

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

On this, the 18TH day of March 2021, 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:

Council Members Present:

Bill Heidemann, Mayor
Sam Burke, Mayor Pro-Tem
Scott Garber, Council Member
Steve Holzwarth, Council Member
Tina Henderson, Council Member
Kelly Pickens, Council Member

Staff Members Present:

Bob Hart, City Manager
Lana Wylie, City Secretary
Patricia Adams, Messer – Fort – McDonald
Lee Ann Bunselmeyer, Finance, Communications & Strategic Services Director
Jason Alexander, Economic Development Corporation Director
Glenn Barker, Public Works Director
Helen-Eve Beadle, Planning & Development Director
George Marshall, City Engineer
Michelle Mixell, Planning & Development Manager
Miguel Inclan, Planner
Michael Ross, Fire Chief
Jerry Garner, Police Chief
Shea Rodgers, Chief Technology Officer
James Trussell, Multi-Media Video Production Intern
Lance Stacy, City Marshal

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

Mayor Heidemann called the meeting to order at 7:22 P.M. The Invocation was delivered by Council Member Garber, followed by the Pledge of Allegiance and the Texas Pledge.

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 Council Member, 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 take action to Ratify ambulance Resolution 21-02-05-11 authorizing the financing of an ambulance.
2. Consider and Act on an Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services between Denton County and the Lake Cities Fire Department for fiscal year, October 1, 2021-September 30, 2022.

3. Consider and Act on an Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services between the Denton County Sheriff's Office and the City of Corinth Police Department for the fiscal year, October 1, 2021-September 30, 2022.

Council Member Garber – Move to approve the Consent Agenda as presented. Mayor Pro Tem Burke seconded the motion.

AYES: Burke, Garber, Holzwarth, 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.

Sharon Conroy of 1910 Ainsley Court - First I want to say thank you to all of you who serve our city. We appreciate your time, your diligence, your consideration for improving our community; and that is a sincere statement. I don't think Mike and I have ever been as cold as we were, so we became concerned citizens, but knowing it certainly wasn't your fault. We are here concerning item number four which is not going to be discussed. We were concerned for our schools, for the traffic, and for the children who will be affected, the influx if number four comes through. That is our concern, as prior school teachers, and in my husband's case, administrator. Children are of our utmost concern. We just are concerned about the schools being flooded with too many people in a small area, and the traffic and concern for the children's safety. That is our point and evidently, you're not going to discuss it tonight. So, thank you for serving, we appreciate you all. And we will be here in the future. You can count on us to be activated citizens. We are not going to sit by anymore and not pay attention.

PUBLIC HEARING:

4. The Avilla Fairways Public Hearing posted for the rezoning application (P ZAPD20-0004) has been cancelled at the request of the applicant, NexMetro Communities on behalf of the owner, Endeavor Energy Resources, LP. The property is approximately 24.595 acres of land within the A.H. Serren Survey, Abstract No. 1198 and the B. Merchant Survey, Abstract No. 800, City of Corinth, Denton County, Texas and generally located at the northwest corner of Lake Sharon Drive and Oakmont Drive and east of FM 2499.
5. Conduct a Public Hearing and take action on an Ordinance amending the Comprehensive Zoning Ordinance and the Zoning District Map as requested by the Applicant, Manhard Consulting on behalf of the owner, Corinth 12 Joint Venture, to amend the zoning classification from C-1 Commercial to a Planned Development, with a base zoning district of MF-3, Multi-Family Residential, on an approximately ±12.545 acres of land legally described as Pinnell Subdivision, Block 1, Lots 16, 17, 18, and an adjacent tract consisting of approximately 0.436 acres of abandoned right-of-way recorded in County Clerks File Number 31846, Denton County, Texas Real

Property Records. The property is situated in the H.H. Swisher Survey, Abstract 1220, Corinth, Texas and is generally located north of FM 2181, west of Garrison Road, east of Poseidon Drive, and south of Cliff Oaks Drive. (Landmark at Tower Ridge PD ZAPD20-0002)

- Staff Presentation
- Applicant Presentation
- Public Hearing
- Response by Applicant
- Response by Staff
- Take Action

The item was presented, and discussion followed.

Mayor Heidemann open the Public Hearing at 7:51 P.M. and closed the Public Hearing at 7:52 P.M.

Mayor Pro Tem Burke moved to approve the ordinance amend the Comprehensive Zoning Ordinance and the Zoning District Map as requested by the applicant. Council Member Henderson seconded the motion.

AYES: Burke, Garber, Holzwarth, Henderson, Pickens

NOES: None

ABSENT: None

MOTION CARRIED

6. Conduct a public hearing on Ordinance No. 21-03-18-06 amending the boundaries of Tax Increment Reinvestment Zone Number Two, City of Corinth, Texas ("TIRZ No. 2"), to remove approximately 318.85 acres of land, known as Areas 3 and 8, from the boundaries of TIRZ No. 2 in accordance with the provisions of Chapter 311 of the Texas Tax Code, as amended.

The item was presented, no discussion followed.

**Mayor Heidemann open the Public Hearing for Items 6 & 7 at 7:56 P.M., and closed it at 7:57 P.M.
Action will be taken for this item during the Business Agenda.**

7. Conduct a public hearing on Ordinance No. 21-03-18-07 relating to the creation and designation of non-contiguous geographic area as Tax Reinvestment Zone Number Three, City of Corinth, Texas ("TIRZ No. 3"), to promote new development and investment in accordance with the provisions of Chapter 311 of the Texas Tax Code, as amended, and other matters related to the creation of TIRZ 3.

The item was presented, no discussion followed.

**Mayor Heidemann opened the Public Hearing for Items 6 and 7 at 7:56 P.M., closed it at 7:57 P.M.
Action will be taken for this item during the Business Agenda.**

Business Agenda

8. Hear a presentation, discuss and take appropriate action to accept the annual external audit and the Annual Comprehensive Financial Report presented by Eide Bailly, LLP.

The item was presented, no discussion followed.

Mayor Pro Tem Burke moved to accept the annual external audit and the Annual Comprehensive Financial Report. Council Member Henderson seconded the motion.

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

MOTION CARRIED

9. Hear a presentation, discuss and take appropriate action to Accept the Single Audit for fiscal year ending September 30, 2020.

The item was presented, no discussion followed.

Mayor Pro Tem Burke moved to accept the Single Audit for fiscal year ending September 30, 2020. Council Member Henderson seconded the motion.

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

MOTION CARRIED

10. Consider and act on a request by the Applicant, NexMetro Communities, to remand the rezoning request back to the Planning and Zoning Commission for reconsideration. The property is approximately 24.595 acres of land within the A.H. Serren Survey, Abstract No. 1198 and the B. Merchant Survey, Abstract No. 800, City of Corinth, Denton County, Texas and generally located at the northwest corner of Lake Sharon Drive and Oakmont Drive and east of FM 2499. (Avilla Fairways PD ZAPD20-0004).

The item was presented, and discussion followed.

Mayor Pro Tem Burke moved to remand Rezoning request PD ZAPD20-0004 back to the Planning and Zoning Commission as requested by the applicant NexMetro to allow P&Z to continue working with the applicant to review their revised proposal and to address concerns raised by the P&Z Commission and citizens. Council Member Pickens seconded the motion.

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

MOTION CARRIED

11. Consider and act on Ordinance No. 21-03-18-06 amending the boundaries of Tax Increment Reinvestment Zone Number Two, City of Corinth, Texas ("TIRZ No. 2") to remove approximately 318.85 acres of land, known as Areas 3 and 8; providing for the incorporation of premises; providing for a boundary amendment; and providing an effective date.

The item was presented, no discussion followed.

Mayor Pro Tem Burke moved to approve Ordinance No. 21-03-18-06 amending the boundaries of Tax Increment Reinvestment Zone Number Two, City of Corinth, Texas ("TIRZ No. 2") to remove approximately

318.85 acres of land, known as Areas 3 and 8; providing for the incorporation of premises; providing for a boundary amendment; and providing an effective date. Council Member Pickens seconded the motion.

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

MOTION CARRIED

12. Consider and act on Ordinance No. 21-03-18-07 creating Tax Reinvestment Zone Number Three, City of Corinth, Texas ("TIRZ No. 3"); providing for effective and expiration dates of TIRZ 3; providing boundaries for TIRZ 3; establishing the tax increment base and tax increment for TIRZ 3; and providing an effective date.

The item was presented, no discussion followed.

Council Member Henderson moved to approve Ordinance No. 21-03-18-07 creating Tax Reinvestment Zone Number Three, City of Corinth, Texas ("TIRZ No. 3"); providing for effective and expiration dates of TIRZ 3; providing boundaries for TIRZ 3; establishing the tax increment base and tax increment for TIRZ 3; and providing an effective date. Council Member Pickens seconded the motion.

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

MOTION CARRIED

13. Consider and take appropriate action on previously adopted city ordinances and disaster declarations as necessary to comply with Governor Abbott Executive Order GA34 relative to COVID-19 and to continue necessary disaster operations by the City.

The item was presented, no discussion followed.

Council Member Garber moved to approve Ordinance No. 21-03-18-10 as presented. Mayor Pro Tem Burke seconded the motion.

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

MOTION CARRIED

14. Consider and act on Ordinance 21-03-18-09 of the City of Corinth approving an amendment to the fiscal year 2020-2021 budget and annual program of services to provide expenditures of funds for emergency supplies and equipment related to the February 2021 winter storm; and providing an effective date.

The item was presented, and discussion followed.

Council Member Garber moved to approve Ordinance 21-03-18-09 of the City of Corinth approving an amendment to the fiscal year 2020-2021 budget and annual program of services to provide expenditures of funds for emergency supplies and equipment related to the February 2021 winter storm; and providing an effective date. Mayor Pro Tem Burke seconded the motion.

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

MOTION CARRIED

15. Consider and act on a resolution of the City Council of the City of Corinth, Texas, finding that a public necessity exists to acquire rights-of-way, water line easement and temporary construction easement for road and utilities purposes and other public uses, which properties are generally described as being located at 3404 Dobbs Rd, Corinth, Texas, which is more particularly described as a portion of land in the H. Garrison Survey, Abstract 507, Tract 7, and properties located at 6801 S. I-35E, Corinth, Texas, which is more particularly described as a portion of land in the H. Garrison Survey, Abstract 507, Tract 8, all located in Denton County, Texas; providing notice of an official determination to acquire real properties by eminent domain for road and utilities purposes and other public uses; authorizing the city manager or his designee to obtain the necessary appraisal reports and make bone fide offers of just compensation for the herein described properties; ratifying prior documents made and actions taken for acquisition of the properties therein described; authorizing legal counsel to institute eminent domain proceedings on behalf of the city for the acquisition of the properties herein described if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause; and providing for an effective date.

The item was presented, and discussion followed.

Mayor Pro Tem Burke moved to approve Resolution No. 21-03-18-12 Corinth authorizing the use of the power of eminent domain to acquire tracts of land containing: 0.177 acres (7,719 sq. feet), more or less, Right-of-Way located at 3404 Dobbs Rd, Corinth TX, 76208, H. Garrison Survey, Abstract No. 507, Tract 7 (as more fully described in Exhibit "A1" of the proposed resolution for this item);

0.146 (6,361 sq. feet), more or less, Temporary Construction Easement at 3404 Dobbs Rd, Corinth TX, 76208, H. Garrison Survey, Abstract No. 507, Tract 7 (as more fully described in Exhibit "A2" of the proposed resolution for this item);

0.021 acres (911 sq. feet), more or less, Right-of-Way located at 6801 S. I-35E Corinth TX, 76210, H. Garrison Survey, Abstract 507, Tract 8 (as more fully described in Exhibit "B1" of the proposed resolution for this item); and

0.027 acres (1,181 sq. feet), more or less, permanent water line easement located at 6801 S. 1-35 E Corinth TX, 76210, H. Garrison Survey, Abstract No. 507, Tract 8 (as more fully described in Exhibit "B2" of the proposed resolution for this item), for the municipal functions of road and utilities purposes and other public uses and adopt Resolution No. 21-03-18-12. Council Member Henderson seconded the motion.

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

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each Council Member the opportunity to provide general updates and/or comments to fellow Council Members, 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 Council Member may direct

that an item be added as a business item to any future agenda.

Council Member Henderson complimented Lee Ann Bunselmeyer, Finance, Communications & Strategic Services Director, and her staff for the seamless audit process with the external auditors.

Council Member Pickens welcomed new Public Works Director, Glenn Barker.

City Manager Hart introduced Glenn Barker.

There was no closed session during the Regular meeting.

CLOSED SESSION

The City Council will convene in closed session to consider any matters regarding 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.

a. Agenda Item 10.

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. Being approximately 13.738 acres of land, more or less, in the North Central Texas College Addition No. 2, Block A, Lot 1R. (N)

b. Being approximately 6.504 acres of land, more or less, located in the Metroplex Cabinets Addition, Block A, Lot 1, City of Corinth, Denton County, Texas. (H)

c. 0.177 acres (7,719 sq. feet), more or less, Right-of-Way located at 3404 Dobbs Rd, Corinth TX, 76208, H. Garrison Survey, Abstract No. 507, Tract 7 (as more fully described in Exhibit "A1" of the proposed resolution for this item);

d. 0.146 (6,361 sq. feet), more or less, Temporary Construction Easement at 3404 Dobbs Rd, Corinth TX, 76208, H. Garrison Survey, Abstract No. 507, Tract 7 (as more fully described in Exhibit "A2" of the proposed resolution for this item);

e. 0.021 acres (911 sq. feet), more or less, Right-of-Way located at 6801 S. I-35E Corinth TX, 76210, H. Garrison Survey, Abstract 507, Tract 8 (as more fully described in Exhibit "B1" of the proposed resolution for this item); and

f. 0.027 acres (1,181 sq. feet), more or less, permanent water line easement located at 6801 S. I-35 E Corinth T, 76210, H. Garrison Survey, Abstract No. 507, Tract 8 (as more fully described in Exhibit "B2" of the proposed resolution for this item),

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.

a. Project Agora

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 8:26 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 20th day of May 2021.

Lana Wylie
Lana Wylie, City Secretary
City of Corinth, Texas

