

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

On this the 9th day of May 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
Don Glockel, Council Member

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Shea Rodgers, Technology Services Manager
Helen-Eve Liebman, Planning and Development Director
Ben Rodriguez, Planning Manager
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Kim 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 7:10 p.m., Councilman Garber delivered the invocation and led in the Pledge of Allegiance.

PROCLAMATION:

Mayor Heidemann read into the record and proclaimed May 12-18, 2019 as National Police Week in 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 April 4, 2019 Workshop Session.
2. Consider and act on minutes from the April 4, 2019 Regular Session.
3. Consider and act on minutes from the April 18, 2019 Workshop Session.

4. Consider and act on minutes from the April 18, 2019 Regular Session.
5. Consider authorizing the Corinth Police Department to join the "Neighbors by Ring" social media program

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

AYES: Burke, Garber, Johnson, Henderson, Glockel
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

PUBLIC HEARING:

6. The Corinth City Council will conduct a public hearing to consider testimony and act upon an amendment to the City's Unified Development Code, Section 2: Zoning Regulations, Subsection 2.10: Zoning Procedures, 2.10.07 Certificate of Occupancy.

Helen-Eve Liebman, Planning and Development Director - Staff is proposing amendments to the City's Certificate of Occupancy requirements for new and existing commercial structures/uses. Currently, businesses and commercial structures are only required to obtain a Certificate of Occupancy "C/O" when a new commercial structure is built or substantially remodeled, and when a change of use occurs within a building or leased space. Ex. restaurant to office. But a change in tenant that does not result in a change of use does not require a new C/O. Ex. McDonald's to Burger King.

This makes it difficult for staff to track who is conducting business in a particular location. It also makes it difficult for staff to determine who owns specific commercial structures throughout the City so that the owner could be contacted in the event that there is a fire or other form of emergency regarding the building or property.

Staff is proposing that moving forward whenever a building has changed ownership or a new tenant has taken over a lease space then a new Certificate of Occupancy be required. This will allow our building and fire inspectors to inspect the structure to determine that no improvements will be required prior to the buildings occupancy and that the proposed use is in compliance with the City's Zoning, Building and Fire ordinances.

Finally, the proposed change will ensure that the City has an up to date point of contact for the structure and any associated tenants.

Staff compared Corinth with many Cities throughout the Metroplex. In our research it was determined that Corinth was the only City not requiring a new Certificate of Occupancy upon a change in ownership or tenant of a commercial building.

At the Planning and Zoning commission meeting on March 25, 2019 the Commission unanimously recommended their approval of the changes as presented. Staff recommends approval as presented

Mayor Heidemann opened the Public Hearing at 7:12 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:12 p.m.

MOTION made by Councilmember Johnson to approve the amendment to the City's Unified Development Code, Section 2: Zoning Regulations, Subsection 2.10: Zoning Procedures, 2.10.07 Certificate of Occupancy as presented. Seconded by Councilmember Glockel.

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

MOTION CARRIED

BUSINESS AGENDA:

7. Consider and act on an ordinance of the City of Corinth approving an amendment to the fiscal year 2018-2019 budget and annual program of services to provide expenditures of funds to pay for street improvements; and providing an effective date.

Bob Hart, City Manager - this budget amendment is for item #8, we put out for bid at thirteen locations around town. We were about \$175,000 short on the low bid and that is why you see a budget amendment. The reason it is in this order is because you cannot award a bid in which there is not an appropriation of funds. The recommendation would be to amend the budget to reflect expenditures to pay an additional \$175,000 for street improvements.

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

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

MOTION CARRIED

8. Consider approval of the contract from BMFB Concrete for street repairs, funded from the 1/4 Cent Sales Tax.

Bob Hart, City Manager - On April 9, 2019 sealed bids were opened for the repaving of 2,619 square yards of concrete paving at various locations in Corinth. Seven bids were received as follows:

BMFB Concrete - \$260,275
Don Smith Concrete - \$272,245.05
Level One Paving - \$280,138
GRod Construction - \$290,337

SPI Asphalt LLC - \$303,090
Cam-Crete Contracting - \$343,077
PaveCon Public Works - \$545,997.67

All locations are concrete paving which show severe structural failures far beyond the capacity of city staff to repair. We have received resident complaints on many of these locations and staff is not capable of performing such large scale pavement repairs with a five-man street department.

\$125,000 was budgeted in the 2019 1/4 Cent Sales Tax fund for street repairs, resulting in a need for a budget amendment. The current fund balance of the 1/4 Sales tax Fund is approximately \$1.2 million and a budget amendment of \$175,000 will be required and requested.

This will make the 2019 1/4 Cent Sales Tax street repair budget \$300,000 to cover the present contract repairs. This will allow a balance for 2019 of \$39,725 to address other road failures which may be necessary to repair before the end of the fiscal year.

Staff recommends award of the contract for the 2019 street repairs to BMFB Concrete in the amount of \$260,275.00 and authorizing the City Manager to execute the agreement.

MOTION made by Councilmember Henderson to approve and award the contract to BMFB Concrete for street repairs, funded from the 1/4 Cent Sales Tax. Seconded by Councilmember Garber.

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

MOTION CARRIED

9. Consider and act upon a tree mitigation plan on property legally described as A0915A MEP & PRR, TR 10(PT), A0833A E. MARSH, TR 27, 2.875 ACRES, OLD DCAD TR 3A #8A 10A and A0153A BBB & CRR, TR 2 (FM 2181 Commercial Development)

Ben Rodriguez, Planning and Development Manager - The applicant is wishing to prep the property located on FM2818 for future commercial development. The property is located approximately 900 feet west of Parkridge Drive and is directly adjacent to the Acme Brick property.

The property is hampered by significant topographical changes that make development in its current state challenging. The applicant is proposing earthwork improvements that will smooth the site out and prepare it for future commercial development.

The earth work improvements will require that a substantial number of trees be removed from the site and due to the small size of the site the applicant has no room to replace all of the trees being removed on site and is requesting a fee in lieu to be paid to the City to mitigate the trees that are unable to be replaced.

The way our Ordinance is currently written, it states that if trees are within a future building pad, a driveway or a utility easement then they are exempt from this calculation. In this instance, since the owner will not be constructing a building today, staff is trying to work with him on a middle ground to see how the site could develop and include those areas that could be excluded from mitigation.

Originally the written quote we received was for 200 trees in the amount of \$50,000. Earlier this week

we had some discussions with the owners engineer and we believe we could reduce those down to about 152 trees to be mitigated which will reduce that fee to about \$38,740 instead of the original \$50,000.

There are two options that Council can take and staff is proposing a fee of \$38,740 to remove 553 Caliper inches which is roughly equivalent to 152 trees. What this exempts is areas for potential building pads, driveways, utility easements as they provide to us. As far as those building pads in those areas go, today the owner will not be constructing those buildings but at least gave the owner some relief from the fees.

The other option Council can look at levy the fee in lieu based on the trees that will be removed today and not provide exemptions for future building pads on site since they will not be building those today. If Council wished to levy that fee it would be roughly \$4,000.

Staff is recommending to go with the lower of the two numbers which does account for how the site could develop in the future and that would be in the amount of \$38,740 to replace an equivalent of 152 trees.

Lawrence Holdart, 3201 Windridge Lane - our intent for the site now is for the purpose to determine the best site plan layout and we are excited to push forward as soon as we can get the property to where we can market it. This property has a lot of elevation change to it and due to that elevation change it is hard to get any investor to invest in the property. We plan to grade the site, level it out and let people see the full potential of it. We plan to preserve the trees in the back and preserving that atmosphere.

MOTION made by Councilmember Garber to approve a tree mitigation plan on property legally described as A0915A MEP & PRR, TR 10(PT), A0833A E. MARSH, TR 27, 2.875 ACRES, OLD DCAD TR 3A #8A 10A and A0153A BBB & CRR, TR 2 (FM 2181 Commercial Development) in the amount of \$38,740. Seconded by Councilmember Henderson.

AYES: Burke, Garber, Johnson, Henderson, Glockel
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 Glockel - tonight will be my last official meeting as Council and I would like to thank staff, the Council and Mayor and Mr. Hart, City Manager. It has been rewarding and I have enjoyed the four years as a member of the Council. By title we had a City Manager but we never did then and we do now. We have an excellent City Manager and we have replaced nearly every director in the organization for one reason or another, they moved on to better things or whatever the reason is but every time that a director left, the person that came in was better and the only two directors that I think we have, and have not replaced is the Finance and the Human Resource Director and that is probably because we thought we couldn't find a better one. Continue doing a good job and I will see you around.

Bob Hart, City Manager - at your place you have the packet for the meeting on Tuesday, May 14, 2019 to

canvass the results for the General and Special Election. The first meeting for the Crime Control & Prevention District Board will begin at 5:30 p.m. immediately following we will go into the City Council Special Session to canvass the results for the General Election.

Mayor Heidemann - would like to thank Mr. Glockel for his service to the City. There were a lot of decisions that were discussed during the past four years you were on Council and we made had not made the same decision if it wasn't for you and your input so I personally will miss you and wish the best.

Mayor Heidemann recessed the Regular Session at 7:34 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 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.

Council met in Closed Session from 7:35 p.m. until 8:41 p.m.

A. MCM Contract for Lake Sharon Roadway Extension

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

Council met in Closed Session from 7:35 p.m. until 8:41 p.m.

A. Acquisition of Right-of-Way adjacent to Pecan Creek Plaza

B. Dobbs Road Right-of-Way

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.

Council met in Closed Session from 7:35 p.m. until 8:41 p.m.

A. Project Daylight

B. Project Sundown

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.

MOTION made by Councilmember Burke to authorize the City Manager to make offer to purchase Right-of-Way adjacent to Pecan Creek Plaza as discussed in Closed Session subject to cost participation by the developer. Seconded by Councilmember Garber.

AYES: Burke, Garber, Johnson, Henderson
NOES: None
ABSTAIN: Glockel
ABSENT: None

MOTION CARRIED

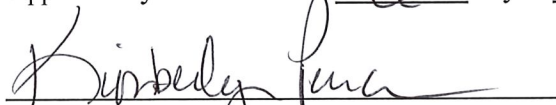
ADJOURN:

Mayor Heidemann adjourned the meeting at 8:45 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 16 day of June, 2019.



Kimberly Pence, City Secretary
City of Corinth, Texas

