit to the Commission that conditionally approved or disapproved the Plat or Subdivision Plan, a written response that satisfies each condition for the conditional approval or that remedies each reason for disapproval provided. Neither the Commission nor the City Council may establish a deadline for an applicant to submit the response authorized by this Subsection.

(b) Reply to Applicant's Response. The Commission that receives an applicant's response in accordance with Subsection (a) of this Section shall determine whether to approve, conditionally approve or disapprove the applicant's previously conditionally approved or disapproved Plat or Subdivision Plan not later than the fifteenth (15<sup>th</sup>) day after the date the response was submitted by the applicant. The Commission may further conditionally approve or disapprove the application for a specific condition or reason that is provided to the applicant in the manner prescribed in Section 5(e) of this Article. The Commission shall approve the Plat or Subdivision Plan application if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(c) Delegation to Administrative Official. The Administrative Official(s) is hereby delegated the authority to reply to an applicant's response in the manner provided in section 5(e). The applicant may appeal the administrative official's decision within 15 days thereof to the Planning Commission which shall hear the appeal at its next scheduled regular meeting. The applicant may also request a delay in the reply in order to have the response considered and decided by the Planning Commission, as the case may be, at its next scheduled regular meeting.

(d) Failure to Timely Reply. If the response meets the criteria in subsection (a) and the administrative official, or the Planning Commission as the case may be, fails to act upon the response within the time provided in subsections (b) or (c), the plat or Subdivision Plan application shall be deemed approved.

(e) New Application Required. In the event that the administrative official, or the Planning Commission as the case may be, timely disapproves the Plat or Subdivision Plan application, a new application and fees shall be required.

**G. Alternative Review Procedures.**

In lieu of the procedures set forth in Sections E and F, every applicant for approval of a Subdivision Application may request in writing to follow the procedures in this Section if the request is made at the time such Subdivision Application is first submitted for filing. Election of approval under this Section does not waive the procedures in Sections E and F of this Ordinance, which shall commence as provided in subsection (c).

(a) Within ten (10) business days of the time the Subdivision Application is submitted for filing, the Administrative Official shall make a determination whether such Application meets the technical requirements for submittal. The Administrative Official shall notify the applicant in writing not later than the tenth (10<sup>th</sup>) business day after the Subdivision Application is submitted whether the Application is complete or incomplete. If the Subdivision Application is incomplete, the notice shall specify the documents or information that are necessary to complete the Application and shall also state that the application is subject to expiration, as provided in subsection (b).

(b) Following the receipt of written notice, the applicant shall have forty-five (45) days from the time the Subdivision Application was submitted for filing to submit the necessary documents or information to render such Application complete. If the applicant fails to do so, the Subdivision Application shall expire on the forty-fifth (45<sup>th</sup>) day after such Application was submitted for filing. An applicant may request a conference with the Administrative Official to assist in completing the Application. If the Subdivision Application expires, the applicant may submit a new Subdivision Application without prejudice. If the new Application is submitted within ten (10) days after the expiration of the original application, review fees will be waived.

(c) The procedures for review of an application for Plat or Subdivision Plan approval in Sections E and F of this Article shall commence on one of the following dates:

- (1) The date of the notice required by subsection (a) if the application is determined to be complete.
- (2) The date the applicant submits documents or information necessary to complete the application within the forty-five (45) day period specified in subsection (b).
- (3) The date the applicant submits a new application in the event the original application has expired.

**H. Procedures for Approval of Replats.** Notwithstanding any other provision of the Subdivision Ordinance to the contrary, the procedures for replats as set forth in the Subdivision Ordinance are hereby amended as follows:

(a) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding Plat without vacation of the Plat if the replat is (1) signed and acknowledged by only the owner of the property being replatted, (2) is approved by the Planning Commission and (3) does not attempt to amend or remove any covenants or restrictions. A public hearing is not required before approval of the replat.

(b) A replat without vacation of the preceding plat must conform to the requirements of Tex. Loc. Gov't Code section 212.015(a), in addition to the provisions of section 212.014, as amended. If such replat requires a variance or exception, a public hearing must be held by the Planning Commission or the City Council. If such replat does not require a variance or exception, the City shall, not later than the fifteenth (15<sup>th</sup>) day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within two hundred (200) feet of the lots to be



replatted according to the most recent municipal or county tax roll. The notice must include (1) the zoning designation of the property after the replat; and (2) a telephone number and e-mail address that an owner of a lot may use to contact the City about the replat. This requirement does not apply to a proposed replat if the City holds a public hearing and gives notice of the hearing pursuant to Tex. Loc. Gov't Code section 212.015(b).”

**SECTION 3**  
**CONFLICT CLAUSE**

To the extent any provisions of the Subdivision Ordinance are in conflict with this Ordinance, this Ordinance shall control and all other provisions of the Subdivision Ordinance not in conflict herewith shall remain in full force and effect.

**SECTION 4**  
**SEVERABILITY**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 5**  
**SAVINGS**

It is hereby declared by the City Council of the City of Corinth, Texas that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 6**  
**PENALTY**

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless or criminally negligent violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7**  
**PUBLICATION/EFFECTIVE DATE**

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

Ordinance No. \_\_\_\_\_

Page 7 of 7

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH,  
TEXAS on this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.**

**APPROVED:**

\_\_\_\_\_  
Bill Heidemann, Mayor  
City of Corinth, Texas

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Patricia A. Adams, City Attorney

**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** Building Materials & BOA Ordinance  
**Submitted For:** Helen-Eve Liebman, Director **Submitted By:** Ben Rodriguez, Manager  
**Finance Review:** N/A **Legal Review:** Yes  
**City Manager Review:** **Approval:** Bob Hart, City Manager  
**Strategic Goals:** Land Development

**AGENDA ITEM**

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.

1. Staff Presentation
2. Public Hearing Open
3. Public Hearing Close
4. Staff Recommendation
5. Take Action

**AGENDA ITEM SUMMARY/BACKGROUND**

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.

**RECOMMENDATION**

Staff recommends approval as presented.

**Attachments**

Building Materials and BOA ordinance

**ORDINANCE NO. \_\_\_\_\_**

**BUILDING MATERIAL STANDARDS AND BOARD OF ADJUSTMENTS AMENDMENTS  
RELATED TO H.B. 2439 & H.B. 2497**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING SECTION 2 “ZONING REGULATIONS” OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter and the laws of the state of Texas; and

**WHEREAS**, the City is authorized to adopt regulations for the peace and welfare of the City and the order and security of its residents; and

**WHEREAS**, H.B. 2439 as signed by the Governor on June 14, 2019 places limitations on municipal regulation of building façade materials; and

**WHEREAS**, H.B. 2497 effective on September 1, 2019 amends the zoning decision appeal procedures; and

**WHEREAS**, the City Council of the City of Corinth finds amending the city’s building façade standards and Zoning Board of Adjustment procedures are necessary to comply with H.B. 2439 & H.B. 2497 prior to September 1, 2019; and

**WHEREAS**, the City Council finds that the procedures set forth herein promote order and the safe construction and occupation of structures and such regulations reasonably promote the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2**  
**AMENDMENTS**

2.01 That section 2.09.04 “Building Façade Material Standards” of Subsection 2.09 “Zoning Development Standards” of Section 2, “Zoning Regulations” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 2, “Zoning Regulations” not specifically amended hereby shall remain in full force and effect without amendment:

**“2.09.04. - Building Façade Material Standards**

**A. Definitions.** The following definitions apply to the provisions of this Article:

(a) “Building Code(s)” means any and all of the codes adopted by the City of Corinth as set forth in Chapter 150, “Building Regulations” of the Code of Ordinances of the City, as amended, including local amendments thereto, as currently existing or as later adopted or amended.

(b) “City” means City of Corinth, Texas.

(c) “Commercial Building” means a building for the use or occupation of people for a public purpose or economic gain, or a residence if the building is a multi-family residence that is not defined as a residential building.

(d) “National Model Code” means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. “National Model Code” includes the International Residential Code, the National Electrical Code and the International Building Code.

(e) “Official” means an official responsible for enforcement of the City’s Zoning Ordinance or Building Codes, as designated by City Charter, ordinance or other authorization of the City

(f) “Residential Building” means a building having the character of a one-family or two-family dwelling or a multiple single-family dwelling that is not more than three (3) stories high with separate means of egress, including the accessory structures of the dwelling and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

(g) “Zoning Ordinance” means the Zoning Ordinance of the City of Corinth, Texas, codified as Appendix “B” to the Code of Ordinances of the City, as currently existing or as later adopted or amended.

**B. Prohibitions on Enforcement.**

(a) Notwithstanding any other provision contained in the City’s ordinances, regulations or rules to the contrary, an official responsible for enforcement of the City’s Zoning Ordinance or Building Codes, as designated by City Charter, ordinance or other authorization of the City, shall not:

(1) prohibit or limit, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a National Model Code published within the last three (3) code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) enforce a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or

aesthetic method under a National Model Code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) An applicant who proposes to use a building material, product or aesthetic method in the construction or alteration of a residential or commercial building that is prohibited or limited by the City's adopted Zoning Ordinance or building codes, as amended, or that is less stringent than the standard established by such Ordinance or building codes, as amended, shall identify each provision in a National Model Code published within the last three code cycles that approves the use of such building material, product or aesthetic method, as a necessary requirement of the application.

(c) An applicant may agree in writing to employ a building material, product or aesthetic method for use in the construction or alteration of a residential or commercial building that otherwise cannot be enforced under subsection (a).

**C. Exemptions for ordinances, requirements and programs.**

The prohibitions in Section B above do not apply to the ordinances, requirements or programs of the City or State listed in this Section, and the officials responsible for enforcement of the City's Zoning Ordinance and Building Codes, as designated by City, shall apply all regulations and standards prescribed by such ordinances, requirements or programs listed herein, whether such ordinances, requirements or programs listed herein are currently existing or are hereafter adopted or established by City or State, to the fullest extent therein provided. This Section applies to:

(a) a local amendment of a Building Code to conform to local concerns if the amendment does not conflict with Sections B(a) or B(b) of this Article;

(b) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(c) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Texas Insurance Code, as amended;

(d) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that: (1) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or (2) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(e) an ordinance that regulates outdoor lighting and is adopted under Subchapter B, Chapter 229, Texas Local Government Code, as amended, or under Subchapter B, Chapter 240, Texas Local Government Code, as amended; or

(f) installation of a fire sprinkler protection system under Texas Occupation Code, section 1301.551(i), as amended, or under Texas Health and Safety Code, section 775.045(a)(1), as amended.

**D. Exemptions for Buildings.** The prohibitions in Section B do not apply to the following buildings, and the officials responsible for enforcement of the City's Zoning Ordinance and Building Codes, as designated by the City, shall apply all regulations and standards prescribed by those ordinances or codes to such buildings, where such provisions are currently existing or

hereafter adopted or established by City or State, to the fullest extent therein provided. This Section applies to:

- (a) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by the City which were adopted by the City Council prior to April 1, 2019;
- (b) a building located in a zoning district designated by the City Council after April 1, 2019 for its historical, cultural, or architectural importance and significance by the City, and for which the owner has voluntarily consented in writing to the application of the regulations or standards prohibited by Section 3, including the following zoning districts and any district that may hereafter be created by the City Council for its historical, cultural, or architectural importance and significance;
- (c) a building located in a place or area designated for its historical, cultural, or architectural importance and significance the City may regulate under Section 211.003(b), Texas Local Government Code, as amended, if the City (1) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or (2) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;
- (d) a building located in an area designated as a historic district on the National Register of Historic Places;
- (e) a building designated as a Recorded Texas Historic Landmark;
- (f) a building designated as a State Archeological Landmark or State Antiquities Landmark;
- (g) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;
- (h) a building located in a World Heritage Buffer Zone; and
- (i) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014, Texas Local Government Code, as amended.

**E. Appeal.**

An applicant, landowner or other aggrieved person (“Appellant”) may appeal the decision of an Official applying a regulation or standard to the construction, renovation, maintenance, or other alteration of a Residential Building or a Commercial Building, when the application of such regulation or standard by the Official is asserted by the Appellant to be prohibited by Section B, and such appeal shall be asserted as follows:

- (a) If the decision applies a requirement of a Building Code, to the Board of Construction Appeals, or if there is no Board of Construction Appeals, to the Zoning Board of Adjustment; or
- (b) if the decision applies a requirement of the Zoning Ordinance, to the Zoning Board of Adjustment.

The appeal shall identify the specific provision or provisions which the Appellant alleges to have been applied in violation of Section B of this Article. The appeal shall be filed, processed and decided in the manner provided for other appeals by the body designated by this Section.”

2.02 That section 2.11.01 “Zoning Regulation Appeal” of Subsection 2.11 “Zoning Relief Procedures” of Section 2, “Zoning Regulations” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be read in its entirety as follows, and all other subparagraphs and subsections of Section 2, “Zoning Regulations” not specifically amended hereby shall remain in full force and effect without amendment:

**“2.11.01. - Zoning Regulation Appeal**

A. Types of Appeals The following are the types of Zoning Regulation Appeal contained within this UDC:

1. Appeal of a City Administrative or Interpretative Decision.
  - a. An appeal of a decision by an administrative official that is not related to a specific application, address or project may be made by an aggrieved person or any officer, department, board, or bureau of the City affected by the decision.
  - b. An appeal of a decision by an administrative official that is related to a specific application, address or project may be made by any one of the following
    - (i) the applicant;
    - (ii) the owner or owner’s representative of the property that is the subject of the decision;
    - (iii) an aggrieved person who is the owner of property located within two hundred (200) feet of the property that is the subject of the decision; or
    - (iv) any officer, department, board, or bureau of the City affected by the decision.
  - c. In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the City administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the City's administrative official.
  - d. Public hearings shall be held in accordance with 2.10.05. E.4 of the Unified Development Code
2. Appeal to the City Council of a SCSP or a Zoning Vested Rights Petition Decision.
  - a. See 2.10.08. H.2.c.i Appeal of a Substantially Conforming Site Plan Decision made by the Director of Planning.
  - b. See 2.11.04. G Appeal to the Council of a Decision on a Zoning Vested Rights Petition.
3. Appeal to District Court of a decision of the City Council or Board of Adjustment. Any person, department, board, or bureau of the City affected by a decision of the City Council or Board of Adjustment may appeal to District Court.

B. Appeals Procedure to the City Council or Board of Adjustment

1. Timing and Fee. Appeal to the City Council or Board of Adjustment shall be taken within thirty (30) calendar days from the date of the decision by filing with the Responsible Official from



whom the appeal is taken and with the City Secretary a notice of appeal specifying the grounds thereof, and by paying a filing fee at the office of the City Secretary at the time the notice is filed.

2. **Transmission of Record.** The Responsible Official from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. **Stays of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Responsible Official certifies to the City Council or Board of Adjustment, that by reason of facts stated in the certificate a stay would, in the Responsible Official's opinion, cause imminent peril to life or property.

C. Appeals Procedure to District Court

1. **Timing.** An appeal from any action, decision, ruling, judgment, or order of the City Council or Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer; or any officer, department, board, or bureau of the City to the district or county court by filing notice of appeal with the City Secretary and with the Board of Adjustment within ten (10) calendar days from the filing of the decision of the board, which notice shall specify the grounds of such appeal.
2. **Transmission of Record.** Upon filing of the notice of appeal as herein provided, the court may grant a writ of certiorari directed to the board in this event, the City Council or Board of Adjustment shall transmit to the court clerk and the petitioner the original or certified copy of the papers constituting the record in the case, together with the order, decision, or ruling.
3. **Stays of Proceedings.** An appeal to the district court from the City Council or Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the mayor or chairman of the Board of Adjustment, from which the appeal is taken certifies to the court clerk, after the notice of appeal shall have been filed, that by reasons of fact stated in the certificate, a stay would, in her or his opinion, cause imminent peril to life or property.

D. Fees. All fees for all types of Applications, forms, plans, notifications, appeals, and petitions required under this UDC shall be established by the City Council within the Fee Schedule.

E. Rules. Rules of the Board of Adjustment adopted or amended on or after September 1, 2019, shall be approved by the City Council prior to becoming effective.

**SECTION 3**  
**CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 4**  
**SEVERABILITY**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance,

or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 5**  
**SAVINGS/CONFLICT**

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or other authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

**SECTION 6**  
**PENALTY**

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless or criminally negligent violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7**  
**PUBLICATION/EFFECTIVE DATE**

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH,  
TEXAS on this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.**

**APPROVED:**

\_\_\_\_\_  
Bill Heidemann, Mayor  
City of Corinth, Texas

**ATTEST:**

Ordinance No. \_\_\_\_\_  
Page 8 of 8

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Patricia A. Adams, City Attorney

**City Council Regular and Workshop Session**

**Meeting Date:** 08/22/2019  
**Title:** Parks and Recreation Board  
**Submitted For:** Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary  
**Finance Review:** N/A **Legal Review:** Yes  
**City Manager Review: Approval:** Bob Hart, City Manager  
**Strategic Goals:** Citizen Engagement & Proactive Government

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**AGENDA ITEM**

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.

**AGENDA ITEM SUMMARY/BACKGROUND**

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;
4. Recommend the adoption of standards for parks, playgrounds, and trails and their financial support;
5. 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;
6. Aid in coordinating trail connections with the programs of other governmental agencies and interested groups;
7. Review the effectiveness of the parks and recreation program with the Director of Public Works and the City Manager; and
8. Serve as an advocate for parks and recreation services to the public.

Creation of the kboard will be beneficial in the jfuture if the city seeks grant funding for park and trail improvments.

**RECOMMENDATION**

Staff recommends adoption of the ordinance creating the board.

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**Attachments**

Ordinance

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**ORDINANCE NO. 19-08-08-22**

**AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING CHAPTER 33 “BOARDS, COMMISSIONS AND DEPARTMENTS” OF TITLE III “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH BY ADDING SUBSECTIONS 33.10 THROUGH 33.15 TO CREATE A PARKS AND RECREATION BOARD FOR THE CITY OF CORINTH; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS TO DEFINE DUTIES AND RESPONSIBILITIES; PROVIDING FOR APPOINTMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, pursuant to Section 10.01, Article X, Boards, Commissions and Committees of the Home Rule Charter of the City, the Council is authorized to establish such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City, and in doing so, the Council shall prescribe the purpose, composition, functions, duties, accountability and tenure of each board, commission and committee; and

**WHEREAS**, the City of Corinth recognizes the desire of its citizens to have parks and recreation opportunities; and

**WHEREAS**, the City Council of Corinth wishes to provide its citizens with an increased level of services and has determined that the creation of a Parks and Recreation Board will assist the City in improving its parks, trails, and other recreational opportunities; and

**WHEREAS**, the City Council has determined it appropriate to amend Chapter 33, to adopt Sections 33.10 through Section 33.15 establishing the Corinth Parks and Recreation Board, and prescribing the purpose, composition, functions, duties, accountability and tenure of the Board and its members as set forth herein; and

**WHEREAS**, the City Council finds and determines that the provisions set forth herein support its goal of increasing parks and recreation services and should therefore be adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1.**  
**INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.**  
**AMENDMENTS**

That Chapter 33 “Boards, Commissions and Departments” of Title III “Administration” of the Code of Ordinances of the City of Corinth, Texas is hereby amended to adopt a new Section entitled “Parks and Recreation Board” to add new Sections 33.10 through 33.15 which shall be and read as follows:

***“PARKS AND RECREATION BOARD”***

**§ 33.10 CREATION; APPOINTMENT; COMPENSATION.**

There is hereby created the City of Corinth Parks and Recreation Board to serve as an advisory board of the City (hereinafter referred to as “Parks and Recreation Board” or “Board”).

**§ 33.11 PURPOSE AND DUTIES.**

(A) The duties and responsibilities of the Parks and Recreation Board shall be as follows:

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.

(B) To accomplish its responsibilities, the Board May establish sub-committees to assist with the performance of the Board's duties, including but not limited to, the areas of finance/fundraising, cleanup, and/or recreation coordination.

Commented [A1]: Do we mean to require subcommittees or should this "shall" be a "may"?

(C) A Board member shall serve as Chair of each sub-committee, and each sub-committee may have an unspecified number of community volunteers chosen by the Board to serve as working sub-committee members.

### § 33.12 TERM OF OFFICE.

(A) Members and Terms. The Board shall be comprised of five (5) members, each of whom shall be a qualified voter of the City, and who shall be appointed by the City Council for two (2)-year staggered terms. Places on the Board shall be numbered one (1) through five (5).

For the initial term, members appointed to Places one (1), three (3), and five (5) shall be appointed for two (2) year terms beginning in September, 2019 with such terms expiring in September, 2021, and thereafter, members subsequently appointed to those Places shall serve a two (2) year term expiring in odd-numbered years.

For the initial term, members appointed to Places two (2) and four (4) shall be appointed for a one (1) year term beginning in September, 2019 with such appointments expiring in September, 2020, and thereafter, members subsequently appointed to those Places shall serve a two (2) year term expiring in even-numbered years. Members shall serve at the pleasure of Council and without compensation. Members shall serve until their successors are appointed.

(B) Vacancies. Vacancies on the Board shall be filled by appointment by the City Council for the length of the unexpired term. The Board may submit recommendations to the City Council for filling vacancies.

(C) Officers/Bylaws. Within thirty (30) days of appointment, the Parks and Recreation Board shall meet in regular session to select a Chairperson and a Vice-chairperson from among its members, each of whom shall serve for one (1) year terms until their successors are selected in accordance with Section 33.13. The Board shall adopt bylaws to govern the holding of its meetings which, at a minimum, shall encompass the following:

1. The manner of holding and calling of Regular and Special meetings;
2. A majority of the members of the Board shall constitute a quorum;
3. Any member not attending meetings regularly shall be reported to the City Council which may, at its discretion, remove the Board member and appoint a replacement;

Commented [A2]: What's the standard for "exhibiting interest"?

4. Three (3) consecutive unexcused absences from a meeting shall result in forfeiture of the member's place without the need for action of the Board or of the City Council; and
5. The minutes of each Board meeting shall be maintained in the manner required for all other boards and commissions of the City and shall be filed with the City Secretary or City Manager.

**§ 33.13 MEETINGS; OFFICERS.**

The Board shall hold an organizational meeting in October of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The officers shall serve for a term of one (1) year.

**§ 33.14 RULES.**

(A) The members of the Board shall serve without compensation except for reimbursement of authorized expenses attendant to the performance of their duties in accordance with an adopted budget.

(B) The Board shall utilize and abide by the Rules of Procedure and Policies as set forth in Resolution 16-04-21-09<sup>1</sup> as amended, and the Charter of the City of Corinth. Newly appointed members of the Board shall be installed at the first regular meeting after their appointments.

Commented [A3]: Covered in 33.12

Commented [A4]: Is this the last resolution adopted?

**§ 33.15 FINANCIAL RESPONSIBILITY.**

(A) The City, within Council-imposed budgetary restraints, shall also supply additional funds for Board activities involving approved travel and/or training with the Texas Recreation and Parks Society.

(B) Expenses, whether specifically enumerated in the preceding paragraph or not, may be paid from donations when, as and if same are received by the City from the general public, business, industry, foundations and other sources for the purposes set forth herein and related to the scope of the Board's purpose and responsibilities. Expenditures from donations shall be administered in accordance with standard City policy and practice governed by statute, Charter and ordinance.

(C) Board expenditures shall be in accordance with its adopted budget and shall be approved by the Board before they are presented to the City Manager for final authorization."



**SECTION 3.**  
**SEVERABILITY**

It is hereby declared by the City Council of the City of Corinth that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this Ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 4.**  
**CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all provisions of all existing ordinances and resolutions and of the Code of Ordinances of the City of Corinth, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such existing ordinances, resolutions, and code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

**SECTION 5.**  
**EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and approval in accordance with state law and City Charter.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Bill Heidemann, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Pence, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia A. Adams, City Attorney

**BUSINESS ITEM 8.**

**City Council Regular and Workshop Session**

|                             |  |  |
|-----------------------------|--|--|
| <b>Meeting Date:</b>        | 08/22/2019                                 |  |
| <b>Title:</b>               | Keep Corinth Beautiful                     |  |
| <b>Submitted For:</b>       | Bob Hart, City Manager                     | <b>Submitted By:</b> Kim Pence, City Secretary |
| <b>Finance Review:</b>      | N/A  | <b>Legal Review:</b> Yes                       |
| <b>City Manager Review:</b> | <b>Approval:</b> Bob Hart, City Manager    |  |
| <b>Strategic Goals:</b>     | Citizens Engagement & Proactive Government |  |

**AGENDA ITEM**

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.

**AGENDA ITEM SUMMARY/BACKGROUND**

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.

**RECOMMENDATION**

Staff recommends adoption of the ordinance

**Attachments**

Ordinance

**ORDINANCE NO. 19-08-8-22**

**AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING CHAPTER 33 “BOARDS, COMMISSIONS AND DEPARTMENTS” OF TITLE III “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH BY REPEALING SECTIONS 33.01 THROUGH 33.07 OF CHAPTER 33 AND ADOPTING NEW SECTIONS 33.01 THROUGH 33.06 OF CHAPTER 33; PROVIDING FOR AMENDMENTS RELATED TO THE MEMBERSHIP OF THE KEEP CORINTH BEAUTIFUL COMMISSION AND AMENDING THE PURPOSES OF THE COMMISSION; ESTABLISHING ITS MEMBERSHIP, PROCEDURES AND FINANCES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, in 1990, the City Council adopted Ordinance No. 90-11-15-76 establishing the Parks and Recreation Commission and subsequently amended that Ordinance; and

**WHEREAS**, in 2004, the City Council adopted Resolution No. 04-09-02-19, establishing the Keep Corinth Beautiful Commission; and

**WHEREAS**, the Keep Corinth Beautiful Commission (“KCBC”) was merged with the Park and Recreation Commission and the Trails Committee by Ordinance No. 13-11-07-29 and the governing regulations for the KCBC were codified as Sections 33.01 through 33.07, “Keep Corinth Beautiful Commission” of Chapter 33, “Boards and Commissions” of Title III, “Administration” of the Code of Ordinances of the City; and

**WHEREAS**, the City Council has determined it appropriate to repeal Chapter 33, Sections 33.01 through 33.07 and adopt new Sections 33.01 through 33.06 of Chapter 33 relative to the Keep Corinth Beautiful Commission and finds that it is in the best interest of the citizens of Corinth to reorganize the duties and responsibilities of the Keep Corinth Beautiful Commission and establish separate duties and responsibilities for the KCBC as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1.**  
**INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.**  
**AMENDMENT**

That Sections 33.01 through 33.07 of Chapter 33, “Boards, Commissions and Departments” of Title III “Administration” of the Code of Ordinances of the City of Corinth, Texas is hereby repealed in its entirety and new Sections 33.01 through 33.06 of Chapter 33, “Boards, Commissions and Departments” of Title III, “Administration” of the Code of Ordinances is hereby adopted and shall be and read as follows:

***KEEP CORINTH BEAUTIFUL COMMISSION***

**§ 33.01 CREATION; APPOINTMENT; COMPENSATION**

There is hereby created the Keep Corinth Beautiful Commission to serve as an advisory board of the City.

**§ 33.02 PURPOSE AND DUTIES**

(A) The Commission shall recommend policies related to litter prevention, beautification and community improvement, and the minimization of solid waste to the City Council so all City activities might follow a common purpose. The Commission shall have the following responsibilities:

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.

(B) To accomplish these responsibilities, the Commission may establish sub-committees to assist with the performance of the Commission’s duties, including but not limited to, the areas of finance/fundraising, cleanup, and/or trails coordination.

(C) A Commission member shall serve as chair of each sub-committee, and the sub-committee may have an unspecified number of community volunteers chosen by the Commission to serve as working sub-committee members.

**§ 33.03 TERM OF OFFICE**

- (A) The Commission shall be comprised of seven (7) members to be nominated by and

approved by the City Council, and such members shall be members at large.

(B) Three (3) members of the Commission shall be appointed for a term of one (1) year each. Four (4) members of the Commission shall be appointed for a term of two (2) years each. Thereafter, the term of each Commission member shall be two (2) years. No Commission member shall serve more than four (4) successive terms; provided however, that a Commission member appointed to complete the term of another Commission member shall, at the completion of such term, be eligible for appointment for another full term.

### **§ 33.04 MEETINGS; OFFICERS**

The Commission shall hold an organizational meeting in October of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The officers shall serve for one (1) year. The Commission shall meet regularly and shall designate the time and place of its meetings.

### **§ 33.05 QUORUM; RULES**

(A) A majority of the members of the Commission shall constitute a quorum for the conduct of business. The members of the Commission shall regularly attend meetings and shall serve without compensation except for reimbursement of authorized expenses attendant to the performance of their duties and in accordance with an adopted budget.

(B) The Commission shall utilize and abide by the Rules of Procedure and Policies as set forth in Resolution 26-04-21-09, as amended, and the Charter of the City of Corinth. Newly appointed members of the Commission shall be installed at the first regular meeting after their appointment.

### **§ 33.06 FINANCIAL RESPONSIBILITY**

(A) The City, within Council-imposed budgetary restraints, shall also supply additional funds for Commission activities involving approved travel and/or training.

(B) Expenses, whether specifically enumerated in the preceding paragraph or not, may be paid from donations when, as and if same are received by the City from the general public, business, industry, foundations and other sources for the purposes set forth herein and related to the scope of the Commission's purpose and responsibilities. Expenditures from donations shall be administered in accordance with standard City policy and practice governed by statute, Charter and ordinance.

(C) Commission expenditures shall be in accordance with their adopted budget and shall be approved by the Commission before they are presented to the City Manager for final authorization."

**SECTION 23.**  
**CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all provisions of all existing ordinances and resolutions and of the Code of Ordinances of the City of Corinth, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such existing ordinances, resolutions, and code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

**SECTION 3.**  
**SEVERABILITY**

It is hereby declared by the City Council of the City of Corinth that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 4.**  
**EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and approval in accordance with law and City Charter.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Bill Heidemann, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Pence, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia A. Adams, City Attorney