



* * * * PUBLIC NOTICE * * * *

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING
A WORKSHOP SESSION
OF THE CITY OF CORINTH
Thursday, June 4, 2020, 5:45 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers or employees may attend this meeting remotely using videoconferencing technology. The videoconferencing technology can be accessed at <http://meetings.cityofcorinth.com>
The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting.
The City of Corinth is following the Center for Disease Control Guidelines for public meetings.

CALL TO ORDER:

WORKSHOP BUSINESS AGENDA

1. Review Tanko Lighting Feasibility Study.
2. Review and discuss potential legislative issues.
3. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.

ADJOURN WORKSHOP SESSION

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

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

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

CONSENT AGENDA

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

1. Consider and act on the appointment of Gilland Chenault as the Presiding Judge for the City of Corinth Municipal Court of Record.

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.

BUSINESS AGENDA

2. Consider and act upon an ordinance amending the zoning classification from SF-4, Single Family Residential to PD, Planned Development with a base district of SF-4, Single Family Residential on an ±3.691 acre tract of land legally described as Tracts 31 and 32 of the E. Marsh Survey, Abstract No. 0833, within the City of Corinth, Denton County, Texas and is more commonly known as 3100 Tower Ridge Drive, Corinth, TX. (Tower Ridge Single Family PD)
 - Staff Presentation
 - Applicant Presentation
 - Public Comments
 - Staff Response
 - Take Action
3. Consider and act on a Development Incentive Agreement between the City of Corinth and 3100 Tower Ridge Land, LLC on an approximate 3.691 acres of land situated in the E. Marsh Survey, Abstract No. 833, City of Coimth, Denton County, Texas.
4. Consider and act on a Resolution 20-06-04-13 of the City Council approving the formation of the Corinth Economic Development Foundation (the "CEDF") and the adoption of the CEDF's Certificate of Formation; approving the appointment of the Initial Board of Directors; appointing a Registered Agent; Designating a Registered Office; and providing for an Effective Date.

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

a. Right-of-way consisting of .198 acres located at 6801 S I-35E and 3404 Dobbs Road along Dobbs Road

within the H. Garrison Survey, Abstract No. 507, within the City of Corinth, Denton County, Texas.

b. Right-of-way consisting of 1.56 acres located at 6881 South I-35E and along Dobbs Road within the H. Garrison Survey, Abstract No. 507, within the City of Corinth, Denton County, Texas.

c. 3.792 acres, Tract 13H, out of the J.P. Walton Survey, Abstract 1389, within the City of Corinth, Denton County, Texas.

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

b. Project Daylight

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

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

ADJOURN:

Posted this ____ day of _____, 2020 at ____ on the bulletin board at Corinth City Hall.

Lana Wylie, Interim City Secretary
City of Corinth, Texas

WORKSHOP BUSINESS ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 06/04/2020
Title: Tanko Lighting Feasibility Review
Submitted For: Bob Hart, City Manager
Submitted By: Lana Wylie, Administrative Assistant
Finance Review: N/A **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Infrastructure Development
Citizen Engagement & Proactive Government

AGENDA ITEM

Review Tanko Lighting Feasibility Study.

AGENDA ITEM SUMMARY/BACKGROUND

Staff has worked with Tanko Lighting to examine the feasibility of the City acquiring the street lights from Oncor. This item and attachments have been placed on the agenda to facilitate a discussion.

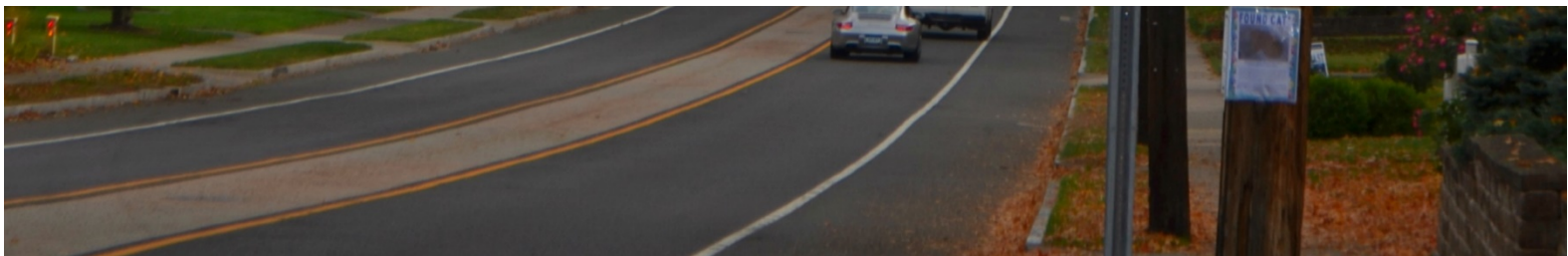
RECOMMENDATION

Attachments

Tanko proposal
Cost summary



PROPOSAL FOR OWNERSHIP AND AUDIT SUPPORT OF STREETLIGHT SYSTEM OWNERSHIP, CONVERSION AND MAINTENANCE OPTIONS FOR CORINTH, TX



Submitted by:

Jason Tanko
Chief Executive Officer
Tanko Streetlighting, Inc.
220 Bayshore Boulevard
San Francisco, CA 94124
jason@tankolighting.com

Submitted to:

Bob Hart
City Manager
City of Corinth
3300 Corinth Parkway
Corinth, TX 76208
Bob.Hart@cityofcorinth.com

February 4, 2020

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COVER LETTER

February 4, 2020

Bob Hart
City Manager
City of Corinth
3300 Corinth Parkway
Corinth, TX 76208
Bob.Hart@cityofcorinth.com

Dear Mr. Hart,

Tanko Streetlighting, Inc. (“Tanko Lighting”) appreciates the opportunity to submit this proposal for ownership and audit support of the streetlight fixtures within the City of Corinth.

Tanko Lighting is a national firm focused solely on providing professional services for turn-key municipal energy efficiency street light conversion projects. Our company has previously been or is currently involved with the energy efficiency conversion of more than 500,000 street lights throughout the nation – and is actively developing projects for an additional 550,000 street light fixtures. Our work has spanned more than twenty-three states, and fifty-five utilities.

Given Tanko Lighting’s extensive involvement with municipal streetlight LED design and conversion projects nationwide, our team can leverage its expertise to provide the necessary context and value to assist the City with all the support, recommendations and coordination necessary to ensure the success of this project. Please let us know should you have any questions. We look forward to your feedback.

Regards,



Jason Tanko
Chief Executive Officer

Enclosures

COMPANY PROFILE

Company History

For more than fifteen years – since 2003 – Tanko Lighting has been assisting municipalities with their streetlighting needs and has evolved into a national firm focused solely on providing professional services for turn-key municipal energy efficiency streetlight conversion projects.

Tanko Lighting is a privately-held S corporation and a financially stable company that has successively operated profitably for more than a decade. As a privately-held company with just two shareholders, our firm is tightly controlled, enabling sound financial and business decisions. Since 2010, our company has experienced rapid growth and expanded our core business model – all while maintaining zero long-term debt. With a clear understanding of our core competencies, significant knowledge of the municipal streetlighting market, and sound leadership, our firm continues to experience sustainable growth while reinforcing its triple bottom line values: People, Planet, and Profit.



Tanko Lighting's office – where streetlighting is integrated into the fabric of everything we do.

Tanko Lighting holds electrical contractor licenses in the States of California (C-10 License Number 992782) and Arizona. Additionally, our firm is a Certified Contractor by the Commonwealth of Massachusetts' Division of Capital Management and Maintenance (DCAMM), a Qualified Vendor with the Connecticut Conference of Municipalities, a registered Energy Services Company (ESCO) with the United States Department of Energy, and a registered Small Business Entity with the Small Business Administration.

Differentiating Factors

Tanko Lighting is focused exclusively on municipal energy efficiency streetlighting conversion projects. With decades of experience serving this market, we are the municipal streetlight experts. Because of our technical experience and national context, we are intimately familiar with industry standards and trends, as well as municipalities' challenges with aging infrastructure.

Our firm is uniquely positioned to assist the City for the following reasons:

- **Streetlighting Specialist:** We are the *only* US-based company solely dedicated to public agency streetlighting projects – and the *only* company with an entire staff solely dedicated to such projects. As such, Tanko Lighting has the largest portfolio of active municipal streetlight conversion projects than any other firm, has previously been or is currently involved with the energy efficiency conversion of more than 500,000 streetlights throughout the nation, and is actively developing projects for an additional 550,000+ streetlight fixtures. Additionally, our work has spanned more than twenty-three states, and fifty-five utilities. Further, our firm has conducted more pilot and design projects than any other firm – most have led to subsequent conversion contracts, which shows the level of our expertise. Finally, our expertise has been forged by diverse project types – including various sized projects (ranging from as large as 38,000+ fixtures to as few as 49 fixtures), as well as incredibly complex projects, derived

from such factors as square mileage/area, complicated data, inconsistent existing design, and complex scopes of work.

- **Technical Knowledge:** Tanko Lighting has significant technical expertise centered on public agency streetlighting infrastructure. Led by an electrical engineer and licensed electrical contractor, Jason Tanko (Chief Executive Officer), we understand the field conditions and system constraints that are often involved with streetlighting projects. This enables our team to accurately design projects to prevent anticipated challenges, as well as quickly respond with streamlined solutions in the event of technical difficulties during a project.
- **National Context:** As a US-based company, Tanko Lighting’s broad experience with feasibility, ownership, and design and implementation of LED conversion projects provides tremendous national context that will benefit the City by ensuring that the project is consistent with industry standards during each phase of the project.
- **Experience with Ownership Projects:** There is a growing nationwide industry trend in which municipalities are acquiring their streetlight infrastructure from their local private utility companies. This poses tremendous advantages to the municipality, in that not only does it allow the municipality to control the management of the system within its geographic borders, but it also involves tremendous cost savings – particularly related to maintenance and energy (as many utilities charge exorbitant fees for energy and maintenance rates for the systems). Further, once a municipality purchases its system, it can reap additional savings benefits by converting to LED fixtures. Tanko Lighting has been working with several municipalities nationwide to assist in their streetlight ownership strategies from investor-owned utilities. Our team’s experience with ownership projects includes providing valuation, field data collection, ownership feasibility analysis, and ownership negotiations with the utility on behalf of the client. Recent projects involving ownership support include the following municipalities:
 - Ballwin, MO (2,113 fixtures)
 - Independence, OH (1,000 fixtures)
 - Buffalo, NY (33,000 fixtures)
 - Geneva, NY (1,700 fixtures)
 - Vernon, CT (1,700 fixtures)
 - Berlin, CT (2,500 fixtures)
 - East Lyme, CT (1,500 fixtures)
 - Rocky Hill, CT (1,600 fixtures)
 - Warren, MA (430 fixtures)
 - Andover, MA (1,500 fixtures)
 - Wolcott, CT (980 fixtures)
 - Glastonbury, CT (1,500 fixtures)
 - Darien, CT (850 fixtures)
 - West Hollywood, CA (2,300 fixtures)
 - Rancho Cucamonga, CA (16,000 fixtures)



Tanko Lighting’s LED Conversion in Goffstown, NH

- Santa Clarita, CA (17,200 fixtures)
 - Santa Ana, CA (11,500 fixtures)
 - Tustin, CA (3,500 fixtures)
 - Orange, CA (6,000 fixtures)
 - Bell, CA (1,672 fixtures)
 - Stanton, CA (1,159 fixtures)
 - Claremont, CA (1,500 fixtures)
 - La Verne, CA (1,979 fixtures)
 - Simi Valley, CA (8,325 fixtures)
 - La Puente, CA (2,100 fixtures)
- **Data Management:** Tanko Lighting believes that utilizing data collection and analysis throughout all stages of a project results in superior project management. We built our own in-house data team with the right blend of both streetlighting technical expertise and data analysis skills to collect and reconcile accurate project data. While others often subcontract data collection and management, we retain these activities in-house to better inform the design and project management processes. Field staff are provided devices that track the Global Position System (GPS) coordinates and other characteristics of the existing fixtures for the audit phase, as well as for the installation phase (installers track information in real-time during the LED installation), which, when compared with City data, streamlines the accuracy of the ordering and installation processes. Additionally, we utilize the most state-of-the-art technology with the highest degree of spatial accuracy, and utilizes the industry standard software – ESRI’s ArcGIS – to process data and provide shape files that are fully compatible with clients’ GIS records. Our field auditors have accurately collected data on thousands of streetlight fixtures – ensuring that the City’s audit will be conducted by highly qualified professionals with tremendous field experience. As a result, our projects are well-designed, streamlined, accurate, efficient and cost effective. Our focus on data results in significant transparency throughout all phases of the project.
 - **Financial Analysis:** Tanko Lighting has conducted hundreds of financial analyses for public agencies nationwide, representing thousands of fixtures, to ascertain the value of converting to energy efficient streetlight systems. Leveraging our team’s vast industry knowledge to accurately estimate relevant costs and savings to provide the most accurate energy and CO2 savings estimates and integrating the information into the implementation phase of a project is a one of our company’s core competencies.

Relevant Experience

Ninety-five percent of Tanko Lighting’s contracts involve streetlight projects for government/public agencies. This equips our team with the necessary context and expertise to complete superior projects for this specific market sector.

Tanko Lighting’s success lies in its unique passion for streetlighting, which translates into a drive to ensure that projects are successfully completed. We are tremendously aware of how critical client satisfaction is to our success. Thus, we strive to make every client an enthusiastic reference for future work. Clients are receptive to this drive, to the point that they frequently recommend our firm to other municipalities. A few of our major successes include:

- **City of Ballwin, MO:** Tanko Lighting is working to negotiate a fair market ownership price for the City to acquire the streetlight system from its utility. This is a landmark project, in that it is the first recent attempt to assertively municipalize streetlight ownership in Missouri. Our team is currently engaging the utility and, upon receipt of the purchase price, will provide the City with a financial analysis to ensure the cost effectiveness of the purchase.

- **City of Mesa, AZ:** Tanko Lighting is subcontracting to the prime contractor on a project to provide the City of Mesa with a Streetlight Master Plan, including proposing new LED streetlight fixture standards and evaluating the current rate structure and proposing a new LED streetlight rate structure to the City's municipal utility.
- **City of Lowell, MA:** A current turn-key project for the City of Lowell, MA, which involves the LED conversion of 7,500 fixtures. Because of our thorough audit and data management, we discovered that the City acquired upwards of 200 fixtures from its utility that did not actually exist, and that the City had been overcharged for these fixtures for the past seven years. By accurately collecting the data and properly reconciling it with City and utility records, we successfully remedied these discrepancies and uncovered tremendous savings for the City.
- **City of Brewer, ME:** The City of Brewer is the first municipal streetlight ownership with Emera Utility in Maine. Tanko Lighting is working diligently with the City and Emera to develop a strategy for the ownership. Tanko Lighting completed a comprehensive GIS audit of the existing inventory and cross-referenced that with Emera's records to confirm a complete data set that the City referred to during the ownership process. We leveraged the experience working with other utilities through ownership to guide the City throughout the transfer of ownership to maximize potential savings. Finally, we managed the design and installation of the LED streetlight conversion to enable the City to gain significant energy savings.
- **City of Meriden, CT:** A turn-key project for the City of Meriden, CT, which involved the LED conversion of 4,300 fixtures, as well as the maintenance of the system. Upon ownership of its streetlight system from its utility, the City inherited significant deferred maintenance issues that quickly resulted in substantial outage reports and citizen complaints. Tanko Lighting successfully designed an approach that quickly addressed the maintenance needs of these locations, while simultaneously proceeding with the LED conversion. This diverted a potential public relations nightmare and ensured that the City's streets were safely lit. Our team continues to maintain the City's new LED system to ensure ongoing operation.
- **City of Berlin, CT:** A turn-key project for the City of Berlin, CT, which involved an ownership and LED conversion of the City's streetlights from its utility. Tanko Lighting identified billing discrepancies involving overhead fixtures that the City was being charged for by its utility at the underground (costlier) rate, resulting in significant cost savings for the City. Further, our audit identified the current field conditions that substantiated the valuation that the utility provided to the City, which enabled the City to feel confident in the fair market value of the assets it acquired from the utility. Our team continues to maintain the City's new LED system to ensure ongoing operation.
- **City of Geneva, NY:** This is a turn-key streetlight ownership and LED conversion project that Tanko Lighting is implementing for the City of Geneva's approximate 1,800 fixtures. This is one of the initial ownership and LED conversion projects in New York State Electric and Gas's (NYSEG) territory and is ground breaking for municipal



Tanko Lighting's project in Ballwin, MO

ownership efforts. Our comprehensive GIS audit was so accurate that NYSEG was willing to accept it, and therefore reduce the timeframe for the ownership completion by months. We are in the final stages of the LED conversion and the City will soon benefit from its full energy savings.



Tanko Lighting's LED Conversion in Berlin, CT

- City of Buffalo, NY:** This completed project involved Tanko Lighting developing a feasibility analysis for the City of Buffalo to determine whether it was practical to acquire its 33,000 streetlight fixtures from National Grid and convert them to LED fixtures. This is one of the initial – and largest – ownership and LED conversion projects in National Grid's territory in New York State and is ground breaking for municipal ownership efforts. Our team prepared dozens of financial analyses for this project, including high and low ownership costs, maintenance options (internal vs. external maintenance), various tariff scenarios, and amortization schedules to determine the City's options and gained extensive experience with New York State utility tariffs through the course of this project.
- City of Rancho Cucamonga, CA** This project involved the LED conversion of the City's 16,000 fixtures, recently acquired from SCE. Tanko Lighting expedited the installation process such that as soon as Southern California Edison released each transfer of purchased fixtures, the City was converted to LED streetlights well ahead of the next batch – which maximized the City's energy savings. Our team completed the project in early 2018 and continues to provide ongoing maintenance services of the City's new LED system to ensure ongoing operation.
- City of Berkeley, CA:** A turn-key project for the City of Berkeley, CA, which involved the LED conversion of not only 7,000 cobra head fixtures (for which Tanko Lighting provided design recommendations with tremendous savings), but also 1,100 decorative fixtures (which involved twenty different types of decorative fixtures for which we recommended LED retrofit kits) – which saved the City approximately \$500,000 in costs.
- City of Oakland, CA:** A project for the City of Oakland, CA, which involved in the LED conversion of 38,000 fixtures. Tanko Lighting was initially involved with the original team, orchestrating the strategy and project management approach for the awarded contractor. However, when the prime contractor defaulted on the project, its surety company hired our firm directly to clean up the mistakes, and re-audit, label, and data reconcile the entire City's streetlight system. This resulted in the successful completion of the project and helped to settle the City's bond claims.

Please find a list of all our projects in nationwide in Appendix A.

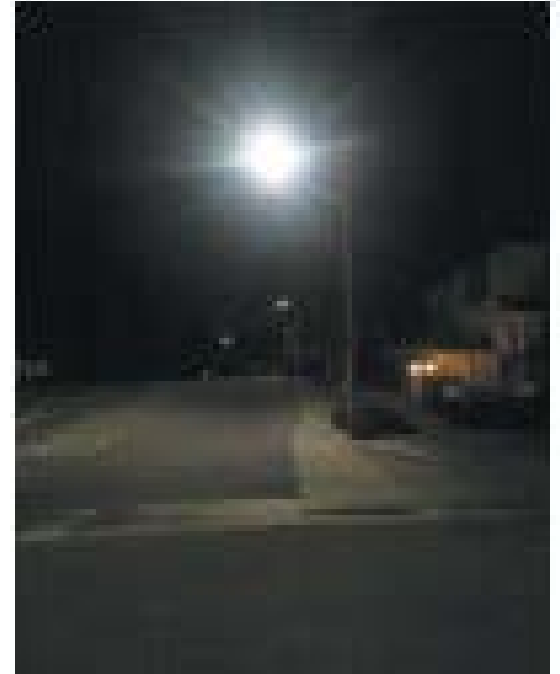
REFERENCES

Please find a selection of Tanko Lighting's references below.

Connecticut Conference of Municipalities

Joe Bragaw, Director of Public Works
Town of East Lyme, CT
860-691-4118
Jbragaw@eltownhall.com

Description of Services: Tanko Lighting was selected by the Connecticut Conference of Municipalities (CCM) as a Qualified Vendor through a public procurement process to assist the organization with the streetlight ownership and LED conversion for hundreds of its member municipalities. To date, Tanko Lighting has facilitated more than 50,000 LED fixture conversions through this project, including the Town of East Lyme, CT, involving project management support, ownership assistance, engineering services, cost-benefit analysis of various technologies, GIS field auditing and commissioning, product procurement, environmental disposal/recycling, data reconciliation, installation management, rebate/rate change support, administrative services, and ongoing maintenance services.



Tanko Lighting's LED Conversion in Rancho Cucamonga, CA

City of Rancho Cucamonga, CA

Fred Lyn, Utilities Division Manager
(909)-477-2740 ext. 4035
Fred.Lyn@CityofRC.us

10500 Civic Center Drive, Rancho Cucamonga, CA 91730

Description of Services: Tanko Lighting provided ownership support, LED turnkey conversion and ongoing maintenance for the City of Rancho Cucamonga's streetlight ownership and LED conversion project of more than 16,000 streetlight fixtures.

Metropolitan Area Planning Commission

Norman Khumalo, Town Manager
Town of Hopkinton, MA
(508)-497-9701
nkhumalo@hopkintonma.gov

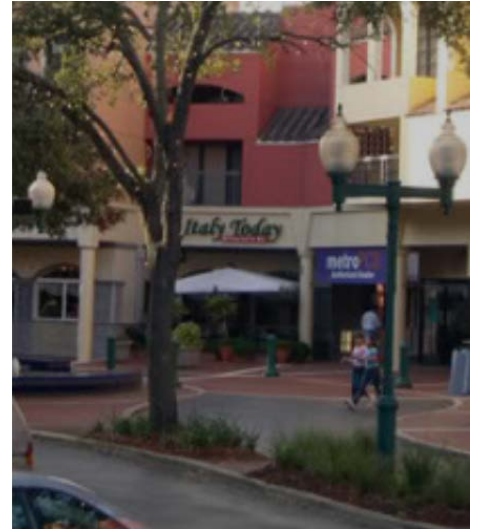
Description of Services: Tanko Lighting was selected by the Metropolitan Area Planning Commission (MAPC) to assist multiple municipalities throughout Massachusetts with their streetlight ownership projects and LED conversions through multiple public procurement processes for dozens of its member municipalities. To date, Tanko Lighting has facilitated more than 40,000 LED fixture conversions through this project, including the Hopkinton, MA, which involved project management support, ownership assistance, engineering services, cost-benefit analysis of various technologies, GIS field auditing and commissioning, product procurement, environmental disposal/recycling, data reconciliation, installation management, rebate/rate change support, administrative services, and ongoing maintenance services.

SCOPE OF WORK

Step 1: Ownership Negotiations

Tanko Lighting has extensive experience nationally with municipal streetlight ownership projects. This experience will be leveraged for the City's project. Our team will provide comprehensive services to support the City's ownership of its streetlight assets from its utility, including:

- In-depth financial valuation of the existing streetlight system assets, including:
 - Determination of the value in use of the system to be purchased
 - Determination of the value on a functional basis
 - Estimation of the original book value of the assets
 - Determination of the salvage and functional replacement value of the system
 - Estimation of the degree of deferred maintenance within the system
 - Determination of the remaining economic life of the system
- Providing financial analysis of the feasibility of ownership, including:
 - 10 and 20-year cashflow analysis with inclusion of multiple financing options and sensitivity to turnover point and cash flow
- Coordinating financing, if needed
- Initiating and leading negotiations with the utility, including the topic of definitions of value
- Presenting analysis, strategies and options to City staff and Council members via webinars, phone calls and/or a limited number of meetings
- Providing background evidence, case law, data, research, legal arguments, and precedence to support litigation to forcibly purchase the streetlight system (if necessary). Please note that Tanko Lighting will coordinate with the City's legal counselor(s) and that all court appearances, court filings, court costs, filing fees, attorney's fees, legal costs/services, and expert witness fees will be the City's responsibility



Tanko Lighting's LED project in Miami Lakes, FL

Tanko Lighting shall initiate contact with the utility within 60 days of execution of this agreement. This Step can be cancelled at no cost to the City at any point before the deliverables are provided, if either party wishes. If the City chooses not to pursue litigation and/or no reasonable offer is made through negotiations, then no deliverable is due from Tanko Lighting and no payment is due from the City.

Deliverables:

- Financial Analysis: 10 and 20-year cash flow analysis with multiple financing options, demonstrating the feasibility of ownership.
- Analysis Presentation: Power Point presentation presenting the financial analysis, strategies and options for the City.
- Streetlight Ownership Offer from Utility: Tanko Lighting's efforts will result in a viable offer from the utility (for example, and depending on the utility rates, cash flow positive in Year 1 with a minimum Return on Investment (ROI) of ten years or less – including LED conversion) to the City to purchase the streetlight assets that results in:
 - Agreement start date for transfer of streetlight assets based on the City's preference that allows for sufficient preparation (including audit, design and turn-key conversion preparation); or

- o An alternative offer from the utility of substantial benefit to the City.
- Supporting Documentation: Case law, data, and other background evidence to support the City’s legal case to purchase the streetlight system.

Step 2: Inventory Audit

Ideally, Step 2 would be conducted simultaneously with (or soon after) Step 1 to analyze the existing streetlight inventory and fully prepare the City for the subsequent Steps (LED conversion and maintenance). An excessive postponement of Step 2 will reduce the City’s readiness to move forward once the ownership takes place and will delay cost savings. Thus, we recommend that Steps 1 and 2 start at similar times, which will streamline efforts.

Please note that regardless of whether the City already has LED fixtures in its system, it behooves the City to proceed with Step 2 because it will provide a blueprint of existing fixture locations, reconcile the City’s utility bills and provide ample design if the City wants to standardize the LED fixtures.

The following tasks will be part of Step 2:

Task 1: Comprehensive GIS Audit of Existing Streetlights

In our experience, a proper GIS audit is essential to equipping the client with a comprehensive and accurate understanding of its existing infrastructure. The GIS audit is pivotal, as the data collected enables appropriate design and product procurement. The GIS audit also results in streamlined installation, as it identifies potential obstructions and other on-site challenges, as well as enables our team to effectively manage the installation by knowing which replacement fixtures need to be installed at every location – ahead of time. Having this data prior to the installation phase is crucial when coordinating multiple installation crews simultaneously. Further, by not subcontracting this critical service, Tanko Lighting minimizes costs.

Our data-driven approach to project implementation has defined our success. From GPS location coordinates to fixture wattages, accurate data collection and data management is the backbone from which our methodology stems. It is essential to proper design – which is why our auditors collect more than thirty fields of data per streetlight fixture. This ensures that we have comprehensive characteristics for each existing fixture from which to design the proper replacement LED fixture.

Tanko Lighting’s approach to the audit is an in-field strategy that poses the following advantages:

- Our initial audit has a 98% accuracy rate after the initial visit. Since we identify and rectify any missing data or errors, our final error rate is significantly less than 1% - which is further rectified during the installation and final commissioning phases of a project.
- Using trained auditors in the field at the onset of the project enables our team to obtain the most definitive, up-to-date data set possible. While we supplement our field data with digital data sources (e.g. aerial imagery, street-level imagery, and City/utility inventories), the integrity of its audit is never dependent on the age or accuracy of available digital data sources.



Tanko Lighting’s GIS audit is the backbone of the project– as the precise data enables accuracy throughout all phases.

- Our in-field approach provides the greatest accuracy and access to the pole and fixture. In person, we can identify potential safety issues, such as leaning poles, exposed wiring, or structural damage, to the pole/arm/fixture. We can also verify pole numbers/labels and confirm any locations where numbers/labels are damaged or missing.
- Comprehensive access to the pole and fixture allows for a more conscientious design. Because our team collects so much information that can only be gathered in person (e.g. fixture wattage, various height/distance measurements of the light and street, and factors that inform lighting levels and distribution patterns), we can create a highly-customized design tailored to a City’s specific lighting needs – and identify any concerns from the project start.
- Collecting data in person gives our team the highest possible certainty of what is in the field. This precision means that we do not waste money on extra fixtures and does not waste time ordering more at the end of the project to make up for any shortfalls due to inaccurate data. This precision also minimizes sloppy design (and inherent lower energy savings) – which are more likely from a subcontracted audit.
- Informing the City of which fixtures are eligible for purchase in the system and the quality of those assets, based on the pole conditions identified through the audit.

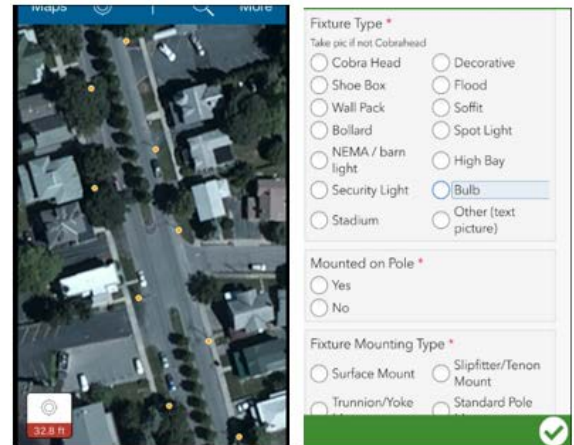
The preparation phase for the audit will involve the following activities that are critical to the accuracy of the data collection:

- Tanko Lighting working with City staff to clearly define audit scope, including priority areas and/or City borders or other areas containing non-City-owned fixtures.
- Our team developing and providing to City staff for approval a list of the characteristics (the “Audit Attributes”) of the data that will be collected during the audit.
- City staff providing our team with all available City and utility records for existing inventory.
- Our team reviewing these data records to determine which should be utilized for the data reconciliation phase.
- Our team initiating rate change processes with the utility.
- Our team developing audit maps, scheduling and dispatching auditors to the field.

Once the preparation phase is complete, the audit will commence. We will collect data on the existing inventory and identify attributes on-site, including:

- The Global Positioning System (GPS) coordinates (latitude, longitude) of each fixture location and date of capture
- Fixture type
- Pole mounting configuration
- Fixture wattage
- Pole height, mounting type, and mast arm length
- Pole type, ID number, approximate age
- Physical attributes and/or issues – such as electrical hazards, pole leaning/damage, tree obstructions, etc.

Auditor Data Collection Screens



Our GIS auditing team uses dedicated tools, refined over hundreds of similar streetlighting projects, to ensure the accuracy of the data collection.



Our auditors collect and transmit data points daily. We will compile data weekly to provide the City with a Weekly Audit Report (a sample can be provided upon request). The Weekly Audit Report will enable the City to identify and address any immediate safety concerns, as well as other issues – such as tree trimming – that may need attention prior to project installation.

Unlike other potential providers, Tanko Lighting is an industry expert focused solely on streetlighting. We have built our own in-house data team with the right blend of both streetlighting technical expertise and data analysis skills to collect and reconcile accurate project data (note that we never subcontract out the audit services). Further, our field auditors have accurately collected data on tens of thousands of streetlight fixtures nationwide – ensuring that the City’s audit will be conducted by highly qualified professionals with tremendous experience. This renders Tanko Lighting as the most qualified to perform the GIS audit, as our staff is significantly experienced in the nuances and characteristics of all streetlight installations.

“At Graybar, we have worked with ESCOs around the country and there is no organization that is as professional, meticulous, and efficient as Tanko Lighting. We have serviced over 300,000 streetlights with Tanko Lighting and have had ZERO returns. Their audit is far more comprehensive than any other audits we have seen in the marketplace and allows for municipalities to have a true grasp on their lighting system. Utilizing Tanko Lighting ensures that the job will be completed on schedule and all parties involved will be well informed. There is no organization that can implement a streetlighting solution the way that Tanko Lighting can.”

Kristian Reyes, Manager
Lighting and PowerSmart Solutions

Deliverables:

- Weekly Audit Reports: An overview map listing the locations completed during the data collection phase (showing both weekly and comprehensive progress), along with a description of any issues that the City would need to devote immediate attention to – including electrical hazards, tree trimming needs, etc.

Task 2: Data Reconciliation

Tanko Lighting has developed a methodology to capture every streetlight asset owned by the municipality. Using precise GPS technology and expert streetlighting GIS Analysts, our team reconciles every asset it locates in the field with each record in the utility’s invoice/inventory to ensure that it has identified and converted all eligible assets. We share this information with customers during the pre-conversion phases of the project so that the municipality knows exactly what they own, and exactly which fixtures will be converted. Additionally, the data reconciliation phase serves as a quality control check of the utility’s data from the ownership process – providing the City with confirmation of its newly-owned assets.

Simultaneously with the GIS audit, our team will conduct a thorough and detailed investigation of the City’s existing records, including utility billing records and maps. Tanko Lighting will reconcile these City records with the data from the City-wide GIS audit to confirm ownership, eligibility for rebates, and billing record accuracy. In our team’s experience, cross referencing these various data sources results in extremely precise and clean data because most projects typically have a utility billing discrepancy of approximately 5 – 10 percent of the inventory quantity. This results in cities being over-billed by their utility. We will identify discrepancies through the data reconciliation process, include this information in the subsequent negotiations with the utility, and will assist with remedying the bills on behalf of the City.

The data reconciliation report will include the following items:

- Analysis of locations confirmed during the audit
- Analysis of locations appearing in the utility records but not in the confirmed audit records
- Analysis of locations confirmed in the audit records but not in the utility records

Deliverables:



- Reconciliation Report: A concise report detailing any discrepancies found between records during the data.

PRICING

Please find our proposed pricing in the table below.

Proposed Pricing	
Step	Proposed Pricing
Step 1: Ownership Negotiations	A fixed fee of \$40,000 will be due only upon the successful completion of the deliverables associated with the scope of services outlined above.
Step 2: Inventory Audit	\$25.00 per fixture

- Proposed Payment Terms:
 - Step 1: Tanko Lighting shall invoice the City for Step 1: Ownership Negotiations in one lump sum only upon award of ownership (whether via an agreement negotiated with the utility or a Court judgment). If the deliverable for Step 1: Ownership Negotiations cannot be achieved, Tanko Lighting shall not invoice the City for any services rendered.
 - Step 2: Tanko Lighting shall invoice the City for Step 2: Inventory Audit on a monthly basis, based on the quantity of fixtures audited and reconciled during the month.
 - The City shall pay Tanko Lighting within thirty (30) days of receipt of invoices.
 - These proposed payment terms can be negotiated, upon request.

APPENDICES

- Appendix A: Projects List

APPENDIX A

Tanko Lighting in Massachusetts		
Municipality	Number of Fixtures	Scope of Work
Town of Palmer, MA	902	Audit, Design, LED Conversion, Including Controls
City of Leominster, MA	3,637	Audit, Design, LED Conversion, Including Controls
Town of Andover, MA	1,564	Audit, Design, LED Conversion
City of Watertown, MA	783	Audit, Design, LED Conversion
Town of Warren, MA	437	Audit, Design, LED Conversion
City of Everett, MA	2,965	Audit, Design, LED Conversion
City of Lowell, MA	7,000	Audit, LED Conversion Contract
Town of Winchester, MA	1,571	Audit, LED Conversion Contract
Town of Sharon, MA	1,600	Audit, LED Conversion Contract
Town of Hopkinton, MA	563	Audit, LED Conversion Contract
Town of Wayland, MA	714	Audit, Design, LED Conversion
Town of Millis, MA	436	Audit, LED Conversion Contract
City of Malden, MA	3,694	Audit, LED Conversion Contract
Westfield Electric MUNI Utility, MA	4,000	Design and Photometrics
City of Somerville, MA	4,842	Design/PM of Install
Town of Sudbury, MA	591	Audit and Design, LED Conversion Contract
City of Burlington, MA	2,400	Audit, Design, LED Conversion
Town of Winchendon, MA	564	Audit, LED Conversion Contract
City of Boston, MA	4,000	Audit/Data Reconciliation of Decorative Fixtures
Town of Ayer, MA	520	Audit, Design, LED Conversion & Controls
City of Medford, MA	4,618	Audit, Design, LED Conversion
Town of Ware, MA	823	Audit, Design, LED Conversion, Maintenance
City of Gardner, MA	1,532	Audit, Design, LED Conversion
Town of Clinton, MA	923	Audit, Design, LED Conversion
Town of Hanover, MA	505	Audit, Design, LED Conversion
Town of Webster, MA	1,485	Audit, Design, LED Conversion
Town of Weymouth, MA	3,720	Audit, Design, LED Conversion & Controls
Town of Erving, MA	163	Audit, Design, LED Conversion
Town of North Andover, MA	1,302	Audit, Design, LED Conversion
Town of Dalton, MA	740	Audit, Design, LED Conversion
Town of Franklin, MA	1,648	Audit, Design, LED Conversion
Town of Dracut, MA	1,555	Audit, Design, LED Conversion
Town of Northbridge, MA	1,181	Audit, Design, LED Conversion
Town of Westport, MA	205	Audit, Design, LED Conversion
Town of Manchester-by-the-Sea, MA	363	Audit, Design, LED Conversion
Town of Dudley, MA	600	Audit, Design, LED Conversion
City of Marion, MA	350	Audit, Design, LED Conversion
Town of Lexington, MA	2,700	Audit, Design, LED Conversion
Town of Newbury, MA	500	Audit, Design, LED Conversion
Town of Oxford, MA	945	Audit, Design, LED Conversion
Town of Bridgewater, MA	1,286	Audit, Design, LED Conversion
Town of Billerica, MA	2,600	Audit, Design, LED Conversion
Town of Spencer, MA	885	Audit, Design, LED Conversion
Town of Saugus, MA	2,850	Audit, Design, LED Conversion
Town of Longmeadow, MA	1,500	Audit, Design, LED Conversion
Total Project Fixtures:	77,762	Contract Total: 44

Tanko Lighting in New Hampshire		
Municipality	Number of	Scope of Work
Town of Goffstown, NH	460	Full Turn-Key LED Conversion
Town of North Stafford, NH	49	Full Turn-Key LED Conversion
Town of Londondery, NH	143	Full Turn-Key LED Conversion
Town of Jaffrey, NH	151	Full Turn-Key LED Conversion
Total Project Fixtures:	803	Contract Total: 4



Tanko Lighting in Connecticut		
Municipality	Number of Fixtures	Scope of Work
Borough of Jewett City, CT	220	LED Conversion
Town of Berlin, CT	2,537	Audit, Acquisition, LED Conversion, Maintenance Contracts
City of New London, CT	2,516	Audit, LED Conversion
Town of Vernon, CT	1,669	Audit, Acquisition, LED Conversion, Maintenance Contracts
Town of West Hartford, CT	6,500	Full Turn-Key LED Conversion
Town of Rocky Hill, CT	1,683	Audit, Acquisition Contract
Town of Wolcott, CT	728	Audit, Acquisition, LED Conversion, Maintenance Contracts
Town of Groton, CT	1,550	Audit, Acquisition, LED Conversion, Maintenance Contracts
City of Meriden, CT	4,799	Audit, Acquisition, LED Conversion, Maintenance Contracts
Town of Darien, CT	843	Audit, Acquisition, LED Conversion, Maintenance Contracts
Town of Glastonbury, CT	1,000	Audit, Acquisition, LED Conversion Contract
Town of East Lyme, CT	1,498	Audit, Acquisition, LED Conversion, Maintenance Contracts
Town of Montville, CT	1,777	Full Turn-Key LED Conversion & Maintenance
Town of Granby, CT	157	Full Turn-Key LED Conversion
City of Groton / Groton Utilities, CT	2,256	Audit, Acquisition, LED Conversion Contract
Town of Old Lyme, CT	396	Pilot Audit, Pilot LED Conversion Contract
Town of Putnam (Spc District), CT	858	Full Turn-Key LED Conversion
Town of Mansfield, CT	800	Audit, Acquisition, LED Conversion Contract
Town of Bristol, CT	5,500	Full Turn-Key LED Conversion
Town of Farmington, CT	1,728	Audit, Acquisition, LED Conversion Contract
Town of Sterling, CT	75	Full Turn-Key LED Conversion
Town of Chester, CT	313	Full Turn-Key LED Conversion
Town of Ledyard, CT	292	Full Turn-Key LED Conversion
City of Norwich, CT	5,049	Full Turn-Key LED Conversion
Town of Gales Ferry, CT	87	Full Turn-Key LED Conversion
Town of Stonington, CT	1,700	Acquisition Support, Full Turn-Key LED Conversion
City of Waterbury, CT	7,250	Audit, Data Reconciliation, Design, Rebate/Rate Changes
Town of Middlefield, CT	351	Audit, Data Reconciliation, Design
City of Waterford, CT	1,976	Full Turn-Key LED Conversion
Town of Suffield, CT	680	Full Turn-Key LED Conversion
City of Middletown, CT	5,080	Full Turn-Key LED Conversion
Total Project Fixtures:	61,868	Contract Total: 31

Tanko Lighting in New York		
Municipality	Number of Fixtures	Scope of Work
City of Buffalo, NY	33,000	LED Conversion/Acquisition Feasibility Analysis
City Ogdensburg, NY	933	Full Turn-Key LED Conversion
City of Geneva, NY	1,696	Full Turn-Key LED Conversion
City of Gloversville, NY	1,243	Feasibility Analysis, Acquisition Support
City of East Rochester, NY	700	Feasibility Analysis
Total Project Fixtures:	37,572	Contract Total: 5

Tanko Lighting in Nebraska		
Municipality	Number of Fixtures	Scope of Work
Village of Howells, NE	200	Audit, Data Reconciliation, Design
City of Aurora, NE	200	Audit, Data Reconciliation, Design
City of Kearney, NE	3,306	Audit, Data Reconciliation, Design, Installation Management
Total Project Fixtures:	3,706	Contract Total: 3



Tanko Lighting in California		
Municipality	Number of Fixtures	Scope of Work
City of Santa Clarita, CA	16,200	Pole Inspection, Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Rancho Cucamonga, CA	15,000	Streetlight Pilot
		Acquisition Support, Material Procurement (Fixtures & Controls), Installation, Rebate/Rate Change & Ongoing Maintenance
City of Chino Hills, CA	4,450	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, Commissioning, and Maintenance Services
City of Santa Ana, CA	11,500	Audit, Design, Data Reconciliation, Acquisition Support
City of Simi Valley, CA	8,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Acquisition Support, Procurement, Install, Commissioning and Maintenance
City of Fullerton, CA	6,600	Audit, Data Reconciliation, Photometric Design, and Feasibility Analysis
		Material Procurement, Installation, Rebate/Rate Change & Ongoing Maintenance
City of Orange, CA	4,400	Feasibility Analysis
City of Tustin, CA	3,500	Audit, Data Reconciliation, Feasibility Analysis, Acquisition Support, Procurement, Installation Management, Commissioning, Rebate/Rate Change
	500	Acquisition Support
City of West Hollywood, CA	2,500	Audit, Data Reconciliation, Feasibility Analysis, Pilot Installations
		Distribution Pole Acquisition Assistance
City of La Verne, CA	2,500	Audit, Data Reconciliation, Design, Feasibility Analysis and Acquisition Support
City of La Puente, CA	2,100	Audit, Data Reconciliation, Photometric Design, and Feasibility Analysis
		Acquisition Support, Material Procurement, Installation, Rebate/Rate Change & Ongoing Maintenance
City of Bell, CA	1,600	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, Commissioning, and Maintenance
City of Signal Hill, CA	1,300	Audit, Data Reconciliation, Design, Feasibility Analysis and Acquisition Support
City of Stanton, CA	1,300	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Acquisition Support, Procurement, Install, and Commissioning
City of Claremont, CA	1,300	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Acquisition Support, Procurement, Install, and Commissioning
City of Corona, CA	8,700	Material Procurement, Installation (Fixtures & Controls), and Rebate/Rate Change
City of Hayward, CA	7,700	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Vista, CA	2,300	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Napa, CA	4,500	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Rancho Cordova, CA	6,500	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Lodi, CA	7,200	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Berkeley, CA	8,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Morgan Hill, CA	2,500	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Modesto, CA	9,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Vallejo, CA	9,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install Management, and Commissioning
City of Santa Clara, CA	3,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Alameda, CA	3,200	Turnkey Conversion Services including Data Reconciliation, Procurement, Install, and Commissioning
City of Oakland, CA	37,000	Audit, Commissioning, Data Reconciliation
City of San Bruno, CA	2,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install Management, and Commissioning
City of Sonoma, CA	1,200	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install Management, and Commissioning
City of Oakland, CA	526	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Sunnyvale, CA	7,000	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement (Fixtures and Controls), Install, and Commissioning
City of Fresno, CA	360	LED Streetlight Material and Install
City of Berkeley, CA	3,200	Pole Inspection/Condition Assessment
Lawrence Berkeley National Laboratory	1,400	Audit, Data Reconciliation, Specifications Development, Controls Installation (30 fixtures)
City of Goleta, CA	1,575	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Acquisition Support, Procurement (Fixtures and Controls), Install, and Commissioning
City of Thousand Oaks, CA	7,900	Acquisition Support and Smart City Feasibility Analysis
City of Santa Fe Springs, CA	6,500	LED Pilot Installation, Financial and Feasibility Analysis
City of Pico Rivera, CA	4,500	Turnkey Conversion Services including Audit, Design, Acquisition Support, Data Reconciliation, Procurement, Install, and Commissioning
City of Glendora, CA	2,500	Acquisition Support
City of Ventura, CA	9,000	Acquisition Support
City of Poway, CA	3,600	Turnkey Conversion Services including Audit, Design, Data Reconciliation, Procurement, Install, and Commissioning
City of Coalinga, CA	1,000	Feasibility Analysis
Total Project Fixtures: 243,611		Contract Total: 47



Tanko Lighting in Tennessee		
Municipality	Number of Fixtures	Scope of Work
City of Dyersburg, TN	3,300	Audit, Data Reconciliation, Design (Subcontractor to Prime)
City of Paris, TN	2,541	Full Turn-Key (Subcontractor to Prime)
City of Rockwood, TN	808	Full Turn-Key (Subcontractor to Prime)
Total Project Fixtures:	6,649	Contract Total: 3

Tanko Lighting in Various Other States		
Municipality	Number of Fixtures	Scope of Work
City of Miami Lakes, FL	900	Full Turn-Key LED Conversion
Chelan County Public Utility District, WA	7,000	Audit, Data Reconciliation, Design
Kauai Island Utility Cooperative, HI	3,500	Full Turn-Key with Controls
City of Mesa, AZ	40,000	Development of Street Light Master Plan
City of Brewer, ME	600	Full Turn-Key LED Conversion
City of Orono, ME	240	Full Turn-Key LED Conversion
City of Independence, OH	1,000	Audit, Data Reconciliation, Design, Acquisition Support, Feasibility Analysis
City of O'Fallon, MO	4,500	Acquisition Support
City of Ballwin, MO	2,113	Acquisition Support
City of Carbondale, IL	1,800	Audit and Data Reconciliation
City of Athens, OH	1,100	Audit, Data Reconciliation, Design, and Feasibility Analysis
City of Keller, TX	3,200	Feasibility Analysis
City of Grapevine, TX	2,700	Feasibility Analysis
City of Missoula, MT	6,000	Feasibility Analysis
Total Project Fixtures:	74,653	Contract Total: 14



Corinth 20 Year Savings

Year	Annual Energy Costs			Annual Maintenance Costs			Loan Payment	Cumulative Annual Costs and Savings		
	Existing	New	Savings	Existing	New	Costs/Savings		Existing	New	Savings
1	\$ 193,248	\$ 12,639	\$ 180,609	\$ -	\$ 21,552	\$ (21,552)	\$123,886	\$ 193,248	\$ 158,077	\$ 35,171
2	\$ 195,180	\$ 12,765	\$ 182,415	\$ -	\$ 22,414	\$ (22,414)	\$123,886	\$ 388,428	\$ 317,142	\$ 71,286
3	\$ 197,132	\$ 12,893	\$ 184,239	\$ -	\$ 23,311	\$ (23,311)	\$123,886	\$ 585,560	\$ 477,232	\$ 108,328
4	\$ 199,103	\$ 13,022	\$ 186,082	\$ -	\$ 24,243	\$ (24,243)	\$123,886	\$ 784,664	\$ 638,383	\$ 146,281
5	\$ 201,094	\$ 13,152	\$ 187,942	\$ -	\$ 25,213	\$ (25,213)	\$123,886	\$ 985,758	\$ 800,634	\$ 185,124
6	\$ 203,105	\$ 13,284	\$ 189,822	\$ -	\$ 26,221	\$ (26,221)	\$0	\$ 1,188,863	\$ 840,139	\$ 348,725
7	\$ 205,136	\$ 13,416	\$ 191,720	\$ -	\$ 27,270	\$ (27,270)	\$0.00	\$ 1,394,000	\$ 880,825	\$ 513,175
8	\$ 207,188	\$ 13,551	\$ 193,637	\$ -	\$ 28,361	\$ (28,361)	\$0.00	\$ 1,601,188	\$ 922,737	\$ 678,451
9	\$ 209,260	\$ 13,686	\$ 195,574	\$ -	\$ 29,495	\$ (29,495)	\$0.00	\$ 1,810,447	\$ 965,918	\$ 844,529
10	\$ 211,352	\$ 13,823	\$ 197,529	\$ -	\$ 30,675	\$ (30,675)	\$0.00	\$ 2,021,799	\$ 1,010,416	\$ 1,011,383
11	\$ 213,466	\$ 13,961	\$ 199,505	\$ -	\$ 39,878	\$ (39,878)	\$0.00	\$ 2,235,265	\$ 1,064,255	\$ 1,171,010
12	\$ 215,600	\$ 14,101	\$ 201,500	\$ -	\$ 41,473	\$ (41,473)	\$0.00	\$ 2,450,866	\$ 1,119,829	\$ 1,331,037
13	\$ 217,756	\$ 14,242	\$ 203,515	\$ -	\$ 43,132	\$ (43,132)	\$0.00	\$ 2,668,622	\$ 1,177,203	\$ 1,491,419
14	\$ 219,934	\$ 14,384	\$ 205,550	\$ -	\$ 44,857	\$ (44,857)	\$0.00	\$ 2,888,556	\$ 1,236,444	\$ 1,652,112
15	\$ 222,133	\$ 14,528	\$ 207,605	\$ -	\$ 46,651	\$ (46,651)	\$0.00	\$ 3,110,690	\$ 1,297,624	\$ 1,813,066
16	\$ 224,355	\$ 14,673	\$ 209,681	\$ -	\$ 48,517	\$ (48,517)	\$0.00	\$ 3,335,044	\$ 1,360,814	\$ 1,974,230
17	\$ 226,598	\$ 14,820	\$ 211,778	\$ -	\$ 50,458	\$ (50,458)	\$0.00	\$ 3,561,642	\$ 1,426,093	\$ 2,135,550
18	\$ 228,864	\$ 14,968	\$ 213,896	\$ -	\$ 52,476	\$ (52,476)	\$0.00	\$ 3,790,507	\$ 1,493,537	\$ 2,296,969
19	\$ 231,153	\$ 15,118	\$ 216,035	\$ -	\$ 54,575	\$ (54,575)	\$0.00	\$ 4,021,660	\$ 1,563,231	\$ 2,458,429
20	\$ 233,464	\$ 15,269	\$ 218,195	\$ -	\$ 56,759	\$ (56,759)	\$0.00	\$ 4,255,124	\$ 1,635,259	\$ 2,619,865
Total	\$ 4,255,124	\$ 278,296	\$ 3,976,828	\$ -	\$ 737,533	\$ (737,533)	\$ 619,430			

WORKSHOP BUSINESS ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 06/04/2020
Title: Legislative Update
Submitted For: Bob Hart, City Manager
Submitted By: Lana Wylie, Administrative Assistant
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development
Infrastructure Development
Economic Development
Citizen Engagement & Proactive
Government
Regional Cooperation
Organizational Development

AGENDA ITEM

Review and discuss potential legislative issues.

AGENDA ITEM SUMMARY/BACKGROUND

The item has been placed on the agenda to allow for a general discussion concerning potential issues anticipated in the next legislative session in preparation for a meeting with State Representative Lynn Stucky. The issues include:

1. Corinth activities
 - a. Fire district sales tax election
 - b. TOD
2. Municipal Court fees
3. Distribution of sales tax
4. Right-of-way control issues
5. Ability to lobby
6. Building fees
7. Cybersecurity
8. Economic development sales tax future – transit planning
9. Debt funding – certificates of obligation
10. Local legislation for a Municipal Management District (MMD)
11. Asset management funding

RECOMMENDATION

CONSENT ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 06/04/2020
Title: Appoint Municipal Judge
Submitted For: Bob Hart, City Manager

Submitted By: Lee Ann Bunselmeyer,
Director

City Manager Review: Bob Hart, City Manager

AGENDA ITEM

Consider and act on the appointment of Gilland Chenault as the Presiding Judge for the City of Corinth Municipal Court of Record.

AGENDA ITEM SUMMARY/BACKGROUND

Chapter 30 of the Government Code requires that a Municipal Judge presiding over a Municipal Court of Record must be a resident of Texas, be a citizen of the United States, be a licensed attorney in good standing and have two or more years of experience in the practice of law in Texas. The City Charter requires the judge and all associate judges are appointed by the Council for terms of two (2) years. The contract for Council consideration is an appointment for an Interim Presiding Judge for a term beginning August 1, 2020 through May 31, 2021. The search and appointment for the permanent Presiding Judge will be held in early 2021. Additionally, the staff is requesting that the monthly stipend be paid to Judge Chenault for the month of July as he works with the current Judge and Municipal Court staff developing standing orders and reviewing the current process in order to facilitate a smooth transition.

RECOMMENDATION

Staff recommends appointing Gilland Chenault as the Presiding Judge for the term beginning August 1, 2020 through May 31, 2021.

Attachments

Contract

CONTRACT FOR SERVICES FOR PRESIDING MUNICIPAL JUDGE

THIS CONTRACT is made and entered into this _____ day of _____, 2020, by and between the **City of Corinth**, Texas, a Municipal Corporation of the State of Texas, hereinafter referred to as "**City**" and **GILLAND CHENAULT** hereinafter referred to as "Presiding Judge."

1. **APPOINTMENT OF PRESIDING JUDGE**

- a. The **City of Corinth (hereinafter referred to as "City")** does hereby **APPOINT** and contract for the services of **GILLAND CHENAULT (hereinafter referred to as "Judge")** for a presiding municipal judge and magistrate for and under the laws of the State of Texas, for a TERM beginning on the 1st day of August 2020, and continuing through midnight, May 31, 2021, with all powers, rights, and duties of said appointment and as provided by the City Charter.
- b. The Judge shall comply with all requirements of law and must perform all duties as required by law and comply with all the terms of this Contract, and conditions and restrictions as set forth for municipal judges under all applicable state statutes and as required under the Texas Code of Judicial Conduct.
- c. The Judge shall devote such time as necessary to perform the services set forth herein.
- d. The Judge may terminate this Contract by providing written notice of resignation not less than 60 days prior to the date of termination.

2. **COMPENSATION OF JUDGE – the City shall compensate the Judge as follows:**

- a. As compensation for the Judge's services, the City agrees to pay to the Judge according to this Section 2. The City will pay the Judge a monthly stipend of One Thousand and No/100 Dollars (\$1,000.00) for the following designated duties:
 - i. Creating/maintaining the Judge's Schedule for all Judges, including interaction and coordination with Assistant Judges.
 - ii. Interaction with court personnel via email or telephone
 - iii. Remote electronic signing of documents
 - iv. Developing policies and updating Standing Orders
 - v. Legal research
 - vi. Drafting, revising, and updating court forms
 - vii. Providing information necessary for the Court Clerk to complete the monthly Office of Court Administration report.

- b. In addition, the judge shall also receive a flat rate per duty performed according to the following schedule:
- i. Court:
 - \$800 for full court day (morning & afternoon dockets)
 - \$400 for half court day (morning or afternoon docket only)
 - *If the docket is canceled on the day of court, the fee will be paid; however, at City's request, Judge shall perform other services as identified in (ii) during the time of the canceled docket, without additional charges.
 - *If the docket is canceled before court day, no fee will be paid.
 - ii. All other services:
 - \$100 per hour, with each duty being a minimum of one hour and any additional time for such duty which exceeds the first hour of time, will be billed in increments of a one-half hour; including travel time to the Corinth Municipal Court to sign documents on non-court days, reviewing and executing Corinth Police Department documents, including, but not limited to, probable cause affidavits, arrest/search warrants, subpoenas, summons, blood search warrants, testimony in court relating to duties as a Corinth Judge or Magistrate.
 - iii. Judge/Court/Staff Meetings: \$100 per meeting; attendance may include court staff, court administrator, or other invited City representatives, depending on issues to be discussed. Judge's meetings may be scheduled as needed and at the discretion of the Judge or the City, but it is anticipated that such meetings shall be held on a quarterly basis.
- c. The Judge shall send an invoice to the City's Accounts Payable office by mail to 3300 Corinth Parkway, Corinth, TX 76208, or by email to accountspayable@cityofcorinth.com once per month not later than the fifth day of each month. The invoice shall indicate each date that the Judge performed a service outlined in Section 2b, above, a description of the service performed, and the applicable flat-rate. The invoice shall also provide a total invoiced amount for the month.
- d. The City shall pay the Judge once per month within 30 days from the date of the invoice is received by the City unless the invoice is disputed in good faith by the City, in which instance the City may withhold the amount(s) of the disputed charges until such dispute is settled.
- e. The Judge must attend and complete any mandatory judicial education or other minimum judicial training as required by the State of Texas within the time periods as established by law.

- f. The Judge must maintain membership and licensure with the State Bar of Texas and pay all membership fees or dues on an annual basis as required by such membership or licensure. The Judge herein represents that such membership is in good standing and that all fees and mandatory continuing education requirements have been met at the time of this appointment and shall be maintained during the term of this Contract. The Judge shall pay for his mandatory judicial education and training, including specifically, all registration fees for such course, travel expenses, including flight lodging and meal expenses. The City shall reimburse the Presiding Judge for mandatory judicial education and training, including all registration fees for such course, travel expenses, including flight, lodging, and meal expenses on a pro-rata basis based on the number of cities in which he serves as Presiding Judge. By way of example, if Judge is a presiding municipal judge for three municipalities (including Corinth), City shall pay for 1/3 of the above-referenced expenses.
- g. During the duration of this Contract, the Judge shall comply with all provisions of the Code of Judicial Conduct, the Corinth City Charter, Chapter 30 of the Texas Government Code, and all other applicable laws pertaining to the operations of the Corinth Municipal Court of Record, and duties as a Magistrate. In the event of a conflict between the terms of this Contract and said Code, Charter, Statutes, and laws, the terms of said Code, Charter, Statutes, and laws shall govern.
- h. The Judge shall operate within the docket schedule prepared and coordinated by the Judge and Court Administrator. The Judge shall timely perform all duties, including but not limited to, the dockets set forth in the docket schedule. The Judge shall schedule court dockets no less than three times per month.
- i. The Judge shall establish, where deemed appropriate by Judge, "Standing Orders" which address the daily administration of the municipal court and trial procedures, for matters including but not limited to dismissals, installment payments, deferred disposition, and continuances. The Court Administrator and Director of Finance will be available for consultation and comment with regard to any proposed procedures should the Judge so desire. The City will provide the necessary Court Personnel to the Judge for clerical assistance. Any changes to the "Standing Orders" must be in writing and signed by the Judge prior to incorporation.

3. **OUTSIDE LEGAL PRACTICE/JUDICIAL DUTIES; INDEPENDENT CONTRACTOR**

- a. The City herein acknowledges that the Judge may maintain a private law practice and may perform outside legal services. The Judge shall not take on representation of a client if such representation would conflict with the Texas Code of Judicial Ethics or the Texas Rules of Professional Conduct. The Judge shall not take on representation of a client adverse to the City of Corinth.
- b. The City further acknowledges that the Judge may perform judicial or magisterial functions as a judge or magistrate for another city, county, or state agency, so long as the performance of such duties do not conflict with the duties of the office of Municipal Judge for the City of Corinth. The City, therefore, FINDS that the performance of such duties or holding of any other such office is of benefit to the state of Texas, and there is no conflict with the duties of this office.
- c. The City may remove the Judge from office during the Judge's term of office pursuant to and in accordance with the requirements of §30.000085 of the Texas Government Code, or its successor, as same may hereafter be amended; or in the event, the City's Charter is amended, in accordance with the provisions of the City Charter as amended.

- d. The Judge shall be considered an independent contractor, not an employee of the City.
- e. The Judge shall not represent a client in a case where an employee of the City, in his capacity as an employee of the City, is a witness or may be summoned to appear as a witness.

4. APPOINTMENT OF ASSISTANT JUDGES

- a. The Judge shall submit the names of proposed Assistant Judges to the City for consideration, and the City Council shall appoint one or more Assistant Judges in accordance with the City Charter.
- b. The Judge shall be the liaison between the Assistant Judge(s) and/or any City departmental staff. The Judge shall provide general supervision and guidance for each assistant Judge.
- c. The Judge may provide recommendations to the City Council regarding the renewal of any Assistant Judge appointments.
- d. The Judge shall assign duties to the Assistant Judges as determined by the Judge in his sole discretion.
- e. The Judge shall create and provide a written monthly schedule when particular judges are on duty for warrants or other matters. A copy of such a schedule shall be provided to the Assistant Judges, the Court, and the Corinth Police Department. The Judge shall notify the Corinth Police Department and the court of any changes to the written schedule.
- f. The Judge shall keep the court, and the Corinth Police Department informed of their current contact information.

5. INTEGRATION

This Contract represents the entire and integrated Contract between the City and the Judge and supersedes all prior negotiations and representations and/or contracts either written or oral. This Contract may be amended only by a written instrument signed by both the City and the Judge. The Judge further states that the Judge has carefully read the foregoing Contract, and understands the contents thereof, and signs the same as the Judge's own free act.

IN WITNESS WHEREOF, City has caused this Contract to be signed in its name by the City of Corinth Mayor, and its corporate seal to be hereunto affixed and attested by its City Secretary, and the Judge has hereunto set his hand and seal the day and year first above written.

PRESIDING JUDGE:



GILLAND CHENAULT

CITY OF CORINTH, TEXAS

BILL HEIDEMANN, MAYOR

ATTEST:

LANA WYLIE, INTERIM CITY SECRETARY

City Council Regular and Workshop Session

Meeting Date: 06/04/2020
Title: Tower Ridge PD Zoning
Submitted For: Helen-Eve Liebman, Director
Submitted By: Helen-Eve Liebman, Director
Finance Review: N/A
Legal Review: Yes
City Manager Review: **Approval:** Bob Hart, City Manager
Strategic Goals: Land Development
Economic Development

AGENDA ITEM

Consider and act upon an ordinance amending the zoning classification from SF-4, Single Family Residential to PD, Planned Development with a base district of SF-4, Single Family Residential on an ±3.691 acre tract of land legally described as Tracts 31 and 32 of the E. Marsh Survey, Abstract No. 0833, within the City of Corinth, Denton County, Texas and is more commonly known as 3100 Tower Ridge Drive, Corinth, TX. (Tower Ridge Single Family PD)

- Staff Presentation
- Applicant Presentation
- Public Comments
- Staff Response
- Take Action

AGENDA ITEM SUMMARY/BACKGROUND

The applicant is requesting a Planned Development district to facilitate the development of a single-family subdivision encompassing 18 lots plus two homeowners’ association (HOA) lots.

The property is located near the southwest corner of Tower Ridge Drive and Meadowview Drive. The property is bounded by single family homes to the north, single family homes, and a church to the east, single family homes to the south, and the Lake Dallas High School baseball field to the west.

Adjacent Land Uses:

- North Single-family residential – SF-4, zoning
- East Single-family residential and church – SF-4, zoning
- South Single-family residential – SF-4, zoning
- West School (Lake Dallas High School Baseball Field) – SF-4, zoning

Due to current market trends and the very small size of the property the applicant is requesting consideration in the reduction of the size of the lots. The SF-4, Single Family Residential zoning district requires that each lot be a minimum of 7,500 square feet in size. The applicant is requesting consideration of a reduction of the lot size to a 5,000 square foot minimum. The proposed lots range in size from 5,321 square feet to 9,677 square feet. The applicant is requesting a reduction on lot width from 70 feet in width to 50 feet along the front building line with 40 foot widths being the minimum for lots on cul-de-sac “Lots 11-14” and on the eyebrow “Lots 3-5” when measured along the building line. Additionally, the applicant requests a reduction in the lot depth for cul-de-sac and eyebrow lots from 100 feet to 85 feet. Reference Concept Plan.

The smaller lot sizes ensure that the applicant can provide a product at the price point that the market will support. The applicant is also proposing the utilization of 85% of the City’s “Class 1” masonry materials on the exterior of the homes. Last fall the Texas Legislature removed cities’ ability to regulate exterior materials on residential and

commercial developments meaning that any material currently allowed by the International Building Codes are allowed to be used on the exterior of buildings. Staff requested, and the applicant has agreed to language being included within the Planned Development District regulations which ensures that the proposed homes are built to the same standard as other homes in the community. The addition of the masonry requirement supports the consideration of smaller lot sizes.

It is the applicant's intent to attempt to preserve as many of the existing trees as possible on the site. In our initial conversations with the developer last fall they stated that the existing trees on the property were a motivating factor for their purchase of the property. The applicant intends to utilize the existing trees to provide buffers from adjacent roadways and neighboring properties as well as to improve the aesthetics of the development. That being said, an analysis has not yet been performed on the property to determine the number of trees that may be saved, but the applicant has stated that they are going to make every effort possible to reduce the impact to the existing tree canopy including developing all of not the majority of the homes as two story to reduce the buildings foot print on each lot so that trees may be preserved. The applicant is responsible for mitigation of the protected trees "6 inches and greater" that are removed from the property by either replacing the caliper inches of protected trees removed or by paying a fee in lieu into the City's tree fund for each caliper inch of protected trees removed. Tree mitigation plans are reviewed and approved by City Council and occur later in the development process.

On April 16, 2020 the applicant and staff met with homeowners that chose to participate living within 200 feet notification area of the subject property via a Zoom web conference to inform them of the development and to address any questions or concerns that they may have had with the development. While the residents were disappointed to see the property being developed after so many years, the general consensus was that they were understanding of the development need and were generally pleased to hear that the homes would be priced above the average price of their existing homes, but did have some very small concerns about the taxing implications of rising home values resulting from the development.

One of the concerns expressed by residents was regarding drainage on the property. Residents stated that the current drainage situation is very poor. The applicant has stated that they will mitigate any additional runoff as a result of their development. However, the developer could make no guarantees that the existing conditions would be improved as a result of their development but did promise that the drainage conditions would not be worsened following the development of the property. The City's development regulations will not allow any increased runoff from the property and the proposed detention pond will accommodate the anticipated drainage.

Residents also asked about any planned improvements to Tower Ridge Drive. The applicant will be responsible for paying roadway impact fees for each home built within the development, but the applicant has no requirement to improve Tower Ridge Drive. The roadway impact fees are deposited into a City fund for roadway improvements or expansions throughout the City. Tower Ridge Drive is listed as a five plus year project on the City's Capital Improvements Plan (CIP) meaning that while the City does have plans to improve Tower Ridge Drive, it does not have any plans to improve the roadway within the next five years.

The final concerns expressed by residents were the sidewalks along Tower Ridge. Currently there is an existing sidewalk on the eastern "northbound" side of Tower Ridge. Residents stated that there is an ample amount of foot traffic along Tower Ridge due to it being in close proximity to an Elementary School and a High School. The residents asked when a sidewalk would be constructed on the western "southbound" side of Tower Ridge as there are a number of individuals that choose to walk across their property or within the road rather than crossing the road to walk in the sidewalk on the eastern side.

The applicant stated that they will be constructing a sidewalk along the boundaries of their property as required but had no plans to construct a sidewalk along the entire western length of Tower Ridge. It is staff's position since there is an existing sidewalk along the eastern side of Tower Ridge, at a four-way stop, pedestrians cross safer at intersections rather than midblock. The City would prefer to construct the sidewalk in this location with the complete upgrade of Tower Ridge through a CIP project.

Proposed Development Regulations:

Base Zoning: Single Family SF-4

Modifications to Base Zoning:

1. – Residential Dimensional Regulations Chart

- Minimum Front Yard Setback – 20 feet
- Garage Setback – 20 feet
- Minimum Lot Area – 5,000 square feet
- Minimum Lot Width – 50 feet minimum along the front building line (40 feet along front building line for cul-de-sac and eyebrow lots)
- Minimum Lot Depth – 100 feet (85 feet for cul-de-sac and eyebrow lots)
- Maximum Building Area (all buildings) – 45%

If not specifically listed above, the regulations from SF-4 shall apply.

Building Material Standards: The combined percentage of exterior facades shall not be less than 85% Class 1 masonry materials: “fired brick, natural and manufactured stone, granite, and marble.”

Public Notices:

Public hearing notices were mailed to all residents within 200 feet of the proposed zoning change request on April 20, 2020 for the Planning and Zoning Commission meeting and the on April 30, 2020 for the City Council meeting. At the time of packet creation on May 14, 2020 there was one letter in support and four letters in opposition to the proposed change. In addition to those letters the City has received two more letters in opposition. One on May 20, 2020 and the other on May 26, 2020.

Notice of the public hearings were published in the Denton Record Chronicle on April 15, 2020 edition for the Planning and Zoning Commission and on May 4, 2020 for the City Council public hearing.

Compliance with the Comprehensive Plan:

The Comprehensive Plan designates the future land use of this tract as Low Density Residential. The proposal complies with the City’s Comprehensive Plan.

Supporting Documents:

- Proposed Ordinance
- Applicant’s PD Design Statement and Development Regulations
- Concept Plan
- Mailed and Published Public Notices (P&Z and City Council)
- Public Hearing Notification Area Exhibit
- Letters of Support and Opposition for Zoning Change

RECOMMENDATION

Planning & Zoning Commission Recommendation:

The Planning and Zoning Commission considered the rezoning request at a special called meeting on May 4, 2020 and during the public hearing several property owners voiced their opposition to the change of zoning. In summary, the oppositions voiced concerns of the development causing their property taxes to increase, the loss of the trees to development, safety and privacy, construction noise, increased traffic generated by the development, and the condition of Tower Ridge Drive and when the City will be making improvements to the property.

The Planning and Zoning Commission unanimously recommended the item for City Council approval with a vote of 3-0.

City Council Meeting and Public Hearing May 21, 2020

The City Council held the public hearing at the May 21, 2020 meeting and a Council Member directed the City Staff and City Attorney consider another document to address the owner/developer’s intent to construct the homes with a minimum of 85% Class 1 masonry materials: “fired brick, natural and manufactured stone, granite, and marble.” The action for the agenda item was tabled.

The next agenda item is the Incentive Agreement addressing the masonry building material requirement.

Staff recommends approval as presented.

Attachments

PD Ordinance

PD Statement

PD Concept Plan

Notices Combined

Notification Exhibit

Letters of Support and Opposition

ORDINANCE NO. 20-05-21-__

TOWER RIDGE PLANNED DEVELOPMENT DISTRICT #56

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN, SPECIFICALLY THE COMPREHENSIVE ZONING ORDINANCE AND THE "OFFICIAL ZONING DISTRICT MAP OF THE CITY OF CORINTH, TEXAS," EACH BEING A PART OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH, BY AMENDING THE ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, FROM SF-4, SINGLE FAMILY RESIDENTIAL TO PD-PLANNED DEVELOPMENT ZONING DISTRICT WITH A BASE ZONING DESIGNATION OF SF-4, SINGLE FAMILY RESIDENTIAL ON AN APPROXIMATE 3.691 ACRE TRACT OF LAND SITUATED IN THE E. MARSH SURVEY, ABSTRACT NO. 833 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS, AND IDENTIFIED AS TOWER RIDGE DEVELOPMENT DISTRICT NO. 56 ("PD-56"); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN (EXHIBIT "B"); APPROVING PLANNED DEVELOPMENT LAND USE REGULATIONS (EXHIBIT "C"); PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 A DAY FOR EACH VIOLATION OF THE ORDINANCE AND A SEPARATE OFFENSE SHALL OCCUR ON EACH DAY THAT A VIOLATION OCCURS ON CONTINUES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Property, described in Exhibit "A", is zoned as PD-Planned Development zoning district, more specifically identified as Tower Ridge Planned Development District No. 56 ("PD-56"), with a base zoning designation of SF-4, Single Family Residential under the City's Unified Development Code and as designated on the Zoning Map; and

WHEREAS, an authorized person having a proprietary interest in the Property has requested an Amendment to the Comprehensive Zoning Ordinance and the Zoning Map to change the zoning classification of the Property; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Corinth gave the requisite notices by publication and otherwise and afforded a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof; and

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

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

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

WHEREAS, the City Council finds that the requested Amendment to the Comprehensive Zoning Ordinance and Zoning Map to effect the change in zoning for the Property promotes the health and the general welfare, provides the Property with adequate light and air, prevents overcrowding of land, avoids undue population concentration, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; as well as the general health, safety and welfare of the community;

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2 LEGAL PROPERTY DESCRIPTION; AMENDMENT

That Ordinance No. 13-05-02-08, adopting the Unified Development Code of the City of Corinth, (“UDC”), including the Comprehensive Zoning Ordinance that establishes zoning districts in accordance with the City’s Comprehensive Plan and the Zoning Map of the City of Corinth, is hereby amended to change the zoning classification on an approximate 3.691 acre tract of land situated in the E. Marsh Survey, Abstract No. 833 in the City of Corinth, Denton County, Texas, legally described in "**Exhibit A**", attached hereto and incorporated herein (the “Property”), from SF-4, Single Family Residential to a PD-Planned Development zoning district with a base zoning designation of SF-4, Single Family Residential and identified as Tower Ridge Planned Development District No. 56 (“PD-56”), and the Zoning Map of the City is also hereby amended to reflect the new zoning classification for the Property.

SECTION 3. PLANNED DEVELOPMENT CONCEPT PLAN

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

SECTION 4. LAND USE REGULATIONS

- A. The Zoning and Land Use Regulations set forth in “**Exhibit C**” attached hereto and made a part hereof for all purposes are hereby adopted and shall be adhered to in their entirety for the purposes of this PD-Planned Development zoning district with a base zoning designation SF-4, Single Family Residential. In the event of conflict between the provisions of “**Exhibit C**” and provisions of any other City zoning regulations, including without limitation the regulations governing the SF-4, Single Family Residential zoning district, the provisions of “**Exhibit C**” shall control.

- B. That the zoning regulations and district herein established have been adopted in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

- C. The Planned Development Concept Plan (Exhibit “**B**”) and the Land Use Regulations (Exhibit “**C**”) shall control the use and development of the Property in accordance with the

provisions of this Ordinance, and all building permits and development requests shall be in accordance with applicable City ordinances, the PD Concept Plan and adopted Land Use Regulations. The PD Concept Plan and Land Use Regulations shall remain in effect as set forth herein unless amended by the City Council.

If a change to the Concept Plan, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development and shall be subject to the Unified Development Code's conditions for approval.

SECTION 5. PENALTY FOR VIOLATIONS

Any person, firm, or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7. CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 8.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning for the Property which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 9.
EFFECTIVE DATE**

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH THIS _____ DAY OF MAY, 2020.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract situated in the E. Marsh Survey, Abstract No. 833, City of Corinth, Denton County, Texas, being part of the tract described to David Reed and Karla A. Dorman, recorded in Volume 1116, Page 333, Deed Records, Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2 inch rebar with cap stamped "G&A" found at the southeast corner of the herein described tract, same being the southwest corner of the tract described in the deed to the City of Corinth, recorded in Document Number 2008-90911, Deed Records, Denton County, Texas;

THENCE with the perimeter and to the corners of said Dorman tract, the following calls:

1. NORTH 89 degrees 49 minutes 26 seconds WEST, a distance of 298.15 feet to an aluminum disc with illegible markings found;
2. NORTH 01 degrees 07 minutes 11 seconds WEST, a distance of 527.01 feet to the northwest corner of said Dorman tract, from which a fence post found bears NORTH 01 degree EAST, 1.62 feet;
3. SOUTH 89 degrees 45 minutes 32 seconds EAST, a distance of 309.50 feet to a 1/2 inch rebar with cap stamped "G&A" found at the northwest corner of said City of Corinth tract;

THENCE with the west line of said City of Corinth tract, SOUTH 00 degrees 22 minutes 04 seconds EAST, a distance of 339.43 feet to a 1/2 inch rebar with cap stamped "G&A" found;

THENCE with the west line of said City of Corinth tract, SOUTH 00 degrees 59 minutes 47 seconds WEST, a distance of 187.13 feet, returning to the **POINT OF BEGINNING** and enclosing 3.691 acres (160,780 square feet) of land, more or less.

EXHIBIT "B"
CONCEPT PLAN

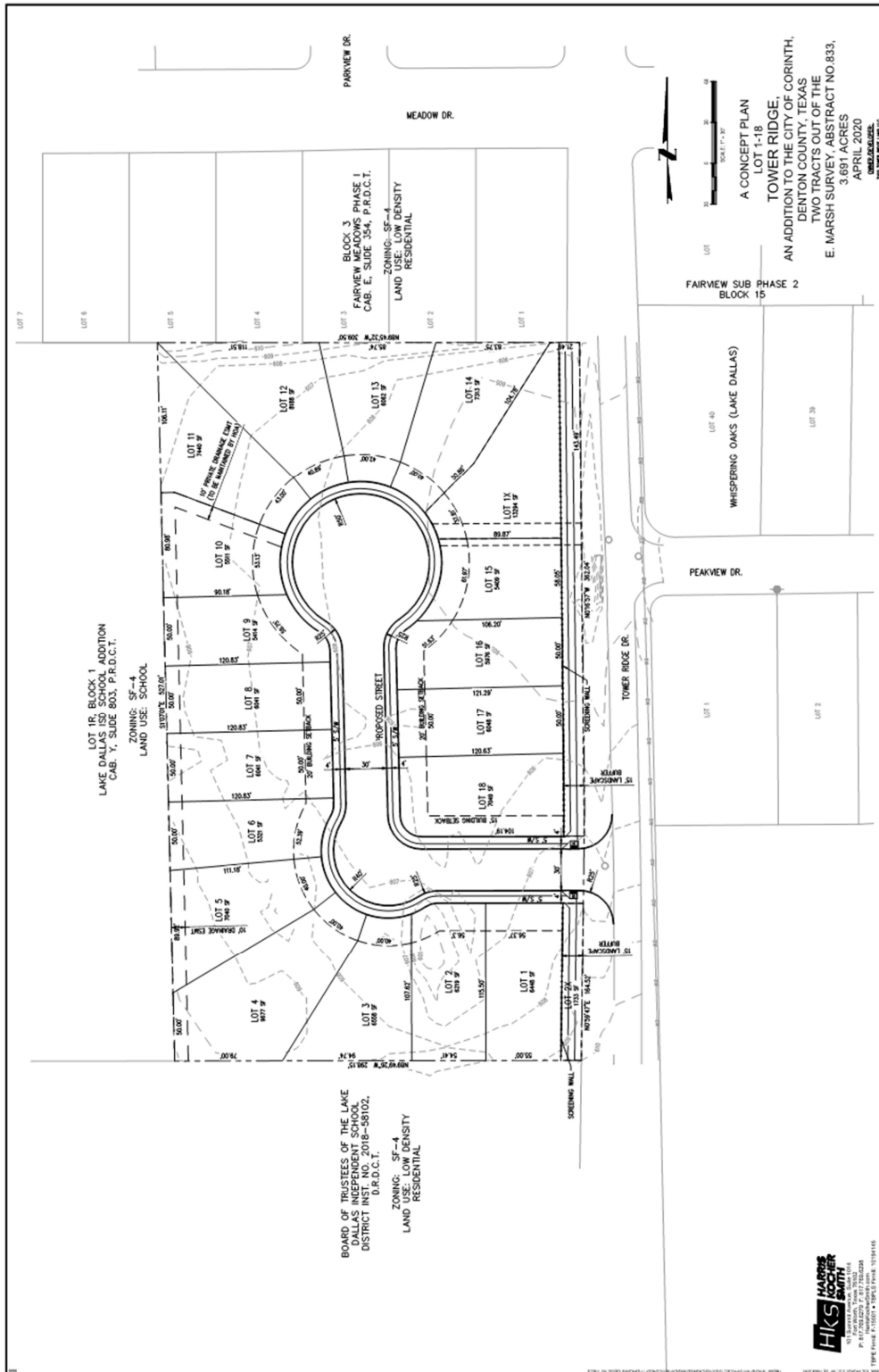


EXHIBIT "C"
LAND USE
REGULATIONS

SECTION 1: REGULATIONS

- A. **Base District:** The current SF-4, Single Family Residential District regulations of the Corinth Unified Development Code, as amended, shall apply except as modified herein.

SECTION 2: LOT REGULATIONS:

Lot Regulations:

- Minimum Front Yard Setback – 20’
- Garage Setback – 20’
- Minimum Lot Area – 5,000 sf
- Minimum Lot Width – 50’ minimum (40’ along front building line for cul-de-sac and eyebrow lots)
- Minimum Lot Depth – 100 feet (85 feet for cul-de-sac and eyebrow lots)
- Maximum Building Area (all buildings) – 45%

SECTION 3: BUILDING MATERIAL STANDARDS:

Building Material Standards: The combined percentage of exterior facades on each residential structure shall not be less than 85% fired brick and fired brick veneer, natural and manufactured stone, granite, and marble as defined by the American Society for Testing and Materials (ASTM) Standards.

Tower Ridge Single Family Planned Development District

Design Statement & Development Regulations

Design Statement:

The Tower Ridge Single Family Planned Development is an 18-lot (plus 2 HOA lots) single-family residential community located on 3.691-acres along the west side of Tower Ridge Drive at the intersection with Peakview Drive and Meadowview Lane. The development is bounded to the west by Lake Dallas High School, the north and south by existing single-family residential neighborhoods, and the east by existing single family and a church across Tower Ridge Drive from the site. The intent is to follow City of Corinth design standards for SF-4 Zoning, with a few modifications to account for the existing dimensions of the property and to provide flexibility to be able to save as many trees as possible. Modifications to the SF-4 requirements are necessary in order to achieve a roadway through the center of the property which allows for maximum utilization of existing trees around the perimeter. The development is anticipated to occur in one phase with construction beginning this year.

<u>Land Area:</u>	3.691-ac.
<u>Lot Yield:</u>	18 single-family, 2 HOA lots for Detention Pond and Landscape Buffer
<u>Density:</u>	4.9 lots/acre
<u>Owner/Developer:</u>	3100 Tower Ridge Land, LLC
<u>Contact:</u>	Gerardo Oseguera
<u>Current Zoning:</u>	SF-4
<u>Future Land Use Plan:</u>	Low Density Residential
<u>Adjacent Zoning:</u>	SF-4 (all sides)
<u>Adjacent Land Use:</u>	
• North	Single-family residential
• East	Single-family residential and church
• South	Single-family residential
• West	School (Lake Dallas High School Baseball Field)

Development Regulations:

Base Zoning: SF-4

Modifications to Base Zoning:

If not specifically listed here, the regulations from SF-4 shall apply.

2.08.04 – Residential Dimensional Regulations Chart

- Minimum Front Yard Setback – 20’
- Garage Setback – 20’
- Minimum Lot Area – 5,000 square feet
- Minimum Lot Width – 50’ minimum along the front building line (40’ along front building line for cul-de-sac and eyebrow lots)
- Minimum Lot Depth – 100 feet (85 feet for cul-de-sac and eyebrow lots)
- Maximum Building Area (all buildings) – 45%

Building Material Standards: The combined percentage of exterior facades shall not be less than 85% Class 1 masonry materials: “fired brick, natural and manufactured stone, granite, and marble.”

Access

Access will be provided to each home in the development through a 50’ right-of-way street designed to city standards. The street will connect to Tower Ridge Drive. See PD Concept Plan.

Physical Characteristics/Drainage

The site is heavily wooded and slopes down gently from east to west with approximately 6’ of fall across the site. The site will drain through an underground drainage system to the drainage infrastructure within Tower Ridge Drive. A detention pond is proposed to mitigate any increase in runoff caused by the development.

Utilities

City water and sanitary sewer lines exist within Tower Ridge Drive. Each has capacity to serve the proposed development. Public water and sewer lines will be extended through the right-of-way of the proposed local street to serve the development.

LOT 1R, BLOCK 1
LAKE DALLAS ISD SCHOOL ADDITION
CAB. Y, SLIDE 803, P.R.D.C.T.

ZONING: SF-4
LAND USE: SCHOOL

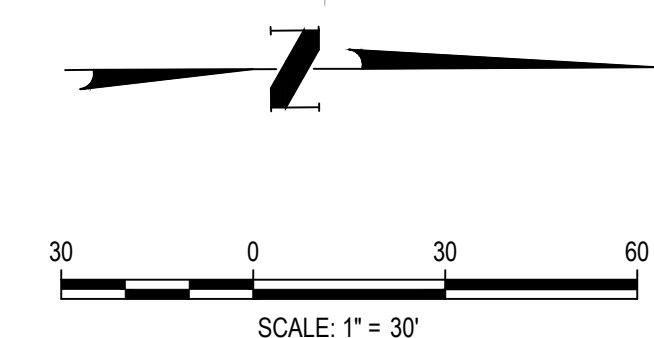
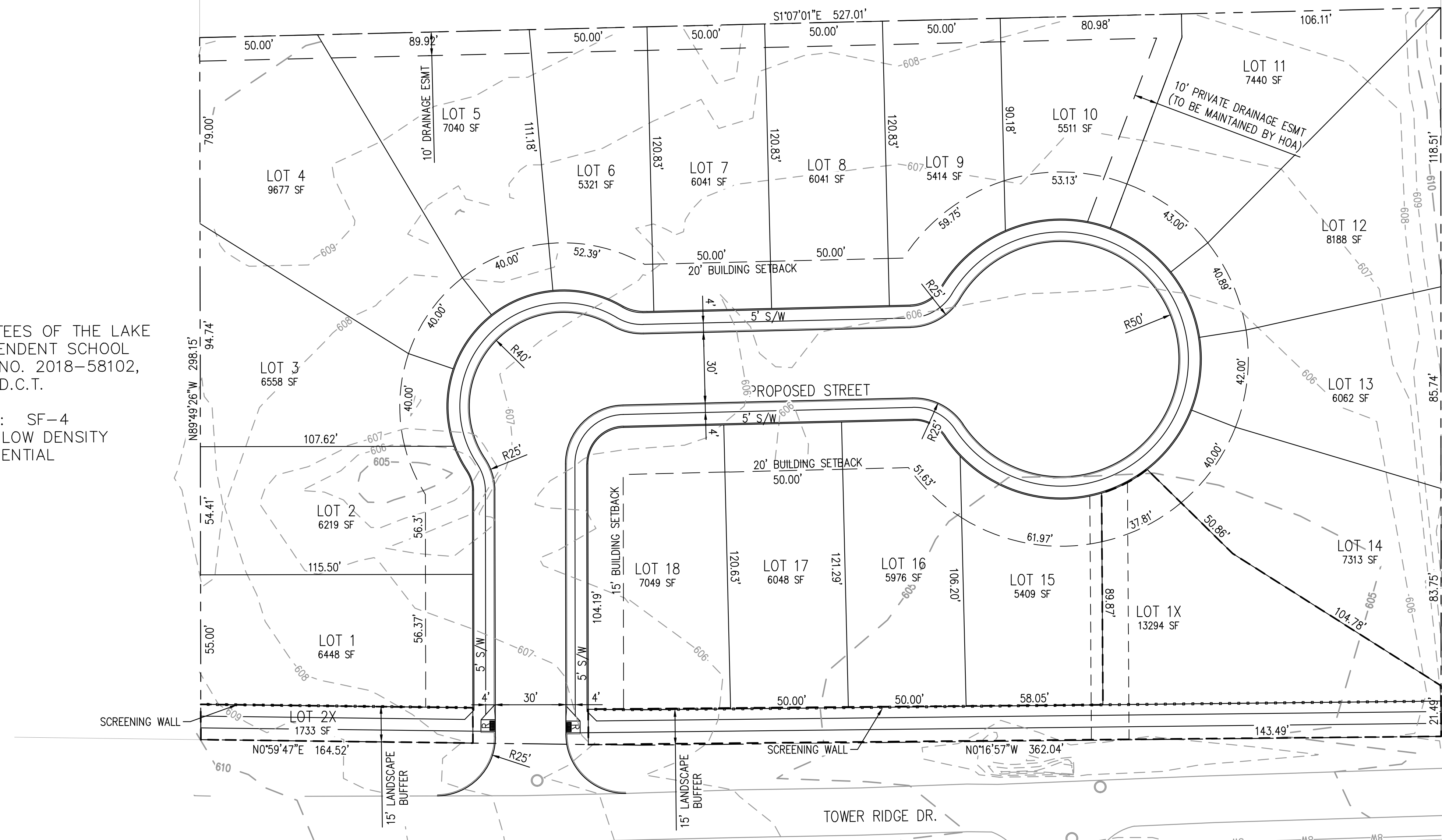
BOARD OF TRUSTEES OF THE LAKE
DALLAS INDEPENDENT SCHOOL
DISTRICT INST. NO. 2018-58102,
D.R.D.C.T.

ZONING: SF-4
LAND USE: LOW DENSITY
RESIDENTIAL

LOT 7
LOT 6
LOT 5
LOT 4
LOT 3
BLOCK 3
FAIRVIEW MEADOWS PHASE I
CAB. E, SLIDE 354, P.R.D.C.T.
ZONING: SF-4
LAND USE: LOW DENSITY
RESIDENTIAL
LOT 2
LOT 1

PARKVIEW DR.

MEADOW DR.



A CONCEPT PLAN
LOT 1-18
TOWER RIDGE,
AN ADDITION TO THE CITY OF CORINTH,
DENTON COUNTY, TEXAS
TWO TRACTS OUT OF THE
E. MARSH SURVEY, ABSTRACT NO.833,
3.691 ACRES
APRIL 2020

OWNER/DEVELOPER:
3100 TOWER RIDGE LAND LLC.

HKS HARRIS KOCHER SMITH
101 Summit Avenue, Suite 1014
Fort Worth, Texas 76102
P: 817.769.6279 F: 817.769.6298
HarrisKocherSmith.com
TBPE Firm#: F-15501 • TBPLS Firm#: 10194145

Notice of Public Hearings

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

Name/Address: (Please Print)

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Zoning Change

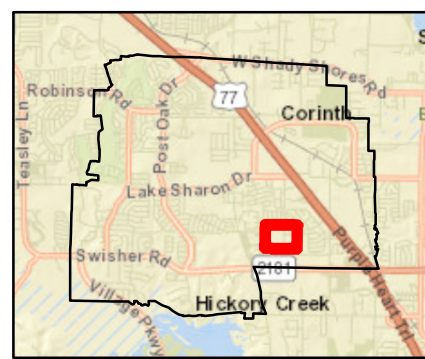
**3100 Tower Ridge Dr
200 ft. Buffer**

-  200 ft. Buffer
-  Parcels within 200 ft.

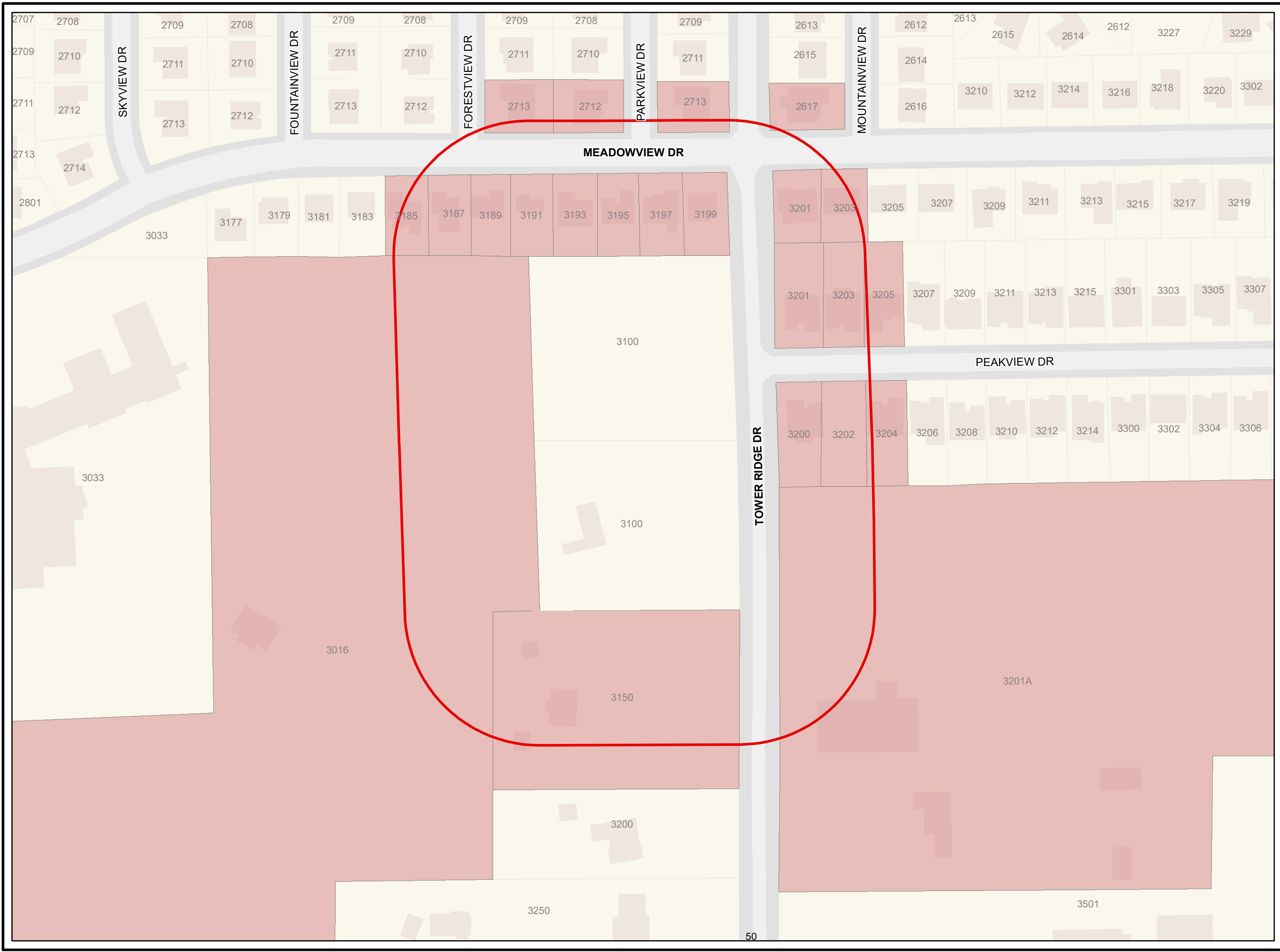


0 115 230
Feet

1 inch = 134 feet



This map is the property of the City of Corinth, and is not to be reproduced by any means, mechanical or digital, without written consent of the City. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Rec'd. 5/5/2020



REC'D MAY 03 2020

Planning and Zoning Commission Special Called **Video Conference Meeting**,
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I am writing in (Check as applicable) Support: **Opposition:** of the proposal.

Name/Address: (Please Print) 3195 Meadowview Dr., Corinth, TX
Daniel Fawer & Jacqueline Stautter Fawer

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To the Planning and Zoning Commission,

I am writing to state our opposition to the resining request by 3100 Tower Ridge Land. As a home with two small children, we are concerned about the safety concerns and noise disruptions during the construction. Additionally, we are personally (and selfishly) saddened by the loss of the trees and privacy we currently have. It was the main reason we purchased this home. With the planned development, we will have two houses that will overlook our property without a tree barrier between.

Thank you for you consideration,
Colten and Jenny Kisner
3197 Meadowview Dr



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Name/Address: (Please Print)

Colten + Jenny Kisner 3197 meadowview Drive Corinth

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

Concerned about safety, crime, loss of privacy, loss of trees, movement of animals that live there. Don't think enough trees will be saved once you disturb the roots of the ones you want to save they will die. Too much noise from construction, Tower Ridge is already a Elizabeth herein 3100 Meadowview Dr. Crappy road in need of repair.

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

Name/Address: (Please Print)

DAVID + LINDA Lovell, 3200 Peakview Drive, Corinth, TX

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

Name/Address: (Please Print)

Patrick & Tina Mcbee 3203 Postview Dr, Corinth TX 76210

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Helen-Eve Beadle

From: Licia Szydlowski <lszydlowski@yahoo.com>
Sent: Wednesday, May 20, 2020 8:15 PM
To: Planners
Subject: Rezoning Request by 3100 Tower Ridge Land LLC

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it may concern,

As a resident of Peakview Dr. for almost 17 years and I am writing to **OPPOSE the rezoning request for 3100 Tower Ridge Land LLC asking to amend the zoning classification from SF-4, Single Family Residential to PD.** Below are my immediate and long-term concerns:

1. The proposed subdivision and it's potential entrance would increase, the number of vehicles on an already congested street but also poses an increased safety concern, between the school and the 4 way stop located at Tower Ridge and Meadowview.
2. Potential road damage due to large vehicle construction traffic.
3. Potential property damage due to construction site "runoff" during the build.
4. **Increased flooding potential** to properties directly behind and down hill from the subdivision.

Thank you,

Licia R. Szydlowski
3201 Peakview Dr.
Corinth, TX 76210

JUNE 18
cc TBD



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

I am concerned about the wear & tear of our cars, because Tower Bridge is already bad (rough). The drainage is not good now - increasing traffic will make it worse.

Name/Address: (Please Print) *Heavy vehicle traffic will cause more issues. Currently, the trees give us a noise buffer for h.i.d. school activities*

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City Council Regular and Workshop Session

Meeting Date: 06/04/2020
Title: Tower Ridge Development Incentive Agreement
Submitted For: Helen-Eve Liebman, Director **Submitted By:** Helen-Eve Liebman, Director
Finance Review: N/A **Legal Review:** Yes
City Manager Review: **Approval:** Bob Hart, City Manager
Strategic Goals: Land Development
Economic Development

AGENDA ITEM

Consider and act on a Development Incentive Agreement between the City of Corinth and 3100 Tower Ridge Land, LLC on an approximate 3.691 acres of land situated in the E. Marsh Survey, Abstract No. 833, City of Coirnth, Denton County, Texas.

AGENDA ITEM SUMMARY/BACKGROUND

The Development Incentive Agreement presented for consideration and action between the City of Corinth and 3100 Tower Ridge Land, LLC outlines the arrangement of compensation for the construction of each single family structure to be built with a combined percentageof masonry material of exterior facades. Each facade shall be a minimum of 85% fired brick or fired brick veneer, natural and manufactured stone, granite, or marble as defined in the American Society for Testing and Materials (ASTM) Standards.

3100 Tower Ridge Land, LLC shall file deed restrictions for the exterior building materials. In exchange for filing the deed restrictions for the homes being built to the specified building materials the City will pay 3100 Tower Ridge Land, LLC one thousand eight hundred dollars (\$1,800.00).

The agreement is intended to be an additional measure of guarantee the homes will be constructed with the specified exterior building materials.

RECOMMENDATION

Staff recommends approval of the agreement and direction for the City Manager to execute the document.

Attachments

Tower Ridge Agreement

DEVELOPMENT INCENTIVE AGREEMENT

This Development Incentive Agreement (this “**AGREEMENT**”) is made and entered into as of the **4TH** day of **JUNE, 2020** (the “**EFFECTIVE DATE**”) by and between the City of Corinth, Texas a home rule municipal corporation (the “**CITY**”), and **3100 TOWER RIDGE LAND LLC**, a Texas limited liability-corporation (the “**COMPANY**”). The City and the Company are collectively referred to as the “**PARTIES**” or individually as a “**PARTY**”.

RECITALS

WHEREAS, the City recognizes that construction of high-quality detached single-family residential development attracts population growth and that population is a key to attracting commercial businesses to locate and remain within the City of Corinth; and

WHEREAS, the City seeks to attract and retain commercial businesses to promote economic development within the City of Corinth to increase sales tax revenues and boost the local economy; and

WHEREAS, Company proposes to develop and construct (or cause to be constructed) a detached single family residential subdivision and homes on property at 3100 Tower Ridge Drive (the “**LAND**” as further defined below) with eighteen (18) single family detached homes and two (2) homeowners’ associations lots for landscaping and drainage (the “**Project**”) as further defined below); and

WHEREAS, the City Council seeks to promote high quality single family residential development in the City, and in order to ensure quality construction, the City has determined it necessary to provide an incentive to the Company in consideration for the Company’s agreement to require quality building materials for exterior construction of the homes for their Project; and

WHEREAS, the City Council is authorized to offer certain development incentives for purposes, including encouraging superior building construction materials which positively contribute to the image of the City and create an attractive upscale environment conducive to population growth which attracts commercial development; and

WHEREAS, the City Council has determined that providing development incentives to the Company will promote local economic development and contribute to an improved aesthetic image within the City, thus increasing population, property taxes, promoting economic development, and positively contributing to the image of the City; and

NOW THEREFORE, in consideration of the foregoing recitals which are deemed findings of the City Council and incorporated into and made a part of this Agreement for all purposes, and in consideration of the mutual benefits and obligations set forth herein, the Parties enter into this Agreement and agree to the terms and conditions set forth in this Agreement.

ARTICLE I. **DEFINITIONS**

The following words will have the following meanings when used in this Agreement:

1.01. “Land” means the approximately 3.691 acre tract of real property and improvements thereon within the city limits of the City of Corinth, Texas located at 3100 Tower Ridge Drive upon which the

Project will be constructed, a legal description of which is attached as Exhibit “A.1.” and made a part hereof for all purposes.

2.01 “Project” means new building improvements located on the Land consisting of eighteen (18) detached single family homes and two homeowners’ association lots with all related improvements.

ARTICLE II.
OBLIGATIONS OF THE COMPANY

The Company shall cause the Project on the Land to be constructed in compliance with the Minimum Standards for Exterior Building Materials specifications set forth in **Exhibit “A.2”**, attached hereto and incorporated herein. Company shall take all necessary steps to file deed restrictions on the Land and to notify potential and subsequent purchasers, including without limitation, builders or other third parties to whom a lot or other portion of the Land within the Project is sold, to notify such parties of the existence of the Minimum Standards for Exterior Building Materials to be used for construction on the Land and the requirement for compliance with those minimum standards set forth in Exhibit “A.2” (the “Deed Restrictions”). Nothing in this section shall be construed to prevent construction on the Land to exceed the minimum standards set forth in Exhibit “A.2”, but it is undisputed that the standards set forth in Exhibit “A.2” are the minimum standards for external building materials within the Project.

ARTICLE III.
DEVELOPMENT INCENTIVE PROVIDED BY THE CITY/CONSIDERATION AND PENALTY FOR DEFAULT

Within ten (10) business days of execution of this Agreement, Company shall file and submit to City an original file marked copy of Deed Restrictions which include as minimum external building material standards, those standards set forth in **Exhibit “A.2”** hereto. Within thirty (30) days after the date of Company’s submission of the original file marked copy to City, the City in consideration for such action and as an incentive to Company for the performance of such action, agrees to pay the Company an incentive of \$100 per single family residential lot for a total payment of **ONE THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,800.00)**, such amount being the “Incentive Payment”. In addition to compliance with the terms of Article II and Article III, Company agrees not to take action to remove or to participate in any action to remove or modify the Deed Restrictions from the Land. Any such action shall constitute a breach of Company’s obligations under this Agreement. In the event of a breach by Company, Company shall repay City the amount of the Incentive Payment plus interest at the maximum rate allowed by law accruing from the date of such breach. In addition to the foregoing remedy for breach, City reserves all available rights, remedies, damages and claims under law and equity, including without limitation specific performance by Company to require all such actions necessary for enforcement of the Deed Restrictions by Company.

ARTICLE IV.
REPRESENTATIONS AND WARRANTIES OF THE COMPANY

As of the Effective Date, the Company represents and warrants to the City, as follows:

4.01. Authority. The Company is a duly organized, validly existing Texas Limited Liability Company, in good standing under the laws of the State of Texas and is authorized to conduct business or own real property in the State of Texas. The activities that the Company proposes to carry on at the Land may lawfully be conducted by the Company. The execution, delivery and performance by the Company of this Agreement are within the Company’s powers and have been duly authorized.

4.02. Enforceable. This Agreement is the legal, valid and binding obligation of the Company, and is enforceable against the Company in accordance with its terms except as limited by applicable relief, liquidation, conservatorship, bankruptcy, moratorium, rearrangement, insolvency, reorganization or similar laws affecting the rights or remedies of creditors generally, as in effect from time to time.

4.04. No Default. The Company is not in violation or default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any agreement or instrument to which they are parties or by which they or any of their property is bound that would have any material adverse effect on the Company's ability to perform under this Agreement.

4.05. Facts True. Neither this Agreement nor any schedule or Exhibit attached hereto in connection with the negotiation of this Agreement contains any untrue statement of a material fact or omits to state any material fact necessary to keep the statements contained herein or therein, in the light of the circumstances in which they were made, from being misleading.

4.06. Disclosures. The Company will, at such times and in such form as the City may request from the Company, provide information concerning the performance of the Company's obligations under this Agreement.

ARTICLE V. **MISCELLANEOUS**

5.01. Entire Agreement. This Agreement, including the Recitals and the Exhibits hereto, contains the entire agreement between the Parties with respect to the transactions contemplated herein.

5.02. Amendment/Waiver. This Agreement may only be amended, altered, or terminated by written instrument signed by all Parties. No term or condition contained in this Agreement will be deemed to have been waived, nor will there be any estoppel to enforce any provision of this Agreement, except by written instrument of the Party charged with such waiver or estoppel.

5.03. Notices. All notices required and / or permitted by this Agreement will be delivered to the following by certified mail or electronic mail transmission. Each Party will notify the other Parties in writing of any change in information required for notice under this Paragraph 5.03.

IF TO THE CITY:

Bob Hart, City Manager
City of Corinth, Texas
3300 Corinth Parkway
Corinth, Texas 76208
Facsimile: (940) 498 – 7574
E-mail: Bob.hart@cityofcorinth.com

IF TO THE COMPANY:

Gerardo Oseguera, Managing Member
3100 TOWER RIDGE LAND, L.L.C.
3402 Sycamore Drive
Flower Mound, Texas 75028
E-mail: gerardo@northlakecontractors.com

5.04. Venue. This Agreement will be construed under the laws of the State of Texas and the United States of America. This Agreement is performable in Denton County, Texas. Mandatory venue for any action under this Agreement will be in the state court of appropriate jurisdiction for the action in Denton County, Texas. Mandatory venue for any matters in federal court will be in the United States District Court for the Eastern District of Texas, Sherman Division.

5.05. Severability. In the event any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws effective while this Agreement is in effect, such provision will be automatically deleted from this Agreement and the legality, validity and enforceability of the remaining provisions of this Agreement will not be affected thereby, and in lieu of such deleted provision, there will be added as part of this Agreement a provision that is legal, valid and enforceable and that is as similar as possible in terms and substance as possible to the deleted provision.

5.06. No Liability/Non-Waiver/Immunity. The Company agrees that the City waives no rights or remedies for breach hereunder and assume no liability or responsibility by approving plans, issuing permits or approvals or making inspections related to any matter arising under this Agreement. Further, the failure of City to enforce its rights or remedies in one or more instance for a breach under this Agreement shall not be deemed a waiver to enforce rights or remedies for such breach. Nothing contained in this Agreement, and no action of the City under this Agreement, will constitute a waiver of any immunity of the City to suit or to liability or of any limitations on liability granted by law or the Texas Constitution.

5.07. Independent Parties/No Third Party Beneficiaries. It is acknowledged and agreed between the Parties that the City and the Company, in executing this Agreement, and in performing their respective obligations, are acting independently, and not in any form of partnership or joint venture. The City and will assume no responsibility or liability to any third parties in connection with this Agreement, and the Company agrees to indemnify, defend and hold the City and the CEDC, and their officers and employees, harmless from any such liabilities.

5.08. Assignment. This Agreement is for the exclusive benefit of the Parties and no third party may claim any right, title or interest in any benefit arising under this Agreement. The Company may not assign any of its rights, or delegate or sub-contract any of its duties under this Agreement, in whole or in part, without the prior written consent of the City, except that: (i) the Company may assign this Agreement to an affiliate with such assignment to be effective only upon receipt by the City of written notice thereof, together with documentation establishing the relationship of the affiliate to the Company to the satisfaction of the City; or (ii) the Company may assign this Agreement in connection with the sale of all its interest in the Company or in the Land, provided that the Company will provide the City with at least 30 calendar days' written notice of such assignment for the assignment to be effective. This Agreement will be binding on and inure to the benefit of the Parties and their respective successors and assigns.

EXECUTED in duplicate originals to be effective as of the Effective Date.

CITY OF CORINTH, TEXAS

By: _____

Bob Hart, City Manager

3100 TOWER RIDGE LAND, L.L.C.

By: _____

Gerardo Oseguero, Managing Member

EXHIBIT "A.1."

LEGAL DESCRIPTION

BEING a tract situated in the E. Marsh Survey, Abstract No. 833, City of Corinth, Denton County, Texas, being part of the tract described to David Reed and Karla A. Dorman, recorded in Volume 1116, Page 333, Deed Records, Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2 inch rebar with cap stamped "G&A" found at the southeast corner of the herein described tract, same being the southwest corner of the tract described in the deed to the City of Corinth, recorded in Document Number 2008-90911, Deed Records, Denton County, Texas;

THENCE with the perimeter and to the corners of said Dorman tract, the following calls:

1. NORTH 89 degrees 49 minutes 26 seconds WEST, a distance of 298.15 feet to an aluminum disc with illegible markings found;
2. NORTH 01 degrees 07 minutes 11 seconds WEST, a distance of 527.01 feet to the northwest corner of said Dorman tract, from which a fence post found bears NORTH 01 degree EAST, 1.62 feet;
3. SOUTH 89 degrees 45 minutes 32 seconds EAST, a distance of 309.50 feet to a 1/2 inch rebar with cap stamped "G&A" found at the northwest corner of said City of Corinth tract;

THENCE with the west line of said City of Corinth tract, SOUTH 00 degrees 22 minutes 04 seconds EAST, a distance of 339.43 feet to a 1/2 inch rebar with cap stamped "G&A" found;

THENCE with the west line of said City of Corinth tract, SOUTH 00 degrees 59 minutes 47 seconds WEST, a distance of 187.13 feet, returning to the

POINT OF BEGINNING and enclosing 3.691 acres (160,780 square feet) of land, more or less.

EXHIBIT “A.2.”

MINIMUM EXTERIOR BUILDING MATERIAL STANDARDS

Building Material Standards: The combined percentage of exterior facades on each residential structure shall not be less than 85% fired brick and fired brick veneer, natural and manufactured stone, granite, and marble as defined by the American Society for Testing and Materials (ASTM) Standards.

City Council Regular and Workshop Session

Meeting Date: 06/04/2020
Title: Creation of the Corinth Economic Development Foundation
Submitted For: Jason Alexander, Director **Submitted By:** Jason Alexander, Director
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development
Infrastructure Development
Economic Development
Citizen Engagement & Proactive
Government
Regional Cooperation

AGENDA ITEM

Consider and act on a Resolution 20-06-04-13 of the City Council approving the formation of the Corinth Economic Development Foundation (the "CEDF") and the adoption of the CEDF's Certificate of Formation; approving the appointment of the Initial Board of Directors; appointing a Registered Agent; Designating a Registered Office; and providing for an Effective Date.

AGENDA ITEM SUMMARY/BACKGROUND

Consistent with the vision and goals of the Strategic Plan, the formation of the CEDF is a proposition intended to expand the capacity of the City and the Corinth Economic Development Corporation (the "CEDC") to transform the parcels in proximity to the Interstate Highway 35E and Corinth Parkway Interchange, City Hall and North Central Texas College into a first-class downtown that is mixed-use and pedestrian-oriented as depicted in the master-plan adopted for the Tax Increment Reinvestment Zone. It is within this context that the CEDF would operate as an intermediary that would enable the City and / or the CEDC to enter into strategic partnerships and land acquisition proposals that will add exponentially to business retention, expansion and attraction efforts and real estate development --- without causing the City and / or the CEDC to act or operate outside of the competitive bidding laws codified in the Texas Local Government Code, as amended.

If the City Council approves the formation of the CEDF, it is anticipated that the Initial Board of Directors would be comprised of the City Manager, the Economic Development Director and the Finance Director until such date that the City Council elects to appoint a full Board of Directors after all other legal requirements for the formation of the CEDF are fulfilled. The Registered Agent is intended to be the City Manager and the Registered Office is intended to be City Hall.

RECOMMENDATION

If the City Council approves the formation of the CEDF, it will accelerate economic development plans and efforts and expand the capacity of the City and the CEDC to operate in support of those plans and efforts. Staff recommends that the City Council approve the Resolution to form the CEDF.

Attachments

Resolution Approving the Formation of the Corinth Economic Development Foundation

RESOLUTION NO. 20-06-04-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, APPROVING THE FORMATION OF THE CORINTH ECONOMIC DEVELOPMENT FOUNDATION, (“CEDF”), AND THE ADOPTION OF THE CEDF’S CERTIFICATE OF FORMATION; APPROVING APPOINTMENT OF THE INITIAL BOARD OF DIRECTORS; APPOINTING A REGISTERED AGENT; DESIGNATING A REGISTERED OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Corinth, Texas, desires to cause the formation of an economic development foundation as a nonprofit corporation to promote and enhance the economic and business community in the City of Corinth and its extra-territorial jurisdiction, pursuant to Chapter 22 of the Texas Business Organizations Code, and the Certificate of Formation herein attached as Exhibit "A", accurately reflects that desire; and

WHEREAS, the City Council desires to appoint the initial Board of Directors for the Corinth Economic Development Foundation pursuant to its authority to do so under Section 10.01 of Article X, “Boards, Commissions and Committees” of the Home Rule Charter; and

WHEREAS, the City Council desires to appoint a Registered Agent and designate a Registered Office for the CEDF pursuant to Chapter 22 of the Texas Business Organizations Code; and

WHEREAS, the City Council has determined that the named person herein is authorized to execute and to file the Certificate of Formation with the Texas Secretary of State.

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

SECTION 1. INCORPORATION OF PREMISES. That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. CERTIFICATE OF FORMATION. The Certificate of Formation for the Corinth Economic Development Foundation is hereby approved; and, such Foundation shall be organized for all lawful and public purposes for community and economic development for the benefit of the City of Corinth, Texas, as stated in the Certificate of Formation, a copy of which is attached hereto as Exhibit "A" and incorporated herein as set forth in full.

SECTION 3. INITIAL BOARD OF DIRECTORS.

- A. Purpose. The initial Board of Directors’ purpose is to perform the duties and functions required of it pursuant to Chapter 22 of the Texas Business Organizations Code.

B. Composition of Initial Board of Directors.

1. Name: [REDACTED]
Address: [REDACTED]

2. Name: [REDACTED]
Address: [REDACTED]

3. Name: [REDACTED]
Address: [REDACTED]

C. Tenure. The initial Board of Directors' tenure shall begin on the effective date of this Resolution and last until the initial Board appoints a permanent Board of Directors.

D. Functions/Duties. The initial Board of Directors is only authorized to perform the functions and duties required of it pursuant to Chapter 22 of the Texas Business Organizations Code.

SECTION 4. REGISTERED AGENT/REGISTERED OFFICE. That the City Council hereby appoints [REDACTED] as Registered Agent and designates the Registered Office of said Foundation as **3300 Corinth Parkway, Corinth, Texas 76258.**

SECTION 5. ORGANIZER. That the City Council of Corinth hereby authorizes [REDACTED] to execute and file such Certificate of Formation for the Corinth Economic Development Foundation with the Texas Secretary of State as provided by law.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect after its adoption and execution as provided by law and immediately from and after its passage by the City Council and it is, accordingly, so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Corinth, Texas this ___th day of _____, 2020.

APPROVED:

By: _____
Bill Heidemann, Mayor

ATTEST:

By: _____
Lana Wylie, City Secretary

APPROVED AS TO FORM:

By: _____
Patricia A. Adams, City Attorney

Exhibit “A”

CERTIFICATE OF FORMATION Corinth Economic Development Foundation, A Texas Non-Profit Corporation

ARTICLE ONE Name

The filing entity being formed is a nonprofit corporation as authorized by Resolution No. [REDACTED] of the City Council of the City of Corinth, Texas, on [REDACTED], 2020 in accordance with the Texas Non Profit Corporation Act, Chapter 22 of the Texas Business Organizations Code, which shall be known as the “Corinth Economic Development Foundation”, a Texas Non Profit Corporation, and such Resolution has authorized the Corporation to act on behalf of the City to further the public purpose and approve the Certificate of Formation.

ARTICLE TWO Perpetual

The duration of the Corporation is perpetual unless dissolved as allowed by law. The initial Registered Agent is an individual resident of the state, [REDACTED], and the Registered Office of the corporation is 3300 Corinth Parkway, Corinth, TX 76208.

ARTICLE THREE Purpose

This nonprofit corporation is organized for all of lawful and public purposes as set forth, expressed and implied, to engage in all lawful activities as authorized for community and economic development for the benefit of the City of Corinth, including the right to issue bonds when authorized.

ARTICLE FOUR Membership

The nonprofit corporation will have no members and is a non-stock corporation.

ARTICLE FIVE Board of Directors

The management of the affairs of the corporation is vested in the board of directors. The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first meeting of members or until their successors are elected and qualified are as follows:

NAME

STREET ADDRESS

1.

2.

3.

ARTICLE SIX

Organizer

The Organizer is authorized on behalf of the City Council of the City of Corinth, Texas, to execute and file the Certificate of Formation; and, Organizer's name and address is as follows:

NAME

STREET ADDRESS

1.

ARTICLE SEVEN

Effectiveness of Filing

This document becomes effective when the document is filed by the Secretary of State as provided by law.

ARTICLE EIGHT

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certified under penalty of perjury that the undersigned is authorized to execute the filing instrument.

Date: _____

Signature of Organizer

Printed or typed name of Organizer