

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

On this the 10th day of January 2019 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

Members Present:

Bill Heidemann, Mayor
Sam Burke, Mayor Pro-Tem
Scott Garber, Council Member
Don Glockel, Council Member

Members Absent:

Lowell Johnson, Council Member
Tina Henderson, Council Member

Others Present

None

Staff Members Present

Bob Hart, City Manager
Kimberly Pence, City Secretary
Brenton Copeland, Technology Services Assistant Manager
Patricia Adams, Messer, Rockefeller, & Fort
Helen-Eve Liebman, Planning and Development Director
Ben Rodriguez, Planning and Development Manager
Michael Ross, Fire Chief
Lee Ann Bunselmeyer, Finance Director
Cody Collier, Public Works Director
Jason Alexander, Economic Development Director
George Marshall, City Engineer
Brett Cast, Engineering Service Coordinator
Cindy Troyar, Purchasing Agent

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 p.m.

WORKSHOP BUSINESS AGENDA:

1. Fire Department Overview.

Bob Hart, City Manager – introduced Fire Chief Michael Ross and informed Council the same presentation will be given to the other three Lake Cities municipalities in the near future.

Michael Ross, Fire Chief – presented an overview of the Fire Department. He announced the department is growing and expanding. The department's guiding principles are to be there and ready to respond with passion in their care and safe in their words. The department is utilizing creativity and innovation within their service lines, program developments, and in how they are

applied to the citizens; such as, are they efficient, meeting the mission, vision and values.

Currently the department is housed out of two fire stations with a third one in progress. This requires a growth in personnel and with this growth the department accepted a SAFER grant for 9 new personnel. Last year, the department received an ISO rating designation of two. This designation is based on the NFPA 1710, which looks at dispatch times and response times; is the department able to arrive on scene in under 4 minutes. LCFD is not there yet but expects to meet this goal with the new fire station and staffing. The call volume is up 3.6% overall and the City of Corinth volume increased to 5%. A map was presented showing the current and proposed districts divided by station responsibility and response times; moving forward there will be 3 fire trucks and 2 ambulances. After compiling the data for the stations and the proposed service area for the new station, the department was able to determine and solidify a division of responsibility for each station along with a station backup plan. Stations 1 & 2 will house an engine and a medic truck. Station 3 will house an engine and the Quint. This decision was made because the fire truck is a fire vehicle and a medic vehicle allowing more time for the ambulance to arrive and transport. It takes approximately 6-8 minutes before the patient is ready for transport. This will allow for better coverage and increased response times for the citizens.

Chief Ross provided an update on personnel stating there were 5 firefighters that began Monday and 5 more job offers were extended contingent upon their medical and psychological exams this week. The first five firefighters are in orientation preparing them for their shift assignment. The opening of Station 3 is anticipated for February 18th with a badge pinning and 60th year celebration on March 1st.

Scott Garber, Council Member – inquired if there was success in the staffing efforts or if LCFD is losing some applicants to other cities.

Michael Ross, Fire Chief – stated it was a combination. There have been a couple that have taken other offers due to timing issues and some that have rescinded their offer. They continue to actively recruit and reassess their process into a more customer service based philosophy.

2. **Discuss the Corinth Crime Control & Prevention District Sales Tax.**

Bob Hart, City Manager – informed Council the Crime Control District is for five years and if they are interested in continuing there will need to be an election to do so. This item will come back to Council on the February 7th agenda.

Lee Ann Bunselmeyer, Finance Director – briefly discussed the sales tax history, the requirements and the decisions Council will need to make in order to reauthorize this tax later this year. The state sales tax is set at 6.25% and the city can tax up to two percent on sales tax. Currently, one percent of the sales tax goes to the General Fund, half a percent goes to the Economic Development Fund, a quarter percent goes to the Street Improvement Fund and a quarter percent goes to the Crime Control District. The Crime Control District was established in 2004 and the last re-authorization was done in May 2014, another re-authorization is needed in 2019. In order to re-authorize Council will need to decide if they want to continue the District for 5 years, 10 years, 15 years or 20 years. This decision is solely up to Council. Once this decision is made the date will be placed on the ballot for citizens to vote on. In 2014, Council elected to authorize for 10 years but the ballot was misprinted and read 5 years. Some of the expenditures for this tax are some police officer positions, police equipment, system improvements, and enterprise leases for police vehicles. The ending fund balance is healthy with an average revenue of \$365,000 and average expenses of \$300,000. Due to the vehicle replacements being funded through this tax the average expenses is

expected to be a consistent at \$350,000. This will be slated on the February 7th agenda to call the special election and it must be on the ballot for 2019 for its continuation without interruption of collections. Council must decide the length of time for continuation.

Scott Garber, Council Member- inquired if Council decided not to continue could the tax be reallocated to another fund.

Lee Ann Bunselmeyer, Finance Director – explained the tax could be reallocated to the Street Maintenance Sales Tax or create a Fire District. If Council does away with it, then the expenditures will be absorbed by the General Fund. She confirmed the tax cannot be taken away and the money deposited into the General Fund.

Scott Garber, Council Member – if this is placed on the ballot for 10 years and the Council decides to change this in the 9th year, can we change this allocation?

Patricia Adams, Town Attorney – informed Council they must have an election for any changes once it is passed via an election.

3. **Discussion on Inflatable Signs.**

Ben Rodriguez, Planning & Development Manager – There have been a few inquiries to staff regarding inflatable signs for temporary sales events. Staff would like Council's opinion regarding the inflatable signs. At this time they are allowed for a limited period of time for grand openings or a major remodel. Staff has reviewed other cities regulations for these signs. The majority of cities allow them for small periods of time throughout the year. Staff would suggest limiting the signs to two or three weeks at a time twice a year, requiring them to be anchored to the ground, and not allow the ones that move.

Bill Heidemann, Mayor – how are the inflatable signs handled during a wind storm, are they allowed?

Ben Rodriguez, Planning & Development Manager – they could be required to be anchored to the ground, but that would be up to Council's discretion and could be included. We are looking for direction on moving forward with research or not moving forward at all.

Scott Garber, Council Member- has any other businesses been interested outside of the car companies?

Ben Rodriguez, Planning & Development Manager – not to our knowledge. Typically the requestor is told they are not allowed.

Scott Garber, Council Member- who is the person responsible for allowing them and is there an approval process?

Ben Rodriguez, Planning & Development Manager – we would need to look at that moving forward. Most cities have a limit on height and square footage. This would be something researched and presented to Council at a future meeting.

Sam Burke, Council Member- can we limit it to locations?

Ben Rodriguez, Planning & Development Manager – yes

Scott Garber, Council Member- can it be the same standard week instead of sporadic weeks.

Ben Rodriguez, Planning & Development Manager – Yes that would be the city's purview and can be reviewed after the city has set its limitations.

Bill Heidemann, Mayor – confirmed there was a consensus for staff to proceed with this item adding two weeks twice a year.

4. Updating City Council on the Lynchburg Creek Flood Mitigation Project.

George Marshall, City Engineer – gave a presentation on the Lynchburg Creek Flood Mitigation project and informed Council the NCTCOG and FEMA worked together to publish a new Flood Risk Report for the entire Lynchburg Creek Watershed, including Shady Shores and the City of Corinth. New maps have been developed and submitted to the Federal Registry with a 90 day comment period that began in December 2018. Once the comment period is complete the maps become effective, this may be affected by the government shut down. He compared the previous maps and information with the new maps and information and explained how this report and maps will affect the homeowners flood insurance rates. Some homes were removed from the flood zone or placed in a lower category zone and other area homes were added to the flood zone. The new map adds 60 homes to the flood plain that are not currently in the flood plain. He explained the difference in the previous maps and the new maps by explaining the different zones and the requirements used to create the zones, which now include areas of the creek. The most impacted area is the Red Oak area. The affect this report and maps will have on homeowners will come through their flood insurance requirements and amount charged per month. There is a large difference in cost within the different zones. The importance of the 90 day comment period is that now is the time for homeowners to submit comments on this information to FEMA and to obtain flood insurance, if they do not already have it, to secure their rate under a grandfather clause that is in place. If outside of the flood plain today they can obtain a lower rate with an increase over time to the higher rates instead of an instant increase after the 90 day period. Also, a homeowner who has been removed from the flood plain can obtain an elevation certificate to prove they are now above the flood plain and have their insurance rates reduced.

George Marshall discussed options the city can take to help the citizens with being located within the flood plain. He discuss possible grant options with a 75/25 match. Staff suggested a 2 foot berm within an existing easement north of some of the properties and/or adding a 3 acre retention pond 4-5 feet deep to capture the water before it enters the Lynchburg Creek. Along the south end, staff suggested replacing the culverts and adding a 42 foot wide ditch and tying into the Lynchburg Creek. These projects would reduce the flood plain area and remove 70 homes from the flood plain. Other options were given for the Amity Village area, which consists of vacant land that could provide opportunities for development in the future and for city owned property that falls in one of the flood plain zones; such as, creating benching or a by-pass channel and creating more sport fields. This will remove 5 house from the flood plain.

Sam Burke, Council Member - inquired on the maintenance of the benching.

George Marshall, City Engineer – generally not a lot of sediment deposit will be here but all the changes were created as if trees and bushes would be allowed back to help establish erosion control measures. As far as grant opportunities FEMA will do a cost benefit analysis and only look at insurance aspects; such as current flood insured homes. Overall 100 homes are affected by this change. These projects will help 75 of the 100 affected homes. The cost is anticipated to be \$3.3

million. The city has already set aside \$1 million for these projects. The earliest opportunity to receive and use grant money will be December 2019. FEMA has to have a greater than 1% benefit-cost analysis, currently the city is at 2.75%, adding the 100 homes we increase to 11.22%. The grant application was submitted in early December 2018 to the Water Development Board and anticipate the Water Development Board to submit to FEMA later this month. The government shut down may affect this timeline. Staff anticipates acceptance around May and move into the design contract and preparations after that.

Bob Hart, City Manager – in a normal year this would be a competitive grant, but dealing with the aftermath of Harvey the competition on this will be severe. I suggest a visit with Congressmen and Senators to line up support on this and anticipate March being a good time for this.

George Marshall, City Engineer – The application was sent to the Water Development Board to help ensure a complete application and the State of Texas gets the most money from the Federal Government. Due to the timeline of the 90 day comment period, letters will be sent to the homeowners to invite them to a public meeting to discuss this presentation and what it means to obtain flood insurance.

Scott Garber, Council Member - Is this grant something we can continually apply for?

Bob Hart, City Manager – yes, it is a once a year thing. The city could also do a \$1 million worth of work and then re-apply a year later. The numbers here are better than I have dealt with in the past.

Scott Garber, Council Member – is the project tied to the specific improvements outlined tonight?

George Marshall, City Engineer – yes, we had to submit 10% plans and detailed cost estimates with the application. There can be changes but the grant only allots so much money for the project. The detention pond near the Polo Field will need more attention and could be an issue. This is a 3-acre region pond allowing any undeveloped property to benefit from it. The third party review looked at the fully developed flow for the retention pond.

Bill Heidemann, Mayor – expressed Council's gratitude for staff work on this project.

5. **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.**

Consent Item #5 Discussion:

5. **Review and approve the Investment Policy for the City of Corinth, Economic Development Corporation and Crime Control & Prevention District.**

Bob Hart, City Manager – explained there was a question regarding the Finance audit committee and what constitutes a quorum. Under Roberts Rules a quorum is a majority of voting members. Councilmember Glockel raised the question on this. Mr. Hart suggested making a change to page 235 of the Bylaws Section 5. The problem is it states one member can request a special meeting and the issue is what constitutes a quorum in that setting. He suggested defining a quorum as a majority of the voting members constitutes a quorum and come back at the next meeting or two and change the ordinance.

Bill Heidemann, Mayor – inquired if the item needs to be tabled until the ordinance is brought before Council.

Lee Ann Bunselmeyer, Finance Director – stated Council could put in place voting members if they wanted to tonight and then follow up with the change to the ordinance. They are not tied together by statutes, but the changes need to be made to reflect each other.

Bill Heidemann, Mayor – verified Council needs to pull it off the consent agenda tonight and discuss this in the regular session.

Lee Ann Bunselmeyer, Finance Director – agreed.

Don Glockel, Council Member – explained the ordinance allows any 2 members to call a special meeting and a quorum being any three, leaving any two being citizens and not voting members.

Consent Item #6 Discussion:

6. **Consider approval for the purchase of rubber mulch fall zone material to install at all City maintained playground structures.**

Cody Collier, Public Works Director – informed Council they did not obtain bids due to the selected company is a member of the Buy Board State contract.

Consent Item #7 Discussion:

7. **Consider and act on award of a bid for High Performance Epoxy Flooring for the Public Safety Complex & Fire House #3 to Chemical Coatings International, LLC in the amount of \$64,032.00 plus a ten percent contingency for unforeseen additional materials or labor that may arise during the installation; and authorize the City Manager to execute the contract.**

Bob Hart, City Manager – explained questions came up earlier in the week from some councilmembers on this item and inquired if they wanted to open this up for discussion or request an opinion of the attorney in executive session.

Patricia Adams, City Attorney – clarified the agenda has a general posting to a closed session under Section 551.071 and a reference to the MCM contract, but would like to make it clear Council is going in executive session under Section 551.071 for item number 7 as well as the MCM contract discussion.

Mayor Heidemann recessed the Work Session at 6:30 p.m.

Mayor Heidemann convened into executive session at 6:30 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 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 Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Council met in closed session from 6:30 p.m. to 6:55 p.m.

A.MCM Contract for Lake Sharon Roadway Extension.

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.

- 15. Consider and act on MCM Agreed Termination and Release for Lake Sharon Project.

There was no action taken.

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:56 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 7 day of February 2019.

Kimberly Pence
Kimberly Pence, City Secretary
City of Corinth, Texas

