

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

On this the 5<sup>th</sup> day of March 2020 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:**

Mayor Heidemann  
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  
Kim Pence, City Secretary  
Jerry Garner, Chief of Police  
Michael Ross, Fire Chief  
Patricia Adams, Rockefeller  
Helen-Eve Liebman, Planning and Development Director  
Cleve Joiner, Building Official  
Jason Alexander, Economic Development Corporation Director  
Brenton Copeland, Technology Services Assistant Manager

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

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

**PRESENTATION:**

Gary Roemer, President, Community Waste Disposal (CWD) provided their 2019 Annual Review.

Corinth residents can dispose of additional trash and bulk items – free of charge – at the CWD Transfer Station Wednesday-Saturday between 8:00 am and 1:00 pm. A copy of a current utility bill is required.

65-gallon recycling carts are serviced weekly by a Compressed Natural Gas (CNG) truck. Residents recycled 1,571 tons of material in 2019. Commercial accounts in Corinth diverted 53.68 tons of material from the landfill in 2019. Corinth residents properly diverted 30,645 pounds from the landfill.

CWD's Paint Reuse Program is an environmentally friendly way to make use of old paint. Latex and oil-based paint is available in one-gallon and five-gallon cans, in various shades of beige. In 2019, CWD distributed 3,343 gallons of paint.

**Community Partnership:**

- Easter Extravaganza April 20
- Fish N Fun May 5
- Lake Cities Golf Tournament June 10
- Annual Tree Lighting December 2

The City of Corinth Recycled 1,571 Tons in 2019

**SAVING:**

26,707 Trees  
596,980 Gallons of Oil  
10,997,000 Gallons of Water  
5,184 Yards of Landfill Space  
6,441,100 Kilowatt Hours of Electricity

**CONSENT AGENDA**

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

1. Consider and act on the minutes from January 23, 2020 Workshop Session.
2. Consider and act on the minutes from the January 23, 2020 Regular Session.
3. Consider and act on minutes from the February 6, 2020 Workshop Session.
4. Consider and act on the minutes from February 6, 2020 Regular Session.
5. Consider and act on the minutes from February 13, 2020 Special Session.
6. Consider and act on approval of an Interlocal Agreement between the City of Corinth and the Lake Dallas ISD to utilize the Shady Shores Elementary School to host the Corinth Recreation Department Summer Camp Program.

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

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

**MOTION CARRIED**

**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.

There were no Citizens Comments made.

**BUSINESS AGENDA:**

7. Consider and act on an Ordinance amending the City of Corinth Code of Ordinances, Title XVI, Fee Schedule, Chapter 170: "Planning, Engineering, and Building Fees" to amend the City's Planning, Engineering, and Building Fees.

**Ben Rodriguez, Planning Manager** - The Planning and Development Department is proposing a comprehensive update to our fee schedule for items such as zoning change requests, plats, and building permits. The current fee schedule was adopted in August 2002, and inflationary pressures since then have made the cost of providing services to our customers to exceed the fees generated by these services. Staff has performed a comparison of other cities throughout the metroplex to ensure that the fees proposed are comparable to market rates, while also ensuring that the City is being fairly compensated for the staff time and costs involved with providing these services to our residents and development partners.

Staff also took into consideration the efforts of the state legislature in promoting affordable housing and is not proposing increases to its residential permitting fee costs for new construction. Additionally, staff strove to maintain a balance between covering the City's costs while also proposing fees that are not burdensome to the point where applicants are discouraged from applying for permits. Staff believes the proposed fees will assist in compensating the City for its costs while encouraging compliance through applications and inspections.

Alcohol permit fees have not been collected in Corinth and the comparison chart illustrates that the majority of cities collect them in accordance with the Texas Alcohol and Beverage Commission's (TABC) allowances. Staff is recommending the addition of the alcohol permit fees to the fee chart.

Staff recommends approval as presented.

**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**

8. Consider and take action on a request to Reconsider the motion for denial for the Enterprise Planned Development Rezoning Ordinance amending the zoning classification from C-2, Commercial to PD, Planned Development with a base district of C-2, Commercial on an ±7.12 acre tract of land legally described as Block 1, Lots 6-A1, 6-B1, and 6-C1 of the Pecan Creek Subdivision, and is situated in the William Garrison Survey, Abstract 1545 within the City of Corinth, Denton County, Texas and is more commonly known as 5150 S I-35E, Corinth, TX. (Enterprise PD Zoning) and providing direction to staff regarding dates for a future public hearing.

**Helen-Eve Liebman, Planning and Development Director** - A written request from Council Member Kelly Pickens has been received for the Corinth City Council to reconsider the motion made for denial on

the Enterprise Planned Development Rezoning Ordinance that was acted on February 6, 2020. In Council Member Pickens' request, she asked, "If we could, could we place the Enterprise development as a future agenda item? I would like to have the ability to discuss this further." Section 30.104 of the City of Corinth Code of Ordinances outlines the procedure for City Council reconsideration as:

**Section 30.104 - RECONSIDERATION.**

A motion to reconsider any action of the Council can be made at any time within 30 days after the action was taken. Such a motion can only be made by a member who voted with the majority to take or authorize such action. It can be seconded by any member. In order to comply with the Texas Open Meetings Act and other applicable law and ordinance, any Council member who wishes to make such a motion at a meeting succeeding the meeting where the action was taken shall notify the City Manager to place the item to be reconsidered on the Council agenda in sufficient time to comply with the Texas Open Meetings Act and any other applicable law or ordinance. No question shall be twice reconsidered, except by unanimous consent of the Council, except that action related to any contract may be reconsidered at any time before the final execution thereof.

(Ord. 99-08-05-25, passed 8-5-99; Am. Ord. 01-01-18-03, passed 1-18-01; Am. Ord. 06-09-11-21, passed 9-11-06)

Staff recommends approval of the motion to be reconsidered, direct staff to place the motion reconsideration item on the March 19, 2020 City Council Workshop Business Agenda for discussion, proceed with public hearing and notification requirements as outlined in the City of Corinth Unified Development Code, and for the motion reconsideration item to be placed on the April 2, 2020 City Council meeting agenda for a public hearing and business agenda for consideration and action.

**MOTION** made by Councilmember Pickens to approve the motion to reconsider as presented. Seconded by Councilmember Garber

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

**MOTION CARRIED**

9. Consider and act on Ordinance No. 20-03-05-06 repealing Ordinance No. 20-02-13-04, an ordinance ordering a Joint Special Election on May 2, 2020 for the purpose of submitting a ballot proposition on the question of approving and implementing Resolution No. 20-02-06-08 designating a Multipurpose Amphitheater and related infrastructure as a Sports and Community Venue Project ("Amphitheater Project") in the City and on the question of adopting a new short term motor vehicle rental tax at a maximum rate of five percent (5%) to fund the Amphitheater Project; and providing for other matters related to the conduct of the election.

**Jason Alexander Economic Development Corporation Director** - 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. In accordance with the provisions of Chapter 334 of the Texas Local Government Code, as amended, the City Council approved Resolution No. 20-02-06-08 on February 6, 2020 which designated the multi-purpose amphitheater and its related infrastructure as a venue project and designated a new short-term motor vehicle rental tax as a method for financing the venue project. Also, in accordance with the provisions of state law, the Texas

Comptroller of Public Accounts performed an analysis to "determine if approval and implementation of the resolution will have a significant negative impact on state revenue" and provided the City with written notice of the results. The Texas Comptroller of Public Accounts determined that the approval and implementation of Resolution No. 20-02-06-08 will not have a negative impact on state revenue.

Accordingly, the City Council, in approving Ordinance No. 20-02-13-04, on February 13, 2020, ordered an election for the Short-Term Motor Vehicle Rental Tax to be held on May 2, 2020. The purpose of this agenda item is to confirm the City Council's desire to present the ballot proposition designating a Multipurpose Amphitheater and related infrastructure as a venue project and adopting a new short-term motor vehicle rental tax at a maximum rate of five (5) percent to the eligible voters of Corinth on May 2, 2020. Per the Denton County Elections Administration, the City Council has until March 6, 2020 to decide whether to present the ballot proposition identified above to eligible voters of Corinth.

Staff recommends that the City Council move forward with placing the proposition on the May 2, 2020 ballot.

**MOTION** made by Councilmember Burke to not approve item #9 and retain Ordinance 20-03-05-06 and that the proposition on the ballot be submitted to the voters on May 2, 2020. 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 Burke** – I commend the staff on being proactive about improving our codes and Ordinances.

**Councilmember Henderson** – thanked the City staff.

**Bob Hart, City Manager** – we will be meeting with the managers again on Monday, March 16<sup>th</sup> and will have some kind of discussion item on the fire contract on the March 19<sup>th</sup> agenda.

**Mayor Heidemann** – would like everyone to recognize our Chief for his 50<sup>th</sup> year of service in the police enforcement. We are glad you are a part of our team.

**There was no Closed Session during the Regular Scheduled 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

**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.

**a. Municipal Judge Contract**

**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.

**a. Presiding Municipal Court Judge and Magistrate**

**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.**

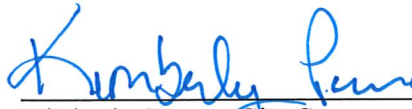
**ADJOURN:**

**Mayor Heidemann adjourned the Regular meeting at 7:30 p.m.**

**AYES:** All

Meeting adjourned.

Approved by Council on the 16 day of April, 2020.

  
Kimberly Pence, City Secretary  
City of Corinth, Texas

