



***** PUBLIC NOTICE *****

**NOTICE OF A CITY COUNCIL SPECIAL SESSION
OF THE CITY OF CORINTH
Thursday, February 11, 2021, 5:45 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

Pursuant to Section 551.127, Texas Government Code, one or more Council Members or employees may attend this meeting remotely using videoconferencing technology. The videoconferencing technology can be accessed at www.cityofcorinth.com/RemoteSession. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. The City of Corinth is following the Center for Disease Control Guidelines for public meetings.

***NOTICE IS HEREBY GIVEN** of a Special 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 AND INVOCATION:

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 take action on Ordinance No. 21-02-11-02, an election order of the City Council of the City of Corinth, Texas, ordering a joint special election between the City of Corinth, Texas, ("City"), and Denton County, Texas, ("County"), to be held on May 1, 2021, for the purpose of submitting to the qualified voters of the City a ballot proposition on the question of approving and implementing Resolution No. 21-02-04-10 providing for a sports and community venue project, ("Venue Project"), and adopting a new tax, a short term motor vehicle rental tax, at a rate of five percent (5%), to fund the Venue Project, pursuant to Chapter 334 of the Texas Local Government Code, as amended; providing procedures for the special election; 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.

ADJOURN

Posted this _____ day of _____ 2021 at _____ on the bulletin board at Corinth City Hall.

Lana Wylie, City Secretary
City of Corinth, Texas

BUSINESS ITEM 1.

City Council Special Session

Meeting Date: 02/11/2021

Title: Ordinance Ordering a New Short-Term Motor Vehicle Rental Tax Election

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

Consider and take action on Ordinance No. 21-02-11-02, an election order of the City Council of the City of Corinth, Texas, ordering a joint special election between the City of Corinth, Texas, (“City”), and Denton County, Texas, (“County”), to be held on May 1, 2021, for the purpose of submitting to the qualified voters of the City a ballot proposition on the question of approving and implementing Resolution No. 21-02-04-10 providing for a sports and community venue project, (“Venue Project”), and adopting a new tax, a short term motor vehicle rental tax, at a rate of five percent (5%), to fund the Venue Project, pursuant to Chapter 334 of the Texas Local Government Code, as amended; providing procedures for the special election; and providing an effective date.

AGENDA ITEM SUMMARY/BACKGROUND

Chapter 334 of the Texas Local Government Code, as amended, permits municipalities and counties to impose a wide variety of taxes as methods to finance tourism, sports and community venues. One of those taxes is the short-term motor vehicle rental tax. It is a tax, however, that requires the approval of voters before it can be imposed on motor vehicle rentals of 30 days or less and at a rate not to exceed five (5) percent. The City Council approved a resolution designating the central community gathering space and its related infrastructure as a venue project (the "Venue Project") and designated a new short-term motor vehicle rental tax as a method for financing the Venue Project.

Accordingly, the City Council may order an election for the Short-Term Motor Vehicle Rental Tax to be held on May 1, 2021. The Ordinance, as attached, has been prepared in accordance with state law.

RECOMMENDATION

Staff recommends that the City Council approve the Ordinance ordering a Short-Term Motor Vehicle Rental Tax Election to be held on May 1, 2021 as presented.

Attachments

Ordinance - Joint Special Election

**CITY OF CORINTH, TEXAS
ORDINANCE NO. 21-02-11-02**

JOINT ELECTION ORDER

AN ELECTION ORDER OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ORDERING A JOINT SPECIAL ELECTION BETWEEN THE CITY OF CORINTH, TEXAS, (“CITY”), AND DENTON COUNTY, TEXAS, (“COUNTY”), TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF CORINTH, TEXAS, A BALLOT PROPOSITION ON THE QUESTION OF APPROVING AND IMPLEMENTING RESOLUTION NO. 21-02-04-10, PROVIDING FOR A SPORTS AND COMMUNITY VENUE PROJECT, (“VENUE PROJECT”), AND ADOPTING A NEW TAX, A SHORT TERM MOTOR VEHICLE RENTAL TAX, AT A RATE OF FIVE PERCENT (5%), TO FUND THE VENUE PROJECT, PURSUANT TO CHAPTER 334 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE DATE OF ELECTION AND PURPOSE OF ELECTION; PROVIDING AN ELECTION NOTICE; PROVIDING FOR THE ADMINISTRATION OF A JOINT ELECTION AND APPROVAL OF A JOINT CONTRACT FOR ELECTION SERVICES WITH COUNTY; PROVIDING FOR EARLY VOTING; PROVIDING THE METHOD OF VOTING; PROVIDING GOVERNING LAW AND QUALIFIED VOTERS; REQUIRING POSTING OF NOTICE; PROVIDING FOR CANVASSING OF RETURNS AND NECESSARY ACTIONS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Chapter 334 of the Texas Local Government Code, as amended, (the “Act”), authorizes a municipality to authorize and designate various sports and community-related capital improvements and related infrastructure as a “venue” and to designate a method of financing the planning, acquisition, establishment, development, and construction of the venue, (the “Venue Project”), subject to: (1) a determination by the Texas Comptroller (“Comptroller”), that approval and implementation of the Venue Project will not have a significant negative fiscal impact on state revenue; and (2) approval by a majority of the qualified voters of the City of Corinth, Texas, voting at an election on the matter; and

WHEREAS, Section 334.001(4) of the Act defines “venue” as an arena, coliseum, stadium, or other type of area or facility that is planned for civic or community use and for which a fee for admission is or is planned to be charged; and

WHEREAS, Section 334.001(5) of the Act defines a “sports and community venue project” as a venue and related infrastructure that is planned, acquired, established, developed, constructed, or renovated under the Act; and

WHEREAS, the central community gathering space that will be constructed pursuant to the Comptroller’s and voters’ approval of the Venue Project, further defined in Exhibit “A”, attached hereto and incorporated as set forth fully herein, is intended for civic and community use and the City plans to charge a fee for admission to the multipurpose community space, pursuant to Sections 334.001(4) and 334.044 of the Act; and

WHEREAS, Section 334.001(3) of the Act defines “related infrastructure” as any store, restaurant, on-site hotel, concession, automobile parking facility, area transportation facility, road, street, water or sewer facility, park, or other on-site or off-site improvement that relates to and enhances the use, value, or appeal of a venue, including areas adjacent to the venue, and any other expenditure reasonably necessary to construct, improve, renovate, or expand a venue, including an expenditure for environmental remediation; and

WHEREAS, before calling an election on the matter, the Act requires a municipality to adopt a resolution provide for the planning, acquisition, establishment, development, construction and renovation of the Venue Project and the proposed method of financing the Venue Project; and the Comptroller must provide written notice to the City that implementation of such resolution will not have a significant negative fiscal impact on state revenue; and

WHEREAS, on February 4, 2021, the City Council adopted Resolution No. 21-02-04-10 authorizing the designation of the Venue Project pursuant to Section 334.021 of the Act, and designating a method of financing the Venue Project, a tax at a rate of 5% on the gross rental receipts from the short-term rental of motor vehicles in the City, as and to the extent authorized by Subchapter E of the Act; and

WHEREAS, by letter dated February ____, 2021, attached hereto and incorporated as if set forth fully herein as Exhibit “B”, the Comptroller notified the City of the Comptroller’s determination that approval and implementation of Resolution No. 21-02-04-10 would not have a significant negative fiscal impact on state revenue; and

WHEREAS, since the Comptroller determined that implementation of Resolution No. 21-02-04-10 will not have a significant negative fiscal impact on state revenue, the City Council of Corinth may call and hold an election to ascertain whether to authorize the Venue Project and adopt a new short term motor vehicle rental tax at a rate of 5% to finance the project, after giving notice of such election as required by Chapter 4 of the Texas Elections Code; and

WHEREAS, in accordance with the Act, the City of Corinth wishes to order a special election by the qualified voters of the City of Corinth, Texas, on the question of approving and implementing Resolution No. 21-02-04-10, (the “Special Election”); and

WHEREAS, the City Council of Corinth desires to hold a joint election with Denton County and to enter into a Contract for Election Services whereby the Special Election will be administered by the Denton County Elections Administrator; and

WHEREAS, Section 41.001 of the Texas Election Code, as amended, establishes May 1, 2021, as a “uniform election date” for the purposes of conducting a special election; and

WHEREAS, Chapter 67 of the Texas Election Code requires the City Council of Corinth to canvass election results as provided herein.

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

Section 1. Incorporation of Premises. The above premises are true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Special Election Called; Location, Date, and Time of Special Election. The City Council of Corinth, Texas, hereby calls a joint special election with Denton County, Texas, as prescribed by Chapter 334 of the Texas Local Government Code and the Texas Election Code, and the Special Election shall be held at the Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208, on the 1st of May, 2021, from 7:00 a.m. until 7:00 p.m.

Section 3. Purpose; Proposition. The purpose of this Special Election is to consider one ballot proposition: whether to approve and implement Resolution No. 21-02-04-10 authorizing the City of Corinth, Texas, to provide for the planning, acquisition, establishment, development, construction, renovation and financing of a new central community gathering space and related infrastructure at the location of 3221 Corinth Parkway, Corinth, Texas 76208, the Venue Project, to designate the Venue Project as a sports and community venue project, and to impose a short term motor vehicle rental tax on the gross rental receipts from the short-term rental of motor vehicles within the City of Corinth, Texas, at a rate of 5%, for the purpose of financing the Venue Project, pursuant to applicable law. Pursuant to Section 334.101 of the Local Government Code, short term rental is defined as “an agreement by the owner of a motor vehicle to authorize for not longer than 30 days the exclusive use of that vehicle to another for consideration.”

Section 4. Election Notice. Notice of the Special Election shall be given as required by the Election Code and the Charter of the City of Corinth. Notice shall be provided by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at Corinth City Hall on the bulletin board used for posting notices of the meetings of the City Council and by publication of such notice one time in a newspaper of general circulation published within the City; the date of the publication to be not earlier than the 30th day or later than the 10th day before the Election day. The notice shall contain information as provided by the Election Administrator regarding polling places and early voting and such other matters as required by law.

Section 5. Ballot Language. Voting on the date of the Special Election, and early voting therefor, shall be by the use of a lawfully approved voting system. The preparation of the voting

equipment to be used in connection with such voting system and the official ballots for the Special Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote "For" or "Against" the Propositions. Said ballots shall have printed therein such provisions, markings, and language as may be required by law, and the Propositions shall be set forth on said ballots in substantially the following form and language:

**CITY OF CORINTH SPECIAL ELECTION
May 1, 2021
OFFICIAL BALLOT
CITY OF CORINTH PROPOSITION A**

FOR _____

AGAINST _____

“Authorizing the City of Corinth, Texas, to provide for the planning, acquisition, establishment, development, construction, renovation and financing of a new central community gathering space and related infrastructure at the location of 3221 Corinth Parkway, Corinth, Texas 76208, the Venue Project, to designate the Venue Project as a sports and community venue project within the City of Corinth, Texas, pursuant to Chapter 334 of the Texas Local Government Code, as amended, and to impose a new short term rental tax on the gross rental receipts of the short term rental of motor vehicles within the City of Corinth, Texas, at a rate of five percent (5%), for the purpose of financing the Venue Project.”

Section 6. Denton County to Conduct Joint Special Election; Approval of Election Contract. The Election shall be conducted in accordance with the Election Code under the jurisdiction of the Denton County Elections Administrator (the “Election Administrator”), pursuant to an Election Services Contract between the City and County, and other participating entities, if any, as described therein, (the “Contract”), a copy of which Contract shall be incorporated herein as Exhibit “C” upon its final approval and execution by the City.

The Mayor, the City Manager or designee, is authorized to amend or supplement any and all contracts for the administration of the Election, including without limitation the Election Services Contract, to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Election Administrator and in accordance with the Election Code. In the event that no election is necessary, the City Secretary shall notify the County and shall present the City Council a Resolution or Ordinance cancelling the election.

Section 7. Early Voting. The main early voting place is located at 701 Kimberly Drive, Suite A111, Denton, Texas 76208 and voting shall occur as provided herein. Early Voting hours are Monday, April 19, 2021 through Saturday, April 24, 2021 from 8:00 a.m. to 5:00 p.m. each day. Additional Early Voting hours are Monday, April 26, 2021 and Tuesday, April 27, 2021 from 7:00 a.m. until 7:00 p.m. each day. Early Voting at Corinth City Hall, 3300 Corinth Parkway, Corinth,

Texas 76208 shall occur on the same dates and times listed herein. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above.

Early voting by mail shall be conducted in conformance with the requirements of the Election Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, 701 Kimberly Drive, Suite A101, Denton, Texas 76208 (the official mailing address of the Early Voting Clerk). The voting precincts for the Election shall be designated by their respective county precinct numbers.

Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated herein and on Exhibit "C" hereto (described below) in accordance with this section. Early voting location and times may be changed, or additional early voting locations may be added, by the Denton County Elections Administrator without further action of the City Council or amendment to this Ordinance, as is necessary for the proper conduct of the Special Election.

Section 8. Election Administrator; Early Voting Clerk. The Election Administrator, Frank Phillips, shall serve as the Early Voting Clerk. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Further, the Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Election Code.

Section 9. Method of Voting. The Election Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the election. Voting at the Election shall be by use of electronic system ballots. Preparation of the official ballots for the Election shall conform to the requirements of the Texas Election Code, and in so doing shall permit the voter to vote for or against each proposed amendment to the City Charter.

Section 10. Governing Law; Qualified Voters. The Election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 11. Publication and Posting of Notice of Election. Notice of the Special Election shall be given as required by the Election Code, the Local Government Code, and the Charter of the City of Corinth.

Section 12. Necessary Actions. The Mayor and City Secretary in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Local Government Code, the Election Code, and the City Charter in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13. Canvass of Election. Pursuant to Section 67.002 of the Election Code, the City Council shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of: (1) the third day after election day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Section 14. Cumulative Repealer Clause. This Ordinance shall be cumulative of all provisions of Ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 15. Severability. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 16. Effective Date. This Ordinance shall be effective upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, ON THE __ DAY OF _____, 2021.

CITY OF CORINTH

Bill Heidemann, Mayor

ATTEST:

Lana Wylie, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney

Exhibit A
Venue Project

Legal Description

10.490 Acres

Being all that certain lot, tract or parcel of land situated in the J. Walton Survey, Abstract Number 1389, City of Corinth, Denton County, Texas, and being part of that certain tract of land described in deed to Pinnell-Ford L. C. recorded in Clerk's File Number 97-R0046701 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" G&A capped rebar set on the south line of Walton Road said point being N 88°27'24" W, 908.67 feet, S 11°37'51" E, 36.02 feet and N 88°28'14" W, 444.78 feet from the easterly northeast corner of said Pinnell-Ford L. C. tract;

THENCE S 11°37'51" E, 587.41 feet, to a 1/2" capped rebar (G & A) set being on the north line Corinth Parkway according to that certain called 3.761 acre tract of land described in deed to The City of Corinth recorded in Volume 4564, Page 2044 of the Real Property Records of Denton County, Texas, being in a curve to the left;

THENCE Southwesterly, continuing along the north right-of-way line of North Corinth Parkway and with the arc of said curve having a radius of 2542.00 feet, a central angle of 01°14'24", whose chord bears S 65°33'52" W, 55.01 feet, an arc length of 55.01 feet, to a Carter & Burgess capped rebar found;

THENCE S 81°35'49" W, 152.91 feet, continuing along said line, to a capped rebar (C & B) found;

THENCE continuing along the north line of said Corinth Parkway along the arc of a curve to the left having a central angle of 04°59'04", a radius of 2590.00 feet and an arc length of 225.31 feet whose chord bears S 59°13'48" W, 225.24 feet to a point on the east line of that certain tract of land described in deed to the City of Denton recorded in Clerk's File Number 93-R0058458 of the Real Property Records of Denton County, Texas, (formerly the M.K.T. Railway) said point being S 56°44'50" W, 0.85 feet from a Carter & Burgess capped rebar found for witness, and being in a curve to the right;

THENCE Northwesterly, along the east line of said City of Denton tract and with the arc of said curve having a radius of 1937.96 feet, a central angle of 08°57'01", whose chord bears N 42°07'12" W, 302.42 feet, an arc length of 302.73 feet, to a 1/2" capped rebar (G & A) found;

THENCE N 37°34'09" W, 675.17 feet, continuing along said line, to a 1/2" capped rebar (G & A) set on the south line of Walton Road;

THENCE S 88°28'14" E, 891.27 feet, along the south line of Walton Road, to the POINT OF BEGINNING and containing approximately 10.490 acres of land.

Proposed Rendering



View of Corinth Village



Master Planning
VILLAGE SQUARE AT CORINTH



Exhibit B
Letter from Comptroller

Exhibit C
Election Services Contract