



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

**NOTICE OF A CITY COUNCIL SPECIAL SESSION  
OF THE CITY OF CORINTH  
Thursday, November 12, 2020, 6:00 P.M.  
CITY HALL - 3300 CORINTH PARKWAY**

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**CALL TO ORDER:**

**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.

**BUSINESS AGENDA**

1. Consider and action on a Resolution of the City Council canvassing and declaring the results of the General Election held on November 3, 2020, for the purpose of electing persons to serve as Council Members for Place 1, Place 3, and Place 4, each for a term of two (2) years; providing confirmation of voting tabulation; and providing an effective date.
2. Consider and act on an Ordinance of the Corinth City Council canvassing and declaring the results of the November 3, 2020, Special Election.
3. Consider and act on a Resolution of the City Council authorizing the Mayor and Members of the City Council to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, And Emergency Medical Services District; appointing the Mayor and Members of City Council to serve on the Board; providing for appointment and terms of service; and providing an effective date.

**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. Flood mitigation right of entry**

**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.

**a. Project Agora**

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

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

**ADJOURN**

Posted this 9th day of November 2020, at 5:45 p.m. on the bulletin board at Corinth City Hall.

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Lana Wylie, Interim City Secretary  
City of Corinth, Texas

**BUSINESS ITEM 1.**

**City Council Special Session**

**Meeting Date:** 11/12/2020  
**Title:** Resolution canvassing votes for the November 3, 2020 General Election  
**Submitted For:** Bob Hart, City Manager  
**Submitted By:** Lana Wylie, Administrative Assistant  
**City Manager Review:**  
**Strategic Goals:** Citizen Engagement & Proactive Government

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**AGENDA ITEM**

Consider and action on a Resolution of the City Council canvassing and declaring the results of the General Election held on November 3, 2020, for the purpose of electing persons to serve as Council Members for Place 1, Place 3, and Place 4, each for a term of two (2) years; providing confirmation of voting tabulation; and providing an effective date.

**AGENDA ITEM SUMMARY/BACKGROUND**

On November 3, 2020, the City’s general election was held under the provisions of the City Charter and the Election Code to elect Council Members to Place 1, Place 3, and Place 4 to the City Council of the City of Corinth, Texas. State law requires that the governing body of the City of Corinth canvass all elections. The returns of the General Election, including the returns of the early voting ballots, duly and legally made. The City Council determined that each candidate for Place 1, Place 3, and Place 4 on the Corinth City Council received the following votes. Please note that these are unofficial results. The City will receive final canvass results before the November 19, 2020, City Council Meeting from the Denton County Election Administrator. A special meeting may be required if necessary.

City Council Place No. 1, Sam Burke - Total number of votes received- 7,631  
City Council Place No. 3, Steve Holzwarth- Total number of votes received - 5,223  
City Council Place No. 3, Lindsey Rayl - Total number of votes received - 3606  
City Council Place No. 4, Tina Henderson - Total number of votes received - 7,705

Elected were the following candidates: City Council Place 1, Sam Burke, City Council Place 3, Steve Holzwarth, City Council Place 4, Tina Henderson.

**RECOMMENDATION**

Staff recommends approval of the Resolution canvassing the election results.

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**Attachments**

Resolution - General Election

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**RESOLUTION NO. 20-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, CANVASSING AND DECLARING THE RESULTS OF THE JOINT GENERAL ELECTION HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING ONE (1) COUNCIL MEMBER FOR PLACE NO. 1, ONE (1) COUNCIL MEMBER FOR PLACE NO. 3, AND ONE (1) COUNCIL MEMBER FOR PLACE NO. 4, TO THE CORINTH CITY COUNCIL, EACH FOR A TERM OF TWO (2) YEARS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR CONFIRMATION OF VOTE TABULATION AND CANVASS; PROVIDING FOR THE ISSUANCE OF CERTIFICATES OF ELECTION; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on November 3, 2020, the City’s Joint General Election was held in accordance with the provisions of the City Charter and the Election Code for the purpose of electing Council members to Places, 1, 3, and 4 to the City Council of the City of Corinth, Texas after having been postponed from the original date of May 2, 2020 as a result of the Coronavirus pandemic; and

**WHEREAS**, state law requires that the governing body of the City of Corinth canvass all elections; and

**WHEREAS**, section 67.003 of the Texas Election Code provides that each local canvassing authority shall convene not earlier than the eighth (8<sup>th</sup>) day or later than the eleventh (11<sup>th</sup>) day after election day for the purpose of canvassing the election results; and

**WHEREAS**, section 67.004(a) of the Texas Election Code also provides that only two members of City Council are needed and constitute a quorum for the purpose of canvassing election results; and

**WHEREAS**, the official returns, including returns of early voting ballots cast, of the presiding judges of the Joint General Election have been presented and delivered; and the City Council acting in capacity as the Canvassing Board, met on \_\_\_\_\_, and duly canvassed such returns in accordance with the law;

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

**SECTION 1.  
Incorporation of Premises**

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

**SECTION 2.  
Election Properly Ordered and Held**

The City Council officially finds and determines an election was duly ordered to be held in the City of Corinth, Texas on the 3<sup>rd</sup> day of November 2020 for the purpose of electing

individuals to the offices Council Member Place 1, Council Member Place 3, and Council Member to Place 4; that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

**SECTION 3.  
Confirmation of Vote Tabulation**

The City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said Election, and that the following votes were cast at the Joint General Election, and that the canvass of the votes cast in said Election and returns thereof were made in accordance with the law. Further, the City Council officially finds that the returns of the Joint General Election, including the returns of the early voting ballots, duly and legally made, are as follows and has determined that each candidate for Council Place 1, for Council Place 3, and Council Place 4, each seat having a (2) two-year term of office, have received the following votes:

<b>Name of Candidate</b>	<b>Absentee Votes</b>	<b>Total Number of Early Votes</b>	<b>Total Number of Votes Received on Election Day</b>	<b>Total Number of Votes Received</b>
<b>Sam Burke, Place 1</b>	<b>520</b>	<b>6,539</b>	<b>572</b>	<b>7,631</b>
<b>Steve Holzwarth, Place 3</b>	<b>333</b>	<b>4,525</b>	<b>365</b>	<b>5,223</b>
<b>Lindsey Rayl, Place 3</b>	<b>278</b>	<b>3,067</b>	<b>261</b>	<b>3,606</b>
<b>Tina Henderson, Place 4</b>	<b>530</b>	<b>6,608</b>	<b>567</b>	<b>7705</b>

**SECTION 4.  
Canvass**

The City Council, acting as the canvassing board of the Joint General Election, has verified that figures on the tally sheets correspond to the figures on the returns and at the Joint General Election held on November 3, 2020, the following candidates were elected to office:

Council Place 1	<u>Sam Burke</u>	<u>Two (2) Years</u>
Council Place 3	<u>Steve Holzwarth</u>	<u>Two (2) Years</u>
Council Place 4	<u>Tina Henderson</u>	<u>Two (2) Years</u>

**SECTION 5.  
Certificates of Election**

That the Mayor is hereby authorized and directed to execute and deliver Certificates of Election to the successful candidates elected at the General Election.

**SECTION 6.  
Open Meeting**

It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**SECTION 7.  
Severability**

Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. Corinth hereby declares that it would have passed this Resolution, and each section, subsection, sentence, 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 8.**

This Resolution shall be in full force and effect from and after its passage and it is so resolved.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF NOVEMBER 2020.**

\_\_\_\_\_  
BILL HEIDEMANN, MAYOR

ATTEST:

\_\_\_\_\_  
LANA WYLIE, INTERIM CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
PATRICIA A. ADAMS, CITY ATTORNEY

**BUSINESS ITEM 2.**

**City Council Special Session**

**Meeting Date:** 11/12/2020  
**Title:** Ordinance canvassing Special Elections results for November 3, 2020  
**Submitted For:** Bob Hart, City Manager  
**Submitted By:** Lana Wylie, Administrative Assistant  
**City Manager Review:**  
**Strategic Goals:** Citizen Engagement & Proactive Government

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**AGENDA ITEM**

Consider and act on an Ordinance of the Corinth City Council canvassing and declaring the results of the November 3, 2020, Special Election.

**AGENDA ITEM SUMMARY/BACKGROUND**

The Special Election, which submitted to the voters a ballot proposition serving as a confirmation election for the creation of a proposed City of Corinth Fire Control, Prevention, and Emergency Medical Services District, and proposing the adoption of a sales and use tax for the District at a rate of one-fourth of one percent dedicated to fire control, prevention, and emergency medical services programs, and a proposition to authorize the City Council to serve as the Permanent Board of Directors of the newly created District upon adoption of a resolution making such designation; providing confirmation of voting tabulation; and providing an effective date. A special meeting may be required if necessary.

**RECOMMENDATION**

Staff recommends approval of the Ordinance.

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**Attachments**

Ordinance - Fire District Canvass

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, CANVASSING AND DECLARING THE RESULTS OF THE NOVEMBER 3, 2020 SPECIAL ELECTION HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY, A PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, COMPRISED OF THE CITY OF CORINTH, TEXAS, WITH A BALLOT PROPOSITION THAT SERVES AS A CONFIRMATION ELECTION ORDER FOR THE CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, (“DISTRICT”), AND ADOPTS A SALES AND USE TAX FOR THE DISTRICT AT A RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PROGRAMS, PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND A BALLOT PROPOSITION TO DESIGNATE THAT THE CITY COUNCIL OF THE CITY OF CORINTH MAY, BY RESOLUTION, BE APPOINTED TO SERVE AS THE PERMANENT BOARD OF DIRECTORS OF THE DISTRICT; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING CONFIRMATION OF VOTE TABULATION AND CANVASS; PROVIDING NOTICE, OPEN MEETINGS, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council (the “City Council”) of the City of Corinth, Texas (the “City”) on August 6, 2020, ordered that a Special Election be held within the City on November 3, 2020, for the purpose of submitting to the qualified voters of the proposed City of Corinth Fire Control, Prevention, and Emergency Services District, comprising the City of Corinth, Texas, a ballot proposition that serves as a confirmation election order for the City of Corinth Fire Control, Prevention, and Emergency Medical Services District, (“District”), and adopts a sales and use tax for the District at a rate of one-fourth of one percent dedicated to fire control, prevention, and emergency medical services programs, pursuant to chapter 344 of the Texas Local Government Code, as amended; and a ballot proposition to designate that the City Council of the City of Corinth may, by resolution, be appointed to serve as the permanent Board of Directors of the District, (the “Special Election”); and

**WHEREAS**, the Temporary Board of Directors of the District provided a summary of the proposed Budget Plan and proposed Fire Control, Prevention, and Emergency Medical Services Plan in accordance with Section 344.054(b)(5) of the Texas Local Government Code, as amended, as set forth in Ordinance No. 20-02-13-05 ; and

**WHEREAS**, notice of the Special Election was duly published in the Denton Record Chronicle on September 30, 2020, and October 7, 2020, and posted on the bulletin board at City Hall; and

**WHEREAS**, on November 3, 2020, a Special Election was held in accordance with the provisions of the Texas Local Government Code and the Election Code for the purpose of submitting to the qualified voters of the proposed District, comprising the City of Corinth, a ballot proposition that serves as a confirmation election order for District,



and adopts a sales and use tax for the District at a rate of one-fourth of one percent dedicated to fire control, prevention, and emergency medical services programs; and a ballot proposition to designate that the City Council of the City of Corinth may, by resolution, be appointed to serve as the permanent Board of Directors of the District (the "Propositions"); and

**WHEREAS**, the Temporary Board of Directors of the proposed City of Corinth Fire Control, Prevention, and Emergency Medical Services District met on November 12, 2020, canvassed the election and issued an Order canvassing and declaring the results of the November 3, 2020 special election for the creation of the proposed District, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**; and

**WHEREAS**, state law requires that the governing body of the City of Corinth, Texas canvass all elections; and

**WHEREAS**, the City Council may not convene to canvass the election until the early voting ballot board has convened and counted all provisional and overseas ballots pursuant to Section 67.003 of the Election Code; and

**WHEREAS**, pursuant to Section 321.405 of the Tax Code, the City Council is required to meet no later than the 10<sup>th</sup> day after the date of the Special Election to canvass election results that approve of the adoption, change in rate, or abolition of a tax authorized under Chapter 321 of the Tax Code; and

**WHEREAS**, due to the unusual circumstances of the 2020 election and the inability of the City to timely receive official election results from Denton County, the City Council has not been able to meet within 10 days of the Special Election to canvass the election results as the early voting ballot board of Denton County, Texas did not convene and count all provisional and overseas ballots in enough time to satisfy this deadline; and

**WHEREAS**, the City Council met within 17 days of the election, as required by the Election Code, to canvass the results of the Special Election; and

**WHEREAS**, the official returns of the election on the Propositions, including returns of early voting ballots cast, of the presiding judges of the Special Election have been presented and delivered; and the City Council declares the results of said returns in accordance with the law.

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

**SECTION 1.  
Incorporation of Premises**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.**  
**Confirmation of Vote Tabulation**

The Council officially finds and determines that at the Special Election held on November 3, 2020, the following Propositions were submitted to the voters and the following votes were cast, and that based upon the votes cast, the following Propositions were approved:

**PROPOSITION A**

The creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District dedicated to fire safety and emergency medical services programs and the adoption of a proposed local sales and use tax at a rate of one-fourth of one percent.

**FOR**        **( X )**

**AGAINST**   **(   )**

Votes were cast as follows:

The number of votes cast "FOR" Proposition A	<u>7,335</u>
The number of votes cast "AGAINST" Proposition A	<u>3,522</u>
The number of votes by which Proposition A was approved:	<u>3,813</u>
Total Votes Cast for Proposition A:	<u>10,857</u>

**PROPOSITION B**

Should the eligible voters authorize the creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District dedicated to fire safety and emergency medical services programs, may the Corinth City Council approve a resolution to appoint the Corinth City Council to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District.

**FOR**        **( X )**

**AGAINST**   **(   )**

Votes were cast as follows:

The number of votes cast "FOR" Proposition B	<u>7,618</u>
The number of votes cast "AGAINST" Proposition B	<u>3,072</u>
The number of votes by which Proposition B was approved:	<u>4,244</u>
Total Votes Cast for Proposition B:	<u>10,690</u>

**SECTION 3.  
Canvass**

The Council finds that said election was duly called, that notice of said election was given in accordance with state law, that said election was held in accordance with state law, the results of the election as set forth above are correct, and the canvass of the votes are hereby ratified and approved. Therefore, the Council orders that the City of Corinth Fire Control, Prevention, and Emergency Medical Services District is created, and the Corinth City Council is authorized to approve a resolution to appoint the Corinth City Council to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District.

**SECTION 4.  
Notice**

Upon adoption of this Ordinance, the City Secretary is directed to immediately give notice of the election results concerning the proposition to the Texas Comptroller of Public Accounts and any other agency required by law.

**SECTION 5.  
Open Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**SECTION 6.  
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 hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, 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 7.  
Repealing Clause**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed. Any remaining portions of conflicting ordinances shall remain in full force and effect.

**SECTION 8.  
Effective Date**

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF NOVEMBER 2020.**

\_\_\_\_\_  
BILL HEIDEMANN, MAYOR

ATTEST:

\_\_\_\_\_  
LANA WYLIE, INTERIM CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
PATRICIA A. ADAMS, CITY ATTORNEY

**Exhibit "A"**  
**Order of Temporary Board of Directors of City of Corinth Fire Control, Prevention,  
and Emergency Medical Services District**

**City Council Special Session**

**Meeting Date:** 11/12/2020  
**Title:** Resolution - Fire District Board of Directors  
**Submitted For:** Bob Hart, City Manager  
**Submitted By:** Lana Wylie, Administrative Assistant  
**City Manager Review: Approval:** Bob Hart, City Manager  
**Strategic Goals:** Citizen Engagement & Proactive Government

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**AGENDA ITEM**

Consider and act on a Resolution of the City Council authorizing the Mayor and Members of the City Council to serve as the Board of Directors of the City of Corinth Fire Control, Prevention, And Emergency Medical Services District; appointing the Mayor and Members of City Council to serve on the Board; providing for appointment and terms of service; and providing an effective date.

**AGENDA ITEM SUMMARY/BACKGROUND**

The Special Election which submitted to the voters a ballot proposition serving as a confirmation a proposition to authorize the City Council to serve as the Permanent Board of Directors of the newly created District upon adoption of Council resolution making such designation; providing confirmation of voting tabulation; and providing an effective date.

Please note that these are unofficial results. The City will receive final canvass results before the November 19, 2020, City Council Meeting from the Denton County Election Administrator. A special meeting may be required if necessary.

The number of votes cast "FOR" Proposition B	<u>7,618</u>
The number of votes cast "AGAINST" Proposition B	<u>3,072</u>

**Resolution will be presented at the meeting.**

**RECOMMENDATION**

Staff recommends approval of the Resolution canvassing the election for Proposition B.

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