

\*\*\*\*PUBLIC NOTICE\*\*\*\*



**CITY COUNCIL WORKSHOP AND REGULAR SESSION**  
**Thursday, August 17, 2023 at 5:45 PM**  
**City Hall | 3300 Corinth Parkway**

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Pursuant to section 551.127, Texas Government Code, one or more council members or employees may attend this meeting remotely using videoconferencing technology.

View live stream: [www.cityofcorinth.com/remotesession](http://www.cityofcorinth.com/remotesession)

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- A. NOTICE IS HEREBY GIVEN** of a Workshop Session and Regular Meeting of the Corinth City Council.
- B. CALL TO ORDER**
- C. WORKSHOP AGENDA**
  - [1.](#) Receive a presentation, hold a discussion, and give staff direction on the cost of service and rate design study for the City’s water and wastewater utility.
  - [2.](#) Receive a report, hold a discussion, and provide staff direction on the Fiscal Year 2023-2024 Annual Program of Services and Capital Improvement Program.
  - [3.](#) Discuss items on the Regular Session Agenda, including the consideration of Executive Session items.
- D. ADJOURN WORKSHOP**
- E. CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE**
- F. CITIZENS COMMENTS**

Please limit your comments to three 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. Council is prohibited from acting on or discussing items brought before them at this time.
- G. CONSENT AGENDA**

All matters listed under the consent agenda are considered to be routine and will be enacted in one motion. Should the Mayor or a Council Member 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 suspending the September 1, 2023 effective date of CoServ Gas, Ltd.’s requested rate change to permit the City time to study the request and to establish reasonable rates.
- H. BUSINESS AGENDA**
  - [2.](#) Consider and act on an Ordinance repealing Section 130.04, “Curfew for Minors” of Chapter 130 of the Code of Ordinances, to repeal Juvenile Curfew regulations in the City of Corinth as required for compliance with H.B. 1819, and providing that the repeal will become effective on September 1, 2023.
  - [3.](#) Consider and approve the Amended and Restated Interlocal Agreement Between Denton County and The City of Corinth Related to Reinvestment Zone No. 2.
  - [4.](#) Consider and act on a Resolution of the City Council of the City of Corinth, Texas adopting a proposed FY 2023-2024 municipal tax rate that will not exceed the voter-approval tax rate; calling a public hearing to be held on September 21, 2023 at Corinth City Hall at 6:30 p.m.; requiring publication of a Notice of

Public Hearing on Tax Increase in accordance with state law; providing for the incorporation of premises; and providing an effective date.

5. Consider and act on a Resolution appointing the Planning and Zoning Commission as the Capital Improvements Advisory Committee for the City of Corinth and providing an effective date.
6. Consider and act on calling a public hearing to be held on October 5, 2023 at Corinth City Hall at 6:30 p.m to hear public opinion regarding the amendment of Land Use Assumptions, Capital Improvement Plans, and associated impact fees for Water, Wastewater and Roadway Capital Improvements.

#### **I. 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.

#### **J. EXECUTIVE SESSION\*\***

In accordance with Chapter 551, Texas Government Code, Section 551.001, et seq., (the "Texas Open Meetings Act"), the City Council will recess into Executive Session (closed meeting) to discuss the following items. Any necessary final action or vote will be taken in public by the City Council in accordance with this agenda.

**Section 551.071 - Legal Advice.** (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 conflict with Chapter 551.

- a. Chapter 380 Agreement - Realty Capital Management.

**Section 551.074 - Personnel Matters.** 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.

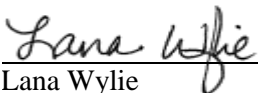
- a. City Manager duties/oversight regarding personnel and department structure.

#### **K. RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON EXECUTIVE SESSION ITEMS**

#### **L. ADJOURN**

\*\*The City Council reserves the right to recess into closed session at any time during the course of this meeting to discuss any of the matters posted on this agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Section 551.071, "Consultation with Attorney" for the purpose of receiving legal advice.

Posted on this 14th day of August 2023, at 5 P.M., on the bulletin board at Corinth City Hall.

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



# CITY OF CORINTH Staff Report

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Utility Rate Study
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission		

**Item/Caption**

Receive a presentation, hold a discussion, and give staff direction on the cost of service and rate design study for the City’s water and wastewater utility.

**Item Summary/Background/Prior Action**

To maintain financial sustainability, it is important for municipalities to perform a cost of service and rate design study for the City's water and wastewater utility periodically. The study's intent is to achieve a water and wastewater structure that will assure equitable and adequate revenues for operations, debt service retirement, capital improvements and bond covenant requirements. It also ensures the utility operates on a self-sustaining basis while considering the economic impact on the City's customers.

The City retained Raftelis Financial Consultants, Inc to perform a cost of service and rate design study for the City’s water and wastewater utility. The analysis examined revenue requirements for a five-year period beginning with fiscal year 2023-2024.

**Staff Recommendation/Motion**

N/A



# CITY OF CORINTH Staff Report

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Budget Overview Workshop
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission  N/A		

**Item/Caption**

Receive a report, hold a discussion, and provide staff direction on the Fiscal Year 2023-2024 Annual Program of Services and Capital Improvement Program.

**Item Summary/Background/Prior Action**

In compliance with the Charter requirement, the Fiscal Year 2023-2024 budget was submitted to the Council by Friday, July 31, 2023 and can also be found on the City's website. This budget workshop is one of several for Council to deliberate on the Fiscal Year 2023-2024 annual budget and to provide staff direction.

The City's budget development procedures are in conformance with State Law outlined in the Truth in Taxation process.

**Applicable Owner/Stakeholder Policy**

The City Charter, Section 9.02, requires that the City Manager be responsible for submitting an annual budget not later than sixty (60) days prior to the first day of the new fiscal year.

**Staff Recommendation/Motion**

N/A



**CITY OF CORINTH**  
**Staff Report**

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Resolution   CoServ Gas Rate Change – Effective Date Suspension
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission		

**Item/Caption**

Consider and act on a Resolution suspending the September 1, 2023 effective date of CoServ Gas, Ltd.’s requested rate change to permit the City time to study the request and to establish reasonable rates.

**Item Summary/Background/Prior Action**

On July 28, 2023, CoServ Gas, Ltd. (“CoServ” or “Company”), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas (“RRC”) and in all municipalities exercising original jurisdiction within its service area, effective September 1, 2023.

CoServ is seeking to increase its annual revenues in incorporated areas by \$10,314,726, which is an increase of 7.5% including gas costs, or 27.3% excluding gas costs. CoServ is also requesting: (1) new depreciation rates for distribution and general plant; (2) a prudence determination for capital investment; (3) specification of the factors to be used in any Interim Rate Adjustment Filing the Company makes pursuant to Texas Utilities Code § 104.302; and (4) a surcharge on customer bills to recover the reasonable rate case expenses associated with the filing of this statement of intent.

**Purpose of the Resolution:**

The resolution suspends the September 1, 2023 effective date of the Company’s rate increase for the maximum period permitted by law to allow the City, working in conjunction with other similarly situated cities with original jurisdiction served by CoServ, to evaluate the filing, to determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, CoServ’s rate request is deemed approved.**

**Explanation of “Be It Resolved” Sections:**

Section 1. This section incorporates the “whereas” provisions in the preamble into the Resolution.

Section 2. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on CoServ’s request to increase rates by September 1, 2023.

Section 3. This provision authorizes the City to participate in a coalition of cities served by CoServ in order to more efficiently represent the interests of the City and their citizens. It also authorizes the hiring of Thomas L. Brocato with the law firm of Lloyd Gosselink Rochelle and Townsend to represent the City in this matter.

Section 4. By law, the Company must reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will present their invoices to Cities which will then seek reimbursement from CoServ. The City will not incur liability for payment of rate case expenses by adopting a suspension resolution.

Section 5. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 6. This section provides that both CoServ’s counsel and counsel for the cities will be notified of the City’s action by sending a copy of the approved and signed resolution to certain designated individuals.

Section 7. This section identifies the effective date of the Resolution as the time it is adopted.

**Financial Impact**

**Applicable Policy/Ordinance**

**Staff Recommendation/Motion**

Staff recommends approval of the Resolution as presented.

**CITY OF CORINTH, TEXAS  
RESOLUTION NO. 23-08-17-XX**

**RESOLUTION OF THE CITY OF CORINTH SUSPENDING THE SEPTEMBER 1, 2023 EFFECTIVE DATE OF COSERV GAS, LTD.’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER CITIES IN THE COSERV SERVICE AREA, TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF THE STEERING COMMITTEE OF CITIES SERVED BY COSERV GAS’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL**

WHEREAS, on or about July 28, 2023, CoServ Gas Ltd (“CoServ” or “Company”), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of Corinth (“City”) a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its service area, effective September 1, 2023; and

WHEREAS, the City is a gas utility customer and a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, § 104.001 et seq. of GURA has exclusive original jurisdiction over CoServ’s rates, operations, and services within the City; and

WHEREAS, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to cooperate with other cities in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, it is not possible for the City to complete its review of CoServ’s filing by the September 1, 2023 effective date proposed in CoServ’s Statement of Intent; and

WHEREAS, the City will need an adequate amount of time to review and evaluate CoServ’s rate application to enable the City to adopt a final decision as a local regulatory authority with regard to CoServ’s requested rate increase; and

WHEREAS, GURA § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

1. That the findings and recitations set out in the preamble of this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

2. That the September 1, 2023 effective date of the rate request submitted by CoServ on July 28, 2023, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

3. That the City is authorized to cooperate with other cities in the CoServ service area, CoServ Gas Cities, and subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas L. Brocato of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and consultants, to review CoServ's filing, negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

4. That the City's reasonable rate case expenses shall be reimbursed by CoServ.

5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

6. That a copy of this Resolution shall be sent to CoServ, care of Charles D. Harrell, CoServ Gas Ltd., 7701 South Stemmons, Corinth, Texas 76210-1842, and to Thomas Brocato, counsel for CoServ Gas Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725 ([tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com)).

7. That this Resolution shall be and become effective from and after its adoption.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Bill Heidemann, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia A. Adams, City Attorney



I, Lana Wylie, Secretary of the City Council of the City of Corinth, Texas, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Corinth, Texas, at its regular meeting held of the 17<sup>th</sup> day of August, 2023, as the same appears in the records of this office.

**IN TESTIMONY WHEREOF**, I subscribe my name hereto officially under the corporate seal of the City of Corinth this 17<sup>th</sup> day of August, 2023.

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Secretary for the City Council  
of the City of Corinth, Texas



# CITY OF CORINTH Staff Report

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Repeal Juvenile Curfew Ordinance
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission		

**Item/Caption**

Consider and act on an Ordinance repealing Section 130.04, “Curfew for Minors” of Chapter 130 of the Code of Ordinances, to repeal Juvenile Curfew regulations in the City of Corinth as required for compliance with H.B. 1819, and providing that the repeal will become effective on September 1, 2023.

**Item Summary/Background/Prior Action**

For many years the City of Corinth has had a nighttime curfew in place for youths under age 17. During this session of the Texas legislature the legislators passed, and Governor Abbott signed H.B. 1819, which prohibits local governments from enacting or enforcing juvenile curfews as of September 1, 2023. Staff thereby requests that City Council repeal Ordinance 130.04 Curfew for minors.

**Financial Impact**

None.

**Applicable Policy/Ordinance**

130.04 Curfew for Minors

**Staff Recommendation/Motion**

Staff recommends that Council repeal Ordinance 130.04 Curfew for Minors.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, REPEALING SECTION 130.04, “CURFEW FOR MINORS” OF CHAPTER 130, “OFFENSES AGAINST CITY REGULATIONS” OF TITLE XIII, “GENERAL OFFENSES” OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH, TEXAS TO REPEAL REGULATIONS IMPOSING A CURFEW ON PERSONS UNDER THE AGE OF SEVENTEEN AND THE ASSOCIATED CRIMINAL PENALTY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2023.**

**WHEREAS**, in 2009, the City Council adopted Ordinance 09-04-16-05 establishing a juvenile curfew (“curfew for minors ordinance”) in the City of Corinth, Texas which is codified in Section 130.04, “Curfew For Minors” of Chapter 130, “Offenses Against City Regulations” of Title XIII, “General Offenses”, City of Corinth, Texas; and

**WHEREAS**, the juvenile curfew ordinance was re-adopted by the City Council in 2006, 2015, 2018 and 2021 pursuant to state law; and

**WHEREAS**, in 2023, the 88<sup>th</sup> Texas Legislature approved House Bill No. 1819 which repealed the authority of political subdivisions to adopt or enforce juvenile curfews; and

**WHEREAS**, House Bill No. 1819 takes effect on September 1, 2023; and

**WHEREAS**, it is the desire of the City Council to repeal the juvenile curfew ordinance in accordance with the new legislation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1. INCORPORATION OF PREMISES.** The premises set forth above are the stated findings of the City Council of the City of Corinth, serve as the basis for and are incorporated into this Ordinance as if written word for word.

**SECTION 2. REPEAL.** Section 130.04, “Curfew For Minors” of Chapter 130, “Offenses Against City Regulations” of Title XIII, “General Offenses”, of the Corinth Code of Ordinances is hereby repealed in its entirety effective September 1, 2023.

**SECTION 3. SEVERABILITY.** If any subsection, sentence, clause, phrase, or word of this Ordinance or application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions of applications of this Ordinance.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective on September 1, 2023.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

**APPROVED:**

\_\_\_\_\_  
Bill Heidemann, Mayor

**ATTEST:**

\_\_\_\_\_  
Lana Wylie, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Patricia A. Adams, City Attorney



**CITY OF CORINTH**  
**Staff Report**

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Business Item   Amended and Restated Interlocal Agreement TIRZ No. 2
<b>Ends:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input checked="" type="checkbox"/> Attracting Quality Development		
<b>Governance Focus:</b>	<i>Focus:</i> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Customer <input type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input type="checkbox"/> Governance Policy <input checked="" type="checkbox"/> Ministerial Function		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input checked="" type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission  Consider and approve the Amended and Restated Interlocal Agreement Between Denton County and The City of Corinth Related to Reinvestment Zone No. 2.		

**Item/Caption**

Consider and approve the Amended and Restated Interlocal Agreement Between Denton County and The City of Corinth Related to Reinvestment Zone No. 2.

**Item Summary/Background/Prior Action**

On December 15, 2020, the City of Corinth and Denton County entered into an Interlocal Agreement related to Reinvestment Zone No. 2. Given Covid, supply chain issues, cost of construction, inflation, and development delays, resulted in a number of projects having a delayed construction start. The city is requesting there be a change in Denton County’s participation rates to reflect these delays. The following represents the proposed changes in participation rates:

Original Agreement

2021-2030 @ 90%  
2031-2040 @ 80%  
2041-2055 @ 70%

Amended Agreement

2021-2025 @ 0%  
2026-2035 @ 90%  
2036-2045 @ 80%  
2046-2055 @ 70%

Based on the previous assumptions, the County participation would reach the \$24 million cap in 2049, leaving six years in the term where they were not projected to participate.

Under the proposed participation assumptions, the County will reach the cap in 2048 and there would be no change in the TIRZ boundaries, terms, or projected timeline for the County to reach their cap. This allows the County to participate at the same level and on the same timeline as stated in the original agreement. The base year for the TIRZ has not changed.

The Commissioner's Court did approve the Amended and Restated Interlocal Agreement TIRZ No. 2 at their August 8, 2023 Commissioner's Court meeting.

**Financial Impact**

N/A.

**Applicable Owner/Stakeholder Policy**

N/A.

**Staff Recommendation/Motion**

Consider and approve the Amended and Restated Interlocal Agreement Between Denton County and The City of Corinth Related to Reinvestment Zone No. 2.

# DENTON COUNTY COMMISSIONERS COURT

08/08/2023

Month Day Year  
23 08 2023

Court Order Number

13. D.

**THE ORDER:**

Approval of Amended and Restated Interlocal Agreement between Denton County, and the City of Corinth Related to Reinvestment Zone No. 2, City of Corinth, and any appropriate action. Economic Development

Motion by FALCONER

Seconded by Williams

County Judge Yes   
Andy Eads Abstain   
No   
Absent

Commissioner Pct No 1 Yes   
Ryan Williams Abstain   
No   
Absent

Commissioner Pct No 2 Yes   
Kevin Falconer Abstain   
No   
Absent

Commissioner Pct No 3 Yes   
Bobbie J. Mitchell Abstain   
No   
Absent

Commissioner Pct No 4 Yes   
Dianne Edmondson Abstain   
No   
Absent

Motion Carried 5-0-0

Other Action: Pulled from Consent  No Action  Postponed

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

Andy Eads  
Presiding Officer



Julie Luke, County Clerk  
and Ex-Officio Clerk of the  
Commissioners Court of  
Denton County, Texas

APPROVED AS TO FORM:  
John Zeldt  
Assistant District Attorney

BY: Julie Luke  
Deputy County Clerk

## AGENDA PLACEMENT MEMO

**DATE:** August 8, 2023  
**TO:** Commissioners Court  
**FROM:** Rina Maloney, Economic Development  
**SUBJECT:** Approval of Amended and Restated Interlocal Agreement Between  
Denton County and the City of Corinth Related to Reinvestment  
Zone No. 2, City of Corinth

**REQUESTED ACTION/RECOMMENDATION**

Approval of Amended and Restated Interlocal Agreement between Denton County, and the City of Corinth Related to Reinvestment Zone No. 2, City of Corinth, and any appropriate action. Economic Development

**BACKGROUND**

The Amended and Restated Interlocal Agreement between Denton County, and the City of Corinth related to Reinvestment Zone No. 2, City of Corinth changes the start year for Denton County’s contribution to the Tax Increment Reinvestment Zone (“TIRZ”) from 2021 to 2026 with the final year remaining 2055.

The timeline for the percentages of contribution are also changed:

Previous Schedule	Amended Schedule
2021 - 2030 (9 years) at 90%	2021 - 2025 (4 years) at 0%
2031 - 2040 (9 years) at 80%	2026 - 2035 (9 years) at 90%
2041 - 2055 (14 years) at 70%	2036 - 2045 (9 years) at 80%
	2046 - 2055 (9 years) at 70%

The Denton County contribution cap remains \$24M as previously stated in the original Interlocal Agreement.

**OPERATIONS AND MAINTENANCE**

n/a

**LEGAL INFORMATION**

The Tax Increment Financing Act, Chapter 311, of the Texas Tax Code authorizes taxing entities to join other taxing jurisdictions in the establishment of a Tax Increment Reinvestment Zone, TIRZ.

**FINANCIAL IMPACT**

No change to be made to the overall Denton County contribution to Corinth TIRZ #2.

**PROJECT SCHEDULE**

Participation to begin in 2026 and end by 2055, or once the contribution cap has been met.



**PRECEDING COURT ACTION**

On December 15, 2020, Denton County Commissioners Court approved participation in Reinvestment Zone #2, City of Corinth, Texas.

On September 13, 2022, Denton County Commissioners Court approved the Project and Financing Plan for the City of Corinth, Texas, Tax Increment Financing Reinvestment Zone Number 2.

THE STATE OF TEXAS §  
COUNTY OF DENTON §

**AMENDED AND RESTATED INTERLOCAL AGREEMENT  
BETWEEN DENTON COUNTY AND THE CITY OF CORINTH  
RELATED TO REINVESTMENT ZONE NO. 2, CITY OF CORINTH**

This Amended and Restated Interlocal Cooperation Agreement ("AGREEMENT") is made by and between the City of Corinth, Texas (the "CITY"), a home rule municipality of the State of Texas, acting by and through its governing body, the City Council, and Denton County, Texas (the "COUNTY"), acting by and through its governing body, the Commissioners Court. This Agreement is made pursuant to the provisions of Chapter 791 of the Texas Government Code and Chapter 311 of the Texas Tax Code for the participation of the City and the County in Reinvestment Zone No. 2, City of Corinth (the "REINVESTMENT ZONE"), a reinvestment zone created by the City pursuant to Chapter 311 of the Texas Tax Code (the "CODE"). This Agreement supersedes and replaces the Interlocal Cooperation Agreement between the City and County related to Reinvestment Zone No. 2, City of Corinth, effective December 15, 2020.

**RECITALS:**

**PART 1.**

In Ordinance No. 19-09-05-32, attached hereto as Exhibit "A," the City Council determined that it was necessary to create a tax increment reinvestment zone, in the area more particularly described in the attached Exhibit "A" and on the map attached hereto as Exhibit "B." The Reinvestment Zone consists of approximately 995 acres in and surrounding the core of Corinth, Texas.

**PART 2.**

The general purpose of the Reinvestment Zone is to promote the development and redevelopment of the property in the Reinvestment Zone and in surrounding areas in the City pursuant to the tax increment provisions of Chapter 311 of the Code. The specific purpose of the Reinvestment Zone is to provide a financing mechanism to pay for the costs associated with the construction and the operation of a

transit stop and to spur new investment. A list of the projects and their respective costs are included in the attached Ordinance No. 19 - 09 - 05 - 32 (the "PROJECT COSTS"). The County will participate in projects listed on Exhibit "C," (the "COUNTY APPROVED PROJECT LIST"), attached hereto and incorporated herein, as well as additional requested projects that are approved by County for County TIRZ participation; provided however, total County participation shall not exceed the amount of \$24,090,752.97. The County will participate in certain projects listed in Exhibit "C" (the "COUNTY APPROVED PROJECT LIST") attached hereto and incorporated herein, as well as additional projects requested by the Board of Directors of the Reinvestment Zone. However, the County's total participation for all projects listed in the County Approved Project List shall not exceed the amount of \$24,090,752,97. The County may increase this amount for additional projects requested by the Board of Directors of the Reinvestment Zone subject to approval by the County Commissioners Court.

PART 3.

The City and the County wish to provide in this Agreement for the County to make payments to the City of the County's portion of the County's tax increment revenues derived from increases in property values resulting from new development in the Reinvestment Zone. The City and the County agree that the Tax Increment revenue derived from such increases in property values will be used to finance the County Approved Projects List (Exhibit "C") within the Zone, except the County will not contribute its portion of the Tax Increment revenue to Projects facilitating development in Area 3 (143.1 acres) and Area 8 (175.7 acres) as shown in Exhibit "A" and Exhibit "B." The City and the County agree that the County's portion of Tax Increment derived from such increases in property values will only be used to finance those Projects in the County Approved Projects List facilitating development in Areas 1, 2, 4, 5, 6, 7 and 9, which payments will be used by the City to pay or reimburse private sector partners for a portion of the Project Costs under the terms and conditions described in this Agreement. The City and the County agree that the County's portion of Tax Increment derived from such increases in property values in Areas 3 and 8 will not be used to finance any Projects in the County Approved Projects List in Areas 3 and 8; however, the City may still elect to use its portion of the Tax Increment to finance Projects in Areas 3 and 8.

PART 4.

The City has agreed to take all necessary actions on or before June 30, 2021 to adjust the boundaries of the Reinvestment Zone to exclude Areas 3 and 8 described and depicted on Exhibits "A" and "B" The City intends to hold a public hearing and submitted to the City Council an item for the creation of a separate Tax Increment Reinvestment Zone for Areas 3 and 8 in accordance with Chapter 311 of the Code (the "NEW ZONE"), and the County has declined to participate in the New Zone. Should the City fail to remove the New Zone from the existing boundaries of the Reimbursement Zone by June 30, 2021, the County shall have the right to terminate its participation in this Agreement.

PART 5.

On December 15, 2020, the City and County entered into the Interlocal Agreement between Denton County and the City of Corinth Related to Reinvestment Zone No. 2, City of Corinth (the "ORIGINAL AGREEMENT"). The City and County have agreed to amend the terms of the Original Agreement relating to contributions and desire to supersede and replace the Original Agreement with this Agreement.

**AGREEMENT:**

In consideration of the foregoing Recitals which are incorporated into this Agreement, as well as the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the County agree as follows:

SECTION I.

**DEFINITIONS**

In this Agreement:

**A. "CAPTURED APPRAISED VALUE"** for a year, means the total appraised value of all real property taxable by the City or the County and located in the Reinvestment Zone for that year, less the respective Tax Increment Base of the City or the County.

**B. "PROJECT"** means, initially, the projects as set forth in Exhibit "A" that will encourage development and redevelopment and create jobs, increase property and sales tax revenues, and enhance the

image of the City. The Project may be revised or supplemented by amendments to the Project Plan (as defined below) that are adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City and the Commissioners Court of the County from time to time.

C. **"PROJECT PLAN"** means the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City and the Commissioners Court of the County, and amendments to these plans that are adopted by the Board of Directors of the Reinvestment Zone and approved by the City Council of the City and the Commissioners Court of the County from time to time.

D. **"TAX INCREMENT"** means for a year, the amount of property taxes levied and collected by the City and the County for that year on the Captured Appraised Value of real property taxable by the City and the County and located in the Reinvestment Zone.

E. **"TAX INCREMENT BASE"** means the total appraised value of all real property taxable by the City or the County and that is located in the Reinvestment Zone as of January 1, 2020, according to the certified tax rolls of Denton County.

F. **"TAX INCREMENT FUND"** means the tax increment fund created by the City for the Reinvestment Zone.

G. Terms other than those defined above shall have (i) their meanings as given in Chapter 311 of the Code, or (ii) if not so defined, their usual and ordinary meanings,

H. References to state statutes shall include amendments to those statutes that are duly enacted from time to time.

SECTION 2.

**BACKGROUND**

By Ordinance No. 19 - 09 - 05 -32, the City created the Reinvestment Zone for the general purpose of the development of property in the Reinvestment Zone and in surrounding areas in the City. Ordinance No. 19 - 09 - 05 - 32 was subsequently amended by Ordinance No. 20 - 12 - 17 - 39 of the City in order to amend provisions related to the Reinvestment Zone Board of Directors and to account for the

County's participation pursuant to this Agreement. The specific purpose of the Reinvestment Zone is to provide a financing mechanism to pay for a portion of the costs that are associated with development and redevelopment. The City will contribute 50% of its total Tax Increment and the County will contribute 0% - YEARS 2021-2025; 90% - YEARS 2026-2035; 80% - YEARS 2036-2045; and 70% - YEARS 2046-2055 of its total Tax Increment attributed to the Captured Appraised Value of the City in the Reinvestment Zone. The County wishes to participate in the Reinvestment Zone in consideration of the agreements set forth in below.

SECTION 3.

**OBLIGATIONS OF THE COUNTY**

**A. PAYMENTS TO THE CITY.**

The County agrees to make payments to the City during the Term of this Agreement, for deposit into the Tax Increment Fund, in the amount of 0% - YEARS 2021 – 2025; 90% - YEARS 2026-2035; 80% - YEARS 2036- 2045; and 70% - YEARS 2046-2055 of the Tax Increment attributed to the Captured Appraised Value of the County in the Reinvestment Zone. Payments shall be due no later than the 90th day after the City submits an invoice to the County specifying the Tax Increment produced by Denton County and the amount the County is required to pay into the Tax Increment Fund for the Reinvestment Zone in accordance with Chapter 311 of the Code. It is expressly understood that the County's obligation to make these payments will accrue only as taxes on the Captured Appraised Value are collected by the County.

**B. LIMITATIONS ON PAYMENTS.**

The County is not obligated to make payments under this Agreement unless and until taxes on the Captured Appraised Value are actually collected by the County. Notwithstanding any provisions contained herein, this Agreement is expressly contingent upon the availability of funds for each obligation herein for the Term of this Agreement and any extension thereto.

The County's Tax Increment contributions shall be solely based on and limited to the taxes actually collected on the Captured Appraised Value in the Reinvestment Zone. The County shall have no obligations to pay the County's Tax Increment contributions from any other County taxes or revenues. The obligation to

pay the County's Tax Increment contributions shall accrue as taxes are actually collected by the County on the Captured Appraised Value, and the County shall make payment to the Tax Increment Fund no later than the 90th day after the City submits an invoice to the County specifying the tax increment produced by the County and the amount the County is required to pay into the Tax Increment Fund for the Reinvestment Zone pursuant to this Agreement.

C. EXPANSION OF THE REINVESTMENT ZONE.

The obligation of the County to participate in the Reinvestment Zone is limited to the area as described in Ordinance No. 19- 09 - 05- 32; provided however, the City and the County agree that the Tax Increment revenue derived from such increase in property values will be used to finance the County Approved Projects List (Exhibit "C") within the Zone, except the County will not contribute its portion of the Tax Increment revenue to Projects facilitating development in Area 3 (approximately 143.1 acres) and Area 8 (approximately 175.7 acres) as shown in Exhibit "A" and Exhibit "B." Additionally, the County's participation shall not extend to the Tax Increment on any additional property added to the Reinvestment Zone by the City at a later date, unless the County approves such participation.

D. BOARD OF DIRECTORS OF THE REINVESTMENT ZONE.

In accordance with Ordinance No 20 - 12 - 17 - 39 of the City, and notwithstanding anything to the contrary in Ordinance No. 19 - 09 - 05 - 32, the County shall have the unequivocal right to have three (3) members: (i) one (1) of whom shall be appointed by the County, and in accordance with Section 311.009(e)(1) of the Code, may be an employee of County as long as such employee is a resident of Denton County or an adjacent County (the "COUNTY APPOINTEE") and (ii) two (2) of whom are not required to be residents of Corinth, but are required to be residents of the County in accordance with Chapter 311 of the Code, and who are nominated by the County for appointment by the City to serve on the Board of Directors of the Reinvestment Zone (the "COUNTY NOMINEES"). The County shall provide the City with the County Appointee and the names of two (2) or more approved County Nominees to serve on the Board of Directors. Failure of the County to appoint and/ or make nominations for members to the Board of Directors shall not be deemed a waiver of the County's right to make any appointment(s) and/ or nomination(s) at a later date. The

County agrees to appoint its County Appointee and to provide at least two (2) County Nominees at least fourteen (14) days prior to the first meeting of the Board of Directors. Additionally, should a vacancy in either the Board of Director seat of the County Appointee or in one (1) or more of the County Nominee seats, the County shall appoint a County Appointee and provide County Nominees within fourteen (14) days of such vacancy so that the Board of Directors may continue to operate in accordance with State law, including without limitation, the provisions of Chapter 311 of the Code.

SECTION 4.

**OBLIGATIONS OF THE CITY AND THE REINVESTMENT ZONE**

A. The City agrees that prior to the amendment of the Project Plan and the Reinvestment Zone Financing Plan, that such amendment will require adoption by the Board of Directors of the Reinvestment Zone and approval by the City Council of the City and the Commissioners Court of the County. Any amendment, that would increase the number of projects on the County Approved Project List or that would add Projects not listed *in* the Project Plan, will require additional approval of the County Commissioners Court.

B. The City agrees to use payments made by the County under this Agreement to solely fund Project Costs on the County Approved Project List and not for administrative costs.

SECTION 5.

**TERM AND TERMINATION**

A. TERM OF THE AGREEMENT.

This Agreement shall become effective as of August \_\_, 2023 ("EFFECTIVE DATE"), and shall remain in effect until December 31, 2055 ("TERMINATION DATE") or when \$24,090,752.79 is collected from the County, whichever event occurs sooner. The first payment of the Tax Increment by the County under this Agreement shall be for those taxes levied by the County in the year 2026 and the last payment by the County under this Agreement shall be for those taxes levied by the County in the year 2055 or when \$24,090,752.79 is collected from the County, whichever event occurs sooner. This Paragraph A shall be referred to in this Agreement as the "TERM OF THIS AGREEMENT".

B. DISPOSITION OF TAX INCREMENTS.



Upon termination of the Reinvestment Zone, and after all obligations of the Reinvestment Zone have been paid or reimbursed, the City agrees to pay to the County, within sixty (60) days of the termination, all monies remaining in the Tax Increment Fund that represent the County's pro rata amount of contribution authorized under this Agreement.

SECTION 6.

**MISCELLANEOUS**

**A. SEVERABILITY.**

In the event any term, covenant or condition herein contained shall be held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained, provided that such invalidity does not materially prejudice either the City or the County, in their respective rights and obligations contained in the valid terms, covenants and conditions hereof. In the event that any term, covenant, or condition shall be held invalid and affects in any manner the limitations of the County's contributions or participation, then this Agreement shall be void as to the County, and the County shall have no liability for any Tax Increment or other payments as may otherwise be provided for in this Agreement.

**B. ENTIRE AGREEMENT.**

This Agreement merges the prior negotiations and understanding of the parties hereto and embodies the entire agreement of the parties. There are no other agreements, assurances, conditions, covenants (express or implied) or other terms with respect to the covenants, whether written or verbal, antecedent or contemporaneous, with the execution hereof.

**C. WRITTEN AMENDMENT.**

Unless otherwise provided herein, this Agreement may be amended only by written instrument duly approved and executed on behalf of each party.

**D. NOTICES.**

All notices required or permitted hereunder shall be in writing and shall also be deemed to have been

delivered when actually received or, if earlier, on the third (3<sup>rd</sup>) day following deposit in a United States Postal Service post office or receptacle with proper postage affixed (certified main, and return receipt requested) addressed to the respective other party at the address prescribed in this Paragraph or at such other address as the receiving party may have theretofore prescribed by notice to the sending party.

CITY

City Manager  
City of Corinth  
3300 Corinth Parkway  
Corinth, Texas 76208

COUNTY

County Judge Denton County  
1 Courthouse Drive  
Denton, Texas 76209

E. NO WAIVER OF IMMUNITY.

Failure of any party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing hereunder upon default or failure of performance shall not be considered a waiver of the right to insist on, and to enforce by any appropriate remedy, strict compliance with any other obligation hereunder or to exercise any right or remedy occurring as a result of any future default or failure of performance.

F. ASSIGNMENT.

No party shall assign this Agreement at law or otherwise without the prior written consent of the other party. No party shall delegate any portion of its performance under this Agreement without the prior written consent of the other party.

G. SUCCESSORS.

This Agreement shall bind and benefit the parties and their legal successors. This Agreement does not create any personal liability on the part of any officer, employee or agent of the City, or any officer, employee, or agent of the County.

H. NO WAIVER OF IMMUNITY.

No party hereto waives or relinquishes any immunity or defense on behalf of itself, or its officers, employees, and agents as a result of its execution of this Agreement and performance of the covenants contained herein.

I. INTERPRETATION.

The parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under Chapter 791 of the Texas Government Code. All terms and provisions hereof are to be construed and interpreted consistent with Chapter 791 of the Texas Government Code.

J. APPLICABLE LAWS.

This Agreement shall be construed in accordance with the laws of the State of Texas. All obligations hereunder are performable in Denton County, Texas, and venue for any action arising hereunder shall be in Denton County, Texas.

K. THIRD-PARTY BENEFICIARY.

There are no third-party beneficiaries to this Agreement.

**IN WITNESS HEREOF**, the City and the County have made and executed this Agreement in multiple copies, each of which is an original.

[signatures on following pages]

**CITY OF CORINTH**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ATTEST / SEAL:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
City Attorney

DENTON COUNTY

County Judge

August 8, 2023

Date

*Andy [Signature]*

ATTEST:

County Clerk

Date

*Manha*

August 8, 2023





# Denton County

Administrative Courthouse  
1 Courthouse Drive  
Denton, TX 76208

## Request for Agenda Placement and Approval Flow

**Drafter:** rina.maloney@dentoncounty.gov

**Requested Agenda Date:** 08/08/2023

**Department:** Economic Development

**Grouping:** Other Departments

**Short Title:** Amended and Restated Interlocal Agreement between Denton County, and the City of Corinth Related to Reinvestment Zone No. 2, City of Corinth

**Agenda Number:** 13. D.

### Specific Agenda Wording

Approval of Amended and Restated Interlocal Agreement between Denton County, and the City of Corinth Related to Reinvestment Zone No. 2, City of Corinth, and any appropriate action.  
Economic Development

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	8/3/2023	Commissioners Court	Approve	8/9/2023



**CITY OF CORINTH**  
**Staff Report**

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Tax Rate & Public Hearing Notice
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission		

**Item/Caption**

Consider and act on a Resolution of the City Council of the City of Corinth, Texas adopting a proposed FY 2023-2024 municipal tax rate that will not exceed the voter-approval tax rate; calling a public hearing to be held on September 21, 2023 at Corinth City Hall at 6:30 p.m.; requiring publication of a Notice of Public Hearing on Tax Increase in accordance with state law; providing for the incorporation of premises; and providing an effective date.

**Item Summary/Background/Prior Action**

The Truth-in-Taxation publication notices must be calculated based on the highest possible rate the City Council may consider. The rate the City Council finally adopts *can be lower* than the proposed and published rate, but *it cannot exceed* it without undergoing the required posting requirements and timeframes. This agenda item is to establish the highest possible tax rate for the City Council to consider.

The public hearing on the proposed tax rate is to be held in the City Council Chambers at Corinth City Hall, 3300 Corinth Parkway in Corinth, Texas 76208 on September 21, 2023 at 6:30 p.m. The public hearing will not be held until at least seven (7) days after notice of the public hearing has been published in the Denton Record Chronicle, a newspaper having general circulation within the City, in the form of the *Notice of Public Hearing on Tax Increase* for City of Corinth.

Proposed Tax Rate	\$.52000 per \$100 valuation
Preceding Year’s Tax Rate	\$.54000 per \$100 valuation
No New Revenue Tax Rate	\$.47289 per \$100 valuation
De Minimis Tax Rate	\$.50894 per \$100 valuation
Voter Approval Tax Rate	\$.52658 per \$100 valuation

The FYE24 Proposed Budget was submitted to City Council on July 31, 2023 as required by the City Charter. The proposed budget is also available online on the City’s website [www.cityofcorinth.com](http://www.cityofcorinth.com).

**Applicable Owner/Stakeholder Policy**

Chapter 26 of the Texas Tax Code, as amended by the Texas Legislature in the 86th Legislative Session, requires the City Council to have a record vote establishing a public hearing date on the municipal property tax rate.

**Staff Recommendation/Motion**

***Proposed Motion to publish a Proposed Tax Rate of \$0.52000 which exceeds the No New Revenue Tax Rate of \$0.47289:***

I move to approve a resolution placing a proposal on the September 21, 2023 Council Agenda to consider a FY 2023-2024 property tax rate of \$.52000, per one hundred dollars (\$100) of valuation, which exceeds the no-new-revenue tax rate of \$0.47289 and the De Minimis Tax Rate of \$0.50894, but does not exceed the voter-approval tax rate of \$0.52658, and to set the public hearing on the proposal to consider approving the tax rate for Thursday, September 21 at 6:30 p.m. at Corinth City Hall at 3300 Corinth Parkway, Corinth, Texas 76208.



**CITY OF CORINTH, TEXAS  
RESOLUTION NO. 23-08-17-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS ADOPTING A PROPOSED FY24 MUNICIPAL TAX RATE THAT WILL NOT EXCEED THE VOTER-APPROVAL TAX RATE; CALLING A PUBLIC HEARING TO BE HELD ON SEPTEMBER 21, 2023 AT CORINTH CITY HALL AT 6:30 P.M.; REQUIRING PUBLICATION OF A NOTICE OF PUBLIC HEARING ON TAX INCREASE IN ACCORDANCE WITH STATE LAW; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, chapter 26 of the Texas Tax Code, as amended by the Texas Legislature in the 86th Legislative Session, requires the City Council to have a record vote establishing one public hearing date on the FY22 municipal property tax rate; and

**WHEREAS**, the City Council desires to consider adopting a proposed tax rate of \$0.56000, which will not exceed the voter-approval rate; and

**WHEREAS**, the City has calculated the voter-approval rate, and the proposed tax rate does not exceed such rates; and

**WHEREAS**, the City Council has determined it necessary to adopt this Resolution to set a public hearing on the proposed tax rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

SECTION 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Corinth, Texas, and are fully incorporated into the body of this resolution.

SECTION 2. The City Council hereby approves the placement of an item on the September 21, 2023, City Council public meeting agenda to vote on a proposed tax rate of \$0.52000 per \$100 valuation that will not exceed the voter-approval tax rate of \$0.52658.

SECTION 3. The City Council hereby calls a public hearing on the proposed tax rate to be held in the City Council Chambers at Corinth City Hall, 3300 Corinth Parkway in Corinth, Texas 76208 on September 21, 2023, at 6:30 p.m. The public hearing will not be held until at least seven (7) days after notice of the public hearing has been published in the *Denton Record Chronicle*, a newspaper having general circulation within the City, in the form of the Notice Of Public Hearing on Tax Increase for City of Corinth, which can be found in Exhibit A attached to this resolution, made a part hereof for all purposes. Notice of public hearing will also be posted continuously for at least seven (7) days prior to the date of the public hearing on the tax rate and at least seven (7) days prior to the vote on the proposed tax rate on the City's webpage at [www.cityofcorinth.com](http://www.cityofcorinth.com). The City Manager, or his designee, is hereby directed to publish said notice in accordance with this Resolution and in accordance with Tex. Tax Code §26.06, et seq. At the public hearing, the City Council will afford adequate opportunity for both proponents and opponents of the tax rate to present their views.

SECTION 4. This Resolution shall become effective immediately upon its passage and approval at a regular meeting of the City Council of the City of Corinth, Texas on this the 17<sup>th</sup> day of August 2023, at which meeting a quorum was present and the meeting was held in accordance with the provisions of Tex. Gov't Code §551.001, *et seq.* The City Secretary is hereby directed to record this resolution and the vote on the proposal to place the item for a public hearing on the September 21, 2023, City Council agenda.

PASSED AND APPROVED this the 17th day of August 2023.

\_\_\_\_\_  
Bill Heidemann, Mayor

ATTEST:

\_\_\_\_\_  
Lana Wylie, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia A. Adams, City Attorney

<u>Council Member</u>	<u>Voted For</u>	<u>Voted Against</u>
Bill Heidemann, Mayor	_____	_____
Sam Burke, Mayor Pro Tem	_____	_____
Scott Garber	_____	_____
Steve Holzwarth	_____	_____
Tina Henderson	_____	_____
Kelly Pickens	_____	_____

**EXHIBIT A**  
**NOTICE OF 2023 TAX YEAR PROPOSED PROPERTY TAX RATE**



# CITY OF CORINTH Staff Report

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Resolution   Capital Improvements Advisory Committee
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission		

**Item/Caption**

Consider and act on a Resolution appointing the Planning and Zoning Commission as the Capital Improvements Advisory Committee for the City of Corinth and providing an effective date.

**Item Summary/Background/Prior Action**

The committee shall serve in an advisory capacity; advise and assist the City Council in adopting land use assumptions; review the capital improvements plan, land use assumptions and impact fees, and file written comments in accordance with Chapter 395 of the Texas Local Government Code; advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee. Other duties as assigned by City Council that relate to impact fees.

**Applicable Policy/Ordinance**

Review the capital improvements plan, land use assumptions and impact fees and file written comments in accordance with Section 395 of the Local Government Code.

**Staff Recommendation/Motion**

Approve as presented.

**CITY OF CORINTH, TEXAS  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS RESTATING THE APPOINTMENT OF THE PLANNING AND ZONING COMMISSION AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AND APPOINTING ANY REQUIRED AD HOC MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Corinth (the “City”) is a Home Rule Municipality 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 City Council by ordinance appointed its Planning and Zoning Commission as the Capital Improvements Advisory Committee (CIAC) in accordance with Chapter 395 of the Texas Local Government Code; and

**WHEREAS**, the City desires to restate the appointment of the members of the Planning and Zoning Commission to the Capital Improvements Advisory Committee and appoint any ad hoc members required by Section 395.058 of the Texas Local Government Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

**SECTION 1:** Findings Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

**SECTION 2:** Appointment. The City Council hereby restates the appointment of the Planning and Zoning Commission to act as the Capital Improvements Advisory Committee

**SECTION 3.** Ad Hoc Voting Member(s). The City Council hereby appoints the following ad hoc voting member(s) of the Planning and Zoning Commission when it acts as the Capital Improvements Advisory Committee:

\_\_\_\_\_

**SECTION 4:** Effective Date. This Resolution shall be in full force and effect immediately upon final passage, and it is so resolved.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS** on this the 17th day of August 2023.

Resolution No. 23-08-17-XX  
Page 2 of 2

**APPROVED:**

\_\_\_\_\_  
Bill Heidemann, Mayor

**ATTEST:**

\_\_\_\_\_  
Lana Wylie, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Patricia A. Adams, City Attorney



**CITY OF CORINTH**  
**Staff Report**

<b>Meeting Date:</b>	8/17/2023	<b>Title:</b>	Set Public Hearing Date Impact Fee Study
<b>Strategic Goals:</b>	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
<b>Owner Support:</b>	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission		

**Item/Caption**

Consider and act on calling a public hearing to be held on October 5, 2023 at Corinth City Hall at 6:30 p.m to hear public opinion regarding the amendment of Land Use Assumptions, Capital Improvement Plans, and associated impact fees for Water, Wastewater and Roadway Capital Improvements.

**Item Summary/Background/Prior Action**

Impact fees are a one-time fee assessed to recover infrastructure costs required to serve new development. The City of Corinth currently assesses impact fees for roadways, wastewater and water. The purpose of this impact fee study is, per the Texas Local Government Code, to provide an analysis which formulates land use assumptions from which to base any needed impact fee changes, and to recommend a maximum water, wastewater and roadway impact fee to the Capital Improvements Advisory Committee (CIAC) and the City Council. State law requires that cities who have adopted impact fees periodically study and update the fees. Normally, the impact fees are updated every five years.

A public hearing is required to receive community input on the adoption of the 2023 Land Use Assumptions, Water, Wastewater and Roadway Impact Fee reports. The reports provide a detailed discussion of the land use assumptions and capital improvements plan under which roadway, water and wastewater impact fees may be imposed for new development. Any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and the capital improvements plan.

The public hearing is to be held in the City Council Chambers at Corinth City Hall, 3300 Corinth Parkway in Corinth, Texas 76208 on October 5, 2023 at 6:30 p.m. Once the public hearing is closed, the City Council has a time limit (by state statute) of thirty days to adopt the report and set impact fee levels via ordinance.

In order to set fee levels, an Ordinance setting the Impact Fee levels must be adopted by the Council. Fee levels can range from zero to the maximum calculated amount as shown in the report. It is important to note that while fee levels cannot go beyond the calculated maximum level (without a Special Financial Analysis), the Council can change the fee levels after they have been set by Ordinance. Previously established fee levels (from previous Impact Fee studies) can also be adjusted by Ordinance provided the new fees are not raised beyond the maximum calculated fee amount.

The Capital Improvements Advisory Committee will also have the opportunity to review and offer comments and recommendations to the City Council prior to the Council’s public hearing regarding the proposed land use assumptions and roadway, wastewater and water impact fees.

The proposed project schedule is as follows:

- 08/17/2023 Set Public Hearing Date at Council
- 08/18/2023 Advertise for Public Hearing
- 08/28/2023 Presentation to Planning & Zoning
- 09/07/2023 Impact Fee Study Update Council Workshop
- 10/05/2023 Public Hearing at Council, Consider Adoption of Report, Consider Setting Maximum Fee Levels

At this time, the Council is not requested to take action on any fees. This item is simply to consider scheduling a public hearing at a future meeting to then consider such approvals. If the City Council chooses to set a future public hearing per the attached project schedule, staff will advertise for the public hearing accordingly, and make available to the public the proposed fees and land use assumptions.

**Applicable Owner/Stakeholder Policy**

Section 395.052 of the Texas Local Government Code mandates periodic updates to the land use assumptions and capital improvements plan for a political subdivision imposing an impact fee. The City of Corinth is working with Kimley-Horn Associates to prepare an updated study for the City of Corinth’s Roadway, Wastewater and Water Impact Fees.

Chapter 395 of the Texas Local Government Code also requires a Capital Improvements Advisory Committee (CIAC) be appointed to provide comments on proposed amendments to the impact fees, land use assumptions and capital improvements plan upon which calculation of the impact fee is based. Per the project schedule, the CIAC (Planning and Zoning Commission) will have the opportunity to review and offer possible comments and recommendations to the City Council regarding the proposed land use assumptions and roadway and water impact fees. discussion forum.

**Staff Recommendation/Motion**

Staff Recommends setting the Public Hearing date for October 5, 2023 at 6:30 p.m. to be held in the City Council Chambers at Corinth City Hall, 3300 Corinth Parkway, Corinth Texas.