



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

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

**Thursday, January 23, 2020, 5:00 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER:

5:45 p.m. WORKSHOP BUSINESS AGENDA

1. Receive a presentation, hold a discussion, and provide staff direction on the Communication Strategic Plan.
2. Receive a report, hold a discussion and receive direction on the system wide review of the digital water meter system.
3. Hold a discussion and provide staff direction on the implementation of a Short-Term Motor Vehicle Rental Tax.
4. 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.

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:

Amanda Scallon, Chairperson, Keep Corinth Beautiful will provide an annual update on Keep Corinth Beautiful events.

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 November 14, 2019 Workshop Session.
- 2. Consider and act on minutes from the November 14, 2019 Special Session.
- 3. Consider and act on the minutes from the December 5, 2019 Workshop Session.
- 4. Consider and act on minutes from the December 5, 2019 Regular Session.

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.

PUBLIC HEARING

- 5. The Corinth City Council will hold a public hearing, consider testimony, and act upon a request for a zoning change from C-2 Commercial and PD, Planned Development to PD, Planned Development #26 with a base zoning designation of C-2, Commercial on an approximate 8.267 acre tract of land legally described as lot 1, block 1 of the Happily Ever After Addition, lot 1, block 1 of the Harley Davidson Corinth Addition and Tract 5(PT) of the J.B. Thetford Survey, Abstract No. 1308A. The property is located at the southwest corner of IH 35 and Church Dr. and is more commonly known as 5900 S I-35E, 5920 S I-35E and 2816 Church Dr. (Harley Davidson PD Amendment)
 - 1. Staff Presentation
 - 2. Applicant Presentation
 - 3. Public Hearing
 - 4. Staff Response
 - 5. Take Action

- 6. The Corinth City Council will hold a public hearing, consider testimony, and act upon and Ordinance amending the City's Unified Development Code, by amending Section 4.02.04 (B) and 4.02.08 (D) of the City of Corinth Unified Development Code to amend Sign and Fence/Screening regulations section related to fence and building permits.
 - 1. Staff Presentation
 - 3. Public Hearing
 - 4. Staff Response
 - 5. Consider Action

BUSINESS AGENDA

7. Consider and take appropriate action regarding a Resolution of the City Council proposing the creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District, establishing a seven member Temporary Board of Directors for the proposed District, making appointments to the Board; 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.

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 consisting of 0.048 acres located at 6801 South I-35 E, Corinth, TX 76210.**
- b. **Right-of-way consisting of 0.177 acres located at 3404 Dobbs Road, Corinth, TX 76208.**
- c. **Right-of-way consisting of 1.56 acres located at 6881 South I-35E and along Dobbs Rd within the H. Garrison Survey, Abstract No. 507, within the City of Corinth, Denton County, Texas.**
- d. **Right-of-way consisting of 0.821 acres located along Dobbs Road within the H. Garrison Survey, Abstract No. 511, within the City of Corinth, Denton County, Texas.**
- e. **Right-of-way consisting of 0.792 acres located at 2304 Quail Run Drive, Corinth, TX 76208.**
- f. **Surplus right-of-way (Texas Department of Transportation) at the four quadrants of the Interstate Highway 35E and Corinth Parkway Interchange:**
 1. **1.6205 acres of land situated at the northwest corner of I-35 East and Corinth Pkwy. in the J.P. Walton Survey, Abstract No. 1389, the J.B. Thedford Survey, Abstract no. 1308, and the H. Garrison Survey, Abstract no. 507, located in the City of Corinth, Denton County Texas.**
 2. **0.9491 acres of land situated at the northeast corner of I-35 East and Corinth Pkwy. in the J.P. Walton Survey, Abstract No. 1389, located in the City of Corinth, Denton County, Texas.**
 3. **0.8728 acres of land situated at the southwest corner of I-35 East and Corinth Pkwy. in the H. Garrison Survey, Abstract No. 507, located in the City of Corinth, Denton County, Texas.**
 4. **1.2275 acres of land situated at the southeast corner of I-35 and Corinth Pkwy. in the J.P. Walton Survey, Abstract No. 1389, located in the City of Corinth, Denton County, Texas.**
- g. **Potential acquisition of real property along and in adjacent to the Interstate Highway 35E Corridor for infrastructure, 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.

a. City Manager - annual performance and contract review.

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 17th day of January, 2020 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: 01/23/2020
Title: Communication Strategic Plan
Submitted For: Bob Hart, City Manager **Submitted By:** Lee Ann Bunselmeyer, Director
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement &
Proactive Government
Regional Cooperation
Organizational Development

AGENDA ITEM

Receive a presentation, hold a discussion, and provide staff direction on the Communication Strategic Plan.

AGENDA ITEM SUMMARY/BACKGROUND

The Communication Strategic Plan was adopted in January 2019 to enhance transparency and communication methods with residents. The Plan outlined an overall communications philosophy, structure, audience and platforms. Through consistent and engaged communication, Corinth has the ability to grow informed participation and enhance community pride.

The priorities identified serve as an overarching goals of the communication plan. Each Priority is followed by strategies and actionable tactics that can create a more engaged and informed community.

- Priority 1: Transparency & Accountability - Citizens perceive the city as an open, credible, and responsible Organization
- Priority 2: Timely & Accurate Information - Accurate, non-biased information is provided to residents in a timely manner
- Priority 3: Public Engagement - Communication between residents and the City is two-way; residents understand their input is valued and used in decisions
- Priority 4: Tell Our Story - Define and develop a community identity, and promote the community's unique characteristics

As communications technology and platforms for citizen engagement continue to advance, the plan is expected to change to meet the emerging needs. The Plan as it was adopted was a snapshot of the City's communication goals and objectives to achieve the goals to better serve, inform, and engage the residents of Corinth.

Staff will provide an overview of the communication efforts implemented in 2019 and seek council feedback to develop the expectations for 2020.

RECOMMENDATION

WORKSHOP BUSINESS ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: Meter Reading Overview
Submitted For: Lee Ann Bunselmeyer, Director
Submitted By: Lee Ann Bunselmeyer, Director
Finance Review: **Legal Review:**
City Manager Review:
Strategic Goals: Infrastructure Development
Citizen Engagement & Proactive Government

AGENDA ITEM

Receive a report, hold a discussion and receive direction on the system wide review of the digital water meter system.

AGENDA ITEM SUMMARY/BACKGROUND

The meter review team has identified and mapped the processes necessary for a successful meter, register and transponder update. Procedures for testing unresponsive transponders has been established and will be used when inspecting or troubleshooting billing data transmissions.

In order to ensure the integrity of the system, staff will be conducting a system wide audit of every residential and commercial account over the next few months.

RECOMMENDATION

WORKSHOP BUSINESS ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: Short-Term Motor Vehicle Rental Tax
Submitted For: Jason Alexander, Director **Submitted By:** Jason Alexander, Director
Finance Review: N/A **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development
Infrastructure Development
Economic Development
Citizen Engagement & Proactive Government
Regional Cooperation

AGENDA ITEM

Hold a discussion and provide staff direction on the implementation of a Short-Term Motor Vehicle Rental Tax.

AGENDA ITEM SUMMARY/BACKGROUND

As codified in Chapter 334 of the Texas Local Government Code, municipalities and counties may impose a short-term motor vehicle rental tax to fund community and sports venues with voter approval. Tax revenues collected from the imposition of a short-term motor vehicle tax may also be used to fund related infrastructure. As defined by state law, related infrastructure means "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."

Under state law, the maximum tax that may be imposed is five (5) percent. Further, the imposition of such tax may only be collected on motor vehicles rented for 30 days or less. This tax has been imposed by several communities to fund community and sports venues, including:

- Arlington
- Bexar County
- Cameron County
- Dallas
- Euless
- Fort Worth
- Hill Country Village
- Houston / Harris County
- Lubbock County
- McLennan County

A short-term motor vehicle rental tax can be extremely beneficial to communities because (i) it provides an additional source of funding for the construction and operation of community and sports venues and (ii) strengthens economic development efforts with the ability to fund related infrastructure as described above. As an example, the City of Arlington leveraged the short-term motor vehicle rental tax, in accordance with the provisions of Chapter 334 of the Texas Local Government Code, to fund both the Dallas Cowboys Complex Development Project (the "**Cowboys Project**") that was approved by voters on November 2, 2004, and the Texas Rangers Complex Development Project (the "**Rangers Project**") that was approved by voters on November 8, 2016.

Concerning Corinth, such a tax is recommended to be used to fund the amphitheater proposed to be located within the core of the Tax Increment Reinvestment Zone (the "**TIRZ**") and and Transit Oriented District (TOD), and enhance on-going efforts to attract and retain restaurants and retailers. Further, the imposition of a short-term motor

vehicle rental tax can supplement the tax revenues generated by the TIRZ and vastly expand the Corinth's financial capabilities.

RECOMMENDATION

N/A.

PRESENTATION ITEM

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: Presentation on Keep Corinth Beautiful
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive
Government
Regional Cooperation

AGENDA ITEM

Amanda Scallon, Chairperson, Keep Corinth Beautiful will provide an annual update on Keep Corinth Beautiful events.

AGENDA ITEM SUMMARY/BACKGROUND

Amanda will recap the events of 2019 and inform City Council of 2020 events.

RECOMMENDATION

N/A

CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020

Title: November 14, 2019 Workshop Session

Submitted For: Bob Hart, City Manager

Submitted By: Kim Pence, City Secretary

City Manager Review:

Strategic Goals:

AGENDA ITEM

Consider and act on minutes from the November 14, 2019 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the November 14, 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 November 14, 2019 Workshop Session minutes.

Attachments

Minutes

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

On this the 14th day of November 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
Lowell Johnson, Council Member

Members Absent:

Tina Henderson, Council Member

Staff Members Present

Bob Hart, City Manager
Kim Pence, City Secretary
Marie Johnson, Rockefeller, & Fort
Jerry Garner, Police Chief
Michael Ross, Fire Chief
Chad Thiessen, Assistant Fire Chief
Helen-Eve Liebman, Planning and Development Director
Guadalupe Ruiz, Human Resources 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
Shea Rodgers, Technology Services and Communications Manager

Others Present:

Lynn Stucky, State Representative
Lyle Treasure

CALL TO ORDER:

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

WORKSHOP BUSINESS AGENDA:

1. Discussions with State Representative Lynn Stucky.

Lynn Stucky, Texas State Representative – Answering the question, what is your position on the Bonnen Burrows tape? From the discussion I had with others, I was disgusted by it. When I finally listened to it myself, which was when I went to the Republican caucus meeting

in Austin, it was released that Monday, it was evident at that meeting that we were never going to come together so I made a statement on Monday that he needed to resign and that I couldn't support him. Shortly after that, five committee chairs made a statement that afternoon and the next morning, not because of me, Bonnen made a statement that he is not going to run for re-election. Burroughs had already resigned from the chair of the Republican caucus. Did I know that they were that caustic toward cities and counties? No, I didn't. I tried to work with them, he was my speaker. Burroughs was one of the chairs but it was evident that Bonnen had some issues in the past. My first session when Mayor Watts came down to talk to the committee hearing, Bonnen blew up on him and they literally had to take Bonnen and the whole committee in the back room and settle them down before they came out. He said some things he should not and said some things that made a lot of people not trust him, so the best thing is that we move on with new leadership and we are going to get new leadership. In the meantime, if we get rid of him now, it requires having a special session and that means we spend tax payer money. The governor is the only one who can call that special session. His concern is if they call special session there will be other issues they are going to have to put in there with it and we will spend months in Austin again, rather than wait and let the majority re-elect a new speaker in January, on the second Tuesday of the odd year. I am disgusted by it and as a former school board member, I believe in local control. It may not look like it when you saw some of the bills that passed. I want to represent, which means I am not an expert in every field, I think I am an expert in veterinary medicine but the rest of it, I am not, so I need to have constant communication with you guys. Any of you on the City Council that do not have my cell phone number, I want yours and you need mine because if you have a question, just call me. I have tried to do that with Denton and as much as I can with you guys. I have a great asset on my team and that is Lyle Treasure. He has forty plus years of leadership in different cities: Gainesville, Argyle, Keller, Westover Hills and I know he communicates with you and I want to communicate with you too.

The second question, what is your position on city sales tax? Obviously in Austin they think there are a lot of cities that are being wasteful with tax payer money and they think it is out of control. I look at my district and I believe we have extremely good leadership that is being extremely efficient. Even when I was on the school board, I would say there was always something we could do better but there is no large amount waste that his happening here. The City of Denton, Chris Watts told me they have never gone over 3.5% and so they are fine, they really do not like it but they said they have never gone over it, if you do not include new growth. You guys are different because of your tax base and that is something we need to consider and if we have to go back and fix unintended consequences, then we need to do that because I do not see the waste here and I know there is not waste here. I am getting pounded because I said part of what we did was property tax reform and one of the things we have done, it hasn't shown up yet, is to be transparent about your property tax on the different entities. These people are screaming that 'I didn't get any property tax relief' but somebody ought to say, you ought to be happy that your house is appreciating. There are a lot of parts of the country that values are depreciating. If it is appreciating, there should be a study showing its appreciating faster than the taxes that they are paying in this area. Their idea is why shouldn't it be the effective tax rate from last year for the same pothole. If we do not build more houses, why should it go up? That should be a local control issue and there are reasons for it to go up. I need to work and communicate with you to make sure we are doing what is in the best interest of Corinth. We had the fire control district bill 747 and that is a

great bill. It allows the tax payer to decide. In May, I am going to help you guys to pass that if that is what we need to do.

One of the other questions is about municipal management districts, I am not an expert but I will tell you that the muds get a lot more heat than the municipal manager's district so at least you will have control over those. I think that is a great opportunity to get some of the infrastructure done and still have city control, so would I help you get a municipal managed district, yes, I would. We did two this last session for Ross Perot Jr., Cole and Hunter Ranch and they are in the process now, the city has to decide do they want these or not. Do they want to put a master planned community on 6,600 acres with 1,200 acres of greenbelt and on the front of 35W, have commercial taxation like they did with Fidelity, Schwab and Deloitte or do they want a bunch of small businesses, like a copper plant or a junk yard. I don't know, that is the city's decision. My part was to go there to make it available to move forward and we did. We would love to help you guys do the same thing. Do you have a couple of pieces of property underdeveloped in Corinth?

Bob Hart, City Manager – We have a fair amount and as we have been looking at how we package it then the MMD has come in as part of the conversation. We haven't discussed it as a group yet. We will touch on it tonight toward the end of the workshop but anytime you go in, you like to have all your tools out and then figure out what you are going to do.

Lynn Stucky, Texas State Representative – I catch more trouble from municipal utility districts where they are outside the city limits and they want someone to take them in and I know some of our county commissioners are not high on MUD but we have never asked to pass anything, including a MMD out of my office, that every entity wasn't on board, including police, schools. Everybody that would be involved in that, they have to be on board or else we are not going to run it through. As long as all those entities are in agreement that it is a good thing, and granted, we are one of the fastest growing areas in the nation.

On Tuesday night I was with the lieutenant governor and the speaker and Ross Perot and another demographer came up and said 2050, we will have 40 million people in the state of Texas. We have 29 million people right now. In comparison, where I grew up, I have been here 37 years so I get the newcomers license but where I grew up in Kansas there were only 2.9 million people. We are already 10 times the size of Kanas and we are going to hit 40 million in 31 years from now, according to them. The same with Denton County, by 2030 we will have 3 million, we are about to roll over one million but we have to have houses, so there has to be a place for people to live and those are a good option.

What do you consider or take into account when voting on bills that impact cities? As I said earlier, I am a representative so when it comes to these things I need to get the input from you guys. We had at least one meeting where we met with the city managers and the mayors and we would like to do that again and with any city council that would like to do it. I want feedback from you guys. We should start working on those bills now. This MMD, I would like you to talk with Jordan Overturf in my office and they can start putting that together now. Whether you do it or not, let's get it going and then if you do not, we just discard it. I would rather it be ready to go in November when you can actually file a bill than at the end of a session. An example, I voted against the taxpayer funded lobby bill because it was a bad bill

so them put an amendment on top of it to make it an even worse bill where only the top 20 counties were affected which is unconstitutional but after I did, I got a call from the lieutenant governor's office that the rest of my bills were dead. This was at the end of the session, there were five bills that I had to go through but now my bills were dead because I voted against that one. Two of those were the MMD bills that Ross Perot Jr. had. Fortunately I was able to talk to the two authors of that bill in the House, the Senate and the lieutenant governor to understand why I helped kill a bill that was already a bad bill. It had too many unintended consequences and I don't know that I would ever support it but the way it was set up, I sure was not going to support it. After those discussions, those bills did pass but I would rather have the bills going through and getting voted on early in the session than in the last week when you get a call in the last week when it is pure politics and they start killing your stuff because they do not like what you did somewhere else.

Mayor Heidemann – You read different commentaries about the session and that there was a lot of incomplete business. Is there anything that is in your caucuses that you prioritize?

Lynn Stucky, Texas State Representative – We have an interim committee, I have not had one yet. It will start next year, it is an even year and we will not meet. In the interim committee meetings the priorities are set by the governor, lieutenant governor and the speaker and we talk about the priorities. Some of those things that were in there, like the taxpayer funded lobby bill that was bad, came from those guys and they tried to get us to work with them to make it pass. I need input because I want to tell them or I want you to come down there and we go to the committee chairman and say this has unintended consequences and this is a bad bill. We did that a number of times on some of the things that came out of there this time. As far as, did we get stuff passed, like how you finance public schools and school safety, we got a lot of things passed that people say, that one alone is historical along with all the other things that happened so we got some good things done but there are some things that were done hastily. I am saying, I would get the bill that is coming to the floor tomorrow and not really have enough time to look at what is going on and I will give that materials bill as one of them and be told how this is so much a bill for your constituents and to reduce the cost per square foot of something but still have quality construction and nobody considered the unintended consequences of that and that is why it passed 133 to nine. Those are the kinds of thing I want to work on with you guys now.

I come here as a suggestion box not a complaint form. What can I do? I want to work with you, I believe what you guys are doing is in the best interest of the people in Corinth and I hope you believe what I am doing down there is in the best interest of the constituents and that I vote with my constituents and my conscience. Together there is stuff, like the materials bill, I should have known more before I went in to vote. It happened fast and there is a reason and I am learning. I am a sophomore but I am proud to say that in my second session I got to be on an appropriations article three and I was selected to be the vice chair on resolutions. I get to do some things and be on committees that are more powerful and there is something to not just having 150 freshmen in the House every time. I am learning from some things, like when you guys ask, how are we going to fix this and how will we go back and fix this because of the unintended consequences because that is what we need to do. I want Corinth to look like a beautiful, quality city like you have and you use a lot of beautiful things, like brick and stone but according to the committee chair, in the City of Austin, they have it down to two

vendors get all the business and has driven the cost per square foot up so much that another bill gets filed for bad stuff in Austin that has unintended consequences in Corinth.

Scott Garber, Council Member – If they are seeing that happen in Austin, why didn't they lobby the city to fix that from their regulations and not go to the state? What is the thought process behind that?

Lynn Stucky, Texas State Representative – I will have to get back with you on that one because I do not have the answer. That was thrown in front of me less than 24 hours before we voted on it. Maybe they have tried to do it before, I do not know. I will ask.

Scott Garber, Council Member – Especially with the two bills we are talking about, with the tax cap and also the materials bill. It may very well be that there was a good intent behind it and somehow it ended up being very difficult for cities like Corinth to manage through so if we knew the intent, maybe we could construct some fixes to those things and if there was no intent other than we want to pull control away from the cities, if that is the case, we can still come up with a proposed fix.

Lynn Stucky, Texas State Representative – I appreciate you believing that there should have been good intent. I believe there should be too and I believe there was but when you get these, like the construction material bill. I will give you the function, summary, affects and in there they have the opponents and those for it so supporters of the bill say it prevents local officials from imposing costly building standards based on the materials provided by a small number of vendors. They also believe that the bill will lower the cost of construction and maintain the best standard of quality materials approved by national codes. That is what he said but let me leave you with that one and I can get you the one on the maximum amount going up without voter approval.

What people kept saying is right now at 8.5% you can double your tax bill within five or six years, 3.5 will take 15, I don't remember exactly but that alone, to me is not a good reason. If it helps the quality of life for the people there and they want that then they should be able to get it. It is no different than wanting a fire control district or a fire plan. If it helps reduce your insurance cost for homeowners then let the homeowners decide if they want to pay for it. I have always believed, even after this session, that it is always best, whenever you can, and I will say Uber, texting or seatbelts, it probably needs to be a state law but for the most part it should be voter control. It should be decided by you guys because where we are here is not the same as the Rio Grande or the Red River and everything is different, whether it is the school district or the city. I can leave the one on construction material, I do not have the other. Does that answer your question?

Scott Garber, Council Member – Yes

Sam Burke, Mayor Pro Tem – I would like to add a couple of thoughts. There was some mention of California in there, which is kind of a dirty word in Texas. My understanding of what happened in California is slightly different than what is in your packet. My personal belief is that a big part of their problem started when they began taking away the underpinnings of representative democracy and allowing too many things to go directly to the

voters and a lot of those direct referendums restricted what the legislature could do and what the executive branch could do and tied them down and the unintended consequence of that was bad policies and things were tied up and couldn't be fixed. I think an underlying principal of the way our democracy is set up on a federal and state level, it is a representative democracy. The people that volunteer to do this, like you, educate themselves in a different way than the public does and if they do some things that the public does not want them to do they get voted out but they take on the responsibility to become educated about what all of the options are, what the unintended consequences may or may not be. I think when our legislature changes the way our municipal democracy functions, it makes it more of a direct control to the voter. I think there are some possible unintended consequences of that and I think that is more of a Californication of our democracy than high taxes because when you do not do what the voters want, they vote you out and.

I thought one thing about Texas, we are going to let you take care of yourself, if you don't you get to live with those consequences so we don't need to nanny state all these municipalities. If they can't take care of themselves, they get to live there and if they don't like it, they can move. I think when you transform fundamental policy functions from representative democracy to direct democracy, you know, straight to the voter, you don't get as informed decisions and that is the part about it that most frustrates me.

Lynn Stucky, Texas State Representative – You are 100% correct. Ultimately if the voters don't like what you are doing here, they are supposed to go out and vote. If they didn't like what I was doing as a school board member they are supposed to vote me out and if they do not like what I am doing as a representative at the state level, this is why we have to be voted in every two years. I think overall that we saw a shift this session, this is only my second session, and maybe it was the underlying feeling that the speaker and the other members had about cities and counties. I am sorry, I haven't been there that long but it is pretty obvious after the fact looking back that there was some intended wrath to be put on cities and counties in Texas especially when you hear Burroughs saying he wants to make the next session worse than this one and this was the worst ever.

One bill I am proud of is one from our office for peace officers. Not sure if you are aware of that one but it is hard to find peace officers. Thank you for what you do to keep us safe. 15 years ago 54% of police officers had a four year college degree. Today, 34% do and if you wanted to be in leadership you have to have a four year degree. The City of Dallas is 1000 short, the City of Houston is 1,500 short so we work with the state police association and Dallas and Houston came together asking what we can do to encourage more education and more people to become peace officers so we came up with what was HB14 but my bill, it was totally our bill, everything in that bill came out of my office, went over to the senate and it turned into SB16, it says if you have your certification and you work for the city for one year and you are going or have gone to college and have debt, we will pay up for \$4,000 per year for five consecutive years. It is a \$4,000 per year raise if someone wants to go get the education. It was a priority for the senate, the house and the governor. There was \$7 million put in it the first two years. We hope people utilize it and that we can get more people back.

Lowell Johnson, Council Member – There is an undercurrent around especially on the financial side of the house about the possibility of Burroughs in fact is stirring the idea of

doing away with our building issuing CO's for short term bid and putting it all into more bond like situations. Here, if we are looking to upgrade our computer system or our servers, that is a short term expense but if we are forced into having a bond election for that, number one, we have to wait on the election dates of November and May or once you go with that delay, your financing long term debt on a short term item. It doesn't make any sense and there again Burgess mentioned we are elected to represent the people and that is one of the ways we better spend money is buy using CO's to handle short term purchases and if they take that away from us, it will encourage, as the tax cap bill does anyway, so it further encourages cities to go longer into debt for items that they are never going to pay off before they use up. That is one of the items Burroughs mentioned.

Lynn Stucky, Texas State Representative – I appreciate you bringing that up, I hope you will put that in the form of an email to us because again, I wouldn't have known that. It makes 100% sense but I have not sat on a city council and I wouldn't know that and I think we need to know that in advance. Chances of Burroughs being a chairman next time is probably not really high but I don't know, that is the crazy part of being down there. Who knows who will be on what committee next time because people pick those and who knows who is going to be the speaker next time. Right now, I am not worried about the speaker, I am worried about being re-elected because I can't make a difference on who the speaker is anyway and no matter who I pick there will be someone in the district who will not like them in my district and won't vote for me because I voted for them.

Dialogue and communication is important for me because those are things when we start working on this and it comes up, we can be on the front lines saying we cannot do this, it won't work having long term debt on a computer that has a life span of five years. I need your help in making sure we see these issues in advance, before it goes to the floor. I know Corinth has a great reputation for building quality structures and it is a beautiful area. I don't want to see if just be metal buildings either. Let's work together to try to fix it because of the unintended consequences.

Mayor Heidemann – A suggestion was appraisals, are they going to go with a different appraisal system or looking at a different way of doing it than what they are doing now?

Lynn Stucky, Texas State Representative – I do not know but I know appraisals are one of the items they will want to look at. The complaints I have heard, a cookie cutter development has the exact same homes, at the low end is \$4,000 per year for property taxes and the high end is \$16,000 per year property taxes, same build same design just in a different development. I don't understand how it could be that far apart but I think people are looking for fair appraisals. I want people to understand they are very fortunate to live in an area that is appreciating and not depreciating and that we are blessed because of that and it is amazing how people will complain and will be 65-67 years old and you can freeze your taxes and say you won't be able to give anything to my kids because I cannot afford to live in this house because of my property taxes and then you look at the appraisals, the legitimate appraisals and they are going up faster than the taxes they have paid. So actually, if you just sit in your house and don't pay any of your taxes, you are still going to give more to your kids when you die, if you sell. Your whole synopsis of what is happening to you is wrong, they are using it to their advantage but I can't just sit there and pound them on that because they won't vote

for me but again that needs to be discussed.

Mayor Heidemann – Thank you for taking the time to come and answer our questions. It wasn't meant to be anything other than informative.

Lynn Stucky, Texas State Representative – You guys have good concerns and legitimate questions and my question to you is how often do we need to meet? Should we do every six months? I need to know about the CO's that Lowell talked about because I am not an expert in the field and I am representing you guys so help me with that, I trust your judgement.

Bob Hart, City Manager – It would be good to meet once or twice, while you have your interim work going on and that way we understand. I saw the list from the senate side. It would be nice to know and provide some feedback.

Lynn Stucky, Texas State Representative – Can you get with Lyle for the next meeting? I would just as soon know that we are doing it on a regular basis, whatever that is, more compressed, interim or not interim. Let's set up another time.

Bob Hart, City Manager – Yes

Lynn Stucky, Texas State Representative – Some of this we just need to have it on file or if we are filing bills, we need to get going on the MMD. We ought to be one of the lowest build numbers, you can file a bill by November 1st so we should get going on that sooner than later. Jordan can get started on it. We just did two for Ross Perot Jr., it isn't like we have to reinvent the wheel.

Bob Hart, City Manager – How many cities do you cover? We want to be respectful of your time.

Lynn Stucky, Texas State Representative – I have Lake Dallas, the Lake Cities, Denton, Krum. I was with the Sanger school board for 15 years, I don't have the City of Sanger. They come to me because I have east and west and I know everybody there because of the school board. I don't have the City of Ponder but some of the school district and Cross Roads. I signed up for this and I want to be respectful of your time, I am there to represent you guys and I believe in you guys. I know you're doing the right thing for your constituents and I need your help so I don't fall on my face for city issues.

Bob Hart, City Manager – We will get together when the interim study comes out because I think a couple visits through that would be good for both of us.

Lynn Stucky, Texas State Representative – It may come out after the holiday.

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)**

George Marshall, City Engineer – Helen-Eve asked if I knew anything about iSWIM, I have

spent time over the past year looking at our design criteria. We have design criteria in a couple areas, we have it in our code of ordinances as far as the flood plain development ordinance, the storm water pollution prevention as well as UDC. Within the UDC we sort of adopt the engineering standards manual. Over the next few months I will bring things forward to hopefully make some changes. Not sure if you all know my history, I cut my teeth in engineering on subdivision design. I worked for a firm that did master planned communities around the metroplex as well as the Houston area so I know what people try to get away with when they are developing things but I have also seen a lot of cities standards and I know what works, what is good and the right thing to do. I will show you more technical things. I am not expecting you to understand it all, I just don't want to glaze over it so that I am trying to make changes and you're not aware of it. What I am not showing here tonight is the exact text changes. Bob and I talked about how to share that with you. There is the iSWIM criteria manual we will be trying to adopt as well as a new engineering standard manual and some other UDC text changes. We are taking some of that to planning and zoning on Monday if we can. I want to try to figure out the right way to share that with you, some are very large documents and I hate to print a bunch of copies of it.



City of Corinth
City Council

Proposed
Engineering Design
Standard Changes

November 14, 2019

Summary of Proposed Changes:

- Revised Engineering Standards Manual
- Adoption of Drainage Design Manual (iSWM Criteria Manual)
- Unified Development Code Changes



Within the Engineering Standard Manual, here are the major points: The future streets should have a life span. Currently our design is a 6” thickness and a 6” lime stabilized subgrade. That isn’t always the subgrade you should have based on soil type and roadway classification. High volume roadways need a more stable base versus a regular residential street that doesn’t have a lot of volume of traffic or heavy trucks. Also have them consider the full right of way width. We have a lot of maintenance money tied up in sidewalks so we see a lot of settlement in the sidewalks. We had no standards for Park Ridge and could have received some push back.

Engineering Standards Manual Changes

Highlights to Major changes:

- Streets to be designed to ultimate configuration
 - 30 year lifespan
 - Require a pavement design
 - Stabilization shall consider the full ROW (sidewalks).
- Adding roadway geometric standards (alignment/curves)
- Cut Drainage design standards out for adoption of iSWM criteria.
- Clarify Lot-to-lot drainage
- Add Erosion Hazard Setback

Similar criteria for sanitary sewer and water.

Engineering Standards Manual Changes

- Sanitary Sewer:
 - Clarify utility needs, spacing, construction, abandonment, layout
 - Minimize inflow & infiltration
 - Pipe installed outside the back of curb
 - Design standards for flowrate based on land use
- Water:
 - Same Clarification as Sewer
 - Maintain accessibility to main for future service
 - Specify depth of mains
 - Require Automatic Flush Valves at dead end mains
 - Allow water mains greater than 15" to be of PVC not just Ductile Iron Pipe

Engineering Standards Manual Changes

- Add trenchless construction requirements
- Add creek crossing requirements
- Sidewalks
 - Require minimum 5' wide sidewalks. ADA/TDLR passing space req. 200'
 - Reference TxDOT standards for Barrier Free Ramps
- Retaining Walls
 - Site specific geotechnical report
 - Structural calculations by P.E.

From FHWA Course on Bicycle and Pedestrian Transportation Lesson 13: Sidewalks require a minimum width of 5.0 feet if set back from the curb or 6.0 feet if at the curb face. Any width less than this does not meet the minimum requirements for people with disabilities. Walking is a social activity. For any two people to walk together, 5.0 feet of space is the bare minimum. In some areas, such as near schools, sporting complexes, some parks, and many shopping districts, the minimum width for a sidewalk is 8.0 feet.

Going into iSWIM, feel free to jump in and ask questions. iSWIM is basically taking a lot of different aspects together: managing storm water, meeting MS4 requirements. We have requirements to make sure we are meeting requirements for water quality and storm water issues. It was developed in the 2006 timeframe and been promoted through COG.



iSWM overview

WHAT IS THE INTEGRATED STORMWATER MANAGEMENT PROGRAM (iSWM)?

A regional program to assist local governments:

- Manage stormwater impacts
- Meet MS4 Permit requirements

Collaborative effort between:

- 60+ local governments
- iSWM Subcommittee
- Regional Public Works Council
- Consultant team led by Halff Associates



What is iSWM?

- Address stormwater early in the development process
- Design for multiple storm events
- Use Integrated Site Design Practices
 - Water quality
 - Streambank erosion
 - Flooding
- Protect water quality during construction activities



| | | |
|--|--|---|
|  Reduce Flooding Designs based on the iSWM program mean that a community can handle stormwater more effectively and with fewer flooding impacts. |  Protect Property Values iSWM reduces the potential for erosion by addressing streambank protection during design, protecting properties and infrastructure along creeks and rivers. |  Improve Water Quality iSWM techniques give a community new tools to improve water quality, thereby reducing costs and protecting residents. |
|  Meet State/Federal Regulations NCTCOG has worked to make iSWM compatible with existing state and federal regulations. |  Reduce Operation Costs iSWM methods emphasize sustainable, natural systems which can reduce maintenance and result in a lower lifetime cost of ownership. |  NCTCOG Technical Assistance The North Central Texas Council of Governments is here to provide free technical assistance to communities implementing iSWM strategies. |

Development and redevelopment by their nature increase the amount of imperviousness in our surrounding environment. This increased imperviousness translates into loss of natural areas, more sources for pollution in runoff, and heightened flooding risks. The application of iSWM helps mitigate these impacts:



Watershed Management Best Practices North Central Texas Council of Governments

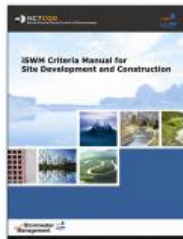
Why iSWM?

- Flooding and streambank erosion due to increased runoff
- Water quality concerns / stormwater regulations
- Loss of natural features
- Interest in green infrastructure
- Comprehensive approach needed
- Regional consistency and equity



iSWM Resources

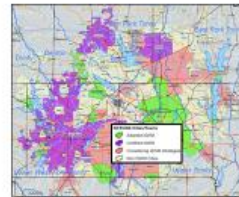
- Technical Manual
- Criteria Manual



NCTCOG E & D Watershed Management Program Supporting initiatives to reduce flooding, meet or exceed state water quality standards, and link greenways for improved ecological benefits and provide recreational and mobility opportunities for residents


14 Founding Communities + Certified Communities:

- Denton (Silver)
- Grand Prairie (Silver)
- Kennedale (Silver)
- Frisco (Silver)
- Fort Worth (Silver)
- Irving (Silver)




City of Dallas didn't require use of the manual at first.

iSWM COMMUNITIES



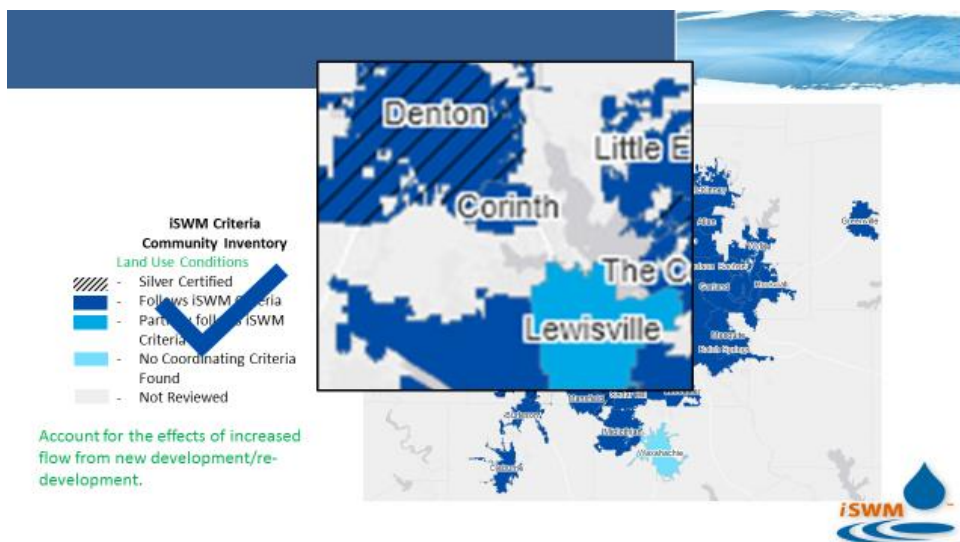
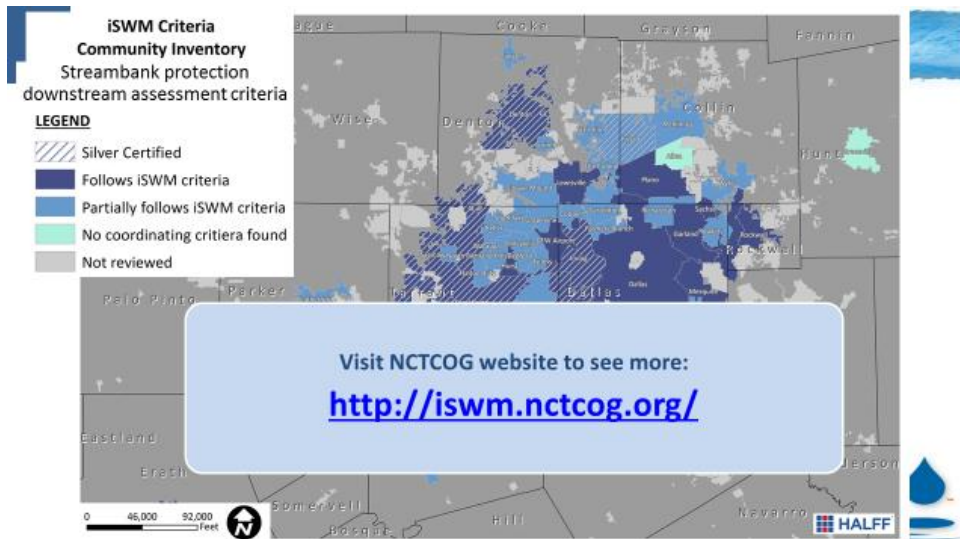
| 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|-----------------------------|----------------------|----------|---------------------------------|----------------------------|--------------------------------|------|-------|--------------------------------|
| Fort Worth Grand Prairie | Roanoke Southlake | Benbrook | Dallas Lakeside Mansfield | Glenn Heights Northlake | Duncanville University Park | Azle | Hurst | Outcome Focused Implementation |



Summary of iSWM Criteria Supporting Higher Standards:

22 outcomes:

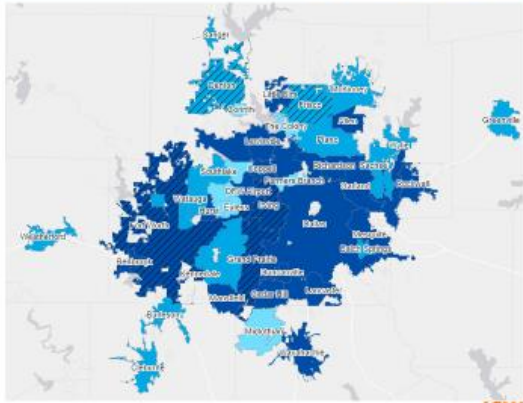
- ▶ design infrastructure to fully developed conditions – more and more accepted
- ▶ use appropriate calculation methods – much work still to do (individual experience matters)
- ▶ protect against and reduce erosive velocities – accepted when understood by designers and reviewers
- ▶ match pre-developed site runoffs – small detention ponds prevail still, LID approaches are becoming more popular
- ▶ verify/require adequate downstream conveyance – a big challenge, much work needed
- ▶ define operation & maintenance responsibilities – easy to understand, but not well addressed
- ▶ size conveyance of street and storm systems adequately to safely convey traffic – many opinions and development pressures
- ▶ create stream buffers & preserve open space – see Denton County Greenbelt Plan
- ▶ implement Conservation/Cluster Developments - applications of conservation developments in nearby Flower Mound to visit





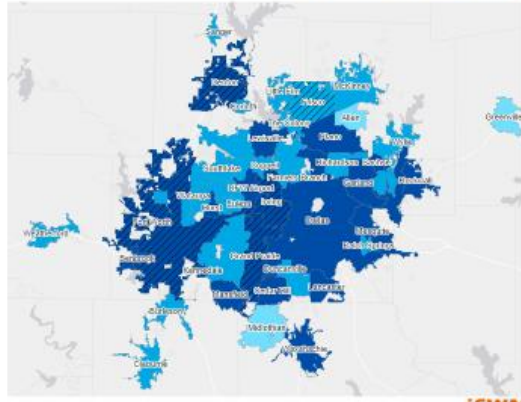
- ISWM Criteria**
Community Inventory
Detention Structure Criteria
-  - Silver Certified
 -  - Follows ISWM Criteria
 -  - Partially follows ISWM Criteria
 -  - No Coordinating Criteria Found
 -  - Not Reviewed

Design detention across the hydrologic scale to limit water surface elevation increases, erosion downstream, or flooding due to blockage.



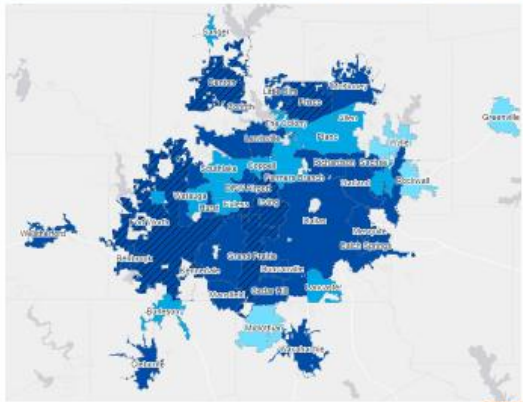
- ISWM Criteria**
Community Inventory
Streambank Protection
-  - Silver Certified
 -  - Follows ISWM Criteria
 -  - Partially follows ISWM Criteria
 -  - No Coordinating Criteria Found
 -  - Not Reviewed

Limit erosion downstream.



- ISWM Criteria**
Community Inventory
Flood Mitigation
-  - Silver Certified
 -  - Follows ISWM Criteria
 -  - Partially follows ISWM Criteria
 -  - No Coordinating Criteria Found
 -  - Not Reviewed

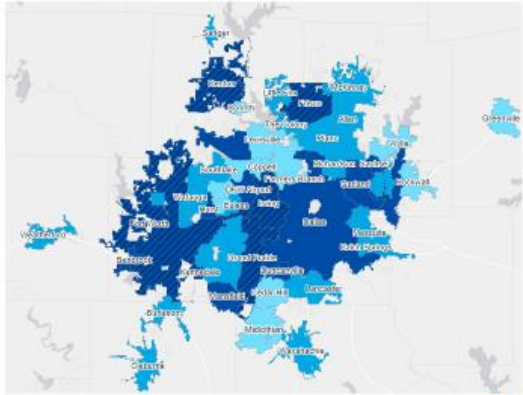
Limit flooding downstream.





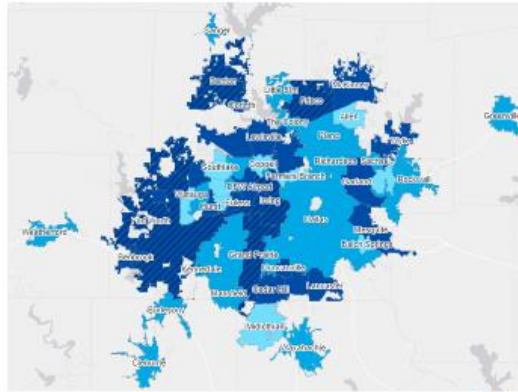
- ISWM Criteria**
Community Inventory
Operations and Maintenance
-  - Silver Certified
 -  - Follows ISWM Criteria
 -  - Partially follows ISWM Criteria
 -  - No Coordinating Criteria Found
 -  - Not Reviewed

Define the operations and maintenance requirements and responsibilities of stormwater infrastructure.

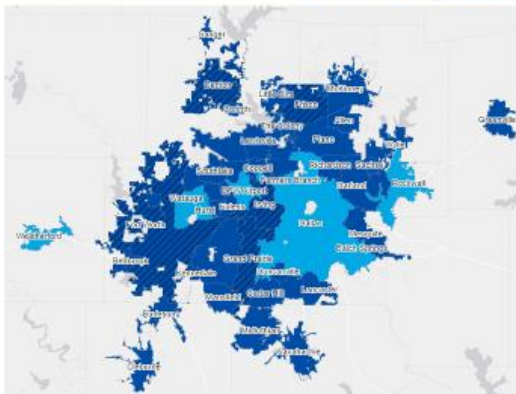


- ISWM Criteria**
Community Inventory
Spread Criteria
-  - Silver Certified
 -  - Follows ISWM Criteria
 -  - Partially follows ISWM Criteria
 -  - No Coordinating Criteria Found
 -  - Not Reviewed

Limit spread of flow in streets for safe passage during large storm events.



- ISWM Criteria**
Community Inventory
Finished Floor Elevations
-  - Silver Certified
 -  - Follows ISWM Criteria
 -  - Partially follows ISWM Criteria
 -  - No Coordinating Criteria Found
 -  - Not Reviewed

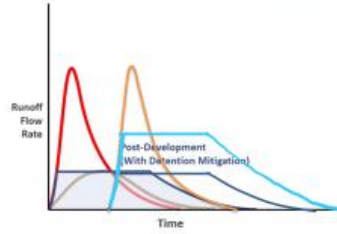


iSWM Criteria



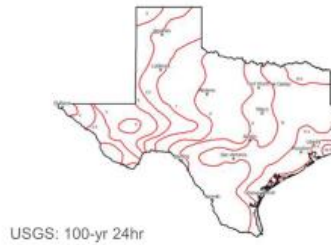
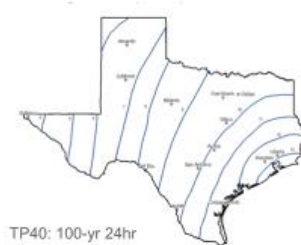
Optional Outcomes

- 18. Reduce erosion from small storm events by mimicking natural channel crossings
- 19. Detention Downstream Timing Analysis (peak on peak)
- 20. Conservation of natural features and resources
- 21. Low Impact Design (LID/Green Infrastructure)
- 22. TriSWM – utilize water quality controls in public right-of-ways



Rainfall Data

- NOAA/NWS TP 40 (1961)
 - 20 Years of Record
- NWS TP 49 (1964)
- NWS Hydro-35 (1977)
- USGS Depth-Duration (2004)
 - 35 Years of Record



NOAA Atlas 14

- Rainfall Data for th
 - 60 Years of Data
 - Texas published fal
 - Little change in our
 - -9 to +10%
 - Major change in cei south Texas
 - +152%

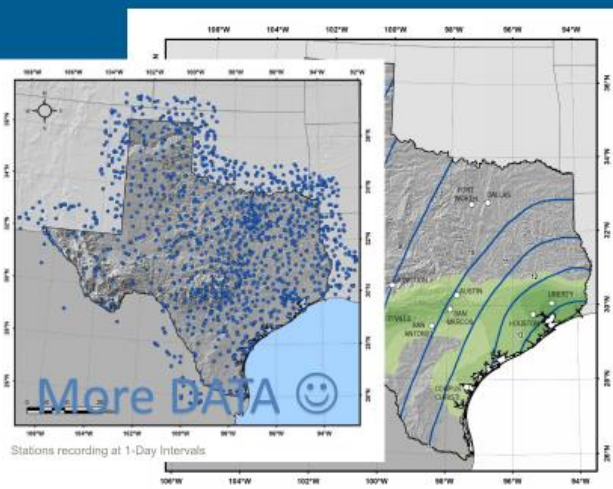
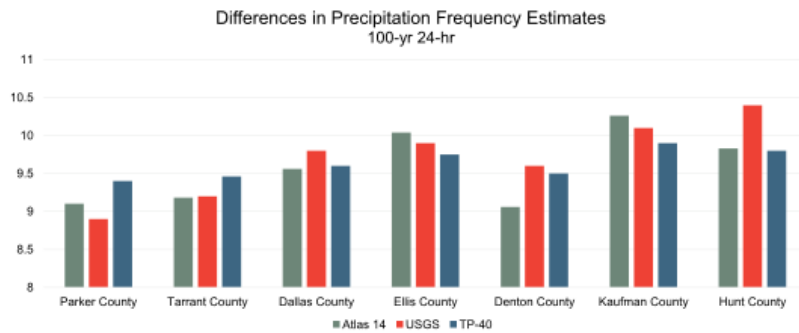


Figure 7.3. Map showing differences in 100-year 24-hour estimates (in inches) between N414 and TP40 for Texas. Superimposed on the map are isohyals (blue lines) from TP40.

NORTH CENTRAL TEXAS PRECIPITATION FREQUENCY DIFFERENCES

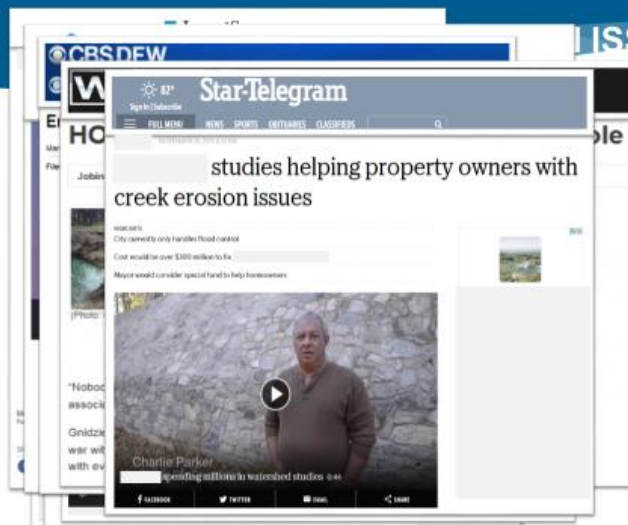
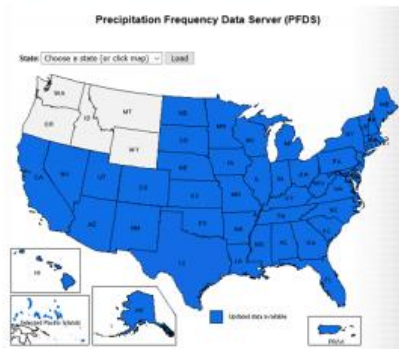


- Between 5% decrease and 2% increase in precipitation in North Central Texas



NOAA Atlas 14 - Access

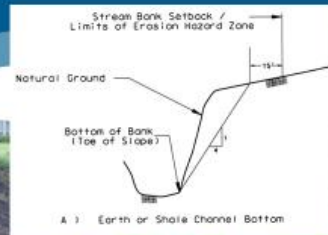
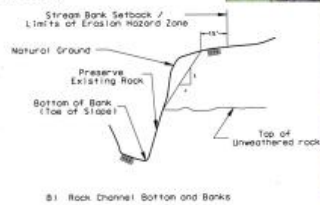
- All data and resources located on the Precipitation Frequency Data Server (PFDS)
 - <http://hdsc.nws.noaa.gov/hdsc/pfds/>



Stream Bank Protection

COMMUNITY CHALLENGES

- Funding and Planning
- Public vs Private
- Sites, reaches, buyouts
- Prevention



Note: Cross Sections sourced from McKinney, TX Stream Bank Stabilization Manual

Private Property Example



Left: A gabion mattress and turf-reinforcement matting, shown shortly after construction, help protect a garage against stream channel erosion.
Right: Fifteen years following construction, the channel's integrity has remained intact

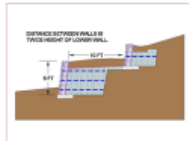
Public Property Example



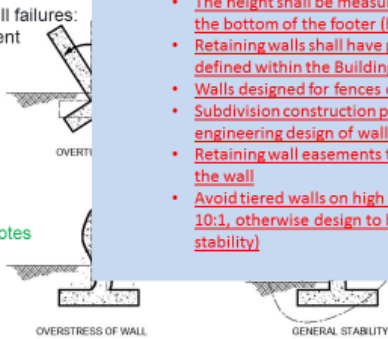
An eroded channel is restored using a gabion wall and rock riprap within the channel.

Types of Retaining Walls

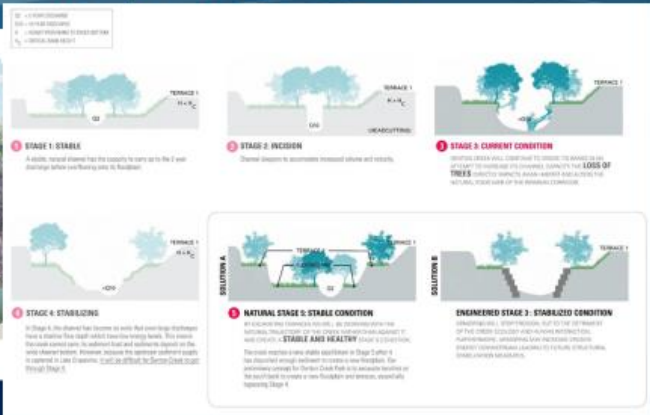
- Common causes for retaining wall failures:
- Improper reinforcement placement
 - Saturated backfill
 - Weep holes that do not weep
 - Design error
 - Calculation errors
 - Unanticipated loads
 - Mistakes in utilizing software
 - Detailing errors
 - Foundation issues
 - Inadequate specifications and notes
 - Shoddy construction
 - Retaining wall age



- Retaining wall in excess of four feet in height
 - Signed and sealed engineering design
 - Site specific geotechnical analysis.
 - The height shall be measured from the top of the wall to the bottom of the footer (below grade).
 - Retaining walls shall have proper fall protection as defined within the Building Code as adopted by the City.
 - Walls designed for fences or screening
 - Subdivision construction plans shall include the engineering design of walls prior to construction release.
 - Retaining wall easements to be min the clear height of the wall
 - Avoid tiered walls on high side of slopes greater than 10:1, otherwise design to bottom of slope (global stability)



Geomorphologic Cycle



Current Policy for Erosion on Private Property

- Treats creeks as “natural” subject to forces of nature
- Fallen trees or debris may be removed if they pose flood risk to property or public infrastructure (assuming the City has the resources, \$/staff)
- Maintenance is responsibility of property owner

4. Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

(1) All permittees shall develop, implement, and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

Existing permittees shall assess program elements that were described in the previous permit and modify as necessary to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of the permit term.

(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address **post-construction runoff from new development and redevelopment** projects. The permittees shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that **protects water quality**. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

(1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be

MS4 PERM

STORMWATER M.

- Reduce pollution
- Identify Best Mgmt
- Include six minima

MINIMUM CONTR

- Construction Site F
- Post-Construction I

FOR EACH MINIM

- Establish measurable
- Evaluate / assess
- Meet MEP standard
- Maintain records of
- Report progress at
- Fully implement by

EQ

Typical Complete Streets Approach

- G
- F


Sustainable Public Rights of Way

- NCTCOG Sustainable Public Rights of Way (SPRoW)
 - To create safe and context sensitive solutions for all users
 - List of resources and ideas



UDC Changes

- Pre-Application Conference
- Inspection fees and hours
 - Currently charge 3% for public improvements
 - Propose to charge 3% for both public and private
- Storm drainage & Floodplain easements
- Prohibit lots smaller than 1/2 acre to be outside the fully developed floodplain.
- Retaining wall permit requirements and detail
- Require Sidewalks along I-35E
- Street grade minimums
- ROW & Drainage to contain 100-year storm
- Revise maximum grading slope of 3:1 to 4:1
- Clarification on "Director of Public Works" definition
- Adding fully developed floodplain definition.





- See <https://www.cityofcorinth.com/engineering/page/2019-engineering-design-standards> for:
 - Revised Engineering Design Manual
 - Comparison
 - Drainage Design Manual (aka iSWM Criteria Manual)



Lowell Johnson, Council Member – I am glad to see you are stepping up the idea of sidewalks at I-35. I am not sure why we let that slide for so many years.

George Marshall, City Engineer – If there is a certain instance that Council thinks it doesn't make sense, we can address that individually.

Lowell Johnson, Council Member – It started with Classic Mazda the first one we let loose and after that everyone took advantage.

George Marshall, City Engineer – We drove by it today and there is sidewalk on Denton side but nothing here. One of the projects, we spent \$240,000 on a small project in Coppel. It was adding infill sidewalks the city was paying for, we were waiting for development to happen that never did. We built sidewalks and received so many thanks for that, it was amazing. Maybe someday we can get a grant for some of that along I-35.

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.

There was no discussion on the Regular meeting items.

Mayor Heidemann recessed the workshop at 7:25 p.m.

Mayor Heidemann reconvened the Workshop Session at 7:50 p.m.

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.

Bob Hart, City Manager – You have the printed report in front of you.

Shea Rodgers, Technology Services and Communications Manager – A brief overview,

in the spring we decided to accept bids and Fulcrum Group won the bid. Each department discussed different types of data and how it is managed. Our network was scanned for vulnerabilities. Steve Meek and James Kramer from Fulcrum will go over the results.

Steve Meek, Fulcrum Group – I will briefly give you a sense of how security works, the observations and recommendations we provided to your organization. Security starts at the top, this type of audit arms people at the top. There are many types of risks not just computer. We develop the risks, help build a roadmap to prioritize to take advantages of your resources to secure your environment. Lastly, to identify the sensitive areas and protect them. There are a variety of documents, one is how to secure your technology. President Obama wrote an executive order to protect our infrastructure. Nest put together the framework of five items that need to be done over and over. Out of snapshot, we engage with the group and provide the information. The risk assessment can never be eliminated, the best we can hope to do is to minimize it. The identify stage is surveying and getting tools in place to see what is happening. There have been a lot of good controls put in your organization. In conversations about configuration, the security challenge is protecting the configuration. Every time you make a change, you secure your data. The recovery plan, some is outsourced to City of Denton, Denton County. There are risks in all. If your main organization is down, any contracts go out the door. 22 cities were breached by ransomware, which is decreasing, but they are targeting cities. Evaluating third party risk, every vendor you work with is a potential threat. Having some questions in place before you pre-contract, ask questions. Being mindful that you are only as secure as your least secure connection. Of the 500 devices scanned, there is some work that needs to be done.

Scott Garber, Council Member – What are some examples of critical vulnerabilities?

Steve Meek, Fulcrum Group – A hardware device will need an update and possible outage. Applications that don't have a system for updating those apps.

IT has a quadrant of things they work on at all times, responses, projects, IT driven projects and business driven projects. Finding a way to be able to attack all of those at once, through adjustment to the duties, additional services, and additional tools. Incident response plan, which is required by HIPPA, if there were a breach, what happens next. The tools that you have in place, there has been a lot of effort put into configuring those tools that are in place. Policies developed will have standards, guidelines and procedures.

Kelly Pickens, Council Member – Do we do a good job of keeping consumers information secure?

Shea Rodgers, Technology Services and Communications Manager – We do not store that data onsite. We will focus on the issues and develop policies.

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

Bob Hart, City Manager – We went over this with Council and the EDC so I will go over some of the high points to make sure we are all on the same page. When we talk about the

TIFF, the necessity is due to SB2, the revenue cap, we have to get that sales tax rate up. When we hit 20,000 population, a lot of what we can do now, in terms of incentivizing restaurants, we will not be able to do. The pressures we have are more difficult than some of the other cities. The strategy is to expand the tax base to improve the quality of life. There are some things we can do within the TIFF and we have the 380 agreement. The 380 agreement, only the City Council can do those, it is separate and apart from the EDC. The TIRZ and the TOD, the transit development is within the boundaries of the TIRZ so it is not two stand alone, it is just a planning mechanism that is within the tax increment financing district as a whole.

Sam Burke, Mayor Pro Tem – My understanding is the county is more willing to invest in the TOD than the TIRZ. The TOD is what brings the county's willingness to commit.

Bob Hart, City Manager – Yes, the TOD portion, they see that as a good countywide benefit having the rail stop is good for the county which is why they are willing to focus their money there. When we start looking at strategies, all the work that EDC and Jason have been doing, from an economic development standpoint will occur within the boundaries of the TIFF so that gives us some flexibility when discussing the ½ cent sales tax. We have the ¼ cent for streets, the ¼ cent for police and ½ cent for economic development. Police and streets have some statutory limitations, EDC and fire does not. What do you want to do with the 1 cent? The street allocation will expire, we have to renew that in May 2020. If we want to do the sales tax, we can do it then. Some of the early conversation was to try to do the fire by taking ½ of the EDC so we would have ¼, ¼, ¼.

Now that we are in the middle of all of this, we are suggesting let street expire, do fire, we already have the police in place and keep the ½ cent for EDC. Over the next four or five months we might change our mind, I am learning we need to be flexible. The guiding principles, how we put the numbers together, figuring out ways to maximize money from the county and the COG. When you look at all the numbers, we are suggesting the transit stop be declared a project under the EDC codes that enables us to use the ½ cent as the backstop to fund the rail. We do the fire election but if we do not do that we do streets. Some of the money, if we need to do some things with streets, we can use the EDC money. We want to try to build some of the fund balance for EDC. It is always important to keep EDC in place because having a 4B corporation gives you a lot of flexibility to do things even if you do not have money. The assumptions, we have to get the TIFF finished and approved by the county by the end of December.

We will have the values locked in going forward and you want to lock them in low so that when Realty Capital begins work in March and April we are capturing that incremental value. If you wait a year, we will be a little in the hole. The other item, phase II of the transit study, we will have that back around January 1, that will tell us what the rail stop will cost. I presume we get that and go to COG and to the Regional Transportation Council and get a commitment from them to pay for the rail stop. I figure that will take January through February and maybe into March we will get that nailed down. Once we know what the rail stop will have, we have the TIFF in place then we are in a position to go to DCTA and with DCTA we need to apply for membership. All that will be happening in March – May timeframe. I visited with the folks in Lewisville yesterday. One of the questions, are we looking for membership or are we looking to be a contract partner. I think we want to be a full partner because you want to be at

the table to vote on things but as you all are developing your policies for membership that is going to become pivotal.

Sam Burke, Mayor Pro Tem – They have transportation as a service which is kind of a hot topic. They have Frisco and Coppell, they basically have contract for services. They have access to contracts for short trip mobility that would take the place of SPAN, established routes or get you to your last mile. It is a direct pass through, Coppell/Frisco pay the exact cost that we pay so it is revenue neutral. A lot of the revenue from DCTA is grants so those are federal and through COG. I am learning as I go about how the money funnels down but basically it is all federal money that goes into pots along the way it is a web of infrastructure which is Michael Horner has a lot of pull because he knows how to funnel that money. When they are talking about being a service contract or a member that has not been discussed directly.

Bob Hart, City Manager – I was with Donna Berhan and Clara Powell, the alternate and assistant city manager and the alternate to DCTA.

Sam Burke, Mayor Pro Tem – I think she is saying you pay your cost and we will deliver services to you. My concern is if Lewisville and Denton don't have a long term vision for the rail or if they do not believe in it then you don't want them to do a stop and I can't tell right now about Denton. Lewisville has a couple of rail stops. It would be bizarre for them to question it for their economic development but it is possible. Denton has two rail stops, one is rarely utilized. Medpark is just a parking lot. The last meeting there was discussion of decoupling your membership from your voting membership that was a discussion through bylaws. I think they eventually gave in that nobody will want to be a member unless they can vote but Watts and TJ were thinking that doesn't matter because anyone who joins, they have to join through providing ½ cent sales tax or some other equivalent and an agreement with DCTA so I think their thought process was in that agreement is that you can't have a vote until you get to X, Y or Z. They didn't say that directly but that is the feeling I got. We met with Eads, my concern is the timing.

Bob Hart, City Manager – They want to make sure that Corinth is paying their way, building the station without impacting Denton and Lewisville and paying operational costs. In our conversations with COG, we are dealing with the station component. I told them we are in at ½ cent. Our ½ cent is \$850,000 per year. Lewisville is \$13 million. They are above the state average on sales tax and they are five times larger, we will never get to those numbers. If we can get to the state average, we can double our numbers.

Scott Garber, Council Member – Why would Lewisville have an issue with us joining the rail if ultimately it could add another \$2 - \$3 million?

Bob Hart, City Manager – I don't think they are opposed to us. Denton is looking at the cost component and how DCTA is spending the money. They want to make sure we are paying our share. There are a lot of moving pieces.

Sam Burke, Mayor Pro Tem – The county put in \$250 million, they do not have an ongoing funding operation, it bought the rail or the majority of it. The rest of the money came from

federal grants, Lewisville, Denton and Highland Village, since its inception. You can understand their point of view if they want their development to occur first.

Lowell Johnson, Council Member – Denton and UNT are working in partnership now. UNT students pay a ton in transportation fees. UNT is building a campus in Frisco, it will always be a branch campus. They are looking to find a way to get the students back and forth. UNT has \$42 million in their budget and looking for a way to transport their students. The connection between Denton and Frisco is through UNT.

Bob Hart, City Manager – We ensured we have this ongoing funding commitment because they needed more certainty in numbers. Trying to get COG to put money in for three years, its ½ year, two years and another ½ year to give us a chance to get ramped up. Part of the logic you will get approval sometime the latter part of 2020 and it will take about four to five years to build the station and then it starts to become operational in 2025, maybe 2026. At that point we will have to have North Corinth Street redirected, NCTC Way, the parking. All of that has to be put into place and then we are ready to kick in 100% of the sales tax. That helps from our side and gives them the confidence.

Lowell Johnson, Council Member – If Denton pulls out, can we make it with Corinth being the end of the line? Something to think about.

Sam Burke, Mayor Pro Tem – That wouldn't necessarily be true. They have to fund it until the legislature tells them they do not. There is a stop in Carrollton, you do not have to be a member city to have a stop.

Scott Garber, Council Member – Are we trying to get something we don't want? Meaning, can we just have a stop and not be a member city?

Bob Hart, City Manager – It seems that we want to be a member city because we would want to have a say in what happens.

Sam Burke, Mayor Pro Tem – That is a good point. The way the legislature wrote it, you become a member and it was contemplated by additional stops. It was written with some flexibility. I don't know that anybody contemplated that you just put in a stop.

Scott Garber, Council Member – Has anyone talked to Carrollton to find out if that is working out well for them? It seems like there is two battles to fight and if we need to get our stop here to start moving economic development, let's fight the member city down the line. What will it buy us at this point?

Sam Burke, Mayor Pro Tem – It is a vote that could make a difference. There are three member cities. You have to get 3/5 of the member cities, which is 2/3. Not sure why they wrote it this way. If you add another member city, it could affect the vote.

Scott Garber, Council Member – Especially in the next 10 years, if we are already having issues getting the majority of the vote to be a member city and it is like this every time there is a vote, I don't know I would tie the two together.

Bob Hart, City Manager – These are what we need to process. I don't have an opinion right now. I think you would like to have a vote.

Kelly Pickens, Council Member – What do they vote on?

Sam Burke, Mayor Pro Tem – Their budget, primary services. There are some services that are spot to spot.

Lowell Johnson, Council Member – So Flower Mound is just a contract purchaser? Why can't we be a contract purchaser?

Sam Burke, Mayor Pro Tem – They are not a member, their commitment is year to year. If busses do not show up in your city, so what. That could be something we address in the agreement.

Bob Hart, City Manager – John Cabrales will meet with TJ tomorrow. The TIRZ can generate some funds, hotel occupancy tax, rental car tax, public finance. The MMD, a geographical area where you can do assessments on properties and provide some services within that. For us it would be a good mechanism of how we deal with impact fees. It would give us more ability to structure deals for developers. If you wanted to enhance, you could do assessments. At some point we will have more ideas. We are asking for 100% participation from the county. Hugh Coleman is on that 100%, not sure about the judge. I think we need to include Bobbie Mitchell now. We will meet with the judge on Tuesday. The mayor, Jason and I will be there.

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.

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.

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 9:08 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2020.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: November 14, 2019 Special Session
Submitted For: Bob Hart, City Manager
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 November 14, 2019 Special Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the November 14, 2019 Special 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 November 14, 2019 Special Session minutes.

Attachments

Minutes

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

On this the 14th day of November 2019 the City Council of the City of Corinth, Texas met in Special 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
Lowell Johnson, Council Member
Kelly Pickens, Council Member
Scott Garber, Council Member

Members Absent:

Tina Henderson, Council Member

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Michael Ross, Lake Cities Fire Chief
Chad Thiessen, Lake Cities Deputy Fire Chief
Guadalupe Ruiz, Human Resource Director
Brenton Copeland, Technology Services Asst. Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriguez, Planning and Development Manager
Lee Ann Bunselmeyer, Director of Finance, Communication & Strategic Services
Jason Alexander, Economic Development Corporation Director
Maria Johnson, 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 7:30 p.m., Councilmember Garber delivered the invocation and led in the Pledge of Allegiance.

PRESENTATION:

Richard R. Lillie Texas Chapter of the American Planning Association Excellence Award was presented to the Planning and Development Department.

PROCLAMATION:

Mayor Heidemann read into the record and Proclaimed November 17-23, 2019 as International Fraud Awareness Week.

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.

There were no Citizens Comments made.

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 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.

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

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

ABSENT: Henderson

MOTION CARRIED

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.**

Jerry Garner, Chief of Police - the increased use of e-cigarettes and related Vaping products, especially among young people, has recently become of increasing concern as the use of these products has risen while more and more health problems related to their use have been identified by the U.S. Centers for Disease Control and other medical authorities.

In addition, local school authorities have reported increased unlawful use of these products by students. The State of Texas recently raised the age for lawful possession and use of these products from 18 to 21. The state statute also provides legal guidance for how these products may be lawfully marketed. Following a presentation to Council by City Staff the Corinth City Council directed that the existing ordinance regulating these products within the city limits of the City of Corinth be revised to mirror the state law.

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

AYES: Burke, Garber, Johnson, Pickens

NOES: None

ABSENT: Henderson

MOTION CARRIED

- 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".**

Ben Rodriquez, Planning and Development Manager - 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.

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

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

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 do like the removal of the metal detectors and the atmosphere it creates. It seems more open to the public and less restrictive.

Councilmember Garber - echoed what Mr. Burke said and it will be a new beginning of openness here at City Hall.

Bob Hart, City Manager - we are having our annual Thanksgiving lunch on Monday at 11:30 am in the Council Chambers here at City Hall. If you have time come by for lunch.

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 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.

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 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 Special Session at 7:45 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2020.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: December 5, 2019 Workshop Session
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

AGENDA ITEM

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

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the December 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 December 5, 2019 Workshop Session minutes.

Attachments

Minutes

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

On this the 5th day of December 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
Lowell Johnson, Council Member
Tina Henderson, Council Member

Members Absent:

Staff Members Present

Bob Hart, City Manager
Kim Pence, City Secretary
Patricia Adams, Rockefeller, & Fort
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Cody Collier, Public Works Director
Jerry Garner, Police Chief
Michael Ross, Fire 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

Others Present:

Brian Rush, Planning & Zoning Chairman

CALL TO ORDER:

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

WORKSHOP BUSINESS AGENDA:

1. Annual Report from the Planning and Zoning Commission.

Bob Hart, City Manager - Brian Rush is here as your chair and I will turn it over to him.

Brian Rush – Planning and Zoning Chairman – Our yearly update on the Planning and Zoning Commission, we have one opening in Place 5 otherwise we are fully staffed with two alternates. The Planning and Zoning Commission conducts public hearings and discusses approvals or makes recommendations to the City Council regarding planned developments, rezoning requests, comprehensive plan amendments, etc. This year we had two preliminary plats, two final plats, one re-plat, three cases of zoning and 10 cases of ordinance amendments. Zoning cases were the trails is Shady Rest, The Millennium, and the Henderson Farms which was withdrawn. Approved plats, CoServ, Lake Sharon – Phase III, Motel 6 and the Public Works facility. We have a lot of ordinance updates: landscaping, fence

and screen regulations, sign regulations and spent quite a bit of time on public notice procedures. We are here to serve and appreciate your support, any questions?

Mayor Heidemann - We we truly appreciate your efforts because we count on you to give us good information so that we can make good decisions.

Tina Henderson, Council Member - We have two alternates, can we move an alternate to an open slot?

Brian Rush – Planning and Zoning Chairman – I believe the council actually makes those decisions.

Bob Hart, City Manager - Council has to make those changes and will bring it to you on a future agenda.

2. Receive a report, hold a discussion and receive direction on the system wide review of the digital water meter system.

Cody Collier, Public Works Director –We have had significant improvements in the areas our AMI system which is the radio read system. The AMR is down because AMI is up. The manual rate which is the most time consuming has gone from 8% to 3%. They are supposed to be out next week putting up the rest of the collection towers. Hopefully within the next two weeks you we should see these numbers all go away and the AMI ideally should jump up to 100% for the radio.

Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director

The field has done a lot of their field reviews and so it has shifted into utility billing for us to analyze all the data. As you know, we did the audit in Kensington and we'll go through the results of that. But when we are analyzing data, we separated all the accounts into three criteria's. We have an adjustment, exception and questionable.

The adjustment is those that have at least a minimum usage of 10,000. Because even if it's 10,000, it's not going to change the outcome, it was exceptionally high for 10,000 based on our rate structure, so if it was on the equipment list, had low consumption for two months and then spiked, and then the spike is greater than 2018. If it meets any one of those criteria, then we're going to look at it and we're going to flag it to the field and we're going to look and see if it warrants an adjustment.

The second criteria is that the consumption has slowed. It hasn't stopped but it's just slowly slow down and that the consumption is less than or equal to the 2018, low average for a minimum of three months and then we have seen a spike that's greater than the 2018 average. So this allows us to cast a broader net to see if these accounts are troubled. Then as we are looking at all the accounts, we also just look at things that just don't look right, maybe some peculiar irregular flow from one month to the other. Then we flag it as questionable and we do a more thorough review on those. When we looked at Kensington, we audited 267 accounts. Last time we were here we talked about the green potted transponders versus the black ones, the black transponders were those that were not working well. We wanted to see how many of those that we had, 90 or 35% of the accounts that were troubled accounts had been switched from black to green, so we knew those were transponder issues. We had three registers that were faulty and Cody will talk about that in a bit but we are seeing a little bit of trend with our registers now. Our transponders, we had 16 that were either defective, had incorrect numbers that were programmed in or were just physically damaged by a mower. Of all the accounts that we audited in Kensington, we only adjusted twenty for \$3,711. So that tells us this was a sampling, we don't think the issue is as big as far as a dollar loss that we are going to see because the majority of accounts are working correctly.

With this next group that we're doing right now, we are reviewing 236 accounts where customers called in, emailed in, submitted online request, and so we feel we need to respond to those individuals pretty quickly. We are reviewing those currently. And then we also identified 170 accounts as high consumption. Now these accounts, what we classify as high consumption are that they have usage that's over 100,000 in one month, or they have an increase of over 25,000 in one month as well. Those that are over 100,000, we have 49. Some of those are commercial and so that may not be an issue but there are some residential accounts that are over 100,000. So those adjustments are going to be pretty big so I think when we come back and review, the adjustment amount will increase but at this point, we don't think it's as big of an issue as we thought it was. This review is scheduled to be completed by December 20 and that is the field audit, the internal review of all the accounts and the adjustments being made and reported to the customers. So this is kind of phase two, and we're just about ready to wrap up these two.

Cody Collier, Public Works Director – We've actually had really good success just in the last few weeks. A couple of months ago we were looking at a 38% failure rate with our transponders. It's what transmits the signal. We worked that down to about 3.6% and RG3 has been coming on working really well with us to try to keep everything moving, to take care of us and our customers. The last read on Zone A and B they found out that some of the transponders weren't working, so as we're doing them, they're replacing them. Overall, we've seen a lot of improvement. There are some out there that are going to fail, but the way they're catching them as quickly as they are, it's much better for us and much better for utility billing folks to be able to take care of the bills, because we're catching them so much earlier. We are seeing some of the registers that are blinking, dying on us and that's a concern. We have two things that's going to help us a lot there, one is the AMI system when it goes up because right now we are having to drive and read them. Since we only drive and read them once a month, we don't know necessarily a problem has occurred until we go to read the meter. When the AMI fixed network system is up, it's going to rate every hour. So every hour, it will send out a signal, collect and go to utility billing and if it's not functioning, if it's attempting no flow, or a tamper or malfunction, it'll notify that we're broke, somebody needs to come look at us. That definitely gives us a much bigger advantage.

Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director - So when we talk about registers, if the transponder goes, we still have the ability to go and get the reading off the register. So we know that it might not be billed in the right month but we know exactly what their consumption is. Once a register goes, then the consumption is gone with it and so now it's pulling in a region of zero. So within this month, like in the month of November, we're able to catch them within the same billing cycle but there's some that we know, like he says, an irrigation, there was actually no flow, we're able to identify those. But those where in a house that has consistently had usage for several months. Now it's coming in and saying zero consumption and so we have done a procedural change. In the past a lot of municipalities they estimate bills, we have never had an issue where we had to estimate a bill for a resident, it's always been the actual usage that came through. Well, now that these registers are coming up as a zero consumption, it's warrant us to look at our procedures.

We reached out to several cities to see how they handle it and so we came up with some criteria that would be in the benefit or in favor of the resident. What we're going to do, when you estimate a bill, is basically due to adverse weather or for any other reason that we just can't pull the reading, then we're going to look at estimating, and again, we're going to estimate as a last resort because we don't want to do that as it's going to be the exception, not the rule. So when we estimate we will pull the average of the last three years consumption for the month for the premise. So if it's July, we're going to look at the last three years in July and average it so that we can get a good July usage for them, we're also going to get the average for the customer class for the month. So if it's residential, we'll get the average residential usage for that month. And that'll help us so if it's a wet or dry year, then that'll help us kind of eliminate having any big issues or any big discrepancies for our customers. And then the third thing is our system automatically

calculates a historical average for the account. So if it's a three year account, then it'll give us an average of what their monthly usage has been over those three years. The thought is we take those three numbers and then whichever is lowest is the one that we would bill them for that month's utilities. It would be fairer to the residents instead of just pulling one and not taking any consideration, there's a lot of variables when you look at consumption.

The other thing that we are looking at is we did have some accounts that we did adjust in the Kensington area in the various ones that we've looked at, throughout the last few months. We have had some folks that after utility billing is notified them, they come back and they want to review or appeal that adjustment or if we tell them there no adjustment because the history is consistent with prior year, there's still some that are challenging the usage. So we thought we would develop an internal review committee that would meet twice a month between Bob, Cody, and myself. The first review is done by utility billing, the auditor that we have in and Chris Rodriguez, the Assistant Finance Director, they do the first review and determination. When it gets appealed, then it will come to Bob, Cody, and I to review twice a month, make a determination and get back with the residents so that they have a channel that they can go up to and voice their concerns.

The last time we met we talked about what communication strategies we would use to inform the public. We created the webpage and we linked it to our myCorinth mobile app, we've got those completed. We are going to provide an update in the monthly newsletter that's going to come out tomorrow and we are also going to do some utility bill inserts in January. Then throughout we are probably going to do a newsletter that publishes the website and lets them know what our procedures are and where we are within the audit.

When we look at our website, we did it on the citizen engagement platform that we have, so we put some information there. I'm trying to keep an update so about once a month, I just put in there exactly where we are with the audit, what accounts we've reviewed what the status was. We also have an area where if they want, they can go in and just send us a note, if they have issues with their account, they think an adjustment was warranted. One of the interesting things is we actually created a customer web portal. In here we have all the accounts that are within the city. They type in their account number and their address and hit search. It will provide whether the audit is complete, if it's pending, it will read pending review. If we're not working on it yet, it will just say pending and then if it was accurate or if we had faulty equipment, it will tell them what adjustment was made on their account. So that way at any time, anyone can go in and see exactly what the status of their account is while we're going through the review process.

We have outlined what the phases are going to be in our review and we're letting them know exactly which phase we are in as we go through this. We are hoping to start publicizing this and letting everyone know so they don't have to call in to get an update, they can look at the website and know exactly what the status is in the process. Our next steps, as we discussed we completed Kensington in November, we did 267 accounts. We are currently working on our account inquiry and high consumption. So that's roughly about 400 accounts that we will have finalized on December 20. We plan to come back in January for the council meeting and give an update of the account inquiry in the high consumption audit. As soon as we finish this in December the field crews in our utility billing will start going through 1088 accounts that we've identified that had equipment issues. We expect that to be completed sometime toward the end of February. We will be back in March to give an update of that audit of those 1088 and then in March, we're going to start that system wide review because up until March, the only accounts that we will have reviewed are those that we've identified that have issues or that consumption looks irregular or that residents have called in and asked us to look at their accounts. At that point, we'll just start going to every single neighborhood and just doing a double check of the entire system. We will start with the commercial accounts in March and then in April, we begin the residential system review, going through the residential

accounts. And then at this point, we feel that the customer portal where the customers can actually go in and look at their accounts, once the AMI system is up, the system is going to just project the readings every hour.

The end product is that residents can set up their own alerts and can actually look at their consumption history on an hourly basis. We want to make sure the data in the system is accurate and that everything is flowing correctly before we push that system out. Right now we've tentatively pushed that project back to probably have it go live sometime toward the end of 2020.

Mayor Heidemann - With those transponders, you're saying you've had multiple problems with those? Is this going to be an ongoing thing that we're going to have to monitor?

Cody Collier, Public Works Director – The problem was the circuit boards that were improperly taken care of and they corroded. We are replacing them and are not seeing those popping up anymore. In one instance, they came out and the last read they had 197 that had failed. As he did the read, he just replaced them. The number that's failing on us has dropped significantly. We were at about 38% and as of right now we're probably at 2% or less. There's going to be a few stragglers as they come along but as they're reading, they're swapping them out so that's not really an impact to us anymore.

Kelly Pickens, Council Member - So all the ones that are failing are the black? Do we know the addresses of where they are located? If you know they're going to fail

Cody Collier, Public Works Director – when they batched the number that was not just batched for Corinth. It was for everybody and his distributor, he was getting them from the manufacturer to him to distribute. There was a certain batch that they're unsure so it's not all of them. It's a percentage within a batch that failed.

Kelly Pickens, Council Member - But they're all the black ones. They're all the black ones in the batch.

Cody Collier, Public Works Director – Yes, because they always use black epoxy to pop electronics. Now to change their processes they are using green epoxy. We can take our transponder and turn it over and if it's green, we know that that is the new process change. We are not having issues with those. But if it's black, it may be a bad one that has not failed yet or it may not have been in that batch and it's going to be perfectly fine. And I think that's why we're seeing that number significantly declining and the amount that had failed because if they were going to fail they pretty much already have and now we just have a couple of stragglers here and there. So I think we're getting near the end of that that process.

Kelly Pickens, Council Member - Do you know how many black ones are still in the ground?

Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director - Our last count we have around 2900 black transformers out of approximately 7200. To be fair with Lee with RG3, he has said that if the trend starts going the other way, because right now as Cody says, we're getting better every month. And so if for some reason we started seeing a huge amount that starts failing, then he has said he will come in and replace everything. And because he knows that it's our system integrity that we're working with and then also revenue loss. We've stressed that with him many, many times. We made a lot of progress this last month so he asked us to give him another 30 days to see if he could get that down to zero and below that 1% error rating, and he can get below 1% then we're good to move forward as is but if that error rate stays up at 3.6 or goes up that he has committed that he would come in and change out all of them.

Scott Garber, Council Member - I think that Portal was excellent. I was just looking and even questions I had about the process are completely answered, easy to find, easy to understand. I'm going to get my account number and put it in and see what pops up and even to be able to hit it submit an email or questions directly from that page, it has to reduce the phone calls. It is really good.

3. Receive a report, hold a discussion and provide staff direction on the Operational and Administrative Analysis of the Lake Cities Fire Department

Bob Hart, City Manager – We received the fire study from Public Safety Management yesterday afternoon. You have the copy of the report there and we will also go through it with the Lake Cities managers on Monday or Tuesday.

Michael Ross, Fire Chief - I intend to talk to you a little bit about the company, why they were brought in, the background what they were looking at, where we're at with our opportunities for improvement as well as our successes, and kind of where we're at with that. The Center for Public Sector Management is who we worked with and presented the report. They conducted an operational and administrative analysis. They came in and took an objective look at things. I could stand up here and tell you what a great department you have but it's nice for others to confirm it. They do workload, development analysis, and methodology. They have PhD's and 30 year firefighter and a public servant for 30 years check this out. Everything they looked at us on is what ties back into what the industry considers best practices. They've done 315 studies in 42 states, 44 communities from small to 800,000. They have a good diverse background, looking at how our departments operate. What they wanted to look at when they came here, this is a brief list of things, a lot of this data we have to give them and then it was questions they had to answer. Our response time, how we deploy our apparatus, how we staff, manager over time, our interaction with our neighboring mutual aid and joint response partners, how we structure and oversee the operations. Are we very hands on or how we handle it, our workloads, in our support functions our prevention, our training code enforcement and other things to make sure that when we go out and make contact with care for that interaction, how we are taking care of our facilities and our equipment and what resources do we have at our disposal? How are we looking at what I call looking around the corner, what's coming next, how are we positioning ourselves or are we just looking at the "right now". Are we reactionary, this is what this encompasses.

They're retained by us, the City of Corinth, to evaluate the fire department and the operational and administrative analysis, thorough review of the organizational structure training measures and interactions with other departments. They came out with all of the data that we sent them, they actually came out and spent a couple of days here. They met with me, they met with the other department heads within the city. They met with the other town managers for our contracts, met with the firefighters. The medical director came out, met with dispatch in Denton County. They wanted to tour all the facilities. So with that first-hand look and kind of compared what we're doing. We sent all the policies and procedures, basically everything from how we do stuff and then our numbers and of course when you look at that you have a lot of questions. What I will tell you about their site visit, I was very hands off. I didn't want to be that director that was in every meeting, looking around the corner I didn't tell anybody what to say. I didn't even tell the stations that we were coming for a visit until 15 minutes prior, as a courtesy. I wanted a true understanding because if I don't know, I can't fix it. I picked who was available and some others that I knew would tell the truth.

We were at one firehouse and he asked how many days to get all this stuff ready, because our reserve equipment looks immaculate. I asked what he meant, he said you mean this reserve truck looks like this normally? How much notice did you give them? I said I called them on the way, about 15 minutes out, as a courtesy to the captain's. I told him I wanted raw feedback and then I left. I left him there with the crews,

no supervision, to say what they wanted. It was as open and honest as I felt like we could give them.

A brief overview of their findings, The Lake Cities Fire Department is a highly skilled and progressive organization that is making exceptional progress in dealing with significant and growing workloads. Personnel within the organization are truly interested in serving all four communities and demonstrating a unified goal of achieving excellence and service delivery. The multi-city contractual relationship was clearly providing for the most efficient, most effective and most affordable service delivery system to all residents. The department is well respected in the community and by the city leadership.

The fire department is an exemplary department whose challenge will be sustainability, what he means by that is the hardest part of being good is staying good. That's our challenge, to be sure we keep the people motivated, keep the fires lit, keep looking around the corner and not just resting. It's our challenge to continue forward. They also noted that when I came on and completely restructured the department and reviewed almost everything and how to do it and he made some comics specific to that. How we reconfigured the operations and reduced over time improve service and management. He asked how you know when it's time to put a third ambulance in service. Well, the data is going to tell me that. How do you know where to put this? The data is going to tell me this. I can't just sit here and guess.

They did make 11 recommendations but he noted before he started making the recommendations that they looked for areas that can be viewed as needing improvement and found few. On more than one occasion he said the hardest part of this thing after looking at everything, he said, sometimes we get called in because these places are train wrecks and it's easy to start listing stuff. And we'll have 30-40 recommendations. He said we're really having to drill down which made me feel good.

The first five, consider staffing three command positions, it goes back to that sustainability because he doesn't feel that the workload long term was maintainable because we now have nine captains reporting. They're suggesting an internet based video conference system between stations so we can do live officer meetings and interactions and trainings and things like that. Expand, their words, excellent training program to include professional development programs, we do some development stuff, preparing them for the next level but we can do more. We should fill the basic command position which we have, that is one we can mark off. And prior to any anticipated large public event, we should identify common radio communications and this stems back to the Fourth of July Lake Dallas with police on one channel and fire on another. There was a concern that we didn't have any way to talk to each other. So I went back, I did an analysis, pulled both radio plans and found about 25 to 32 channels, we both have on our radios. Conduct formal fire risk analysis for each of the four member communities. A big push for a lot of the rest of the stuff is just overall public safety projects and programs and working together for risk reduction.

Our internal risk management, to include a full wellness program, baseline physical screenings. Our hazardous materials incident training and maintaining control, consider going for Center for Public Safety Excellence Fire Accredited, they say we are good enough for that and should shoot for it. We should adopt the community risk reduction philosophy. So that's kind of our focus. And the last one was that we should work with medical director dispatch to kind of triage our calls and figure out do we need to run lights and sirens to everything, that's becoming a trend. They also noted was several areas where they were best we are already performing the best practice level, our contract and the relationship, being most effective, efficient, affordable for communities our size to have something that, they were really impressed with our fire contract with the other cities and how we work so well with Denton, Little Elm and Lewisville.

Our boxcars, Denton has the hazmat, how we all work together and take care of everyone. They said our fire loss is lower than expected. They're impressed with our prevention and our fire tactics, and how we get in there and put them out; how we keep them from going to total losses. He said that the amount of

fire loss we had was pretty amazing. The fact we are an ISO-2, he said that speaks volumes and there's some data about how many departments are actually ISO-2 and there are not a lot of them. We have afforded that level of professionalism to our community, as well as the insurance reductions. Very impressed with our promotional processes because we don't just look at how well you can direct somebody at a fire scene, we look at the overall employee, we look at leadership, we look at personality traits, one of the books that I use is about dealing with different personalities, behaviors, they like that.

Our fleet management program, we've added vehicles on the street and we've reduced our cost at the same time. So instead of it going up and going down through some of the programs we're doing, and the fact that we're using the enterprise system for the other stuff with our vehicle replacement funds and things like that, he said it was just amazing. How we coordinator hazardous material incidents, as well as training, those were pointed out in the study as best practices also. When we look at our response times, it's broken down into the amount of time with the dispatcher, the amount of time it takes them to tone us out, us get up and get geared up and hit drive on the transmission, and then the amount of travel time. The dispatch, we don't really have any control over, I can work with him on policies and processes, which I'm doing. I've got a meeting scheduled for next week. And then the travel time, it is what it is, it is traffic, road conditions as you know, the way you fix travel time is to build more stations but I will talk about that in a second. The turnout is where we have the greatest impact. Even before the study came out, we have worked with our captains to get them out of the house quicker. So this is very, very important you move with purpose and without even realizing it. We are about 1.2 or 1.3 depending on the unit. So we actually are ahead of the curve on fixing some of our stuff. With the road time and the traveling this is kind of how the city is sliced. Depending on where you are in the city determines your station.

They made comments about how well it was staffed. As far as the placement and the travel time, you notice in the recommendations, there was nothing about that list. So they understand what we're working with and they understand we are doing everything we can and we are doing a pretty good job of managing it. The response times, we can get to some areas in less than 240 seconds of travel time. And just on the fringes, we're looking between 240 and 480. So we're getting most of the area. There are some areas out west later on if we need to, we will work on that, maybe a substation or something else but the data doesn't support that. If you look at the areas, our activities are in those areas so we are handling our business with the three stations we have. Our EMS data is working within the area of our business.

To wrap this up, looking at our recommendations and to give you an idea of where we're at even before some of this, I'd already updated all of our hazmat policies and companies and got everything to Lake Dallas and the other towns so if there's a spill or something, then we have accurate live data to pull from. I did the radio evaluation I was telling you about and we've got that ready to go as soon as they do the next event planning. We'll sit down, we'll agree on the channel, it is a two minute conversation. I talked to you also about reducing our reaction times. What's planned, I want to put a community committee together for community risk reduction, and what is in there kind of outlines some of that stuff. I want to increase the amount of command succession planning which we've got in the works. That's one of the task with my training officer, we are putting some EMS regulatory stuff to bed right now and then we're hopping on that; that's the next go to. I want to continue transparency and relationship building from my whole organization, from me down to everyone that we serve. I want them to know that I am their fire chief and I want them to be able to come to me and be able to talk and that's how I think we're going to be successful. Thank you for your time.

Mayor Heidemann – Outstanding, I know you put a lot of effort and work in this and it shows and we appreciate all you're doing. I think the citizens of Corinth and the Lake Cities are very proud of what you are doing.

Bob Hart, City Manager – We're going to be going through this on Tuesday with the managers, so that they all have the study and then when the chief is out with the other three cities doing their annual report, they will cover this so that will be happening about January. And then Lee Ann and I will start meeting one on one with the other three managers to start talking about contract numbers. We will come back to you at the first meeting in January and then we're going to go through those contract numbers here. Then we'll be immigrated to go into the contract discussions and who knows what direction that will take. I think we have everything covered as well as it can be covered.

Scott Garber, Council Member – Are we doing this presentation or is the company who did the report going to do it?

Bob Hart, City Manager – Chief will give the report.

4. **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.**

There were no discussion on the Regular items on the Special Session agenda.

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

Bob Hart, City Manager – We adopted the TIRZ so that is set and it is effective with the values being frozen January 1, 2020. There are enough loose ends that the county is not comfortable with doing the Interlocal agreement until they get some of these other issues resolved. That's not a problem for us because under the statute, they can approve the ILA based on our January 1, 2020 numbers because it is already in place and that is good until they set the tax rate in 2020. So, that gets you to the first part of September, but realistically we need it all in place by June. The mayor, Sam and I met with the mayor and Coleman. We have talked to him a couple of times since; Jason and I. There's a lot of moving parts here. I think we're okay here. On an informal basis and talking to judge we are trying to get we can have this ILA done by the second quarter of 2020. We need the draft rail stop study, it should be completed in January.

Sam Burke, Mayor Pro Tem – Raymond mentioned that he had seen some initial numbers and thought they were high. He didn't break it down in detail. Essentially they were using some projects, other projects that had been completed recently.

Bob Hart, City Manager – We have to get that study done so it can roll down and they can start to deal with the Regional Transportation Commission and COG and figure out what they're going to or not going to pay. That is part of the first half of the year and then DCTA is doing a cost allocation study. That needs some time to play out. I think the one thing that I certainly underestimated or I didn't understand is the conflict between Denton and DCTA is much deeper than I had understood. And Lewisville in the mix there so it's a little more complicated than I had thought. In terms of starting to narrow some of our funding options when we start talking about the rail stop and some of the other improvements within the TOD. Obviously the tax increment district is going to be a big part of that money that goes into that. The Municipal Management District I think is going to have some good options and that will be a mechanism that we can use with the developers to help finance some of the public improvements. That's the one that that you can do through the TCEQ or the legislature. My thinking is that we look at the legislative route. One thing we want to talk about in January, with the target of having an election in May is to have a lease, sales tax on car rentals. You can do it but you have to target it to some kind of a venue and the venue then would be the amphitheater or the pavilion that is in the park over here, so you can pay for that pay for the operations and promotions. So I see that as a real critical linkage in that so that takes the money out of the

TIRZ or the MMD, that way we can separate them. And then of course, the third rail loan program, which would run through DCTA and obviously the money the COG. When we are talking about our funding pieces I think that is where we will need to focus.

Mayor Heidemann – On the rental car sales tax, does that impact all the dealerships that have car rentals? That would be some additional revenue that we are not collecting now.

Bob Hart, City Manager – Yes. DCTA, there is a little bit of a conversation about do they want to let us in as a contract member, contract service or as a member, and I think we're going to want to have some pretty candid conversations to figure out. One of the places where this comes into play is you pay for the rail stop and we don't want to sit here. I don't know what that rail stop is going to cost yet but we want to be careful. We want the county or the COG to pick up that cost. If we had joined DCTA back in January 1, 2004, about \$8 million dollars, so that's a little bit of a benchmark, just to say that. If we get into a debate and they want \$15 or \$20 million from us, then our backup is that we want to buy our way back in. That's going to give you a benchmark number to start to discuss. Now, that's kind of an interesting number to look at and then you look at that against the cost of the rail stop.

One of the things, you all kind of watched this with the judge, he is a little hung up on some of the NCTC stuff and what is happening a little bit is, his view, when we do some expansions of NCTC, he's said he is not in the business of wanting to take property off the tax roll within the TIF. We pointed out, the current boundaries is NCTC and when we expand here a little bit, where Metroplex Cabinets is, they will put all this back into the TOD, put it back on the tax rolls; there is a net gain that comes back into the system. I think he backed off that for a bit and showed concern about the surface parking and thought we ought to have a parking garage or something. It is going to take a while for that to phase in but we do have a meeting, Jason and Helen-Eve and I will be with Dr. Wallace and his staff on December 12th, next Thursday. We will be in Gainesville, if you remember the judge, wanted to get a meeting with NCTC.

Sam Burke, Mayor Pro Tem – So there's not really an issue for DCTA, there is an issue for Lewisville and Denton. The way the board is structured is you have five members and to get anything done you have to have a majority which includes two thirds of the founding members, which is Highland Village, Denton and Lewisville. The problem is that Denton and Lewisville have cold feet and that they brought up the contract of services. Essentially they want to make sure that they're not subsidizing anyone else. I think Denton's point of view is, they feel like we're subsidizing service to UNT in particular. I had lunch with Chris Watts, I think he'll even acknowledge the rails but I think they feel like DCTA made a bad contract with UNT and that they are subsidizing service to UNT. I don't know what he thinks they are going to do about that because he said it is a ten year contract. The representative for North Texas was at the meeting and we were talking about doing something with the 2am – 5am lift contract, basically when UNT students need a ride late at night. I don't know how exactly it got into that business because I thought that is what LYFT did but there was some discussion about canceling that, but that is part of the 10 year contract with UNT so they're committed to provide that service. It wasn't even really an option, we could have canceled the contract with LYFT but we still have an obligation to provide that service some other way. A lot of it has nothing to do with Corinth and there's some kind of issue that this hadn't been managed well for some time and they want control.

Mayor Heidemann – You don't foresee this as a done deal for us.

Sam Burke, Mayor Pro Tem – Yeah, but it's more challenging than I would have told you 90 days ago. There's a lot of waffling.

Kelly Pickens, Council Member – Who picked the stops in Denton?

Bob Hart, City Manager – I think when all that was laid out, the engineers for DCTA put the stops where it made the most sense from an engineering standpoint. They used existing rail, but it was a respect of land use or economic viability. That's the impression I have in everything I've looked at.

Kelly Pickens, Council Member – It doesn't stop anywhere. It stops at UNT.

Sam Burke, Mayor Pro Tem – It doesn't stop at UNT, it stops near downtown Denton, stops near Denton Regional Hospital. There's nine acres of parking lot there. There are two stops in Lewisville. Carrollton near the Trinity Station, where DART ties in and the Highland Village.

Mayor Heidemann recessed the work session at 6:48 p.m.

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.

Council met in Closed Session from 6:48 p.m. until 7:02 p.m.

a. Receive and hold discussion on the Initial offer for ROW purchase associated with the Lake Sharon Dobbs Rd Realignment ST18-01 project.

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.

There was no action taken on Closed Session items.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:03 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2020.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 4.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: December 5, 2019 Regular Session
Submitted For: Bob Hart, City Manager
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 December 5, 2019 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the December 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 December 5, 2019 Regular Session minutes.

Attachments

Minutes

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

On this the 5th day of December 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:

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

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Kim Pence, City Secretary
Patricia Adams, Rockefeller, & Fort
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director
Cody Collier, Public Works Director
Jerry Garner, Police Chief
Michael Ross, Fire 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

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

Mayor Heidemann called the meeting to order at 7:10 p.m. Councilmember Garber delivered the Invocation and Luke Davidson, Boy Scout led in the Pledge of Allegiance and the Texas Pledge.

PROCLAMATION: January 26 - February 1, 2020 as "National School Choice Week"

PRESENTATION:

Presentation of Planning and Development Services Annual Update .

Helen-Eve Liebman, Planning and Development Director - each year we like to come before the Council to provide a report of our activities from the past year.

PLANNING & DEVELOPMENT SERVICES

The Planning & Development Department works to improve the quality of life in Corinth by:

- Establishing and implementing high standards for new development
- Encouraging property maintenance
- Preservation and reinvestment in older parts of the city

Services:

The Planning Department processes land development applications and provides analyses to the Planning and Zoning Commission and City Council to assist them in reviewing land development projects, standards, and policies. The department also provides data to promote economic development in the city.

PLANNING APPROVAL OVERVIEW

Administratively Approved Plats 1 case

- D. Heard Addition “Shady Rest Ln.”- Minor Plat

Administratively Approved Site Plans 5 cases

- Chipotle – Site Plan Review
- Burger King- Site Plan Review
- Fairfield Inn- Site Plan
- Pecan Creek Plaza- Site Plan
- Millennium Wedding Venue- Site Plan

ZONING BOARD OF ADJUSTMENT ACTIVITY

- No Zoning Board of Adjustment “ZBOA” cases were held this year.
- Previously, variances for accessory structure setbacks made up the majority of ZBOA cases. Since the change to reduce accessory structure setbacks there have been no new variance requests.

GIS

- LCMUA Utility Mapping
- Public Works in-house app creating a work management software for investigations
- Green Infrastructure Story Map
- Special Events (Pumpkin Palooza, Christmas Tree Lighting)
- ArcGIS Server migration and upgrade
- TIRZ District (calculations and mapping)

CODE UPDATES

- Landscaping and Tree Preservation
- Fence and Screening Regulations
- Sign Regulations (Balloon Signs)
- Zoning Dimensional Regulations Chart
- Accessory Buildings and Uses
- Certificate of Occupancy
- No Idling
- Building Materials and Zoning Board of Adjustment Procedures
- Subdivision Submittal and Processing Requirements
- Waste Receptacles
- Health Code Update
- Fee Update
- Zoning Public Notice Procedures

Total: 13

PERMITS ISSUED

| PERMIT TYPE | NUMBER OF PERMITS ISSUED | VALUATION | FEES CHARGED |
|---------------------------|--------------------------|------------------------|---------------------|
| ACCESSORY STRUCTURE | 31 | \$300,027.47 | \$2,107.75 |
| CELL TOWER | 2 | \$200,000.00 | \$1,850.50 |
| CERTIFICATE OF OCCURANCY | 9 | \$0.00 | \$607.90 |
| DECK | 4 | \$45,300.00 | \$929.32 |
| DEMOLITION | 3 | \$0.00 | \$50.00 |
| ELECTRICAL | 14 | \$10,993.00 | \$819.70 |
| FENCE | 34 | \$189,624.00 | \$1,928.84 |
| FLATWORK | 13 | \$18,150.00 | \$298.95 |
| HEALTH INSPECTION | 9 | \$0.00 | \$1,765.80 |
| HOUSEHOLD CHICKEN | 4 | \$0.00 | \$0.00 |
| IRRIGATION | 53 | \$52,300.00 | \$1,907.90 |
| MECHANICAL HVAC | 118 | \$586,540.80 | \$2,850.45 |
| MISC | 42 | \$1,082,772.15 | \$14,057.95 |
| MULTI FAMILY REG AND INSP | 1 | \$0.00 | \$2,688.00 |
| NEW CONSTRUCTION | 48 | \$19,500,582.48 | \$637,783.41 |
| OUTDOOR KITCHEN FIRE PIT | 6 | \$77,853.12 | \$1,193.97 |
| PATIO COVER ARBOR | 48 | \$523,766.56 | \$12,411.83 |
| PLUMBING | 68 | \$120,187.34 | \$1,499.10 |
| RIGHT OF WAY | 5 | \$0.00 | \$0.00 |
| ROOM ADDITION REMODEL | 8 | \$399,548.60 | \$4,039.96 |
| SEWER | 1 | \$0.00 | \$23.95 |
| SIGN | 31 | \$346,769.75 | \$7,365.50 |
| SOLAR PHOTOVOLTAIC | 22 | \$19,000.00 | \$499.50 |
| SPECIAL EVENT | 2 | \$0.00 | \$100.00 |
| SWIMMING POOL SPA | 28 | \$1,195,026.00 | \$15,824.97 |
| WATER HEATER CHANGE OUT | 138 | \$159,077.17 | \$2,944.90 |
| Totals: | 742 | \$24,226,258.44 | \$717,330.13 |

NEW CONSTRUCTION PERMITS SUMMARY

| Type | Amount | Valuation |
|-----------------|--------|--------------|
| Non-Residential | 9 | \$3,290,322 |
| Residential | 39 | \$16,210,260 |
| Total | 48 | \$19,500,582 |

- Projected Increase in Ad Valorem Taxes of \$106,278



CODE ENFORCEMENT CASELOAD SUMMARY

| CASE TYPE | NUMBER OF CASES |
|------------------------------|-----------------|
| ACCESSORY STRUCTURE | 1 |
| DISCHARGE PROHIBITIONS | 14 |
| EROSION AND SEDIMENT CONTROL | 4 |
| FENCES | 22 |
| HIGH GRASS AND WEEDS | 817 |
| HOME BUSINESS CONDITIONS | 2 |
| HOUSEHOLD CHICKENS | 1 |
| PERMITS | 5 |
| PROPERTY MAINTENANCE | 149 |
| SIGN | 6 |
| TRASH | 322 |
| TREES AND SHRUBS | 100 |
| VEHICLES | 393 |
| Grand Total of Cases | 1836 |



CODE ENFORCEMENT CASELOAD SUMMARY

- **Cases opened: 1836**
- **Cases closed: 1780**
- **Cases solved by door hangers: 1,129**
- **Cases solved by courtesy letters: 623**
- **Cases solved by citations: 28**

CAPITAL IMPROVEMENT PLAN ACTIVITY

- Quail Run Elevated Storage Tank 1.0 MG
- 20" Offsite Waterline for Quail Run EST
- Lake Sharon/Dobbs/Corinth Parkway Realignment
- Lake Sharon Extension to FM 2499
- Lynchburg Creek Flood Mitigation projects
- Amity Village Area
- Red Oak Drive Area

ENGINEERING PERMITS & IMPACT FEES

- Right of Way permits issued: 28 ROW Permits
- Impact fees collected: \$861,329 (Water, Sewer, Roadway)
- Construction inspection fees collected: \$24,486
- Water and Sewer Tap fees: \$204,021
- Valuation of public improvements dedicated to City: \$2,044,360

LONG-RANGE PLANNING ACTIVITY

Anticipated Plans for Fiscal 2019 – 2020:

- Comprehensive Plan Update

- Parks and Trails Master Plan Update

Special Projects for Fiscal Year 2019 – 2020:

- Sign Code overhaul
- Climate Resiliency Plan completion
- iSWM adoption
- Solar Panel feasibility study for City facilities

NEW AWARDS & ACCOMPLISHMENTS

- Planning Excellence Award – TXAPA
- Green Infrastructure Story Map
- Grant application for sidewalks to schools
- Grant application for green infrastructure around City Hall

CONCLUSION

It continues to be a great pleasure for my staff and I to serve the Corinth community. Thank you to Mayor Heidemann and the entire City Council for affording us the opportunity to improve this thriving city.

Development services are critical to the long-term prosperity of any city, shaping the vision of our community into a reality while preserving quality of life. This is a responsibility that I and my staff do not take lightly. We have and will continue to work diligently and ethically to help create the best Corinth possible.

We look forward to continued success under your leadership.

Mayor Heidemann - thank you for this presentation and thank you for all your efforts and commitment to the citizens of Corinth. The Department is doing a great job!

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 a Resolution approving the rules for the electronic receipt of bids or proposals.
2. Consider and act on an Interlocal Agreement for services between the City of Corinth and SPAN, Inc.

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

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.

PUBLIC HEARING:

- 3. **Hold a Public Hearing to consider testimony and act upon an ordinance rezoning an approximate 38.01 acre tract of land from PD, Planned Development (C-1, Commercial), and I, Industrial to PD, Planned Development zoning district with a base zoning designation of C-2, Commercial. The property is legally described as CoServ Flex Addition, Lot 1 (Exempt Portion)(Partial), and Tracts 12A(Partial) and Old DCAD Tract #3D of the H.H. Swisher Survey, Abstract 1220A within the City of Corinth, Denton County, Texas and is more commonly known as 7801 S I-35E and 7805 S I-35E, Corinth, TX (Global Spheres Center).**

Councilmember Garber recused himself from any discussion and action on Public Hearing item #3.

Ben Rodriguez, Planning and Development Manager - The applicant is requesting a Planned Development district to facilitate the subdivision of their property. The City’s Unified Development Code provides for setbacks from adjacent property lines to ensure appropriate spacing between structures on adjoining lots. The applicant is requesting a Planned Development district in order to reduce the side yard setback so that the property may be subdivided to facilitate the potential future sale of land. Staff has also proposed amendments to the proposed development standards to provide additional flexibility for the use of the property such as removing the requirement for a Special Use Permit for Farmer’s Market events and providing flexibility to the number of required parking spaces needed for shared users.

Finally, the entire property is being rezoned into one base district of C-2 Commercial to provide continuity in allowable uses and development regulations.

The Planning and Zoning Commission unanimously recommended their approval of the item at their November 18, 2019 meeting. Staff recommends approval as presented.

Councilmember Henderson - this is just for the setbacks? Under the uses it says one of the main used could be a hotel but then it says it cannot be any higher than 2 ½ stories? To me that could be a little inconsistent.

Ben Rodriguez, Planning and Development Manager - correct. That was on the original plan as well. I guess in theory there could be a smaller scale bed and breakfast or some sort of other hotel there that would meet those requirements.

Councilmember Henderson - also, under uses prohibited is laundry, carwash, full service and self-service, so that means that a gas station, convenient store or anything else like that could come in there?

George Rodriguez, Planning and Development Manager - it would depend on the base zoning district but as it is today, yes. That would be the same if this is not approved tonight, that is how it is worded in the current Ordinance.

Mayor Heidemann opened the Public Hearing at 7:22 p.m. No Public Comments were made.

Mayor Heidemann closed the Public Hearing at 7:22 p.m.

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

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

MOTION CARRIED

4. **Hold a public hearing regarding proposed amendments to the City's Unified Development Code, Section 1, Provisions and Procedures; Subsection 1.03 Universal Submittal and processing Procedures (pre-application meetings); Section 3, Subdivision Regulations, Subsection 3.04 Construction Plans and Procedures, Section 3.04.06 Inspection, Maintenance, and Acceptance of Public Improvements (Inspection fees); Section 3.05 Subdivision Regulations, Section 3.05.07 Easements and Dedications, Section 3.05 Retaining Wall Construction, Section 3.05.12 Sidewalks, Section 3.05.13 Streets, Section 3.05.16 Drainage and Storm Water (Drainage, Floodplain, Side walks, Retaining Walls & Streets); Section 5 Definitions, 5.02 Words and Terms Defined.**

George Marshal, City Engineer - this item was presented a few weeks ago during a Workshop Session. The following are the actions requested for tonight's Public Hearing.

1. An amendment to the City's Unified Development Code, Section 1, Provisions and Procedures; Subsection 1.03 Universal Submittal and Processing Procedures. (Pre-application meetings)
2. An amendment to the City's Unified Development Code, Section 3, Subdivision Regulations; Subsection 3.04 Construction Plans and Procedures; Section 3.04.06 Inspection, Maintenance, and Acceptance of Public Improvements. (Inspection fees)
3. An amendment to the City's Unified Development Code, Section 3, Subdivision Regulations; Subsection 3.05 Subdivision Regulations; Section 3.05.07 Easements and Dedications, Section 3.05.11 Retaining Wall Construction, Section 3.05.12. Sidewalks, Section 3.05.13. Streets, Section 3.05.16. Drainage and Storm Water. (Drainage, Floodplain, Sidewalks, Retaining Walls & Streets)
4. An amendment to the City's Unified Development Code, Section 5 Definitions, 5.02 Words and Terms Defined

Background Information:

Staff is proposing changes to the Unified Development Code (UDC) to address several engineering development items. The proposed changes are either in relation to become certified in the integrated Storm Water Management Criteria Manual for Drainage Design from the North Central Texas Council of Governments (NCTCOG) or promote the City's design standards to be more in line with the metroplex. It is important to establish quality engineering standards for both public and private infrastructure to reduce long term maintenance and replacement costs as well as maintain an attractive community for future residents and businesses.

Pre-application Meetings

1. 1.03 Universal Submittal and Processing Procedures
1. 1.03.02 – Pre-Application Conference - Adding language to the UDC mentioning that at the pre-application conference that staff will be available to discuss the City's Storm Water Management Plan and the iSWM Standards. This is required for iSWM Silver certification.

Inspection Fees

2. 3.04 Construction Plans and Procedures
1. 3.04.06 – Inspection, Maintenance, and Acceptance of Public Improvements – Establishing that the inspection fee shall be collected for both public and private infrastructure, moving the fee percentage from the UDC to the master fee schedule, adjusting the inspection hours based on the hours the inspectors work, and clarifying that the maintenance bond is only for the public infrastructure.

Drainage, Floodplain, Side walks, Retaining Walls & Streets

3. 3.05 Subdivision Regulations:
 1. 3.05.07 – Easements and Dedications
 1. Drainage Easements – Shall be designed for the 1% frequency storm. Clarifying the definition and removal of unnecessary information.
 2. Floodplain Easements – Defined to the fully developed condition of the watershed. Adding section that floodplain easements and floodplain shall not encroach on single-family residential lots that are less than ½ acre in size. The subdivision could be designed in such a way to prevent homeowners from having floodplain within their lot boundaries.
 3. Retaining Wall Easements – Establishing dimension criteria for the no build zone and clarification of the width of an easement shall be in proportion to the wall height including subsurface elements.
 2. 3.05.11 Retaining Wall Construction – allow for retaining walls that are greater than 4 feet but include requirements that the wall be properly engineered and built within appropriate easements.
 3. 3.05.12 Sidewalks – require all developments to provide sidewalk. Remove caveat that sidewalks are not required along I-35E. The removal of this language will assist in promoting a walkable community. Sidewalks can be constructed based on ultimate conditions of I-35E. Staff would recommend during site plan approval if a property should not be required to install sidewalk along I-35E.
 4. 3.05.13 Streets – Minimum street grades changed from 0.3% minimum and 0.5% preferred to 0.5% minimum and 0.8% preferred. Will allow for better long-term drainage along street segments with the clay soils found in the region.
 5. 3.05.16 Drainage and Storm Water – clarifying the criteria that drainage improvements shall be collected into an underground system and designed to fully developed conditions. Additionally, grassed swales shall have a side slope of 4:1 as opposed to 3:1.

Furthermore, staff will present a revised Engineering Standards Manual (ESM) and Drainage Design Manual also known as the iSWM Criteria Manual. The changes within the ESM and Drainage Design Manual will put Corinth in line with other municipalities within the region.

•See <https://www.cityofcorinth.com/engineering/page/2019-engineering-design-standards> for:
 Revised Engineering Design Manual
 Comparison of Changes to the Engineering Design Manual
 Drainage Design Manual (aka iSWM Criteria Manual)

The Planning & Zoning Commission unanimously recommended approval of the item at their November 18, 2019 meeting.

Staff recommends approval as presented.

George Marshal, City Engineer - the purpose and the reason for these standards is to help prevent future problems and typically we don't see those problems within the first five years, we see them 10, 15 or 20 years down the road so that is the goal here this evening is to prevent that.

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.

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

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

ABSENT: None

MOTION CARRIED

5. **Hold a Public Hearing to consider testimony and act upon an ordinance rezoning a ±2.327 acre tract of land from Mixed-Use Commercial (MX-C) to a Planned Development with a base district of Mixed-Use Commercial (MX-C) The property is legally described as Abstract 0511A E.A. Garrison Survey, Tract 19(Partial), Tract 20(Partial), Tract 21 (Partial), Tract 22, Tract 23(Partial). This property is located at the southwest corner of the intersection of I-35E and Lake Sharon Dr. /Meadow Oaks Dr. (Magnolia Center).**

Helen-Eve Liebman, Planning and Development Director - The applicant is requesting a Planned Development district to facilitate the construction of two multi-tenant lease buildings on the property. The City's Unified Development Code provides for setbacks from adjacent property lines to ensure appropriate spacing between structures on adjoining lots.

The proposed Planned Development district regulations reduce the front yard setback along Tower Ridge Drive to allow for the use of a larger portion of the property. The property has frontages on three public right of ways and each frontage requires a front yard setback with a minimum depth of forty (40) feet. This would substantially reduce the amount of developable land on this small property and reducing this setback allows for a better use of the property in accordance with the proposed site configuration.

The Planned Development request reduces the setback along Tower Ridge from forty (40) feet in depth to twenty (20) feet in depth.

The applicant has intentions to establish a restaurant at this location and has requested the inclusion of a drive through as a permitted use. At this time, it is unknown if a future restaurant will use this drive through or if it will ultimately be utilized by a different service such as a dry cleaner. Staff has included language into the PD that will ensure that the proposed drive through is not used by a stand-alone pad restaurant such as a typical fast food restaurant by requiring that the drive through only be associated with a multi-tenant building.

The Planning and Zoning Commission unanimously recommended their approval of the item at their November 18, 2019 meeting. Staff recommends approval as presented.

Councilmember Henderson - so it will more like the Starbucks off of FM 2181 not like a McDonalds that is free-standing?

Helen-Eve Liebman, Planning and Development Director - it could be a drive-thru McDonalds but it has to be a part of what they are proposing now as an 11,000 square foot building.

Mayor Heidemann opened the Public Hearing at 7:36 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:36 p.m.

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

AYES: Burke, Garber, Johnson, Henderson, Pickens

NOES: None

ABSENT: None

MOTION CARRIED

6. **Hold a Public Hearing to consider testimony and act upon an ordinance amending title XVI "Fee Schedule" of the Code of Ordinances and Section 2 "Zoning Regulations" of the Unified Development code to amend the City's engineering inspection and tree replacement fees.**

Ben Rodriguez, Planning and Development Manager - The City is working on an initiative to move all fees from multiple parts of the City's Code of Ordinances/Unified Development Code to a single section within the Code of Ordinances.

Tree Preservation fee is currently contained within the City's Unified Development Code. City Staff is requesting consideration of its removal so that it can be moved to the Code of Ordinances.

Additionally staff is proposing the inclusion of an inspection fee for civil engineering inspection of 3% of the cost of private infrastructure (drive aisles, parking lots, water/waste water lines etc.) to cover the costs of our inspectors to conduct these inspections. Currently the City collects a 3% fee only on public infrastructure but inspects both private and public infrastructure. This will ensure that the City is being adequately compensated for our inspector's time in the field.

The Planning and Zoning Commission unanimously recommended their approval of the item at their November 18, 2019 meeting. Staff recommends approval as presented.

Mayor Heidemann opened the Public Hearing at 7:38 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:38 p.m.

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

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

MOTION CARRIED

7. Hold a public hearing to consider testimony and act upon an ordinance amending the City's Comprehensive Plan "City of Corinth 2010 Comprehensive Plan" by amending the City's Master Thoroughfare Plan. (Thoroughfare Plan Amendment).

Helen-Eve Liebman, Planning and Development Director - The City is proposing changes to the City's Thoroughfare Plan to establish the locations of several roundabouts at intersections throughout the community. The roundabouts are to be located at the intersections of Dobbs Road & Quail Run Drive, Lake Sharon Drive & Parkridge Drive, and North Corinth Street & Walton Drive.

Additionally, the proposed changes designate Old Hwy 77 as a future Collector as well as extending N. Corinth Street by paralleling the DCTA rail line to connect to Corinth Parkway. The portions of N. Corinth Street and Walton Drive that are within DCTA rail line right of way will be abandoned along with the portions of N. Corinth Street that are directly south of the DCTA rail line right of way to accommodate the anticipated rail stop north of Corinth Parkway.

Finally, the proposed changes create a new Collector that will cross the DCTA rail line and connect N. Corinth Street to the northbound IH 35 frontage road.

The Planning and Zoning Commission unanimously recommended their approval of the item at their November 18, 2019 meeting. Staff recommends approval as presented.

Councilmember Henderson - what are the advantages of a round-a-bout versus a 4-way stop?

Helen-Eve Liebman, Planning and Development Director - there are a lot of pluses to it, one of the biggest is that it is safer because there are a lot more opportunities for incidents at a 4-way stop. It also facilitates traffic a lot quicker and easier.

Bob Hart, City Manager - my next door neighbor cut about 12 minutes off of his commute time going thru two round-a-bouts. They are actually better than signal lights in a lot of cases.

Councilmember Henderson - a lot of these changes that we are doing, they are anticipated, we are anticipating this is going to happen, so if we approve this but our anticipations do not come to fruition then they are just approved it does not mean we have to change these streets, correct?

Helen-Eve Liebman, Planning and Development Director - this is setting us up and protecting us should our plans move forward. It is our desire that they do so we need these now. We are having discussions with folks so that folks don't see and know that there is a collector planned in that location, we can't count on it. We need the access should the property develop through our vision to be able to facilitate all of the commuters, residents and business owners in those areas.

**Mayor Heidemann opened the Public Hearing at 7:50 p.m. No one spoke during the Public Hearing.
Mayor Heidemann closed the Public Hearing at 7:50 p.m.**

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

BUSINESS AGENDA:

8. Consider and act on an ordinance amending the City of Corinth Code of Ordinances by adopting a new Section 153 "Drainage Design Standards"; adopting the Drainage Design Manual; and adopting a new Section 156 "Engineering Standards"; adopting the revised Engineering Standards Manual.

George Marshal, City Engineer - The City of Corinth began using the current Engineering Design Manual (EDM) in May 2013. The document is referenced within the Unified Development Code however it has not been officially adopted within the codes of the City of Corinth. Based on current legislative environment, staff is recommending adoption of the Engineering Standards Manual within the Code of Ordinances, Section XV Land Usage.

Staff is additionally recommending changes to the EDM based on current standards of practice within the Engineering and Development field. Part of the proposed changes within the Engineering Design Manual include removal of the drainage design criteria and reference the North Central Texas Council of Governments (NCTCOG) Integrated Storm Water Management Criteria Manual (iSWM) to be known as the City of Corinth Drainage Design Manual.

The iSWM Criteria Manual provides clear and specific engineering design standards related to the development and re-development of properties within Corinth. It includes usage of the most up to date design standards that at least 14 other communities within the Dallas/Fort Worth Metroplex. It will be staff's desire to request NCTCOG iSWM committee to review our standards to become Silver Certified.

Staff recommends approval of an ordinance amending the City of Corinth Code of Ordinances by adopting a new Section 153 "Drainage Design Standards"; adopting the Drainage Design Manual; and adopting a new Section 156 "Engineering Standards"; adopting the revised Engineering Standards Manual.

The Planning and Zoning Commission unanimously recommended the item at their November 18, 2019 meeting for approval by City Council.

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

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

MOTION CARRIED

9. Appoint Chair and Vice-Chair to the Planning and Zoning Commission per the City Charter procedures.

Bob Hart, City Manager - this item is required by the City Charter to have the Council approve the Chair and Vice Chair. The Commission is recommending Brian Rush to the Chair position and Lindsey Baker as the Vice Chair position.

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

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

MOTION CARRIED

10. Consider and act on a Resolution casting votes for membership to the Board of Directors of the Denton Central Appraisal District.

Bob Hart, City Manager - The taxing jurisdictions within Denton County may cast votes appointing individuals to the Denton Central Appraisal District Board of Directors. The distribution of votes to each taxing entity is based on the 2018 tax levy. The City of Corinth has twenty-eight (28) votes. The City may cast all its votes for one candidate or may distribute the votes among any number of candidates. The City may only cast the votes for a person that was nominated and is named on the ballot. Each taxing unit must cast its vote by written Resolution and submit it to the Chief Appraiser before December 15, 2019.

MOTION made by Councilmember Garber to approve the Resolution casting votes for Kelly Sayre for membership to the Board of Directors of the Denton Central Appraisal 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.

Councilmember Burke - I would like to recognize the staff, I think sometimes these meetings look like not much is going and I think the items that they bring to us are so well put together and thought out, discussed in advance and are good solutions to the problems that are presented to this City. I think it makes our meetings much more efficient and I really do appreciate it.

Councilmember Henderson - I would like to give cud do's to the staff also for the Tree Lighting, it was so nice and thank

you Helen-Eve for the great presentation. I would like to ask for the following items to be placed on a future agenda.

1. Discussion on meeting dates of the City Council
2. Discuss a Youth Advisory Counsel
3. Move the Alt member on the Planning and Zoning Commission to the open board member position.

Bob Hart, City Manager - on Saturday, December 19th we will have Coffee with a Cop at Chick-fil-a from 8:00 a.m. - 10:00 a.m.

We will not need a second Council meeting in December.

Mayor Heidemann - this is our last meeting and I wish everyone a Merry Christmas and a lot of cheer.

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.

Council met in Closed Session from 6:48 p.m. until 7:02 p.m.

a. Receive and hold discussion on the Initial offer for ROW purchase associated with the Lake Sharon Dobbs Rd Realignment ST18-01 project.

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.

11. Consider and act on the Lake Sharon Dobbs Road Realignment ST18-01 Project.

MOTION made by Councilmember Burke to authorize the City Manager to make initial offers to landowners for purchase of land to the Lake Sharon/Dobbs Road Realignment ST18-01 Project. Seconded by Councilmember Garber.

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

MOTION CARRIED

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:03 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2020.

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: Harley Davidson PD Amendment
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: Land Development
Economic Development

AGENDA ITEM

The Corinth City Council will hold a public hearing, consider testimony, and act upon a request for a zoning change from C-2 Commercial and PD, Planned Development to PD, Planned Development #26 with a base zoning designation of C-2, Commercial on an approximate 8.267 acre tract of land legally described as lot 1, block 1 of the Happily Ever After Addition, lot 1, block 1 of the Harley Davidson Corinth Addition and Tract 5(PT) of the J.B. Thetford Survey, Abstract No. 1308A. The property is located at the southwest corner of IH 35 and Church Dr. and is more commonly known as 5900 S I-35E, 5920 S I-35E and 2816 Church Dr. (Harley Davidson PD Amendment)

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Staff Response
5. Take Action

AGENDA ITEM SUMMARY/BACKGROUND

The applicant is requesting a Planned Development PD district to facilitate the development of a new restaurant/event venue as well as an enclosed storage area for motorcycles.

Harley Davidson was originally zoned as a Planned Development in 2015 to allow for the sales of motorcycles and was last amended in 2018 to allow the installation of shade canopies over portions of the parking lot and the installation of gas pumps for their private use.

Since the start of their operations the location has been a great success, as a result of this success the owners are requesting the approval to construct an attached and enclosed storage area to store motorcycles intended for sale or to store customer's vehicles under repair. Additionally, Harley Davidson purchased the adjoining property north of their existing dealership at 2816 Church Street and are requesting the ability to store motorcycles in this location. 2816 Church Street was formerly used as a wedding venue and the rezoning to allow the storage of motorcycles within the building is anticipated to generate less traffic than its former use as a wedding venue.

The owners are also requesting the ability to construct a 2,244 sqft. training facility adjacent to the existing collision center located at the rear of the property. Harley Davidson offers training courses for new motorcycle drivers and this will provide them with a space to do classroom instruction indoors.

The proposed Planed Development will also incorporate the property at the southwest corner of Church Street and the IH35 frontage road located at 5900 S IH35E by rezoning the property from C-2, Commercial to Planned Development. The owner intends for this property to be the location of a restaurant with an associated 17,710 sqft. covered event space to be used for future events such as live music, movie nights, sales events, and to serve as a community gathering place for the City.

The proposal is also seeking amendments to the City's sign code by allowing a lit sculpture on the roof of the

facility that is to be shaped like a motorcycle utilizing LED lighting. The City's sign code typically does not allow signs to be placed above to roof line. This is often done by cities to prohibit billboards or other forms of large signage from being placed on the top of a building. Staff feels that the proposed sign is more artistic in nature as it does not contain any text or copy and is open to its inclusion within the PD. Additionally, the applicant is requesting to install a water tower/cistern on the site to provide a location for additional signage on the property. The water tower has become a trademark for Harley Davidson dealerships and mimics the water tower located at the company's headquarters. Despite not meeting our sign code staff supports the applicant's request as we feel that it is an innovative way to provide signage to the location and helps create a sense of place for not only the dealership but also as a landmark for the community as a whole. Staff wishes to encourage creative and innovative proposals that have the potential to enhance the Community's aesthetics as viewed from the Interstate.

Public Notices:

Public notices were mailed to all residents within 200 feet of the proposed change on November 25, 2019. At the time of packet creation there were no letters in support or in opposition to the proposed change.

Notice of the public hearing was published in the November 27, 2019 edition of the Denton Record Chronicle.

Compliance with the Comprehensive Plan:

The Comprehensive Plan designates the future land use of this area as predominately Commercial with a small portion encompassing 2816 Church Street being identified as residential. However, the properties have been occupied as nonresidential uses and are currently zoned commercial.

Staff believes that the proposal complies with the City's Comprehensive Plan.

Supporting Documents:

- Proposed Ordinance
- Mailed Public Notice

RECOMMENDATION

At the Planning and Zoning Commission meeting on December 16, 2019 the Commission voted to recommend their approval (3-Yes; 1-No)

Staff recommends approval as presented.

Attachments

Harley Davidson PD Ordinance
Harley Davidson Mailed Notice

ORDINANCE NO. 20-01-23-__

HARLEY DAVIDSON PLANNED DEVELOPMENT DISTRICT #26

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING HARLEY DAVIDSON PLANNED DEVELOPMENT DISTRICT NO. 26 (“PD-26”) AS SET FORTH HEREIN AND REPEALING AND REPLACING PREVIOUSLY ADOPTED ORDINANCE NOS. 01-08-16-16, 07-02-15-03, 14-05-15-21, AND 16-08-18-25 THAT ESTABLISHED AND AMENDED PD-26; PROVIDING THAT THIS ORDINANCE AMENDS THE CITY’S COMPREHENSIVE PLAN, SPECIFICALLY THE COMPREHENSIVE ZONING ORDINANCE AND THE “OFFICIAL ZONING DISTRICT MAP OF THE CITY OF CORINTH, TEXAS,” EACH BEING A PART OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH, BY AMENDING THE ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN, FROM C-2 COMMERCIAL, AND PD-PLANNED DEVELOPMENT TO PD-PLANNED DEVELOPMENT ZONING DISTRICT NO. 26 WITH A BASE ZONING DESIGNATION OF C-2, COMMERCIAL ON AN APPROXIMATE 8.267 ACRE TRACT OF LAND LEGALLY DESCRIBED AS HAPPILY EVER AFTER ADDITION LOT 1, BLOCK 1, HARLEY DAVIDSON CORINTH ADDITION, LOT 1, BLOCK 1 AND TRACT 5(P.T) OF THE J.B. THETFORD SURVEY, ABSTRACT 1308A WITHIN THE CITY OF CORINTH, DENTON COUNTY, TEXAS AND IDENTIFIED AS HARLEY DAVIDSON PLANNED DEVELOPMENT DISTRICT NO. 26 (“PD-26”); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION (EXHIBIT “A”); APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN (EXHIBIT “B”); APPROVING PLANNED DEVELOPMENT LAND USE REGULATIONS (EXHIBIT “C”); PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 A DAY FOR EACH VIOLATION OF THE ORDINANCE AND A SEPARATE OFFENSE SHALL OCCUR ON EACH DAY THAT A VIOLATION OCCURS OR CONTINUES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, adopted Ordinance No. 13-05-02-08, which established a Unified Development Code of the City, including the Comprehensive Zoning Ordinance and the “Official Zoning District Map of the City of Corinth, Texas,” (the “Zoning Map”), in accordance with the City’s Comprehensive Plan; and

WHEREAS, the Property, described in Exhibit “A”, is zoned as C-2, Commercial and PD-Planned Development zoning districts, more specifically identified as Harley Davidson Planned Development District No. 26 (“PD-26”) with a base zoning designation of C-2, Commercial under the City’s Unified Development Code and as designated on the City’s Zoning Map; and

WHEREAS, the City has previously taken action to zone the Property as PD-26 through the adoption of Ordinance Nos. 01-08-16-16, 07-02-15-03, 14-05-15-21, and 16-08-18-25 (collectively “Prior PD-26 Ordinances”); and

WHEREAS, an authorized person having a proprietary interest in the Property has requested an Amendment to the Comprehensive Zoning Ordinance and the Zoning Map to change the zoning classification of the Property and due to the large number of prior amendments to PD-26, it was determined appropriate to incorporate newly proposed amendments to PD-26 and previously approved amendments to PD-26 into this Ordinance, thus necessitating the repeal of the Prior PD-26 Ordinances; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said change in zoning should be made; and

WHEREAS, the City Council has determined that the Property has unique characteristics and zoning through a planned development district is the most appropriate mechanism for zoning the Property, thus an amendment to the Comprehensive Zoning Ordinance and the Zoning Map of the City’s Unified Development Code in accordance with the Land Use Regulations set forth in Exhibit “C” should be approved; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of neighborhoods; location, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the proposed district and its peculiar suitability for particular use requested and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council finds that the requested amendments to PD-26 as set forth herein and the repeal of Prior PD-26 Ordinances should be adopted as an amendment to the Comprehensive Zoning Ordinance and Zoning Map in order to effect the change in zoning for the Property and thus such amendment promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the

adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

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
LEGAL PROPERTY DESCRIPTION; AMENDMENT**

That Ordinance No. 13-05-02-08, adopting the Unified Development Code of the City of Corinth (“UDC”), including the Comprehensive Zoning Ordinance that establishes zoning districts in accordance with the City’s Comprehensive Plan and the Zoning Map of the City of Corinth is hereby amended to change the zoning classification on an approximate 8.267 acre tract of land described in "Exhibit A" attached hereto and incorporated herein (the “Property”), from C-2, Commercial and PD-Planned Development, to PD-Planned Development zoning district with a base zoning designation of C-2, Commercial and identified as Harley Davidson Planned Development District No. 26 (“PD-26”), and the Zoning Map of the City is also hereby amended to reflect the new zoning classification for the Property. Ordinances 01-08-16-16, 07-02-15-03, 14-05-15-21, and 16-08-18-25 that established and amended the original Planned Development District No. 26 for the Property are hereby repealed and replaced by this Ordinance.

**SECTION 3.
PLANNED DEVELOPMENT CONCEPT PLAN**

The Planned Development Concept Plan for the Property is set forth in “Exhibit B”, a copy of which is attached hereto and incorporated herein, is hereby approved.

**SECTION 4.
LAND USE REGULATIONS**

- A. The Zoning and Land Use Regulations set forth in “Exhibit C” attached hereto and made a part hereof for all purposes are hereby adopted and shall be adhered to in their entirety for the purposes of this PD-Planned Development zoning district with a base zoning designation C-2, Commercial. In the event of conflict between the provisions of “Exhibit C” and provisions of any other City zoning or development regulations, including without limitation the regulations governing the C-2, Commercial zoning district, the provisions of “Exhibit C” shall control.
- B. That the zoning regulations and district herein established have been adopted in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present

conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community

- C. The Planned Development Concept Plan (Exhibit “B”) and the Land Use Regulations (Exhibit “C”) shall control the use and development of the Property, and all building permits and development requests shall be in accordance with applicable City ordinances, the PD Concept Plan and Land Use Regulations. The PD Concept Plan and Land Use Regulations shall remain in effect as set forth herein unless amended by the City Council.
- D. If a change to the Concept Plan, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development and shall be subject to City Council approval.

**SECTION 5.
PENALTY FOR VIOLATIONS**

Any person, firm, or corporation who intentionally, knowingly or recklessly 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 the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 6.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance 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 7.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances 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. 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. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 8.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning for the Property which have secured 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 court.

**SECTION 9.
EFFECTIVE DATE**

This ordinance shall become effective after approval and publication as provided by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

PASSED AND APPROVED THIS 23rd DAY OF JANUARY, 2020.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTE DESCRIPTION

8.267 Acre Tract

BEING all that certain lot, parcel, or tract of land situated in the J.B. Thedford Survey, Abstract Number 1308, City of Corinth, Denton County, Texas, being a portion of that certain tract of land described by deed to Terry's Treehouse Learning Center LLC, as recorded under Instrument Number 2001-83544, of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the northwest corner of the herein described tract, same being the northeast corner of Lot 1R, of Happily Ever After Addition, an addition to the City of Corinth, Denton County, Texas, according to the plat thereof, as recorded in Cabinet R, Page 351, of the Plat Records of Denton County, Texas (P.R.D.C.T.), also being the southwest corner of a tract of land described by deed to the City of Corinth, as recorded under Instrument Number 2008-118301, D.R.D.C.T, also being in the south line of Church Drive;

THENCE North 89 degrees 40 minutes 17 seconds East, with the south line of said Church Drive and the south line of said City of Corinth tract, a distance of 49.56 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the most westerly corner of a tract of land known as "Parcel 35" as described in exhibit prepared by Surveying and Mapping, Inc., dated 07/30/2012, (Job Number 0196-01-100), also being in the proposed west Right-of-Way line of Interstate 35E as described in said exhibit;

THENCE South 67 degrees 11 minutes 52 seconds East, with the most northerly west line of said Parcel 35 and the proposed west line of said Interstate 35E, a distance of 19.45 feet to a Texas Department of Transportation (TXDOT) monument found for corner, same being an angle point in the west line of said Parcel 35;

THENCE South 37 degrees 30 minutes 54 seconds East, with the west line of said Parcel 35 and the proposed west line of said Interstate 35E, a distance of 210.18 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, said point being an angle point in the west line of said Parcel 35;

THENCE South 37 degrees 13 minutes 53 seconds East, with the west line of said Parcel 35 and the proposed west line of said Interstate 35E, a distance of 36.46 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the southwest

corner of said Parcel 35, also being in the north line of Lot 1, in Block 1, of Harley-Davidson Corinth, an addition to the City of Corinth, Denton County, Texas, according to the plat thereof, as recorded in Cabinet Y, Page 212, P.R.D.C.T.;

THENCE South 88 degrees 56 minutes 55 seconds West, with the north line of said Lot 1, a distance of 217.23 feet to a ½ inch iron rod with yellow cap stamped “Arthur Surveying Company” set for corner, same being the northwest corner of said Lot 1, also being in the east line of said Lot 1R, said point being witnessed by a ½ inch iron rod found, which bears South 00 degrees 05 minutes 41 seconds East, a distance of 0.47 feet;

THENCE North 00 degrees 05 minutes 41 seconds West, with the east line of said Lot 1R, a distance of 206.98 feet to the **POINT OF BEGINNING** and containing 0.660 acre of land, more or less, and being subject to any and all easements that may affect.

EXHIBIT "B"
CONCEPT PLAN

EXHIBIT “C”

Land Use & Development Regulations American Eagle Harley Davidson PD#26

Section 1: Use Regulations

- (A) All Uses Permitted in the C-2, Commercial District shall be permitted within this planned development district and the following uses shall also be allowed:
- 1) Outside display of motorcycles for sale and a motorcycle service and repair shop, within the building.
 - 2) Allow the use of the rear parking lot designated as “Riders Edge Training Area” as a motorcycle training area between the hours of 8:00 A.M. and 7:00 P.M, Monday- Sunday.
 - 3) Allow up to seven (7) permanent shade structures on the site to cover parking areas.
 - 4) Allow for a pavilion to be constructed and used for events, parking, and shade. Examples of potential events include concerts, farmers markets, festivals, drive-in movies, and weddings. A pavilion is in addition to the seven (7) permanent shade structures. Events shall be conducted in accordance with all City ordinance requirements, including without limitation permitting requirements, if applicable.
 - 5) Allow for signage on all buildings, generally as illustrated on Exhibit “B”.
 - 6) Allow for a restaurant building(s).
 - 7) Allow for a classroom building(s).
 - 8) Allow for an additional storage/garage building.
 - 9) Allow for electric vehicle charging stations.
 - 10) Allow for a wooden fence with metal support poles adjacent to the portion of the property that is bordering residential lots to the west and south. Fencing shall comply with applicable ordinance requirements, including without limitation, requirements for materials, height, and permitting.
 - 11) Allow for a lighted motorcycle sculpture to be placed on roof of main show room.
 - 12) Allow for fuel storage tanks (not for public use/sale).
 - 13) Allow for a water cistern with logo/signage to be used for water harvesting and/or landmark purposes (not for public use, not for cell device use, on-site logo/signage only)

Section 2: Area Regulations

- (A) Area regulations shall comply with the C-2, Commercial Zoning District as they exist at the time of development or application for a Certificate of Occupancy.



**Planning and Zoning Commission Regular Meeting, Holiday Schedule,
Date: MONDAY, DECEMBER 16, 2019 AT 6:30 P.M.
AND
City Council Regular Session,
Date: THURSDAY, JANUARY 23, 2020 AT 7:00 P.M.**

Dear Property Owner:

The Planning and Zoning Commission of the City of Corinth, Texas will hold a Public Hearing on **Monday, December 16, 2019 at 6:30 P.M.** and The City Council of the City of Corinth will hold a Public Hearing on **Thursday, January 23, 2020 at 7:00 P.M.** in the Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas, to hear public opinion regarding the following:

A rezoning request by CCM Engineering on behalf of the owner, 2-10 Properties LLC, to amend the zoning classification from Planned Development (C-2, Commercial) and C-2, Commercial to a Planned Development, with a base zoning of C-2, Commercial on an 8.267 acre tract of land legally described as Harley-Davidson Corinth Block 1 Lot 1, Happily Ever After Addition Lot 1R, and Tract 5(Partial), Old DCAD Tract 2B. The property is situated in the J.B. Thetford Survey, Abstract A1308A, and is more commonly known as 5900 S I-35E, 5920 S I-35E and 2816 Church Dr. Corinth, Texas (Harley Davidson Planned Development).

This property is generally located at the southwest corner of the intersection of I-35E Frontage Road and Church Drive.

As a property owner within two hundred (200) feet of this property, you are invited to attend these meetings and voice your opinion. You are not required to be present, but all interested parties wishing to be heard should appear at the time and place stated above.

Your opinion regarding the request on the property described above may be expressed by notation on this form or by letter. You may support or oppose this request; your opposition will be considered a protest.

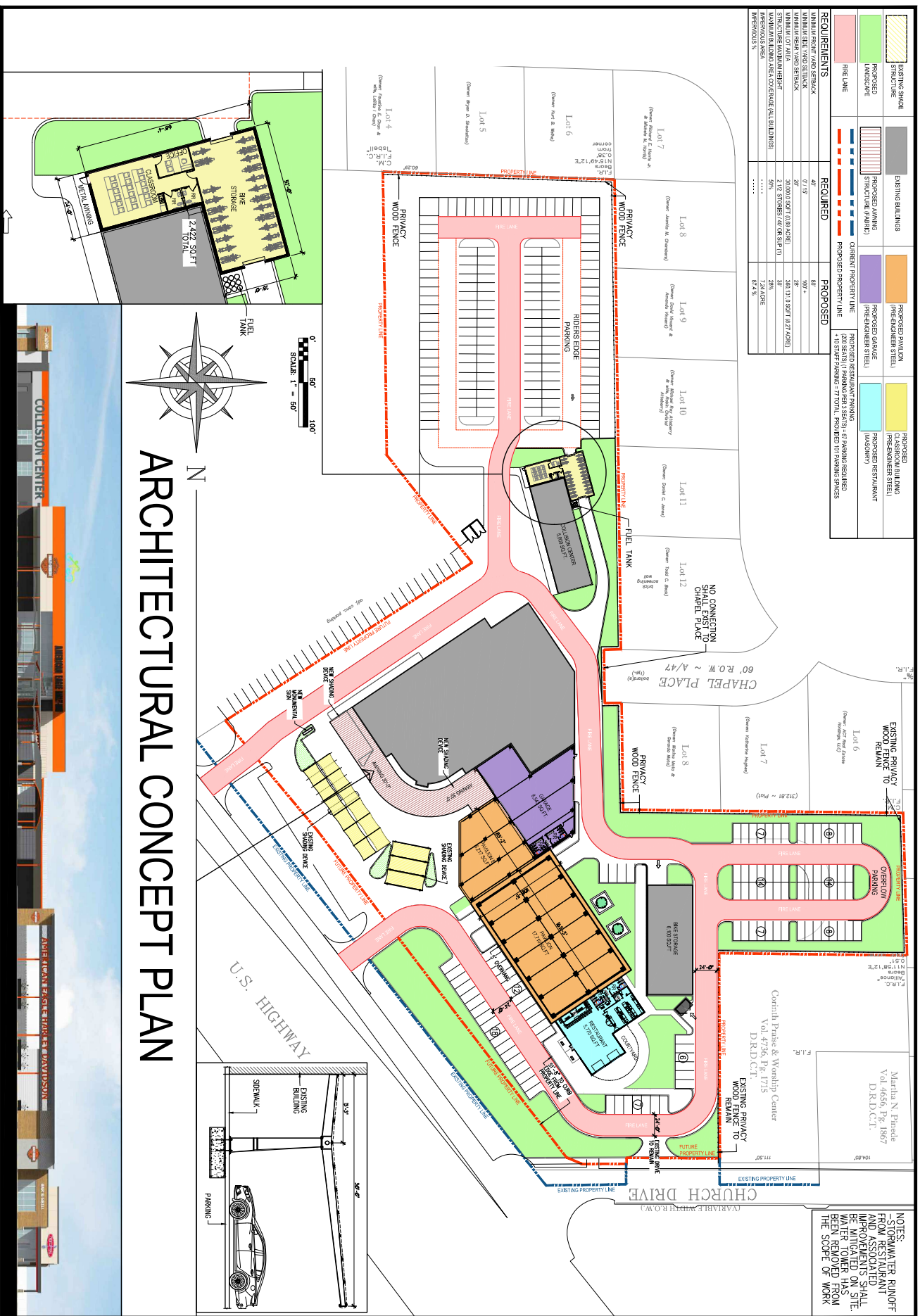
I am writing in **(Check as applicable) Support:** ____ **Opposition:** ____ of the proposal.

Name/Address

Please do not hesitate to contact Ben Rodriguez (ben.rodriguez@cityofcorinth.com) at (940) 498-3261 if you have any questions regarding this rezoning request.

This item is scheduled to go before City Council at their regular meeting on January 23, 2020. Please check the City Council agenda prior to the meeting to verify placement on the January 23, 2020 agenda. The agendas are available on the City of Corinth website 72 hours prior to the Planning and Zoning Commission and City Council meetings.

EXHIBIT B CONCEPT PLAN



| EXISTING SHORE STRUCTURE | EXISTING BUILDINGS | PROPOSED PAVED PAV. PRE-ENGINEERED STEEL | PROPOSED CLASSROOM BUILDING PRE-ENGINEERED STEEL |
|--------------------------|--|--|--|
| PROPOSED LANDSCAPE | PROPOSED MANNING PROPOSED LINE (FENCE) | PROPOSED GARAGE PROPOSED STEEL | PROPOSED RESTAURANT |
| REI PLANE | CURRENT PROPERTY LINE | PROPOSED RESTAURANT PARKING | PROPOSED RESTAURANT |

| REQUIREMENTS | REQUIRED | PROPOSED |
|--|---|---|
| ANNUAL FRONT YARD SETBACK | 42' | 42' |
| ANNUAL REAR YARD SETBACK | 0' / 15' | 10' / 7' |
| ANNUAL SIDE YARD SETBACK | 5' | 5' |
| STRUCTURE MAXIMUM HEIGHT | 20' / 25' (20' SETBACK) 20' / 25' (25' SETBACK) | 20' / 25' (20' SETBACK) 20' / 25' (25' SETBACK) |
| MAXIMUM BUILDING AREA COVERAGE (ALL BUILDINGS) | 50% | 28% |
| PERMISSIBLE PERCENTAGE | | 24.3% |
| PERMISSIBLE PERCENTAGE | | 24.3% |

ARCHITECTURAL CONCEPT PLAN

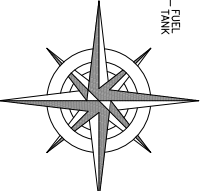


NOTES:
 - STORMWATER RUNOFF FROM RESTAURANT AND ASSOCIATED IMPROVEMENTS SHALL BE RETAINED ON SITE. BEING REMOVED FROM THE SCOPE OF WORK

Martha N. Priede
 Vol. 4056, Pg. 1867
 D.R.D.C.T.

Cornith Phares & Workshop Center
 Vol. 4786, Pg. 1715
 D.R.D.C.T.

0' 50' 100'
 SCALE 1" = 50'



City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: Fence Ordinance
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: Land Development
Citizen Engagement & Proactive Government

AGENDA ITEM

The Corinth City Council will hold a public hearing, consider testimony, and act upon and Ordinance amending the City's Unified Development Code, by amending Section 4.02.04 (B) and 4.02.08 (D) of the City of Corinth Unified Development Code to amend Sign and Fence/Screening regulations section related to fence and building permits.

- 1. Staff Presentation
- 3. Public Hearing
- 4. Staff Response
- 5. Consider Action

AGENDA ITEM SUMMARY/BACKGROUND

Corinth Planning and Development staff are proposing an amendment to the Unified Development Code to modify or eliminate exemptions to fence permitting requirements.

The City’s Unified Development Code currently provides an exemption under 4.02.04 (B) to allow for the construction/replacement of up to 50% of a fence (by linear foot) without a permit once every 2 years.

This exemption is a routine cause of contention and dispute among neighboring residents and staff has limited options for intervention, resolution, or prevention of such incidents. These disputes arise primarily due to the placement and location of fences. For example, there are instances where the fence is alleged to encroach into the neighboring property, where one neighbor is accused of modifying a fence that is the sole property of the adjoining neighbor and instances where neighbors dispute who should maintain a common fence.

When a permit is required, applicants submit a plot plan showing the location of the property lines in relation to the house and the fence if one was in place at the time of the survey. While these types of disputes are ultimately a civil matter between each party abutting the affected fence or property line, staff feels that a review of the survey for affected properties could eliminate or minimize many of these disputes.

In addition, staff has no control over the placement of fences in easements without review. Improper placement could negatively affect drainage easements and limit efficient drainage flow. A review of the plans and issuance of a permit could mitigate these impacts by pointing them out and providing corrections prior to construction and provide better enforcement regarding fence locations.

Furthermore, enforcement of the two-year timetable concerning the exception is difficult. Staff has no record of the past construction activity, so it is difficult to prove if the resident is committing an offense by building too frequently or if they have exceeded the 50% limit. Theoretically, a neighbor could ask their rear and side yard neighbors to each state that they are constructing one side of a shared fence and construct an entire new fence without a permit.

Meanwhile, this exemption has resulted in enforcement action requiring the demolition of fences that were noncompliant for reasons such as fences being built in areas where the fencing is required to remain open with tubular steel fencing. Residents could have averted this costly and difficult error had their plan undergone a permit review.

The current permit fee is \$25. The current ordinance also requires four (4) sets of plans. Staff would like this reduced to one (1) set and/or an electronic submittal. Additionally, staff is proposing to remove the exemption for constructing less than 50% of a fence without a permit and is proposing a permit be required when less than 20 feet of a fence length is removed/repared but removing the fee associated with that permit. Any fencing work that exceeds 20 feet in length will require that a permit and fees be paid to the City.

Additionally, staff is including language that states that either metal or wooden posts are required provided the wood posts are in compliance with ASTM standards. Currently the City's code only states that wood posts are required, and has no standards for the wooden posts. This change would require that either metal posts are used or wooden posts that are manufactured to an industry standard. Staff hopes that over time this will reduce the need for fence maintenance within the City as the proposed poles are of a more robust construction.

Public Notices:

Notice of the public hearing was published in the November 27, 2019 edition of the Denton Record Chronicle.

Supporting Documents:

- Comparison of City fencing requirements & redline of current regulations
- Proposed Ordinance

RECOMMENDATION

At the Planning and Zoning Commission meeting on December 16, 2019 the Commission voted to unaniously approve the proposed amendments as presented.

Staff recommends approval as presented.

Attachments

Fence Comparison and Redlined Ordinance

Fence Permit Ordinance

The following table lists the current fence permit requirements of neighboring cities:

| City | Permit Required | Fee |
|------------------|---|----------|
| Denton | New & existing if posts replaced. Minor repair exempt | \$44 |
| Lewisville | New & existing if posts replaced. Minor repair/replacement exempt if less than 20 feet. | \$.50/Ft |
| Flower Mound | New & existing if posts replaced. Minor repair exempt | \$60 |
| Highland Village | New & existing if posts replaced. Minor repair exempt | \$75 |
| The Colony | New & existing if posts replaced. Minor repair/replacement exempt if less than 50%. | \$55 |
| Hickory Creek | New & existing if posts replaced. Minor repair/replacement exempt if less than 50%. | \$50 |
| Lake Dallas | New & existing | \$50 |

Staff is proposing the following changes to the fence requirements:

“4.02.04. - Fence Building Permit

- A. **Fence Building Permit Required** No fence or screening wall/fence may be constructed, erected, installed, enlarged, altered, replaced, removed or demolished unless a Fence Building Permit has first been obtained from the Building Official. The Fence Building Permit Application must attach four (4) sets of plans of the proposed fence or screening wall/fence to include:
 1. Building locations and area to be fenced;
 2. Dimensions and description of materials being used;
 3. Intersections of streets, roads, highways, **alleys, easements, floodplains, utility lines** and driveways with subject property;
 4. Corner open space easements (i.e., visibility triangles) per Section 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35);
 5. Site and adjacent properties zoning classifications; and
 6. Such other data as deemed necessary by the Building Official. The fee for the permit shall be established in the City's Fee Schedule. No permit fees shall be refunded.
- ~~B. **Exception to Permitting Requirements** Exception to Permitting Requirements Up to fifty percent (50%) of an existing fence or screening wall/fence on a single-family residential property, as measured by linear foot, may be replaced, removed, or demolished without submitting an application and plans and obtaining a permit. This exception may only be applied one time in a two (2)-year period for the entire single-family residential property.~~
- ~~B. **No Fee Required: Up to Twenty (20) feet of fencing per year may be repaired/replaced without paying a permitting fee provided that a permit is obtained from the city.**~~
- C. Offense** A person commits an offense if the person intentionally, knowingly or recklessly erects or causes to be erected on his or her property a fence without obtaining a Fence Building Permit as required by this Section and other applicable ordinances of the City.” . . .

4.02.08. - General Fence Requirements

D. Construction Material

1. Construction material may be wood or simulated wood (excluding landscape timbers, railroad ties or latticework panels), vinyl, tubular metal (meeting the vertical spacing requirement for swimming pool barrier fences), masonry, or chain link (industrial uses only when not visible from a public right-of-way), except in the case where a screening wall/fence is required.

2. Decorative metal with a solid vegetative screen shall be permitted in industrial districts. Vegetation must provide a solid screen within two (2) years of installation.
3. A maximum one (1) foot section of lattice constructed atop a wood or simulated wood fence for decorative purposes shall be permitted.
4. Fence Posts must be of either metal construction or wooden provided that the wood posts are in compliance with ASTM standards.

ORDINANCE NO. 20-1-23-__

FENCE AND SCREENING PERMIT REGULATIONS AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SUBSECTION 4.02 “FENCE AND SCREENING REGULATIONS”, OF SECTION 4, “SIGN AND FENCE/SCREENING REGULATIONS” OF THE UDC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies size, placement, and materials fences within the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations for fences, including without limitation, changes to standards and procedures for appeal; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission voted to recommend approval of the proposed amendments to the City Council; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City has reviewed the proposed amendments to the regulations and procedures for fences in the UDC and has determined that the incorporated amendments are appropriate to aid with the placement of fences on a property and ensure their continual maintenance; and

WHEREAS, the City has determined that the amendments proposed relating to fences will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the City’s fence standards should be amended as set forth

below;

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**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 4.02 “Fence and Screening Regulations” of Section 4, “Sign and Fence/Screening Regulations” section 4.02.04 “Fence Building Permit” of the UDC is hereby repealed in its entirety and a new section 4.02.04 “Fence Building Permit” of Section 4 of the UDC is hereby adopted to be and read in its entirety as follows.

“4.02.04. - Fence Building Permit

- A. Fence Building Permit Required. No fence or screening wall/fence may be constructed, erected, installed, enlarged, altered, replaced, removed or demolished unless a Fence Building Permit has first been obtained from the Building Official. The Fence Building Permit Application must attach one (1) sets of plans or provide a digital submittal of the proposed fence or screening wall/fence to include:
1. Building locations and area to be fenced;
 2. Dimensions and description of materials being used;
 3. Intersections of streets, roads, highways, alleys, easements, floodplains, utility lines and driveways with subject property;
 4. Corner open space easements (i.e., visibility triangles) per Section 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35);
 5. Site and adjacent properties zoning classifications; and
 6. Such other data as deemed necessary by the Building Official. The fee for the permit shall be established in the City's Fee Schedule. No permit fees shall be refunded.
- B. No fee required. Up to twenty (20) feet of fencing per year of an existing fence or screening wall/fence on a single family residential property, as measured by linear foot, may be replaced, removed, or demolished without paying a permitting fee provided that a permit is obtained from the City.
- C. Offense. A person commits an offense if the person intentionally, knowingly or recklessly erects or causes to be erected on his or her property a fence without obtaining a Fence Building Permit as required by this Section and other applicable ordinances of the City. “

2.02. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 4.02 “Fence and Screening Regulations” of Section 4, “Sign and Fence/Screening Regulations” section 4.02.08(D) “Construction Material” of the UDC is hereby repealed in its entirety and a new section 4.02.04(D) “Fence Building Permit” of Section 4 of the UDC is hereby adopted to be and read in its entirety as follows.

4.02.08. - General Fence Requirements

...

D. Construction Material.

1. Construction material may be wood or simulated wood (excluding landscape timbers, railroad ties or latticework panels), vinyl, tubular metal (meeting the vertical spacing requirement for swimming pool barrier fences), masonry, or chain link (industrial uses only when not visible from a public right of way), except in the case where a screening wall/fence is required.
2. Decorative metal with a solid vegetative screen shall be permitted in industrial districts. Vegetation must provide a solid screen within 2 years of installation.
3. A maximum one (1) foot section of lattice constructed atop a wood or simulated wood fence for decorative purposes shall be permitted.
4. Fence Posts must be of either metal construction or wooden construction provided that the wood posts are in compliance with ASTM standards.

**SECTION 4.
PENALTY**

Any person, firm or corporation who intentionally, knowingly or recklessly 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 the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 5.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances 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. 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. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured 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 court.

**SECTION 7.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance 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 8.
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 two times.

PASSED AND APPROVED THIS _____th DAY OF _____, 2020.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney

BUSINESS ITEM 7.

City Council Regular and Workshop Session

Meeting Date: 01/23/2020
Title: Fire District Board
Submitted For: Bob Hart, City Manager

Submitted By: Lee Ann Bunselmeyer,
Director

Finance Review:

Legal Review:

City Manager Review: Approval: Bob Hart, City Manager

Strategic Goals: Economic Development
Citizen Engagement & Proactive Government
Regional Cooperation
Organizational Development

AGENDA ITEM

Consider and take appropriate action regarding a Resolution of the City Council proposing the creation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District, establishing a seven member Temporary Board of Directors for the proposed District, making appointments to the Board; and providing an effective date.

AGENDA ITEM SUMMARY/BACKGROUND

The Fire Control, Prevention, and Emergency Medical Services District Act as set forth in Chapter 344 of the Texas Local Government Code (the “Act”) authorizes the creation of a Fire Control, Prevention and Emergency Services District and an associated tax upon approval by a majority of the qualified voters of the district voting at an election.

The statute requires that within 60 days after a city council proposes a fire control, prevention, and emergency medical services district, the city council designate seven (7) persons who reside within the proposed district to serve as temporary directors of the proposed district (the “Temporary Board”).

RECOMMENDATION

Staff recommends the appointment of the six city council members and the city manager be appointed as the temporary board of directors for the fire control, prevention and emergency services district.

Attachments

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, PROPOSING THE CREATION OF A FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT PURSUANT TO CHAPTER 344 OF THE TEXAS LOCAL GOVERNMENT CODE (“DISTRICT”), ESTABLISHING THE TEMPORARY BOARD OF DIRECTORS OF THE DISTRICT AND APPOINTING THE CITY COUNCIL OF THE CITY OF CORINTH AND BOB HART, CITY MANAGER OF THE CITY OF CORINTH, COLLECTIVELY, TO SERVE AS THE TEMPORARY BOARD OF DIRECTORS OF THE PROPOSED CITY OF CORINTH FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT (“TEMPORARY BOARD”); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE APPOINTMENT OF MEMBERS TO SERVE ON THE TEMPORARY BOARD FOR THE DISTRICT; PROVIDING APPOINTMENT OF DIRECTORS AND DUTIES OF THE TEMPORARY BOARD; PROVIDING FOR DISSOLUTION OF THE TEMPORARY BOARD; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; 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 Texas Local Government Code; and

WHEREAS, the Fire Control, Prevention, and Emergency Medical Services District Act as set forth in Chapter 344 of the Texas Local Government Code (the “Act”) authorizes the creation of a Fire Control, Prevention and Emergency Services District and an associated tax upon approval by a majority of the qualified voters of the district voting at an election, and Section 344.051(a-3) of the Texas Local Government Code authorizes the City Council of the City of Corinth to propose the creation of a fire control, prevention, and emergency medical services district; and

WHEREAS, Section 344.052 of the Act requires that within 60 days after a city council proposes a fire control, prevention, and emergency medical services district, the city council designate seven (7) persons who reside within the proposed district to serve as temporary directors of the proposed district (the “Temporary Board”); and

WHEREAS, Section “II” of the City of Corinth’s Boards, Commissions, and Committees Rules and Procedures, last amended by Resolution No. 16-04-21-09, states that “All citizens of Corinth are eligible to serve on City boards, commissions, and committees”; and

WHEREAS, Section 344.052 of the Act further requires that the Board shall within 75 days after a city council proposes a fire control, prevention, and emergency medical services district, conduct a meeting to organize the Board and elect one of its members as presiding officer of the board at that meeting; and

WHEREAS, Section 344.061 of the Act requires the temporary board to develop and adopt a two-year fire control, prevention, and emergency medical services plan and a two-year budget plan; and

WHEREAS, after adopting the required plans pursuant to Section 344.061, the Board may call and hold a confirmation election for the proposed district pursuant to Sections 344.054 and 344.056 of the Act, after giving notice of such election in a newspaper with general circulation in the proposed district once a week for two consecutive weeks, the first publication occurring before the 35th day before the date set for the election; and

WHEREAS, Section 344.059 of the Texas Local Government Code requires the temporary board to canvass election results not earlier than the second day and not later than the 13th day after the date of the election; and

WHEREAS, the City Council of the City of Corinth has determined that the City Council of the City of Corinth and Bob Hart, City Manager of the City of Corinth, collectively, should be designated as the Temporary Board of Directors of the proposed City of Corinth Fire Control, Prevention, and Emergency Medical Services District.

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. District Proposed. The City Council of the City of Corinth has determined it necessary and appropriate to propose the formation of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District within the boundaries of the City of Corinth as currently incorporated and to designate a Temporary Board of Directors in accordance with the Act.

Section 3. Appointment of Directors and Duties of Temporary Board (the “Temporary Board”). The City Council of the City of Corinth hereby appoints the following persons to serve as the Temporary Board of Directors for the City of Corinth Fire Control, Prevention, and Emergency Medical Services District:

Mayor Bill Heidemann
Mayor Pro Tem Sam Burke
Councilmember Scott Garber
Councilmember Lowell Johnson
Councilmember Tina Henderson
Councilmember Kelly Pickens
City Manager, Bob Hart

The foregoing persons shall serve as the Temporary Board until such time as a District is established by the voters of the City and a permanent Board of Directors for the City of Corinth Fire

Control, Prevention, and Emergency Medical Services District is formed in accordance with the Act. The Temporary Board shall have all duties imposed and powers afforded to it pursuant to Chapter 344 of the Act.

Section 4. Dissolution of Temporary Board. Pursuant to Section 344.060 of the Act, the Temporary Board shall automatically dissolve without further action of the City Council if the District is not created before the 5th anniversary of the date of this Resolution or on the date the City Council appoints a permanent board of directors of the City of Corinth Fire Control, Prevention, and Emergency Medical Services District, whichever occurs first.

Section 5. 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 6. Severability. If any section, article, paragraph, sentence, clause, phrase or word in this Resolution 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 Resolution, and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. Effective Date. This Resolution shall be effective upon its adoption.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF CORINTH

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney