



*** PUBLIC NOTICE ***

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

**Thursday, November 14, 2019, 5:45 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER:

WORKSHOP BUSINESS AGENDA

1. Discussions with State Representative Lynn Stucky
2. Staff will present proposed changes to the Unified Development Code, Engineering Standards Manual, and adoption of a Drainage Design Manual (iSWM Criteria Manual with local amendments).
3. Discuss Regular Meeting Items on Special Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.
4. Receive a report and hold a discussion on the results of the 2019 cyber-security assessment performed by The Fulcrum Group on City network infrastructure, IT systems, policies, and procedures.
5. Receive an update and hold a discussion on the Tax Increment Reinvestment Zone (TIRZ) and the Transit Oriented Development (TOD) District.

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".

PRESENTATION:

2019 Richard R. Lillie Texas Chapter of the American Planning Association Excellence Award Presentation

PROCLAMATION:

International Fraud Awareness Week - November 17-23, 2019

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.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the September 5, 2019 Workshop Session.
2. Consider and act on minutes from the September 5, 2019 Regular Session.
3. Consider and act on minutes from the September 19, 2019 Workshop Session.
4. Consider and act minutes from the September 19, 2019 Regular Session.
5. Consider and act on minutes from the October 3, 2019 Workshop Session.
6. Consider and act on minutes from the October 3, 2019 Regular Session.
7. Consider and act on an Interlocal Agreement for the Lake Cities Fire Department to provide Ambulance Services to the unincorporated parts of Denton County that are within the boundaries of the LCFD response area.
8. Consider and act on an Interlocal Agreement for the Lake Cities Fire Department to provide fire protection to the unincorporated parts of Denton County that are within the boundaries of the LCFD response area.
9. Consider approval of a resolution adopting a policy on Traffic Incident Management and authorizing the City Manager to execute any necessary documents.
10. Consider approval of entering into a Right-of-way (ROW) encroachment agreement with the developer and Homeowners' Association for the Crosspointe Subdivision located at the intersection of Tower Ridge and Lake Sharon.
11. Consider and act upon an ordinance amending The City's Code of Ordinances, Title IX: General Regulations, Chapter 94 Nuisances, Section 94.36 Noise Nuisances.

BUSINESS AGENDA

12. Consider and act on an Ordinance of the City of Corinth, Texas amending Chapter 94 "Nuisances" of Title IX, "General Regulations" of the Code of Ordinances relating to electronic cigarettes and E-Cigarettes.
13. Consider and act on an amendment to the City's Code of Ordinances Title VII: Traffic Code, to create a new chapter titled Chapter 72: "Vehicle Idling Restrictions".

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

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

a. Interlocal Agreement (ILA) with Denton County.

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.

ADJOURN:

Posted this 8th day of November, 2019 at 11:30 a.m. on the bulletin board at Corinth City Hall.

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

WORKSHOP BUSINESS ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: State Representative Lynn Stucky
Submitted For: Kim Pence, City Secretary **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement &
Proactive Government
Regional Cooperation

AGENDA ITEM

Discussions with State Representative Lynn Stucky

AGENDA ITEM SUMMARY/BACKGROUND

Representative Stucky will attend the work session to discuss the past legislative session and future issues facing the state and local governments.

RECOMMENDATION

WORKSHOP BUSINESS ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: Engineering and Subdivision Standards Update
Submitted For: Helen-Eve Liebman, Director **Submitted By:** George Marshall, Engineer
Finance Review: N/A **Legal Review:** N/A
City Manager Review: **Approval:** Bob Hart, City Manager
Strategic Goals: Land Development
Infrastructure Development
Economic Development
Regional Cooperation

AGENDA ITEM

Staff will present proposed changes to the Unified Development Code, Engineering Standards Manual, and adoption of a Drainage Design Manual (iSWM Criteria Manual with local amendments).

AGENDA ITEM SUMMARY/BACKGROUND

Many of the standards in the engineering design manual do not meet the regionally accepted engineering practices. Staff is proposing changes to provide for quality development relative to public and private infrastructure.

RECOMMENDATION

NA

WORKSHOP BUSINESS ITEM 4.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: Discuss Cyber Security Assessment
Submitted For: Lee Ann Bunselmeyer, Director
Submitted By: Shea Rodgers, Technology Services Manager
Finance Review: N/A **Legal Review:** N/A
City Manager Review:
Strategic Goals: Organizational Development

AGENDA ITEM

Receive a report and hold a discussion on the results of the 2019 cyber-security assessment performed by The Fulcrum Group on City network infrastructure, IT systems, policies, and procedures.

AGENDA ITEM SUMMARY/BACKGROUND

In spring of 2019, the City of Corinth entered into an agreement with The Fulcrum Group, a Fort Worth based IT firm, to conduct an assessment and audit on the City's network infrastructure, IT systems, and policies and procedures based off the National Institute of Standards and Technology (NIST) SP800-30 framework. This framework provides a scoring system to help quickly prioritize and address areas of deficiency and risk in a government IT setting.

The Fulcrum Group started this assessment in earnest during the summer, sitting down with each department individually to discuss the nature of their data how it interacts with IT systems maintained by Technology Services. Additionally, hardware devices were introduced to the City's local network to automatically scan for any other vulnerabilities. The Fulcrum Group has completed their report, and Staff has invited them to come and present their findings to Council, and offer any recommendations to help mitigate any potential risk the City's IT system might have.

Due to the sensevity of the report contents, the full report will be distributed to the city council independant of the council agenda packet..

RECOMMENDATION

N/A

WORKSHOP BUSINESS ITEM 5.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: Tax Increment Reinvestment Zone / Transit Oriented Development District Update
Submitted For: Jason Alexander, Director **Submitted By:** Jason Alexander, Director
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development
Infrastructure Development
Economic Development
Citizen Engagement &
Proactive Government
Regional Cooperation

AGENDA ITEM

Receive an update and hold a discussion on the Tax Increment Reinvestment Zone (TIRZ) and the Transit Oriented Development (TOD) District.

AGENDA ITEM SUMMARY/BACKGROUND

The TIRZ and the TOD are complementary components that are specifically intended to spur investment and encourage a mix of complementary uses focused around a transit stop. The purpose of this presentation is to provide the City Council with an update on collaborative efforts to finalize the financing plan that will guide future investment and development within the TIRZ and the TOD based on conversations with Denton County about their participation in the same.

RECOMMENDATION

N/A.

PRESENTATION ITEM

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: 2019 Texas Planning Excellence Award Presentation
Submitted For: Helen-Eve Liebman, Director **Submitted By:** Ben Rodriguez, Manager
Finance Review: N/A **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government
Organizational Development

AGENDA ITEM

2019 Richard R. Lillie Texas Chapter of the American Planning Association Excellence Award Presentation

AGENDA ITEM SUMMARY/BACKGROUND

The City of Corinth has received the Richard R. Lillie Planning Excellence award from the Texas Chapter of the American Planning Association for 2019. The award recognizes planning excellence in municipalities throughout the State. Evaluation criteria include the level of training of Planning Commissioners and professional staff, professional qualifications of the planning staff, breadth and currency of master plan components and completion of other planning related projects. The goals of the program include:

- Increasing community awareness of the importance of planning,
- Recognizing planning departments which meet certain professional requirements,
- Recognizing planning efforts that have achieved community support,
- Encouraging the funding of professional training for Planning Commissioners and staff, and
- Aiding economic development and community image.

RECOMMENDATION

N/A

PROCLAMATION

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: Proclamation - Fraud Awareness Week
Submitted For: Kim Pence, City Secretary **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Regional Cooperation

AGENDA ITEM

International Fraud Awareness Week - November 17-23, 2019

AGENDA ITEM SUMMARY/BACKGROUND

WHEREAS: This year marks the observance of International Fraud Awareness Week, which is set aside to raise awareness about the impact of fraud upon our society; and

WHEREAS: The Association of Certified Fraud Examiners, an organization dedicated to the mission of reducing the incidence of fraud worldwide, estimates that a typical organization loses five percent of its revenue each year to fraud; and

WHEREAS: State, local, and federal governments are frequent targets of fraud; and

WHEREAS: Instances of fraud in state and city government undermines the good work and reputation of all state and local employees who complete their assigned duties with integrity and honesty, and decreases confidence in public officials; and

WHEREAS: Fraud against the State of Texas and the City of Corinth is a burden borne by its citizens and businesses in the form of increased costs; loss of public revenues and resources; and increased expenses associated with the investigation, prosecution, and eventual incarceration of individuals who commit fraud; and

WHEREAS: Tips received from employees are consistently the greatest source by which frauds are detected; and

WHEREAS: Increasing employee awareness of fraud, including the magnitude of the problem, and educating employees about fraud prevention, detection, and reporting techniques, is critical for reducing the incidence of fraud against and within Texas government.

NOW, THEREFORE, I, Bill Heidemann, Mayor of Corinth, do hereby proclaim the week of November 17-23, 2019, as: International Fraud Awareness Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Corinth, Texas to be affixed this the _____ day of _____, 2019.

Bill Heidemann, Mayor

RECOMMENDATION

N/A

Attachments

Proclamation



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IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Corinth, Texas to be affixed this the _____ day of _____, 2019.

Bill Heidemann, Mayor

CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: September 5, 2019 Workshop Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the September 5, 2019 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the September 5, 2019 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the September 5, 2019 Workshop Session minutes.

Attachments

Minutes

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

On this the 5th day of September 2019 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:45 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Patricia Adams, Messer, Rockefeller, & Fort
Jerry Garner, Police Chief
Cody Collier, Public Works Operations Director
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Jason Alexander, Economic Development Corporation Director
Brenton Copeland, Technology Services Assistant Manager
Brett Cast, Engineering Services Coordinator
Michael Ross, Fire Chief
Guadalupe Ruiz, Human Resources Director
Lana Wylie, Senior Administrative Assistant

Others:

David Pettit, David Pettit Economic Development
Natalie Moore, David Pettit Economic Development

CALL TO ORDER:

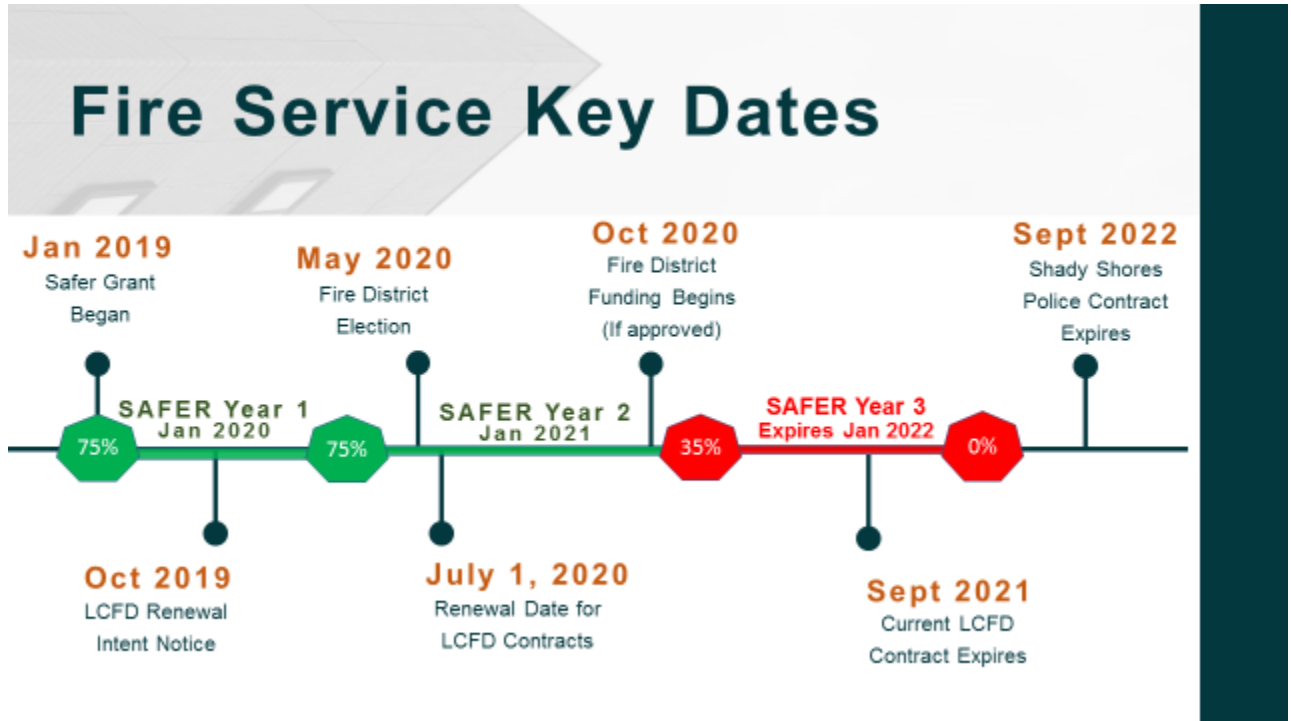
Mayor Heidemann called the meeting to order at 5:45 p.m.

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.**

Bob Hart, City Manager – I would like to go through the budget one more time to be sure we are all on the same page. It also helps because the next item we will then talk about is the creation of the TIF and this will be a good segway into what Natalie and David will discuss in a moment. We are looking

at the budget. I would like to remind you of some of the key dates and the challenges with Senate Bill 2 and how we are moving from 75% funding from fire fighters, then dropping to 35% and then zero. When we do that over the next few fiscal years, we will use up virtually all of the cap that we are allowed under Senate Bill 2. A lot of what we are doing on this year's budget, we are staging it so we can deal with the next couple of years.



Another reminder, we will be getting numbers out toward the end of October to other three cities. We will start that conversation and I think we have a workshop item lined up for you on the budget contract, around October 17th. We will talk about those numbers before we pass it on to them. I have the election reference, this is coming up in a second. The way we have put the budget together, we are assuming that we will take a half a cent from EDC and have the election for the fire district and that would occur in May. My thought is that we would look at the numbers in December/January and getting ready in February for calling a May election. This way you would have time to second guess yourself and back off too. Did we ever get the resolution?

Patricia Adams, Messer, Rockefeller, & Fort – No, we did not and they do not want to talk to us anymore so we are still working on it.

Bob Hart, City Manager – We have the election in May for the street maintenance tax as well. All of that factors into the conversation in December/January, getting ready in February for calling a May election.

STREET MAINTENANCE SALES TAX

- Revenues from the sales tax may be used only to repair and maintain existing city streets and sidewalks.
- Can only be imposed in increments of 0.125%.
- Our current rate is 0.250%

QUESTIONS:

1. Do you prefer to call the street election in May or November?
2. If in May – are there concerns about more than one item on the ballot?
3. What length would you prefer?

The tax was established in September 2004.



The most recent reauthorization for 4 years was approved by the voters in the November 2016 election.



The tax is up for reauthorization in 2020

Again, the focus on the infrastructure within the budget fell into six broad areas: Transportation, Water/Wastewater, Drainage, TIRZ and Asset Management. These are the areas of each. We have a meeting tentatively scheduled for October 24th with property owners, encouraging them to buy flood insurance. We will be submitting the grant application in the latter part of December because the benefit cost ratio that FEMA uses is based on the amount of flood insurance that is purchased. So if they get in under the grandfathered rate, they are going to need to do something this fall. You talked about wanting the meeting so that is when all of that is scheduled.

Mayor Heidemann – Is that when the letter is going out and explaining to them that we did not get the grant?

George Marshall, City Engineer – We will cover that in the letter as well.



The focus on infrastructure fall into six areas: Transportation, Water, Wastewater, Drainage, the TIRZ, and Asset Management

Transportation

- Alignment of Lake Sharon Boulevard and Dobbs Road
- Quail Run Drive Realignment
- Resurface Riverview Drive and Old Highway 77
- Safe Routes to School Grant
- Street Condition Software

Drainage

- Lynchburg Creek
- Wetlands & Flood Mitigation
- Preliminary Engineering
 - Lake Sharon near Corinth Parkway
 - Blake Street
 - Corinth Parkway near Lake Sharon

Water/Wastewater

- Elevated Storage Tank
- Preliminary Engineering for Parkridge Drive Extension

Asset Management

- Initial Funding of \$600,000
- Purchase Work Order/ Asset Management Tracking System

Bob Hart, City Manager – On Asset Management, if you will remember, we have about \$660 million worth of assets, we need about \$12 million annually to replace the assets we have. While we are setting back \$600,000 in this budget, there is also money in the budget that addresses some of this too, so it is not quite as bad as what I am showing you here. We do have to start on the asset management.

Asset Management Plan

Total Assets - \$659 million

General Fund \$421,750,000

Utility Fund \$237,250,000

Annual Requirements

General Fund \$6,300,000

Water/Sewer \$4,800,000

Storm Water \$1,300,000

Recommended Budget

General Fund \$250,000

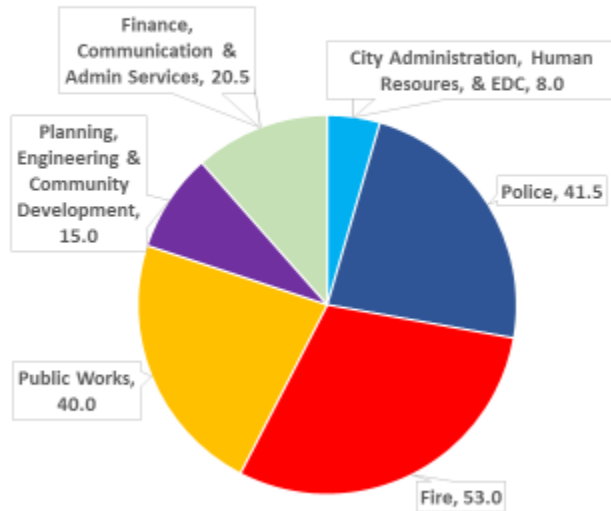
Water/Sewer \$250,000

Storm Water \$100,000

On the position summary we are recommending the two police officers and a court bailiff. This will free up an officer that we don't have to pull off the streets. The marketing intern and then bringing back a part-time accounting clerk. Mainly it will help us with internal control and segregation of duties. This is a distribution of where employees are within the city. Primarily Police, Fire, and Public Works.

Position Summary

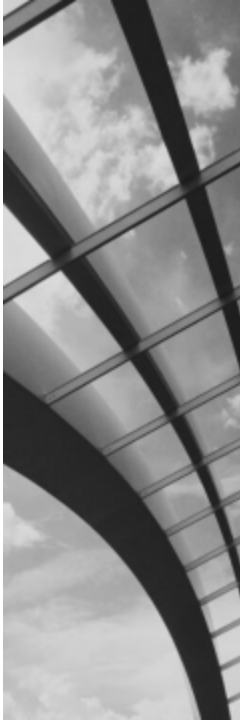
Total Positions all Funds – 178 FTE



FY2019-20 Proposed Positions

- Police Officers – 2 FTE
- Restore Court Bailiff – 1 FTE
- Restore Part-time Accounting Clerk – .50 FTE
- Seasonal Marketing/ Special Event Intern (Hotel Tax Fund) – .50 FTE

These are the new programs within the budget. I referenced the positions. The shade structure repair within the parks is an example of asset improvements that is not showing up in the \$600,000. The mowing contract for Community Park and the broadband study. A&M is doing work with the Council of Governments. They are looking for sub-regions within this region so the four cities, we had a great conversation with them in the last couple of weeks. Wendy Withers was here while we were meeting with them. I am happy with where we are here. Equipment is mainly for Public Works. Some of the technology, the road conditions software will help us with asset management and the work order system which will help keep all of that up to date.



Proactive Government New Program Funding

Services

- Shade Structure Repair
- Community Park Contract Mowing
- Broadband Study

Positions

- Police Officers – 2 FTE
- Restore Court Bailiff – 1 FTE
- Restore Part-time Accounting Clerk – .50 FTE
- Special Event Intern – .50 FTE

Equipment

- Street Saw
- Dump bed trailer
- Mower
- Trailer
- Equipment for Court Bailiff

Technology

- Work Order/Asset Mgt System
- Road Condition Software

The regional cooperation, we are working with LCUMA on GIS. Working with DCTA and that is all tied back to the TIF and the TOD. I will touch on that in a moment. Working with NCTC, Denton County and the COG.

Regional Cooperation

Corinth is ideally located along I-35E in Denton County and is the largest of the four Lake Cities. Due to the City's location in the Dallas Fort Worth metroplex, it is necessary to be active in a wide variety of regional efforts.

- Continue Partnering with Lake Cities Municipal Utility Authority (LCMUA) to provide GIS services and joint construction and use of utility lines
- Pursue a commuter rail stop through DCTA
- Encourage the expansion of health services training through NCTC
- Pursue partnership with Denton County relative to the TIRZ.
- Participate in NCTCOG programs
- Participate in the North Texas Commission

Establish and Maintain Intergovernmental Relations

- City of Denton
- City of Hickory Creek
- City of Lake Dallas
- Town of Shady Shores
- Denton County
- Denton County Transportation Authority
- Denton ISD
- Lake Dallas ISD
- National League of Cities
- Texas Municipal League
- North Central Texas Community College
- Texas Woman's University
- University of North Texas
- University of Texas at Arlington
- Lake Cities Municipal Utility Authority
- Upper Trinity Conservation Trust
- Upper Trinity Regional Water District
- Texas Department of Transportation
- Texas Water Development Board

This is the overview of the budget for the year. We are going to be in very good shape through this year. We have a good launching pad for the next couple of years. We have about a four or five year window that we have to get the sales tax up.

Operating Budget Overview

	General Fund	Debt Service Fund	Utility Fund	Storm Drainage Fund	Economic Development Fund	Street Maint Sales Tax	Crime Control Fund
Estimated Beginning Fund Balance 10/1/18	\$5,091,654	\$325,667	\$3,686,678	\$375,150	\$1,083,693	\$1,268,961	\$481,505
Revenues	20,075,795	2,682,781	13,454,855	755,100	873,894	431,501	391,520
Use of Fund Balance	789,724	248,900	255,513	144,345	62,663	301,577	0
Total Resources	\$20,865,519	\$2,931,681	\$13,710,368	\$899,445	\$936,557	\$733,078	\$377,228
Expenditures	18,969,753	2,931,681	13,156,868	665,945	786,557	89,078	377,228
New on-going Programs	232,966	0	0	0	0	5,000	0
One-time Programs	1,662,800	0	553,500	233,500	150,000	639,000	0
Total Expenditures	\$20,865,519	\$2,931,681	\$13,710,368	\$899,445	\$936,557	\$733,078	\$377,228
Estimated Ending Fund Balance 9/30/19	\$4,301,930	\$76,767	\$3,431,165	\$230,805	\$1,021,030	\$967,384	\$495,797
% of Total Expenditures	20.62%		25.03%	25.66%			
Policy Target	20.00%		25.00%	25.00%			

Within the TIF, tonight you have the public hearing and the ordinance. What you are creating is the framework for that and it has a preliminary financial plan. We will come back here in November with a final financial plan. That is when you will really pay attention to the numbers. Right now you have to get the structure in place. Once we have the structure in place, then we can talk to Denton County and we can negotiate the numbers. Once we have those numbers, then we can get more clarity with DCTA and COG, then we come back and in November have some of those numbers nailed down much better. When David and Natalie talk in a few minutes it will make more sense too.

Tax Increment Reinvestment Zone

- The City Council to consider an ordinance creating a TIRZ in September 2019.
- The financial plan is anticipated to be developed and adopted in November



This is the TOD component. We met with DCTA on Tuesday. The rail stop will work here. If you remember the conversation we had we have to worry about the crossing at Corinth Parkway and it doesn't work if we have the crossing at North Corinth Street and Walton Street. We have to close that but we can close that and make it work well by moving what we are calling NCTC Way. A lot of it will be accessing property. We will be talking with some of the property owners on that tomorrow morning. We will reroute North Corinth Street. What we have in the budget is the preliminary engineering work for NCTC Way and the right of way and the right of way and preliminary engineering work for North Corinth Street. Those have to be in place before we can close the crossing and we have to have the crossing closed while the rail stop is going in.

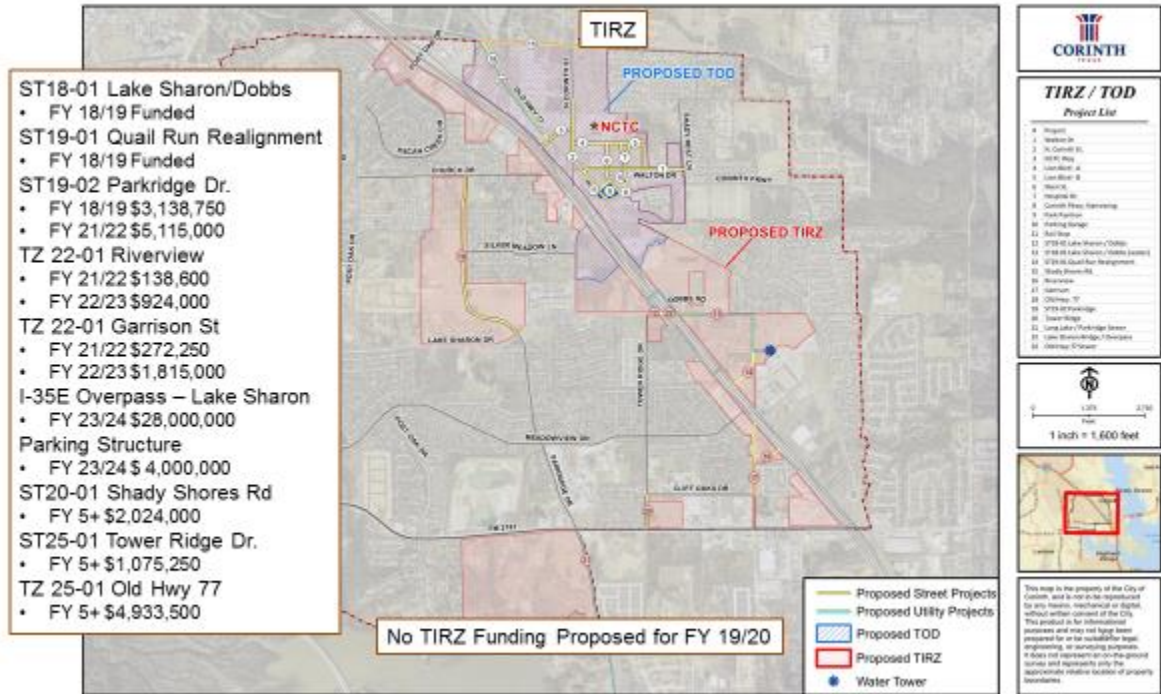
Mayor Heidemann – We have already paid for phase one of their engineering, correct? And what you are talking about now is phase two.

Bob Hart, City Manager – Yes and we will also have in the budget, phase two of the DCTA rail stop study. They will have phase one completed by the end of this month so in October we can roll into phase two. They are operating like we are in the fiscal years so everybody is dancing around the October 1 fiscal year. We have the park pavilion in here and some land acquisition and a parking structure by the old hospital. We have been trying to make sure we have all of the numbers identified so we can get them to David and Natalie and then we have the preliminary plan to go and sit down with the county. We have all of these on the same page and hopefully easier to follow.

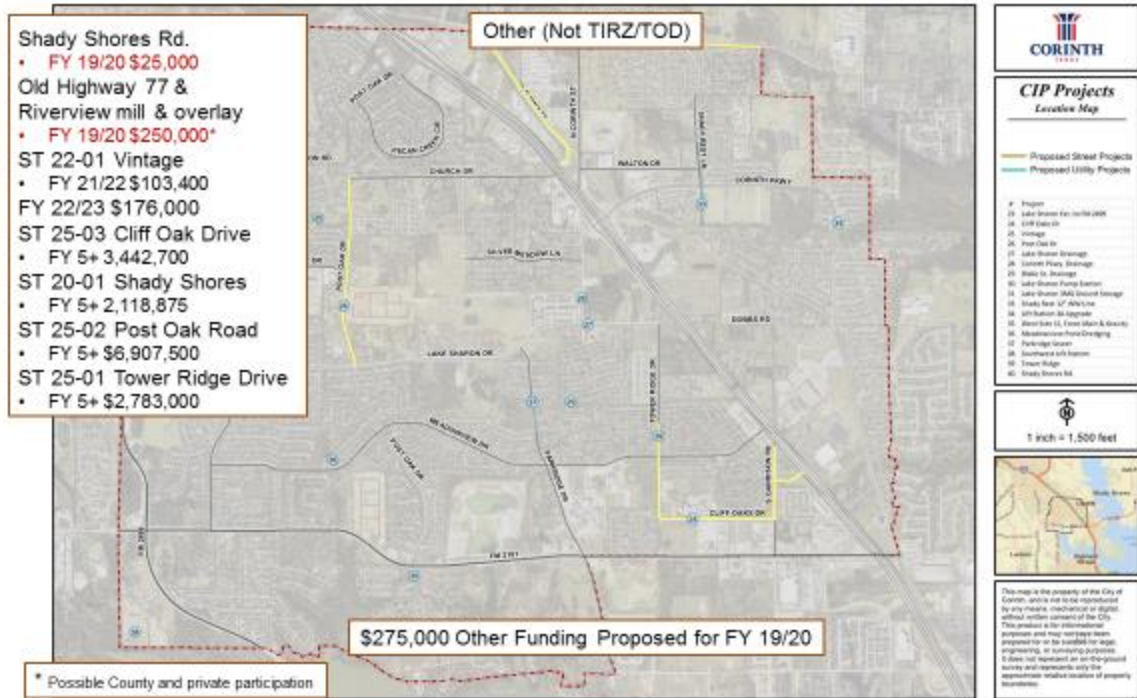


Within the TIRZ itself, we have added the overpass number for I-35. That money will come out of Denton County and TxDOT but it is within the TIF and I would like to have that in for some initial conversation with the county. We added \$59 million. The rail stop that we added, at build out we have two platforms and two tracks going each way. The cost of that is \$25 million which is all in here. That is where we will go back and look to COG for money. It is not necessarily local money being generated. Same thing with the overpass lane but it is important to get it in there. We also added a parking structure on the realty capital property. I don't know that we will want to do that but I think it

is important to get all of the numbers out on the table. That gives you a good handle on all of the projects.



This is some of the capital work, mainly showing the overlays. The Shady Shores Road is to get some preliminary work done as we talk to the county about their bond election and so forth and trying to get some things going with City of Denton, Shady Shores and the county. The TIF is not going to generate funding up front so we will need some money to work with, if you will remember we had a little bit of debt capacity next year so we can look at that as a potential source of some front end money to get some of the TIF items started. Of course, that would include some of Parkridge, North Corinth Street, and NCTC Way. Those are all the dots we are trying to connect together.



I would like to introduce Natalie Moore and David Pettit. If you will remember the way we did the TIF, we brought in Paris Rutherford to do the land use assumptions and then David and Natalie are doing the structure of the TIF, financial plan and so forth. They are going to walk through all of this and I think it will be plenty of time for you all to ask questions.

2. Review proposed Tax Increment Reinvestment Zone Number Two.

Natalie Moore, David Pettit Economic Development – David and I are headquartered out of Fort Worth so we are somewhat local and happy to see a different side of the metroplex. We are here to give an overview of what a TIRZ is, the creation process and then I will hand it over to David to talk more about the specifics of this TIRZ. This is TIRZ number two for you and some of the next steps and then go over some of the questions. Tax increment reinvestment zones, it is a tool that facilitates economic development within a tax increment reinvestment zone. A lot of times, throughout the state we hear people refer to them as TIFs, some refer to them as TIRZs and people get confused but it is tax increment financing which is a tool that helps facilitate economic development within a tax increment reinvestment zone. So TIF or TIRZ, it is somewhat interchangeable. It is governed by Chapter 311 so there is some degree of flexibility as to what you can use a TIRZ for but really the outline and the structure is provided by Chapter 311. Approximately 313 TIRZs have been created. We think that is quite low but that is what the state has on their registry, however, there are some communities that are not as diligent about registering all of their TIRZs so we think that number be close to double in terms of TIRZs that have been established but suffice it to say, you are not alone. This is a common tool that is used. I previously worked at the City of Fort Worth in the Economic Development and we had 15, I also know the City of Dallas has quite a few. Cities use this tool alone or in partnership with other taxing units, they can use this to pay for improvements within the zone. Really, what the goal of attracting new development, facilitating investment and really bringing excitement and energy to a designated area, I lean on my own experience with the City of Fort Worth, one of the great examples of using a tool for this energy and excitement is in the near south side. It was an area that I am from in Fort Worth, an area that no one would think to go there. My parents would never allow me to go hang out on Rosedale but now it has

cool shops and a lot of that is place making that they used TIF increment financing in order to pay for those improvements.

Tax Increment Reinvestment Zones (TIRZ)

- Tax Increment Financing (TIF) is a tool that incentivizes economic development within a Tax Increment Reinvestment Zone (TIRZ)
- Governed by Tax Code, Chapter 311
- Approximately 313 TIRZs have been created in the state of Texas
- Cities, alone or in partnership with other taxing units, can use this tool to pay for improvements in a zone so it will attract new development, facilitate investment, and bring excitement and energy to a designated area



TIF CONCEPT

Taxing entities can contribute ad valorem taxes and that is what we are proposing here today. Some of the TIFs throughout the state actually do also contribute a portion of their sales tax. That is not something that we are proposing but it is something that is available. ATIRZ can pay for the cost of public improvements or infrastructure, economic development programs or other projects benefitting the zone. Typically you will see the money being funded for projects within the boundaries but the statute does allow for you to spend the money outside the boundaries as long as it directly benefits the zone. You can lean on your attorney to make that ruling.

Tax Increment Reinvestment Zones (TIRZ)

- Taxing entities contribute ad valorem taxes received from incremental value increases on property within the TIRZ.
- A TIRZ can pay for:
 - infrastructure;
 - public improvements;
 - economic development programs; or
 - other projects benefiting the zone

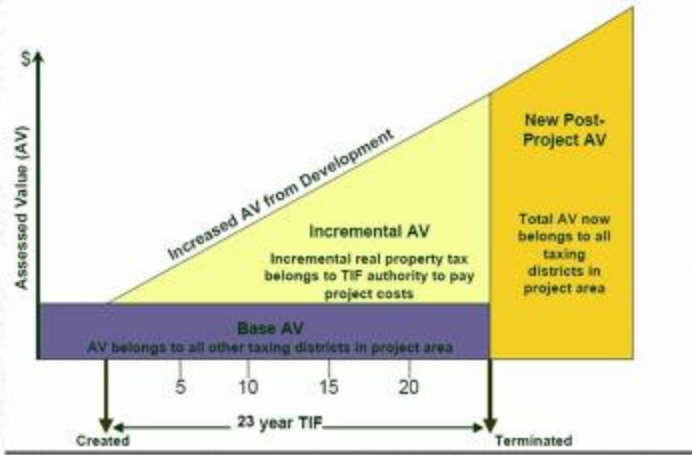


TIF CONCEPT

This is a visual, the purple is the base ad valorem so we like to say that the city or the entity will never receive less dollars if values hold steady then they are receiving today. The base values and dollars that go into the general fund off of that value will remain. The incremental AV which is in the light yellow that is anything beyond the creation of the TIF so if you create anything here you are moving forward. This is actually an aggressive chart because that assumes that 100% of the increment goes into the TIF fund but we are actually proposing, which David will get into later in the presentation, is 50%. So if you can imagine that the line, a portion of the light yellow would go into the general fund as well. Once the TIF has been terminated, 100% of the base and the increment will go into the general fund and the idea is that the golden portion is much larger because of the investment that you made into the TIF during the duration of the TIF. What is also interesting to note is that this is for one entity and different entities can have different participation rates. You will see in David's slides, we are anticipating or proposing that Denton County might participate at 50% which is the same as what we are proposing for the city to participate but it doesn't have to be that way. The city might participate at 50% for the first three years and then it bumps up to 75% so there is a degree of flexibility you can have within that.

Tax Increment Reinvestment Zones (TIRZ)

TIF Assessed Value (AV) Over Project Life



- Taxing entity rates are negotiated and can vary (not identical).

How is that increment generated? It is new construction/investment or annual appreciation of real property. You either build something or what you have in place appreciates in value.

TIRZ Revenues

Two ways to create new tax increment:

1. New construction/investment; and/or
2. Annual appreciation of real property (i.e. "organic growth")

1

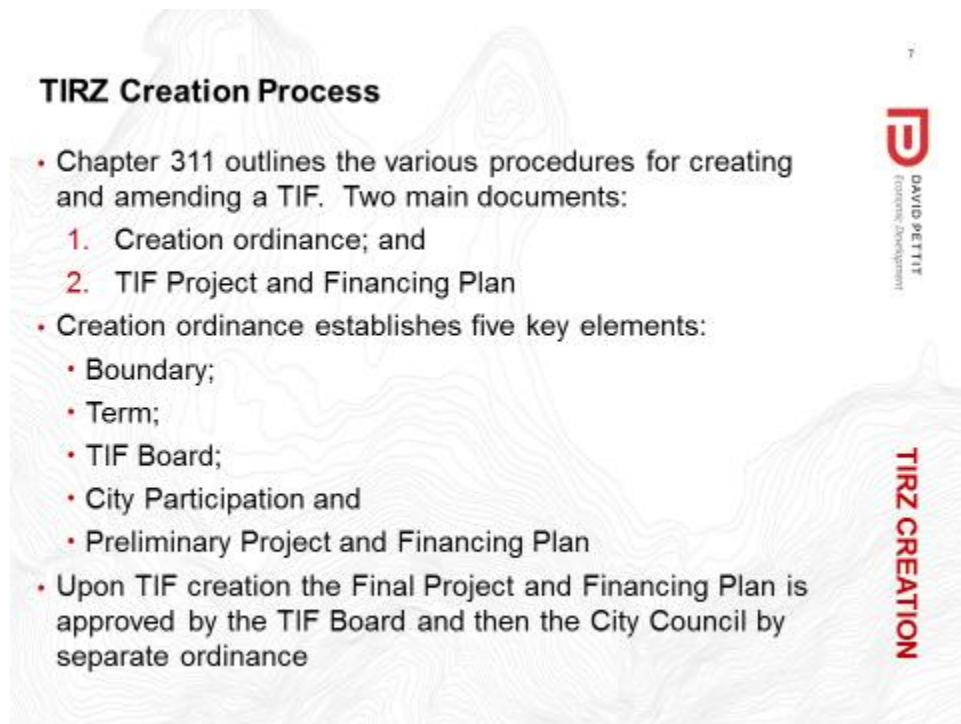


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How do you create a TIF? I mentioned Chapter 311 earlier. It outlines the various procedures and as Mr. Hart said it earlier, this is what we are doing today. We are establishing the structure, the outline, the skeleton of the TIF but it is a two-step process. First it is creating it and then adopting the project and

the financing plan. We are only doing the first step and the two step. The creation ordinance establishes five key elements, the boundary, the term, the TIF Board, the city participation and the preliminary project and financing plan. That is an exhibit to the creation ordinance, it is preliminary, and it can change quite a bit from now until when you approve it. There is a time where you can adjust it and as Mr. Hart said, finalize those numbers. Once the TIF has been created, then the final project and financing plan will be approved first by the board and then by City Council.



TIRZ Creation Process

- Chapter 311 outlines the various procedures for creating and amending a TIF. Two main documents:
 1. Creation ordinance; and
 2. TIF Project and Financing Plan
- Creation ordinance establishes five key elements:
 - Boundary;
 - Term;
 - TIF Board;
 - City Participation and
 - Preliminary Project and Financing Plan
- Upon TIF creation the Final Project and Financing Plan is approved by the TIF Board and then the City Council by separate ordinance

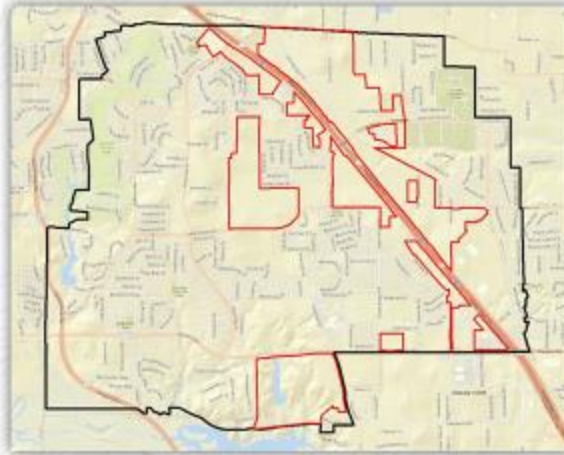
DAVID PETTIT
Economic Development

TIRZ CREATION

Today you are considering the creation ordinance. The black outline is the city boundaries. You can see the TIF is in the red boundary. It is approximately 995 acres, it is noncontiguous. You may know that you were not always allowed to have noncontiguous TIFs but I believe it was 2009 that it was approved. If you would like to see a fascinating noncontiguous TIF we did one in the City of Grand Prairie that has random parcels in different parts and it is all one TIF. The purpose of the TIRZ is to encourage private development that will yield additional tax revenue to all taxing jurisdictions.

TIRZ #2 - Overview

- Located wholly within the City limits of Corinth
- Approximately 995 acres
- Noncontiguous
- The purpose of the TIRZ is to encourage private development that will yield additional tax revenue to all taxing jurisdictions.



PROPOSED TIRZ #2

David Pettit, David Pettit Economic Development – I was born and raised here. I grew up in Argyle, went to Argyle elementary and middle school. I went to Denton high school. Many of my friends lived in Corinth and I still have family in Denton and Argyle. I have known this area for a long time and this is a very exciting time. A little bit about us, I wanted to be a City Manager. I graduated from UNT with a Public Administration degree. My first job was with the City of Dallas, then I said life is too short to work for the city, kudos to Bob for sticking it out, I worked for the City of Dallas and the City of San Antonio and came back, concentrating on TIFs with the City of Fort Worth on their downtown TIF and a number of other projects.

Of those 313 TIFs we have done about 120 so I have about 25 years of experience doing it. There is not many things we have not seen in the TIF. We are excited to be here and the opportunity that presents itself with a TOD. We mentioned it is a noncontiguous TIF. We just did one in Grand Prairie, they took it from 4,000 acres to 12,000 acres. It is nine different noncontiguous zones. We did not used to do that, we used to have TIFs that would have an area, which followed a road and then expand but now we can do the noncontiguous because of House Bill 1770 that was passed in 2009.

We were here for the presentation by Catalyst Urban Development and they prepared the master plan. I have known Paris since 1995 when I worked with the City of Dallas and he was doing urban planning in the uptown Dallas areas. We worked a lot together on a lot of different projects. I think he did an excellent job of laying out a master plan. What is really hard for us, give us a clean slate. I am a numbers guy, tell me what you are going to build and I will tell you about the capacity, how it can be built and what I think of the velocity of how it will come on but his master plan anticipated a development of a mix of uses including retail, office, industrial, multifamily, hotel, single family residential; very exciting plan and those are the proposed uses.

TIRZ #2 – Proposed Development

- Catalyst Urban Development prepared a Master Plan vision for the property located within the TIRZ
- Anticipated development includes a mix of uses including retail, office, industrial, multifamily, hotel, and single family residential



I do not want to rehash what Paris went through with you but you have a lot of different drivers obviously, being a TOD stop is important. The college is a great generator here. There are a number of different things, talking about a village square development, the health science area, where Bob mentioned building a parking garage, mixed use along I-35 frontage and what Realty Capital is doing on the west side of 35. All those things lend themselves, the iron is hot we just need to strike. We really think the timing is right.

TIRZ #2 – Proposed Development



These are kind of the artist renderings but I think from looking at a lot of pretty pictures, I think this is very doable and I think it is achievable if we have the skeleton in place.

TIRZ #2 – Proposed Development



DAVID BETTIE
Economic Development

PROPOSED TIRZ #2

What we were proposing with the TIF was a 36 year term and the City of Corinth participating with 50% of its ad valorem and Denton County, Denton County cannot even look at a TIF until the city has done its job, which is create the boundary, the term, the TIF board and has a preliminary plan. Once we have those numbers we can sit down with the county and start discussing what they can pay for, what they will not pay for. For example, I have presented TIFs before to Denton County and Tarrant, Dallas Counties. They do not like to pay for City Halls. Southlake Town Center is one of the things they highlighted in there and if you will notice, they have a county facility in that City Hall that helped the county participate so there are some tricks.

TIRZ #2 – Participation Assumptions

- 36-year term
- City of Corinth participating at 50% of its real property increment
- Proposing Denton County participation at 50% of its real property tax increment, subject to an interlocal agreement with the City of Corinth.

Real Property Tax		Participation	
City of Corinth	0.5300000	50%	0.2650000
Denton County	0.2255740	50%	0.1127870
Denton ISD	1.5400000	0%	0.0000000
	2.2955740		0.3777870

Personal Property Tax		Participation	
City of Corinth	0.5300000	0%	0.0000000
Denton County	0.2255740	0%	0.0000000
Denton ISD	1.5400000	0%	0.0000000
	2.2955740		0.0000000

City Sales Tax Rate	0.0200000	0.00%	0.0000000
State Sales Tax Rate	0.0625000	0.00%	0.0000000
City HOT	0.0700000	0.00%	0.0000000
State HOT	0.0600000	0.00%	0.0000000

DAVID PETTIT
Economic Development

PROPOSED TIRZ #2

Scott Garber, Council Member – Is there a benefit to a longer term, 36 versus 25 year?

David Pettit, David Pettit Economic Development – What we have found is that particularly on a project of this scope, if you had a development that was ready to go, shovel ready, you are still not going to see increment for the first three to five years, so really, you have 10 years' worth of increment. The way we are structuring here, is for every new dollar that is generated above that base, \$.50 goes to the general fund and \$.50 goes to the TIF. The TIF money is reinvested in those areas. That is if you had everything shovel ready today. You are probably 15 years into it. When I was doing the projections, I was looking at stuff coming online in 2028, 2032, so that is where the 36 year, if there is no obligations outstanding within the TIF. The city has the right, under the statute, to terminate the TIF. We can do a shorter term but we think we are doing a disservice because you are not going to generate the revenue you need. It will pull options off the table. That \$59 million that Bob gave us earlier, we would not have any opportunity to fund that. It really shows a commitment to the development community that the community is behind it by having that longer term. More and more of our TIFs that we are putting in today are in the 36 year term.

Bob Hart, City Manager – Some of you are coming to the North Texas Commission luncheon a week from Monday. At our table, Michael Talley will be at the table. He is the gentleman at the county that will be the most critical at making this work. He has been included in all of our DCTA meetings also.

David Pettit, David Pettit Economic Development – We knew Michael when he was with the City of Kenne. I have known him and Andy Eads, Andy received his MPA from UNT so we have a close nit group of City Managers and public administrators. Natalie mentioned that you can put in sales tax, let me say, you do not want to do that because it is too hard to track from the comptrollers. We can get the Denton County Appraisal District information easily and they prepare those reports. We know what the base is and we know what the increment is. The easiest way to look at a TIF is you get your base and any new dollar that comes on, \$.50 will go to the general fund and \$.50 will go to the special

fund that is going to pay for the outlined improvements that we will further refine in November. We have a preliminary plan now that outlines those costs. I always like to say that 50% of something is better than 100% of nothing. You've really got to have this in place in order to facilitate the type of quality development that Catalyst Urban Development put together. These things do not just happen, just by putting out a master plan. They have to have an implementation piece and that is what this is. The TIF is the implementation piece. If you look at the total taxes generated, obviously Denton ISD, they have the highest tax rate. What we also include in that, there is a number of hotels and sales tax that the city will generate revenue from. We include that in there because there is a number of hotels and sales tax retail establishments that are a part of it. So with \$884 million generated from this area and with 50% participation with the City of Corinth, the Denton County, we are proposing that, it is subject to an Interlocal agreement. They typically take the final project and financing plan and attach it to the Interlocal and say they are holding you to this because they do not want you saying you will do 50 now and now I am doing zero. You have their money. They are savvy and most cities understand it. Even with that, the total net benefit of \$753 million to the taxing jurisdictions. Denton ISD, they will tell you it is even-steven because of Robin Hood but that is changing these days. We talked about Senate Bill 2 with House Bill 3, they are capped at 2.5% but this still helps their INS and so Denton ISD is right there on the border. It is not property wealthy but it is not property poor. This will benefit them, they just floated an \$800 million bond this will help them pay for a lot of those bonds. Unfortunately ISDs cannot participate in TIFs and that is since 1999. For a long time when TIFs first came around, ISDs were putting money into TIFs and sheltering them from the Robin Hood, mainly districts like Highland Park, Grapevine/Colleyville ISD and so that is why you see a lot of these TIFs from other places that were established August 31,1999 because the law went into effect September 1. We just had a whole slew of laws that went into effect. We are still trying to dig out of that but a benefit that increment would not be there without this TIF being in place.

TIRZ #2 – Revenue Summary

Taxing Jurisdictions	Total Taxes Generated	Participation	Total Net Benefit
City of Corinth	\$216,973,556	\$67,175,338	\$149,798,218
Denton County*	\$57,859,409	\$28,599,509	\$29,259,900
Denton ISD	\$395,007,800	\$0	\$395,007,800
State	\$179,657,618	\$0	\$179,657,618
Total	\$849,498,383	\$95,774,846	\$753,723,537

**Proposing Denton County participation at 50% of its real property tax increment, subject to an interlocal agreement with the City of Corinth.*

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 DAVID PETTIT
 Economic Development

PROPOSED TIRZ #2

This is a list of improvements. What we do at this point is look at the needs that Bob outlined. Over 36 years, we generate over \$95 million worth of increment, assuming we have county participation. What we have found, is at this juncture, it is best to identify categories and then once we get into the

TIF Board level, we start refining those and distributing the monies. We like to say that savings from one item can be applied to a cost increase to another line item. We do not want to come back to the TIF Board and if we saved on one line but not the other, it is hard to predict costs over 36 years. We want a little bit of flexibility. How it works, as Bob had mentioned, the TIF will not produce a lot up front but if you have projects in the que we can tell you pretty much within a couple hundred dollars of the revenue if Realty Capital gets going. If you get a multifamily project going, if you get some retail going. That might require some infrastructure up front and if the city pays for that they would come to the TIF board and ask if they can be reimbursed for the dollars that we have. The reason we have longer terms for TIFs is in the latter part. It is hard to front end load because we do not know what we do not know. We have our assumptions, there are some ebbs and flows that come with that.

TIRZ #2 – Project Costs

Proposed Project Costs		
Street and Intersection Improvements	\$ 33,521,196	35.0%
Sanitary Sewer Facilities and Improvements	\$ 19,154,969	20.0%
Water Facilities and Improvements	\$ 9,577,485	10.0%
Storm Water Facilities and Improvements	\$ 9,577,485	10.0%
Transit/Parking Improvements	\$ 9,577,485	10.0%
Open Space, Park and Recreation Facilities and Improvements	\$ 7,183,113	7.5%
Economic Development Grants	\$ 4,788,742	5.0%
Administrative Costs	\$ 2,394,371	2.5%
Total	\$ 95,774,846	100.0%

- The costs illustrated in the table above are estimates and may be revised.
- Savings from one line item may be applied to cost increase in another line item.
- **Individual TIRZ project cost allocations will be evaluated on a case by case basis, consistent with the categories listed above, and brought forward to the TIRZ board and City Council for consideration**

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DAVID PELLER
Economic Development

PROPOSED TIRZ #2

The next steps for creation, we have the boundary, term, TIF Board, city participation, the preliminary project and financing plan. Once that is done, I will come back to you. The TIF will be created. TIF number two, City of Corinth, will be created. Your TIF Board, I believe the way we set it up is the City Council and we afford each participating taxing jurisdiction one seat on the board and that is by law found under Chapter 311. If the county chooses to participate, they will get a seat on the board. They are a recommending body to City Council so they do not have the final say so I always like to tell councils to put on your TIRZ hat, turn it around to your city council hat. It makes it more efficient because sometimes we have appointed boards that think they are an inflated role when really city council is making the final decision. I am happy to answer any questions. We will have a public hearing tonight which was published seven days in advance and allow anybody to speak for or against TIRZ. You have a great plan in place, you have a lot of catalyst drivers in your master plan and 50% of something is better than 100% of nothing.

Next Steps for Creation

- City Council Consider Creation Ordinance
- Creation ordinance establishes four key elements:
 - Boundary;
 - Term;
 - TIF Board;
 - City Participation; and
 - Preliminary Project and Financing Plan
- Upon TIF creation the Final Project and Financing Plan is approved by the TIF Board and then the City Council by separate ordinance

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NEXT STEPS

Lowell Johnson, Council Member – In your estimation, why is Razor Ranch having so much difficulty?

David Pettit, David Pettit Economic Development – Razor Ranch, I saw the article in the Denton Record Chronicle. They are debating, should we give them additional incentives? The problem is they did not deliver on the first phase. They promised a bunch and were promised a bunch back from the TIF but they did not deliver. There is a lot of mitigating circumstances so I do not want to get into all of the weeds of why that happened but if you did not live up to your original pledge, what makes you think we are going to live up to your second pledge? I think there is some bad blood. I think it will go forward. We recently did the Tanger Outlet with Buccees that was in Denton County. We worked with Andy Eads and that group but we delivered what we said we were going to deliver. We delivered an outlet mall and Buccees and we will give you retail. When you say that and you do that contractually and Natalie was a compliance officer with the City of Fort Worth, that is what she had to do. In the development agreements it says you will build ½ million square feet, if you do so, we will give you so much money. If you only build 100,000 there is a level of trust that has been broken so it is hard to go back to the well once that trust has been broken so they have to reestablish that. We can put anything down on paper, it is executing. We can all blame the recession, I have had a lot of projects that weathered the recession and came back really strong. Was it part of the original plan, was it a modified plan? We do not know what we do not know but I think that is just that they didn't deliver on their original promises.

Lowell Johnson, Council Member – Same question in Flower Mound, with the River Walk area. Slower development, I guess the recession bit them too and the swap in developers caused them some problems too.

David Pettit, David Pettit Economic Development – I am very familiar with that project as well. It is the same situation and they also have some upfront money in there which is through a public improvement district that the town actually had to approve and so by charter they had to approve a

public improvement district. That developer likes to see those funds up front. What we are talking about is a reimbursement type which is a safer approach to doing development. I think this has the belts and suspenders that you would expect from somebody that is taking a conservative approach to development.

Sam Burke, Mayor Pro-Tem – What is your role going forward?

David Pettit, David Pettit Economic Development – We will work with you on the final project and financing plan. We will work with staff and discussions with the county, I know Andy Eads and Michael Talley well and negotiating what will most likely happen is we have an ask. The city will have its commitment saying we are putting 50% in so we are all in. They will probably go through our laundry list of items and say what they will pay for. It might come in the form of TIF or other monies. What really matters is that we get their participation to the level that we anticipate which about \$28 million is. Once we are done with that and once it is up and running we make ourselves available to Bob and staff as questions or negotiations come up. There are some parking garages, we do the negotiations. I like to say we are the broker between the private and public sector, they do not talk to one another in the same language they do not trust one another. We have served in both so we can outline the details. We will serve that roll if need be but for right now we are going to get you from soup to nuts to a final project and financing plan with county participation.

Sam Burke, Mayor Pro-Tem – So all of that will be in place and the county's money is going to come up front as well.

David Pettit, David Pettit Economic Development – To be determined. Up front money, time value of money, it is always best to get that money up front or a commitment over time and that will be spelled out in the Interlocal agreement that we have. An Interlocal agreement is just an agreement between two cities. They might do 25% and put in \$15 million and the other \$15 million is going to come through the form of bond money and other monies that they have and Andy is really good at doing that.

Sam Burke, Mayor Pro-Tem – Have you all run an analysis of the time value return on investment that you project? We saw the total number of \$95 million and the increment increase is X. On the timing of those investments, what is the return that you anticipate?

David Pettit, David Pettit Economic Development – We have not done that, we take the approach that if we do not do this we are going to have a lot of haphazard development. Really you will continue to get what you have been getting. This is implementing a master plan. Without this being in place, you would get 25% of what you are seeking. It is really guesswork and I am guessing. This isn't like a traditional incentive where I am giving this warehouse building with 1,500 employees \$5 million. It is going to take them X amount of time to pay me back. We are starting with a clean slate here and so you will continue to get those revenues and those revenues are those revenues are not going to be going away. They will be placed in a special bucket to invest in this TOD. I like to think of it as a do something or do nothing scenario and with what is at play here, the stakes are very high. It is reasonable to do something and 50% is reasonable. New dollars generated, we implement the master plan that we have; that goes into the general fund. It helps Bob pay for the things he needs to pay for and then we have money in the TIRZ to help pay for all of those projects that are along that.

Sam Burke, Mayor Pro-Tem – There is no mathematical calculation of if you don't do this here is the revenue increase you would see over time versus if you do this here is your revenue increase over time. Just as a matter of experience you think we are going to do better and you are going to like what you see better.

David Pettit, David Pettit Economic Development – Natalie had a good comment when this question came up, the velocity of the development is going to be accelerated, the quality of the development is going to be accelerated and you control it because you are going to be in partnership with these individuals. I think anecdotally, I have done the studies as to where, what if we did nothing but it is basically like doing a comp plan and saying this is what we would like to have here but you have no carrot to incentivize making that work. I think anecdotally you would achieve 25% of the revenue that you would otherwise see so you are seeing a significant jump because you are putting this in place. We did this in Fort Worth in West 7th, we said yeah, they paid a lot for the dirt but what happens if we do not incentivize this and they came back and said they could sell all of these to banks and they could pay the \$40 per foot but we want mid-rises with parking garages. We looked at the revenue return and if you sell all of the good stuff along the highway frontage but you don't concentrate on what is back there and create a sense of place you are really losing out on a lot of revenue. We put those numbers up but it is a total guess about what will happen if you do not implement this plan because it will just be the same ole, same ole.

Natalie Moore, David Pettit Economic Development – Just to give you some form of mat, what we do in our project and financing plan, you should have this, we take the revenue of the base growth assuming 2% growth. What that generates, total taxes is \$71 million over the life of the TIRZ and what we are proposing that the TIRZ will generate with all of the growth is \$849 million. Of that \$849 million you would receive \$71 million just on 2% growth of the base. Everything else is generated by the new development that we are proposing that could be made possible because of this investment.

David Pettit, David Pettit Economic Development – Thanks Natalie. If you take what is there and you grow it at 2%, since the dawn of time, this is what has been there. Grow that at 2% the state is going to cap you at 3.5%, what you can capture of it but 2% is a pretty general growth rate. All the remainder of it is new development that otherwise you would not see.

Mayor Heidemann – Were you involved with the TIF in North Richland Hills to finance their rail/Dart line? Can you give us any details or insight of how it might correspond with what we are doing?

David Pettit, David Pettit Economic Development – I worked for the City of North Richland Hills as a consultant but the TIF was already in place. We did a full blown study on what type of development would occur because without the TOD you will get apartments that do not have parking garages, surface. I was a special consultant to the city when they were sued because they took away the zoning for the Realty Capital and Arcadia. You are familiar with the lawsuit. Basically we had to mitigate the piece that was a part of that but I think there's great similarities between what is going on in North Richland Hills and I also think there are great opportunities up and down the Txrail that North Richland Hills, I have worked with them on the Main Street Station and also the Iron Horse Station. Without those generators and this goes back to my days when I was getting into the business, it is like filling a mall. We know malls are dying but it is like any development, you have to have anchors, people generators. The transit station is one of those key components so people want to live by that transit station and because of that you can get a premium for it. Otherwise you will build along a railroad track that you cannot use so you are back in your car oriented development. We are not saying we will get rid of cars but TODs, I do not have the statistics but the return on investment from what DART has done for all of their TODs, they have seen exponential growth compared to other areas of the city to where there are no TODs. I see a great similarities to what Mark Hindman, the City Manager there and the Mayor and Council have done because they have been very proactive. In Grapevine, we worked on the TIF there and we provided the TIF for Grapevine Mills and we expanded it to include what we call the Rafael Palmerio 185 acres and that is where Kubota and Daimler Chrysler and hotel development, there is a water park going in there. We had excess money to build a nice parking garage

and transit facility through that TIF. That was a noncontiguous TIF. A lot of success stories out there.

Scott Garber, Council Member – Maintenance activities inside the TOD, is that covered through the TOD, meaning road repairs?

David Pettit, David Pettit Economic Development – The TIF cannot pay for maintenance. There is a section in there for grants. You can expend money for the purpose of enhancing the business and commercial activity within the zone so it is general practice that it is for bricks and mortar.

3. 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.

Bob Hart, City Manager – Item number 9, this is a resolution to consider the nomination of board members of the appraisal district. The mayor and I had tried to nominate Don Glockel but he does not want to do it. He would have access to votes through his daughter. He is not interested due to the controversy surrounding it. We do not have any names for you. You do not have to act on it.

Item number 10, you will talk about your vote for the 911 district. Traditionally it has always been elected officials on the board. You will need to vote for someone tonight.

Tina Henderson, Council Member – I would recommend David Terre.

Sam Burke, Mayor Pro-Tem – I would support him.

There was no Closed Session.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:43 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: September 5, 2019 Regular Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the September 5, 2019 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are minutes from the September 5, 2019 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the September 5, 2019 Regular Session minutes.

Attachments

Minutes

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

On this the 5TH day of September 2019 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 7:00 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Michael Ross, Fire Chief
Jimmie Gregg, Police Captain
Brenton Copeland, Technology Services Asst. Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriguez, Planning and Development Manager
Brett Cast, Engineering Services Coordinator
Garrett Skrehart, GIS Manager
Cody Collier, Public Works Director
Lee Ann Bunselmeyer, Director of Finance, Communication & Strategic Services
Chris Rodriguez, Asst. Finance Director
Guadalupe Ruiz, Human Resource Director
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Lana Wylie, Sr. Admin Assistant

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

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:02 p.m., Councilmember Garber delivered the invocation and Fischer Smith and Jesse Leon with the Boy Scout troop led in the Pledge of Allegiance.

PRESENTATION:

Laura Joy, SPAN, Mobility Manager will present an annual report to Council regarding Span Transportation Services.

Bob Hart, City Manager - if you recall, we participated with the other Lake Cities and received funding through a grant with the North Central Texas Council of Governments to pay for transportation services in this

area for the seniors. Laura Joy with SPAN Mobility will give you an annual report on that.

Laura Joy, SPAN Mobility Manager - we provide transportation, meals on wheels, and also have a program called senior paws where we provide dog food and cat food to our meals on wheels clients.

Meal on Wheels Program:

Home Delivered:

Volunteers deliver a nutritious lunch meal to homebound seniors Monday through Friday with the added bonus of a quick safety check and much-needed human connection that come with each delivery.

Congregate Meals:

Meals are served to groups at 13 locations within Denton County
Seniors have to be 60 years old to be eligible to eat lunch at no cost to them.

Annually: approximately 109,000 meals to seniors in Denton county, over 270+ volunteers
Corinth: in fiscal year 2018, we served over 2,200 meals to Corinth seniors

Span Denton County transit service is the designated rural public transportation provider for Denton County, Texas. Annually Span performs over 60,000 trips and serves approximately 1,500 clients.

We serve all the Lake Cities and other areas in Denton County such as Argyle, Aubrey, Cross Roads, Coppell, The Colony, Flower Mound, Little Elm, Justin, Krum, North Lake, Ponder, Sanger, Roanoke and Savannah.

Span provides transportation for veterans living anywhere in Denton County to the Veteran Affairs hospitals in Dallas and Fort Worth. Span picks up veterans at centralized locations throughout Denton County, but disabled veterans may qualify for door-to-door service from their home. This service is offered at no cost to the Veteran and is funded through the Texas Veterans Commission.

Approved trip purposes are:

- Medical Treatments (e.g. doctor, dentist)
- Pharmacy Trips
- Shopping (groceries or other necessities within Lake Cities)
- Lake Dallas Public Library
- Lake Cities Seniors Program at Lake Dallas City Hall

Historically, trips have been for medical purposes only. New trip purposes began in May.

Total of 14 non-medical trips in June and July

Our current services from October 2018 - July 2019, we have a total of 631 trips for the City of Corinth and that averages about 64 trips per month and those are mostly medical and expect to see that increase.

You have a total of 26 resident riders and we do conduct an annual survey every January to hear feedback from those riders. We have had great feedback from those residents.

5310 Grant:

5310 Funding: 3 year project

Total project budget: \$143,100

Performance Measures: 1st year: 400 trips

- Starting in September 2018, Span began providing trips for medical appointments for Lake Cities' seniors (65+) and people with disabilities.
- Lake Cities area receives 150 trips per month

PROCLAMATION: LIVE UNITED Month - September 2019

Mayor Heidemann read the Live United Month Proclamation into the record.

CONSENT AGENDA:

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the August 1, 2019 Workshop Session.
2. Consider and act on minutes from the August 1, 2019 Regular Session.
3. Consider and act on minutes from the August 8, 2019 Workshop Session.
4. Consider and act on minutes from the August 8, 2019 Special Session.
5. Consider and act on an Ordinance approving a negotiated settlement between the Atmos Steering Committee and Atmos Energy Corp, Mid-Tex Division regarding the company's 2019 Rate Review Mechanism filings.

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

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

MOTION CARRIED

CITIZEN'S COMMENTS:

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

No one spoke during Citizens Comments.

PUBLIC HEARING:

6. Hold a public hearing to receive community input on the FY 2019-2020 Annual Program of Services

(Budget).

Bob Hart, City Manager - the budget falls into six different categories dealing with transportation, water/wastewater, drainage, Tax Increment District, and Asset Management. The projects you have listed deal with these areas and within the transportation, we are working on the alignment of Lake Sharon and Dobbs as it runs under Interstate 35E, the Quail Run re-alignment that ties back and connects into the frontage road of I-35. We also have in the budget the resurfacing Riverview Drive and Old Highway 77.

We have the matched funds for the safer route to school program that is a grant program for building sidewalks in the community. We also we have software for street conditions with it tied back as part of our Asset Management program.

Drainage:

In the drainage area, we are looking at preliminary engineering for Lake Sharon near Corinth Parkway, Corinth Parkway near Lake Sharon and Blake Street. Two different locations but in the general area of that intersection. We are also working on some flood mitigation areas within the TIF and Lynchburg Creek. The application that we made last year was not approved, when we went through the list of areas that had been funding, all of them were in south Texas that was impacted by Hurricane Harvey. We do intent to resubmit that grant this year and again the matching funds are in the budget and hope to have that next year.

Wastewater:

We are looking to build an additional elevated water storage tank on the centraleast portion of town and should be ready to go bid in early 2020. We are also looking at the extension of water service as it relates to the extension Parkridge to Lake Sharon to Church Street.

The new programs that are included in this budget include repairs for the shade structures within the parks, contract for mowing of community parks outside of the ball fields and also working with the four cities in trying to improve broadband and internet service within the Lake Cities.

New equipment includes street saw, dump bed trailer, mower, trailer and equipment for court bailiff. For Technology we are looking at Work Order/Asset Management System and Road Condition Software.

Positions that are being recommended in the budget includes two police officers, and a court bailiff that will freeze up a police officer that is here 3 days a week for court. Part time accounting clerk and a special event intern.

With the opening of fire station #3 in April, we have that funding through a federal grant (SAFER Grant) that pays for the nine fire fighters for the first two years at 75% of the cost and drops to 35% and then to 0. The budget reflects picking up the additional payments that we will need for those positions.

Mayor Heidemann opened the Public Hearing at 7:15 p.m.

David Slate, 3227 Acropolis Drive - you showed it was about a penny or penny in a half. My math shows it to be a nickel per 100.

Bob Hart, City Manager - Lee Ann Bunselmeyer, Finance Director is here tonight and would like you to meet with her so she can walk you through the numbers. Our current rate is .53000 and the recommendation is .54500 and of that one penny goes to debt service.

David Slate, 3227 Acropolis Drive - the second thing you discussed is the realignment of Lake Sharon and Dobbs Road and i am guessing that is going to require county and state involvement, do you have a time-frame for that?

Bob Hart, City Manager - we are continuing to work with TxDOT and the County on that. It is in their listing of projects. When we think it will be within their five year time-frame. We have to have our component in place before they release the funds to go forward. They have already done the design work and are working on various bridge locations from Lewisville to Denton and we are on that list.

David Slate, 3227 Acropolis Drive - my wife and I are here to vote against the tax increase. Through the years we have seen our house increase in value two in a half times. My home has not changed at all but I understand that property values go up. Right now, we are almost at a peak in property values. What happens next year when property values start to drop and all the revenues that you are trying to draw in right now are going to drop? How do we support that in the long run without raising taxes next year? This is something I would like for you to look and just wanted to voice my opinion.

Mayor Heidemann - you might get some answers to that with the presentation on our TIF tonight that will answer some of your questions about what businesses can do to this community.

Mayor Heidemann closed the Public Hearing at 7:33 p.m.

NO MOTION NECESSARY

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

Bob Hart, City Manager - the effective tax rate is .49881 the current rate is .53000 cents, one thing that is different here is because of the debt that we issued last year for the water storage tank and the Lake Sharon/Dobbs alignment, that is about a penny that is included in the total tax rate.

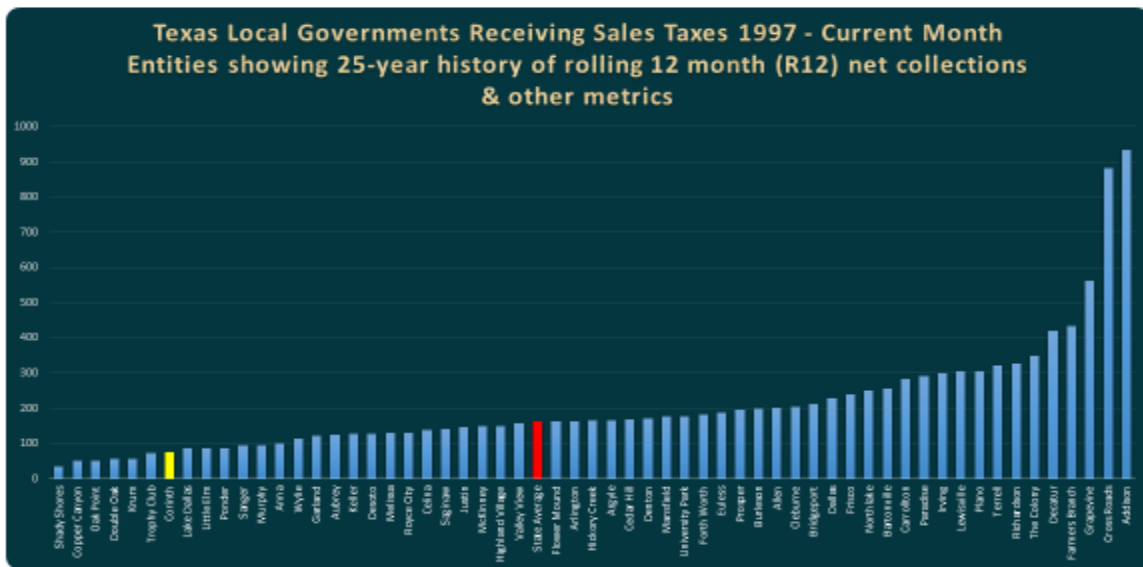
The rollback rate is at .54710 and we are recommending a tax rate at .54500 and the reason largely is we are looking at paying for the additional nine fire fighters over the next three years and that funding is intended to help offset those costs for the fire fighters and the police officers.

When you look at the notice that we have on the agenda that indicates a 13% increase that is required by the state and requires both the current value and the new value that was built during the year.

Below is the list of other cities in the area so that you can see what the current tax rate and recommended relative to other cities.

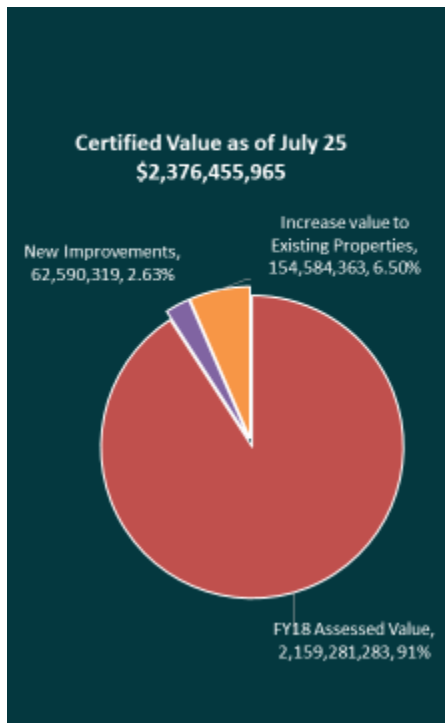
Entity	2018 Adopted Tax Rate	2019 Proposed Tax Rate
Sanger	.67910	.67910
The Colony	.66250	.66000
Justin	.65000	.65000
Little Elm	.64990	.64990
Krum	.64749	.64749
Celina	.64500	.64500
Lake Dallas	.66175	.64497
Denton	.62048	.60545
Carrollton	.59497	.59497
Coppell	.56950	.58400
Highland Village	.56302	.56302
Pilot Point	.54663	.54505
Corinth	.53000	.54500
Aubrey	.54200	.54200
Prosper	.52000	.52000
Oak Point	.52000	.51000
Flower Mound	.43900	.43900
Hickory Creek	.34754	.33040
Shady Shores	.31463	.32196

The sales tax the City receives is very low relative to other Cities and that is what the chart shows. We receive on an annual basis about half of what state average is so on per capita basis we are a little less than Lake Dallas and quite a bit less than Hickory Creek.



Average Home Value Comparison

	2015	2016	2017	2018	2019
Avg Home Value	\$211,926	\$229,765	\$249,112	\$269,668	\$287,779
Tax Rate	.58489	.58193	.53686	.53000	.54500
<u>Average Tax Bill:</u>					
General Fund	\$936	\$1,018	\$1,066	\$1,152	\$1,244
Debt Service Fund	304	319	271	277	325
Total Taxes Due	\$1,240	\$1,337	\$1,337	\$1,429	\$1,569



Tax Revenue Analysis

Property Tax Revenue	General Fund	Debt Service Fund	Total
Tax Rate	.43211	.11289	.54500
FY18 Assessed Value	\$9,222,506	\$2,221,685	\$11,444,191
Increase in Existing Properties	775,939	390,438	1,166,377
New Improvements	270,459	70,658	341,117
Total Property Tax Revenue	\$10,268,904	\$2,682,781	\$12,951,685

2019 Tax Revenue Increase = \$1,507,494

The new improvements that are added is what gets us from the existing value of about 7.5% and gets us up to a 13%. That is new improvements, that's new property that has been built and that is incorporated in the budget.

Operating Budget Overview

	General Fund	Debt Service Fund	Utility Fund	Storm Drainage Fund	Economic Development Fund	Street Maint Sales Tax	Crime Control Fund
Estimated Beginning Fund Balance 10/1/18	\$5,091,654	\$325,667	\$3,686,678	\$375,150	\$1,083,693	\$1,268,961	\$481,505
Revenues	20,075,795	2,682,781	13,454,855	755,100	873,894	431,501	391,520
Use of Fund Balance	789,724	248,900	255,513	144,345	62,663	301,577	0
Total Resources	\$20,865,519	\$2,931,681	\$13,710,368	\$899,445	\$936,557	\$733,078	\$377,228
Expenditures	18,969,753	2,931,681	13,156,868	665,945	786,557	89,078	377,228
New on-going Programs	232,966	0	0	0	0	5,000	0
One-time Programs	1,662,800	0	553,500	233,500	150,000	639,000	0
Total Expenditures	\$20,865,519	\$2,931,681	\$13,710,368	\$899,445	\$936,557	\$733,078	\$377,228
Estimated Ending Fund Balance 9/30/19	\$4,301,930	\$76,767	\$3,431,165	\$230,805	\$1,021,030	\$967,384	\$495,797
% of Total Expenditures	20.62%		25.03%	25.66%			
Policy Target	20.00%		25.00%	25.00%			

This is the operating overview of all of our funds. The most important thing here that you will see is the budget is balanced and maintaining reserves per policies that you have in place.

Mayor Heidemann opened the Public Hearing at 7:33 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:33 p.m.

NO MOTION NECESSARY

- TO HEAR PUBLIC OPINION ON THE CREATION OF A NONCONTIGUOUS GEOGRAPHIC AREA DESIGNATED AS REINVESTMENT ZONE NUMBER TWO, CITY OF CORINTH IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 311 OF THE TEXAS TAX CODE, AS AMENDED.

Jason Alexander, Economic Development Director -The Strategic Plan recommends the implementation of a reinvestment zone and the use of tax increment financing as a core economic development strategy to attract new investment to the Interstate Highway 35E Corridor and, in particular, to enable and encourage the creation of a transit-oriented development district focused around a commuter rail station. In pursuit of this goal, staff procured the services of Catalyst Urban Development (Paris Rutherford) and David Pettit Economic Development (David Pettit and Natalie Moore) to implement a reinvestment zone in accordance with the provisions of Chapter 311 of the Texas Tax Code, as amended (the "**Tax Increment Financing Act**").

Natalie Moore, David Pettit Economic Development - the Tax Increment Financing (TIF) is the tool that facilitates the Economic Development within a Tax Increment Reinvestment Zone (TIRZ) so the TIRZ is the actual district and the TIF is the tool. The tool is governed by Chapter 311 and there is some level of flexibility of what you can use the TIF for depending on the needs of your community but it is limited to what is allowed by Statute.

There is approximately 313 TIRZ registered with the state legally that number is to be closer to doubled, not all communities register their TIF. You are not alone in creating a TIF, it is a very common tool that is used

for economic development.

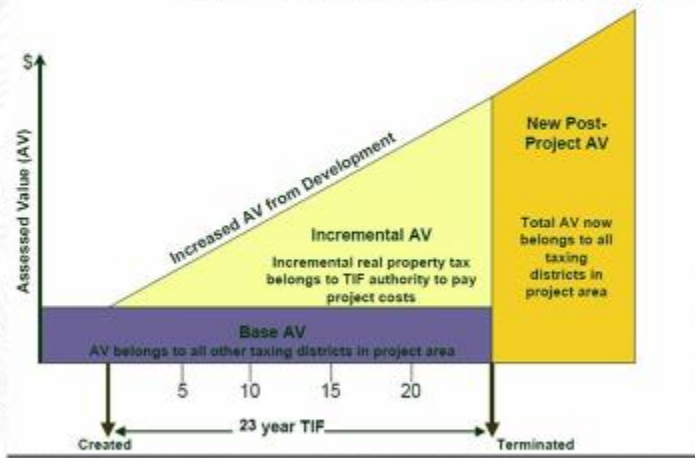
Cities can use this tool to pay for improvements with the purpose of attracting new development, facilitating investments and bringing excitement and energy into a designated area.

Taxing entities can contribute to Ad Valorem taxes received from incremental value so that is anything above and beyond the base in which is set in the year that the TIRZ is created. The base year would be 2019, those increases on the property in the TIRZ. A TIRZ can pay for cost of public works, public improvements, economic development programs, and other projects benefiting the zone.

The day the TIF is created, those dollars will continue to go into the General Fund moving forward. However, any increases on those properties will go into the (light yellow) portion of the graph, which is the TIF Fund. This assumes that 100% of the increment goes into the TIF Fund, that is an option and that is not what we are here proposing today. We are proposing 50% of the increment and once the TIF is terminated at the end of the term (this graph shows 25 years and it varies) all of those funds will flow into the General Fund. On this chart this shows one taxing entity if the City and the County were to participate this could be different. It does not have to be identical and is subject to negotiation.

Tax Increment Reinvestment Zones (TIRZ)

TIF Assessed Value (AV) Over Project Life



- Taxing entity rates are negotiated and can vary (not identical).

DAVID PETTIT
Economic Development

TIRZ OVERVIEW

There is only two ways to create new tax increment. One is new construction/investment; and or annual appreciation of real property (i.e. "organic growth").

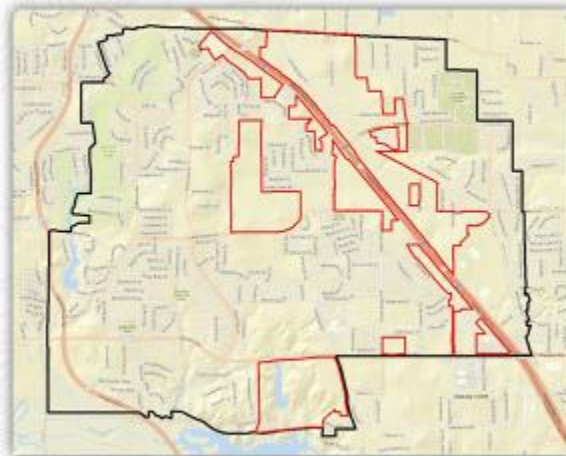
TIRZ Creation Process

- Chapter 311 outlines the various procedures for creating and amending a TIF. Two main documents:
 1. Creation ordinance; and
 2. TIF Project and Financing Plan
- Creation ordinance establishes five key elements:
 - Boundary;
 - Term;
 - TIF Board;
 - City Participation and
 - Preliminary Project and Financing Plan
- Upon TIF creation the Final Project and Financing Plan is approved by the TIF Board and then the City Council by separate ordinance

You can see outlined in black is the city limits and in red is the proposed TIRZ. It does include within those boundaries a TOB.

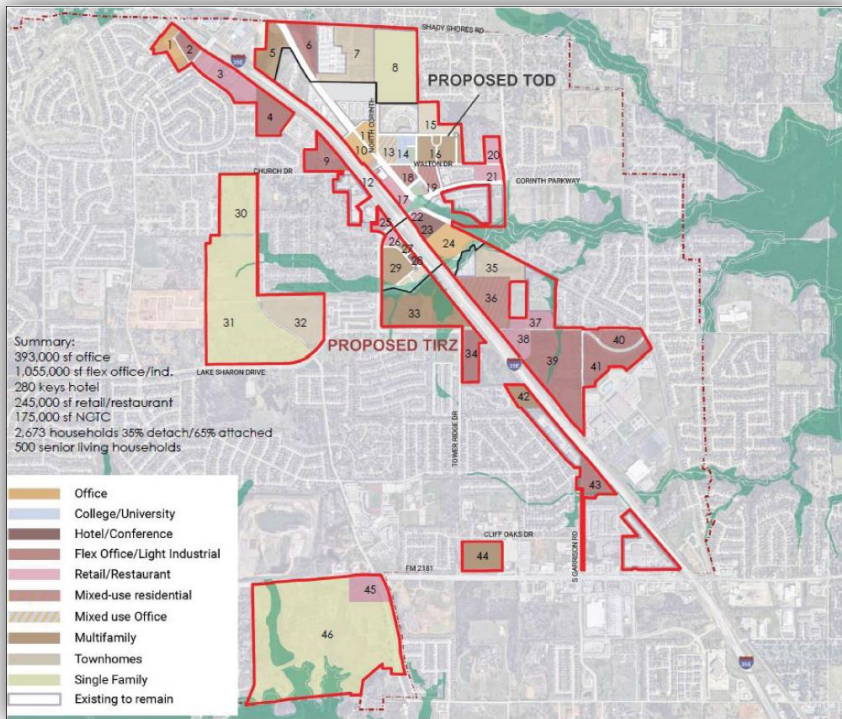
TIRZ #2 - Overview

- Located wholly within the City limits of Corinth
- Approximately 995 acres
- Noncontiguous
- The purpose of the TIRZ is to encourage private development that will yield additional tax revenue to all taxing jurisdictions.



David Pettit - Catalyst Urban Development prepared a Master Plan vision for the property located within the

TIRZ. Anticipated development includes a mix of uses including retail, office, industrial, multi-family, hotel, and single-family residential.



What are the drivers for this development? It is the transit Oriented Development stop, the expansion of NCTC. A village square, which is something that we do not have today.

TIRZ #2 – Proposed Development



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DAVID BETTIS
 Future Development

PROPOSED TIRZ #2

We are proposing a 36 - year term and the City of Corinth participating at 50% of its real property increment. Once we establish that proposing Denton County participation at 50% of its real property tax increment, subject to an Interlocal Agreement with the City of Corinth.

For every new dollar that is generated within the TIRZ cents is going to go into the General Fund and 50 cents is going to go into a special pot to help pay for projects that are going to be catalyst that are going to help draw businesses in to this Transit Oriented Zone. This does not include the sales tax that is going to be generated so the sales tax is going to be significant, we have a number of different restraints, retail establishments as a part of the build out so that is new income that will help the city.

Real Property Tax		Participation	
City of Corinth	0.53000000	50%	0.2650000
Denton County	0.22557400	50%	0.1127870
Denton ISD	1.54000000	0%	0.0000000
	2.29557400		0.3777870

Personal Property Tax		Participation	
City of Corinth	0.53000000	0%	0.0000000
Denton County	0.22557400	0%	0.0000000
Denton ISD	1.54000000	0%	0.0000000
	2.29557400		0.0000000

City Sales Tax Rate	0.0200000	0.00%	0.0000000
State Sales Tax Rate	0.0625000	0.00%	0.0000000

City HOT	0.0700000	0.00%	0.0000000
State HOT	0.0600000	0.00%	0.0000000

TIRZ #2 – Revenue Summary

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DAVID PETTIT
Economic Development

Taxing Jurisdictions	Total Taxes Generated	Participation	Total Net Benefit
City of Corinth	\$216,973,556	\$67,175,338	\$149,798,218
Denton County*	\$57,859,409	\$28,599,509	\$29,259,900
Denton ISD	\$395,007,800	\$0	\$395,007,800
State	\$179,657,618	\$0	\$179,657,618
Total	\$849,498,383	\$95,774,846	\$753,723,537

**Proposing Denton County participation at 50% of its real property tax increment, subject to an interlocal agreement with the City of Corinth.*

PROPOSED TIRZ #2

We looked at build out for the entire Master Plan and it generates \$849,498,383 worth of new increment and if we just take the Ad Valorem \$67,175,338 over that period would come to the City and would be going back into the area to pay for public improvements and \$28,599,509 is what we are proposing from County that would be subject to negotiations that this is approved leaving us with a net benefit that will benefit the City of \$753,723,537 over the term of the TIRZ. I do want to mention that \$216,973,556 includes your real property, your personal property, your sales tax and your hotel occupancy tax. The only thing that we are capturing here is 50% of the new real property Ad Valorem taxes.

TIRZ #2 – Project Costs

Proposed Project Costs		
Street and Intersection Improvements	\$ 33,521,196	35.0%
Sanitary Sewer Facilities and Improvements	\$ 19,154,969	20.0%
Water Facilities and Improvements	\$ 9,577,485	10.0%
Storm Water Facilities and Improvements	\$ 9,577,485	10.0%
Transit/Parking Improvements	\$ 9,577,485	10.0%
Open Space, Park and Recreation Facilities and Improvements	\$ 7,183,113	7.5%
Economic Development Grants	\$ 4,788,742	5.0%
Administrative Costs	\$ 2,394,371	2.5%
Total	\$ 95,774,846	100.0%

- The costs illustrated in the table above are estimates and may be revised.
- Savings from one line item may be applied to cost increase in another line item.
- **Individual TIRZ project cost allocations will be evaluated on a case by case basis, consistent with the categories listed above, and brought forward to the TIRZ board and City Council for consideration**

Next Steps for Creation

- City Council Consider Creation Ordinance
- Creation ordinance establishes four key elements:
 - Boundary;
 - Term;
 - TIF Board;
 - City Participation; and
 - Preliminary Project and Financing Plan
- Upon TIF creation the Final Project and Financing Plan is approved by the TIF Board and then the City Council by separate ordinance

Mayor Heidemann open the Public Hearing at 7:35 p.m.

David Slade, 3227 Acropolis Drive - will this include transit stops for DCTA? How are you getting the transit to that area?

Bob Hart, City Manager - that would include a rail stop at DCTA.

David Slade, 3227 Acropolis Drive - is that included in the cost of that or is that something we are going to vote on again?

Bob Hart, City Manager - the proposal is to finance the local share for the rail stop through the Tax Increment District.

Mayor Heidemann closed the Public Hearing at 7:48 p.m.

BUSINESS AGENDA:

- 8a.** Consider and act on an Ordinance creating Reinvestment Zone Number Two, City of Corinth; providing for effective and expiration dates of said zone; providing boundaries for said zone; establishing a Board of Directors for said zone; establishing a tax increment fund for said zone; establishing the tax increment base and tax increment for said zone; and providing for an effective date.

Jason Alexander, Director of Economic Development - the TIRZ is a considerable element in pushing Corinth, elevating this community to the next level, to make it competitive with surrounding communities economically, physically and socially. We believe that the Transit Oriented Development District that is at the heart of the TIRZ will be the catalyst as needed to drive economic development in this area for many years to come. Staff recommends approval of the Ordinance creating the reinvestment zone #2 of the City of Corinth and the Ordinance would establish the City Council as the Board of Directors for the TIF.

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

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

MOTION CARRIED

- 9.** Consider and act on a Resolution nominating candidate(s) to the Denton Central Appraisal District Board of Directors.

Item was pulled from the Agenda

- 10.** Consider and act on a Resolution for the appointment of one member to the Board of Managers of the Denco Area 9-1-1 District.

MOTION made by Councilmember Henderson to recommend David Terre for the appointment to the Board of Managers of the Denco Area 9-1-1 District. Seconded by Councilmember Burke.

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

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or

comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Bob Hart, City Manager - The National Night Out will be on October 1st and there will be a number of community events going on and if you are interested we can arrange for you to ride with a police officer.

Amanda Scallon our Chair to the Keep Corinth Beautiful Board and Lana Wylie, Sr. Administrative Assistant were at UNT today and they picked up over 30 volunteers to work with us on the cleanup in the City.

Mayor Heidemann - Congratulations to the Chief Ross and all the staff on the promotional ceremony.

There was no Closed Session during the Regular Schedule meeting.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code. **Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.**

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with Chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087 To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not. Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.

RECONVENE IN OPEN SESSION - In accordance with Texas Government Code, Chapter 551 the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:56 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: September 19, 2019 Workshop Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the September 19, 2019 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the September 19, 2019 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the September 19, 2019 Workshop Session minutes.

Attachments

Minutes

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

On this the 19th day of September 2019 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Patricia Adams, Messer, Rockefeller, & Fort
Jerry Garner, Police Chief
Jimmie Gregg, Police Captain
Cody Collier, Public Works Operations Director
Helen-Eve Liebman, Planning and Development Director
Ben Rodriguez, Planning and Development Manager
George Marshall, City Engineer
Jason Alexander, Economic Development Corporation Director
Brenton Copeland, Technology Services Assistant Manager
Brett Cast, Engineering Services Coordinator
Michael Ross, Fire Chief
Guadalupe Ruiz, Human Resources Director
Chris Rodriguez, Assistant Finance Director
Emily Beck, Communications and Marketing Coordinator
Lana Wylie, Senior Administrative Assistant

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 p.m.

WORKSHOP BUSINESS AGENDA:

- 1. Board members and new applicant interviews.**
- 2. Hold a discussion on the nominations, appointments, resignation and removal of members from the following: Keep Corinth Beautiful Commission, Planning and Zoning Commission, Board of Construction Appeals, Citizen Finance Audit Committee, Ethics Committee, Corinth Economic Development Corporation, and Zoning Board of Adjustments .**

Bob Hart, City Manager – Mayor and Council you have in your packet all of the positions you had discussed this past week. Rodney Thornton is one that you were holding for Place 6 of the second alternate position for P&Z, I will assume you will want to drop him in there. The other is Laura Paul, she had applied and you still have a vacant position in Place 5 in Ethics. You may want to look at putting her into that position. It would also have all of our positions full.

Tina Henderson, Council Member – I do not see a problem placing her in that position.

Mayor Heidemann – I would like to know if any of the council members who interviewed the candidates have any comments about the candidates so that Councilman Johnson, Mayor Pro-Tem Burke and Bob can be brought up to date.

Scott Garber, Council Member – They seemed to be very engaged and here for the right reasons. A lot of servant hearts this time around. I do have a question about the trails, especially as it was concerning to Lance Hendrik. What did we ultimately end up deciding?

Bob Hart, City Manager – This goes back partly to the conversation with Amanda and I. Before we brought any recommendation to you, Amanda and I met about three times to discuss some of that. Once we have KCB and Parks Boards in place, then you can get a couple representatives from each board and some residents and have a trails committee. You would have the trails committee working principally through the Parks & Rec Board but you would have some interaction with KCB so that they would coordinate. I think it will take about 60 days for us to get all of that in play to move forward.

Kelly Pickens, Council Member – KCB has most of the equipment, right?

Bob Hart, City Manager – Yes, it is city equipment for use for KCB, Parks & Rec.

Tina Henderson, Council Member – But we are not assigning Lance anywhere.

Bob Hart, City Manager – He would be on the trails committee. It will take about 60 days to get the other two boards up and running.

Scott Garber, Council Member – Do you have the list put together of who we had discussed was going to be a part of? What we discussed at the end of the interviews, we were thinking the trails would be in addition to the additional boards so my notes do not reflect Mr. Hendrik being on another board.

Bob Hart, City Manager – We do not have a trails committee so I am going back to the conversation and this is strictly what Amanda and I discussed, it was having the trails committee working out of and in-conjunction with KCB and Parks & Rec together. That means, if you look at it from a governing structure, you would have those two committees working, identifying citizens and they would be the people who would be making those appointments, rather than the council, unless you want to do that different but that was the direction I had been working toward with Amanda.

Scott Garber, Council Member – Right but our last interview we had all discussed and put the names up on the board and there were two members that did not get placed into a committee because we were deciding how the trails were going to go, so now that we know how the trails are going to go, we have a list of folks that we were going to place that may need to be revised a bit as a result of that.

Bob Hart, City Manager – I knew about Lance, I did not know about any others.

Tina Henderson, Council Member – Scott Porter, I thought we moved him to KCB.

Scott Garber, Council Member – We moved Scott Porter so it is pretty much just Lance at this point.

Kelly Pickens, Council Member – That is the only one I have on the trails.

Tina Henderson, Council Member – We were going to ask Scott Porter to work with Lance on the trails, that is what we recommended.

Bob Hart, City Manager – I can communicate that with Amanda but this next month is when we will have our first set of meetings with the new boards and then we would start working on the trails. The other thing you might want to do, you have them in here with the additions of Rodney Thornton and Laura Paul, when you go into the council meeting you may want to do all of the board appointments in one motion.

Sam Burke, Mayor Pro-Tem – Does someone have a list they can run through?

Bob Hart, City Manager – It would be the list in your packet and you would have to clarify Rodney and Laura Paul to Ethics in Place 5, if you would like to do that.

Scott Garber, Council Member – I think that goes back to my question, we had KCB and Parks & Rec full, without Lance.

Bob Hart, City Manager – That is correct but Lance would come back and pick up on the trails committee as soon as we the boards set up.

Scott Garber, Council Member – I got you, he does not need to be a part of KCB or Parks & Rec to maintain the trails.

Mayor Heidemann – That was what he wanted to do.

Patricia Adams, Messer, Rockefeller, & Fort – If you are making one motion for everybody then you will have to open agenda items 8 through 15 all at one time.

3. Hold a discussion and provide staff direction on City Council and Workshop meeting procedures.

Bob Hart, City Manager – We had some conversations about the security for the meetings. We have a police officer we generally pull off the street or pay overtime for them to be here and we run people through the metal detector. It seems like we do it for the one or two people who show up. I do not know all of the history, this was kicked off about seven or eight years ago. There was a good reason to have it then and I do not know that there is now so I wanted your perspective on it. Chief Garner is here and if we had a controversial issue, we could have an additional officer here but I was not sure we wanted everyone to go through the metal detectors.

Scott Garber, Council Member – From someone that has been here for a little while but maybe does not have the historical perspective, the glass up in front of Utility Billing and Municipal Courts and the metal detector in front of city council meetings seem to be overkill, it just does, unless there is going to be a huge divisive thing that we are talking about.

Lowell Johnson, Council Member – Two questions, Chief, is our bailiff going to be armed? Our bailiff is also going to be out collecting city warrants at some point in time?

Jerry Garner, Police Chief – Yes and yes that is my understanding.

Lowell Johnson, Council Member – Seems to me the simple solution if we would keep it is to adjust the bailiffs hours so that on Thursday's he works late so he will be on regular time doing that if we want to keep it. He is going to need to work evenings anyway, you do not collect warrants at 9:00 a.m. If we are going to keep them, the most least expensive would be to keep the bailiff on Thursday's until later.

Bob Hart, City Manager – That is a good idea, the larger question is do you want to have it at all?

Lowell Johnson, Council Member – Coming from a background, like these guys over here, and having been in intelligence I know that weak targets are easy targets so if there was ever somebody, regardless of whom it is and the whole world doesn't spin around where the nice guys are here and the bad guys are there, they are kind of everywhere these days so whether it is a mad president or anybody else decides they are going to take the day and it is our target where the target is pretty easy, it is even easy now with a guy out there. Truly if they wanted in here we would have one dead officer there and then the mayor would be dead because he is dead center and then you would go from there.

Sam Burke, Mayor Pro-Tem – That brings me to my point, I wanted to switch places with Kim.

Lowell Johnson, Council Member – I would lean more toward putting the bailiff in charge of it, he will be in charge of security anyway.

Kelly Pickens, Council Member – I agree with Lowell, I think it does not take a hot issue for someone to want to make a name for themselves.

Lowell Johnson, Council Member – We do not necessarily have to run the metal detector if you want to put the bailiff up there so that they know when they come in the door that he is there. Then you could use the metal detector on big nights but of course then the question comes, how do you know it is going to be a big night? Sometimes the littlest issues stir the biggest pots. If we want to continue to do it, I think the bailiff is the one we ought to rely on.

Bob Hart, City Manager – We can do that and we can play it by watching and not be consistent about keeping the metal detector out. It will be several months before we get a bailiff hired but I was trying to avoid some overtime.

Lowell Johnson, Council Member – Avoid how much overtime, about \$300 - \$400 per month?

Bob Hart, City Manager – It would be about \$300 per meeting, \$600 per month.

Sam Burke, Mayor Pro-Tem – Do you all have a strong feeling about it Chief?

Jerry Garner, Police Chief – A minor issue for us, yes we do sometimes have to pay overtime or we bring somebody off the street and now we are short on the street to staff that but what I was more interested in finding out in the conversations that I have had with the city manager, just what council felt what of a better term is our image requiring our citizens to come through a metal detector and pass an

officer to go to city council. I know places I have worked in law enforcement before that has never been a requirement to go to city council, to go through a metal detector and bypass an officer. This is why I brought it up to the manger to see what council's feelings are on is that sending a bad message or is it the message we want to send that if you are going to do something crazy there is going to be somebody there to stop you.

Bob Hart, City Manager – Expand on the notion that he is there in a community service mode not a detection mode.

Jerry Garner, Police Chief – I think Mr. Johnson hit on it a minute ago, we talked about this at the city manager's meeting the other day with staff. That officer that is out there is in a communications mode. He is not in a community relations mode, he is not in a high alert status so it would be very easy for somebody to come up and kill him quickly and then to come in and do whatever they wanted so we don't want to create a false sense of security with council either because that officer is more in the handshaking/welcome mode, which is probably where we want him to be than he is in high alert mode so that is not a guarantee whether it is a bailiff or an officer. Normally if I am not there for a council meeting probably one of my captains will be here so you will have an armed officer there for your meeting anyhow. We wanted to throw it out to you and see what you thought. We are perfectly willing and able to continue doing exactly what we are doing until it is relieved by a bailiff or anything council wants. We just wanted you to have a chance to talk about it see that you thought.

Scott Garber, Council Member – What does staff feel? They are the other half of the room? We sit and look at each other all night usually. Is there one major opinion one way or another from staff?

Bob Hart, City Manager – How would you all summarize it? Helen-Eve, Cody, Lee Ann, how would you summarize it?

Cody Collier, Public Works Operations Director – I am okay without.

Kelly Pickens, Council Member – I don't necessarily think the metal detector is needed.

George Marshall, City Engineer – My former place of employment, they did not have a dressed officer but they had somebody in the corner in a suit that was an armed officer in case there was something that came up but he was also a citizen so it made it easy for him.

Scott Garber, Council Member – What city was this?

George Marshall, City Engineer – It was Coppell and we did not require metal detectors, that is for court. It does present a little bit of an image thing and I think you noted earlier and I apologize if I am speaking out of turn but you noted the water bill and so forth, the glass that is one thing Coppell did away with and that increased the customer relations with water.

Scott Garber, Council Member – It just seems to me that it is just a cold barrier between the citizens and people that are supposed to be served.

Jimmie Gregg, Police Captain – As chief eluded to earlier, I have worked the metal detector several weeks many years ago. There is a fine line between someone runs through the metal detector and it goes off, what are you going to do, start searching them? You start being evasive with someone who is coming to an open meeting. Again, that is something you all will have to decide.

Kelly Pickens, Council Member – I can imagine if someone did come in and was armed and you

told them to stop they probably are not going to stop.

Jimmie Gregg, Police Captain – They are not going to stop and we are in that community service mode again so our guard is let down a little bit so if someone wanted to do harm, they can definitely do it.

Scott Garber, Council Member – I like the idea of having the officer there, I could take or leave the metal detector.

Tina Henderson, Council Member – I think the bailiff was a good idea.

Jimmie Gregg, Police Captain – Is everyone aware there is Kevlar lining?

Scott Garber, Council Member – I was going to bring that up maybe if the metal detector goes away an emergency response for council and staff that happened to be at a council meeting, what would you guys recommend happen if this happens?

Jerry Garner, Police Chief – You could also put a panic alarm.

Mayor Heidemann – I hear a consensus here about utilizing the bailiff but doing away with the metal detector.

4. Hold a discussion and provide staff direction on vaping practices/policies with regard to Lake Dallas and Denton Independent School Districts.

Jerry Garner, Police Chief – The mayor and I attended a meeting last week for the school districts. Denton and Lake Dallas had called to talk about the issue of vaping that they were dealing with. The problem with the aerosol is there is all kinds of stuff in there including heavy metals, stuff you don't want going into your lungs, which we think, from what the CDC tells us, what is going on with some of the people that are getting so sick.

Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor, produced by an e-cigarette or similar device. No smoke is produced, but rather an aerosol often mistaken for vapor.

The aerosol contains fine particles containing varying amounts of chemicals and metals which have been linked to cancer, respiratory illnesses, and heart disease.

They can look like all kinds of things and be called by various names and newer terms that we aren't familiar with yet. We will show you some in a few minutes. There are several pieces to it. Although it is rare there have been batteries exploding on these devices.

Devices may be referred to as e-cigs, vapes, e-hookahs, vape pens, mods, and tanks.
Devices can resemble flash drives, cigarettes, pens, flashlights, or have other unique configurations.

Generally a vaping device consists of a mouthpiece, a battery, a cartridge containing e-liquid or e-juice, and a heating element powered by the battery.

When heated the liquid is turned into an aerosol which is inhaled and then exhaled.

The JUUL is something some of you have encountered around the schools. They are popular with the kids because they are easy to hide. They come in many different flavors and some are aimed at kids.

The additional problem that goes with it is the THC that you can inject in there. Hopefully you are not buying that off the shelf but on some of these products, the folks from Lake Dallas High School think that is one of their problems right now, THC is being injected in these as aftermarket, if you will. CDC says to never purchase it off the street because you don't know what you are getting.

Vaping "vapor" contains highly-addictive nicotine and may have had adulterants such as tetrahydrocannabinol (THC) added.

You have seen in the media the same things I think we have as far as the number of deaths, respiratory illnesses around the country that we believe are resulting from these things. Although the CDC can't tell you exactly what the mechanics of this is, what is hurting you, other than it is damaging your lungs. We have had it here in North Texas as well.

HEALTH RISKS

To date at least 6 deaths and over 450 cases of respiratory illness/injury in 33 states have been attributed to vaping.

--U.S. Center for Disease Control (CDC)

The CDC has come out directly and for them to come out with this statement this direct tells how convincing the evidence is to them of telling people to not use these cigarettes.



Youth, young adults, pregnant women, as well as adults who do not currently use tobacco products should not use e-cigarettes.

--U.S. Center for Disease Control (CDC)

We are also finding out from the FDA, although a lot of people are using the vaping products to break a smoking habit. We do not know that it is working. It may be working for some folks but the FDA cannot confirm that it helps you get off cigarettes.



E-cigarettes are not currently approved as a quit smoking aid, and the available evidence is inconclusive on whether e-cigarettes are effective for quitting smoking.

--U.S. Food and Drug Administration (FDA)

A couple of studies we got from the CDC that I thought might be interesting. Mayor, I remember recalling that Lake Dallas High School folks said their percentage was higher than 25 that would be worse than the national average. I know the marijuana folks get mad at us in law enforcement, we talk about a gateway anything but it appears that using e-cigarettes is a gateway to moving on to regular cigarettes from what we are finding in one of these studies.

TWO STUDIES

- Up to 25% of surveyed teens in the U.S. say they have used or are using e-cigarettes.
- High schoolers who used e-cigarettes in the last month were 7 times more likely to have also used regular cigarettes when asked six months later.

Jimmie Gregg, Police Captain – The JUUL is the most popular targeting our school aged kids. This is the top selling brand in the U.S. It looks like a flash drive. The pod refill is about \$15 - \$20. The vape machine is rechargeable.

Mayor Heidemann – You are saying one vape is 20 cigarettes?

Jimmie Gregg, Police Captain – That cartridge is about 20 cigarettes.

Mayor Heidemann – You are hooked once you get through with that?

Jimmie Gregg, Police Captain – Pretty much and the way the kids are using it these days, you smoke a cigarette and you are done with it. These vape machines you take hit after hit after hit and they can use a full pod in one day. The way they market these, the flavors, count chochola who is that targeting? It is not you Mr. Garber, they are targeting our kids. Strawberry, watermelon and they actually smell pretty good, they are attractive to the youth. What we hear in our school districts is wide-spread use in

bathrooms and in the classroom settings. Teachers are taught to look for kids who may pull their hoodie down and lean over. The JUULs don't create a lot of vapor that you see, like the other units.

Mayor Heidemann – Do they inhale that or do they discharge it?

Jimmie Gregg, Police Captain – These they inhale more than the actual. I will show you a mod but yes, they are actually inhaling it.



- **JUUL**
- Top selling e-cigarette brand in the U.S.
- Less vapor, more nicotine (up to 6% nicotine per pod)
- Single Juul pod contains nicotine as a pack of 20 cigarettes
- Resembles a flashdrive therefore it is easily hidden by youth
- Widespread use in classrooms and bathrooms

The mods/tanks, they contain e-juice or e-liquid. They come in a variety of flavors that are appealing to the youth. This one is harder to conceal. It creates a vapor smoke cloud. It has less nicotine and has a longer battery life. There is more control because you have to push a button to fire it up. You can create more of a nicotine hit for each use but I do not know, I have never used one.



- **Mods or Tanks**
- Larger device, harder to conceal
- More vapor, less nicotine (nicotine levels vary on the e-juice used)
- Longer battery life

We have vape pens, they are sleek and discrete as well, very similar to the JUUL. It also works off the pod system. This one is refillable. They have some that look like cigarettes, I believe they are called Blu, so many different varieties and brands, it is ridiculous.

Vaping Products



- **Vape pens**
- Can be sleek and discrete

The e-juice/vape juice the most common ingredients are water, vegetable glycerin, propylene glycol, nicotine and flavoring.

Vaping Products



- **E-Juice/Vape Juice**
- Common vape juice ingredients are:
 - water, vegetable glycerin, propylene glycol, nicotine, and flavoring.

Scott Garber, Council Member – Were these devices confiscated from our school districts?

Jimmie Gregg, Police Captain – No and here is some marketing, again back in the 70's and 80's you could market these different flavors and now they are doing it again with JUUL. Different flavors, you are going after one thing, our youth. Same thing on the JUUL market front, same things, notice all these folks are fairly young. This was taken at a store here in Corinth. It show you they are here and people are buying them up and again they are being marketed to our kids. I know with the new law you have to be 21 or older to buy it but they are falling into the hands of our kids.



Jerry Garner, Police Chief – I thought one other point that was interesting, if you looked at their advertising you know the candy and the sweet stuff aims at the little kids but they are getting the big kids too. The girls are going to get you if you are vaping. If you can see the ads, this is a really social, loving thing to do. It will make you hot and popular. It is kind of like the old cigarette ads.

In looking at this the staff thought these assumptions were safe and our job as adults, whether school officials or law enforcement, city officials – we have a duty of trying to protect these kids, maybe protect them from themselves but we have a role to play in trying to stop them from using or discourage them from using them.

ASSUMPTIONS

1. Adults should make their own informed decisions about the potential hazards and benefits of vaping.
2. Efforts should be made to prevent minors from vaping or to encourage them to stop if they have already started.

There's some responses of different kinds, education may be the most valuable but as discussed with the school officials, there are two different kinds of messages, for adults and young people. The mayor talked about our excellent communications department here at the city, where we could work on whether it be through social media or otherwise messages for the parents. For the kids, that is something the school districts are going to work on. We as law enforcement have offered to help with videos or presentations. Regarding enforcement, what the schools can do as far as penalty or sanctions. The

schools have collected all kinds of this equipment from kids. The president has asked the FDA to look into this so we may see something soon from the FDA. Municipal ordinances, we have a very comprehensive, robust ordinance that council passed here back in 2014 that covers smoking, tobacco products and e-cigarettes so you were far thinking in coming up with a good one already.

POTENTIAL RESPONSES

Education

- Messages for parents
- Messages for young people

Enforcement

- School-imposed penalties
- State/federal laws and regulations
- Where appropriate, municipal ordinances

There is one change that the state doesn't have but I thought it might be interesting for you to see, this went into effect September 1st. It modified a state law that was already in effect raising the age up to 21 for tobacco products, cigarettes or e-cigarettes. You have to be 21 to have it, if you have it illegally that is a crime. If you give false information to a clerk that is also a crime.

Effective Sept. 1, 2019

An individual who is younger than 21 years of age commits an offense if the individual:

- 1) Possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or
- 2) Falsely represents himself or herself to be 21 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

---HB 1908 amending Section 161,251, Health and Safety Code

With that statute, a retailer that negligently sells that to someone under 21 can be cited for that too which is a misdemeanor. The difference in the state law and our law that we passed back in 2014, we have the age as 18 and the state says 21. That potential thing that council could do is move it up to the same as the state. We are here to hear what council would like for us to do additionally.

Under this same statute it is also illegal to sell or give, with criminal negligence, a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 years of age.

(Violations are a Class C Misdemeanor)

Scott Garber, Council Member – Do we currently ticket people under the age of 21 now, if we see them with an e-cigarette?

Jerry Garner, Police Chief – Here is something that is interesting, yes we can, unless they are on a school campus or on a school bus in a school facility. Back in 2013 the legislature decided school districts were using the police too much for things they should be handling. Two kids fighting on the campus whereas the principal used to handle that stuff, some schools were having the police take that over and charge both kids with disorderly conduct. The legislature said basically you cannot write a summons, you cannot take enforcement against a kid for a class c misdemeanor. This is a class c misdemeanor so they have taken that away from us so basically what we can do, if we encounter them at school a SRO can take their stuff away and give it to the school. Ironically if the kid is across the street from the school vaping then we can charge them with a class c misdemeanor but we can't on campus which is an oddity of the law.

Scott Garber, Council Member – So the THC that is being added to these things, do we have a way, if we have a reason to believe, can we test for that?

Jerry Garner, Police Chief – One of the problems, the tests are very expensive so you want to be sure you have a case that is worth prosecuting. It is \$500 - \$600 per test and the prosecutor for our county has said that is on the PD if they want to have it tested. We are at council's pleasure for what you would like to see.

Scott Garber, Council Member – I am not exactly sure from the city's perspective besides updating the age on our ordinance. It seems like there is already laws and the education is going to go through the schools. We will have some Facebook education in general but kids are not of Facebook anyway.

Sam Burke, Mayor Pro-Tem – Do the school districts have some kind of presentation that they have a link to that they provided to you?

Jerry Garner, Police Chief – They talked about putting something together. I am not sure if it is in existence or not but they talked about it last I heard. That is when we volunteered to help.

Sam Burke, Mayor Pro-Tem – We can send out some kind of news announcement with a link on our website.

Jerry Garner, Police Chief – Our intent is to follow up with the schools to see what their plan is and how we can help.

Kelly Pickens, Council Member – Does state law trump ours?

Sam Burke, Mayor Pro-Tem – You just want it to be consistent.

Patricia Adams, Messer, Rockefeller, & Fort – The law allows us to do things expressly preempted so I would vote this section of the safety code we can adopt ordinances that are comparable, equivalent or more stringent than state law except that we can't affect anything that is the age, 21 is 21. We can also enact laws that go in gaps where they are not specifically regulated by state law. I think there are options for the school district. There are process where they just don't usually want to go to the trouble to do it where a few years ago when they made that change about writing tickets, it was to get the school to make better boards and I know those get filed with city prosecutors and prosecutors will look at those and will determine if they are going to prosecute that case and move forward that way, it is just a matter that they cannot write a citation anymore. There is still a process, my experience has been since that law changed because of that process they have to go through the school districts are not doing that, it is too labor intensive. If you have options, they just usually do not have the staffing to be able to do that. I am sure they would probably do it if it was something significant or they might want to look at it as an initiative to get out there and start letting those kids know that they are going to get sent to the court and will have to deal with this with mom and dad because they are juveniles and mom and dad have to take off work to go down there with them if they are 16 or under 17. There are options it is just too labor intensive. Chief called me last week and was telling me about this and unfortunately I was out of town but I had some research done while I was gone and asking some of the other attorneys in the office if other cities were doing anything and so far we haven't seen anybody doing anything more specific. Corinth already has something in place so you are all kind of ahead of the curve on that one with what you have in place prohibiting smoking which included the e-cigarettes so we will keep an eye on it as people come up with ideas and bring that back if there is something that we think would be helpful. I talked with the Chief about it to see if that is something you are interested in doing.

Mayor Heidemann – As far as Pumpkin Palooza, how do you enforce something like this in an activity?

Jerry Garner, Police Chief – It is not incredibly easy and to be very honest with you, it is not a huge high priority for what we ask our officers to do because again we are in the community relations mode. If somebody has a great big cloud of vapor around them we will say something to them. Same thing if they are walking through with a cigar blowing smoke on everybody. If they are careful, covert about their smoking we are probably not going to get involved with them at all. I don't know that we have issued any summons on tobacco violations or e-cigarette violations because what we generally try to do is to do it by warning, asking if they know it is against the law. Most of the time, virtually all the time that works but it would be something we would challenge, certainly if we see it going on with Pumpkin Palooza and had a chance to do that. It would be against the law because it would be in a public facility.

Mayor Heidemann – Do I hear a consensus from council that we should look at raising our age from 18 to 21?

Kelly Pickens, Council Member – Yes

Mayor Heidemann – The meeting I attended with Chief was with Denton and Lake Dallas ISD but it also had Dr. Harris there from Presbyterian, he is a pediatrician but also chief of staff there. His comments were eye opening from the perspective that to the United States this is relatively new so they have not large database to draw from but where they can go to get the database is in Europe. Europe is

showing that there is some real serious scar tissue in the lungs and also damage to the lungs. Like he said, it is inevitable, it is going to come in time. He said you will really have to look at fighting the same as cigarette smoking. That was the way he summarized it.

Jimmie Gregg, Police Captain – There are already some states that are outlawing the flavors and make it just a base nicotine, the four major ingredients minus the flavoring. This could be something we may see here in Texas.

Mayor Heidemann – We sure do appreciate all you do out there for us and in this respect. What we are trying to protect is our biggest asset we have in our community and that is our children. If we can educate them and make sure everybody is on the same page and everybody doing as much as we can to prevent this that is all we can do.

Jerry Garner, Police Chief – Thank you for your direction.

5. 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.

Sam Burke, Mayor Pro-Tem – The extension on the 380 agreement, is that just to give them more time?

Bob Hart, City Manager – It is giving them additional time, they bought the land so they are start moving forward so we are getting the agreement in relation to that so that is one. The second thing is that they are reducing the number of rooms from 88 to 86. Other than that it is the same thing. And then in light of the building material issues, the building material is addressed in the agreement.

Tina Henderson, Council Member – It is also tying him to the Millennium location before it was anywhere in Corinth.

Bob Hart, City Manager – Yes and we can regulate the building materials.

There was no Closed Session.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:24 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 4.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: September 19, 2019 Regular Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act minutes from the September 19, 2019 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the September 19, 2019 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the September 19, 2019 Regular Session minutes.

Attachments

Minutes

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

On this the 19th day of September 2019 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 7:00 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Michael Ross, Fire Chief
Jimmie Gregg, Police Captain
Brenton Copeland, Technology Services Asst. Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriguez, Planning and Development Manager
Brett Cast, Engineering Services Coordinator
Cody Collier, Public Works Director
Lee Ann Bunselmeyer, Director of Finance, Communication & Strategic Services
Chris Rodriguez, Asst. Finance Director
Guadalupe Ruiz, Human Resource Director
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Lana Wylie, Sr. Admin Assistant

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

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:02 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance.

CITIZEN'S COMMENTS:

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of

the City of Corinth.

No one spoke during Citizens Comments.

1. Consider and act on an Ordinance adopting the 2019-2020 Annual Budget and appropriating resources for the budget year beginning October 1, 2019.

MOTION made by Councilmember Burke to approve an Ordinance adopting the Fiscal Year 2019-2020 Annual Budget and appropriating resources for the fiscal year beginning October 1, 2019 and ending September 30, 2020. Seconded by Councilmember Garber.

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

MOTION CARRIED

2. Consider and act on an Ordinance levying and adopting the tax rate for the 2019-2020 Fiscal Year.

MOTION made by Councilmember Burke to approve an Ordinance that the property tax rate be increased by the adoption of a tax rate of \$0.54500 per \$100 assessed valuation, which is effectively 13.17% increase in the tax rate. Seconded by Councilmember Garber.

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

MOTION CARRIED

3. Consider and act on an Ordinance approving the 2019 Tax Rolls and accepting the anticipated collection rate of 100 percent for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

MOTION made by Councilmember Burke to approve the Ordinance accepting the 2019 Tax Roll and to accept the submission of the certified collection rate of 100 percent for the fiscal year beginning October 1, 2019 and ending September 30, 2020. Seconded by Councilmember Garber.

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

MOTION CARRIED

4. Consider vote to ratify the property tax increase reflected in the city's annual budget for FY2019-2020.

MOTION made by Councilmember Burke to move to ratify the property tax increase reflected in the city's annual budget for FY 2019-2020. Seconded by Councilmember Garber.

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

MOTION CARRIED

5. Consider and act on a Resolution approving a compensation plan for employees, adopting pay schedules for General Government, Police, and Fire employees; and providing for an effective date.

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

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

MOTION CARRIED

6. Consider and act on a Resolution approving a First Amended and Restated Chapter 380 Economic Development Incentive Agreement between the City of Corinth, Texas, the Corinth Economic Development Corporation and 6Q Hospitality, L.L.C. in connection with the construction and operation of a hotel and conference center in the City that, among other things, clarifies the performance obligations of the parties and extends the dates for meeting certain performance obligations.

Bob Hart, City Manager - this is an agreement that the Council approved about two years ago. The proposed revisions to the Agreement contemplate the following:

- Extending the termination date of the Agreement from December 31, 2029 to December 31, 2030.
- Requiring the hotel and conference center be constructed at 6557 South Interstate 35E (Millennium Place).
- Requiring 6Q Hospitality, L.L.C., to commence construction of the hotel and conference center on or before January 1, 2020 and complete construction of the same on or before August 31, 2021.
- Amending the language for: (i) calculating the minimum cumulative assessed value to include the combined assessed value of the real property and the improvements to be constructed thereon; and (ii) extending the date for establishing the cumulative minimum assessed value to January 1, 2022. Although the minimum assessed value as of January 1, 2022 is required to be at least \$10,000,000.00, the Agreement provides safeguards for the City and 6Q Hospitality, L.L.C. if there are increases or decreases in the total value of all real property in Corinth due to economic and market changes. The threshold remains at ten (10) percent.
- Extending the date for creating and retaining at least 22 full-time employment positions from January 31, 2021 to January 31, 2022.
- Extending the date for commencing operation of the hotel and conference center from October 1, 2020 to October 1, 2021.

The economic development incentives for the construction and operation of the hotel remain the same under the proposed amendments and revisions to the agreement: (i) reimbursement of sales and use tax revenues on personal property purchased under a Texas Direct Payment Permit and attributable to the construction, equipping and maintenance of the hotel and conference center; (ii) reimbursement of hotel occupancy tax

revenues for the benefit of the conference center and related purposes as authorized by Chapter 351 of the Texas Tax Code; and (iii) a reimbursement in the amount of \$150,000.00 for costs, expenses and fees incurred by 6Q Hospitality, L.L.C. for required permits, licenses and inspections. Concerning the reimbursement of sales and use tax revenues on the addition of personal property, it should be noted that such revenues are not inclusive of any revenues collected by the Texas Comptroller of Public Accounts for receipt by any present or future special tax fund (e.g., Crime Control and Prevention District and the Street Maintenance Tax Fund).

Finally, the proposed amendments and revisions clarify that the City is responsible for collecting hotel occupancy taxes as authorized by state law.

MOTION made by Councilmember Henderson to approve the amended and reinstated Chapter 380 Economic Development Incentive agreement as presented. Seconded by Councilmember Johnson.

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

MOTION CARRIED

7. Consider and act upon a Major Subdivision Waiver for driveway spacing on a 2.327 Acre property totaling legally described as Abstract 0511A E.A. Garrison Survey, Tract 19(PT)(ROW), Tract 19(PT), Tract 20(PT)(ROW), Tract 20(PT), Tract 21(PT), and Tract 22. (Magnolia Center Major Subdivision Waiver)

Helen - Eve Liebman, Planning and Development Director - The applicant is requesting a variance from the City's Unified Development Code "UDC" Subdivision Regulations as it pertains to minimum spacing between driveways.

The property is located at the southeast corner of IH 35 and Lake Sharon Drive.

The City's UDC states that there shall be a minimum of 250 feet of spacing between driveways or intersections on state maintained roadways. Ex. FM 2181, IH35, and FM 2499.

The applicant is requesting a variance to allow a driveway to be placed within 100 feet of the nearest intersection and 82 feet from the nearest driveway. The applicant has agreed to provide a cross access point that will connect to the adjoining car dealership and the adjoining property fronting Tower Ridge. TxDOT has signaled that this location is the only place that they would permit a drive to be placed on this property.

The City Engineer has reviewed the proposed variance and has approved the location pending final approval by the Planning and Zoning Commission and the City Council.

Following the approval of the waiver the City will forward the applicants driveway request for TxDOT's approval. TxDOT approval is contingent on the City's approval of the applicant's request. The Planning and Zoning Commission recommended approval and staff recommends approval as presented.

MOTION made by Councilmember Johnson to approve the Major Subdivision Waiver as presented. Seconded by Councilmember Garber.

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

MOTION CARRIED

8. Consider and act on nominations, appointments, resignations and removal of members from Keep Corinth Beautiful Commission.

1 Magan Lersch
2 Kristen Fisher
3 Amanda Scallon
4 Scott Porter
6 Michelle Mc Nally
7 Justus Carlile

9. Consider and act on nominations, appointments, resignations and removal of members from the Planning and Zoning Commission.

1 Steve Holzwarth
2 Wade May
3 Brian Rush Chair
4 Lindsey Baker
5 Robert Pace
6 Rodney Thornton, Alt 2
7 Cody Gober, Alt 1

10. Consider and act on nominations, appointments, resignations and removal of members from the Board of Construction Appeals.

1 John Horney
2 Douglas Fernow
3 Robert Pace
4 John Cox
5 Keith Koeninger
6 David Burnett, 2nd Alt
7 David Payne, 1st Alt

11. Consider and act on nominations, appointments, resignations and removal of members from the Citizen Finance Audit Committee.

1 Councilmember Burke Vice Chairman
2 Councilmember Garber Chairman
3 Richard Weir
4 Catherine Miller

12. Consider and act on nominations, appointments, resignations and removal of members from the Ethics Committee.

1 Tom Winterburn
2 Lee Ann Heath

- 3 Molly Fillmore
- 4 Joan Mazza

13. Consider and act on nominations, appointments, resignations and removal of members from Corinth Economic Development Corporation.

- 1 Bradley Hinson
- 2 Eric Wiser
- 3 Jerry Blazewicz
- 4 Tina Henderson
- 5 Grady Ray
- 6 Robert Goodwin
- 7 Joan Mazza

14. Consider and act on nominations, appointments, resignations and removal of members from the Zoning Board of Adjustments.

- 1 John Horney Chair
- 2 Douglas Fernow
- 3 Robert Pace
- 4 John Cox
- 5 Keith Koeninger
- 6 David Burnett, 2nd Alt
- 7 David Payne, 1st Alt

15. Consider and act on nominations/ appointments to the Parks and Recreation Board.

- 1 Billy Byassee
- 2 Paula Lanigan
- 3 Adam Johnson
- 4 Tim Page
- 5 Catherine Miller

MOTION made by Councilmember Henderson to approve items 8-15 with addition of adding Laura Paul to the Ethics Committee. Seconded by Councilmember Pickens.

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

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Councilmember Johnson - thanked the staff for the work they have done on the budget you have done another incredible job again this year. To my colloquies on the Council, I would highly recommend that if you have not had any financial training through TML or COG please get it because you will need it more and more as things get more complicated.

Councilmember Henderson - it was very interesting in doing our interviews for the boards and commissions. We have really qualified people and I thought it was great. It was consistent on where the individuals found the information, there was so many places on our website and our social media so cuddo's to Lee Ann and your folks for doing that.

I also would like to invite everyone, next Wednesday at 7:00 a.m. The Town of Hickory Creek is having a "See You at the Station" they will be having a prayer around the flagpole for all of our first responders so anyone that can come out to that, we would love to have you.

Bob Hart, City Manager - I would like to remind everyone about the Joint Meeting between the Planning and Zoning Commission and the Council, and our Citizens Planning Advisory Committee next Tuesday at 6:00 p.m. This has to do with the early stages of working on our Comprehensive Plan.

National Night Out is coming up on October 1st, we have the Mayor and Councilmember Pickens are signed up to go out with the officers and if anyone else has an interest please let me know.

Mayor Heidemann - I would like to thank the staff, it is easy for us to sit up here and vote but it is you that does all the leg work for us and make sure that we make good decisions up here and I think that this is one of the things that came out in our interviews when people signed up for the various committees and commissions is the fact that they appreciate what the city is doing for the citizens and they appreciate our openness and our transparency and I think that this Council should be congratulated on their efforts in terms of approving the funding for a lot of these different programs that the City is implementing right now and it just makes the city a better place to live and work and we are very proud of this city.

The Gala for the Lakes Cities Education Foundation will be recognizing my wife so please come and enjoy the music and also the testimony of the people who had been with her. Thank you.

There was no Closed Session during the Regular Schedule meeting.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code. **Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.**

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with Chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or

dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087 To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not. Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.

RECONVENE IN OPEN SESSION - In accordance with Texas Government Code, Chapter 551 the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:56 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 5.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: October 3, 2019 Workshop Session
Submitted For: Kim Pence, City Secretary
City Manager Review:
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the October 3, 2019 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the October 3, 2019 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the October 3, 2019 Workshop Session minutes.

Attachments

Minutes

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

On this the 3rd day of October 2019 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:45 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Kim Pence, City Secretary
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Patricia Adams, Messer, Rockefeller, & Fort
Jerry Garner, Police Chief
Helen-Eve Liebman, Planning and Development Director
Ben Rodriguez, Planning and Development Manager
George Marshall, City Engineer
Jason Alexander, Economic Development Corporation Director
Brenton Copeland, Technology Services Assistant Manager
Brett Cast, Engineering Services Coordinator
Michael Ross, Fire Chief

Others Present:

Tom Ryden, Lockwood, Andrews & Newnam Inc.
Ann Boulden, DCTA
Doug Henderson, AT&T

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:45 p.m.

WORKSHOP BUSINESS AGENDA:

1. Review the Phase One Rail Stop Study.

Bob Hart, City Manager – We have folks from DCTA and Lockwood Anders. Ann and Tom will go through a presentation of Phase One of the report and after you have looked at this tonight you will have this on the agenda on October 17th so we can look at authorizing them to move on to Phase

Two.

Ann Boulden, DCTA – I am sure everyone knows we have ILA (Interlocal agreement) that we executed with the City of Corinth to allow us to proceed with this study. LAN has finished Phase One and they are going to present the outline of the report and then on October 17th, we are hoping we can proceed with Phase Two which will tell you all how much it will cost.

Tom Ryden, Lockwood, Andrews & Newnam Inc. – We are a consulting firm, we took the lead to put the study together working closely with the city manager and senior staff over the past couple of months. I am here to present what we found to date. We are starting with the end in mind, here you see the planned development that you have already discussed. Here is a sample of the train pulling into a station. If all goes well and everybody is happy, the station could have Corinth's name on it.



View of Corinth Village



Master Planning
VILLAGE SQUARE AT CORINTH



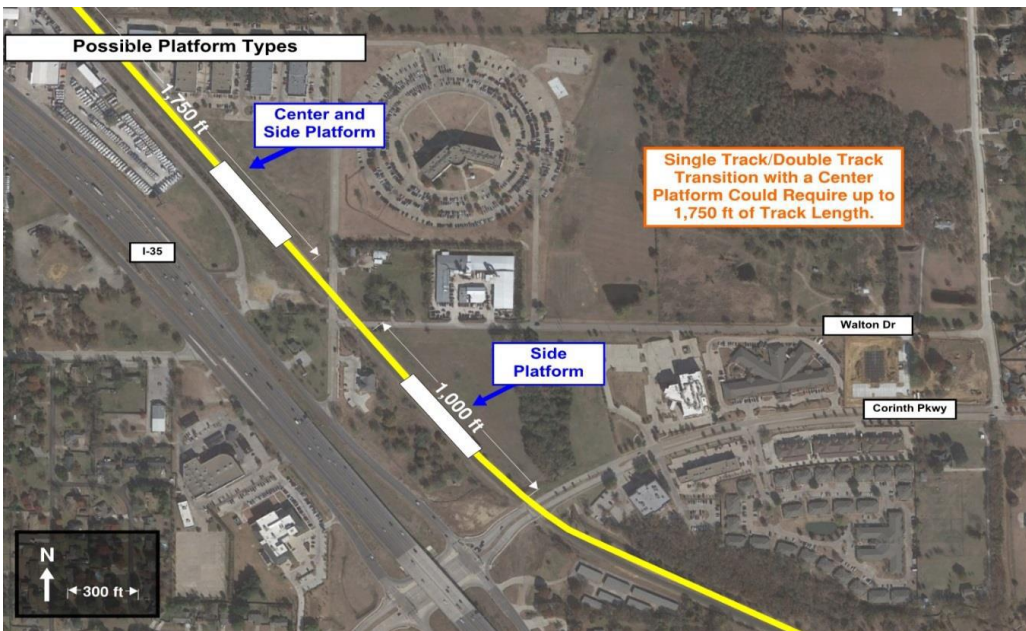


What I want to talk about today are the three aspects of the Phase One study. I will spend most of the time on the station location and station concept, say a few things about infrastructure modifications from the standpoint of civil engineering infrastructure and then a comment or two about the operational analysis that we have done. I will conclude with some next steps.

The first thing we did was to try to identify a few potential station areas. We didn't want to just jump right to a location because we want to make sure we took into account everything that is going on both present and future. We started by looking at three general areas, first on the north here, the station area would focus on the NCTC campus which is north of Walton. Then we moved to an area between Walton and Corinth Parkway which essentially would have access within a thousand feet of the City Hall and the hospital but also opportunity for a lot of vacant property that subject of the development. The third area we looked at was south of Corinth Parkway again access to residential development within one thousand feet and City Hall but there are other issues with regard to where this is placed and the kind of access you could have as a pedestrian given terrain and other development that is here. We centered on that second location because primarily it works the best with the proposed development.

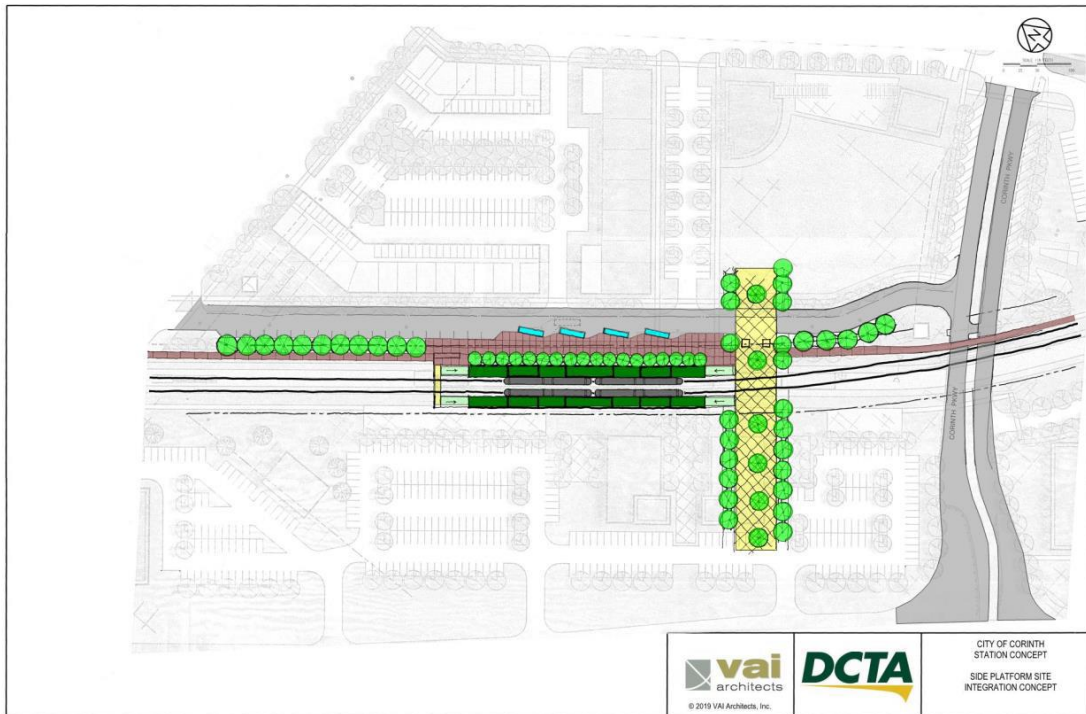


Here you see a bigger map of that concept with the station shown again, in concept form.



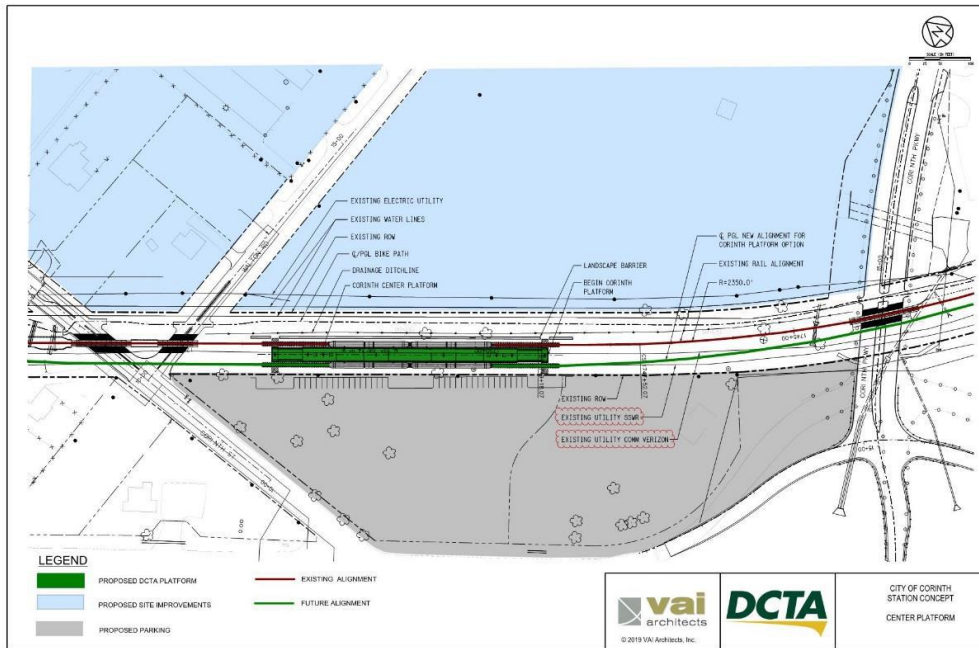
The next challenge for the group and our team was to specifically place that station. There are some engineering considerations that are very important. The analogy, you have all been on a roller coaster, it banks hard to the right and to the left it goes up slow and at a steep incline and goes down at a fast steep decline. That is fun but you do not want a passenger rail train to do that. We need to be careful about the grade, both horizontal and the vertical curve, where the station is going to be. We

worked and looked at a number of locations within that are between Walton and Corinth Parkway because there are places where the track curves sharply as it comes across Corinth Parkway. It is hard to see by the naked eye, there are some changes in vertical profile. Why is that important? It is important because when a train pulls into a station, the operator needs to have a clear view of that station platform, at all spots and passengers need to have a level surface to get on and get off. That is particularly important for ADA considerations. We worked and looked at three location and a variety of different platform types given the constraints that are in that section. We were able to come up with this concept which we call a side platform concept. You have the double track train in the middle and the platforms on both sides.



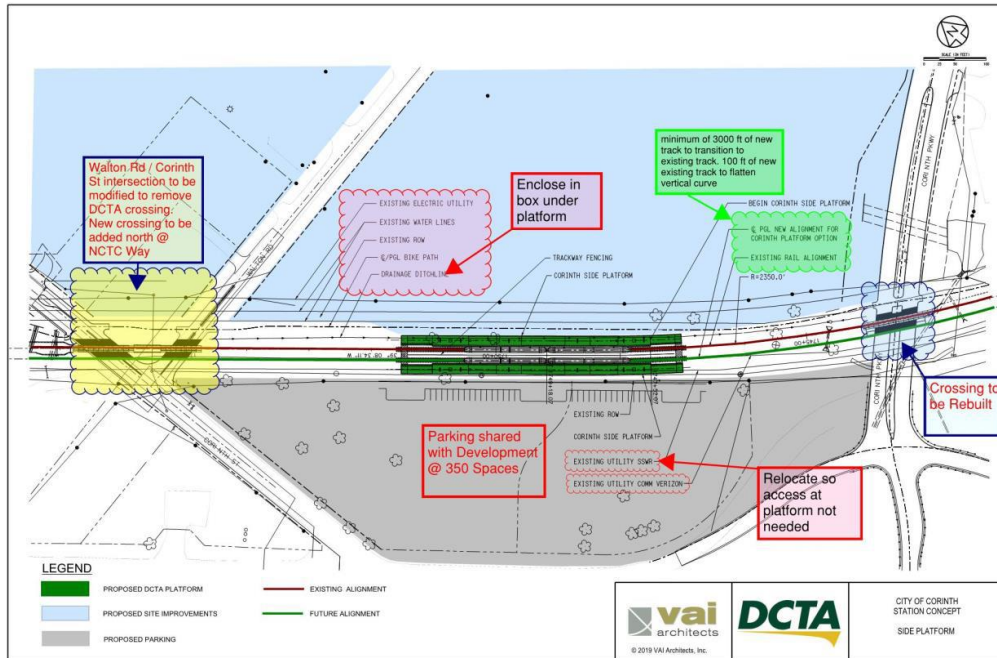
As opposed to swapping that out and the green is in the center and the tracks are on both sides that is called a center platform. The advantages of the side platform are that it reduces the amount of extra track needed to transition back to the existing single track operation of DCTA. It is a single track railroad and it affords us an opportunity to have more direct access from that development, on both sides to the platform. We felt this was the best configuration and allowed us to push the platform as close to Corinth Parkway as we could which was felt to be the best way to integrate with the development. A point about this type of platform, you may have ridden a number of rail systems, sometimes you will see at these stations, an access that comes through the center of a station. We have this end loaded, the access is on both sides. You do not have a center access because of the configuration of this system. As you see in the cross section, you would have to and do not want to step down, come across these tracks and step up in the middle of the station. We will level it out and both ends but there would not be any crossing in the center. This platform is 450 feet long. It is really good short access on both ends. We also want to show how it can integrate with the development itself. In grey is a schematic of the proposed development as was provided to us by the developer. We have shown the actual platform in place. They have added a roadway that connects from Corinth Parkway towards Walton Road. We are showing bus access on the west side of that roadway and we also show a pedestrian connection. In concept, it can be narrower, it can be shorter. It is not shown in its final form, it is mean to show an opportunity, visually for people that are both sides of the development to focus toward the station. You can do that with signing, landscaping. This

concept graphic shows a way to integrate the station. On the west side you have easy pedestrian access with an estimated 350 parking spaces and on the east side through the station and bus area you have access to that side of the platform.



Let me talk about infrastructure. This looks like a long list but it is not terribly long. There is about 3,000 feet of new double-track that is required just to put this station in. It is just to make the transition from the addition of the track, the right curves/enough geometry to make it fit back into each end where the system is single track. There is also about one hundred feet of new existing track that has to be redone to flatten out the vertical curve we discussed before. There is a new access roadway from the previous slide with the bus bays that will need to be included. The relocation of the hike and bike path that is just north of the east bound track. It would be relocated to the other side of the roadway. There is a couple of railroad crossings, one at Corinth Parkway that will need to be redone because of adding the second track. We had discussion about reconfiguring the crossing at Walton and Corinth Street where it is kind of like a double crossing. The discussion was that reconfiguring so there is no crossing there when the development is put into place and transportation is reworked and that a new crossing could be added further to the north at NCTC Way. It would be a simpler crossing, rather than the double crossing. There are some minor drainage improvements and a suggestion of a portion of sanitary sewer that should be relocated because a portion is under the west platform.

We did an operation analysis with the addition of a station. When you have a single track system what happens is you have trains going in both directions but they need to stay out of each other's way. There are points where these trains are scheduled to wait while other trains go through certain sections. It is all timed in their operation. If you add a station, that affects the timing of all of that. We did an analysis and looked at what would happen if we added a station. The good news is that the station can be added without affecting reliability of the trains; however, it does add time to the train schedule. There is work that still needs to be done to identify what other changes may be required which could include more double track than the 3,000 feet we have identified. Also other operations changes, changes to system engineering things like signaling that need to be done because it is important to gain back the lost travel time. That is still being done and it is our hope that we can continue and finish that up as part of phase two.



We did complete the draft final report. We distributed it to your staff last week. We will get comments and incorporate those comments into a final version of the report and submit it. As Ann mentioned, Phase Two is all about doing rough order magnitude cost. That will include for the station itself, new tracks, new systems engineering, additional operating costs that may result from this and also will develop a more detailed implementation schedule. What has to happen, over what period of time to get from where we are right now which is very conceptual through design, through construction and into operation. I will answer any questions at this time.

Tina Henderson, Council Member – Did I hear you right, you said it would be 350 parking spaces?

Tom Ryden, Lockwood, Andrews & Newnam Inc. – That is the number we are working with now, yes.

Tina Henderson, Council Member – Why?

Tom Ryden, Lockwood, Andrews & Newnam Inc. – What you are creating here with the development and all this is going to happen and what is already here in the city, you are going to create a place of origin and a place of destination. You want to have places for people to park, who are coming, who want to use this area as well as a place for people to park who live in the community and want to use the rail line to go north or south.

Tina Henderson, Council Member – It just seems like a lot.

Kelly Pickens, Council Member – How much time is the average, if a stop is added to the travel time?

Tom Ryden, Lockwood, Andrews & Newnam Inc. – The analysis shows it is about a minute and a half.

Lowell Johnson, Council Member – Is this going to be available to us electronically?

Tom Ryden, Lockwood, Andrews & Newnam Inc. – I saw it was loaded onto the system but I do not know where it goes from there.

Bob Hart, City Manager – We just received it, we can get it out.

Ann Boulden, DCTA – I was going to comment on the parking spaces. We had a pretty extensive discussion on how big the parking lot should be. The beauty of the initial plan was making sure we have room for 350 spaces. That side of the track is where you are anticipating more development, restaurants, possibly some activities like that so if you have the opportunity to let other people build and you do not need that many, you have the room there but you have the room for the 350 if that is what you decide that it is how many you guys need.

Tina Henderson, Council Member – It makes sense for the area, it does not make sense just for the train.

Tom Ryden, Lockwood, Andrews & Newnam Inc. – I should have pointed out, it is meant to be shared parking with the development.

2. **Presentation of the North Central Texas Council of Governments Metropolitan Transportation Plan Policy Bundle.**

Helen-Eve Liebman, Planning and Development Director – This item has to do with the Metropolitan Transportation Plan, the Policy Bundle. This is based on the mobility 2045 Plan that North Central Council of Governments has. There are a number of different agencies and communities that have the ability to receive funding through credits for various projects but in order to qualify you have to meet certain standards. There are 20 policies and programs and you have to adopt 50% of those. Staff has been working diligently over the last few months to identify those that we anticipate being able to have approved through resolutions, policies, programs, ordinance, development regulation changes. There are a number of elements within each policy/plan. As I said there are 20, the city identified 15 that we are going to go for. You always want to go big because they might not accept all of them. We will be working closely with them as we start having these items approved.

The first is about complete streets. This has a lot to do with our comprehensive plan update as well as the park trails master plan. This evening you have on your agenda our policy so that is why it states anticipated completion October 3rd. In addition to the MOU for the complete streets we will be working with the COG as well as other organizations so that we can adopt other items that might be related to this so it's packaged up together.

Another one is the storm water management plan, our Engineering Department has been working on this item and we think you will see that mid-November.

Next is idling restrictions, this is this evening as well. Someone had asked earlier about how is this regulated? It is more of an education outreach, encouraging folks to know and understand that we do have idling restrictions.

At transit funding, there are two levels for this, when we started looking into this we were thinking what could this do for Corinth? We are not sure yet of everything but George helped me identify

since 2014, some of the agencies projects and funding. I saw mostly larger cities like Grand Prairie, Dallas, Arlington, Mesquite, Garland, those cities. The largest portion of funding was for NCTCOG and TxDOT. Of the projects that we researched for the cities, it was a lot of transit funding for the busses that can take older citizens to appointments as well as disabled folks. It also went toward busses and other maintenance for the bus lines for these communities. We also saw sidewalk improvements, a lot of the complete streets; once we get through all of this, we will be working closely with COG to help coach us through what we might be able to apply for, for these grant credits.

Employer trip reduction – we do not have a lot of large employers in our city so this one might be easy to get or it might not be easy to get. We are still working on this one.

A wrong way driving – that one has already been implemented. This as well as the next, we have been working closely with the Police and Fire Departments on adopting these policies. It is more of a reporting mechanism. That one too, you will see mid-November.

Land use strategies – we have already completed this through our existing comprehensive land use plan but it is something that will always be ongoing.

Safe access to schools – it is another one that I had seen in the history of funding from 2014 and we are hopeful that we will be able qualify for this one as well upon grant funding.

Mayor Heidemann – Was that for sidewalks? We put a grant application in already, correct? Do we have a timeline on that?

Helen-Eve Liebman, Planning and Development Director – Safe access to schools? Yes sir. We are hoping with that grant being granted that we will be able to qualify for this one. End of the year.

George Marshall, City Engineer – Yes, I just received an email today saying the end of December. There were a lot of projects applied for, maybe 100,000,000 and they only have eight or something.

Helen-Eve Liebman, Planning and Development Director – The clean fleet policy is another one, mid-November that you will be seeing as well as copper theft. It is a huge problem with people stealing copper, not necessarily with private development but in the street lights. We understand there is a big issue with that.

Railroad safety – we have already completed that and once again it is an education outreach and continual reminding of safety.

Parking management – this has a lot to do with our comprehensive plan and how we might look at reducing our parking regulations and the anticipated additional use of the autonomous vehicles and the ride share.

School sighting coordination – this is not a big challenge for us right now because most of our school system is built out. Every once in a while you hear of an expansion or they might be looking at a different property to switch out facilities. We will certainly be working on this one. This is the last one but I do want to add a caveat, these 20 are based on this past year's plan so we are gearing up in anticipation of the next cycle for review and approval. They might add more than the 20, we do not know if it will be still you have to do ½ or if there is a percentage. This might be updated as we move forward in the spring. We anticipate working with them in February and March for a complete sign off and acceptance that we have met the requirements of the plan and policy. Do you have any

questions?

Mayor Heidemann – I know that from COG’s perspective that on the one for railroad safety that they just allocated \$1,400,000 to be spent on those kinds of activities. Be sure we get the request in there because there is money available.

Helen-Eve Liebman, Planning and Development Director – We certainly will.

3. 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.

Mayor Heidemann – Does anybody have any questions?

Bob Hart, City Manager – I have asked the chief to brief you on the Mutual Aid Agreement.

Jerry Garner, Police Chief – This is an update of an agreement that dates back to the 1980’s and some of the provisions that were in it then do not even exist now so we are trying to bring it up to date. The councils in Lake Dallas and Hickory Creek have already approved this. Basically it does not cover the everyday actions of where we go to help another department on a traffic stop or they come to help us on an arrest because we need another officer that is covered under the code of criminal procedure in Texas, we have that covered. This exists more for the major operation, if we have a disaster and we need more personnel, more vehicles, equipment of some kind. It sets down who is liable for what, who pays the overtime, who is in charge so that we all understand when we are working together what the rules are for working together. It has been my experience that these exist in great numbers all over the United States. When you have a number of agencies you tend to find a mutual aid agreement amongst them. Very often, the biggest agency, in this case it would be us, gives more than they take but you still help each other out. We are trying to codify that to formalize it that is basically what it is all about.

Tina Henderson, Council Member – You said this mutual aid agreement is not for the day to day operations, do we have an agreement for that?

Jerry Garner, Police Chief – That is covered by the Texas code of criminal procedure 2.14 and that basically allows any officer to command any citizen to help him or her with whatever it might be, pushing a car out of the street or arresting a violent person and it pertains to other police officers too. We can call for Hickory Creek to come help us if we need one or two additional people to search a building and the state statute requires them to come help us and vice versa, so that is already covered elsewhere in the state statute.

Kelly Pickens, Council Member – Is this renewed annually?

Jerry Garner, Police Chief – It will automatically renew annually unless one of the cities decides to give ninety day notice that we want out of it. It will run until September 30, 2020, I believe.

Mayor Heidemann – Have the other cities enacted on our Interlocal agreement?

Jerry Garner, Police Chief – Their councils have approved, I was talking to the chief at Hickory Creek, they still have to get their signatures but the council has acted on it they just have to get it finalized and we will swap copies.

Mayor Heidemann – One item I have on the regular session is on the antennas going on the tower I know one of the questions on my Tuesday meeting with the city manager, I asked if he might impress to us, what our liability, when we go to refurbish one of those tanks/water towers, who's responsibility is it and if there is any liability for the city if we are taking towers down, taking antennas down and then we have some liability there.

Brett Cast, Engineering Services Coordinator – It is covered under the 1994 lease agreement. We are empowered with 20 day notice to take down any equipment so as long as we give 20 day notice they are required to remove their equipment and we can paint or do whatever maintenance we need to do. There is no liability, we do not have to pay for taking it down and we are not liable for any lost coverage, it is covered under the lease.

Helen-Eve Liebman, Planning and Development Director – We have Doug Henderson here with AT&T if you have any questions.

Mayor Heidemann – That is my only question, is the liability of when we refurbish one of those towers, getting the antennas off, we should not be liable for that.

Tina Henderson, Council Member – On the CWD contract, how do we monitor that? I have noticed lately that they have been really good and their drivers have been really good but for the last three months they have gotten really slow. Something has happened over the past several months, you have to stop because you cannot get into your driveway because the carts are in the middle. They are laid on their side and it just isn't the same level of service. I am not sure if anyone else noticed it but I have.

Bob Hart, City Manager – We have noticed it and I have talked to them about it. They picked up four more cities in contracts and they are behind with workers and with trucks. They are assuring me that they have them on order and are hiring and will get this back in order. They picked up the contracts over the last six months. Paul will be here for you to inquire.

Mayor Heidemann – I had a notice from the post office because they put the carts in front of the mailbox. I gave it to the people in utility billing and they are forwarding it on to CWD. They should take that into consideration because when the postal truck is delivering mail, you do not want the carts in front of the mailboxes.

Tina Henderson, Council Member – I am happy that they have more business but if they are too busy to take care of us, to me that is no excuse.

Bob Hart, City Manager – I agree.

Mayor Heidemann recessed the work session at 6:22 p.m. * See Closed Session.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. Right of Way for Lake Sharon Alignment

b. Right of Way for North Corinth Street Alignment

c. Right of Way for NCTC Way

d. Potential acquisition of real property along Corinth Parkway and Lynchburg Creek for drainage improvements, infrastructure improvements, open space and transit related facilities.

Council met in Closed Session from 6:22 p.m. until 6:58 p.m.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

a. Project Pampa

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:59 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 6.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: October 3, 2019 Regular Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the October 3, 2019 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the October 3, 2019 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the October 1, 2019 Regular Session minutes.

Attachments

Minutes

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

On this the 3rd day of October 2019 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 7:00 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Brenton Copeland, Technology Services Asst. Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriguez, Planning and Development Manager
Brett Cast, Engineering Services Coordinator
Cody Collier, Public Works Director
Lee Ann Bunselmeyer, Director of Finance, Communication & Strategic Services
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Kimberly Pence, City Secretary

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

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:00 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance.

PROCLAMATION: National Community Planning Month - Mayor Heidemann read the Proclamation into the record.

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 separate

1. Consider and act on an Interlocal Agreement with the City of Corinth and the Lake Cities for Mutual Aid.

2. Consider approval of the Fourth Amendment to the Tower Lease Agreement for Metroplex Telephone Company, (and their successors), at 3031 Meadowview Dr. and allow the City Manager to sign any necessary documents.

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

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

MOTION CARRIED

CITIZEN'S COMMENTS:

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

No one spoke during Citizens Comments.

BUSINESS AGENDA:

3. Consider and act on an Ordinance approving the Exclusive Contract for Solid Waste and Recycling Services for the City of Corinth Texas by and between the City of Corinth and Community Waste Disposal.

Bob Hart, City Manager - The current solid waste collections contract expires December 31, 2019. Council discussed the various options available during the spring and based on that discussion staff has pursued a renewal of the contract with CWD under the franchise provision of the city charter.

The term of the contract is five (5) years beginning January 1, 2020 through December 31, 2024, with up to three (3) renewal terms of three (3) years each.

Councilmember Henderson - we have had great service from CWD however, I have noticed a big change within the last 3 or 4 months. It is not what we are used to from CWD and I have noticed this in my neighborhood and heard from some of my neighbors and would like to know if you are aware of this and what corrections are being made?

Paul Hanson, CWD General Manager - yes, we are aware of some of these issues. It has been a rough summer in terms of the economy is booming and we are competing for labor with construction and we have had some turn-over. We are addressing it and increasing our supervision. We have added additional contracts in the last year and we do appreciate your patience in regards to that and we have successfully intergraded these contracts. We do not have anything significant on the horizon and getting back under control.

Mayor Heidemann - one thing I received was a note from the post office to keep the containers away from the mailboxes. Please make your people aware of that so they don't place those containers in front of the mailboxes because the post office may have the right to not deliver the mail if it is blocked.

Paul Hanson, CWD General Manager - absolutely we should not be leaving cans in the street, blocking driveways, blocking the mailboxes or thrown so if you ever have any of those issues in the future please contact me directly or contact staff. We will go back and make that a focus going forward.

Councilmember Henderson - do you have a time-frame of when we can expect this to happen? The additional contracts it is good for your business but for your customers who have been your customers, we should not suffer poor service for your new service. Does that make sense?

Paul Hanson, CWD General Manager - exactly, we have gotten more trucks in and all these things are coming together and you should see progress very quickly. We will be out there next week checking and making sure things are cleaned up.

Councilmember Pickens - do you offer a smaller recycling receptacle for the disabled? Something smaller for individuals who can't handle something that large.

Paul Hanson, CWD General Manager - we offer a 35 gallon cart. We don't normally advertise it in the City but if someone has a specific need we do offer those on an individual basis.

MOTION made by Councilmember Garber to approve the Ordinance approving the Exclusive Contract for Solid Waste and Recycling Services for the City of Corinth Texas by and between the City of Corinth and Community Waste Disposal. Seconded by Councilmember Johnson.

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

MOTION CARRIED

4. Consider and act on an ordinance amending section 52.07 of the Code of Ordinance relating to charges for certain refuse, recycling, and household hazardous waste services and providing an effective date of January 1, 2020.

Bob Hart, City Manager - this is an Ordinance that makes the rate adjustment consistent with the contract that you just approved and would be effective on January 1, 2020.

MOTION made by Councilmember Johnson to approve the Ordinance amending section 52.07 of the Code of Ordinance relating to charges for certain refuse, recycling, and household hazardous waste services and providing an effective date of January 1, 2020. Seconded by Councilmember Henderson.

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

MOTION CARRIED

5. Consider and act upon a resolution to implement and enforce the Texas state rule on locally enforced motor Vehicle Idling Limitations and to approve entering into a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality to enforce this rule locally.

Ben Rodriguez, Planning and Development Manager - staff is working towards a series of policy updates in relation to the Mobility 2045 Plan. The restrictions are only applicable to vehicles that are greater than

14,000 and there is a large number of exemptions available for vehicles such as police and fire or any vehicle that was produced later than 2008 and has enhanced EPA admission standards.

Mobility 2045 includes a voluntary list of policies that local governments and transportation agencies can choose to adopt. These policies aim to address issues that affect transportation in the region and cover a wide range of topics.

By voluntarily adopting 50 percent of these policies, participating agencies will receive an offset of local funds in federal transportation projects in the form of Transportation Development Credits (TDCs).

One of the policies that the NCTCOG requests municipalities adopt is a policy regulating the idling of vehicles for extended periods of time, which requires that a municipality supports the Texas Commission on Environmental Quality (TCEQ) restrictions on idling vehicles for periods exceeding five minutes. This resolution signifies the City's support for the TCEQ's restrictions on idling vehicles and authorizes the City Manager to execute a Memorandum of Agreement in which the City agrees to implement the TCEQ's rules.

Following the execution of the agreement staff will formulate a plan for the implementation of these rules. Staff is recommending approval as presented.

MOTION made by Councilmember Johnson to approve a Resolution to implement and enforce the Texas state rule on locally enforced motor Vehicle Idling Limitations and to approve entering into a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality to enforce this rule locally. Seconded by Councilmember Pickens.

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

MOTION CARRIED

6. Consider and act upon a resolution adopting a Complete Streets Policy.

Ben Rodriquez, Planning and Development Manager - One of the policies which qualifies under NCTCOG's MTP for municipalities to adopt is a complete streets policy.

Complete streets provide access to all forms of transportation, including but not limited to vehicles, bicycles, walking, and transit opportunities with the goal of promoting walkable communities and alternative forms of transportation for residents.

The City's complete streets policy will provide a framework for staff in our efforts to craft development standards to implement the goals of the policy. Additionally, this policy will assist the City in receiving funding opportunities through the NCTCOG for improvements such as bike lanes, walking trails, and transit opportunities. Staff recommends approval as presented.

MOTION made by Councilmember Burke to approve a Resolution adopting a Complete Streets Policy as presented. Seconded by Councilmember Henderson

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

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Councilmember Garber - for those of you that got an opportunity to ride with the officers during the National Night Out, that was an excellent opportunity, not only to get to know the officers better but to get to see what it is like to be out in the community with the officers. I will tell you that the reception and just the pure number of folks that we had out visiting was impressive and very well received.

Bob Hart, City Manager - the Lake Dallas ISD Educational Gala is coming up on Thursday, November 7 and we have two tables for that and wanted to figure out who was going to attend. If you or your spouse is able to go please let me know.

Mayor Heidemann - I have always wondered how the sirens and lights were turned on and Captain Jimmie Gregg was so kind to let me turn them on and off. It was fun and I scared a few people. It was a great night out and I appreciate Chief Garner coordinating the event.

There was no Closed Session during the Regular Schedule meeting.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code. **Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.**

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with Chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person

- a. **Right of Way for Lake Sharon Alignment**
- b. **Right of Way for North Corinth Street Alignment**
- c. **Right of Way for NCTC Way**
- d. **Potential acquisition of real property along Corinth Parkway and Lynchburg Creek for drainage improvements, infrastructure improvements, open space and transit related facilities.**

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087 To deliberate or discuss regarding commercial or financial information that the governmental

body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

a. Project Pampa

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not. Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.

RECONVENE IN OPEN SESSION - In accordance with Texas Government Code, Chapter 551 the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:40 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 7.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019

Title: Denton County Interlocal Agreement for Ambulance Services

Submitted For: Michael Ross, Fire Chief

Submitted By: Michael Ross, Fire Chief

City Manager Review: Approval: Bob Hart, City Manager

Strategic Goals: Citizen Engagement & Proactive
Government
Regional Cooperation

AGENDA ITEM

Consider and act on an Interlocal Agreement for the Lake Cities Fire Department to provide Ambulance Services to the unincorporated parts of Denton County that are within the boundaries of the LCFD response area.

AGENDA ITEM SUMMARY/BACKGROUND

The Lake Cities Fire Department responds to areas that are unincorporated that lie within the boundaries of our response district. For example, the Lake Lewisville Bridge is County as well as scattered parcels of land throughout the Lake Cities area. The contract has been renewed for many years and the County pays a set amount listed in the contract for each response made into the County areas. The County has these contracts executed throughout the region for the departments who have County land within their response jurisdiction.

RECOMMENDATION

It is our recommendation that we renew the contract and continue providing service to those in our response area.

Attachments

Interlocal Agreement for Ambulance Services

THE COUNTY OF DENTON

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**THE CITY OF CORINTH
LAKE CITIES FIRE
DEPARTMENT -
AMBULANCE SERVICES**

STATE OF TEXAS

**INTERLOCAL COOPERATION AGREEMENT
AMBULANCE SERVICE**

THIS AGREEMENT, which has an effective date of October 1, 2019, is made and entered into by and between Denton County a political subdivision of the State of Texas, hereinafter referred to as "the **COUNTY**," and the City of Corinth, a municipal corporation, located in Denton County, Texas, hereinafter referred to as "the **AGENCY**".

WHEREAS, the **COUNTY** is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the citizens of Denton County; and

WHEREAS, the **AGENCY** is a municipal corporation, duly organized and operating under the laws of the State of Texas and engaged in the provision of ambulance services and related services for the benefit of the citizens of the Lake Cities area; and

WHEREAS, the **AGENCY** is an owner and operator of certain ambulance vehicles and other equipment designed for the transportation of persons who are sick, infirmed or injured and has in its employ trained personnel whose duties are related to the treatment of said individuals and the use of such vehicles and equipment; and

WHEREAS, the **COUNTY** desires to obtain emergency ambulance and related services for the benefit of residents of the **COUNTY** living in unincorporated areas of the **COUNTY** which the **AGENCY** is capable of providing; and

WHEREAS, the provision of emergency ambulance and related services is a governmental function that serves the public health and welfare and is of mutual concern to both the **COUNTY** and the **AGENCY**; and

WHEREAS, the **COUNTY** desires to expend County funds to defray the expense of establishing, operating and maintaining emergency ambulance services in the County; and

WHEREAS, the **COUNTY** and the **AGENCY** mutually desire to be subject to and contract pursuant to the provisions of Texas Government Code, Chapter 791 and Texas Health and Safety Code, Section 774.003, and

NOW THEREFORE, the **COUNTY** and the **AGENCY**, in consideration of the mutual promises, covenants, and Agreements stated herein, agree as follows:

I.
TERM

The term of this Agreement shall be for the period beginning of October 1, 2019, and ending on September 30, 2020.

II.
DEFINITIONS

As used herein, the words and phrases hereinafter set forth shall have the meanings as follows:

- A. "Emergency" shall mean any circumstance that calls for immediate action and in which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of a person or persons. Whether an emergency, in fact, exists is solely up to the discretion of the **AGENCY**. For dispatch purposes only, "emergency" shall include, but not be limited to:
 - 1. The representation by the individual requesting ambulance service that an immediate need exists for the transportation of a person from any location within the agreed operating area of the **AGENCY** to a place where emergency medical treatment may be obtained; or
 - 2. The representation by the individual requesting ambulance service that an immediate need exists for the transportation of a person from any location within the agreed operating area of the **AGENCY** to the closest medical facility.
- B. "Rural area" means any area within the boundaries of the **COUNTY**, but outside the corporate limits of all incorporated cities, towns and villages within the **COUNTY**.
- C. "Urban area" means any area within the corporate limits of an incorporated city, town or village within the **COUNTY**.
- D. "Emergency ambulance call" means a response to a request for ambulance service by the personnel of the **AGENCY** in a situation involving an emergency, as defined above, by an ambulance vehicle. A single response to a call may involve the transportation of more than one person at a time, but shall be considered as only one call.

III.
SERVICES

The services to be rendered under this Agreement by the **AGENCY** are the ambulance services normally rendered by the **AGENCY** to citizens of the Lake Cities area in circumstances of emergency, but which services will now be extended to all citizens of the **COUNTY** residing

in the unincorporated areas of the **COUNTY** within the operating territory or jurisdiction of the **AGENCY**, as agreed to by the **AGENCY** and the **COUNTY** in this Agreement and as set forth in "Exhibit A," attached hereto and incorporated herein by reference.

It is recognized that the officers and employees of the **AGENCY** have the duty and responsibility of rendering ambulance services to citizens of the **AGENCY** and the **COUNTY**. In the performance of these duties and responsibilities, it shall be within the sole responsibility and discretion of the officers and employees of the **AGENCY** to determine priorities in the dispatching and use of such equipment and personnel and the judgment of the officer or employee shall be final.

The **COUNTY** shall designate the County Judge to act on behalf of the **COUNTY** and to serve as "Liaison Officer" between the **COUNTY** and the **AGENCY**. The County Judge, or her designated substitute, shall devote sufficient time and attention to insure the performance of all duties and obligations of the **COUNTY** under this Agreement and shall provide for the immediate and direct supervision of employees, agents, contractors, sub-contractors and/or laborers of the **COUNTY** engaged in the performance of this Agreement.

IV.
PERFORMANCE OF SERVICES

The **AGENCY** shall devote sufficient time and attention to insure the performance of all duties and obligations of the **AGENCY** under this Agreement and shall provide immediate and direct supervision of the **AGENCY's** employees, agents, contractors, sub-contractors and/or laborers engaged in the performance of this Agreement for the mutual benefit of the **AGENCY** and the **COUNTY**.

V.
COMPENSATION

COUNTY agrees to pay to the **AGENCY** an estimated fee of \$25,495.00 (amount rounded to the nearest dollar) based on a funding formula as follows:

1. A fixed sum based on a population percentage .4702 per capita; said sum computes to \$17,472.98.
2. A fixed sum of \$246,4959 per ambulance transport for an estimated maximum amount of \$6,655.39. Said sum is based upon 27 transports made by the **AGENCY** in fiscal year 2019.
3. A fixed sum based on 1.97 rural miles in the agreed operating territory; said sum computes to \$1,366.45.

The first and third sums are based upon population and mileage figures obtained from the North Central Texas Council of Governments. The second sum is based upon the definition of an “ambulance call” for purposes of this Agreement. Payment shall not be allowed for any instance in which a patient is not transported. Consistent with the reporting procedures described below, the **AGENCY** shall receive payment for transporting the patient regardless of the service delivery area in which the call originated.

Each emergency transport made shall be submitted on the standardized ambulance transportation reporting form approved and provided by the **COUNTY**. It shall be the responsibility of the **AGENCY** to fully complete the forms and to provide complete and accurate patient information. A list of emergency transports shall be submitted monthly by the **AGENCY**. Emergency transport forms not timely submitted shall not be considered for payment. Completed emergency transport forms may be submitted by personal delivery, U.S. Mail, facsimile or email to the office of the Denton County Fire Marshal. The date of submission shall be the date the fully documented request is received in said office.

VI.

FINANCIAL RECORDS

The **AGENCY** agrees to make its financial records available for audit and/or review by the **COUNTY**, upon request by the **COUNTY**.

VII.

RESPONSIBILITY OF THE COUNTY

The **COUNTY**, to the extent permitted by law, shall be responsible for the acts, omissions and negligence of all officers, employees and agents of the **COUNTY** who are engaged in the performance of this Agreement.

VIII.

RESPONSIBILITY OF THE AGENCY

The **AGENCY**, to the extent permitted by law, shall be responsible for the acts, omissions and negligence of all officers, employees and agents of the **AGENCY** who are engaged in the performance of this Agreement.

IX.

APPLICABLE LAW

The **COUNTY** and the **AGENCY** understand and agree that liability under this contract is governed by Texas Government Code, Chapter 791 and Texas Health and Safety Code, Section 774.003. This Agreement is made in contemplation of the applicability of these laws to

the Agreement. Insofar as legally possible the **COUNTY** and the **AGENCY** agree to be bound by the above mentioned statutes as they exist as of the date of this Agreement.

X.
DEFAULT

In the event of default of any of the covenants herein contained, this Agreement may be terminated at the discretion of the non-defaulting party if such default continues for a period of ten (10) days after notice to the other party in writing of such default and the intent to terminate this Agreement due to the default. Unless the default is cured, this Agreement shall terminate.

XI.
TERMINATION

This Agreement may be terminated at any time by either the **COUNTY** or the **AGENCY** by giving sixty (60) days advance written notice to the other party. In the event of termination by either party, the **AGENCY** shall be compensated pro rata for all services performed to termination date together with reimbursable expenses then due as authorized by this Agreement. In the event of such termination, should the **AGENCY** be overcompensated on a pro rata basis for all services performed to the termination date and/or be overcompensated for reimbursable expenses, the **COUNTY** shall be reimbursed pro rata for all such overcompensation. Acceptance of such reimbursement shall not constitute a waiver of any claim that may otherwise arise out of this Agreement.

XII.
GOVERNMENTAL IMMUNITY

The fact that the **COUNTY** and the **AGENCY** accept certain responsibilities relating to the rendering of ambulance services under this Agreement as a part of their responsibility for providing protection for the public health makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be, and is hereby, invoked to the extent permitted under the law. Neither the **AGENCY**, nor the **COUNTY** waive, nor shall be deemed to have hereby waived any immunity or defense that would otherwise be available to it against claims arising from the exercise of governmental powers and functions.

XIII.
ENTIRE AGREEMENT

This Agreement represents the entire Agreement between the COUNTY and the AGENCY and supersedes all prior negotiations, representations and Agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

XIV.
LAW OF CONTRACT

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The venue for any dispute, or matter, arising under this Agreement shall lie in Denton County, Texas.

XV.
SEVERABILITY

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions of this Agreement shall remain valid and in full force and effect to the fullest extent possible.

XVI.
AUTHORITY

The undersigned officer or agents of the parties are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties.

XVII.
SERVICE AREA

Acceptance of this Agreement constitutes approval of the service area set out in attached Exhibit "A".

EXECUTED in triplicate originals on the dates set forth below.

COUNTY:

Denton County, Texas
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

By _____
Andy Eads
Denton County Judge

Acting on behalf of and by the
authority of Denton County
Commissioners Court of
Denton County, Texas

AGENCY:

The City of Corinth
3300 Corinth Parkway
Corinth, Texas 76208

By _____
Name _____
Title _____

Acting on behalf of and by the
authority of the City of Corinth

DATED: _____

DATED: _____

ATTEST:

ATTEST:

BY: _____
Denton County Clerk

BY: _____
City Secretary

APPROVED AS TO CONTENT:

BY: _____
Denton County Fire Marshal

APPROVED AS TO FORM:

BY: _____
Assistant District Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$_____ to accomplish and pay the obligation of Denton County under this Agreement.

Jeff May, Denton County Auditor

CONSENT ITEM 8.

City Council Regular and Workshop Session

Meeting Date: 11/14/2019

Title: Denton County Interlocal Agreement for Fire Protection Services

Submitted For: Michael Ross, Fire Chief

Submitted By: Michael Ross, Fire Chief

City Manager Review: Approval: Bob Hart, City Manager

Strategic Goals: Citizen Engagement & Proactive
Government
Regional Cooperation

AGENDA ITEM

Consider and act on an Interlocal Agreement for the Lake Cities Fire Department to provide fire protection to the unincorporated parts of Denton County that are within the boundaries of the LCFD response area.

AGENDA ITEM SUMMARY/BACKGROUND

The Lake Cities Fire Department responds to areas that are unincorporated that lie within the boundaries of our response district. For example, the Lake Lewisville Bridge is County as well as scattered parcels of land throughout the Lake Cities area. The contract has been renewed for many years and the County pays a set amount listed in the contract for each response made into the County areas. The County has these contracts executed throughout the region for the departments who have County land within their response jurisdiction.

RECOMMENDATION

It is our recommendation that we renew the contract and continue providing service to those in our response area.

Attachments

Count Fire Contract

THE COUNTY OF DENTON

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**CITY OF CORINTH
LAKE CITIES
FIRE DEPARTMENT**

STATE OF TEXAS

**INTERLOCAL COOPERATION AGREEMENT
FIRE PROTECTION SERVICES**

THIS AGREEMENT, which has an effective date of October 1, 2019, is made and entered into by and between Denton County, a political subdivision of the State of Texas, hereinafter referred to as "the **COUNTY**," and the City of Corinth, a municipal corporation, located in Denton County, Texas, hereinafter referred to as "the **AGENCY**".

WHEREAS, the **COUNTY** is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the citizens of Denton County; and

WHEREAS, the **AGENCY** is a municipal corporation, duly organized and operating under the laws of the State of Texas and engaged in the provision of fire protection services and related services for the benefit of the citizens of the Lake Cities area; and

WHEREAS, the **AGENCY** is the owner and operator of certain fire protection vehicles and other equipment designed for the extinguishing of fire and prevention of damage to property and injury to persons from fire and has in its employ trained personnel whose duties are related to the use of such vehicles and equipment; and

WHEREAS, the **COUNTY** and the **AGENCY** mutually desire to be subject to and contract pursuant to provisions of the Texas Government Code, Chapter 791 and the Texas Local Government Code, Chapter 352, and

NOW, THEREFORE, the **COUNTY** and the **AGENCY**, for the mutual promises, covenants, Agreements and consideration stated herein, agree as follows:

**I.
TERM**

The term of this Agreement shall be for the period beginning of October 1, 2019, and ending September 30, 2020.

**II.
SERVICES**

The services to be rendered in accordance with this Agreement by the **AGENCY** are the fire protection services normally rendered by the **AGENCY** to citizens of the Lake Cities area in circumstances of emergency, but which services will now be extended to all citizens of the

COUNTY residing in the unincorporated areas of the **COUNTY** within the operating territory or jurisdiction of the **AGENCY**, as agreed to by the **AGENCY** and the **COUNTY** in this Agreement and as set forth in “Exhibit A,” attached hereto and incorporated herein by reference. These services are rendered in consideration of the basic funding and the separate per call fee set forth in this Agreement for the common good and benefit and to serve the public convenience and necessity of the citizens of the **COUNTY** who are not otherwise protected with respect to fire prevention, extinguishment, safety and rescue services. The services to be rendered are as follows:

- A. The **AGENCY** shall make available and provide emergency fire prevention, extinguishment, safety and rescue services within the agreed or specified territory or jurisdiction of the **AGENCY**.
- B. The **AGENCY** shall respond to requests for fire protection services made within the portion of the **COUNTY** designated as “*Lake Cities*” as set out in Exhibit "A".
- C. The **COUNTY** agrees that, in the event a fire in the **AGENCY**'s unincorporated designated area which the **AGENCY** considers to be of an incendiary nature and upon request by the **AGENCY**, the County Fire Marshal will dispatch investigation personnel to the fire scene within a response time sufficient to legally maintain and protect all evidence of said fire and will conduct all appropriate investigation and assist in the prosecution of any case of arson. The **AGENCY** shall not be responsible for investigations of suspected incendiary fires in the unincorporated areas, but shall cooperate with the County Fire Marshal in immediately relating all pertinent information possible to the investigator(s).
- D. The **COUNTY** agrees that the County Fire Marshal may assist in the conduct of appropriate investigations of a fire which the **AGENCY** considers to be of incendiary nature in the **AGENCY**'s incorporated area upon request of the **AGENCY**.
- E. The **AGENCY** shall submit monthly statements on the Texas Fire Incident Reporting System's standardized forms to the Denton County Fire Marshal, 3900 Morse St., 2nd Floor, Denton, Texas 76208. This form will serve as the billing statement to the **COUNTY** for reimbursement of calls made in the unincorporated area. The Denton County Fire Marshal shall provide the forms upon request from the **AGENCY**.
- F. The **AGENCY**, in the performance of its duties and responsibilities under this Agreement, shall have the responsibility, within the sole discretion of the officers and employees of the **AGENCY**, except as otherwise determined by the Denton County Fire Marshal, to determine priorities in the dispatching and use of the **AGENCY**'s equipment and personnel, and the judgment of any such officer or employee as to such matters shall be the final determination.

The **COUNTY** shall designate the County Judge to act on behalf of the **COUNTY** and to serve as "Liaison Officer" between the **COUNTY** and the **AGENCY**. The County Judge, or his designated substitute, shall devote sufficient time and attention to insure the performance of all duties and obligations of the **COUNTY** under this Agreement and shall provide immediate and direct supervision of employees, agents, contractors, sub-contractors and/or laborers of the **COUNTY** engaged in the performance of this Agreement for the mutual benefit of the **COUNTY** and the **AGENCY**.

III.
PERFORMANCE OF SERVICE

The **AGENCY** shall devote sufficient time and attention to insure the performance of all duties and obligations of the **AGENCY** under this Agreement and shall provide immediate and direct supervision of the **AGENCY's** employees, agents, contractors, sub-contractors and/or laborers engaged in the performance of this Agreement for the mutual benefit of the **AGENCY** and the **COUNTY**.

IV.
COMPENSATION

The **COUNTY** agrees to pay to the **AGENCY** for the full performance of services as provided in this Agreement the sum of **\$10,000.00**, payable upon execution of this Agreement, and further agrees to pay the sum of **\$600.00** per fire call in the designated unincorporated areas of the **COUNTY** from October 1, 2019, to September 30, 2020. The **COUNTY** anticipates the **AGENCY** to run approximately **34** fire calls for a total funding of **\$20,400.00** for fire calls. The total payments by the **COUNTY** to the **AGENCY** pursuant to this Agreement are estimated to be **\$30,400.00**. The **COUNTY** will make no payment to the **AGENCY** for service provided outside the agreed service district whether by Mutual Aid Agreement or otherwise. The **AGENCY** understands and agrees that payment by the **COUNTY** to the **AGENCY** shall be made in accordance with the normal and customary processes and business procedures of the **COUNTY** and in conformance with applicable state law.

V.
FINANCIAL RECORDS

The **AGENCY** agrees to make its financial records available for audit and/or review by the **COUNTY**, upon request by the **COUNTY**.

VI.
RESPONSIBILITY OF THE COUNTY

The **COUNTY**, to the extent permitted by law, shall be responsible for the acts, negligence and omissions of all officers, employees and agents of the **COUNTY** who are engaged in the performance of this Agreement.

VII.
RESPONSIBILITY OF THE AGENCY

The **AGENCY**, to the extent permitted by law, shall be responsible for the acts, negligence and omissions of all officers, employees and agents of the **AGENCY** who are engaged in the performance of this Agreement.

VIII.
APPLICABLE LAW

The **COUNTY** and the **AGENCY** understand and agree that liability under this contract is governed by the Texas Government Code, Chapter 791 and the Texas Local Government Code, Chapter 352. This Agreement is made in contemplation of the applicability of these laws to the Agreement. Insofar as legally possible the **COUNTY** and the **AGENCY** agree to be bound by the above mentioned statutes as they exist as of the date of this Agreement.

IX.
DEFAULT

In the event of default of any of the covenants herein contained, this Agreement may be terminated at the discretion of the non-defaulting party if such default continues for a period of ten (10) days after notice to the other party in writing of such default and the intent to terminate this Agreement due to the default. Unless the default is cured, this Agreement shall terminate.

X.
TERMINATION

This Agreement may be terminated any time, by either the **COUNTY** or the **AGENCY** by giving sixty (60) days advance written notice to the other party. In the event of termination by either party, the **AGENCY** shall be compensated pro rata for all services performed to the termination date together with reimbursable expenses then due as authorized by this Agreement. In the event of such termination, should the **AGENCY** be overcompensated on a pro rata basis for all services performed to the termination date and/or be overcompensated reimbursable expenses, the **COUNTY** shall be reimbursed pro rata for all such overcompensation.

Acceptance of such reimbursement shall not constitute a waiver of any claim that may otherwise arise out of this Agreement.

XI.
GOVERNMENTAL IMMUNITY

The fact that the **COUNTY** and the **AGENCY** accept certain responsibilities relating to the rendition of fire protection services under this Agreement as part of their responsibility for providing protection for the public health makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be, and it is hereby, invoked to the extent permitted by law. Neither the **AGENCY**, nor the **COUNTY** waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising from the exercise of government powers and functions.

XII.
ENTIRE AGREEMENT

This Agreement represents the entire Agreement between the **COUNTY** and the **AGENCY** and supersedes all prior negotiations representations and Agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

XIII.
LAW OF CONTRACT

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The venue for any dispute, or matter, arising under this Agreement shall lie in Denton County, Texas.

XIV.
SEVERABILITY

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.
AUTHORITY

The undersigned officer or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties.

XVI.
SERVICE AREA

Acceptance of this Agreement constitutes approval of the service area set out in attached Exhibit "A".

EXECUTED in triplicate originals on the dates set forth below.

COUNTY

Denton County, Texas
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

AGENCY

The City of Corinth
3300 Corinth Parkway
Corinth, Texas 76208

By _____
Andy Eads
Denton County Judge

By _____
Name _____
Title _____

Acting on behalf of and by the
authority of Denton County
Commissioners Court of
Denton County, Texas

Acting on behalf of and by the
authority of the City of Corinth

DATED: _____

DATED: _____

ATTEST:

ATTEST:

BY: _____
Denton County Clerk

BY: _____
City Secretary

APPROVED AS TO CONTENT:

BY: _____
Denton County Fire Marshal

APPROVED AS TO FORM:

BY: _____
Assistant District Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$_____ to accomplish and pay the obligation of Denton County under this Contract/Agreement.

Jeff May, Denton County Auditor

City Council Regular and Workshop Session

Meeting Date:	11/14/2019	
Title:	Traffic Incident Management Policy	
Submitted For:	Helen-Eve Liebman, Director	Submitted By: George Marshall, Engineer
Finance Review:	N/A	Legal Review: Yes
City Manager Review:	Approval: Bob Hart, City Manager	
Strategic Goals:	Economic Development Citizens Engagement & Proactive Government Regional Cooperation Organizational Development	

AGENDA ITEM

Consider approval of a resolution adopting a policy on Traffic Incident Management and authorizing the City Manager to execute any necessary documents.

AGENDA ITEM SUMMARY/BACKGROUND

Staff has been working with the North Central Texas Council of Governments (NCTCOG) on obtaining eligibility/approval of a policy bundle relative to the Metropolitan Transportation Plan's (Mobility 2045) goals. Mobility 2045, the region's current Metropolitan Transportation Plan (MTP), recommendations consist of policies, programs, and projects that reflect regional priorities and support Mobility 2045 goals. However, the construction of infrastructure projects alone cannot achieve the goals of Mobility 2045. To encourage the development of alternative, strategic solutions, Mobility 2045 includes a voluntary list of policies that local governments and transportation agencies can choose to adopt. These policies aim to address issues that affect transportation in the region, and cover a wide range of topics. By voluntarily adopting 50 percent of these policies, participating agencies will receive an offset of local funds in federal transportation projects in the form of Transportation Development Credits (TDCs). This initiative is to handle Traffic Incident Management, e.g., how our Police and Fire respond to events, crashes etc. along regionally significant roadways (I-35E). The Traffic Incident Management Policy requires a comprehensive, coordinated, interagency approach to traffic incident management in the North Texas region modeled after RTC Resolution R08-10. This includes tracking performance measures based on regional definitions, collecting data, and monitoring progress (applies to local governments that respond to freeway incidents).

The Planning & Development Department has coordinated the review of the proposed policy with our Police and Fire Departments.

RECOMMENDATION

The Planning & Development Department, along with the Police Department and Fire Department recommend approval of implementing this policy and approving the resolution.

Attachments

TIM Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ADOPTING A COMPREHENSIVE, COORDINATED, INTER-AGENCY APPROACH TO FREEWAY INCIDENT MANAGEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, (the "City") 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;

WHEREAS, the City Council is one of several agencies responsible for responding to incidents on the Interstate 35 East freeway;

WHEREAS, the City's Police and Lake Cities Fire personnel are responsible for decisions related to traffic incident management;

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation;

WHEREAS, the RTC adopted Resolution R08-10 (an update to RTC Resolution R03-01) that supports a comprehensive, coordinated, interagency approach to Freeway Incident Management;

WHEREAS, the goal of the NCTCOG Freeway Incident Management Training Program is to initiate a common, coordinated response to traffic incidents that will build partnerships, enhance safety for emergency personnel, reduce secondary traffic crashes, improve the efficiency of the transportation system, and improve air quality in the Dallas-Fort Worth region;

WHEREAS, non-recurring traffic incidents are responsible for about 50 percent of all congestion and the secondary crashes caused by these incidents kill or injure hundreds annually in the Dallas-Fort Worth area;

WHEREAS, multi-agency coordination and the implementation of "best practices" Freeway Incident Management techniques reduce congestion on affected roadways and improve the safety of incident responders;

WHEREAS, effective policies, training, equipment and technology that aid in quick incident clearance can both assist with keeping motorists and first responders safe on the roadway and assist in improved air quality for the region;

WHEREAS, in partnership with regional incident response agencies, NCTCOG has established definitions for regional incident management performance measures: incident clearance time, roadway clearance time, secondary crash, and recovery time; and;

WHEREAS, the Council finds that adopting this Resolution promotes the health, safety, and welfare of the citizens of Corinth, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, THAT:

Section 1. Incorporation of Premises. The above recitals are true and correct and are hereby incorporated into the Body of this Resolution as if fully set forth herein.

Section 2. Comprehensive Approach. The City supports a comprehensive, coordinated, interagency approach to Freeway Incident Management.

Section 3. Quick Detention. The City supports the quick detection and clearance of traffic incidents using state-of-the-art traffic surveillance, traveler notification, and crash investigation equipment.

Section 4. Personnel Training. The City encourages all personnel involved in Freeway Incident Management to participate in available training opportunities and exercises that promote the objectives within this resolution—a common, comprehensive approach that maintains the safety of incident responders and travelers, while minimizing clearance time.

Section 5. GIS-based Incident Location System. The City supports an enhanced Geographic Information Systems (GIS) based incident location system that will aid incident reporters and responders in the timely detection and verification of incidents.

Section 6. Removal of Personal Property. The City supports a uniform policy whereby law enforcement agency personnel may remove personal property from a roadway or right-of-way, without the consent of the owner or carrier of the property, if the agency determines that the property blocks the roadway or endangers public safety.

Section 7. Adoption of Quick Clearance Policy. The City supports adopting a quick clearance policy or towing ordinance that mandates the arrival of appropriate equipment within a specified time limit.

Section 8. Tracking of Incident Management Performance Measures. The City supports the use and tracking of regional incident management performance measures.

Section 9. Development of Interagency Agreements. The City supports the development of interagency agreements for incident management operations that include safe, quick clearance goals stated as time goals for incident clearance.

Section 10. Participation in Multi-disciplinary Post Incident Reviews. The City supports participation in multi-disciplinary post incident reviews after major incidents to share lessons learned.

Section 11. Coordinated Operational Strategies. The City supports consistent, coordinated operational strategies for major freeway and toll road projects that include quick incident clearance practices, and that these strategies will be consistently adopted prior to major freeway and toll road improvement expenditures in order to ensure that the expected mobility benefits are realized.

Section 12. Develop Policy Consistent with this Resolution. The City Council directs staff to develop a set of policies and/or ordinances consistent with the principles contained herein for the City Council's consideration.

Section 13. Cumulative Repealer. This Resolution shall be cumulative of all other resolutions and shall not repeal any of the provisions of such resolutions except for those instances where there are direct conflicts with the provisions of this Resolution. Resolutions, or parts thereof, in force at the time this

Resolution shall take effect and that are inconsistent with this Resolution are hereby repealed to the extent that they are inconsistent with this Resolution.

Section 14. Severability. The provisions of this Resolution are severable. However, in the event this Resolution or any procedure provided in this Resolution becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

Section 15. Effective Date. This Resolution shall be in effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH ON THE ____
of _____, 2019.

Attest:

Kimberly Pence, City Secretary

Bill Heidemann, Mayor
City of Corinth, TX

Approved as to form and legality:

Patricia A. Adams, City Attorney

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: Crosspointe - ROW Encroachment
Submitted For: Helen-Eve Liebman, Director **Submitted By:** George Marshall, Engineer
Finance Review: N/A **Legal Review:** Yes
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development
 Infrastructure Development

AGENDA ITEM

Consider approval of entering into a Right-of-way (ROW) encroachment agreement with the developer and Homeowners' Association for the Crosspointe Subdivision located at the intersection of Tower Ridge and Lake Sharon.

AGENDA ITEM SUMMARY/BACKGROUND

During the construction process the contractor constructing the retaining wall along Tower Ridge and Lake Sharon encroached into the ROW approximately 4 feet to the east. While staff has received complaints regarding sight visibility at this intersection, the encroachment has no effect on the visibility at the intersection. Note that the encroachment is to the east, if it was towards the north there may have been a visibility obstruction. Visibility will improve at this intersection with the development, construction, and ROW dedication on the property to the east. The current roadway alignment includes improved and unimproved roadway sections.

Additionally, the construction of the cul-de-sac on the north-west side of the development and its interaction with the retaining wall and sidewalk, required the sidewalk to be located along the back of curb to allow a 3:1 slope from the sidewalk to the retaining wall. The Developer decided to construct a guard/fence along the edge of the sidewalk to prevent pedestrian's from falling off the retaining wall. The retaining wall is located outside the ROW.

RECOMMENDATION

The Planning & Development Department recommends approval of entering into the Right-of-Way encroachment agreement as presented.

Attachments

Agreement
Sight Visibility Exhibit

**RIGHT OF WAY
LICENSE ENCROACHMENT AND MAINTENANCE AGREEMENT**

THIS RIGHT OF WAY LICENSE ENCROACHMENT AND MAINTENANCE AGREEMENT (this "Agreement") is made and entered into by and between the City of Corinth, a home rule municipal corporation in Denton County, Texas, acting herein by and through its duly authorized City Manager, Bob Hart, hereinafter referred to as the "City" and Crosspointe Property Owners Association, hereinafter referred to as "Licensee."

WITNESSETH:

1. For and in consideration of Licensee's true and faithful performance of the covenants herein contained, City hereby grants to Licensee a temporary and non-exclusive personal privilege and permission to encroach upon and use portions of the public right-of-way (the "License") solely for the purpose of erecting and maintaining retaining wall (the "Encroachment") to be located within a City right-of-way as depicted in the attached **Exhibit "A"** ("Depiction of Encroachment") and within the area described in the attached **Exhibit "B"** ("Encroachment Area"), and subject to the terms of this Agreement. The License herein granted shall be subject to all existing utility easements, if any, located within the City right-of-way, or any other easements, conditions, covenants, rights or restrictions of record. If any portion of the Encroachment is damaged and must be reconstructed, the City must first approve the plans for the reconstruction. If the City does not approve plans or issue a permit for reconstruction of such Encroachment, the damaged Encroachment must be removed from the Encroachment Area and shall not be replaced. Reconstruction of the Encroachment shall not be permitted if damages incurred exceeds \$5,000 (five thousand dollars).

2. Licensee shall be responsible for all construction, maintenance and operation in

connection with the Encroachment and the use and occupancy within the Encroachment Area. Licensee shall maintain the Encroachment in strict compliance with the Charter, Ordinances and Codes of City and in accordance with the directions of the Director of Public Works of City, or his duly authorized representative. The License granted to Licensee is limited in scope to installation and maintenance of a retaining wall in the Encroachment Area within the City right-of-way, specifically, use of the right-of-way and Encroachment Area only for constructing, installing, and maintenance operations of those portions as depicted on Exhibit "B." Licensee shall design and maintain the retaining wall and associated landscaping so as to prevent obscuring visibility between motorists, bicyclists, and pedestrians. Landscaping within the Right of Way must be approved by the City Manager or designee and shall not interfere with visibility above thirty inches (30") or below fourteen feet (14') or otherwise obstruct traffic as determined in the sole discretion of the City. Licensee agrees and covenants to use and maintain the Encroachment including all repairs related to the Encroachment in the manner and during the term as described in this Agreement. Licensee's use shall be in conjunction with the City's use. Licensee shall conduct its activities hereunder in an orderly and proper manner, considering the nature of such work, to commercially reasonable standards for maintenance. Licensee further agrees and covenants that the Encroachment Area shall at all times be subject to inspection by the City, however, the City has no duty to inspect. Licensee shall be responsible for any and all costs associated with its maintenance operations. In the event damage or destruction to any part of the Encroachment or the Encroachment Area affects the city right-of-way, including but not limited to damage arising out of the Licensee's negligence or the act of a third party, Licensee shall be obligated to either replace, repair or remove the damaged Encroachment. Licensee agrees to promptly clean and remove any debris from a damaged Encroachment within or affecting the public parkway, as determined in the sole discretion of the City, within seventy two (72) hours

after the damage occurs. If Licensee fails to clean and remove the debris, or in an emergency, as determined by the sole discretion of City, the City may, but shall not be obligated to, replace, repair or remove such damage or destruction. If the City performs work to replace, repair, or remove such damage or destruction, whether because Licensee fails to do so or due to emergency, the expense of such work performed by City shall be paid by Licensee, which expense shall be due and payable on demand. In addition, Licensee shall repair any damage to any offsite improvements caused by or resulting from any activities or construction by the Licensee or Licensee's contractors. Licensee shall have thirty (30) days upon notification by City to repair or replace damaged or destroyed improvements, subject to City's written approval of Licensee's request for extension due to delays caused by inclement weather, shortages in labor or materials, and other causes beyond the reasonable control of Licensee; such approval shall be at the sole discretion of City, which approval shall not be unreasonably withheld. In addition to the other grounds for termination provided for in this Agreement, this Agreement may be terminated by City if Licensee fails to comply with the provisions of this Section.

3. The parties agree that there shall be no further encroachments in, under, on or above the right-of-way involved, except as shown on Exhibit "A" and Exhibit "B."

4. Licensee, at no expense to City, shall make proper provision for the relocation and/or installation of any existing or future utilities affected by the such encroachment, use and occupancy, including the securing of approval and consent from the utility companies and the appropriate agencies of the State and other political subdivisions. In the event any installation, reinstallation, relocation or repair of any existing or future utility or other public improvements owned or constructed by or on behalf of the public or at public expense is made more costly by virtue of the construction, maintenance or existence of such encroachment and use, Licensee shall pay to City an additional amount equal to such additional cost as determined by the

Director of Public Works, or his duly authorized representative.

5. City may enter and utilize the Encroachment Area at any time for the purpose of installing or maintaining improvements necessary for the health, safety and welfare of the public or for any other public purpose. Licensee agrees that City shall bear no responsibility or liability for damage or disruption of proposed improvements installed by or on behalf of Licensee, its predecessors or its successors, but City will make reasonable efforts to minimize such damage.

6. The duration of this Agreement shall be thirty (30) years, but shall be subject to termination as provided elsewhere herein. It is agreed that the rights, duties, obligations and liabilities herein set forth shall be personal to Licensee and shall automatically terminate upon the sale, transference, assignment, or other conveyance of Licensee's interest in the Encroachment to any person or entity not a party to this Agreement.

7. Upon the termination of this Agreement for any reason, Licensee shall, at the option of City and at no expense to City, remove all of the Encroachment and all Licensee's improvements from the Encroachment Area in accordance with Section 9 of this Agreement. [Intentionally Deleted].

8. The parties hereto agree that the City streets, sidewalks and public rights-of-way, including the portions of such streets, sidewalks, and public rights-of-way to be used and encroached upon as described herein, are held by City as trustee for the public; that City exercises such powers over the streets as have been delegated to it by the Constitution of the State of Texas or by the Legislature; and that City cannot contract away its duty and its legislative power to control the streets for the use and benefit of the public. While there is no conflict now, and barring any future conflict between uses of the Encroachment Area by the City and the Licensee, Licensee's continued use of such area will not be terminated unreasonably, it

is nevertheless agreed that If the City Council should at any time during the term hereof determine, in its sole discretion, to construct public streets within the public right of way or the Encroachment Area or to use or cause or permit the said portions of the streets and sidewalks or the Encroachment Area to be used for any other public purpose, including but not being limited to underground, surface or overhead communication, drainage, water lines, sanitary sewerage, transmission of natural gas or electricity, or any other public purpose whether presently contemplated or not, which is not compatible with Licensee's continued use of the Encroachment Area, then to the extent of the conflict, this Agreement shall be canceled and terminated upon a majority vote of the City Council. In addition, this Agreement may be terminated by City should Licensee breach any terms or conditions set forth in this Agreement and not cure same in accordance with the terms of this Agreement, including without limitation, within seventy-two (72) hours or within thirty (30) days after written notice thereof, as required by Section 2 of this Agreement, unless such time is extended by consent of the City as provided herein.

9. In the event this Agreement is canceled and terminated, Licensee shall, at Licensee's sole expense, remove the Encroachment as required by this Agreement within such thirty (30) days after City notified Licensee of the termination upon City's written request for removal.. City shall not be liable to Licensee for the costs of any such required removal, nor shall City be under any obligation to provide Licensee with an alternate location for the Encroachment. No construction by City which interferes with Licensee's use of the Encroachment Area shall occur until such time period has expired unless approved in writing by Licensee. Licensee shall expend any time, money or labor on or in the Encroachment Area at Licensee's own peril and risk.

10. Licensee understands and agrees that the granting of the License is not meant to

convey to Licensee or create an interest or estate in Licensee's favor in the City right-of-way. The City retains legal possession of the full boundaries of its right-of-way, including the Encroachment Area, and this Agreement merely grants to Licensee the personal privilege to use the Encroachment Area. This Agreement does not convey any right to use or occupy property in which a third party may have an interest, and Licensee agrees that it will obtain all necessary permission before occupying such property.

11. Licensee agrees to comply fully with all applicable federal, state and local laws, statutes, ordinances, codes or regulations in connection with the construction, operation and maintenance of said encroachments and uses. Approval of this Agreement does not excuse Licensee from the requirement to obtain a building permit or comply with other City codes and regulations.

12. Licensee agrees to pay promptly when due all fees, taxes or rentals provided for by this Agreement or by any federal, state or local statute, law or regulation.

13. Licensee covenants and agrees that it shall operate hereunder as an independent contractor as to all rights and privileges granted hereunder and not as an officer, agent, servant or employee of City; that Licensee shall have exclusive control of and the exclusive right to control the details of its operations, and all persons performing same, and shall be solely responsible for the acts and omissions of its officers, agents, servants, employees, contractors, subcontractors, licensees and invitees; that the doctrine of respondent superior shall not apply as between City and Licensee, its officers, agents, servants, employees, contractors and subcontractors, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Licensee.

14. **LICENSEE COVENANTS AND AGREES TO INDEMNIFY, AND DOES HEREBY INDEMNIFY, HOLD HARMLESS AND DEFEND CITY, ITS OFFICERS,**

AGENTS, SERVANTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OF CHARACTER, WHETHER REAL OR ASSERTED, (INCLUDING, WITHOUT LIMITATION, REASONABLE FEES, AND EXPENSES OF ATTORNEYS, EXPERT WITNESSES AND OTHER CONSULTANTS), ARISING OUT OF OR IN CONNECTION WITH DIRECTLY OR INDIRECTLY, THE CONSTRUCTION, MAINTENANCE, OCCUPANCY, USE, EXISTENCE, OR LOCATION OF SAID ENCROACHMENT AND USES GRANTED HEREUNDER, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY ALLEGED NEGLIGENCE OF OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES OR INVITEES OF THE CITY; AND LICENSEE HEREBY ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR SUCH CLAIMS OR SUITS. LICENSEE SHALL LIKEWISE ASSUME ALL LIABILITY AND RESPONSIBILITY AND SHALL INDEMNIFY CITY FOR ANY AND ALL INJURY OR DAMAGE TO CITY PROPERTY ARISING OUT OF OR IN CONNECTION WITH ANY AND ALL ACTS OR OMISSIONS OF LICENSEE, ITS OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, INVITEES, OR TRESPASSERS.

15. Prior to commencement of any activity permitted within the Encroachment Area, Licensee agrees to purchase and maintain public liability insurance at its own expense during the term of this Agreement covering all public risks related to the proposed use and occupancy of public property as located and described in the portion of the Encroachment Area being used by Licensee for the Encroachment. The amounts of such insurance shall be not less than the following:

Property damage, per occurrence	\$1,000,000
Personal injury or death, per occurrence	\$1,000,000

with the understanding and agreement by Licensee that such insurance amounts shall be revised upward at City's option (but not in excess of the limits then being required by the City of other independent contractors doing business with the City) and that Licensee covenants and agrees to so revise such amounts within thirty (30) days following notice to Licensee of such requirement. Such insurance policy shall provide that it cannot be canceled or amended without at least thirty (30) days prior written notice to City. The liability insurance policies provided hereunder shall name City, its employees and officers as additional insureds. A copy of such certificate of insurance must be provided to the City prior to any construction or use of the Encroachment Area, and Licensee agrees to submit a similar certificate of insurance annually to City. Such insurance shall provide a waiver of subrogation in favor of City. **The amount of all required insurance policies is not deemed to be a limitation on Licensee's agreement to indemnify and hold harmless City, and in the event Licensee or City become liable in an amount in excess of the amount or amounts of the policies, then Licensee must save City harmless from the whole liability.** All insurance policies provided under this Agreement shall be written on an "occurrence" basis. Licensee shall also require the contractors in all

construction and maintenance agreements with Licensee for the Encroachments to furnish insurance in such amounts and subject to the same terms as required for Licensee to provide to City under this Section.

16. Licensee agrees to deposit with City when this Agreement is executed a sufficient sum of money to be used to pay necessary fees to record this Agreement in its entirety in the deed records. After being so recorded, the original hereof shall be returned to the City Secretary.

17. CITY HAS NOT MADE AND DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, GUARANTEES, PROMISES, COVENANTS, AGREEMENTS OR WARRANTIES OF ANY KIND OR CHARACTER WHATSOEVER UNLESS OTHERWISE PROVIDED FOR HEREIN, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE OF, AS TO, CONCERNING OR WITH RESPECT TO THE NATURE, QUALITY OR CONDITION OF THE ENCROACHMENT AREA, THE SUITABILITY OF THE ENCROACHMENT AREA FOR USES ALLOWED UNDER THIS AGREEMENT, OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. LICENSEE ACKNOWLEDGES IT HAS EXAMINED THE ENCROACHMENT AREA AND ACCEPTS SUCH IN ITS "AS IS" CONDITION.

18. In addition to the other grounds for termination provided for in this Agreement, at any time after the fifth anniversary of the date of this Agreement, this Agreement may be terminated by either party at will by giving thirty (30) days written notice to the other party.

19. Licensee agrees that should any action, at law or in equity, arise out of the terms of this Agreement or on account of Licensee's maintaining or using the Encroachment Area, venue for said action shall be in Denton County, Texas. In any action brought by City for the enforcement of the obligations of Licensee, City shall be entitled to recover interest and reasonable attorney's fees.

20. All notices, demands, requests or replies provided for or permitted by this Agreement shall be writing to the address reflected below and may be delivered by personal delivery or by deposit with the United States Postal Service as certified or registered mail, return receipt requested. Notice deposited with the United States Postal Service shall be deemed effective one (1) business day after deposit with the U. S. Postal Service.

21. This Agreement and the exhibits incorporated and attached constitute the entire agreement between the City and Licensee for the uses granted. All other agreements, promises and representations with respect thereto, unless contained in this Agreement, are expressly revoked, as it is the intention of the parties to provide for a complete understanding, within the provisions of this document, and the exhibits incorporated and attached hereto, of the terms, conditions, promises, and covenants relating to Licensee's use of the Encroachment Area. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

22. No waiver of any covenant or condition or of the breach of any covenant or condition of this Agreement shall be taken to constitute a waiver of any subsequent breach of the covenant or condition nor to justify or authorize the nonobservance on any other



the _____

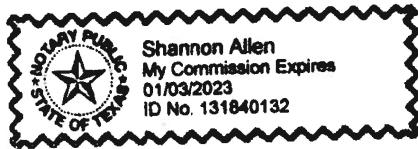
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STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME, on this day personally appeared John Arnold known to me (or proved to me on the oath or through (description of identity card or other document) to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is duly authorized by the Director of Crosspointe Property Owners' Association and that he/she executed same on behalf of said corporation for the purposes and consideration therein expressed and in the capacity therein stated.

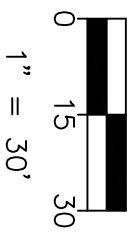
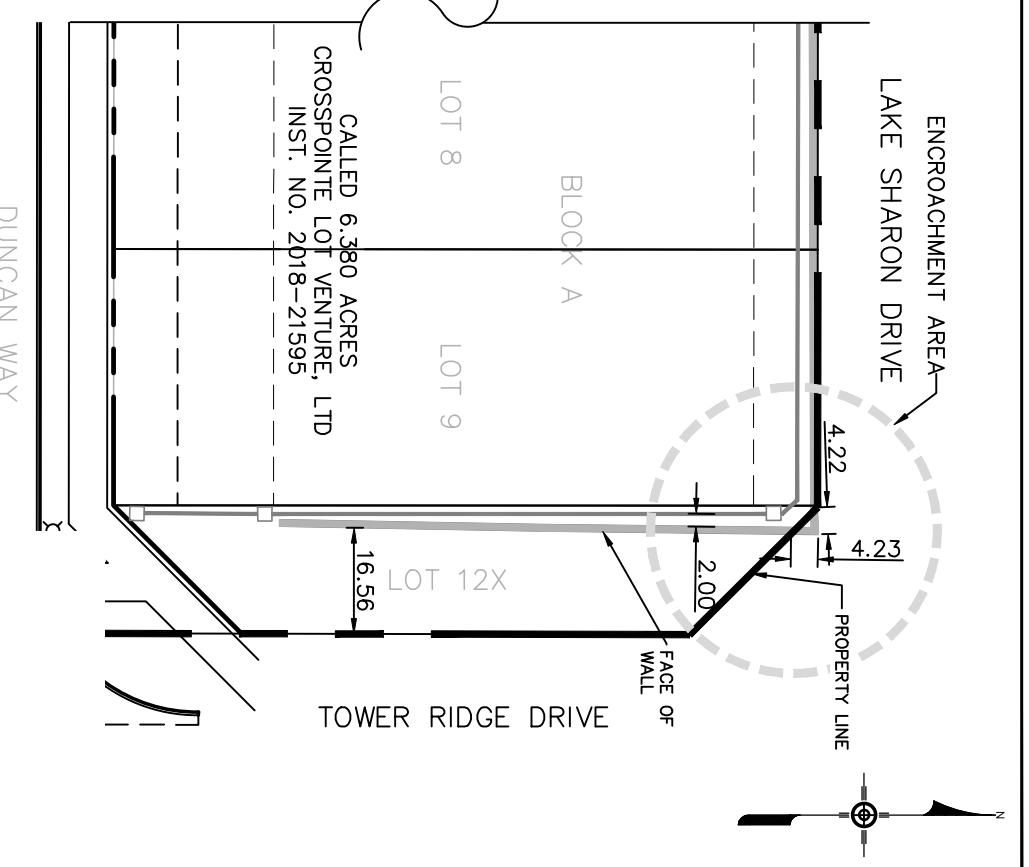
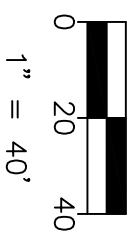
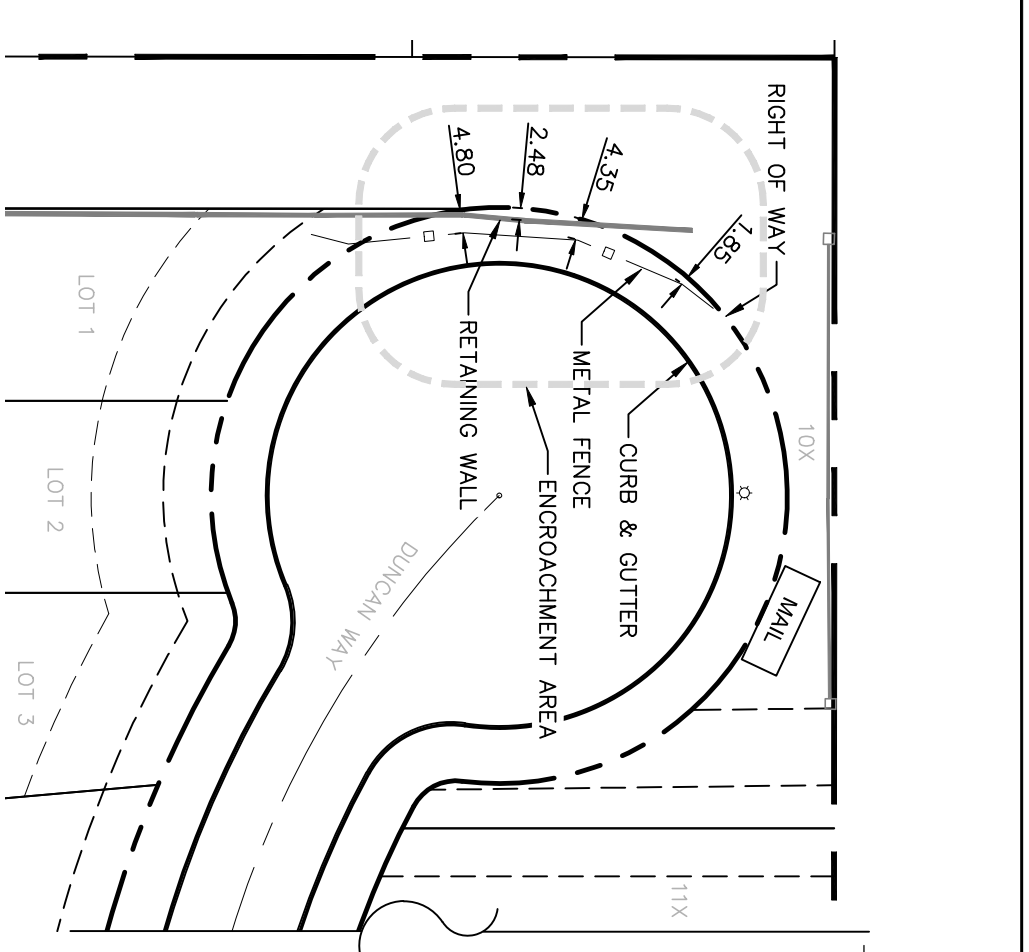
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st day of October 2019.

[SEAL]



S Allen
Notary Public in and for the State of Texas
Shannon Allen
Type or Print Notary's Name
My Commission Expires: 1-3-23

EXHIBIT "A"
DEPICTION OF ENCROACHMENT
(Include detailed photos and exhibits indicating encroachment into ROW)



6080 Tammyson Pkwy, Suite 200
 Plano, Texas 75024
 Tel: (214) 473-2400
 TBPE # F-6324 TBPLS # 10194488
 Copyright © 2019

EXHIBIT A
 WALL/FENCE ENCROACHMENT
 CROSSPOINTE
 CITY OF CORINTH, DENTON COUNTY, TEXAS

DATE: 10/22/2019 SCALE: AS SHOWN DRAWN BY: JWH PROJECT NO.: 222210771 SHEET NO. 1 OF 2 DWG NAME: 10771V_WALL_BLK_A

NOTES:
 SCREENED BACKGROUND INFORMATION
 BASED ON THE PROPOSED FINAL PLAT
 FOR CROSSPOINTE.
 THIS IS NOT A BOUNDARY OR LAND TITLE

EXHIBIT "B"
ENCROACHMENT AREA

(Provide detailed exhibit indicating area of encroachment into ROW)



**CUL-DE-SAC
(LOOKING SOUTH ALONG WEST EDGE OF DUNCAN WAY)**



**WALL ENCROACHMENT
(LOOKING EAST ALONG LAKE SHARON DRIVE)**



**CUL-DE-SAC
(LOOKING NORTH ALONG WEST EDGE OF DUNCAN WAY)**



**WALL ENCROACHMENT
(LOOKING SOUTH ALONG TOWER RIDGE DRIVE)**



6080 Tennyson Pkwy, Suite 200
Plano, Texas 75024
Tel: (214) 473-2400
TBPE # F-6324 TBPLS # 10194488
Copyright © 2019

DATE: 10/22/2019

SCALE: AS SHOWN

DRAWN BY: JWH

PROJECT NO.: 222210771

SHEET NO. 2 OF 2

DWG NAME: 10771V_WALL_BLK_A

**EXHIBIT B
WALL/FENCE ENCROACHMENT PHOTOS
CROSSPOINTE**

CITY OF CORINTH, DENTON COUNTY, TEXAS

NOTES:
SCREENED BACKGROUND INFORMATION
BASED ON THE PROPOSED FINAL PLAT
FOR CROSSPOINTE.
THIS IS NOT A BOUNDARY OR LAND TITLE
SURVEY



Lot 9 Northeast
property corner

4' +/-

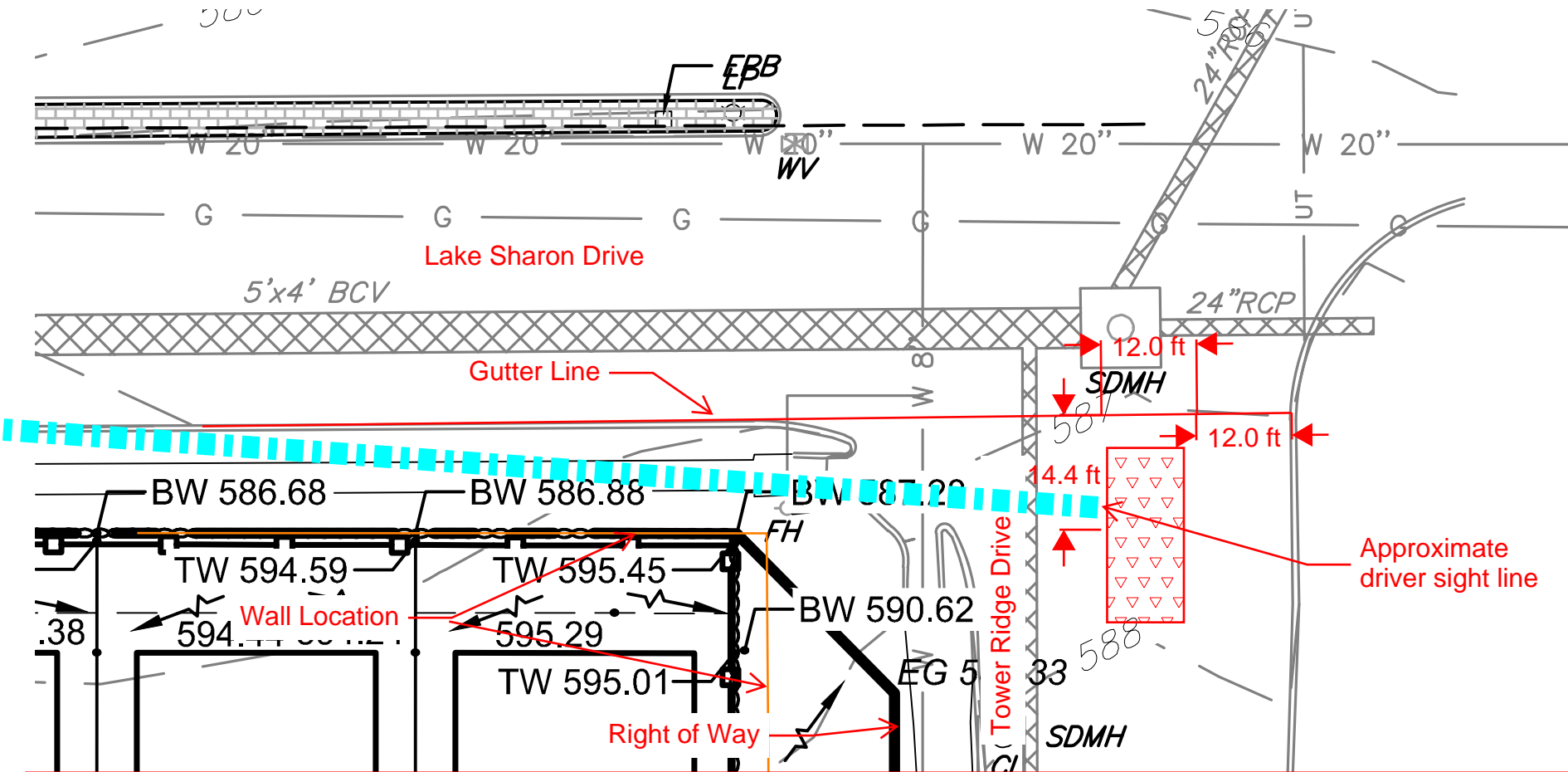
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EAGLE
EROSION
CONTROL
972-795-0863



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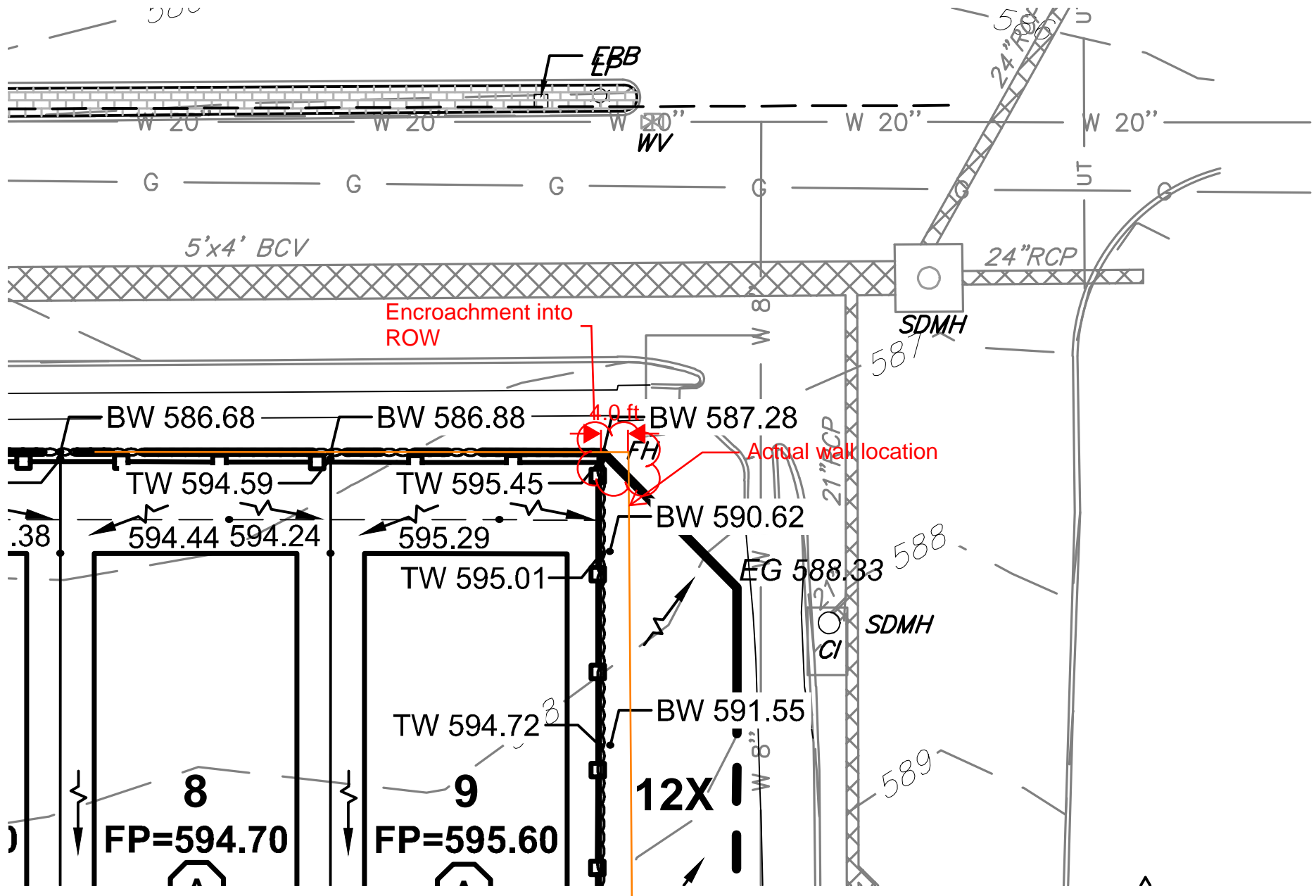


Sight distance at intersections is calculated from the American Association of State Highway Officials', (AASHTO) "A Policy of Geometric Design of Highways and Streets".

Within the intersection sight visibility standards the typical distance measurement from the gutter line to the driver is set at 10'. This distance is also typically shorter than the distance the stop sign or stop bar is placed.

The above graphic indicates that for a car is stopped at the northbound approach the sight visibility is clear from the face of the wall (measured to be 14.4' from the gutter) to 10'. Providing the required sight visibility to see oncoming traffic. If trees or other landscaping were to be placed in the area between the wall and the curb, there would potentially be sight visibility issues.

Note that there is little concern that the wall is constructed 4.4' into the Tower Ridge ROW in regards to sight visibility.



City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: Noise Nuisance Ordinance Amendment
Submitted For: Brett Cast, Engineering Services Coordinator
Submitted By: Brett Cast, Engineering Services Coordinator
Finance Review: N/A **Legal Review:** Yes
City Manager Review:
Strategic Goals: Land Development
 Infrastructure Development
 Citizen Engagement & Proactive
 Government

AGENDA ITEM

Consider and act upon an ordinance amending The City's Code of Ordinances, Title IX: General Regulations, Chapter 94 Nuisances, Section 94.36 Noise Nuisances.

AGENDA ITEM SUMMARY/BACKGROUND

The City of Corinth’s current ordinance currently defines Noise Nuisances as the following:

1. Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.
2. Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes or private property by persons of ordinary sensibilities, is hereby declared to be a nuisance and hereby prohibited.

The current ordinance already allows for exceptions to the established hours of building and construction in cases of urgent necessity in the interest of public safety or convenience. The proposed amendment clarifies this language by establishing that the Director of Planning and Development, Director of Public Works, Building Official and/or City Engineer may issue a special waiver for such work at other hours. These waiver requests will be required to be made 5 business days prior to any construction scheduled outside of normal construction hours.

This proposed Ordinance Amendment will allow city staff upon application in special cases to make reasonable exceptions to the current building and construction hours. The standard hours for building and construction within the city, which are 7:00 am to 9:00 pm, will not be altered by this amendment. The specific language to be added is as follows:

"(3) *Building. The & Construction.* Construction work, including but not limited to the erection, including excavation, demolition, alteration, or repair work on any building, or building construction site, at any time other than between the hours of 7:00 a.m. and 9:00 p.m. on any day of the week is hereby declared a public nuisance and an intentional, knowing or reckless violation is prohibited, except when work is performed in case of response to an urgent necessity and the work must be done in the interest of public health, safety or convenience is hereby declared a public nuisance and is unlawful. Notwithstanding the foregoing, the Director of Planning, Director of Public Works, Building Official and/or City Engineer may issue a special waiver authorizing work outside of the hours authorized in this section. When determining whether to issue a waiver, the following factors shall be considered: (1) proximity of the proposed construction to residential properties; (2) the presence of noise buffering screening, whether live screening such as trees or man-made screening; (3) the nature of the proposed construction activities and the type and duration of the noise that will be created by the activities; and (4) the business reason that the work must be performed outside of the time authorized in this section. A request for waiver shall be made at

least five (5) business days prior to the date for which alternative work hours are being requested. Denial of a waiver may be appealed to the City Manager within five (5) business days after the date of denial. The decision of the City Manager shall be final.”

This amendment will not change the amount the city is authorized to charge for noise nuisance offenses.

RECOMMENDATION

The Planning and Development Department recommends approval of this Ordinance as presented.

Attachments

Construction Noise Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS AMENDING CHAPTER 94 “NUISANCES”, SECTION 94.36 “NOISE NUISANCES” OF TITLE IX, “GENERAL REGULATIONS” OF THE CITY OF CORINTH CODE OF ORDINANCES; PROVIDING CITY STAFF AUTHORITY TO APPROVE SPECIAL WAIVERS OF BUILDING AND CONSTRUCTION HOURS IN CASES OF URGENT NECESSITY IN THE INTEREST OF PUBLIC SAFETY, HEALTH AND WELFARE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING A CUMULATIVE REPEALER; PROVIDING FOR A PENALTY IN THE AMOUNT NOT TO EXCEED \$2,000 DOLLARS A DAY FOR VIOLATIONS; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas (“City”) is a home rule city operating pursuant to the laws of its Charter and of the State and Texas, by and through its duly elected City Council (“Council”) members; and

WHEREAS, noise nuisances are detrimental to the community and disruptive to a person’s ability to enjoy the peace and comfort of home and neighborhood; and

WHEREAS, the City has adopted Chapter 94, “Nuisances” identifying various types of noise creating activities as disruptive of the peace and enjoyment of residents and setting forth reasonable regulations for those activities designed to protect the public health, safety and welfare; and

WHEREAS, the City has determined it necessary to adopt an amendment to Chapter 94 to authorize designated staff members to review applications for a waiver of the restrictions placed upon hours during which building construction activities may occur and to provide specified criteria that staff members must utilize when reviewing applications for waivers; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Corinth, Texas that the City’s noise ordinance be amended as set forth herein.

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

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

Subsection (B)(3), “Building” of Section 94-36 “Noise Nuisances” of Chapter 94, “Nuisances” of Title IX, “General Regulations”¹⁴⁷ of the Code of Ordinances is hereby repealed and

a new Section 94.36(B)(3) "Building" is hereby adopted and shall be and read as follows in its entirety with all other sections and subsections of Section 94-36 not expressly amended hereby remaining in full force and effect: :

§ 94.36 - NOISE NUISANCES.

(B) The following acts, among others, are hereby declared to be noise nuisances in violation of this subchapter, but said enumeration shall not be deemed to be exclusive, to wit:

...

“(3) *Building & Construction.* Construction work, including but not limited to the erection, including excavation, demolition, alteration, or repair work on any building, or building construction site, at any time other than between the hours of 7:00 a.m. and 9:00 p.m. on any day of the week is hereby declared a public nuisance and an intentional, knowing or reckless violation is prohibited, except when work is performed in response to an urgent necessity and the work must be done in the interest of public health, safety or convenience. Notwithstanding the foregoing, the Director of Planning, Director of Public Works, Building Official and/or City Engineer may issue a special waiver authorizing work outside of the hours authorized in this section. When determining whether to issue a waiver, the following factors shall be considered: (1) proximity of the proposed construction to residential properties; (2) the presence of noise buffering screening, whether live screening such as trees or man-made screening; (3) the nature of the proposed construction activities and the type and duration of the noise that will be created by the activities; and (4) the business reason that the work must be performed outside of the time authorized in this section. A request for waiver shall be made at least five (5) business days prior to the date for which alternative work hours are being requested. Denial of a waiver may be appealed to the City Manager within five (5) business days after the date of denial. The decision of the City Manager shall be final.”

...

SECTION 3.
Severability

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Corinth declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4.
Savings

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 5.
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 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)

SECTION 7.
Effective Date

This Ordinance shall take effect and be in full force from and after the date of its passage and publication, as provided by state law and City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this _____ day of November, 2019.

Bill Heidemann, Mayor

Attest:

Kimberly Pence, City Secretary

Approved as to Form:

Patricia A. Adams, City Attorney

ORDINANCE NO. 19-11-14-39

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS AMENDING CHAPTER 94 “NUISANCES” OF TITLE IX, “GENERAL REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH, TEXAS RELATING TO ELECTRONIC CIGARETTES AND E-CIGARETTES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 94, SETTING FORTH DEFINITIONS AND REGULATIONS AFFECTING POSSESSION AND USE OF E-CIGARETTES BY PERSONS UNDER THE AGE OF 21, PROHIBITING THE SALE AND DISTRIBUTION OF E-CIGARETTES TO PERSONS UNDER THE AGE OF 21; PROVIDING AS A PENALTY UPON CONVICTION A FINE IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING SEVERABILITY AND SAVINGS CLAUSES; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION/EFFECTIVE DATE.

WHEREAS, Senate Bill 21, as signed by the Governor on June 2, 2019, amended certain provisions in subchapter H of Chapter 161 of the Health and Safety Code relating to the distribution of cigarettes, e-cigarettes, and tobacco products (“SB 21”); and

WHEREAS, the City Council of the City of Corinth has investigated and determined that the Chapter 94 “Nuisances“ of the Code of Ordinances should be amended to provide updated regulations as a result of SB-21 relating to cigarettes, electronic cigarettes, e-cigarettes, and similar devices, and other tobacco products; and

WHEREAS, the City Council has investigated and determined that the smoking of electronic cigarettes and e-cigarettes has been determined to have detrimental effects to the bodies of young people or minors; and

WHEREAS, the City Council has reviewed information and determined that manufacturers of some electronic cigarettes and e-cigarettes specifically target minors by portraying these products as having candy or fruit flavors and utilizing youth-focused advertising; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (“CDC”) has advised that young persons should not use electronic cigarettes or e-cigarettes due to their high level of addictive nicotine, metals, and other harmful substances, and the CDC has further advised that electronic cigarettes, e-cigarettes, and similar products obtained from street sales may contain deliberately-injected hazardous adulterants such as tetrahydrocannabinol (“THC”); and

WHEREAS, the City Council has determined that a ban on the sale of cigarettes, electronic cigarettes, e-cigarettes and other tobacco products to persons under the age of 21 and a prohibition on self-servicing merchandising in the retail sale of cigarettes, electronic cigarettes, e-cigarettes, and other tobacco products in order to minimize their accessibility to persons under the age of 21 serves a vital public interest in the furtherance of the health, welfare, and safety of the citizens of the City; and

WHEREAS, the Legislature of the State of Texas has recently raised the age to 21 for persons to obtain, possess or smoke cigarettes, electronic cigarettes or e-cigarettes, and other tobacco products, and prohibited the furnishing or sale of these products to persons under the age of 21, except where SB 21 specifically identifies exception; and

WHEREAS, the City Council has further determined that in order to promote the public health, safety, and welfare of the City and its citizens, it is the best interest of the City and its citizens to amend the Code of Ordinances to regulate the sale, possession, and use of cigarettes, electronic cigarettes, e-cigarettes, and other tobacco products within the City, as set forth below;

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

SECTION 1
Incorporation of Premises

That the foregoing recitals set forth above are determined to be true and correct findings and are incorporated herein as if set forth verbatim.

SECTION 2.
Amendments

2.01. That Section 94.20 “Definitions” of Chapter 94, “Nuisances” of Title IX, “General Regulations” the Code of Ordinances of the City of Corinth, Texas, is hereby amended to amend the following definitions of “Electronic Cigarette and/or E-Cigarette,” “Minor,” “Smoke(s) or Smoking” so that such definitions shall be and read as follows and all other definitions contained within Section 94.20 shall continue in full force and effect:

§94.20 - DEFINITIONS

...

“ELECTRONIC CIGARETTE AND/OR E-CIGARETTE. Any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides, or is manufactured or intended to provide, a vapor or aerosol of liquid nicotine and/or other substances mixed with propylene glycol and/or other substances delivered or deliverable to the user that he/she can inhale in simulation of smoking. This term shall include every version and type of such devices whether they are manufactured or marketed as electronic cigarettes, e-cigarettes, electronic cigars, e-cigars, electronic pipes, e-pipes, or under any other product name or description.”

...

“MINOR. A person under 21 years of age.”

...

“SMOKES(S) OR SMOKING. The carrying, possessing or holding of a pipe, cigarette, tobacco product, electronic cigarette or e-cigarette, or liquid nicotine of any kind which is burning or emitting a vapor or aerosol.”

2.02. That subparagraphs (A) and (E) of Section 94.21 “Smoking in Public Places Prohibited” of Chapter 94, “Nuisances” of Title IX, “General Regulations” of the Code of Ordinances of the City of Corinth, Texas, are hereby amended to be and read in their entirety as follows and all other sections and subsection of Section 94.21 not expressly amended hereby shall remain in full force and effect:

§94.21 - SMOKING IN PUBLIC PLACES PROHIBITED

“(A) A person commits an offense if the person intentionally, knowingly or recklessly smokes or possesses a burning tobacco, weed, or other plant product or e-cigarette or liquid nicotine which is emitting a vapor or aerosol in any public place where notice has been given that such conduct is prohibited pursuant to Section 94 of the Code of Ordinances or other state law.”

...

“(E) A person commits an offense if the person intentionally, knowingly or recklessly smokes or possesses a burning tobacco, or other plant product or e-cigarette or liquid nicotine which is emitting a vapor or aerosol within twenty (20) linear feet of the front or main entrance to any public place where notice has been posted that smoking is prohibited within twenty (20) feet of the entrance.”

2.03 That Section 94.24 “City-Owned Facilities; Written Policies to Establish Guidelines” of Chapter 94, “Nuisances” of Title IX, “General Regulations” of the Code of Ordinances of the City of Corinth, Texas, is repealed in its entirety and a new Section 94.24, “City Owned Facilities; Written Policies to Establish Guidelines” is hereby adopted and shall be and read in its entirety as follows:

“§94.24 - CITY-OWNED FACILITIES; WRITTEN POLICIES TO ESTABLISH GUIDELINES

(A) A person commits an offense if the person is in a city-owned building and intentionally, knowingly or recklessly:

- (1) Uses a tobacco product; or
- (2) Smokes or possesses a burning tobacco product or weed or other plant product; or

(3) Smokes or possesses an electronic cigarette or e-cigarette or liquid nicotine emitting vapors or aerosols.

(B) The City Manager or the Manager's designated representatives shall cause signs to be posted at the entrances of the city-owned buildings which shall state: "Smoking, Use of Tobacco Products and E-Cigarettes are Prohibited by Ordinance."

(C) A person commits an offense if the person is in an area of a City park that has not been designated as a smoking area by signage placed in accordance with this Section and intentionally, knowingly, or recklessly:

(1) Uses a tobacco product; or

(2) Smokes or possesses a burning tobacco product or weed or other plant product, or

(3) Smokes or possesses an electronic cigarette or e-cigarette or liquid nicotine emitting vapors or aerosols.

(D) A person commits an offense if the person intentionally, knowingly or recklessly uses a tobacco product or smokes or possesses a burning tobacco product or weed or other plant product or electronic cigarette or e-cigarette or liquid nicotine emitting vapors or aerosols within twenty linear (20) feet from any entrance to a city-owned building.

(E) A person commits an offense if the person intentionally, knowingly or recklessly smokes or possesses a burning tobacco product or electronic cigarette or e-cigarette or liquid nicotine emitting vapors or aerosols in a park other than in a designated smoking area.

(F) The City Manager or the Manager's designated representative is authorized to designate an unenclosed area within a park as a designated smoking area. The designated smoking area shall be marked by signs.

(G) The City Manager shall cause conspicuous signs to be posted at entrances to the parks from the park parking lots, and at other areas where people gather within the parks. Each sign shall contain the words "Smoking, Use of Tobacco Products and E-Cigarettes are Prohibited by Ordinance Except in Designated Areas."

2.04. That Section 94.27 "Possession, Purchase, Consumption or Receipt of Electronic Cigarettes or E-Cigarettes and/or Liquid Nicotine by Minors Prohibited" of Chapter 94, "Nuisances" of Title IX, "General Regulations" of the Code of Ordinances of the City of Corinth, Texas, is hereby repealed in its entirety and a new Section 94.27, "Possession, Purchase, Consumption or Receipt of Electronic Cigarettes or E-Cigarettes and/or Liquid Nicotine by Minors Prohibited" is hereby adopted and shall be read in its entirety as follows:

§94.27 - POSSESSION, PURCHASE, CONSUMPTION OR RECEIPT OF ELECTRONIC CIGARETTES OR E-CIGARETTES AND/OR LIQUID NICOTINE BY MINORS PROHIBITED

(A) A person who is younger than 21 years of age commits an offense if the person intentionally, knowingly or recklessly:

(1) Possesses, purchases, consumes or accepts an electronic cigarette, e-cigarette or liquid nicotine; or

(2) Falsely represents himself or herself to be 21 years of age or older by displaying proof of age that is false, fraudulent or not actually proof of the individual's own age in order to obtain possession of, purchase or receive an electronic cigarette, e-cigarette or liquid nicotine.

(B) It shall be a defense to prosecution for a violation of subsection (A) if the person younger than 21 years of age possessed the electronic cigarette, e-cigarette or liquid nicotine in the presence of an employer of the individual, if possession or receipt of the electronic cigarette, e-cigarette or liquid nicotine is required in the performance of the employee's duties as an employee.

(C) It shall also be a defense to prosecution for a violation of subsection (A) that the individual younger than 21 years of age is participating in an inspection or test of compliance in accordance with Section 161.088, Health and Safety Code.

(D) Applicability. In accordance with the provisions of Texas Senate Bill Number 21, the prohibitions on possession, purchasing or attempting to purchase cigarettes, e-cigarettes, or tobacco products shall not apply to a person who was born on or before August 31, 2001.

2.05. That Section 94.28 “Sale of Electronic Cigarette or E-Cigarette or Liquid Nicotine to Persons Younger Than 18 Years of Age Prohibited; Proof of Age Required” of Chapter 94, “Nuisances” of Title IX, “General Regulations” of the Code of Ordinances of the City of Corinth, Texas, is hereby repealed in its entirety and a new Section 94.28 “Sale of Electronic Cigarette or E-Cigarette or Liquid Nicotine to Persons Younger Than 18 Years of Age Prohibited; Proof of Age Required” is hereby adopted and shall be and read as follows:

§94.28 - SALE OF ELECTRONIC CIGARETTE OR E-CIGARETTE OR LIQUID NICOTINE TO PERSONS YOUNGER THAN 21 YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED

(A) A person or retailer commits an offense if the person or retailer with criminal negligence:

(1) Sells, gives or causes to be sold or given an electronic cigarette or e-cigarette or liquid nicotine to someone who is younger than 18 years of age; or

(2) Sells, gives or causes to be sold or given an electronic cigarette or e-cigarette or liquid nicotine to another person who intends to deliver it to someone who is younger than 21 years of age.

(B) It shall be an exception to the application of subsection (A)(1) that the person to whom the cigarette, e-cigarette, or tobacco product was sold:

(1) Is at least 18 years of age; and

(2) presented at the time of purchase a valid military identification card of the United States military forces or the state military force.

(C) If an offense under this section occurs in connection with a sale by an employee of the owner of a store in which electronic cigarettes, e-cigarettes and/or liquid nicotine is/are sold at retail, the employee is criminally responsible for the offense and is subject to prosecution.

(D) It is a defense to prosecution under subsection (A)(1) that the person to whom the electronic cigarette, e-cigarette or liquid nicotine was sold or given presented to the defendant apparently valid proof of identification showing that the person was at least 21 years of age.

(E) A proof of identification satisfies the requirements of subsection (B) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 21 years of age or older and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport or an identification card issued by a state or the federal government.

2.06. That subparagraph (B) of Section 94.29 “Vendor Assisted Sales Required; Self-Service Merchandising Prohibited” of Chapter 94, “Nuisances” of Title IX, “General Regulations” of the Code of Ordinances of the City of Corinth, Texas, is hereby repealed in its entirety and a new Section 94.29(B) is hereby adopted and shall be and read as follows and all other sections and subsection of Section 94.29 not expressly amended hereby shall remain in full force and effect:

§94.29 - VENDOR ASSISTED SALES REQUIRED; SELF-SERVICE MERCHANDISING PROHIBITED

...

(B) It is a defense to prosecution under subsection (A) if:

- (1) The facility or business is not open to persons younger than 21 years of age at any time; or
- (2) An open display unit is located in an area that is inaccessible to customers.

SECTION 8.
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 9.
Savings

That all rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of any Ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations 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 10.
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 11.
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 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 12.
Publication/Effective Date

This Ordinance shall take effect and be in full force from and after the date of its passage and publication, as provided by state law and City Charter.

**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:

Patricia A. Adams, City Attorney

City Council Regular and Workshop Session

Meeting Date: 11/14/2019
Title: No Idling Implementation Plan
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: Citizen Engagement & Proactive Government
Regional Cooperation

AGENDA ITEM

Consider and act on an amendment to the City's Code of Ordinances Title VII: Traffic Code, to create a new chapter titled Chapter 72: "Vehicle Idling Restrictions".

AGENDA ITEM SUMMARY/BACKGROUND

Mobility 2045, is NCTCOG's current Metropolitan Transportation Plan (MTP) for the region which includes recommendations of policies, programs, and projects that reflect regional priorities and support Mobility 2045 goals.

Mobility 2045 includes a voluntary list of policies that local governments and transportation agencies can choose to adopt. These policies aim to address issues that affect transportation in the region and cover a wide range of topics.

By voluntarily adopting 50 percent of these policies, participating agencies will receive an offset of local funds in federal transportation projects in the form of Transportation Development Credits (TDCs).

On October 3, 2019 the City Council approved a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality (TCEQ) enabling the City to enforce the TCEQ's restriction on idling vehicles. A component of that MOA is that the City adopt an implementation plan.

The Ordinance under consideration will establish an implementation plan for the regulation of idling vehicles, by promoting educational efforts such as providing brochures and posters available for residents to read and take with them explaining the rules and details of the new program. Additionally, signs will be erected around the community reminding drivers to limit idling in their vehicles. Finally, it will be our policy to educate drivers on the regulations rather than issue tickets by providing officers with the brochures to issue to drivers. However, a penalty of up to \$500 is being included for violators of the new idling restrictions and may be used if repeat offenses occur.

RECOMMENDATION

Staff recommends approval of the ordinance as presented.

Attachments

No Idling Implementation Ordinance

ORDINANCE NO. 19-11-14-____

IDLING REDUCTION IMPLEMENTATION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING TITLE VII “TRAFFIC CODE” OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH BY ADDING A NEW CHAPTER, CHAPTER 72 “VEHICLE IDLING RESTRICTIONS”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Dallas-Fort Worth area is a federally designated non-attainment area for pollutant ozone, and air quality impacts the public and economic health of the entire region; and

WHEREAS, the U.S. Environmental Protection Agency “EPA” and the Texas Commission on Environmental Quality “TCEQ” jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has adopted the Texas Clean Air Act codified as part of Chapter 382 of the Texas Health and Safety Code “Act” which addresses that purpose; and

WHEREAS, section 382.113 of the Act provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, locally enforced idling restriction is a voluntary mobile source emission reduction program commitment in the Dallas-Fort Worth eight-hour ozone attainment demonstration state implementation plan “SIP”; and

WHEREAS, on October 3, 2019, in accordance with Section 114.115 of Title 30, Part 1, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitation of the Texas Administrative Code, the City and TCEQ have signed a Memorandum of Agreement with the TCEQ to delegate enforcement of the provisions of §§114.512 and 114.517 of that Title to the City; and

WHEREAS, the City Council finds that the adoption of this ordinance serves a public purpose and protects the health, safety, and welfare of citizens of the City by limiting the pollution created by motor vehicles unnecessarily idling within the City’s jurisdiction.

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 Title VII “Traffic Code” of the Code of Ordinances of the City of Corinth, Texas is hereby amended to add a new chapter titled Chapter 72 - “Vehicle Idling Restrictions” and shall be and read in its entirety as follows, and all other subparagraphs and subsections of Title VII, “Traffic Code” not specifically amended hereby shall remain in full force and effect without amendment:

Chapter 72: Vehicle Idling Restrictions

72.01 – TCEQ Rules Adopted.

The City Council hereby adopts the Texas Commission on Environmental Quality (TCEQ) Idling Limitations Rule as published in the Texas Administration Code, Title 30, Part 1, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitation, as may be amended from time to time, and the City Council hereby approves the adoption and implementation of the TCEQ Idling Limitation Rule, as may be amended from time to time (collectively the “Rules”). All Rules adopted hereby shall be incorporated herein by reference as if written word for word. The provisions of the state Rules are included in the remainder of this Chapter, but where there is a conflict between the Rules and the provision of this Chapter, the Rules shall prevail.

72.02 – Definitions

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross Vehicle Weight Rating “GVWR”. The maximum weight of a fully loaded vehicle.

Idle. The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

Motor vehicle. Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property, is or may be transported, and is required to be registered under Texas Transportation Code, section 502.002, excluding vehicles registered under section 502.006(c).

Primary propulsion engine. A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

72.03 – Restrictions

- (A) Except as expressly exempted by Section 72.04 of this Chapter, no person shall intentionally, knowingly or recklessly cause, suffer, allow or permit the Primary Propulsion Engine with a gross vehicle weight rating greater than 14,000- pounds may Idle for more than five (5) consecutive minutes, when the Motor Vehicle is not in motion.
- (B) Except as expressly exempted by Section 72.04 of this Chapter, No person using the sleeper berth of a Motor Vehicle may cause, suffer, allow, or permit the Primary Propulsion Engine to Idle at a location within a two-mile radius of a public facility offering external heating/air conditioning.

72.04 – Exemptions

The Provisions of this Chapter shall not apply to any one or more of the following:

(A) Vehicle Type: Primary Propulsion Engine of a Motor Vehicle:

1. That has a GVWR of 14,000 pounds or less;
2. With a GVWR greater than 14,000 lbs. and that is equipped with 2008 or newer heavy-duty diesel, liquefied natural gas, or compressed natural gas engine certified by EPA or state agency to emit less than 30 grams of nitrogen oxides emissions per hour of idling.
3. When idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth when used during a government-mandated rest period and is not within two (2) miles of a facility offering external heating and air conditioning connections at a time when those connections are available.
4. That is being used for military, emergency and law enforcement vehicles purposes.
5. Being used to provide air conditioning or heating necessary for employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded.
6. That is being used as airport ground support equipment.
7. Which the owner of the vehicle has rented or leased to a person not employed by the owner.

(B) Operations: Primary Propulsion Engine of a Motor Vehicle that is:

1. Forced to remain motionless because of traffic conditions over which the operator has no control.
2. Providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning.
3. Idling during operation for maintenance/diagnostic purposes.
4. Being operated solely to defrost a windshield.

(C) Air Conditioning and Heating Provisions: Primary Propulsion Engine of a Motor Vehicle that is:

1. Being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial/public passenger transportation or passenger transit operations (30-minute maximum for idling).
2. Being used for employee health or safety while employee is using vehicle to perform an essential job function related to road construction or maintenance.
3. Necessary for use during a government-mandated rest period as set forth in A(3) above.

72.04 – Public Outreach

- (A) Educational brochures, developed by the North Central Texas Council of Governments (NCTCOG) will be available for pickup at City Hall. These brochures will include information on rule details, anti-idling technologies, potential funding assistance, and other resources.

- (B) Anti-Idling signs will be installed throughout the City of Corinth to inform citizens and truck drivers of the anti-idling ordinance.

72.05 – Enforcement

Enforcement through warnings and traffic citations, including penalties of up to \$500 per offense, is allowable to ensure compliance with this rule and net maximum air quality benefits.

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:

Kimberly Pence, City Secretary
City of Corinth, Texas

APPROVED AS TO FORM AND LEGALITY:

Patricia A. Adams, City Attorney