



City of Rowlett

Meeting Agenda

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, November 18, 2014

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

2. EXECUTIVE SESSION (5:30 P.M.)* Times listed are approximate

2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (15 minutes)

2B. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss the Kayak rental program at Paddle Point Park. (15 minutes)

3. WORK SESSION (6:00 P.M.)*

3A. Discuss possible City participation in potential Texas Department of Housing and Community Affairs Housing Tax Credits programs applications. (45 minutes)

3B. Discuss Fire Rescue Personal Protective Gear (PPE) Bunker Gear and the purchase of additional Personal Protective Ensemble gear for firefighters. (30 minutes)

3C. Discuss appointing a member to the CIP Task Force to fill a vacancy. (5 minutes)

4. DISCUSS CONSENT AGENDA ITEMS

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)*

INVOCATION

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE

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

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Presentation to the Parks Department from KRB for Daffodil Project.
- 5B.** Texas Recreation and Parks Society presents Rowlett Parks and Recreation Department with North Region Award for Excellence in Programming for Angel Swim program at Wet Zone Waterpark.
- 5C.** Hear Fourth Quarter Investment Report for September 30, 2014.
- 5D.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

6. CITIZENS' INPUT

At this time, three-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. No action can be taken by the Council during Citizens' Input.

7. CONSENT AGENDA

The following may be acted upon in one motion. A City Councilmember or a citizen may request items be removed from the Consent Agenda for individual consideration.

- 7A.** Consider action to approve minutes from the November 4, 2014, City Council Meeting and the November 11, 2014, City Council Work Session Meeting.
- 7B.** Consider action to approve a resolution accepting the bid of and awarding a contract to Camino Construction in the amount of \$227,713.70 for the base bid, and 10 percent contingency in the amount of \$22,771.37, resulting in a total bid of \$250,485.07 for the Drainage Improvement Project for Westwood Circle, and authorizing the Mayor to execute the necessary documents for said services.
- 7C.** Consider action to approve a resolution awarding a bid to APAC-Texas, Incorporated for installation of asphalt level-up and overlay street improvements in the amount of \$543,937.27 through Dallas County's Master Road & Bridge Interlocal Maintenance Agreement, and authorizing the Mayor to execute the necessary documents for said services.
- 7D.** Consider action to approve a resolution awarding the third of four one-year renewal options to extend the price agreement with Nortex Concrete Lift and Stabilization, Incorporated for pavement leveling services in the unit amount as amended and an annual amount of \$125,000 through the

Interlocal Cooperative Purchase Agreement with the City of Grand Prairie, and authorizing the Mayor to execute the necessary documents for said services.

- 7E. Consider a resolution approving a request for alternative building materials for a proposed single family home, new construction, located at 1417 Shadybrook Lane, being further described as Lot 16, Block A of the Pecan Harbor Estates Addition to the City of Rowlett, TX, Dallas County (DP14-746).
- 7F. Consider action to approve a resolution approving the purchase of lighting fixtures from Graybar Electric Company, Inc. in the total amount of \$163,925 through the U.S. Communities Cooperative Purchasing Program, and authorizing the City Manager to execute the necessary documents for said purchase.
- 7G. Consider action to approve an ordinance amending Chapter 22 "Environment" to address dead and dangerous trees as public nuisances.
- 7H. Consider action to approve a resolution accepting the bid of and awarding a contract to DataProse for printing and mail processing services in the unit amounts bid and in an estimated annual amount of \$145,200 through an Interlocal Cooperative Purchasing Agreement with the City of Plano; and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said services.
- 7I. Consider action to appoint a member to the CIP Task Force to fill a vacancy.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

If a Public Hearing is listed, the City Council will conduct such public hearing to receive comments concerning the specific items listed in the agenda. Any interested persons may appear and offer comments, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views and identical or similar comments through a representative member when possible. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker.

- 8A. Conduct a public hearing and take action on a request for a Planned Development to allow a convenience store with retail vehicle filling at property located at 5001 Lakeview Parkway.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

9. ADJOURNMENT

Laura Hallmark, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the City's website (www.rowlett.com) on the 14th day of November 2014, by 5:00 p.m.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 2A

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (15 minutes)



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 2B

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss the Kayak rental program at Paddle Point Park. (15 minutes)



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 3A

TITLE

Discuss possible City participation in potential Texas Department of Housing and Community Affairs Housing Tax Credits programs applications. (45 minutes)

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

Over the last several years, the City of Rowlett has been approached by different development entities that are seeking tax credits from the Texas Department of Housing and Community Affairs (TDHCA) Housing Tax Credits program. Within the last several months, development entities have approached the City for both Workforce Housing and Senior Housing developments for this coming application year.

It should be noted that the City does not act as developer in these programs. However, since applications to TDHCA will require City involvement in some capacity, staff is seeking City Council direction regarding the types of programs, locations and support to be potentially offered.

BACKGROUND INFORMATION

The Texas Department of Housing and Community Affairs (TDHCA) Housing Tax Credits program is an annual program. In order to gain valuable points, private development entities will seek City participation in the process. Participation from respective municipalities can come in the form of adoption of a supporting resolution, provision of financial incentives/support, and designation of areas as targeted reinvestment areas.

City Council has provided support of TDHCA programs in the past. Most recently the City provided support for a senior housing program by Evergreen Senior Communities, which was located at 5404 Kenwood Drive. This support came in the form of a supporting resolution adopted by City Council on February 7, 2012. City Council also approved a Planned Development Ordinance for the subject property at 5404 Kenwood Drive on July 17, 2012. However, this rezoning was ultimately rescinded on December 18, 2012, since Evergreen Senior Communities was not awarded tax credits from TDHCA. It should also be noted that the City was required to provide financial incentives for this development; however, those funds were never utilized.

For this application year, City staff has been approached once again by Evergreen Senior Communities (<http://www.evergreenseniorcommunities.com/>) regarding a possible senior community at a different location. In addition, City staff has also been approached by DWR Development Group/Brownstone Affordable Housing for a combination of workforce housing and

senior community (See Attachment A for background information). Additional information regarding site locations is included in the Discussion section of this report.

DISCUSSION

The TDHCA Housing Tax Credits program contains a detailed scoring system application that is very competitive. Private development entities complete these applications, but require participation from the respective City where the project is located in order to gain valuable points in the process.

As stated previously in this staff report, City staff has been approached by private development entities seeking City support for both Workforce Housing and Senior Housing. The Senior Housing Program is being proposed in an area of the City on the east side of Old Rowlett Road north of Big A Road (see Figure 1 below). The Workforce Housing program with a Senior Community component is being proposed along Melcer Drive in the Urban Village district of the Downtown Form-Based (see Figure 2 below). Both applications will require City participation on some level and the level of involvement is detailed below.

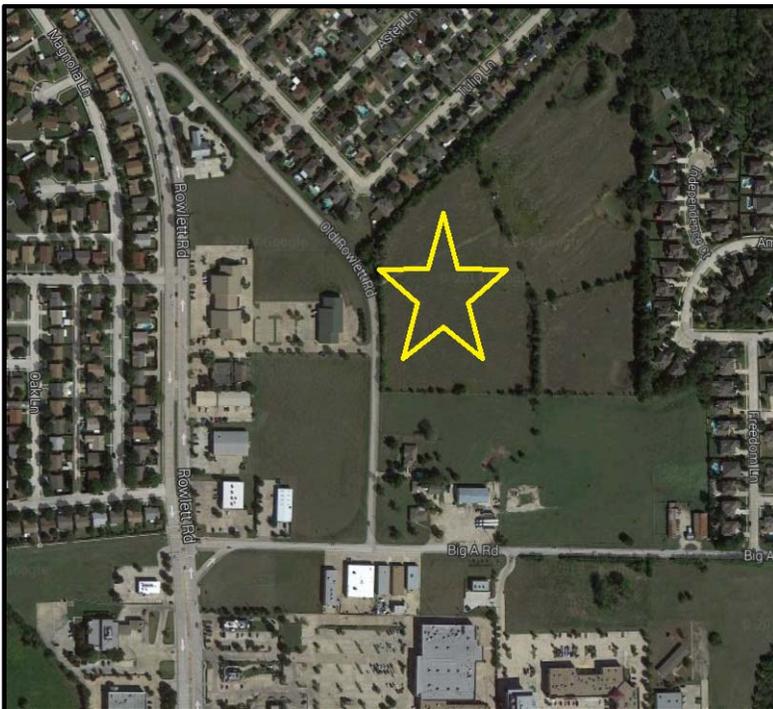


Figure 1. Senior Housing Area Proposed by Private Developer



Figure 2. Combined Workforce & Senior Housing Area Proposed by Private Developer

Senior Housing

The proposed Senior Housing Development would be located at the northeast quadrant of Big A Road and Old Rowlett Road. This project would require City participation from four primary perspectives:

- 1) Supporting Resolution of project by City Council
- 2) Rezoning effort of subject site (property currently retains a zoning designation of O-1, Limited Office)
- 3) Possible financial incentives
- 4) Designation of a portion of the City as a Revitalization Area

The first two items listed above are self-explanatory.

The third item involves the financial incentives that are linked to the project. The proposed developer would require a funding commitment resolution from the City. The resolution, would function as a “Loan Commitment” resolution offering an economic development loan, which will allow the applicant to qualify for certain competitive points under its TDHCA tax credit application. The economic development incentive agreement would then be assigned to a third party to assume all obligations and liabilities associated with said loan. The resolution would be contingent on several items occurring prior to the City entering into this Agreement, including applicant’s receipt of commitment of tax credits for the project from TDHCA. It should be noted that the resolution would be specific to financing and not a statement of support for rezoning the site, or for other development approvals that may be required.

The fourth item will involve the designation of a Revitalization Area, the preparation of a Revitalization Plan by the proposed developer, and the adoption of both the Plan and the Area designation by City Council. The general limits of the proposed Revitalization area are roughly delineated by the box in Figure 3 below; the approximate location of the property is shown by star below. The limits of the Revitalization Area below are purposeful in order to encapsulate public investment that has occurred over the past three years. The below boundaries would be able to capture the public investments for Village of Rowlett, Rowlett Road and CDBG public facilities improvements. The goal by the developer is to illustrate a commitment by the City in the form of public investment in an amount in excess of \$6 million over the past three years. By including most of the Downtown area in the designation of the Revitalization area, the applicant would be able to gain valuable points. Based on discussions with Evergreen Communities, without this designation, a Senior Community most likely would not be able to garner enough points to be awarded the tax credits.

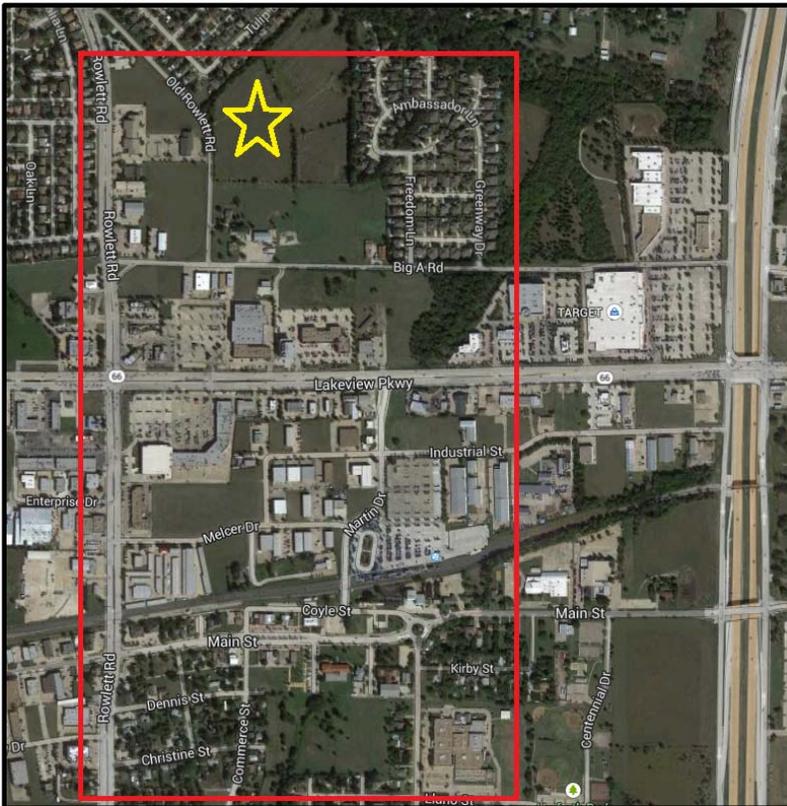


Figure 3. Senior Housing Revitalization Area Limits

Workforce Housing & Senior Housing

As stated previously, the proposed Workforce & Senior housing development would be located Downtown in the Urban Village Form-Based Code (FBC) district. A rezoning effort would not be required for this proposed development since Mixed Residential is a permitted building type in the Urban Village district. Provided the development does not

require Major Warrants, the project would not require any City Council action. The developer would still require support from the City regarding the following items:

- 1) Supporting Resolution of project by City Council
- 2) Possible financial incentives
- 3) Designation of a portion of the City as a Revitalization Area

The detail associated with the above-noted items numbered 1-3, are similar to the previously described Senior Housing project. In other words, the scope of the City Council participation would be similar for both projects.

It should be noted that this project has both Senior Housing and Workforce Housing components. Since the two developments would be on separate tracts (see Figure 2), with Workforce Housing on the north tract and Senior Housing on the south tract, the two could be separated and supported separately by City Council if desired.

Should City staff receive direction to proceed with either/both of these proposed developments, the next steps will involve preparation of a supporting Resolution by City Council. In addition, a proposed senior development would require the preparation and adoption by City Council of the Revitalization Plan. It should be noted that should City Council choose to support both Senior Housing projects, it may dilute the strength of both projects resulting in neither being chosen. However, concurrent support of Senior Housing and Workforce Housing would not dilute either. With respect to the application deadlines, the proposed developers would be required to submit applications to TDHCA in February 2015.

FINANCIAL/BUDGET IMPLICATIONS

In the past, the proposed developer required a funding commitment resolution from the City. The resolution functioned as a "Loan Commitment" resolution offering an economic development loan, which allowed the applicant to qualify for certain competitive points under its TDHCA tax credit application. In the past, this loan amount was \$1.2 million and the economic development incentive agreement was to be assigned to a third party to assume all obligations and liabilities associated with said loan. This loan commitment never materialized since the developer was not awarded the TDHCA credits.

RECOMMENDED ACTION

Provide direction to staff regarding correspondence with private development entities seeking City participation in the TDHCA Housing Tax Credits program, specifically as follows:

- 1) Continue discussions/support for Senior Housing project only (property as shown in Figure 1).
- 2) Continue discussions/support for combined Senior and Workforce Housing project only (property as shown in Figure 2).
- 3) Continue discussions/support for Senior Housing Project (property as shown in Figure 1) and only Workforce Housing component of property shown in Figure 2.

4) Do not continue discussions with either project.

ATTACHMENT

Attachment 1 – DWR Development Group / Brownstone Affordable Housing Background Information

To: Marc J. Kurbansade
 Director of Development Services
 City of Rowlett, Texas

From: Donna Rickenbacker *DR*
 Manager
 DWR Development Group

Date: October 28, 2014

Subject: Transit Oriented Developments – Rowlett, TX

Brownstone Affordable Housing, Ltd., and DWR Development Group, LLC, and their affiliated partners (the "Sponsors") are proposing two (2) residential developments in the City of Rowlett's Urban Village FB District. The development sites (the "Sites") consist of a 5+/- acre tract and a 2+/- acre tract of land that are separated by Melcer Drive, and bounded by Lakeview Parkway to the north, Rowlett Road to the west, Industrial Street and Richards Street to the east, and the DART Light Rail Line to the south. The Sites are more particularly described on **Exhibit A** attached hereto. The Sites are located within the boundaries of the City of Rowlett's downtown area. The Sponsors recognize that the City has invested time and resources towards revitalizing and land planning this area. The Sponsors fully intend to work with the City to achieve their stated goals and objectives as outlined in the Strategic Downtown Plan in providing more dense housing choice in Downtown Rowlett that will appeal to a variety of age groups including, individuals, families, "empty nesters" and seniors.

Each of the residential developments will be designed to recognize their proximity to the "end of the line" light rail station for DART's Blue Line in Downtown Rowlett with sidewalks and street frontage intended to create a more urban walkable environment for the residents of the communities and for visitors to the area who might frequent the retail and restaurants planned for Downtown Rowlett.

I. Proposed Developments:

A. Railhead Station – to be situated on the 5 +/- acre tract of land

Railhead Station will be an apartment community comprised of approximately 180-units and is intended for occupancy by individuals and families. It will be elevator served with a maximum building height of 4 stories. As currently modeled, Railhead Station will consist of efficiency units, 1-bedroom/1-bath units, 2-bedroom/2-bath units, and 3-bedroom/2 bath units, with the distribution of such units weighted more towards the efficiency, 1 and 2 bedroom sizes.

B. Melcer Place for Seniors ("Melcer Place") – to be situated on the 2+/- acre tract of land

Melcer Place will also be an apartment community comprised of approximately 180-units and is intended for occupancy by seniors (55+). It will also be elevator served with a maximum building height of 3 stories. As currently modeled, Melcer Place will consist of approximately 70% 1-bedroom/1-bath units and 30% 2-bedroom/2-bath units.

Memo – Marc Kurbansade

October 28, 2014

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Both communities will include common and unit amenities that are tailored to meet the needs of the residents. Each of the buildings will have controlled points of access to and from the streets. Some of the amenities that will be unique to each of the developments will include a community room, a swimming pool with areas for a gazebo and barbeque grills, a furnished fitness center, and equipped and functioning business center. The Sponsors intend to also provide features and certain indoor and outdoor programs and activities that promote day to day interaction and intergenerational collaboration between the children, youth and older adults that reside in the developments. The Sponsors would like to propose the creation and dedication of a green space area that will include walking trails and a dog park to be located adjacent to Melcer Place that would be made available to the residents of both communities.

All of the units will include covered entries, nine foot ceilings in the living room and all bedrooms, microwave ovens, storage closets, self-cleaning ovens, refrigerators with icemakers, and high speed internet service.

II. Experience of Sponsors:

The Sponsors are 100% privately owned for profit firms headquartered in Houston, Texas, with over 30 years of collective real estate experience specializing in the development and construction of market-rate and affordable rental housing in Texas, Louisiana, Mississippi and Arkansas.

The Sponsors are fully integrated with both a development and construction group. The complete group of partners, employees and consultants bring familiarity and broad knowledge to the group's team. The Sponsors maintain a track record in completing developments on time and within budget, which has resulted in long standing relationships with its financial partners. We intend to use these relationships and quality design in the creation, construction and financing of Railroad Station and Melcer Place.

III. Financing:

We anticipate that a portion of our development costs for Railroad Station and Melcer Place will be financed through an award of housing tax credits (HTC) allocated by the Texas Department of Housing and Community Affairs. The Sponsors have extensive experience with the HTC program and the use of such funds to create high quality sustainable housing for families and seniors of all income brackets. The application and selection process for this funding is complex and highly competitive, and the Sponsors have been successful in winning multiple awards of credits since 2005.

We enter into these ventures with an attitude and desire to work with the municipalities as partners to help make changes in accordance with their short and long range plans and vision for an area. We look forward to the opportunity to work with Rowlett in developing quality residential housing in Downtown Rowlett that will compliment and strengthen the revitalization efforts currently taking place in the City's downtown core.



Amenity Center Entry



CAVALCADE LOFTS

A Multi-Family Community
Mucasey & Associates, Architects

August 18, 2014



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 3B

TITLE

Discuss Fire Rescue Personal Protective Gear (PPE) Bunker Gear and the purchase of additional Personal Protective Ensemble gear for firefighters.

STAFF REPRESENTATIVE

Neil Howard, Fire Chief

SUMMARY

Rowlett Fire Rescue currently replaces structural firefighting gear (or personal protective equipment) at the seven-year mark. RFR needs to change to a five-year replacement plan in order to provide our firefighters with a back-up set of bunker gear. NFPA 1851 outlines that firefighting personal protective ensembles only have a usable lifespan of ten years. When our personnel return from a fire, the gear has to be cleaned. This cannot be accomplished until the next morning when the crew gets off shift. NFPA 1851 states that at no time shall contaminated gear come in contact with the public we serve. The only way to accomplish this task would be for our members to have a backup set of gear to finish their shift.

BACKGROUND INFORMATION

Bunker gear is used by many firefighters to refer to their system of outer protective clothing. The first component of firefighting equipment is the uniform that a firefighter will wear around the station. Personal Protective Equipment, or bunker gear, is to be worn over the station garments during emergency calls. Each of the three layers of the bunker gear serves a specific function of the PPE. The outer layer is flame and fire resistant for interior firefighting and rescue operations. The second layer is a fluid barrier that protects the person wearing it from liquids including steam and heated water that can severely burn the firefighter during operations. The inner layer has a thermal barrier that protects the wearer from the heat of a fire or from weather. All of these components must work together effortlessly during operations.

DISCUSSION

A set of standard PPE consists of a new bunker coat, pants, gloves, boots, rescue escape system, rope bag, suspenders, helmet, and protective hood. In the table below, the cost is broken down per set.

| | Item | Description | Per Unit |
|---|-------------|-------------------------------|-----------------|
| 1 | CVFM-32 | Janesville® Coat | \$1,196.00 |
| 2 | PVFM/F | Janesville® Self Rescue Pant | \$976.88 |
| 3 | BHS040 | Lion / Personal Rescue System | \$340.00 |
| 4 | RB44030 | PMI / Personal Rope Bag | \$14.30 |

| | | | |
|---|--------------|------------------------------------|----------|
| 5 | LPG927BG | LION / Glove (one per set of gear) | \$65.00 |
| 6 | L22013MM | Lion / Marshal Boot | \$292.32 |
| 7 | PAC-II-P84-B | Majestic / Hood, Black | \$28.06 |
| 8 | EVI | Honeywell / EV1 Traditional Helmet | \$333.07 |

In order for us to comply with NFPA 1851, as outlined in the Texas Government Code, Rowlett Fire Rescue must maintain a second set of gear for firefighters when they are exposed to the hazards of structural firefighting. Texas Administrative Code Title 37: Part 13 authorizes Texas Commission on Fire Protection to regulate fire departments in the state of Texas. As outlined in Chapter 435.1 Protective Clothing, it states that a regulated fire department shall:

- (1) purchase, provide, and maintain a complete set of protective clothing for all fire protection personnel who would be exposed to hazardous conditions from fire or other emergencies. A complete set of protective clothing shall consist of garments including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire personnel in the course of performing firefighting operations;
- (2) ensure that all protective clothing used by fire protection personnel complies with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform; and
- (3) maintain and provide upon request by the commission, a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles.

Rowlett Fire Rescue strives to keep not only the citizens we serve safe but our personnel, as well. Recent studies show the correlation between firefighting and cancer risks. In a recent study by The National Institute for Occupational Safety and Health (NIOSH), results suggested that “firefighters are at a higher risk of cancers of the digestive, oral, respiratory, and urinary systems when compared to the general population.” This study advises fire departments to create awareness and prevention efforts as a means to reduce cancer risks. This includes proper training, proper use of protective clothing, and proper use of approved respiratory protection during all phases of firefighting.

Below is a checklist from the Firefighter Cancer Support Network of immediate actions firefighters can take to protect themselves. Currently, Rowlett Fire Rescue implements all of the steps with the exception of #6. This is the final step in protecting ourselves and our community.

■ WHAT IMMEDIATE ACTIONS CAN I TAKE TO PROTECT MYSELF?

1

Use SCBA from initial attack to finish of overhaul. (Not wearing SCBA in both active and post-fire environments is the most dangerous voluntary activity in the fire service today.)

2

Do gross field decon of PPE to remove as much soot and particulates as possible.

3

Use Wet-Nap or baby wipes to remove as much soot as possible from head, neck, jaw, throat, underarms and hands immediately and while still on the scene.

4

Change your clothes and wash them immediately after a fire.

5

Shower thoroughly after a fire.

6

Clean your PPE, gloves, hood and helmet immediately after a fire.

7

Do not take contaminated clothes or PPE home or store it in your vehicle.

8

Decon fire apparatus interior after fires.

9

Keep bunker gear out of living and sleeping quarters.

10

Stop using tobacco products.

11

Use sunscreen or sun block.

The importance of annual medical examinations cannot be overstated — early detection and early treatment are essential to increasing survival.

In 2005, the Texas legislature adopted Section 607.055, Texas Government Code, which states the following:

Sec. 607.055. CANCER. (a) A firefighter or emergency medical technician who suffers from cancer resulting in death or total or partial disability is presumed to have developed the cancer during the course and scope of employment as a firefighter or emergency medical technician if:

(1) the firefighter or emergency medical technician:

(A) regularly responded on the scene to calls involving fires or fire fighting; or

(B) regularly responded to an event involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician; and

(2) the cancer is known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen, as described by Subsection (b).

(b) This section applies only to a type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer.

FINANCIAL/BUDGET IMPLICATIONS

During the budget process, Council approved \$50,000 per year for the lease payment. The purchase of PPE will not exceed our allocated budget for this line item over the next five years. Since every firefighter's gear has five years of use left, we plan to lease purchase everyone another set of gear at that time.

RECOMMENDED ACTION

Provide staff direction regarding the purchase of an additional set of Personal Protective Ensemble gear for each firefighter.

ATTACHMENTS

Attachment 1 – *Taking Action Against Cancer in the Fire Service* Booklet provided by Firefighter Cancer Support Network

Taking Action Against Cancer in the Fire Service



August 2013



Taking Action Against Cancer in the Fire Service

The Workshop

In late April 2013, the Firefighter Cancer Support Network (FCSN) invited a small group of experts to Indianapolis to develop a white paper on cancer in the fire service.

The participants came from the legal, medical- and social-research communities, and the fire service — including volunteer, combination and career departments and chief officers, firefighters, company officers, union leaders, and local and state fire training directors. Two firefighters who are cancer survivors participated, and every workshop participant knew firefighters who currently have cancer or who died as a result of cancer.

They willingly shared their knowledge, experience, commitment, and questions to better understand and describe the complexity of firefighter cancer awareness. The discussions addressed prevention, diagnosis, treatment and the long-term implications for the firefighter, the firefighter's family, their coworkers, the fire department and community policy. Importantly, they also identified a series of actions that firefighters can take to reduce their exposure to chemicals that can cause or facilitate cancer.

In two-and-a-half days, the working group outlined and wrote the initial draft of a white paper describing the status of cancer in the fire service and developed answers to very challenging questions. This report is the result of that working group which was enhanced by the additional review of multiple career and volunteer operational fire companies, additional clinical researchers and medical physicians, other stakeholders and the leadership of the FCSN.

The Indianapolis Fire Department hosted the workshop at its headquarters, and the Indianapolis Metropolitan Professional Firefighters Association IAFF Local 416 extended its well-known and gracious hospitality and support, complemented by the facilitation skills of the Volunteer & Combination Officers Section of the International Association of Fire Chiefs. Special thanks to Chief John Buckman for taking great notes during the workshop and to Garry Briese for writing the document, to the Indianapolis Firefighter Emerald Society Bagpipe Band for their bus, to the Indiana State Professional Firefighters Association for their support, and to Captain Tim McDonnell, IFD and FCSN Board Member, who did yeoman's work in making the on-site arrangements and logistics.

The FCSN offers our sincere appreciation to all these individuals and organizations for this successful effort.

What is the Firefighter Cancer Problem?

Firefighter cancer is a looming personal catastrophe for each and every firefighter. Cancer is the most dangerous and unrecognized threat to the health and safety of our nation's firefighters.

Multiple studies, including the soon-to-be-released NIOSH cancer study, have repeatedly demonstrated credible evidence and biologic creditability for statistically higher rates of multiple types of cancers in firefighters compared to the general American population including:

- Testicular cancer (2.02 times greater risk)
- Multiple myeloma (1.53 times greater risk)
- Non-Hodgkin's lymphoma (1.51 times greater risk)
- Skin cancer (1.39 times greater risk)
- Prostate cancer (1.28 times greater risk)
- Malignant melanoma (1.31 times great risk)
- Brain cancer (1.31 times greater risk)
- Colon cancer (1.21 times great risk)
- Leukemia (1.14 times greater risk)
- Breast cancer in women (preliminary study results from the San Francisco Fire Department)

We are just beginning to understand the horrific magnitude of the problem, the depth of our naiveté, the challenges involved and the changes required in education, training, operations, medical screenings and personal accountability to effectively address cancer in the fire service.

The signs of firefighters' exposure to carcinogens are everywhere:

- Photos appear every day of firefighters working in active and overhaul fire environments with SCBA on their backs but not masks on their faces.
- Firefighters still proudly wear dirty and contaminated turnout gear and helmets.
- Some fire instructors wear their carcinogen-loaded helmets and bunker gear as symbols of their firefighting experience.
- Diesel exhaust, a recognized carcinogen, still contaminates many fire stations — apparatus bays as well as living, sleeping and eating quarters.
- Many firefighters only have one set of gear which means they are continually re-contaminated from previous fires.
- Some diesel exhaust systems — even when installed — are not used, are used incorrectly or are poorly maintained.
- Bunker gear still is stored in apparatus bays where it is bathed in diesel exhaust.
- Bunker gear goes unwashed for months at a time, even after significant fires.
- Many volunteers carry their contaminated gear in the trunks of their personal vehicles resulting in superheating and enhanced off-gassing of contaminants into the passenger compartment and sometimes even into their homes.
- Firefighters put their contaminated gear into the cabs of their apparatus both before and after fires.
- Some firefighters still take their contaminated bunker pants and boots into sleeping quarters.
- The interiors of apparatus cabs are rarely decontaminated.
- Many firefighters do not take showers immediately following fires.

“Pinpointing the cause of cancer is extremely difficult because firefighters are not exposed to just one agent. They are exposed to multiple cancer-causing agents. Because of the multiple exposures and the multiple routes of exposure — they inhale carcinogens and carcinogens are absorbed through the skin — it is also highly unlikely for firefighters to get only one type of cancer,” said Grace LeMas-

2.2

Times more likely a firefighter will develop testicular cancer compared to the general population

ters, Ph.D., a professor of epidemiology at the University of Cincinnati and the lead author of a 2006 meta-analysis of 32 published studies of cancer in firefighters.

Unfortunately, there is no immediate visible impact of carcinogenic exposure, since the time between exposure to carcinogens and the appearance of malignancies can be 20 years or longer, known as the latency period.

“We are not making this up,” IAFF General President Harold Schaitberger said. “The connection between firefighting and cancer is real, and there is scientific data to support our position. But we cannot stop there — we must continue to learn more so we can prevent our members from contracting this horrible disease and help them if they do.”

IAFC VCOS Chairman, Chief Tim Wall agreed. “Cancer does not discriminate between firefighters,” he said. “Volunteers routinely transport bunker gear in their vehicles, wear clothing contaminated after a fire into their homes and expose their families to these carcinogens. This is a terrible problem that requires our full attention and immediate action.”

What is the Scope of the Cancer Problem?

A May 2013 report for the President’s Cancer Panel, a three-person panel that reports to the U.S. president on the National Cancer Program, said approximately 41% of Americans will be diagnosed with cancer during their lifetime.

But cancer is not the death sentence it was in the past. According to the report, “Cancer: More Americans are Surviving,”

In the early 1970s, the five-year survival rate for all invasive cancers was a dismal 43% and the treatments — disfiguring surgery, almost unbelievably toxic chemotherapy, and indiscriminate radiation — were so dreadful that many patients considered them worse than the disease.

Today the five-year survival rate for all cancers is 67%. Surgery, chemotherapy and radiation — still the triad of successful cancer treatment — are more precise, causing much less pain and disfigurement, resulting in a huge upswing in the number of cancer survivors from just 3 million in 1971 to about 12 million in 2012.

12
million

Number of cancer survivors in 2012, up from 3 million in 1971

While 41% is a significant number by itself and that is a challenge for all Americans, that is not the specific challenge for the fire service.

The fire service faces an even greater challenge. Firefighters have a statistically significant higher risk for multiple cancers than the general population.

In 2006, researchers at the University of Cincinnati published their meta-analysis of 32 studies of cancer among firefighters. Based on their analysis, there was a significantly increased risk

among firefighters for a number of cancers, including multiple myeloma, non-Hodgkin’s lymphoma and prostate and testicular cancer.

In 2007, the World Health Organization’s International Agency for Research on Cancer Working Group classified firefighting as “possibly carcinogenic to humans” and called for more research to better understand cancer risks among firefighters.

In October 2010, the National Institute for Occupational Safety and Health (NIOSH) began a major retrospective study of cancer in firefighters and collected data from some 30,000 firefighters in three metro fire departments. The analysis of the data is underway and the initial report is due in 2014.

In May 2011 at the 2nd National Fire Service Research Agenda Symposium, there was an identified priority for continued research on fire service exposure related to cancer.

In late 2011, Australia started a large-scale study of cancer among up to 162,000 former and current career, part-time and volunteer firefighters, and like the NIOSH study, will include women firefighters.

In 2012, the Massachusetts Coalition for Occupational Safety & Health named firefighting as the most deadly occupation in their state.

In September 2012, the U.S. government announced that the 70,000 surviving firefighters, police officers and other first responders who were present at the World Trade Center and the Pentagon after the attacks of Sept. 11, 2001 are entitled to free monitoring and treatment for some 50 forms of cancer. This is significant because it is the first time that the federal government has formally recognized the link between firefighting and cancer.

In 2012, case studies in the San Francisco Fire Department suggested an increase in breast cancer among women firefighters. While previous studies have not examined cancer risks specific to women, women have now been in the fire service long enough to begin experiencing the effects of long-term exposure to the toxic chemicals from fires. The pending NIOSH Cancer Study will be the one of the few studies examining cancer risks in U.S. female firefighters, although the sample size for female firefighters remains relatively small.

Despite the significant evidence supporting the relationship between firefighting and cancer, not all are in agreement that sufficient evidence exists to establish a causal relationship between firefighting and cancer. In 2009, the National League of Cities (NLC) published a report that noted, "...there is a lack of substantive evidence currently available to confirm or deny linkages between firefighting and an elevated incidence of cancer."

The NLC report also stated, "The cancer research studies do, however, provide solid groundwork from which future studies can be developed and improved. The researchers recommend collaborative efforts by government, scientists, firefighters, municipalities, national associations, and others to undertake additional research, establish a firefighter cancer database, and seek more federal funding for research."

While the methodology and conclusions of this report were criticized and refuted by the national fire service organizations, the NLC report should be read by the fire service as a prime example of the challenges facing existing or new presumptive cancer legislation.

"While more studies certainly will be helpful and will provide more definitive information, we already know enough to take immediate preventive actions to reduce exposure, especially for new firefighters," LeMasters said. "We now know enough to recommend and require changes."

What is Known and Not Known?

Current research demonstrates an increased risk for a number of types of cancer among firefighters.

Although most fire departments are responding to fewer fires than in the past, the amount of exposure time has increased due to the limited number of available firefighters, either due to budget cuts, staffing reductions or the availability of volunteers.

Today's fires grow at a much more rapid rate than yesterday's fires while

WHAT IS THE ROLE OF THE COMPANY OFFICER IN ADDRESSING FIREFIGHTER CANCER?

The company officer, as the leader of the most operational working group in the fire service, is the single most influential person concerning the team's attitude, operations and willingness to change. In this key role, the company officer must lead by example and set clear expectations concerning cancer awareness, prevention, tracking of exposure and the essential operational changes necessary to minimize exposure to carcinogens and other toxins.

WHAT IS THE ROLE OF THE BATTALION CHIEF IN ADDRESSING FIREFIGHTER CANCER?

As a second set of eyes, the next level of supervision and the person in charge of multi-unit operations, the Battalion Chief (BC) has the responsibility of overall command and situational awareness. This key position allows the BC to provide reinforcement of SOPs, SOGs and other operational practices concerning cancer exposure reduction.

exposing firefighters to significantly increased concentrations of highly carcinogenic agents.

Today's residential fires have more in common with hazmat events than old-fashioned house fires due to the materials now common in homes such as plastics and synthetics. Commercial and vehicle fires have highly concentrated toxicants and dumpster fires contain completely unknown substances and toxicants.

Many researchers believe that cancer rates among firefighters would be even higher if it was not for the "healthy-worker effect." Firefighters are expected

to have a lower rate of cancer than the general population because the job tends to attract people who are healthy and in better shape, at least when they start their careers.

It is also believed that cancer rates are potentially underreported among firefighters because many firefighters do not discover they have cancer until

after retiring and are subsequently then considered to be a part of the general population comparison group.

Volunteers were not, and are not, included in any of the previous or on-going U.S. studies.

A large scale study of cancer and other causes of death among Australian firefighters was begun in late 2011 and up to 162,000 former and current career, part-time, paid and volunteer firefighters make up the study population. This study includes men and women firefighters.

It has become increasingly clear that the two routes of greatest concern for entry of carcinogens into the bodies of a firefighter are:

- Through the lungs: when firefighters do not wear or prematurely remove SCBA, especially during overhaul
- Dermal absorption: where toxicants are absorbed through the skin

Some good news is that firefighters may have a lower incidence of lung cancer in some studies than the general population. If this holds in the current studies underway, it may be due to restrictions on the use of tobacco products and to the increased use of SCBA.

Following the lungs, the skin is the body's second largest organ in area and it is highly absorptive. Some areas of skin are more permeable than others, specifically the face, the angle of the jaw, the neck and throat and the groin. Skin's permeability increases with temperature and for every 5° increase in skin temperature, absorption increases 400%.

The most permeable piece of personal protective equipment is the hood. Hoods are designed to protect our head and neck from heat but are not designed to stop skin absorption through the forehead, angle of the jaw, the neck and throat.

Every firefighter knows that a lot of soot gets through their hoods, sits on sweaty, hot, highly permeable areas of skin, and then is rubbed into the skin as the firefighter is working.

Some cancer studies are also noting that firefighters are developing far more aggressive types of cancers, such as brain cancers, at a younger age than the general population, which provides further indications that the cancer could be a result of firefighting.

400%

Increase in absorption for every 5° increase in skin temperature

Rarely discussed and certainly not documented is the impact on the family of a firefighter diagnosed with cancer including the huge emotional toll, financial costs, time, and decreased quality of life not only for the firefighter but on the spouse/partner and children. They also experience the impact of a cancer diagnosis and prolonged treatment on their loved one.

The direct and indirect cost of a cancer diagnosis on a fire department is huge and starts with the emotional impact on the other firefighters. The loss of a qualified and experienced member, even for the time of treatment, includes training, overtime and backfill and will increase insurance costs after a cancer event which adds to the costs of both the individual and the department.

It is in the interest of all involved to reduce the impact of cancer on the fire service through a proactive and aggressive approach by the reduction of exposure to carcinogens.

The Unique Challenges of the Volunteer and Combination Fire Service

While concerns regarding the exposure to carcinogens are common to both career and volunteer firefighters, the volunteer and combination fire service have some specific challenges that are different and need to be addressed.

Volunteers regularly transport contaminated PPE and other gear in their personal vehicles, thereby exposing themselves and their family members to carcinogens. Because they may return home or go back to work directly after a fire, they often continue to wear their personal clothing, which will stay contaminated.

It is not acceptable to return from a medical call with blood or vomitus on our clothing and then sit back down at work or return to the dinner table at home. The same concern should be exercised after returning from a fire: gear must be cleaned, clothing must be washed and showers must be taken — before returning to work or family activities to reduce carcinogenic exposure.

Many volunteers carry their PPE in their personal vehicle, often in the trunk or even in the vehicle's passenger compartment. Handling PPE in this manner facilitates the off-gassing of toxins and carcinogens, especially when the PPE is heated by elevated temperatures from the sun.

The interior of a car or pickup truck parked in the sun for just a few hours will get very hot. On an 85° day, the interior temperature will rise to more than 120° due to the "greenhouse effect." Surprisingly, the inside of a trunk is often cooler than the inside of the car itself because there are no windows for sunlight to enter. Temperature readings inside the trunk can be 5-10 degrees cooler than the air in the passenger compartment.

In either situation, actions need to be taken to protect from off-gassing into the vehicle passenger compartment. These protective actions could include: keeping PPE in closed, zippered duffle bags or large sealed "Rubbermaid-style" storage bins and taking contaminated PPE back to the fire station on the fire apparatus for washing, cleaning and decontamination.

Most volunteer/combination fire departments are particularly challenged when it comes to tracking exposures over the lifetime of their volunteers who frequently come and go, some staying for a short time and others staying longer.

There is not a common reporting system that tracks which volunteers were

STEPS TO CONSIDER WHEN FIREFIGHTERS TELL YOU THEY HAVE CANCER

Most cancer patients will suffer from distress, ranging from normal feelings of vulnerability and sadness to fear or debilitating anxiety and even panic. They are concerned if their cancer diagnosis is a death sentence and how long they have to live. They also are worried about how they will be perceived by their firefighter colleagues, friends and family; whether they can resume work; how well they will cope with the cancer and the coming treatments; and how to pay their medical bills.

- Be supportive, offer your presence.
- Be a good listener.
- Be genuinely concerned.
- Offer to assist with identifying their rights for treatment and how to navigate the process.
- If you have the knowledge, share it.
- If you know where to get the answers, go get them.
- Encourage them to maintain copies of all reports and scans.
- Encourage others to not stop communications but to send cards and letters since email just does not have the same emotional impact.
- Refer them to the Firefighter Cancer Support Network for someone to talk to who has had a similar diagnosis, www.firefightercancersupport.org/.



The connection between firefighting and cancer is real, and there is scientific data to support our position. But we cannot stop there — we must continue to learn more so we can prevent our members from contracting this horrible disease and help them if they do.”

— **Harold Schaitburger**
IAFF

on what scene and for how long. In the interim, each firefighter should establish their own method of capturing this type of information, using personal computers, mobile devices or even index cards.

Departments need to identify proper facilities that can be responsive to quickly clean and decontaminate PPE according to the current edition of NFPA 1851. Two current alternatives are sending the gear out for cleaning to qualified vendors or purchasing washer-extractors for use in the fire station.

In the real world, neither of these may be currently available due to budget limitations. In the meantime, some volunteer departments have implemented interim procedures such as: wiping skin areas with Wet-Naps or baby wipes; gross decontamination at the fire scene with booster lines; transporting contaminated gear on fire apparatus to the fire station instead of in personal vehicles; thoroughly washing bunker gear with hoses back at the station; washing clothes and hoods as soon as possible; cleaning helmets and helmet liners/suspensions and immediately showering.

Why are Exposure Records Essential?

Any record of exposure is better than no record.

Currently there is no national guidance for the collection and reporting of exposures to toxicants, including carcinogens or tumor-promoting agents. Exposure reporting guidelines exist for hazmat incidents, but guidelines need to be developed and implemented for exposure to chemicals, toxicants and carcinogens from incidents other than those covered by traditional hazmat guidelines.

Firefighters need to change their perception and acknowledge that structure, vehicle, dumpster and even wildland fires contain the same chemicals and toxicants, sometimes in greater concentrations, than in hazmat releases and exposure records need to be maintained for all of these exposures.

Certainly the establishment and maintenance of exposure tracking systems needs to be the primary responsibility of the fire department, but each individual firefighter needs to ensure that they are also tracking their own exposures. Each firefighter should establish their own method of capturing this type of information, using personal computers, mobile devices or even index cards, if for no other reason than having a backup.

The IAFF and several state union organizations, such as the California Professional Fire Fighters, have established cancer registries and/or exposure tracking systems for their members. While some of these systems have been available for many years, utilization by individual firefighters can still be significantly enhanced as the definition of toxic and carcinogenic exposures expands to include more and more incidents.

In states where cancer presumptive legislation has been implemented, having exposure records bolsters the case of the impacted firefighter as more and more cases are being challenged and existing presumptive legislation is coming under re-examination.

To ensure better protection and prevention, retired firefighters and volunteers who leave service should also be included in these tracking systems for following long-term health status changes, longevity and cause of death. General cancer registries must be updated to capture both an individual's primary and secondary work history, including specific types of hazardous volunteer work (such as firefighting).

What is the Role of the Fire Chief?

Like the company officer, the fire chief must lead by example and set clear expectations about cancer awareness and prevention. The significant difference is that, “the buck stops on the fire chief’s desk” to set clear expectations, develop and enforce procedures, policies, and operational changes.

The chief must take the initiative to personally understand the facts about cancer in firefighters. Initiate the discussion among the leadership team and then with the firefighters about the prevalence of cancer in the fire service and the preventive measures that can be implemented.

Identify what the department will do. Identify operational enhancements and changes, set clear expectations and then enforce the policies — every time. The goal is to have firefighters understand the risk and the rationale for the changes. As with any other SOP/SOG, enforcement needs to be consistent with company officers and chief officers setting the example.

Integrate cancer awareness and prevention into related training. Review the SOPs about mandatory use of SCBAs from the initiation of active fire operations to the completion of the overhaul process, field decontamination procedures including the use of industrial strength wet wipes and mandatory showers. Make cancer awareness and prevention a priority, including the implementation of an appropriate exposure tracking system.

Fire chiefs should work with their governing organizations, supervisors, government leaders and unions to seek and provide adequate funding for cancer awareness and prevention, necessary equipment and annual physical examinations, including appropriate cancer screening. An early cancer diagnosis will increase survival and decrease the overall costs of treatment.

How Can the Governing Jurisdiction Assist in Reducing Cancer in Firefighters?

Appointed and elected officials must remain open-minded in order to address the complicated issues surrounding cancer in firefighters as well as the requisite funding that will be necessary to reduce its effects in the fire service.

Many awareness and prevention efforts, including operational changes, are low cost and high impact. There are some essential exposure solutions, like diesel exhaust systems and PPE cleaning, annual physicals and cancer screenings, which require initial and on-going funding. These must become a priority.

If governing jurisdictions are proactive with funding, the wellness of firefighters will be enhanced and the overarching costs that accompany a cancer diagnosis can be better managed and even minimized.

Eventually the costs associated with cancer in firefighters will need to be discussed. In many ways, unfortunately, it really is all about the money.

The National League of Cities (NLC) report stated that “One of the greatest concerns for municipal employers is the financial impact of state-mandated presumptions. Cost estimates are not available due to a lack of data but there are reasons to be concerned about the impact.”

The NLC report continues, “The majority of cancers detected today occur after the age of Medicare eligibility and the cost is born broadly across the Medicare system. Under the concept of presumption, Medicare has a right, given its status as a secondary payer, to demand that worker’s compensation policies pick up 100% of this lifetime cost in states that have not limited the post-employment eligibility period. This would place substantial additional costs on municipal



ABOUT THE FIREFIGHTER CANCER SUPPORT NETWORK

The FCSN is a 501(c)3 charitable foundation organized to provide timely assistance and one-on-one support to fire/EMS service members and their families after a cancer diagnosis and to educate the fire/EMS service about cancer awareness, prevention, early detection and treatment options.

The FCSN was founded in 2005 by Los Angeles County Fire Department FF/PM Mike Dubron (survivor of stage IV colon cancer). FCSN is governed by an elected ten-member board of directors from across the nation.

For more information or to contact the FCSN, visit www.firefighter cancersupport.org.

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 Cancer does not discriminate between firefighters. Volunteers routinely transport bunker gear in their vehicles, wear clothing contaminated after a fire into their homes and expose their families to these carcinogens. This is a terrible problem that requires our full attention and immediate action.”

— **Tim Wall, VCOS**

employers and could lead to a lack of availability for workers’ compensation insurance for firefighters.”

The NLC raised several municipal policy questions in their study.

- What actions can municipalities take to require and encourage the use of safety equipment by firefighters?
- What actions can be taken to curtail smoking by career and volunteer firefighters?
- Should municipalities take action to eliminate or limit second jobs held by firefighters that may increase the probability that firefighters develop cancer?
- How should volunteers be treated under the presumptive laws since they often never retire from the fire service?
- Is firefighters’ exposure significantly less now that fire departments spend a greater percentage of their on-duty time responding to EMS and other non-fire calls?

Fire service leaders must understand the concerns reflected by the NLC and concurred by other municipal, county and state elected leaders. Understanding does not mean agreeing, it means recognizing. If the fire service is going to be successful in increasing awareness and preventing cancer in firefighters, then the cooperation of both elected and appointed officials is essential.

What are the Roles of the Local, State and National Fire Academies?

Leading by example is the best description of the key role that our local, state and national fire academies can fulfill in the initiative to integrate awareness and prevention of cancer in firefighters.

All fire academies need to adopt and integrate awareness training and discussions of the cancer risk to firefighters. It should not be an afterthought, or something that is “bolted on” to a course of instruction. Cancer awareness should be given the status that this terrible risk to the health of firefighters deserves.

Cancer awareness training needs to start with a firefighter’s initial training since we now understand that firefighters are exposed to significant carcinogens on a regular basis.

Concentration on the dangers of smoke and soot needs to be enhanced with more information about the carcinogenic impact of components of combustion, including benzene, chloroform, styrene, formaldehyde, polycyclic aromatic hydrocarbons, plasticizers and fire retardants, among many more. All of these are absorbed through the skin.

If SCBA is not worn throughout each fire incident, these carcinogens will also be absorbed through the lungs. Soot has ultrafine particles that enter the lungs and it is also absorbed through the skin traveling to most organs including the brain.

Fire academies need to incorporate recommendations from this paper to provide students with the best examples of what can be done to significantly reduce exposure to carcinogens. Instructors need to “walk the talk” by wearing clean bunker gear and helmets and utilizing other recommendations to teach, perform and enforce new procedures, including the initiation of expedient field decontamination as soon as reasonably feasible after post-fire operations.

The use of skin wipes, such as Wet-Naps or baby wipes should be used to remove soot and contamination from vulnerable skin areas between evolutions and should become as common as rehydrating in rehab.

Training schedules should be adjusted to allow sufficient time for the laundering and decontamination of PPE which must, at a minimum, be conducted in accordance with NFPA and manufacturer recommendations. FF1/FF2 curriculum needs to include instructions on how to perform PPE cleaning using NFPA 1851 highly programmable, front-load washer-extractors and gear dryers. Firefighters in fire operations training should leave the academy environment with cleaner gear than when they arrived.

All levels of fire officer education and training should clearly address the risks of cancer and stress the key role and responsibility of the officer in providing leadership while protecting their firefighters from carcinogens.

Cancer awareness/prevention curricula need to be developed, including appropriate AV support, enhanced videos and personal stories of firefighters surviving a cancer diagnosis. Curricula and supporting information need to be presented to state firefighting standards boards for review and approval and passage to local fire training academies and departments. This training should serve as a catalyst for change through the U.S. fire service.

What Can Fire Equipment Manufacturers and Architects do to Assist?

Manufacturers provide a large variety of what the fire service needs to minimize firefighter exposure to carcinogens including NFPA-compliant personal protective equipment, self-contained breathing apparatus, vehicle exhaust extraction systems, detergents, washer-extractors, gear dryers, cleaning equipment and skin decontamination equipment.

Manufacturers can make a significant contribution by eliminating advertisements showing firefighters with dirty (read: contaminated with carcinogens) bunker gear and helmets since this reinforces and perpetuates the dangerous myth that “the only real firefighter is a dirty firefighter.”

Tremendous knowledge resides in these companies and their expertise needs to be embraced as the fire service moves forward to meet this new challenge. Innovation and new approaches may provide cost-effective solutions to cancer prevention questions.

Initially, manufacturers can support “jump starting” firefighter cancer awareness and prevention by directly supporting, with funding, the development of the new firefighter cancer awareness/prevention curricula, appropriate AV support and enhanced videos.

The fire service needs to include manufacturers in the development of these training materials to ensure that the cancer awareness/prevention information is coordinated with available commercial solutions and manufacturer initiatives.

As gaps are identified, further research and development should be conducted by commercial providers to identify the full spectrum of carcinogenic hazards, as well as appropriate protection and decontamination technologies. Funding may need to be facilitated from the US government to support this research and product development.

The design of fire stations, whether for new construction or renovation, must include such standard design features as state-of-the-art equipment and systems for adequate air flow, removal and capture of carcinogens and particulates, appropriate location and ventilation of storage rooms for contaminated PPE and other equipment, washer-extractor and gear drying equipment, as well as clear separation of living quarters from the apparatus floor. In short,

FOR MORE INFORMATION

Annotated Bibliography for Firefighter Cancer Research

www.cpf.org/go/cpf/?LinkServID=6D524CA3-1CC4-C201-3E968C0E88E073B1

Cancer Risk Among Firefighters: A Review and Meta-analysis of 32 Studies

www.iaff.org/hs/PDF/Cancer%20Risk%20Among%20Firefighters%20-%20UC%20Study.pdf

IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Vol. 98

<http://monographs.iarc.fr/ENG/Monographs/vol98/>

Australian Firefighter Health Study

<http://www.coeh.monash.org/downloads/firefighters-faqs.pdf>

Interagency Board Equipment Subgroup Conference

<https://iab.gov/equip.aspx>

National League of Cities Assessing State Firefighter Cancer Presumption Laws and Current Firefighter Cancer Research

www.colofirechiefs.org/docs/PresumptionReport2009.pdf

architects should be working to design cancer out of fire stations. Responsible elected and appointed officials should require this type of expertise when hiring design professionals for fire stations.

What about the National Fire Service Organizations?

A commitment from the national fire service organizations, similar to that of the commitment given to the 16 Firefighter Life-Safety Initiatives, is required if significant progress in three to five years is the goal.

A coalition should be formed consisting of the International Association of Fire Fighters (IAFF), International Association of Fire Chiefs (IAFC), Volunteer & Combination Officers Section of the IAFC (VCOS/IAFC), Safety Health & Survival Section of the IAFC (SHS/IAFC), National Volunteer Fire Council (NVFC), Firefighter Cancer Support Network (FCSN), Fire Fighter Cancer Foundation (FFCN), National Fire Protection Association (NFPA), National Association of State Fire Training Directors (NASFTD), Fire Department Safety Officers Association (FDSOA) International Society of Fire Service Instructors (ISFSI), National Fallen Firefighters Foundation (NFFF), International Fire Service Training Association (IFSTA), Fire Apparatus Manufacturers Association (FAMA), and Fire Equipment Manufacturers & Services Association (FEMSA).

It is essential that both for-profit and non-profit fire service textbook publishers, conference organizers and education providers are included as members of this national coalition.

Given the highly successful model of the Life-Safety Initiatives, this new Firefighter Cancer Coalition Initiative can implement the lessons learned and expedite implementation of the recommendations. This will require sustained effort, talent and financial resources over three to five years to develop an aggressive framework to address cancer awareness/prevention in the fire service.

What are the Pending Research Questions?

Many unanswered questions and areas needing further exploration and research were discussed through the creation of this white paper. These topics were all identified as significant, although no priority or tiered ranking was done.

Research Agenda for Cancer in Firefighters, next five to seven years:

- Research in-depth the epidemiology of cancer among firefighters specifically related to the most common types of cancer.
- Develop a firefighter-specific cancer registry to help elucidate the relationship between exposure and cancer development.
- Explore the relationship between behavioral risk factors (high-sugar diets, weight, alcohol consumption, exercise, smoking) and their relative contribution to firefighter cancer.
- Engage cohort studies to better elucidate risk.
- Develop better methods for tracking exposure (e.g. frequency, duration) and relating exposure to risk development.
- Improve identification of better biomarkers for exposure (e.g. blood, urine, saliva) and disease.
- Analyze regional differences in cancer incidence and possible reasons for differences (e.g. behavioral norms around SCBA use, building materials).

- Understand the relative contribution of different routes of exposure (e.g. inhalation vs. skin absorption) among firefighters.
- Examine the contribution of contamination under or through firefighter gear (e.g. boot tops, PPE).
- Investigate the contribution of contamination from helmets, helmet liners, and hoods.
- Research the most effective methods and modes of gear decontamination (e.g. types of cleaners, frequency).
- Research the efficacy of decontamination. (How do we know if it is clean enough?)
- Analyze the effectiveness of APRs or PAPRs in the post fire environment
- Examine the efficacy of rapid field decontamination measures (e.g. wet-Naps or baby wipes on scene).
- Study cancer epidemiology and risk specific to female firefighters (e.g. San Francisco study on breast cancer).
- Research specific epidemiology and risk among minority firefighters.
- Examine the relative efficacy of fire station design features in cancer prevention.
- Determine the extent of carcinogenic exposure within the firehouse.
- Understand the relative effectiveness of prevention efforts among firefighters.
- Investigate the risk associated with firefighter foams used in suppression.
- Research the cancer risk associated with fire retardants.
- Analyze cancer clusters as they are identified.
- Use additional meta-analytic analysis as new research emerges which will be helpful in quantifying the relative risk of different types of cancer for firefighters.
- Create a central resource directory for cancer research to help disseminate and translate research between researchers and the fire service.
- Schedule regular meetings among key stakeholders and the research community to identify research questions, disseminate and translate existing and future research.

The following research areas were identified by the Equipment Subgroup of The Interagency Board when they examined the “Evaluation of Hazards in the Post-Fire Environment” at a meeting in New Orleans in February 2013.

- A comprehensive identification and quantification of the hazards, threats and risks to human health presented in the post-fire environment
- The efficacy of current respiratory protective equipment in the post fire environment, and identification of alternatives if necessary
- The determination as to whether currently available air-purifying respiratory protective equipment may be applicable in the post-fire environment when used in conjunction with commonly available gas detection technologies
- The efficacy of structural firefighter protective ensemble against identified dermal hazards and potential workable enhancements that would reduce skin absorptive risks
- The development of a set of mitigation strategies and PPE selection guidelines based on the above findings
- The efficacy of methods and determination of best practices for decontamination (including field expedient decontamination) from post-fire hazards .
- The identification of man-portable or vehicle transportable detection and analysis capabilities able to identify and quantify the full spectrum of risks to responders and the public



Because of the multiple exposures and the multiple routes of exposure — they inhale carcinogens and carcinogens are absorbed through the skin — it is also highly unlikely for firefighters to get only one type of cancer.”

— **Grace LeMasters, Ph.D.**
University of Cincinnati

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David Prezant, MD, Chief Medical Officer, Office of Medical Affairs, Fire Department of the City of New York

Aaron Straussner, JD, Straussner & Sherman, Counsel, FCSN*

FF/PM Keith Tyson (ret), Miami Dade Fire Rescue, Vice-President of East Region & Director of Education, FCSN (cancer survivor)*

Chief Mike Vaughn, Washington Fire Department, Illinois, VCOS Project Liaison*

Chief Tony Watson & Members of the City of Pigeon Forge Fire Department, Tennessee

Janet Wilmoth, Associate Publisher, Fire Chief Magazine

Jori Wilmoth, Copy Editor, Fire Chief Magazine

* *workshop participant*

■ WHAT IMMEDIATE ACTIONS CAN I TAKE TO PROTECT MYSELF?

1

Use SCBA from initial attack to finish of overhaul. **(Not wearing SCBA in both active and post-fire environments is the most dangerous voluntary activity in the fire service today.)**

2

Do gross field decon of PPE to remove as much soot and particulates as possible.

3

Use Wet-Nap or baby wipes to remove as much soot as possible from head, neck, jaw, throat, underarms and hands immediately and while still on the scene.

4

Change your clothes and wash them immediately after a fire.

5

Shower thoroughly after a fire.

6

Clean your PPE, gloves, hood and helmet immediately after a fire.

7

Do not take contaminated clothes or PPE home or store it in your vehicle.

8

Decon fire apparatus interior after fires.

9

Keep bunker gear out of living and sleeping quarters.

10

Stop using tobacco products.

11

Use sunscreen or sun block.

The importance of annual medical examinations cannot be overstated — early detection and early treatment are essential to increasing survival.



Honeywell

First Responder Products



MORNING PRIDE

by Honeywell

FIRE
CHIEF

FCSN recognizes and deeply appreciates the support provided by Honeywell First Responder Products and Fire Chief magazine in the production and printing of this white paper report.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 3C

TITLE

Discuss appointing a member to the CIP Task Force to fill a vacancy. (5 minutes)

STAFF REPRESENTATIVE

Jim Proce, Assistant City Manager

SUMMARY

The purpose of this item is to discuss a replacement for Waite Ligon, who has resigned from the CIP Task Force due to his relocation out of the Rowlett area. This replacement will ensure that an odd number of voting members (7) make up the CIP Task Force. Due to its timeline, the CIP Task Force is desirous of replacing the vacant member expediently. Trevor Read is the recommendation for the opening. Mr. Read has been contacted, he has an interest in serving for the duration of the task force, and he is next up on the list from the Council recommendations.

BACKGROUND INFORMATION

The City has been planning for a bond election for well over a year. The proposed election would take place in May of 2015.

On June 20, 2014, during the annual City Council Retreat, staff presented a plan to address the planned upcoming bond election in May of 2015 and the related process. During that discussion, several items and questions were discussed, inclusive of needs assessment, how we leverage future freed-up bond capacity, and the public engagement/election calendar. Council provided consensus on several items that included a bond election and a public engagement process that would include the creation of an ad-hoc committee that would operate as a citizen task force.

On July 15, 2014, during the City Council Work Session, the City Council had directed staff to establish the CIP Task Force to develop a recommendation for the upcoming bond election. The CIP Task Force is charged with making a recommendation to Council for the May 2015 bond election, including project identification and prioritization. Once the required tasks are completed, the CIP Task Force will stand down.

DISCUSSION

In an effort to build the CIP Task Force, Council provided a list of prospective members for consideration for the task force. The list was compiled and was distributed to Council for review and consideration. Council had chosen several potential members for the CIP Task Force for consideration. Staff had polled Council on all nominees and compiled a list of those nominees receiving the most votes from Council. Staff had followed up with those nominees verifying qualifications and interest to serve on the task force.

The task force was configured to include seven Council-appointed members, and one Council Liaison with an alternate Council Liaison who was chosen by the Council. Creation of the CIP Task Force and selection of the members of the CIP Task Force was confirmed by the resolution and created in accordance with the City of Rowlett Boards and Commissions Handbook (Resolution RES-095-12). Ad-hoc committees, boards and commissions are created periodically to address specific needs or concerns for a limited period of time.

FINANCIAL/BUDGET IMPLICATIONS

There is no financial implication at this time.

RECOMMENDED ACTION

This item is slated for consideration on this meeting's Consent Agenda.



City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
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www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 5A

TITLE

Presentation of check by Keep Rowlett Beautiful in support of the Daffodil Project.

STAFF REPRESENTATIVE

Jermel Stevenson, Director of Parks and Recreation
Keith Flourney, Parks Manager

SUMMARY

The planting of **5,000** daffodils on City property in honor of the First Responders that so bravely sacrificed their lives on September 11, 2001.

BACKGROUND INFORMATION

The Daffodil Project was founded in New York City in response to the attacks of September 11, 2001, as a memorial, to raise the spirits of New Yorkers and revitalize parks and communities. In a joint endeavor between New Yorkers for Parks (NY4P) and the Department of Parks & Recreation, volunteers plant bulbs all over the City each fall, and in the spring these volunteer communities celebrate the daffodil blooms as visible symbols of perseverance and restoration.

The Daffodil Project is distinct in that it involves no particular site. All public parks and community gardens are potential sites for the Daffodil Project. The daffodils are a lasting tribute to the people that died and the heroes that were born that day. They are a symbol of remembrance and rebirth in the heart of what is common ground for all of the citizens of the United States: their public parks. To date, several million bulbs have been planted in New York parks and other cities across the country.

DISCUSSION

The Daffodil Project was kicked off during the annual Arbor Day celebration on November 8, 2014. This inaugural event was supported by volunteers from Keep Rowlett Beautiful (KRB) where we planted:

- **1000 bulbs** at Veterans Park
- **1000 bulbs** at Springfield Park
- **750 bulbs** Community Park
- **500 bulbs** at Shorewood Park:
- A flower bed was designed at each Fire House displaying the number "343" and filled with daffodil bulbs. 343 represents the number of firefighters lost on 9/11 (**1500 bulbs total**).
- A flower bed was designed at the Police Station displaying the number 64 which represents the number of police officers lost on 9/11 (**250 bulbs total**).

Daffodils are hardy perennial plants that will multiply and provide years of beauty as they usher in springtime renewal after the harsh conditions of winter. The daffodil blooms can serve to draw Rowlett residents into our parks to walk the trails or play in the parks.

FINANCIAL IMPLICATIONS

The cost of the bulbs is \$1,000, to which KRB has donated \$500 in support of the project.

RECOMMENDED ACTION

Keep Rowlett Beautiful is presenting a \$500.00 donation, which will be used towards payment for the purchase of 5,000 daffodils.



City of Rowlett
Staff Report

4000 Main Street
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www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 5B

TITLE

Texas Recreation and Parks Society presents Rowlett Parks and Recreation Department with North Region Award for Excellence in Programming for Angel Swim program at Wet Zone Waterpark.

STAFF REPRESENTATIVE

Jermel Stevenson, Parks and Recreation Director
Angela Smith, Recreation Division Manager

SUMMARY

On Friday, November 7th, the Rowlett Parks and Recreation Department was awarded an Excellence in Programming Award for the Angel Swim program held annually at Wet Zone Waterpark. Angel Swim is a time set aside at Wet Zone Waterpark for those with special needs and their families to have sole access to the park. As special guests, all participants are able to play, swim, and enjoy the park without all of the crowds. The program is offered once per month throughout the summer season and occurs two hours before the park opens to the general public for open swim.

BACKGROUND INFORMATION

Angel Swim is an event that allows those with special needs and their families to visit Rowlett's Wet Zone Waterpark before the park opens without all the crowds. This event is offered once per month during the summer season, and allows participants to come in and experience the facility two hours before open swim time begins.

The intent of this program is to connect with and meet the needs of everyone in the community and to offer programs that include those with special needs. It also allows Wet Zone Waterpark to bring in additional users to the facility outside of normal operating hours, which in turn brings in additional revenue to the park. Wet Zone is a 100% sustainable facility and has to cover all direct expenses for the season from revenue that the park brings in through admission fees, concessions and programming. Participants can enter the park during this event for a discount fee of \$4.00 per person, or they can purchase a day pass for regular admission price and stay for the entire day. At the current rate, we have enough participants each summer in this program to cover the expense of opening the park two hours early on the three Angel Swim dates.

DISCUSSION

Angel Swim has become a very popular and successful program in Rowlett and was attended by a total of 150 participants this summer. We are very lucky in Rowlett to work with Sandy Wood, who is a key volunteer within the special needs community and who works with the local school

district as well as the Special Olympics. Sandy has been a very valuable asset to the Parks and Recreation Department and has been the key to helping us market the Angel Swim program. She promotes each event to those families in the special needs community who will directly benefit from the program. As a result, word of the Angel Swim program has begun to spread among the special needs community and organizations in the area surrounding Rowlett. We have also received calls from other city Parks and Recreation Departments with questions about the program and how it is conducted so that they may try to implement it in their city too. We are very proud to have such a successful program that others wish to emulate and we see a lot of room for potential growth in the near future.

The City of Rowlett believes in the importance of providing recreational opportunities for all populations and will continue to provide the Angel Swim Program for the special needs community in our area. We currently also have plans to market the program next year to other nearby cities and expect to see this amazing program continue to grow and provide aquatic programming opportunities for everyone.



City of Rowlett
Staff Report

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AGENDA DATE: 11/18/14

AGENDA ITEM: 5C

TITLE

Hear Fourth Quarter Investment Report for September 30, 2014.

STAFF REPRESENTATIVE

Alan Guard, Chief Financial Officer

SUMMARY

In order for the City of Rowlett to comply with the State of Texas Public Funds Investment Act (PFIA), it has adopted an official Investment Policy. A requirement of this Policy is a quarterly report of the City's investment activity. Finance is pleased to report that the City continues to be in compliance with the requirement of the PFIA and the City's Investment Policy and that the City's pooled funds and long-term pooled fund portfolios are of high credit quality and invested in TexPool, U.S. Treasury, Federal Agency and high quality commercial paper securities.

The quarterly report is prepared by the City's financial advisor, PFM Asset Management, Inc. (PFM). Please note that the references are to calendar year; therefore, the third quarter is defined as July 1, 2014 through September 30, 2014, but really represents the City's fourth fiscal year quarter in 2014 (see Attachment 1).

BACKGROUND INFORMATION

Effective September 1, 1995, the Public Funds Investment Act, Chapter 2256 of the Texas Government Code, outlines authorized investments and fund management criteria for governmental entities. Among other criteria, an annual authorization and approval of the City's Investment Policy is required by December 31 of each year for compliance with the State of Texas PFIA. The City Council authorized and approved the last revision of the City's Investment Policy on December 17, 2013. The City's Investment Policy and Section 2256.023 of the Code requires that in conjunction with the Investment Officer(s), the City's Investment Advisor(s) shall provide quarterly investment reports on the City's short-term and long-term core investments to City Council. This agenda item fulfills the requirements of the PFIA and the City's Financial Investment Policies for the Quarter ending September 30, 2014.

DISCUSSION

As of September 30, 2014, approximately 42 percent of the City's investments were in U.S. Treasuries and Agency securities, 18 percent invested in commercial paper, and the remaining 40 percent was invested in a constant dollar pool. The City's portfolio of Pooled Funds and Long-Term Pooled Funds are of high credit quality, rated AA+, A-1+ and A-1, and maintain adequate liquidity. The portfolios are invested entirely in Federal Agency, U.S. Treasury, and Commercial

Paper securities. Forty-two percent (42%) of the City's holdings were in investments with a maturity of one year or more.

The Long Term Portfolio's quarterly total return performance of 0.06 percent outperformed the benchmark of 0.03 percent. Over the past year, the Portfolio earned 0.61 percent, versus 0.50 percent for the benchmark. PFM continued to actively manage the Long Term Portfolio during the third quarter and found value in the market, taking advantage of market inefficiencies or changes in economic outlook. As a result, the Portfolio realized \$8,756 in gains on sales (based on amortized cost) during the quarter.

The Pooled Funds Portfolio continues to provide the City with favorable yield relative to the benchmark. At quarter end, the portfolio had a Yield to Maturity at Cost of 0.25 percent, exceeding the Yield of the TexPool benchmark by 22 basis points (0.22%).

U.S. Treasury yields moved in somewhat random fashion, despite generally upbeat economic news. The long-awaited increase in rates failed to materialize and continued to confound investment managers.

Comments regarding the economy in general:

While the U.S. economy continued its recovery during the quarter, global unrest and uncertainty about future central bank policy, including actions of the Federal Reserve, resulted in volatility in the bond and equity markets. Ten-year Treasury bond yields were little changed, although they did experience larger movements throughout the quarter. On the other hand, shorter-term rates generally rose while longer term rates fell modestly.

Gross domestic product (GDP) rose at a revised annual rate of 4.6 percent, driven by increased consumption, inventories, exports, residential and non-residential investment, and local government spending. The U.S. employment rate fell from 6.1 percent in June to 5.9 percent in September. While job growth has been impressive, wage growth has been weak and other measures such as the labor force participation rate and the number of part-time workers for economic reasons indicate lingering levels of underutilization. Housing market data was also a "glass half empty, glass half full" scenario, as housing-related indicators experienced a series of ups and downs throughout the quarter. Most recently, new-home sales reached the highest level since 2008, while existing-home sales had a small, unexpected decline.

Inflation (as measured by the Consumer Price Index) unexpectedly decreased month over month in August. This marked the first decline in almost a year and a half. Inflation continues to run below the Fed's 2 percent target rate.

In sector performance, fixed-income performance was very modest for the quarter. The exceptions were longer-maturity Treasury, Agency, and municipal bonds, where yield actually fell modestly. Short-term markets continued to be driven by the Fed as well as new regulations affecting banks and money market funds.

Portfolio Strategy:

The yield curve remains steep by historical standards, which means longer maturities continue to benefit from the favorable impact of “roll-down,” and an increased opportunity cost associated with maintaining liquid balances at near zero short-term rates. Our strategy has been to minimize excess liquidity, maintain a reasonable balance between liquid assets and longer term “core” investments, and carefully manage duration to mitigate exposure to potentially rising rates.

We will continue to follow the prudent investment strategies that have safely provided the City with favorable long-term performance and preservation of principal, while seeking opportunities to add value by remaining flexible and responding to changes in interest rates, economic data, market outlook or specific opportunities that arise.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

There is no action required as this is presented for informational purposes.

ATTACHMENT

Attachment 1 – Quarterly Investment Report for September 30, 2014

City of Rowlett, Texas



Investment Performance Review Quarter Ended September 30, 2014

Investment Advisors

Steven Alexander, CTP, CGFO, CPPT, Managing Director
D. Scott Stitcher, CFA, Senior Managing Consultant
Richard Pengelly, CFA, CTP, Senior Managing Consultant
Gregg Manjerovic, CFA, Portfolio Manager
Rebecca Geyer, CTP, Senior Analyst

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- E. Asset Allocation Chart as of September 30, 2014
- F. Investment Officer's Certification

- Tab III. July 31, 2014 PFM Month-End Statement
August 31, 2014 PFM Month-End Statement
September 30, 2014 PFM Month-End Statement
(statements are available online at www.pfm.com)

- Tab IV. July 31, 2014 TexPool Month End Statements
August 31, 2014 TexPool Month End Statements
September 30, 2014 TexPool Month End Statements

This material is based on information obtained from sources generally believed to be reliable and available to the public, however PFM Asset Management LLC cannot guarantee its accuracy, completeness or suitability. This material is for general information purposes only and is not intended to provide specific advice or recommendation. The information contained in this report is not an offer to purchase or sell any securities.

TAB I

Summary

- While the U.S. economy continued its recovery during the quarter, global unrest and uncertainty about future central bank policy—including actions of the Federal Reserve (Fed)—resulted in volatility in the bond and equity markets.
- Ten-year Treasury bond yields were little changed compared to the end of the previous quarter, although yields experienced larger movements throughout the quarter. On the other hand, shorter-term rates generally rose while longer term rates fell modestly.
- Geopolitical uncertainty continued to move the markets. Military conflicts in Ukraine and the Middle East, as well as weaker economic data in the euro zone and various emerging markets such as China and Brazil, factored significantly in investor sentiment.

Economic Snapshot

- Second-quarter gross domestic product (GDP) rose at a revised annual rate of 4.6%, driven by increased consumption, inventories, exports, residential and nonresidential investment, and local government spending.
- The U.S. unemployment rate fell from 6.1% in June to 5.9% in September. While job growth has been impressive, wage growth has been weak and other measures such as the labor force participation rate and the number of part time workers for economic reasons indicate lingering levels of underutilization.
- Housing market data was also a “glass half empty, glass half full” scenario, as housing-related indicators experienced a series of ups and downs throughout the quarter. Most recently, new-home sales reached the highest level since 2008, while existing-home sales had a small, unexpected decline.

Interest Rates

- The Federal Open Market Committee (FOMC) reaffirmed that its quantitative easing bond purchase program will end in October. At the same time, the FOMC released updated assessments of where individual participants judged the appropriate level for the federal funds rate at the end of the next few calendar years. Those assessments showed a surprisingly fast upward trajectory for short-term rates that are inconsistent with both Fed Chair Janet Yellen’s public comments and persistently low current market rates.
- Inflation (as measured by the Consumer Price Index) unexpectedly decreased month over month in August. This marked the first decline in almost a year and a half. Inflation continues to run below the Fed’s 2% target rate.
- Yields on intermediate-maturity (two- to five-year) Treasuries ended the quarter higher. Surprisingly, this was not the case for longer maturities (10-30 years); instead, rates continued to fall modestly, causing a flattening of the Treasury yield curve.

Sector Performance

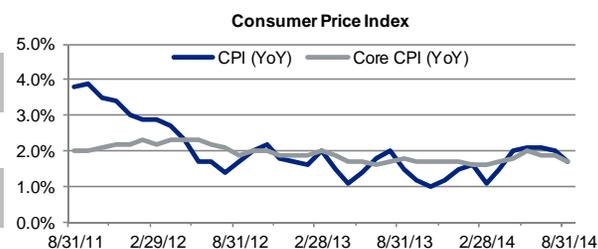
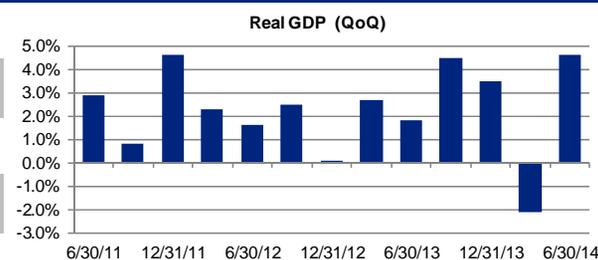
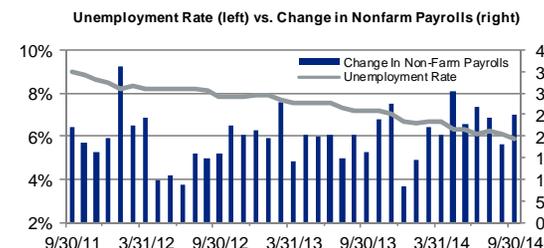
- Fixed-income performance was very modest for the quarter—or in some cases modestly negative—as income was offset by interest rate increases for short- and intermediate-term maturities across most sectors. The exceptions were longer-maturity Treasury, Agency, and municipal bonds, where yields actually fell modestly.
- Spreads generally widened in the quarter. While the impact was modest for the Agency sector, spread widening in corporates negatively affected performance in the sector. Still, corporates have been one of the best performing sectors over the past one-, three-, and five-year periods.
- Short-term markets continued to be driven by the Fed as well as new regulations affecting banks and money market funds.

Economic Snapshot

| Labor Market | Latest | Jun 2014 | Sep 2013 | |
|-------------------------------|--------|----------|----------|---------|
| Unemployment Rate | Sep'14 | 5.9% | 6.1% | 7.2% |
| Change In Non-Farm Payrolls | Sep'14 | 248,000 | 267,000 | 164,000 |
| Average Hourly Earnings (YoY) | Sep'14 | 2.0% | 1.9% | 2.0% |
| Personal Income (YoY) | Aug'14 | 4.3% | 4.1% | 2.8% |
| Initial Jobless Claims (week) | Sep 26 | 287,000 | 316,000 | 318,000 |

| Growth | Latest | Jun 2014 | Sep 2013 | |
|-------------------------------------|--------|-----------|--------------------|-------------------|
| Real GDP (QoQ SAAR) | 2014Q2 | 4.6% | -2.1% ¹ | 4.5% ² |
| GDP Personal Consumption (QoQ SAAR) | 2014Q2 | 2.5% | 1.2% ¹ | 2.0% ² |
| Retail Sales (YoY) | Aug'14 | 5.0% | 4.4% | 3.2% |
| ISM Manufacturing Survey (month) | Sep'14 | 56.6 | 55.3 | 56.0 |
| Existing Home Sales SAAR (month) | Aug'14 | 5.05 mil. | 5.03 mil. | 5.26 mil. |

| Inflation / Prices | Latest | Jun 2014 | Sep 2013 | |
|---|--------|----------|----------|----------|
| Personal Consumption Expenditures (YoY) | Aug'14 | 1.5% | 1.6% | 1.0% |
| Consumer Price Index (YoY) | Aug'14 | 1.7% | 2.1% | 1.2% |
| Consumer Price Index Core (YoY) | Aug'14 | 1.7% | 1.9% | 1.7% |
| Crude Oil Futures (WTI, per barrel) | Sep 30 | \$91.16 | \$105.37 | \$102.33 |
| Gold Futures (oz.) | Sep 30 | \$1,211 | \$1,322 | \$1,327 |



1. Data as of First Quarter 2014

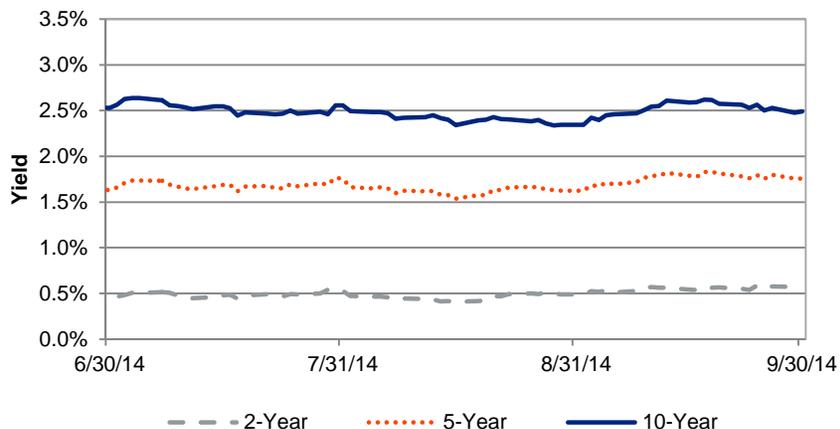
2. Data as of Third Quarter 2013

Note: YoY = year over year, QoQ = quarter over quarter, SAAR = seasonally adjusted annual rate, WTI = West Texas Intermediate crude oil

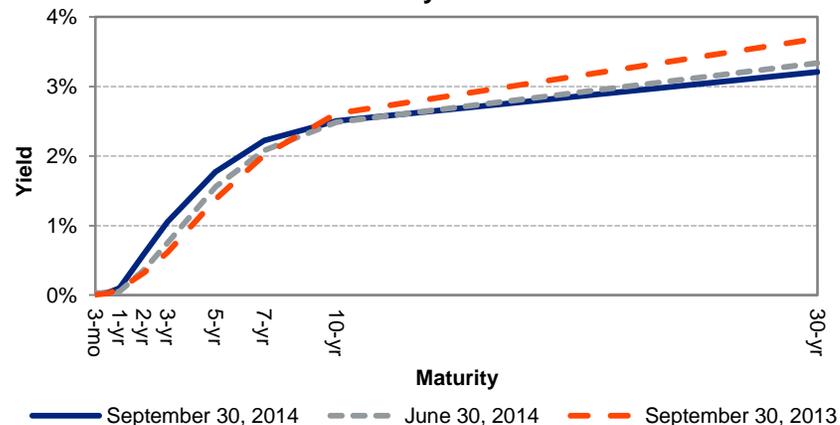
Source: Bloomberg

Investment Rate Overview

U.S. Treasury Note Yields



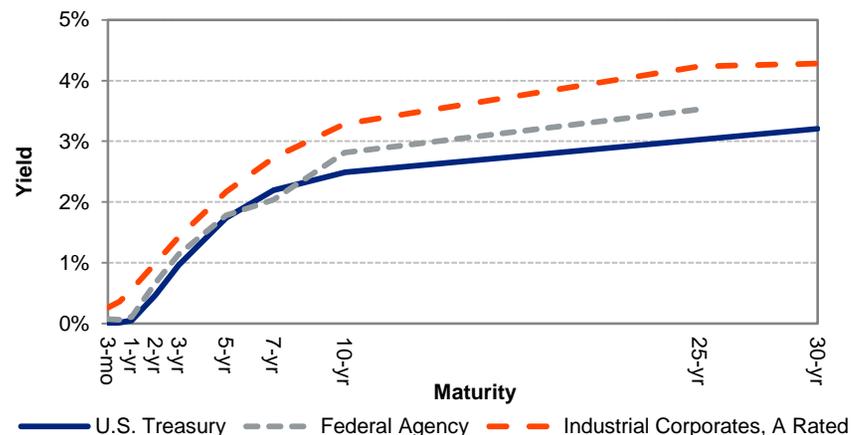
U.S. Treasury Yield Curve



U.S. Treasury Yields

| Maturity | 9/30/14 | 6/30/14 | Change over Quarter | 9/30/13 | Change over Year |
|----------|---------|---------|---------------------|---------|------------------|
| 3-month | 0.02% | 0.02% | 0.00% | 0.01% | 0.01% |
| 1-year | 0.10% | 0.10% | 0.00% | 0.09% | 0.01% |
| 2-year | 0.57% | 0.46% | 0.11% | 0.32% | 0.25% |
| 5-year | 1.76% | 1.63% | 0.13% | 1.38% | 0.38% |
| 10-year | 2.49% | 2.53% | (0.04%) | 2.61% | (0.12%) |
| 30-year | 3.20% | 3.36% | (0.16%) | 3.69% | (0.49%) |

Yield Curves as of 9/30/2014



Source: Bloomberg

BofA Merrill Lynch Index Returns

| | As of 9/30/2014 | | Returns for Periods ended 9/30/2014 | | |
|--|-----------------|-------|-------------------------------------|--------|---------|
| | Duration | Yield | 3 Month | 1 Year | 3 Years |
| 1-3 Year Indices | | | | | |
| U.S. Treasury | 1.91 | 0.59% | 0.03% | 0.50% | 0.48% |
| Federal Agency | 1.86 | 0.71% | 0.07% | 0.63% | 0.65% |
| U.S. Corporates, A-AAA rated | 1.96 | 1.14% | 0.02% | 1.39% | 2.28% |
| Agency MBS (0 to 3 years) | 1.56 | 1.21% | (0.14%) | 1.49% | 1.16% |
| Municipals | 1.81 | 0.54% | 0.12% | 1.05% | 1.04% |
| 1-5 Year Indices | | | | | |
| U.S. Treasury | 2.71 | 0.97% | (0.06%) | 0.64% | 0.63% |
| Federal Agency | 2.36 | 0.97% | 0.00% | 0.99% | 0.86% |
| U.S. Corporates, A-AAA rated | 2.85 | 1.65% | (0.10%) | 2.16% | 3.06% |
| Agency MBS (0 to 5 years) | 3.16 | 2.20% | 0.05% | 3.21% | 2.01% |
| Municipals | 2.58 | 0.83% | 0.31% | 1.88% | 1.56% |
| Master Indices (Maturities 1 Year or Greater) | | | | | |
| U.S. Treasury | 5.93 | 1.63% | 0.43% | 2.70% | 1.08% |
| Federal Agency | 3.95 | 1.48% | 0.25% | 2.55% | 1.31% |
| U.S. Corporates, A-AAA rated | 6.71 | 2.76% | 0.17% | 5.85% | 4.58% |
| Agency MBS (0 to 30 years) | 4.68 | 2.75% | 0.15% | 3.72% | 2.06% |
| Municipals | 6.99 | 2.65% | 1.64% | 8.73% | 4.83% |

Returns for periods greater than one year are annualized

Source: BofA Merrill Lynch Indices

Disclosures

The views expressed within this material constitute the perspective and judgment of PFM Asset Management LLC (PFMAM) at the time of distribution and are subject to change. Information is obtained from sources generally believed to be reliable and available to the public; however, PFMAM cannot guarantee its accuracy, completeness, or suitability. This material is for general information purposes only and is not intended to provide specific advice or recommendation. The information contained in this report is not an offer to purchase or sell any securities.

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TAB II

Executive Summary

PORTFOLIO STRATEGY

- The City's Pooled Funds and Long Term Pooled Fund Portfolios are of high credit quality and invested in TexPool, U.S. Treasury, Federal Agency, and high quality commercial paper securities.
- PFM continued to actively manage the Long Term Fund Portfolio during the third quarter and found value in the market, taking advantage of market inefficiencies or changes in economic outlook. As a result, the Portfolio realized \$8,756 in gains on sales (based on amortized cost) during the quarter. PFM is continually in the market monitoring for opportunities to add value to the Portfolio.
- The Long Term Pooled Fund Portfolio's quarterly total return performance of 0.06%, outperformed the benchmark's performance of 0.03% by 0.03%. Over the past year, the Portfolio earned 0.61%, versus 0.50% for the benchmark.
- The Pooled Funds Portfolio continues to provide the City with favorable yield relative to the benchmark. At quarter end, the portfolio had a Yield to Maturity at Cost of 0.25%, exceeding the Yield of its benchmark the TexPool by 22 basis points (0.22%).
- The yield curve remains steep by historical standards, which means longer maturities continue to benefit from the favorable impact of "roll-down." The steep curve also increases the opportunity cost associated with maintaining liquid balances at near zero short-term rates. Our strategy has been to minimize excess liquidity, maintain a reasonable balance between liquid assets and longer term "core" investments, and carefully manage duration to mitigate exposure to potentially rising rates.
- As economic data continues to signal a prospering U.S. economy, we believe the Federal Reserve will reduce the significant monetary support that has driven capital markets for the past 6 years. The Fed will conclude its large-scale asset purchase program in October, after which all eyes will turn to the FOMC's main policy tool – the Fed Funds Rate – and the potential timing and magnitude of expected rate hikes in 2015.
- PFM will continue to navigate the market environment with a keen focus on relative value sector analysis, prudent duration management, and efficient yield curve placement. While producing strong investment returns remains a priority, it is secondary to maintaining safety and liquidity, particularly in the current environment where we expect yields to trend higher.

Summary Portfolio Statistics

| Amortized Cost and Market Value | Amortized Cost^{1,2,3} | Amortized Cost^{1,2,3} | Market Value^{1,2,3} | Market Value^{1,2,3} | Duration (Years) |
|--|---------------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|---------------------------|
| <u>Account Name</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> | <u>September 30, 2014</u> |
| Pooled Funds | \$5,897,276.99 | \$6,992,347.42 | \$5,898,064.60 | \$6,994,563.40 | 0.210 |
| Long Term Pooled Fund | 13,629,228.11 | 18,619,400.30 | 13,642,350.84 | 18,653,622.60 | 1.920 |
| TexPool | 12,847,287.33 | 13,076,968.57 | 12,847,287.33 | 13,076,968.57 | 0.003 |
| Total | \$32,373,792.43 | \$38,688,716.29 | \$32,387,702.77 | \$38,725,154.57 | 0.848 |

| Yields | Yield to Maturity at Cost⁴ | Yield to Maturity at Cost⁴ | Yield to Maturity at Market | Yield to Maturity at Market | Duration (Years) |
|-----------------------------|--|--|------------------------------------|------------------------------------|-------------------------|
| <u>Account Name</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> | <u>June 30, 2014</u> |
| Pooled Funds | 0.25% | 0.27% | 0.15% | 0.18% | 0.430 |
| Long Term Pooled Fund | 0.67% | 0.53% | 0.62% | 0.43% | 1.830 |
| TexPool ⁵ | 0.03% | 0.03% | 0.03% | 0.03% | 0.003 |
| Weighted Average YTM | 0.34% | 0.31% | 0.30% | 0.25% | 0.960 |

Monthly Interest earnings YTD^{6,7}

| | | | |
|---------------|-------------|----------------|--------------|
| October 2013 | \$37,355.39 | April 2014 | \$27,665.35 |
| November 2013 | \$13,452.76 | May 2014 | \$27,889.87 |
| December 2013 | (23,084.61) | June 2014 | (\$6,193.08) |
| January 2014 | 30,640.00 | July 2014 | (16,230.91) |
| February 2014 | 20,379.05 | August 2014 | 34,125.41 |
| March 2014 | (20,195.40) | September 2014 | (5,815.28) |

Total Fiscal Year Net Earnings \$119,988.55

Notes:

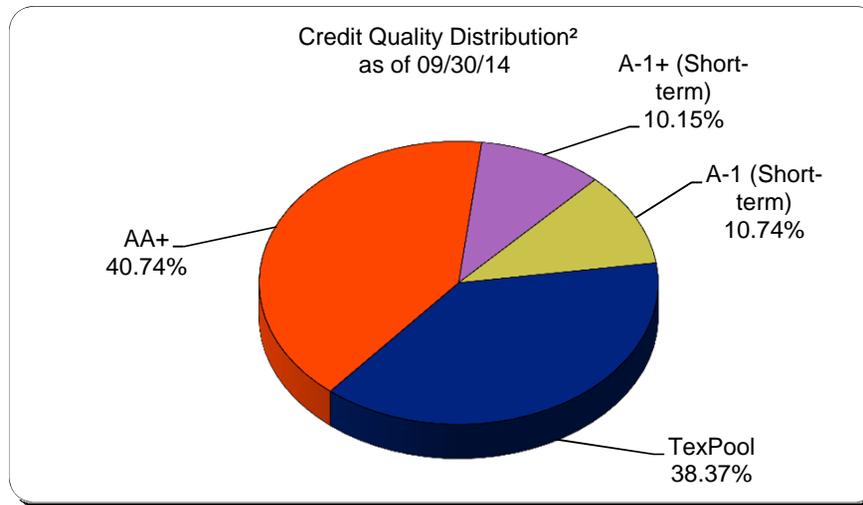
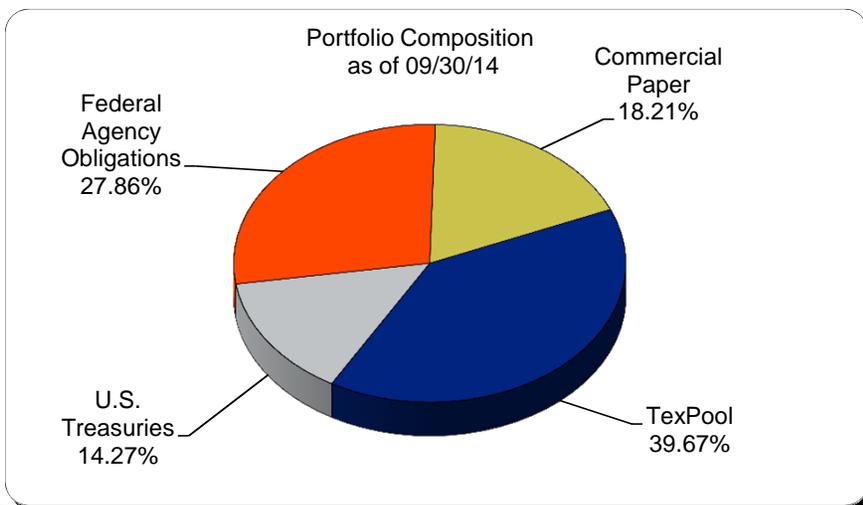
1. On a trade-date basis, including accrued interest.
2. In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances.
3. Excludes any money market fund/cash balances held in custodian account.
4. Past performance is not indicative of future results.
5. TexPool yield is obtained from www.texpool.com.
6. Earnings are calculated on a cash basis and are subject to the receipt of coupon payments, maturities within the portfolio, and money market fund balances.
7. Earnings are net of fees.

Summary Portfolio Amortized Cost and Market Value Analysis

| MONEY MARKET FUNDS | | | | | 6/30/2014 | 6/30/2014 | 6/30/2014 | 9/30/2014 | 9/30/2014 | 9/30/2014 | CHANGE IN |
|------------------------------|-------------------------------------|---------------------|--------|---------------|--------------------|------------------------|------------------------|--------------------|------------------------|------------------------|-----------------|
| CUSIP | DESCRIPTION | PAR | COUPON | MATURITY DATE | ACCRUED INTEREST | AMORTIZED COST | MARKET VALUE | ACCRUED INTEREST | AMORTIZED COST | MARKET VALUE | MARKET VALUE |
| TEXPOOL | TEXPOOL | | | | \$0.00 | \$13,076,968.57 | \$13,076,968.57 | \$0.00 | \$12,847,287.33 | \$12,847,287.33 | -1.76% |
| | | | | | \$0.00 | \$13,076,968.57 | \$13,076,968.57 | \$0.00 | \$12,847,287.33 | \$12,847,287.33 | -1.76% |
| TOTAL | | | | | \$0.00 | \$13,076,968.57 | \$13,076,968.57 | \$0.00 | \$12,847,287.33 | \$12,847,287.33 | -1.76% |
| POOLED FUNDS | | | | | | | | | | | |
| COMMERCIAL PAPER | | | | | | | | | | | |
| 46640QKH3 | JP MORGAN SECURITIES LLC COMM PAPER | 1,300,000 | 0.000 | 10/17/14 | 0.00 | 2,397,480.00 | 2,398,648.80 | 0.00 | 1,299,797.77 | 1,299,896.00 | -45.81% |
| 89233HM27 | TOYOTA MOTOR CREDIT CORP COMM | 2,200,000 | 0.000 | 12/02/14 | 0.00 | 2,197,835.44 | 2,198,739.40 | 0.00 | 2,199,128.56 | 2,199,645.80 | 0.04% |
| 06538CMG3 | BANK OF TOKYO MITSUBISHI COMM PAPER | 1,200,000 | 0.000 | 12/16/14 | 0.00 | 1,198,711.99 | 1,198,726.80 | 0.00 | 1,199,417.33 | 1,199,510.40 | 0.07% |
| 36959JQA4 | GENERAL ELEC CAP CORP COMM PAPER | 1,200,000 | 0.000 | 03/10/15 | 0.00 | 1,198,319.99 | 1,198,448.40 | 0.00 | 1,198,933.33 | 1,199,012.40 | 0.05% |
| | | \$5,900,000 | | | \$0.00 | \$6,992,347.42 | \$6,994,563.40 | \$0.00 | \$5,897,276.99 | \$5,898,064.60 | -15.68% |
| TOTAL | | \$5,900,000 | | | \$0.00 | \$6,992,347.42 | \$6,994,563.40 | \$0.00 | \$5,897,276.99 | \$5,898,064.60 | -15.67% |
| LONG TERM POOLED FUND | | | | | | | | | | | |
| FED AGY BOND/NOTE | | | | | | | | | | | |
| 3135G0VA8 | FANNIE MAE GLOBAL NOTES | \$1,000,000.00 | 0.500 | 03/30/16 | \$1,263.89 | \$1,001,665.60 | \$1,001,704.00 | \$13.89 | \$1,001,428.10 | \$1,000,765.00 | -0.09% |
| 3135G0VA8 | FANNIE MAE GLOBAL NOTES | 2,000,000 | 0.500 | 03/30/16 | 2,527.78 | 1,999,081.28 | 2,003,408.00 | 27.78 | 1,999,212.14 | 2,001,530.00 | -0.09% |
| 3137EADQ9 | FREDDIE MAC GLOBAL NOTES | 2,000,000 | 0.500 | 05/13/16 | 1,333.33 | 1,998,790.30 | 2,000,862.00 | 3,833.33 | 1,998,951.62 | 2,001,106.00 | 0.01% |
| 3133834R9 | FEDERAL HOME LOAN BANK GLOBAL NOTES | 2,000,000 | 0.375 | 06/24/16 | 145.83 | 1,992,321.02 | 1,994,422.00 | 2,020.83 | 1,993,286.14 | 1,995,904.00 | 0.07% |
| 3137EADS5 | FHLMC NOTES | 2,000,000 | 0.875 | 10/14/16 | 3,743.06 | 2,002,740.84 | 2,013,008.00 | 8,118.06 | 2,002,443.76 | 2,008,412.00 | -0.23% |
| | | \$9,000,000 | | | \$9,013.89 | \$8,994,599.04 | \$9,013,404.00 | \$14,013.89 | \$8,995,321.76 | \$9,007,717.00 | -0.06% |
| US TSY BOND/NOTE | | | | | | | | | | | |
| 912828SC5 | US TREASURY NOTES | \$1,595,000.00 | 0.875 | 1/31/2017 | \$0.00 | \$0.00 | \$0.00 | \$2,351.32 | \$1,596,395.39 | \$1,597,990.63 | 0.00% |
| 912828NP1 | US TREASURY NOTES | 1,575,000 | 1.750 | 7/31/2015 | 11,497.06 | 1,598,241.53 | 1,602,193.95 | 0.00 | 0.00 | 0.00 | 0.00% |
| 912828WB2 | US TREASURY NOTES | 2,500,000 | 0.250 | 10/31/2015 | 1,052.99 | 2,499,397.08 | 2,502,147.50 | 0.00 | 0.00 | 0.00 | 0.00% |
| 912828PM6 | US TREASURY NOTES | 2,425,000 | 2.125 | 12/31/2015 | 140.03 | 2,490,581.82 | 2,492,635.68 | 0.00 | 0.00 | 0.00 | 0.00% |
| 912828RU6 | US TREASURY NOTES | 1,500,000 | 0.875 | 11/30/2016 | 1,111.68 | 1,504,351.32 | 1,509,257.81 | 4,410.86 | 1,503,902.00 | 1,505,507.81 | -0.25% |
| 912828WP1 | US TREASURY NOTES | 1,510,000 | 0.009 | 6/15/2017 | 577.60 | 1,508,836.26 | 1,510,590.41 | 3,898.77 | 1,508,934.12 | 1,506,460.56 | -0.27% |
| | | \$9,595,000 | | | \$14,379.36 | \$9,601,408.01 | \$9,616,825.35 | \$10,660.95 | \$4,609,231.51 | \$4,609,959.00 | -52.06% |
| TOTAL | | \$18,595,000 | | | \$23,393.25 | \$18,596,007.05 | \$18,630,229.35 | \$24,674.84 | \$13,604,553.27 | \$13,617,676.00 | -26.905% |
| TOTAL PORTFOLIO | | \$24,495,000 | | | \$23,393.25 | \$38,665,323.04 | \$38,701,761.32 | \$24,674.84 | \$32,349,117.59 | \$32,363,027.93 | -16.38% |

Summary Portfolio Composition and Credit Quality Characteristics

| <u>Security Type</u> ¹ | <u>September 30, 2014</u> | <u>% of Portfolio</u> | <u>June 30, 2014</u> | <u>% of Portfolio</u> |
|-----------------------------------|---------------------------|-----------------------|------------------------|-----------------------|
| U.S. Treasuries | \$4,620,619.95 | 14.3% | \$9,631,204.71 | 4.4% |
| Federal Agencies | 9,021,730.89 | 27.9% | 9,022,417.89 | 49.1% |
| Commercial Paper | 5,898,064.60 | 18.2% | 6,994,563.40 | 0.0% |
| Certificates of Deposit | 0.00 | 0.0% | 0.00 | 0.0% |
| Bankers Acceptances | 0.00 | 0.0% | 0.00 | 0.0% |
| Repurchase Agreements | 0.00 | 0.0% | 0.00 | 0.0% |
| Municipal Obligations | 0.00 | 0.0% | 0.00 | 0.0% |
| Corporate Notes/Bonds | 0.00 | 0.0% | 0.00 | 0.0% |
| Mortgage Backed | 0.00 | 0.00% | 0.00 | 0.0% |
| TexPool | 12,847,287.33 | 39.7% | 13,076,968.57 | 46.5% |
| Totals | \$32,387,702.77 | 100.0% | \$38,725,154.57 | 100.0% |

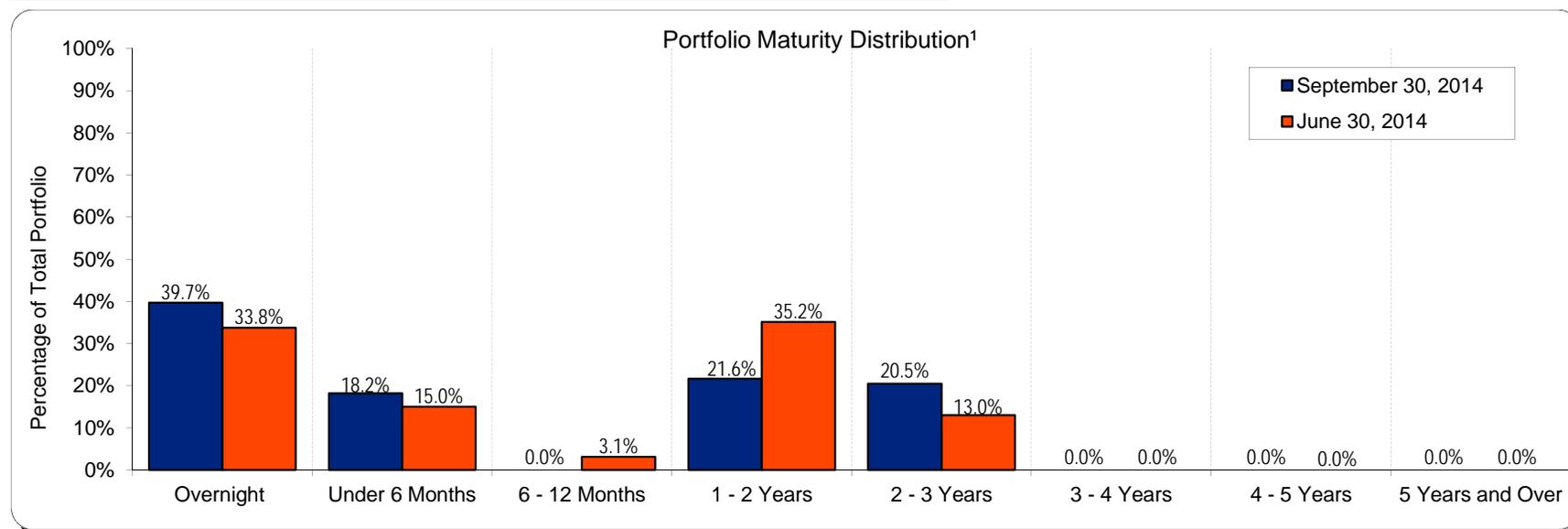


Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. Credit rating of securities held in portfolio, exclusive of money market fund/LGIP. Standard & Poor's is the source of the credit ratings.

Summary Portfolio Maturity Distribution

| <u>Maturity Distribution¹</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> |
|--|---------------------------|------------------------|
| Overnight (Money Market Fund) | \$12,847,287.33 | \$13,076,968.57 |
| Under 6 Months | 5,898,064.60 | 5,796,115.00 |
| 6 - 12 Months | 0.00 | 1,198,448.40 |
| 1 - 2 Years | 7,005,200.83 | 13,615,334.04 |
| 2 - 3 Years | 6,637,150.01 | 5,038,288.56 |
| 3 - 4 Years | 0.00 | 0.00 |
| 4 - 5 Years | 0.00 | 0.00 |
| 5 Years and Over | 0.00 | 0.00 |
| Totals | \$32,387,702.77 | \$38,725,154.57 |



Notes:

1. Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

Summary Portfolio General Ledger Entries¹

| Earnings Calculation | | Market Value Basis | Source Document |
|--|--|---------------------------|------------------------------------|
| 7/31/2014 | | | |
| July Market Value | | 38,845,527.69 | 1 Account Summary Page |
| July Accrued Interest | | 23,198.99 | 2 Account Summary Page |
| Less (Purchases & Deposits) | | (4,272,546.38) | 3 Security Transactions & Interest |
| Less Purchased Interest | | - | 4 Security Transactions & Interest |
| Add (Sales, Maturities, Paydowns, Withdrawals) | | 4,100,347.66 | 5 Security Transactions & Interest |
| Add Interest Receipts | | 14,131.09 | 6 Security Transactions & Interest |
| Less June Market Value | | (38,701,761.32) | 7 Account Summary Page |
| Less June Accrued Interest | | (23,393.25) | 8 Account Summary Page |
| Earnings | | (14,495.52) | |

| | | |
|--|---------------------|----------------|
| Change in Investment Market Value | 143,766.37 | (1 - 7) |
| Change in Accrued Interest | (194.26) | (2 - 8) |
| Change in Cash | (158,067.63) | (sum 3 thru 6) |

| Investment Entries | | Debit | Credit | Source Document |
|--------------------------------------|------------|--------------|---------------|----------------------------------|
| <i>To Record Investment Activity</i> | | | | |
| Cash | | | 172,198.72 | Security Transactions & Interest |
| Investments | 143,766.37 | | | Amortization/Accretion |
| Investment Income | 28,432.35 | | | Earnings |
| To record investment income/changes | | | | |
| Cash | 14,131.09 | | | Security Transactions & Interest |
| Accrued Interest | | | 194.26 | Accrued Interest Difference |
| Investment Income | | | 13,936.83 | Earnings |
| To record interest income/changes | | | | |

Notes:

1. Earnings are calculated using Market Value. This includes unrealized gains and losses, and income.

Summary Portfolio General Ledger Entries¹

| Earnings Calculation | | Market Value Basis | Source Document |
|--|--------------|---------------------------|------------------------------------|
| 8/31/2014 | | | |
| August Market Value | | 37,992,554.91 | 1 Account Summary Page |
| August Accrued Interest | | 35,639.53 | 2 Account Summary Page |
| Less (Purchases & Deposits) | | (5,547,489.00) | 3 Security Transactions & Interest |
| Less Purchased Interest | | - | 4 Security Transactions & Interest |
| Add (Sales, Maturities, Paydowns, Withdrawals) | | 6,423,843.90 | 5 Security Transactions & Interest |
| Add Interest Receipts | | 387.68 | 6 Security Transactions & Interest |
| Less July Market Value | | (38,845,877.53) | 7 Account Summary Page |
| Less July Accrued Interest | | (23,198.99) | 8 Account Summary Page |
| Earnings | | 35,860.50 | |
| Change in Investment Market Value | | -853,322.62 | (1 - 7) |
| Change in Accrued Interest | | 12,440.54 | (2 - 8) |
| Change in Cash | | 876,742.58 | (sum 3 thru 6) |
| Investment Entries | | | |
| <i>To Record Investment Activity</i> | | | |
| | Debit | Credit | Source Document |
| Cash | 876,354.90 | | Security Transactions & Interest |
| Investments | | 853,322.62 | Amortization/Accretion |
| Investment Income | | 23,032.28 | Earnings |
| To record investment income/changes | | | |
| Cash | 387.68 | | Security Transactions & Interest |
| Accrued Interest | 12,440.54 | | Accrued Interest Difference |
| Investment Income | | 12,828.22 | Earnings |
| To record interest income/changes | | | |

Notes:

1. Earnings are calculated using Market Value. This includes unrealized gains and losses, and income.

Summary Portfolio General Ledger Entries¹

| Earnings Calculation | | Market Value Basis | Source Document |
|--|--------------|---------------------------|------------------------------------|
| 9/30/2014 | | | |
| September Market Value | | 32,362,681.19 | 1 Account Summary Page |
| September Accrued Interest | | 24,674.84 | 2 Account Summary Page |
| Less (Purchases & Deposits) | | (469,538.33) | 3 Security Transactions & Interest |
| Less Purchased Interest | | - | 4 Security Transactions & Interest |
| Add (Sales, Maturities, Paydowns, Withdrawals) | | 6,087,027.00 | 5 Security Transactions & Interest |
| Add Interest Receipts | | 19,245.69 | 6 Security Transactions & Interest |
| Less August Market Value | | (37,992,942.59) | 7 Account Summary Page |
| Less August Accrued Interest | | (35,639.53) | 8 Account Summary Page |
| Earnings | | (4,491.73) | |
| Change in Investment Market Value | | (5,630,261.40) | (1 - 7) |
| Change in Accrued Interest | | (10,964.69) | (2 - 8) |
| Change in Cash | | 5,636,734.36 | (sum 3 thru 6) |
| Investment Entries | | | |
| <i>To Record Investment Activity</i> | | | |
| | Debit | Credit | Source Document |
| Cash | 5,617,488.67 | | Security Transactions & Interest |
| Investments | | 5,630,261.40 | Amortization/Accretion |
| Investment Income | 12,772.73 | | Earnings |
| To record investment income/changes | | | |
| Cash | 19,245.69 | | Security Transactions & Interest |
| Accrued Interest | | 10,964.69 | Accrued Interest Difference |
| Investment Income | | 8,281.00 | Earnings |
| To record interest income/changes | | | |

Notes:

1. Earnings are calculated using Market Value. This includes unrealized gains and losses, and income.

Pooled Funds Portfolio Statistics

| <u>Account Name</u> | Amortized Cost^{1,2,3} September 30, 2014 | Amortized Cost ^{1,2,3} June 30, 2014 | Market Value^{1,2,3} September 30, 2014 | Market Value ^{1,2,3} June 30, 2014 | Duration (Years) September 30, 2014 |
|---------------------|--|--|--|--|--|
| Pooled Funds | \$5,897,276.99 | \$6,992,347.42 | \$5,898,064.60 | \$6,994,563.40 | 0.21 |

| <u>Account Name</u> | Yield to Maturity at Cost⁴ September 30, 2014 | Yield to Maturity at Cost ⁴ June 30, 2014 | Yield to Maturity at Market September 30, 2014 | Yield to Maturity at Market June 30, 2014 | Duration (Years) June 30, 2014 |
|---------------------|---|--|---|---|-----------------------------------|
| Pooled Funds | 0.25% | 0.27% | 0.15% | 0.18% | 0.43 |

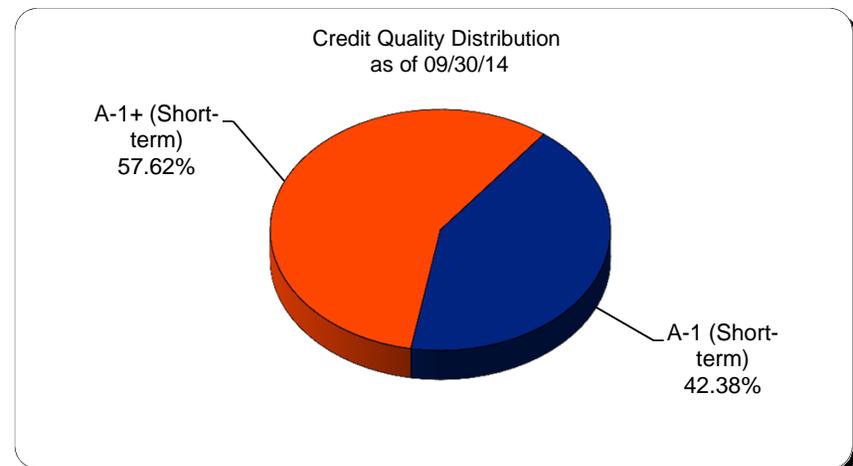
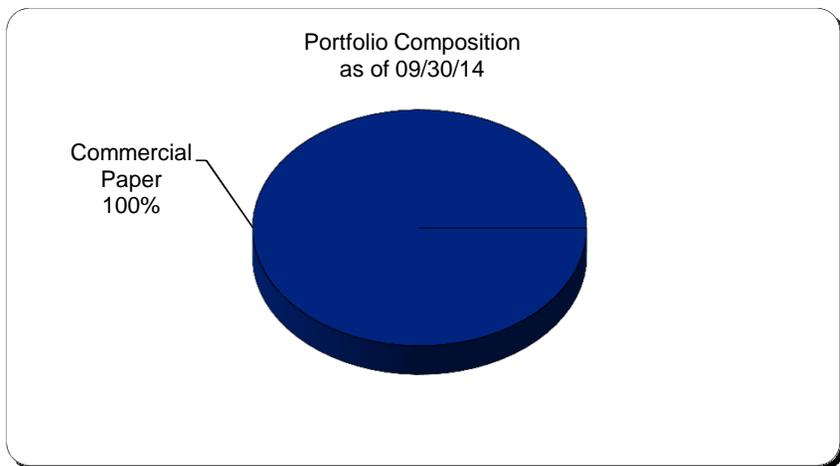
| <u>Benchmarks⁵</u> | September 30, 2014 | June 30, 2014 |
|-------------------------------|---------------------------|---------------|
| TexPool ⁶ | 0.03% | 0.03% |

Notes:

1. On a trade-date basis, including accrued interest.
2. In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances.
3. Excludes any money market fund/cash balances held in custodian account.
4. Past performance is not indicative of future results.
5. Yields presented on an annualized basis as of September 30, 2014.
6. TexPool yield is obtained from www.texpool.com.

Pooled Funds Portfolio Composition and Credit Quality Characteristics

| <u>Security Type¹</u> | <u>September 30, 2014</u> | <u>% of Portfolio</u> | <u>June 30, 2014</u> | <u>% of Portfolio</u> |
|----------------------------------|---------------------------|-----------------------|-----------------------|-----------------------|
| U.S. Treasuries | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Federal Agencies | 0.00 | 0.00% | 0.00 | 0.00% |
| Commercial Paper | 5,898,064.60 | 100.00% | 6,994,563.40 | 100.00% |
| Commercial Paper - TLGP | 0.00 | 0.00% | 0.00 | 0.00% |
| Certificates of Deposit | 0.00 | 0.00% | 0.00 | 0.00% |
| Bankers Acceptances | 0.00 | 0.00% | 0.00 | 0.00% |
| Repurchase Agreements | 0.00 | 0.00% | 0.00 | 0.00% |
| Municipal Obligations | 0.00 | 0.00% | 0.00 | 0.00% |
| Corporate Notes/Bonds | 0.00 | 0.00% | 0.00 | 0.00% |
| Mortgage Backed | 0.00 | 0.00% | 0.00 | 0.00% |
| Money Market Fund/Cash | 0.00 | 0.00% | 0.00 | 0.00% |
| Totals | \$5,898,064.60 | 100.00% | \$6,994,563.40 | 100.00% |

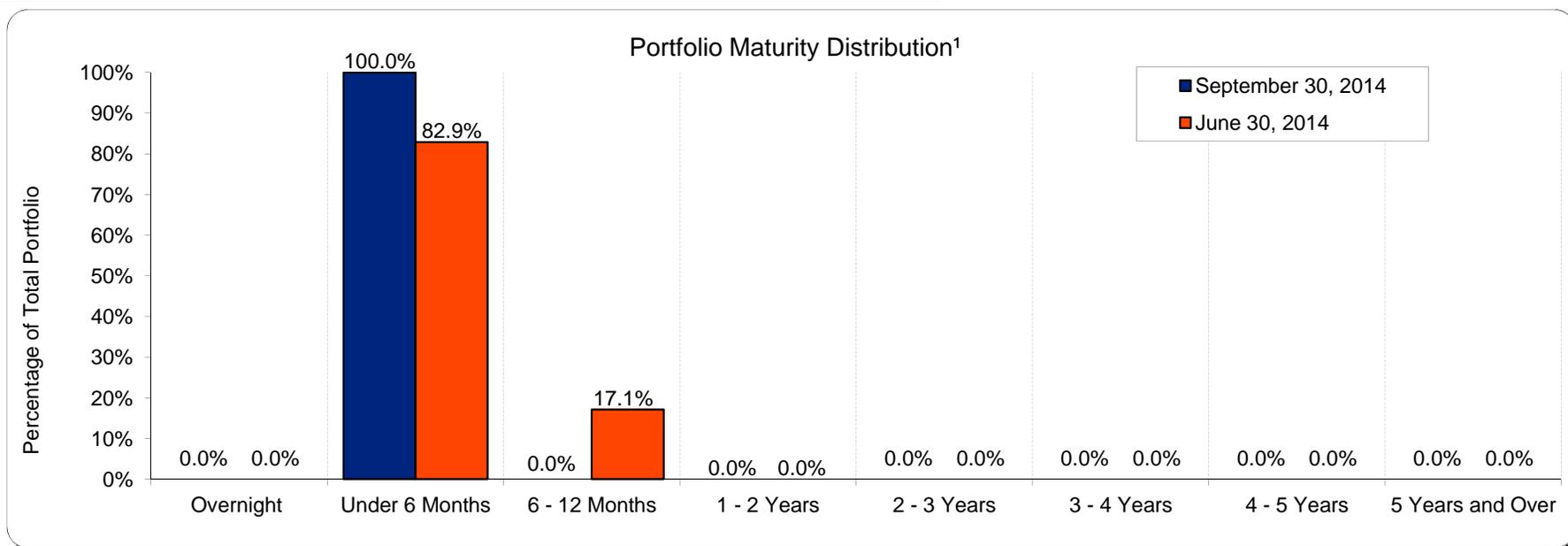


Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. Credit rating of securities held in portfolio, exclusive of money market fund/LGIP. Standard & Poor's is the source of the credit ratings.

Pooled Funds Portfolio Maturity Distribution

| <u>Maturity Distribution¹</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> |
|--|---------------------------|-----------------------|
| Overnight (Money Market Fund) | \$0.00 | \$0.00 |
| Under 6 Months | 5,898,064.60 | 5,796,115.00 |
| 6 - 12 Months | 0.00 | 1,198,448.40 |
| 1 - 2 Years | 0.00 | 0.00 |
| 2 - 3 Years | 0.00 | 0.00 |
| 3 - 4 Years | 0.00 | 0.00 |
| 4 - 5 Years | 0.00 | 0.00 |
| 5 Years and Over | 0.00 | 0.00 |
| Totals | \$5,898,064.60 | \$6,994,563.40 |



Notes:

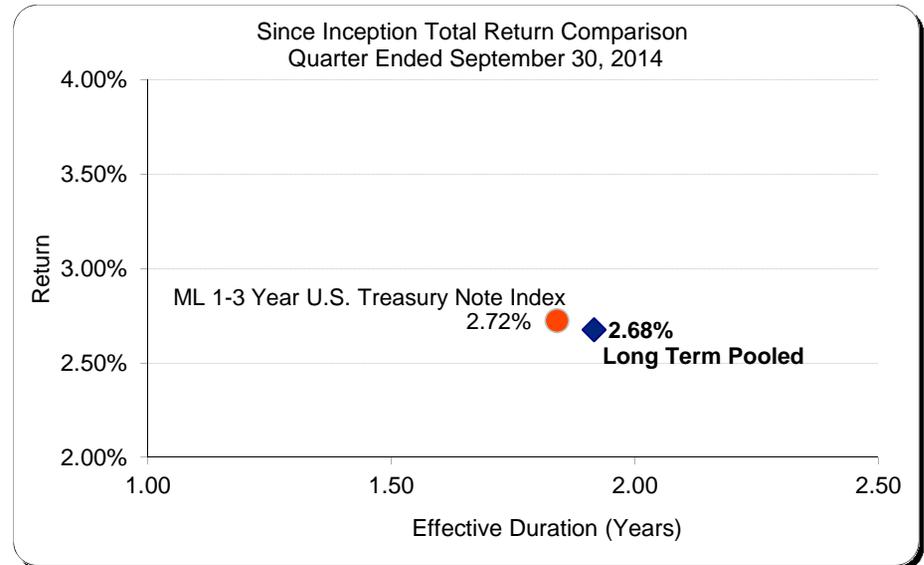
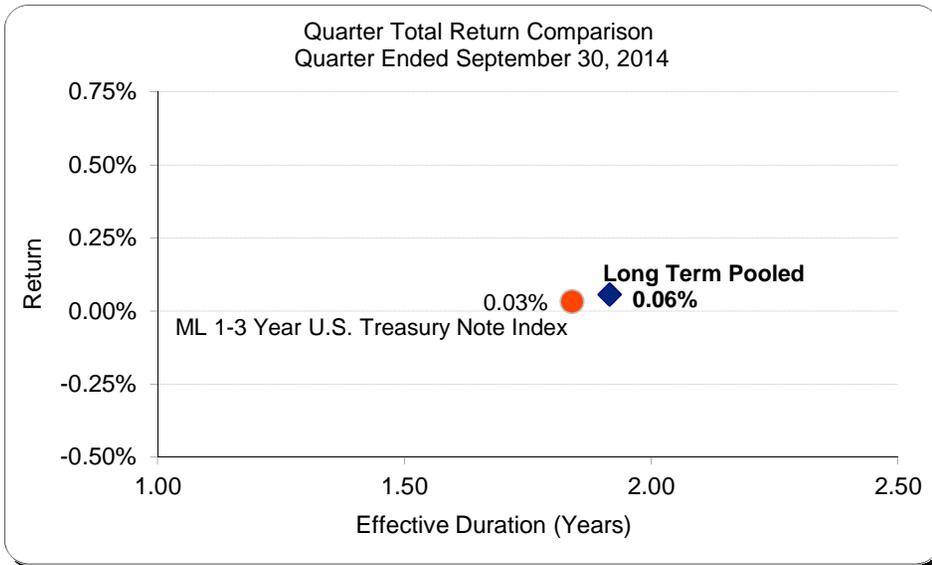
1. Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

Long Term Pooled Fund Portfolio Performance

| Total Portfolio Value ¹ | September 30, 2014 | June 30, 2014 |
|------------------------------------|--------------------|-----------------|
| Market Value | \$13,642,350.84 | \$18,653,622.60 |
| Amortized Cost | \$13,629,228.11 | \$18,619,400.30 |

| Total Return ^{2,3,4,5} | Quarterly Return September 30, 2014 | Last 12 Months | Last 2 Years | Last 5 Years | Last 7 Years | Since Inception June 30, 2006 |
|---|--|-------------------|-----------------|-----------------|-----------------|----------------------------------|
| Long Term Pooled Fund | 0.06% | 0.61% | 0.44% | 0.96% | 2.11% | 2.68% |
| Merrill Lynch 1-3 Year U.S. Treasury Note Index | 0.03% | 0.50% | 0.43% | 1.03% | 2.11% | 2.72% |

| Effective Duration(Years) ^{4,5} | September 30, 2014 | June 30, 2014 | Yields | September 30, 2014 | June 30, 2014 |
|---|--------------------|---------------|-----------------|--------------------|---------------|
| Long Term Pooled Fund | 1.92 | 1.83 | Yield at Market | 0.62% | 0.53% |
| Merrill Lynch 1-3 Year U.S. Treasury Note Index | 1.84 | 1.85 | Yield at Cost | 0.67% | 0.43% |
| Portfolio Duration % of Benchmark Duration | 104% | 99% | | | |

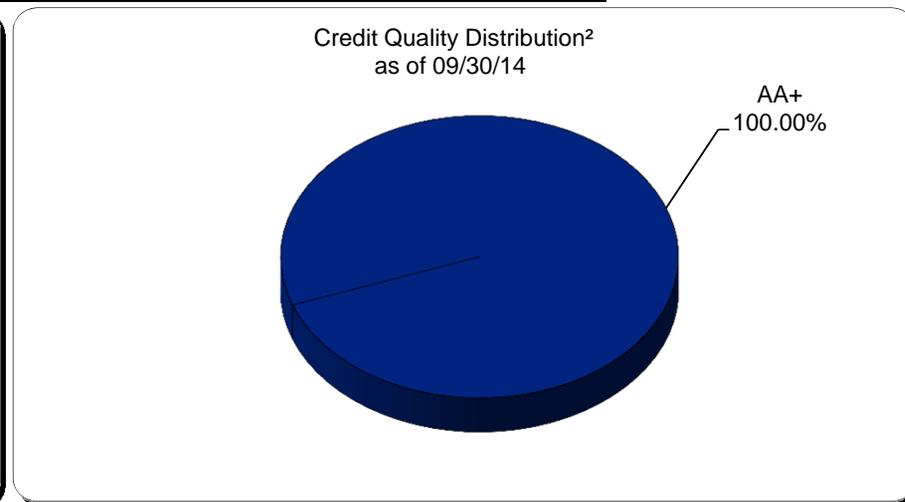
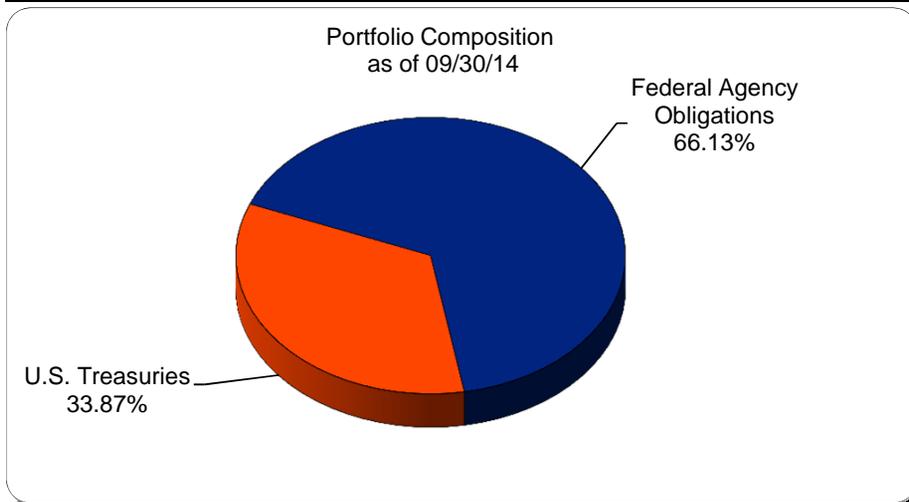


Notes:

- In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances. End of quarter trade-date market values of portfolio holdings, including accrued interest.
- Performance on trade date basis, gross (i.e., before fees), is in accordance with The CFA Institute's Global Investment Performance Standards (GIPS). Quarterly returns are presented on an unannualized basis. Returns presented for 12 months or longer are presented on an annual basis. Past performance is not indicative of future results.
- Since Inception the benchmark has been the Merrill Lynch 1-3 Year U.S. Treasury Note.
- Merrill Lynch Indices provided by Bloomberg Financial Markets.
- Excludes money market fund/cash in performance and duration computations.

Long Term Pooled Fund Portfolio Composition and Credit Quality Characteristics

| <u>Security Type¹</u> | <u>September 30, 2014</u> | <u>% of Portfolio</u> | <u>June 30, 2014</u> | <u>% of Portfolio</u> |
|----------------------------------|---------------------------|-----------------------|------------------------|-----------------------|
| U.S. Treasuries | \$4,620,619.95 | 33.9% | \$9,631,204.71 | 51.6% |
| Federal Agencies | 9,021,730.89 | 66.1% | 9,022,417.89 | 48.4% |
| Commercial Paper | 0.00 | 0.0% | 0.00 | 0.0% |
| Certificates of Deposit | 0.00 | 0.0% | 0.00 | 0.0% |
| Bankers Acceptances | 0.00 | 0.0% | 0.00 | 0.0% |
| Repurchase Agreements | 0.00 | 0.0% | 0.00 | 0.0% |
| Municipal Obligations | 0.00 | 0.0% | 0.00 | 0.0% |
| Corporate Notes/Bonds | 0.00 | 0.0% | 0.00 | 0.0% |
| Mortgage Backed | 0.00 | 0.0% | 0.00 | 0.0% |
| Money Market Fund/Cash | 0.00 | 0.0% | 0.00 | 0.0% |
| Totals | \$13,642,350.84 | 100.0% | \$18,653,622.60 | 100.0% |

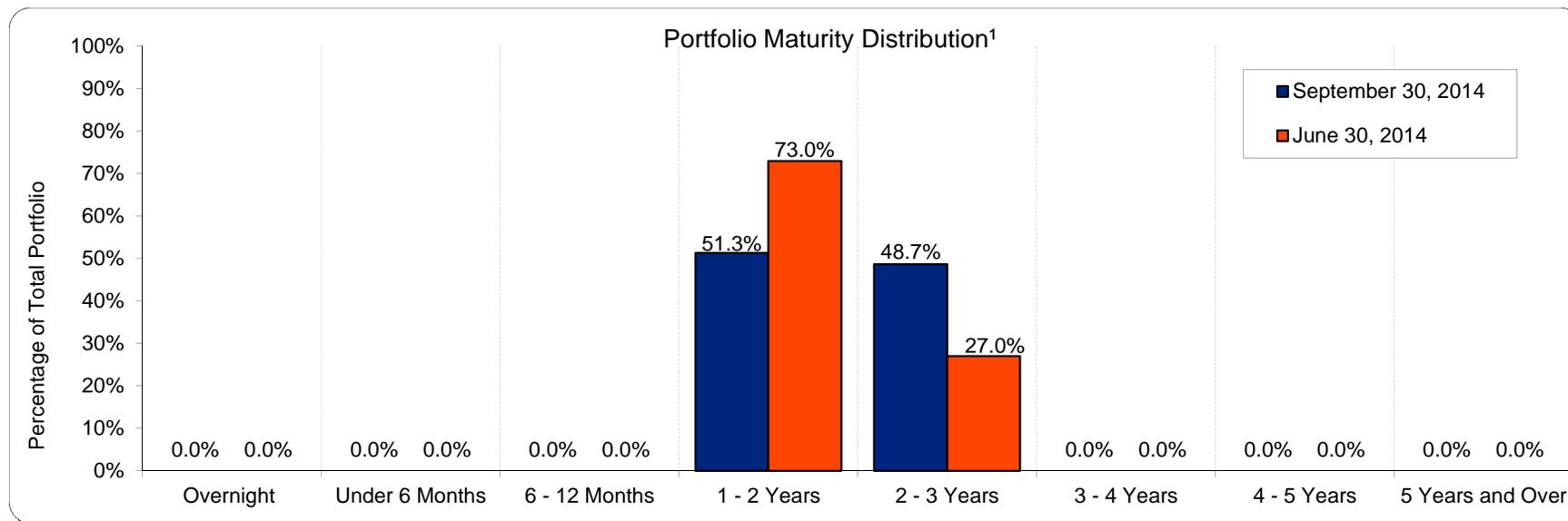


Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. Credit rating of securities held in portfolio, exclusive of money market fund/LGIP. Standard & Poor's is the source of the credit ratings.

Long Term Pooled Fund Portfolio Maturity Distribution

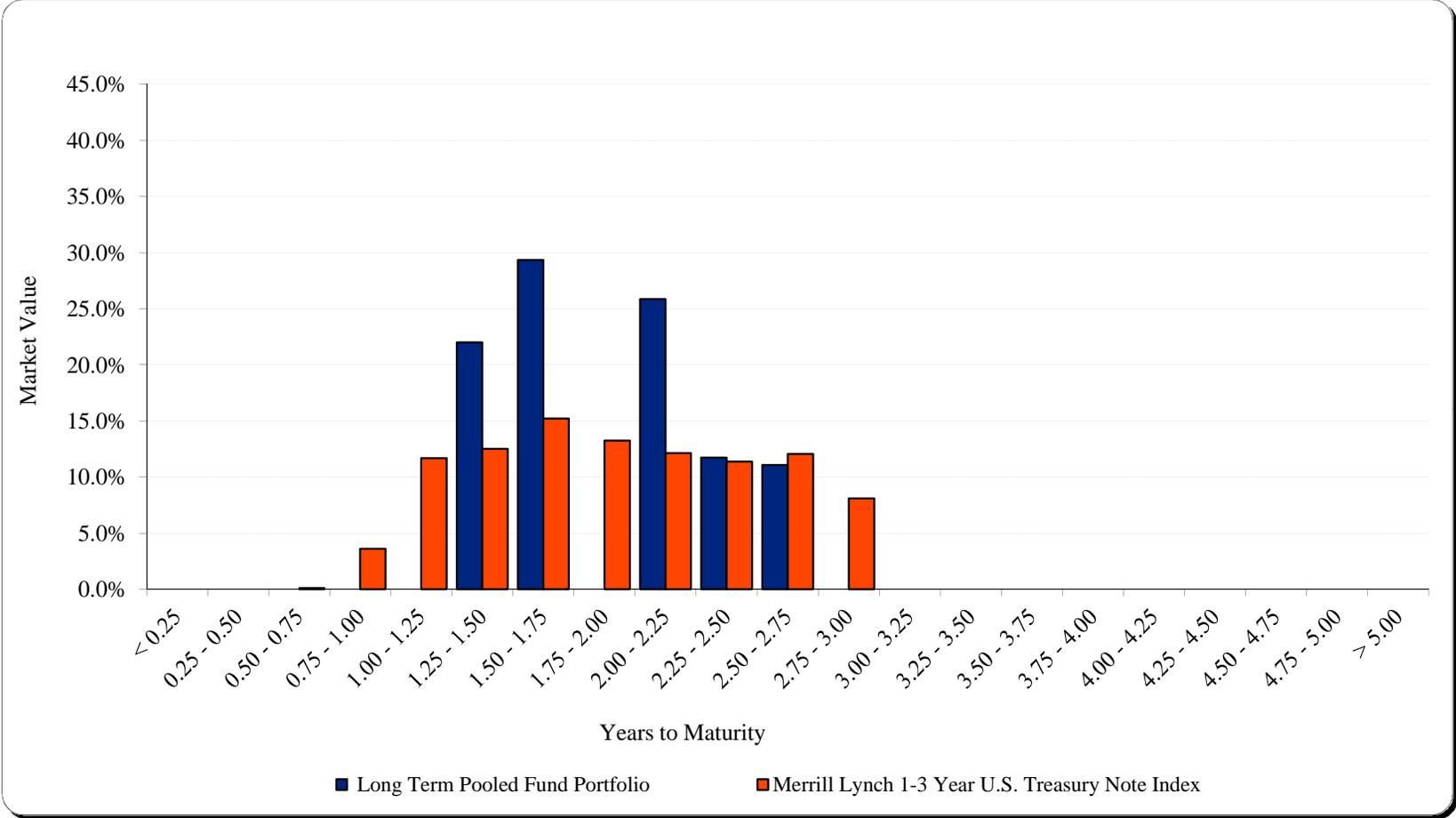
| <u>Maturity Distribution¹</u> | <u>September 30, 2014</u> | <u>June 30, 2014</u> |
|--|---------------------------|------------------------|
| Overnight (Money Market Fund) | \$0.00 | \$0.00 |
| Under 6 Months | 0.00 | 0.00 |
| 6 - 12 Months | 0.00 | 0.00 |
| 1 - 2 Years | 7,005,200.83 | 13,615,334.04 |
| 2 - 3 Years | 6,637,150.01 | 5,038,288.56 |
| 3 - 4 Years | 0.00 | 0.00 |
| 4 - 5 Years | 0.00 | 0.00 |
| 5 Years and Over | 0.00 | 0.00 |
| Totals | \$13,642,350.84 | \$18,653,622.60 |



Notes:

1. Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

Long Term Pooled Fund Portfolio Maturity Distribution versus the Benchmark¹

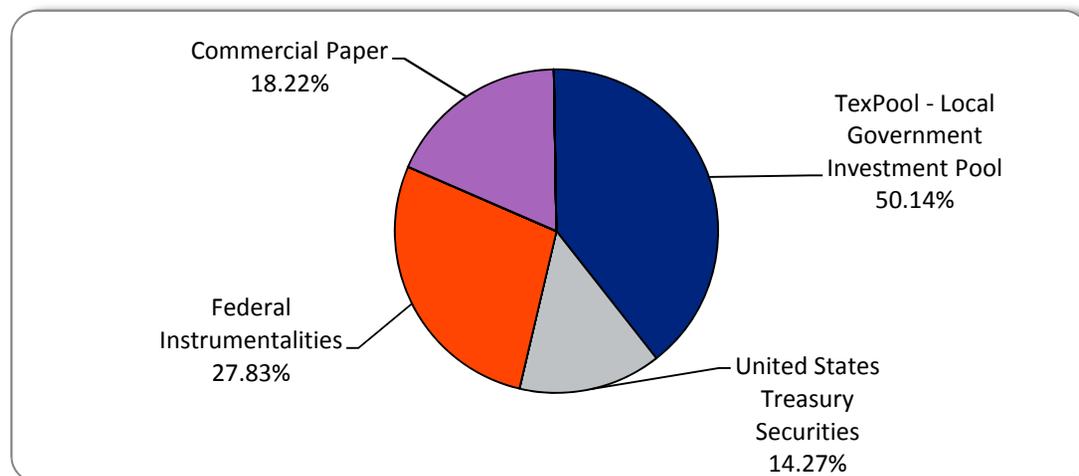


Notes:

1. Due to the nature of the security, Mortgage-Backed Securities are represented based on their average life maturity rather than their final maturity.

City of Rowlett, Texas

Asset Allocation as of September 30, 2014*



| Security Type ¹ | Amortized Cost (Includes Interest) | Allocation Percentage | Notes | Permitted by Policy | In Compliance |
|--|---------------------------------------|--------------------------|-------|------------------------|------------------|
| TexStar - Local Government Investment Pool | - | 0.00% | | 100% | YES |
| TexPool - Local Government Investment Pool | 12,847,287.33 | 39.68% | | 100% | YES |
| United States Treasury Securities | 4,619,892.46 | 14.27% | | 100% | YES |
| United States Government Agency Securities | - | 0.00% | | 100% | YES |
| Federal Instrumentalities | 9,009,335.65 | 27.83% | 2 | 100% | YES |
| Mortgage-Backed Securities | - | 0.00% | 2,3 | 20% | YES |
| Certificates of Deposit | - | 0.00% | | 20% | YES |
| Repurchase Agreements | - | 0.00% | | 20% | YES |
| Commercial Paper | 5,897,276.99 | 18.22% | | 25% | YES |
| Corporate Notes TLGP - FDIC Insured | - | 0.00% | | 50% | YES |
| Bankers' Acceptances | - | 0.00% | | 25% | YES |
| State and/or Local Government Debt | - | 0.00% | | 25% | YES |
| Fixed Income Money Market Mutual Funds | - | 0.00% | | 50% | YES |

Notes:

1. End of month trade-date amortized cost of portfolio holdings, including accrued interest.

2. The combined total of Federal Instrumentalities and Mortgage Backed Securities can not be more than 100%. The combined total as of September 30, 2014 is 27.83%.

3. The Investment Policy does allow for Government and Federal Agency mortgage backed securities (MBS). Which is limited to GNMA, FHLMC, and FNMA mortgage backed securities. GNMA securities have the full faith and credit of the United States Treasury. As of September 6, 2008, FHLMC and FNMA have been under conservatorship with the United States Treasury. PFM has imposed an internal maximum allocation limit of 20% in MBS'. PFM will notify the City prior to adding MBS' to the portfolio.

4. The balance of the TexPool dropped during the month of February causing the individual commercial paper percentages to exceed 5%. These securities were in compliance at the time of purchase. PFM purchased a Toyota Commercial Paper on March 7, 2014. We confirmed with the City the current balance at TexPool was \$18.8 million. This was enough to purchase the Toyota Commercial Paper in compliance with the Investment Policy. The TexPool balance dropped down to \$17.2 million by the end of March. This pushed the Toyota Commercial Paper over the permitted limit.

City of Rowlett, Texas

Asset Allocation as of September 30, 2014*

| Individual Issuer Breakdown | Amortized Cost (Includes Interest) | Allocation Percentage | Notes | Permitted by Policy | In Compliance |
|---|---------------------------------------|--------------------------|-------|------------------------|------------------|
| Government National Mortgage Association (GNMA) | - | 0.00% | | 40% | YES |
| Federal Farm Credit Bank (FFCB) | - | 0.00% | | 40% | YES |
| Federal Home Loan Bank (FHLB) | 1,995,306.97 | 6.16% | | 40% | YES |
| Federal National Mortgage Association (FNMA) | 3,000,681.91 | 9.27% | | 40% | YES |
| Federal Home Loan Mortgage Corporation (FHLMC) | 4,013,346.77 | 12.40% | | 40% | YES |
| JP Morgan Securities Commercial Paper | 1,299,797.77 | 4.01% | | 5% | YES |
| General Electric Commercial Paper | 1,198,933.33 | 3.70% | | 5% | YES |
| Toyota Commercial Paper | 2,199,128.56 | 6.79% | 4 | 5% | NO |
| Bank of Tokyo Mitsubishi Commercial Paper | 1,199,417.33 | 3.70% | | 5% | YES |

Notes:

1. End of month trade-date amortized cost of portfolio holdings, including accrued interest.
2. The combined total of Federal Instrumentalities and Mortgage Backed Securities can not be more than 100%. The combined total as of September 30, 2014 is 27.83%.
3. The Investment Policy does allow for Government and Federal Agency mortgage backed securities (MBS'). Which is limited to GNMA, FHLMC, and FNMA mortgage backed securities. GNMA securities have the full faith and credit of the United States Treasury. As of September 6, 2008, FHLMC and FNMA have been under conservatorship with the United States Treasury. PFM has imposed an internal maximum allocation limit of 20% in MBS'. PFM will notify the City prior to adding MBS' to the portfolio.
4. The balance of the TexPool dropped during the month of February causing the individual commercial paper percentages to exceed 5%. These securities were in compliance at the time of purchase. PFM purchased a Toyota Commercial Paper on March 7, 2014. We confirmed with the City the current balance at TexPool was \$18.8 million. This was enough to purchase the Toyota Commercial Paper in compliance with the Investment Policy. The TexPool balance dropped down to \$17.2 million by the end of March. This pushed the Toyota Commercial Paper over the permitted limit.

Investment Officer's Certification

This report is prepared for City of Rowlett (the "City") in accordance with Chapter 2256 of the Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report which covers the month ended September 30, 2014, is signed by the City's investment officers and includes the disclosures required in the PFIA.

The investment portfolio complied with the PFIA and the City's approved Investment Policy and Strategy throughout the month. All investment transactions made in the City's portfolio during this month were made on behalf of the City and were made in full compliance with the PFIA and the City's approved Investment Policy.

Alan Guard, Chief Financial Officer

Wendy Badgett, Assistant Finance Director

TAB III

Insert Month End Statement here to complete the report.

In consideration of the safety and security of our client's sensitive information, PFM Asset Management's compliance department does not allow the inclusion of month end statements in any electronic communication including this version of the quarterly performance report.

Statements are available online at **www.pfm.com** login and click on the link to "Monthly Statements" on the left side of the screen.

The most current statements are always available to the client online, however they can only be accessed with the designated username and password.

TAB IV



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 5D

TITLE

Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

STAFF REPRESENTATIVE

Brian Funderburk, City Manager



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7A

TITLE

Consider action to approve minutes from the November 4, 2014, City Council Meeting and the November 11, 2014, City Council Work Session Meeting.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
 - (1) state the subject of each deliberation; and
 - (2) indicate each vote, order, decisions or other action taken.

BACKGROUND INFORMATION

N/A

DISCUSSION

N/A

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Move to approve, amend or correct the November 4, 2014, City Council Meeting and the November 11, 2014, City Council Work Session Meeting.

ATTACHMENTS

- 11-04-14 City Council Meeting minutes
- 11-11-14 City Council Work Session minutes



City of Rowlett

Meeting Minutes

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, November 4, 2014

5:00 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Present: Mayor Gottel, Mayor Pro Tem Gallops, Deputy Mayor Pro Tem Pankratz, Councilmember Bobbitt, and Councilmember van Bloemendaal

Absent: Councilmember Dana-Bashian and Councilmember Sheffield

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:00 p.m.

2. EXECUTIVE SESSION (5:00 P.M.)* Times listed are approximate

- 2A.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (15 minutes)

Council convened in Executive Session at 5:02 p.m. Out at 5:30 p.m.

- 2B.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate on property at 2801 Lakeview Parkway. (20 minutes)

Council convened in Executive Session at 5:30 p.m. Out at 5:39 p.m.

3. WORK SESSION (5:35 P.M.)*

- 3A.** Discuss amending the City of Rowlett Code of Ordinances, Chapter 22 “Environment” to address dead and dangerous trees. (15 minutes)

Maria Martinez, Code Enforcement Supervisor, outlined the discrepancy in the current code and the proposed changes. Ms. Martinez provided information regarding the process for notification and enforcement. It was the consensus of Council to consider this revision at a later date.

- 3B.** Discuss a resolution ratifying emergency line repairs at Eastside Lift Station force main as identified in Change Order #4 for the 24-Inch Force Main and TV Inspection Project in the amount of \$118,909 to Flow-Line Construction and authorizing the Mayor to execute the necessary documents. (10 minutes)

Tim Rogers, Director of Public Works, reviewed the improvements done to the 24-inch force main and outlined the area to be repaired.

- 3C.** Presentation of Year-End Update from the City Manager. (45 minutes)

This item was presented first.

Brian Funderburk, City Manager, presented an update on FY14, including a review of the City's goals and ways the City has engaged its citizens. Councilmembers provided supportive remarks and thanked Mr. Funderburk and City staff for an outstanding job.

4. DISCUSS CONSENT AGENDA ITEMS

Item 7F was withdrawn from the Consent Agenda to be considered individually.

RECEPTION FOR CITY EMPLOYEE HONOREES (7:00 P.M. TO 7:30 P.M.)*

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)*

After a short break at 6:50 p.m., Council attended the reception for employees and reconvened at 7:31 p.m.

INVOCATION – Mayor Gottel

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE – Led by the City Council

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Presentation of plaques by Mayor Todd Gottel and City Manager Brian Funderburk to employees recognized throughout the year for "Above and Beyond" Customer Service.

Brian Funderburk, City Manager, with the assistance of Mayor Gottel, presented the plaques to the honored employees.

- 5B.** Presentation of Proclamation recognizing November as American Diabetes Month.

Mayor Pro Tem Gallops presented the proclamation.

- 5C.** Presentation of Proclamation in recognition of Complex Regional Pain Syndrome Awareness Month.

Mayor Pro Tem Gallops presented the proclamation.

- 5D.** Presentation of Proclamation to Brett Lee, CEO of Lake Pointe Hospital, for his being named one of *Becker's Hospital Review's* 25 "Rising Stars".

This item was presented first. Deputy Mayor Pro Tem Pankratz presented the proclamation to Mr. Lee.

- 5E.** Presentation of check by Keep Rowlett Beautiful in support of the Daffodil Project.

This item will be rescheduled to a later date.

- 5F.** Presentation of Proclamation in recognition of Arbor Day – Tree City USA.

Councilmember Bobbitt presented the proclamation.

- 5G.** Presentation of the Monthly Financial report for the period ending September 30, 2014.

Alan Guard, Chief Financial Officer, presented the report.

- 5H.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

Mayor Gottel announced the following: Upcoming City Council meetings: Tuesday, November 18th; Regular Meeting - in City Hall Conference Room. Special Council Work Session – Tuesday, November 11th; 6pm in Annex Conference Room. Upcoming Planning and Zoning Commission meetings: Tuesday, November 11th & 25th - 6pm in City Hall Conference Room. Upcoming CIP (COMMUNITY IMPROVEMENT PROGRAM) TASK FORCE MEETINGS: 2nd & 4th Tuesdays of the month starting at 5pm in City Hall Conference Room. November – 11th & 25th, December 9th & 23rd. BLACKLAND'S CORRIDOR STUDY: Rowlett Council voted in opposition of this item during the last Council meeting held on October 21st. TWICE A MONTH LANCSCAPE WATERING: *Watering once every other week resumed on November 1st!* CLEAN UP FROM RECENT STORM: There was quite a bit of damage to trees in the area as a result of the storm that hit Rowlett on Oct. 2nd. The final day of debris removal by City staff was November 2nd. City staff will not assist in the cleanup efforts beyond November 2nd. Any remaining debris beyond November 2nd will be removed during normal Waste Management pickup. While we understand our contract doesn't provide for this, it may be required to cut the debris if it will not fit in the Waste Management truck or if it's too heavy to lift. PROGRAMS FOR SENIORS: Check out our web page for Seniors at Rowlett.com, departments, parks and recreation then click on Seniors. There is always something at the Library for Seniors – call or come by to see what's going on. ARBOR DAY AND DAFFODIL PROJECT: Saturday, November 8th, 9am at Katy Railroad Park, 2600 Lawing Lane. 5000 daffodil bulbs planted at various locations around the City in honor of the men & women who gave their lives on 9/11. VETERANS DAY: Tuesday, November 11th at 11:00 am in Veterans Park. Join us at Veterans Park as we recognize and honor our local veterans. Veterans Day is a time when the community gathers together to give thanks to those who have served our country. ANIMAL SHELTER: Animal Shelter maintains a 98% live release rate! Low Cost Vaccine Clinics at Animal Shelter: Saturday, November 15th, 1:00-3:00 pm. Normal business hours: Monday-Friday, 10am-5pm, Saturday, 10am-5pm. They are located at 4402 Industrial

Street. Upcoming Events for Parks and Recreation: Main Street Fest and Holiday Parade: Saturday, December 6th from 3:00pm-7:00pm (Downtown Rowlett on Main St.). Check out all the Fall programs, including programs for Seniors, listed in the Lakeside Leisure or at www.rowlett.com on the Parks Department page. Upcoming Events at the Rowlett Public Library: Operation Shoebox – October 27th – November 8th. Join with us to pay tribute to our Armed Forces. Bring in needed items and write a note of thanks. A list of items is available on the Library's website and in the Library. Senior Computer Class: Introduction to Microsoft Excel. Bring a flash drive. Tuesday – Thursday, November 4-6th at 8:30am. Limited to 18 participants. Plan to attend all 3 days. Check out more fun at www.rowlett.com – go to the Library page then Programs! Holiday schedule: Closing at 6pm on Wednesday, November 26th. Closed Thursday and Friday, November 27th and 28th for Thanksgiving Holiday.

Councilmember Bobbitt announced that the Rowlett RCC Flying Club erected a cover at Springfield Park and invited the public to go out on Saturdays or Sundays to watch the planes.

Ms. Bobbitt also announced November specials for Waterview Golf Club: Monday-Friday, Breakfast/lunch plus two draft beers or fountain drink of your choice; \$26 before 2pm, \$24 for Seniors; Saturday-Sunday before 11am \$39 and \$29 after 11 am. Twilight special after 2pm - \$20 includes two draft beers and is good for up to 12 people. Call the club at 972-463-8900 to schedule your tee time.

Deputy Mayor Pro Tem Pankratz announced the ACTOR production of “Murder by the Book” at Main Street Events on November 7, 8, and 9th and 14, 15, and 16th. More information can be found at www.ACTORtx.com.

6. CITIZENS' INPUT

There were no speakers.

7. CONSENT AGENDA

- 7A.** Consider action to approve minutes from the October 21, 2014, City Council Meeting.

This item was approved on the Consent Agenda.

- 7B.** Consider action approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code for Fire Protection Systems Plans Review.

This item was approved as RES-104-14 on the Consent Agenda.

- 7C.** Consider action to approve a resolution for professional services with Traditions Fire Consulting, LLC, to provide fire protection systems plan review of commercial and residential construction projects for the City of Rowlett, in the estimated annual amount of \$35,000; and authorizing the City Manager, after City Attorney review, to execute the necessary documents for said service.

This item was approved as RES-105-14 on the Consent Agenda.

- 7D.** Consider action to approve a resolution accepting the bid of and awarding a contract to D & D Commercial Landscape Management in the amount of \$92,828 for irrigation and landscaping improvements on Merritt Road and authorizing the City Manager to execute the necessary documents for said purchase.

This item was approved as RES-106-14 on the Consent Agenda.

- 7E.** Consider action to approve a resolution ratifying emergency line repairs at East Side Lift Station as identified in Change Order #4, (Exhibit A), approved by the City Manager, for the 24-Inch Force Main and TV Inspection Project in the amount of \$118,909 to Flow-Line Construction; and authorizing the Mayor to execute the necessary documents.

This item was approved as RES-107-14 on the Consent Agenda.

- 7F.** Consider action to approve a resolution authorizing the Community Health Paramedicine program and authorizing the City Manager to execute the necessary documents for said program.

This item was removed from the Consent Agenda for individual consideration.

Neil Howard, Fire Chief, presented an outline of the proposed program, which included type of patients, funding, staffing, and partnership with Lake Pointe Medical Center.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-108-14.

Passed the Consent Agenda

A motion was made by Mayor Pro Tem Gallops, seconded by Deputy Mayor Pro Tem Pankratz, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A.** Conduct a public hearing and consider an ordinance approving a Major Warrant pertaining to lighting standards for the Homestead at Liberty Grove located at 9401 Princeton Road.

Daniel Acevedo, Urban Planner, provided the background information on this item.

The public hearing opened and closed with one speaker in favor of this item:

1. Bill Gietema, Arcadia Realty

A motion was made by Deputy Mayor Pro Tem Pankratz, seconded by Mayor Pro Tem Gallops, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-035-14.

- 8B.** Consider action regarding a Resolution approving a second amendment to the Facilities Agreement between the City of Rowlett and Rowlett 47, LTD, predecessor-in-interest to Preston Villages Developers, LP, pertaining to The Vineyards Subdivision.

Samantha Renz, Regulatory Engineer, provided the background information on this item.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-110-14.

- 8C.** Consider action regarding a Resolution approving a Facilities Agreement between the City of Rowlett, Texas and Arcadia Liberty Grove Development 1, LLC, for the purchase of lighting fixtures for the Homestead at Liberty Grove in the amount of \$163,925 through US Communities per established contract pricing.

Daniel Acevedo, Urban Planner, presented the supporting information for this item.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember van Bloemendaal, to approve the item as presented with the addition of “with City Attorney approval”. The motion carried with a unanimous vote of those members present. This item was adopted as RES-109-14.

- 8D.** Consider a resolution authorizing the City Manager to enter into an Economic Development Incentive Agreement with Briarwood Armstrong, LLC for the development of a commercial retail center located at 2801 Lakeview Parkway.

Jim Grabenhorst, Director of Economic Development, provided the supporting information for this item. Mr. Grabenhorst provided clarification of a 380 agreement and the rollback tax.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember van Bloemendaal, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-111-14.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

There was no action taken.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 9:17 p.m.



City of Rowlett

Work Session Minutes

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, November 11, 2014

5:30 P.M.

Annex Conference Room – 4004 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment

Present: Mayor Gottel, Mayor Pro Tem Gallops, Deputy Mayor Pro Tem Pankratz, Councilmember Bobbitt, Councilmember Dana-Bashian, Councilmember Sheffield and Councilmember van Bloemendaal

1. CALL TO ORDER

Mayor Pro Tem Gallops called the meeting to order at 5:33 p.m.

2. WORK SESSION (5:30 P.M.)

2A. Hear a presentation to propose options to amend the City's Sick Leave Payout Policy. (45 minutes)

John Murray, Director of Human Resources and Risk Management, reviewed the origins of the discussion through the budget process and the change to the vacation payout policy.

2B. Discuss Other Post-Employment Benefits (OPEB). (30 minutes)

This item was presented first.

Mehdi Riazi, with GRS, outlined the current OPEB offered by the City of Rowlett and the City's current liability. He presented points for and against pre-funding. Mitch Barker, with PARS, reviewed OPEB misconceptions and irrevocable trusts and presented points in favor of pre-funding. Alan Guard, Chief Financial Officer, presented the staff's recommendation of creating a fund with the difference between the ARC and PAYGO with a three year phase in for retirees to pay an increased portion of their premium's actual cost and lower the City's subsidy.

Mayor Gottel arrived at 6:00 p.m.

After a lengthy discussion, Council was in favor of the funding amount, but requested a lower increase over a longer period of time. It was the consensus of Council to consider this item at a later date with a five percent increase over five years.

Council took a short break at 6:45 p.m. and reconvened at 6:50 p.m.

2C. Provide bi-annual update and discuss the City's Economic Development Five-year Strategic Plan. (60 minutes)

Jim Grabenhorst, Director of Economic Development, presented an update on the Plan regarding seven key areas: Downtown, North Shore, Healthy Living, Signature Gateway, Woodside Living, SH66/PGBT corridor, and City-wide. He reviewed the activity over the past two years and the amount of private investment along with the Economic Development Advisory Board and the Economic Development Incentive Policy and tools.

Council discussion regarding North Shore zoning review, City funds leveraged versus private investment, DART contribution, estimated population after development, and process for public presentation of incentive items.

2D. Eight Economic Proposals to Better Rowlett. (30 minutes)

Deputy Mayor Pro Tem Pankratz presented eight proposals for the economic development process: metrics/accountability, revamped Economic Advisory Committee, North Shore zoning review, creation of a North Shore fund, more vetting for incentives – require two meetings prior to a vote; once a month economic development reporting to Council, formally support expansion of I-30, improved ethics for Councilmembers.

Council discussion regarding City policy versus operations, economic development status reporting, benchmarks for economic development, suggestions for the Economic Development Advisory Board, and the process for Council review of incentive proposals.

3. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 p.m.

AGENDA DATE: 11/18/14

AGENDA ITEM: 7B

TITLE

Consider action to approve a resolution accepting the bid of and awarding a contract to Camino Construction in the amount of \$227,713.70 for the base bid, and 10 percent contingency in the amount of \$22,771.37, resulting in a total bid of \$250,485.07 for the Drainage Improvement Project for Westwood Circle, and authorizing the Mayor to execute the necessary documents for said services.

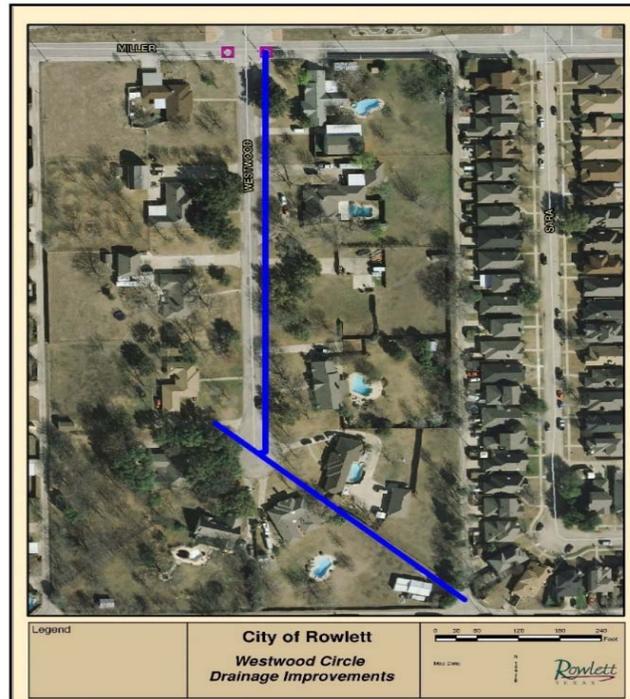
STAFF REPRESENTATIVE

Tim Rogers, Director of Infrastructure Services

Robbin Webber, Assistant Director of Infrastructure Services

SUMMARY

This project will consist of the installation of 587 linear feet of 18-inch reinforced concrete pipe to improve the drainage trenches along both sides of Westwood Circle.



BACKGROUND INFORMATION

On April 15, 2013, The Wallace Group was awarded a professional services agreement to identify the exact and final limits of the drainage system on Westwood Circle to eliminate surface drainage and convert to an underground storm drainage system. The surface drainage problem is due to

inadequate slopes to support drainage or problems tying surface drainage to the alley behind the cul-de-sac. Drainage has been an issue in the area for over ten years. These improvements will improve the driving surface by alleviating the standing water and increasing the drainage pipe size.

On June 26, 2014, bids were open for this project; however, the apparent low bidder was \$200,000 higher than the engineer’s estimate. Due to the overage of the bid, Staff recommended The Wallace Group redesign the project by eliminating the elliptical piping and change to a more constructible concrete pipe, which significantly decreased the bid.

DISCUSSION

The Drainage Improvements for Westwood Circle Bid included a base bid with no bid alternate. Bids read during the bid opening were as follows:

| Contractor | Base Bid | Total Base Bid | Low Bidder |
|---------------------|-----------------|-----------------------|-------------------|
| Camino Construction | \$227,713.70 | \$227,713.70 | X |
| Tri-Con Service | \$247,000.00 | \$247,000.00 | |
| SJ&J Construction | \$265,120.00 | \$265,120.00 | |

Financials were reviewed by the Chief Financial Officer, Alan Guard and were found in good standing. The City Consultant, The Wallace Group, has checked past performance for this Contractor and recommends awarding the project to Camino Construction.

Camino Construction is currently on the City’s Alley Reconstruction Project, which was approved by City Council on May 20, 2014, in the amount of \$1,120,879. Work performance by Camino is acceptable with limited to no errors and omissions on their part. The Project Manager is extremely responsive to all inquiries and superb communication skills. City Staff has checked all prior references from Camino Construction and all are highly favorable.

FINANCIAL/BUDGET IMPLICATIONS

Funds have been budgeted in the CIP for this project as follows:

| Budget Account Number and/or Project Code | Account or Project Title | Budget Amount | Proposed Amount |
|--|---------------------------------|----------------------|------------------------|
| DR2104 – 597-8201-532.80-02 | Westwood Circle Drainage | \$149,727.00 | \$149,727.00 |
| DR2065 – 597-8201-532.80-02 | Miscellaneous Drainage | \$100,758.07 | \$100,758.07 |
| TOTAL | | \$250,485.07 | \$250,485.07 |

RECOMMENDED ACTION

Staff recommends approving a resolution accepting the bid of and awarding a contract to Camino Construction in the amount of \$227,713.70 for the base bid and 10 percent contingency in the

amount of \$22,771.37, resulting in a total bid of \$250,485.07 for the Drainage Improvement for Westwood Circle.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONTRACT TO CAMINO CONSTRUCTION IN THE AMOUNT OF \$250,485.07 FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS FOR WESTWOOD CIRCLE PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON THE CITY'S BEHALF, AFTER CITY ATTORNEY APPROVAL; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to construct the Drainage Improvements for Westwood Circle for the Street Department and the City of Rowlett; and

WHEREAS, the Purchasing Division has taken sealed bids as per bid #2014-68 and is recommending award to the lowest qualified bid meeting specifications; and

WHEREAS, City staff and The Wallace Group representatives recommend that the contract be awarded to Camino Construction as the lowest responsible bidder for its total base bid; and

WHEREAS, the City Council of the City of Rowlett, Texas desire to accept said bid and award such contract to Camino Construction

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

Section 1: That the City Council of the City of Rowlett does hereby accept the bid of and award a contract to Camino Construction for the construction of the Drainage Improvements Project for Westwood Circle to include the total base bid of \$227,713.70, plus 10 percent contingency in the amount of \$22,771.37, resulting in a total bid of \$250,485.07.

Section 2: That the City Council of the City of Rowlett does hereby authorize the Mayor to execute the necessary documents after City Attorney approval and does further authorize the issuance of purchase orders to conform to this resolution.

Section 3: This resolution shall become effective immediately upon its passage.

ATTACHMENT

Exhibit A – Bid Tabulation

CITY OF ROWLETT

BID #2014-68 DRAINAGE IMPROVEMENTS FOR WESTWOOD CIRCLE

October 16, 2014

| ITEM | DESCRIPTION | APPX QTY | UNIT | ENGINEER'S ESTIMATE | | CAMINO CONSTRUCTION | | TRI-CON SERVICES | | SJ&J CONSTRUCTION | |
|--------------|------------------------------------|----------|------|----------------------|--------------|----------------------|--------------|----------------------|--------------|----------------------|--------------|
| | | | | UNIT PRICE | AMOUNT BID |
| 1 | MOBILIZATION & PROJECT INCIDENTALS | 1 | LS | \$ 7,000.00 | \$ 7,000.00 | \$ 24,000.00 | \$ 24,000.00 | \$ 21,300.00 | \$ 21,300.00 | \$ 28,000.00 | \$ 28,000.00 |
| 2 | CONCRETE CHANNEL - 6' WIDE | 383 | SY | \$ 60.00 | \$ 22,980.00 | \$ 130.00 | \$ 49,790.00 | \$ 64.00 | \$ 24,512.00 | \$ 105.00 | \$ 40,215.00 |
| 3 | CONCRETE CHANNEL - 4' WIDE | 55 | SY | \$ 50.00 | \$ 2,750.00 | \$ 130.00 | \$ 7,150.00 | \$ 100.00 | \$ 5,500.00 | \$ 105.00 | \$ 5,775.00 |
| 4 | HEADWALL - 15" CMP | 1 | EA | \$ 1,000.00 | \$ 1,000.00 | \$ 2,000.00 | \$ 2,000.00 | \$ 1,800.00 | \$ 1,800.00 | \$ 2,000.00 | \$ 2,000.00 |
| 5 | CONCRETE INLET | 5 | EA | \$ 5,000.00 | \$ 25,000.00 | \$ 4,600.00 | \$ 23,000.00 | \$ 5,500.00 | \$ 27,500.00 | \$ 5,000.00 | \$ 25,000.00 |
| 6 | 18" RC PIPE | 587 | LF | \$ 55.00 | \$ 32,285.00 | \$ 115.00 | \$ 67,505.00 | \$ 90.00 | \$ 52,830.00 | \$ 110.00 | \$ 64,570.00 |
| 7 | TRENCH SAFETY | 587 | LF | \$ 4.00 | \$ 2,348.00 | \$ 0.10 | \$ 58.70 | \$ 1.00 | \$ 587.00 | \$ 5.00 | \$ 2,935.00 |
| 8 | REMOVE/REPLACE CONC PVMT | 25 | SY | \$ 66.00 | \$ 1,650.00 | \$ 80.00 | \$ 2,000.00 | \$ 400.00 | \$ 10,000.00 | \$ 70.00 | \$ 1,750.00 |
| 9 | REMOVE/REPLACE CONC DRIVEWAY | 77 | SY | \$ 65.00 | \$ 5,005.00 | \$ 65.00 | \$ 5,005.00 | \$ 100.00 | \$ 7,700.00 | \$ 115.00 | \$ 8,855.00 |
| 10 | REMOVE/REPLACE ASPHALT PVMT | 217 | SY | \$ 60.00 | \$ 13,020.00 | \$ 65.00 | \$ 14,105.00 | \$ 100.00 | \$ 21,700.00 | \$ 100.00 | \$ 21,700.00 |
| 11 | UNCLASSIFIED CHANNEL EXCAVATION | 35 | CY | \$ 10.00 | \$ 350.00 | \$ 20.00 | \$ 700.00 | \$ 400.00 | \$ 14,000.00 | \$ 30.00 | \$ 1,050.00 |
| 12 | EMABNKMENT | 4 | CY | \$ 20.00 | \$ 80.00 | \$ 25.00 | \$ 100.00 | \$ 250.00 | \$ 1,000.00 | \$ 40.00 | \$ 160.00 |
| 13 | SOLID SOD | 8,000 | SF | \$ 1.00 | \$ 8,000.00 | \$ 0.75 | \$ 6,000.00 | \$ 1.00 | \$ 8,000.00 | \$ 1.10 | \$ 8,800.00 |
| 14 | SWPPP | 1 | LS | \$ 1,200.00 | \$ 1,200.00 | \$ 3,000.00 | \$ 3,000.00 | \$ 850.00 | \$ 850.00 | \$ 9,000.00 | \$ 9,000.00 |
| 15 | SWPPP IMPLEMENTATION | 1 | LS | \$ 1,500.00 | \$ 1,500.00 | \$ 1,000.00 | \$ 1,000.00 | \$ 850.00 | \$ 850.00 | \$ 6,000.00 | \$ 6,000.00 |
| 16 | CONSTRUCTION ENTRANCE | 1 | EA | \$ 750.00 | \$ 750.00 | \$ 1,500.00 | \$ 1,500.00 | \$ 750.00 | \$ 750.00 | \$ 5,000.00 | \$ 5,000.00 |
| 17 | HAY BALES | 20 | LF | \$ 20.00 | \$ 400.00 | \$ 25.00 | \$ 500.00 | \$ 30.00 | \$ 600.00 | \$ 10.00 | \$ 200.00 |
| 18 | WASHED ROCK | 200 | LF | \$ 5.00 | \$ 1,000.00 | \$ 5.00 | \$ 1,000.00 | \$ 8.00 | \$ 1,600.00 | \$ 18.00 | \$ 3,600.00 |
| 19 | TRAFFIC CONTROL PLAN | 1 | LS | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 8,346.00 | \$ 8,346.00 | \$ 8,000.00 | \$ 8,000.00 |
| 20 | REMOVE/REPLACE CONC SIDEWALK | 6 | SY | \$ 65.00 | \$ 390.00 | \$ 50.00 | \$ 300.00 | \$ 200.00 | \$ 1,200.00 | \$ 85.00 | \$ 510.00 |
| 21 | REMOVE/REPLACE 8' WOOD FENCE | 20 | LF | \$ 20.00 | \$ 400.00 | \$ 55.00 | \$ 1,100.00 | \$ 170.00 | \$ 3,400.00 | \$ 50.00 | \$ 1,000.00 |
| 22 | REMOVE/REPLACE 4' WOOD FENCE | 95 | LF | \$ 20.00 | \$ 1,900.00 | \$ 44.00 | \$ 4,180.00 | \$ 45.00 | \$ 4,275.00 | \$ 40.00 | \$ 3,800.00 |
| 23 | STORM SEWER MANHOLE | 1 | EA | \$ 5,000.00 | \$ 5,000.00 | \$ 8,000.00 | \$ 8,000.00 | \$ 27,500.00 | \$ 27,500.00 | \$ 16,000.00 | \$ 16,000.00 |
| 24 | REMOVE/REINSTALL MAILBOX | 4 | EA | \$ 600.00 | \$ 2,400.00 | \$ 180.00 | \$ 720.00 | \$ 300.00 | \$ 1,200.00 | \$ 300.00 | \$ 1,200.00 |
| TOTAL | | | | \$ 141,408.00 | | \$ 227,713.70 | | \$ 247,000.00 | | \$ 265,120.00 | |



City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7C

TITLE

Consider action to approve a resolution awarding a bid to APAC-Texas, Incorporated for installation of asphalt level-up and overlay street improvements in the amount of \$543,937.27 through Dallas County's Master Road & Bridge Interlocal Maintenance Agreement, and authorizing the Mayor to execute the necessary documents for said services.

STAFF REPRESENTATIVE

Tim Rogers, Director of Public Works
Robbin Webber, Assistant Director of Public Works

SUMMARY

This project consists of performing maintenance on 5.42 lane miles of asphalt roadways within the City of Rowlett.

BACKGROUND INFORMATION

June 18, 2013, City Council approved Resolution 053-13 authorizing and entering into a Master Road & Bridge Interlocal Maintenance Agreement with Dallas County. This interlocal agreement allows the City to enter into agreements with the same terms and conditions with unspecified vendors of Dallas County. This Interlocal Agreement will be used as the foundation to enter into an agreement with APAC-Texas, Incorporated specifically for the Asphalt Roadway Maintenance Program outlined below.

DISCUSSION

The Asphalt Roadway Maintenance Program is work that can be completed through our Master Road & Bridge Interlocal Maintenance Agreement with Dallas County to utilize their contract with APAC-Texas, Incorporated. The cost estimated by APAC-Texas, Incorporated for asphalt overlay, full repairs and reclamation is \$543,937.27.

This contract includes level up and overlay and with two additional components. The additional components are full depth reclamation and milling off the top layer of the old asphalt surface. The reclamation consist of pulverizing failures the full depth of 8 inches, incorporating cement at a specified rate, re-compacting the material, and installing hot mix asphalt overlay. The City's asphalt roadways will require perpetual maintenance to extend the life. City staff has determined this program will provide the City with an efficient and cost effective way of maintaining these roadways.

Staff has requested that Dallas County participate in this program by providing matching funds (50%) for the resurfacing of the roadways that meet their requirements. These roadways are classified as **Type B** thoroughfares and meet the Dallas County qualification for participation;

however, Dallas County didn't have adequate funds to provide a (50%) match. Dallas County did agree to provide funding in an amount not to exceed \$150,000 (37%) as shown in Exhibit A for Liberty Grove Road, Dalrock Road, and Chiesa Road.

LEVEL UP AND OVERLAY BY APAC (Dallas County Contract)

Type B Roadways (3.62 lane miles)

1. **Liberty Grove Road:** From Russell Drive to Elm Grove Road
2. **Dalrock Road:** Liberty Grove Road to Lake North Road
3. **Chiesa Road:** Miller Road to Lagoon Drive

Roadways that are not eligible for Dallas County funding. (1.8 lane miles)

4. **S. Stone Meadow Circle:** Chiesa Road to W. Stone Meadow Circle
5. **N. Stone Meadow Circle:** Chiesa Road to W. Stone Meadow Circle
6. **W. Stone Meadow Circle:** South End to North End
7. **Smart Street:** Miller Road to Kyle Road
8. **Shoreline Drive:** SH-66 to Edgewater Drive
9. **Edgewater Drive:** SH-66 to Shoreline Drive

Other sections of roadway will be included based on the availability of funds.

FINANCIAL/BUDGET IMPLICATIONS

The Asphalt Roadway Maintenance Project is work that can be completed through our interlocal agreement with Dallas County to utilize their contract with APAC-Texas, Incorporated. Dallas County will reimburse the City of Rowlett after the work has been completed for the portion they have committed to fund.

Funding in the amount of \$500,000 is available for the purchase of these services in CIP account #398-8001-521-80-02, Project Code ST 2077, and account #398-8002-582-2052, Project Code ST2052. Dallas County will reimburse the City of Rowlett in an amount not to exceed \$150,000.

| Budget Account Number and/or Project Code | Account or Project Title | Budget Amount | Proposed Amount |
|--|---------------------------------|----------------------|------------------------|
| ST2077 | 398-8201-521-80-02 | \$500,000.00 | \$500,000.00 |
| ST2052 | 398-8201-521-80-02 | \$43,937.27 | \$43,937.27 |
| Total | | \$543,937.27 | \$543,937.27 |

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution awarding a bid to APAC-Texas, Incorporated for installation of asphalt level up and overlay street improvements in the unit amounts bid attached hereto and incorporated herein by reference as Exhibit A and in the amount of \$543,937.27 through Dallas County's Master Road & Bridge Interlocal Maintenance Agreement and authorizing the Mayor to execute the necessary documents for said services.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AWARDED A BID TO APAC-TEXAS, INCORPORATED FOR ASPHALT OVERLAY STREET IMPROVEMENTS IN THE UNIT AMOUNTS BID ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT A AND IN THE AMOUNT OF \$543,937.27 THROUGH DALLAS COUNTY'S MASTER ROAD & BRIDGE INTERLOCAL MAINTENANCE; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID SERVICES PURSUANT TO APPROVAL; AND THE ISSUANCE OF PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for a contractor to furnish and install materials for the level up and overlay of asphalt streets within the City of Rowlett; and

WHEREAS, the City of Rowlett has a current Master Road & Bridge Interlocal Maintenance Agreement with Dallas County to procure work from their contract Bid # 2011-102-5731; and

WHEREAS, Dallas County has agreed to provide funds for part of the project in an amount not to exceed \$150,000; and

WHEREAS, the City Council of the City of Rowlett desires to exercise such bids with APAC-Texas, Incorporated for installation of asphalt level and overlay street improvements through the Master Road & Bridge Interlocal Maintenance Agreement with Dallas County.

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

Section 1: The City of Rowlett does hereby award a bid to APAC-Texas, Incorporated for installation of asphalt level and overlay street improvements in the unit amounts bid attached hereto and incorporated herein by reference as Exhibit A and in the amount of \$543,937.27.

Section 2: That the City Council of the City of Rowlett does hereby authorize the Mayor to execute the necessary documents after City Attorney approval and does further authorize the issuance of purchase orders to conform to this resolution.

Section 3: This resolution shall become effective immediately upon its passage

ATTACHMENTS

Exhibit A – APAC Proposal and Dallas County Project Specific Agreement
Attachment 1 – Map



APAC-Texas, Inc.
Texas Bitulithic Company

P.O. Box 224048
 Dallas, TX 75222-4048
 Tel: 214.741.3531
 Fax: 972-377-0988

PROPOSAL AND CONTRACT
 (Dallas County Interlocal Agreement)

To: City of Rowlett

Effective Date: Nov.4, 2014

APAC-Texas, Inc. ("APAC") offers to furnish all material, labor and equipment required for the performance of the following described work subject to the terms and conditions of the Dallas County Interlocal Agreement.

Description of Work and Price: Place hot mix asphalt paving @ approximately 220 lbs/sy

| <u>Location</u> | <u>Limits</u> | <u>Estimated Tons</u> | <u>Unit Price</u> | <u>Estimated Cost</u> |
|----------------------|---------------|-----------------------|-------------------|-----------------------|
| Various Streets | Various | 5822 | \$73.15 TyD | \$420,554.09 |
| * See Attached Sheet | | | \$69.95 TyB | |

Unless the words "Lump Sum" appear next to an item of work, it is understood and agreed that the quantities referred to above are estimates only and that payment shall be made at the stated unit prices for actual quantities of work performed by APAC.

This estimate expires thirty (30) days from the above date.

APAC-TEXAS, INC.

ACCEPTED: City of Rowlett

W. L. Warner
 Account Manager

 Date: _____



Date
10/15/2014

APAC TEXAS INC. ESTIMATE ONLY
DALLAS COUNTY CONTRACT INTERLOCAL AGREEMENT

City of Rowlett

| Location | Limits | Length | Width | S/Y | Depth's/y | Tons | Ty-Mix | Mileage From Plant | In-Place Price | Mileage Charge | Total Charge Per Ton | Total |
|------------------------|----------------------------|--------|-------|-------|-----------|------|----------------------|--------------------|----------------|----------------|----------------------|-------------|
| S.Stone Meadow Circle | | 650 | 22 | 1589 | 220 | 175 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$12,784.99 |
| N.Stone Meadow Circle | | 680 | 22 | 1662 | 220 | 183 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$13,375.07 |
| W..Stone Meadow Circle | | 420 | 22 | 1027 | 220 | 113 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$8,261.07 |
| | | 200 | 22 | 489 | 880 | 215 | TyB | 19 | \$62.45 | \$7.50 | \$69.95 | \$15,047.02 |
| Shoreline Dr. | | 1043 | 28 | 3245 | 275 | 446 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$32,637.50 |
| Edgewater Dr. | | 264 | 28 | 821 | 220 | 90 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$6,608.86 |
| Smart St. | | 1625 | 24 | 4333 | 165 | 358 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$26,151.13 |
| | | 1625 | 24 | 4333 | 275 | 596 | TyB | 19 | \$62.45 | \$7.50 | \$69.95 | \$41,678.54 |
| Chiesa Rd. | | 1750 | 26 | 5056 | 220 | 556 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$40,679.53 |
| | | 1750 | 13 | 2528 | 220 | 278 | TyB | 19 | \$62.45 | \$7.50 | \$69.95 | \$19,449.99 |
| Liberty Grove Rd. | | 4200 | 25 | 11667 | 220 | 1283 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$93,875.83 |
| Trun Lane | | 1000 | 12 | 1333 | 220 | 147 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$10,728.67 |
| Transition 4to2 lane | | | | 600 | 220 | 66 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$4,827.90 |
| Dalrock level up | Lib Gro to lake north road | 2300 | 26 | 6644 | 220 | 731 | TyD | 19 | \$65.65 | \$7.50 | \$73.15 | \$53,464.52 |
| | turnlane | 2300 | 26 | 6644 | 165 | 548 | TyD | 19 | \$62.45 | \$7.50 | \$69.95 | \$38,344.26 |
| | radis | 171 | 12 | 228 | 220 | 25 | TyD | 19 | \$62.45 | \$7.50 | \$69.95 | \$1,754.35 |
| | | | | 115 | 220 | 13 | TyD | 19 | \$62.45 | \$7.50 | \$69.95 | \$884.87 |
| Total Estimated Tons | | | | | | 5822 | Estimated Total Cost | | | | \$420,554.09 | |



APAC - Texas, Inc

P.O. Box 224048

Dallas, TX 75222-4048

Telephone No.: 214-741-3531

Fax No.: 214-742-3540

Contact:

Project Name: City of Rowlett 2015

Project Number:

CSJ:

Date: 11/4/2014

| ITEM | DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|--------------------|--|-----------|------|------------|---------------------|
| 10 | S. STONE MEADOW - MILL 2" | 1,589.00 | SY | 4.90 | 7,786.10 |
| 20 | N. STONE MEADOW - MILL 3" | 1,662.00 | SY | 5.35 | 8,891.70 |
| 30 | W. STONE MEADOW - MILL 3" | 1,027.00 | SY | 6.00 | 6,162.00 |
| 40 | W. STONE MEADOW - MILL 12" (PATCH AREA) | 489.00 | SY | 9.75 | 4,767.75 |
| 50 | SHORELINE DR. - MILL 2" | 3,245.00 | SY | 3.40 | 11,033.00 |
| 60 | EDGEWATER DR. - MILL 2" | 821.00 | SY | 7.75 | 6,362.75 |
| 70 | EDGEWATER DR. - 8" CEMENT STAB (28LB/SY) | 821.00 | SY | 10.90 | 8,948.90 |
| 90 | CHIESA RD. - MILL 2" | 2,333.00 | SY | 4.05 | 9,448.65 |
| 100 | CHIESA RD. - 8" CEMENT STAB (28LB/SY) | 2,528.00 | SY | 7.05 | 17,822.40 |
| 110 | LIBERTY GROVE RD. - MILL 2" | 13,600.00 | SY | 3.10 | 42,160.00 |
| GRAND TOTAL | | | | | \$123,383.25 |

NOTES:

1. APAC is providing this quote based on a verbal request from the Owner. APAC makes no guarantees as to the adequacy of the design for the above quoted items and is providing this quote based solely on information provided by the owner.
2. Unless the words "Lump Sum" appear next to a price for an item, all prices are per unit, and payments will be based upon the actual number of units performed at that price. The prices quoted are binding for 30 days. After such time, the prices are subject to escalation.
3. APAC will mobilize on the project one time. Any additional mobilizations are \$2500 per mobilization.
4. Bonds (payment and performance) and AGC fees are not included.
5. This quote does not include the following: testing, engineering / staking, excavation/ removal / haul-off, / pavement markings, utility adjustments, permits, SWPPP, backfill of curb, backfill of pavement.
6. This quote does not include prime on subgrade.
7. Sales and other taxes are not included in this quote, but a "Tax Exempt Certificate" is required in order that taxes are not

charged against work performed.

8. All work not covered by a specific pay item or stated subsidiary will be billed as time & equipment force account work.

9. This quote and its exclusions and notes are to become an attachment to any subcontract agreement between Owner and/or General Contractor and APAC - Texas, Inc.

10. Prices firm through 6/30/2015. Prices will terminate on 7/1/2015.

11. This quote based on all utilities being a minimum of 18 inches below the existing surface and the owner guarantees as such and assumes all liabilities and costs should any utilities be damaged in this area.

12. This quote does not include traffic control.

13. This quote is for a continuous stabilization operation for the dimensions provided. Patching/discontinuous work will require separate pricing.

Sincerely,
APAC - Texas, Inc.

Matt Cooley
Estimator

City of Rowlett

Authorized Agent

Name & Title

**PROJECT SPECIFIC AGREEMENT
RE: LIBERTY GROVE ROAD, DALROCK ROAD AND CHIESA ROAD**

**A "TYPE B" ROADWAY PROJECT-- MADE PURSUANT TO DALLAS COUNTY'S
MASTER ROAD & BRIDGE INTERLOCAL MAINTENANCE AGREEMENT WITH
CITY OF ROWLETT, TEXAS**

This Project Specific Agreement, (hereinafter "PSA"), supplemental to the Master Interlocal Agreement, is made by and between Dallas County, Texas (hereinafter "County") and the City of Rowlett, Texas (hereinafter "City"), acting by and through their duly authorized representatives and officials, for the purpose of transportation-related maintenance, repairs and improvements to be undertaken in certain designated blocks of enumerated public roadway as more fully set forth and described in Attachments "A" and "B", incorporated herein by reference ("Project").

WHEREAS, Chapter 791 of the Texas Government Code provides authorization for local governments to contract amongst themselves for the performance of governmental functions and services;

WHEREAS, on or about August 6, 2013, County and City entered into a Master Interlocal Agreement ("Agreement"), whereby County agreed to provide partial funding for certain duly qualified "Type B" road and bridge maintenance projects, said projects situated within the territorial limits and jurisdiction of City; and

WHEREAS, City now desires County to provide partial funding for such a duly qualified project, consisting of making full depth repairs, milling the surface, applying an asphalt overlay and restriping, all on public roadway situated in the City as more fully described on Attachment "A";

NOW THEREFORE THIS PSA is made by and entered into by County and City, for the mutual consideration stated herein.

Witnesseth

Article I.

Project Specific Agreement

This PSA is specifically intended to identify a Project authorized under the Master Agreement. This document sets forth the rights and responsibilities pertaining to each party hereto, and is additional and supplemental to the Master Agreement, and all amendments and supplements thereto, which are incorporated herein. All terms of the Master Agreement remain in full force and effect, except as modified herein. In the event of any conflict between the Master Agreement and this PSA, this PSA shall control.

Article II
Incorporated Documents

This PSA incorporates, as if fully reproduced herein word for word and number for number, the following items:

1. Master Interlocal Agreement authorized by County Commissioners Court Order. 2013-12264, dated August 6, 2013, and additions thereto as incorporated herein,
2. Initial Projected Project Cost (Attachment "A"), and
3. Map/Diagram of the Proposed Work Site (Attachment "B").

Article III
Term of Agreement

This PSA becomes effective when signed by the last party whose signature makes the agreement fully executed and shall terminate upon the completion and acceptance of the Project by City or upon the terms and conditions in the Master Agreement.

Article IV
Project Description

This PSA is entered into by the parties for purpose of jointly identifying and funding repair, maintenance and improvements on duly qualified "Type B" public roadway within the City of Rowlett, Texas. The Project shall consist of consisting of making full depth repairs, milling the surface, applying an asphalt overlay and restriping, in enumerated blocks of designated public streets, in the City of Rowlett, Texas, (hereinafter "Project"), and as more fully described in Attachments "A" and "B". The Project is authorized by the aforementioned Master Interlocal Agreement, with the parties' obligations and responsibilities governed thereby, as well as by the terms and provisions of this PSA. The Project will facilitate the safe and orderly movement of public transportation to benefit both the City and County.

Article V.
Fiscal Funding

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of County funding for each item and obligation contained herein. City shall have no right of action against the County of Dallas as regards this PSA, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of City funding for each item and obligation contained herein. County shall have no

right of action against the City as regards this PSA, specifically including any funding by City of the Project in the event that the City is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Article VI

Agreements

I. City's Responsibilities:

1. Where necessary, City, at its own expense, shall be responsible for the following: (a) managing construction of the Project; (b) informing the public of the proposed reconstruction of the Project; (c) locating all manholes, water valves, and other utilities within the Project; (d) making or causing to be made all utility relocations or adjustments necessary for execution and completion of the Project; (e) acquiring any right-of-way necessary to complete the Project; (f) remediating any hazardous or regulated material, or any other environmental hazard in the Project location; (g) receiving and processing all payments due contractors City hires to work on the Project; (h) contracting through formal bidding procedures to acquire the services of contractors; and (i) furnishing materials, labor, and equipment necessary to perform the Project construction.
2. City shall be responsible for all maintenance on or about the Project site.

II. County Responsibilities and Rights:

1. County shall only reimburse City for proportionate Project Costs, as more fully set forth in Section III below.
2. County, its Auditor or its designated representative(s) shall have the unrestricted right to audit any and all accounting or other records regarding any funds paid or claimed under this agreement, including, but not limited to all books, records, reports, tickets, deposits, expenditures, budget or any item therein, supporting data, computer records and programs, and all items of hardware, software or firmware, or any other item utilized by the City regarding this agreement. City agrees that all related records shall be retained for a period of time not less than four (4) years from the date of the termination of this Agreement. Such records shall be provided to the County in Dallas County, Texas and available for any audit at any time upon request. The results of any audit may be furnished to City for comment.
3. In the event that any audit shall determine that funds are due and owing to County, such sums shall be due and payable to County within thirty (30) days of the date that an invoice for same is provided to City.

III. Funding:

County and City mutually agree that the initial and anticipated Project Cost is \$407,317.00, as set forth in the attached Exhibit "A". The parties hereto further agree that City shall be totally responsible for the construction and maintenance of said Project, and that County shall only be responsible to City for a contribution, in the form of reimbursement, of \$150,000.00, which amount shall not exceed Fifty Percent (50%) of the initial and anticipated Project Cost.

City and County further agree as follows:

1. Should the final cost of the Project exceed the initial and anticipated Project Costs, City agrees to either reduce the scope of the Project, or to seek additional funding to facilitate its completion. In either event, City shall be solely responsible for all such costs in excess thereof, and County shall bear no additional responsibilities beyond those contemplated herein, and
2. City shall submit timely invoices to County, which invoices shall provide complete information and documentation to substantiate City's charges, and which shall not be for periods of work totaling less than thirty (30) days. County's acceptances of City's invoices are contingent upon City's compliance with County's invoicing procedures. County may withhold any disputed amounts until such time as the underlying dispute is resolved to County's satisfaction, but shall pay all undisputed amounts timely. City understands and acknowledges that occasionally there might be short-term delays in the County's review and processing of invoices. Should such reasonable and necessary delays occur, City agrees that shall not place the County in default of this Agreement.

Article VII

Miscellaneous:

- I. **Indemnification. County and City agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or City or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.**
- II. **No Third Party Beneficiaries. The terms and provisions of this PSA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of County and City that any entity other than County or City receiving services or benefits under this PSA shall be deemed an incidental beneficiary only. This PSA is intended only to set forth the contractual right and responsibilities of the parties hereto.**
- III. **Applicable Law. This PSA is and shall be expressly subject to the County's and City's Sovereign Immunity and/or Governmental Immunity of City, Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable Federal and State Law. This PSA shall be governed by and construed in accordance with the laws of the State of Texas. Exclusive venue for any legal action regarding this PSA shall lie in Dallas County, Texas.**

- IV. Notice. All notices, requests, demands, and other communication under this PSA shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, via e-mail, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:

Commissioner Mike Cantrell
Road & Bridge District # 2
1701 N. Collins, Ste. 1000
Richardson, Texas 75080

and

Alberta Blair, Director
Dallas County Public Works
411 Elm Street, Suite 400
Dallas, Texas 75202

CITY:

Brian Funderburk, City Manager
City of Rowlett
4000 Main Street
Rowlett, Texas 75030

- V. Assignment. This PSA may not be assigned or transferred by either party without the prior written consent of the other party.
- VI. Binding Agreement; Parties Bound. Upon execution by the parties, this PSA shall constitute a legal, valid and binding obligation of the parties, their successors and permitted assigns.
- VII. Amendment. This PSA may not be amended except in a written instrument specifically referring to this PSA and signed by the parties hereto.
- VIII. Counterparts. This PSA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- IX. Severability. If one or more of the provisions in this PSA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this PSA to be invalid, illegal or unenforceable, but this PSA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this PSA, which shall remain in full force and effect.
- X. Entire Agreement. This PSA embodies the complete agreement of the parties, and except where noted, it shall supersede previous and/or contemporary agreements, oral or written, between the parties and relating to matters in the PSA.
- XI. Contingent. This PSA is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by Resolution of the governing body of the City of Lancaster.

The City of _____, State of Texas, has executed the Agreement pursuant to duly authorized City Council Resolution _____, Minutes _____ Dated the _____ day of _____, 20__.

The County of Dallas, State of Texas, has executed this agreement pursuant to Commissioners Court Order Number _____ and passed on the _____ day of _____, 20__.

Executed this the _____ day of _____, 20__.

Executed this the _____ day of _____, 20__.

CITY OF ROWLETT:

COUNTY OF DALLAS:

TODD GOTTELL
MAYOR

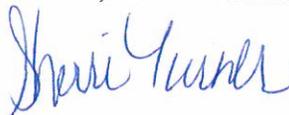
CLAY LEWIS JENKINS
DALLAS COUNTY JUDGE

ATTEST:

APPROVED AS TO FORM:
CRAIG WATKINS
DISTRICT ATTORNEY

CITY SECRETARY

TERESA GUERRA SNELSON
CHIEF, CIVIL DIVISION



SHERRI TURNER
ASSISTANT DISTRICT ATTORNEY

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ATTACHMENT "A"

PROJECT DESCRIPTION & COST
DALLAS COUNTY CONTRACT INTERLOCAL AGREEMENT
 City of Rowlett: 2015 Asphalt Maintenance Program
Type B Roadways

| Location | From | To | Activity | Length | Width | S/Y | Depth or Thickness | Tons | From Plant | Cost per. Ton | Cost per. Mile | Per Ton Delivered & Installed | Total Cost |
|---------------------------|-----------------|-------------------|--|--------|-------|--------|--------------------|------|------------|---------------|----------------|-------------------------------|-------------|
| LIBERTY GROVE ROAD | Russell Drive | Elm Grove Road | 2" Type D Overlay | 4,200 | 25 | 11,667 | 2 | 1283 | 19 | \$65.65 | \$7.50 | \$73.15 | \$93,875.83 |
| Turn Lane | Bent Tree Drive | Dalrock Road | 2" Type D Overlay | 1,000 | 12 | 1,333 | 2 | 147 | 19 | \$65.65 | \$7.50 | \$73.15 | \$10,728.67 |
| Transition 4 lane to 2 | Russell Drive | Concrete Pavement | 2" Type D Overlay | | | 600 | 2 | 66 | 19 | \$65.65 | \$7.50 | \$73.15 | \$4,827.90 |
| | | | Mill off 2' full width of the old asphalt surface | | | 13,600 | 2 | | | \$3.00 | | | \$40,800.00 |
| | | | Install thermoplastic pavement markings (4" double yellow, 4" white, crosswalk, left turn arrows and reflective pavement marker) | | | | | | | | | | \$31,479.00 |
| \$181,711.40 | | | | | | | | | | | | | |

| Location | From | To | Activity | Length | Width | S/Y | Depth or Thickness | Tons | From Plant | Cost per. Ton | Cost per. Mile | Per Ton Delivered & Installed | Total Cost |
|---------------------|--------------------|-----------------|---|--------|-------|-------|--------------------|------|------------|---------------|----------------|-------------------------------|-------------|
| DALROCK ROAD | Liberty Grove Road | Lake North Road | 2" Type D Overlay | 2,300 | 26 | 6,644 | 2 | 731 | 19 | \$65.65 | \$7.50 | \$73.15 | \$53,464.52 |
| Turn Lane | Liberty Grove Road | Lake North Road | 1.5 Type D Overlay | 2,300 | 26 | 6,644 | 2 | 548 | 19 | \$65.65 | \$7.50 | \$73.15 | \$40,098.39 |
| Radial | Liberty Road | | 2" Type D Overlay | 171 | 12 | 228 | 2 | 25 | 19 | \$65.65 | \$7.50 | \$73.15 | \$1,834.60 |
| | | | 2" Type D Overlay | | | 115 | 2 | 13 | 19 | \$65.65 | \$7.50 | \$73.15 | \$7,549.75 |
| | | | Install thermoplastic pavement markings (4" double yellow, 4" white, stop bars, left turn arrows and reflective pavement markers) | | | | | | | | | | \$14,171.00 |
| \$117,118.27 | | | | | | | | | | | | | |

| Location | From | To | Activity | Length | Width | S/Y | Depth or Thickness | Tons | From Plant | Cost per. Ton | Cost per. Mile | Per Ton Delivered & Installed | Total Cost |
|---------------------|--------------|-------------|---|--------|-------|-------|--------------------|------|------------|---------------|----------------|-------------------------------|-------------|
| CHIESA ROAD | Lagoon Drive | Miller Road | 2" Type D Overlay | 1,750 | 26 | 5,056 | 2 | 556 | 19 | \$65.65 | \$7.50 | \$73.15 | \$40,679.53 |
| | | | 2" Type B Binder | 1,750 | 13 | 2,528 | 2 | 278 | 19 | \$62.45 | \$7.50 | \$69.95 | \$19,449.99 |
| | | | Mill off 2' full width of the old asphalt surface | 1,750 | 26 | 5,056 | 2 | | | \$4.05 | | | \$20,475.00 |
| | | | Full Depth Repairs: Pulverize pavement to a depth of 8 inches, incorporate cement at 28lbs per sy. | 1,750 | 13 | 2,528 | 8 | | | \$7.05 | | | \$17,920.83 |
| | | | Install thermoplastic pavement markings (4" double yellow, 4" white) and reflective pavement markers) | | | | | | | | | | \$10,062.00 |
| \$108,487.35 | | | | | | | | | | | | | |

| | |
|--------------------|-----------|
| Total Project Cost | \$407,317 |
| Dallas County | \$150,000 |
| City of Rowlett | \$257,317 |

ATTACHMENT "B"



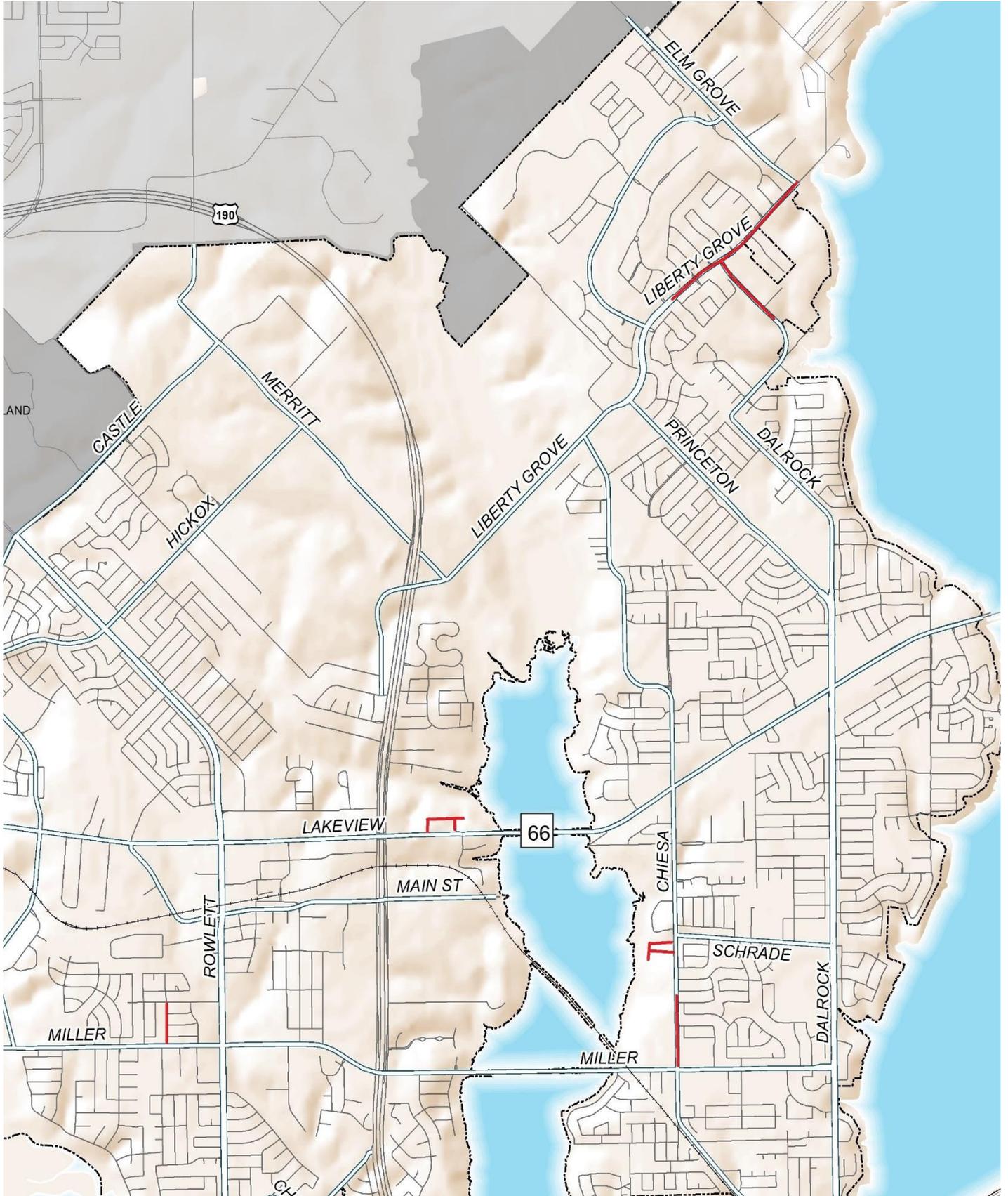
Liberty Grove Road from Russell Drive to Elm Grove Road
And
Dalrock Road from Liberty Grove Road to Lake North Road

ATTACHMENT "B"



Chiesa Road from Lagoon Drive to Miller Road

Attachment 1





City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7D

TITLE

Consider action to approve a resolution awarding the third of four one-year renewal options to extend the price agreement with Nortex Concrete Lift and Stabilization, Incorporated for pavement leveling services in the unit amount as amended and an annual amount of \$125,000 through the Interlocal Cooperative Purchase Agreement with the City of Grand Prairie, and authorizing the Mayor to execute the necessary documents for said services.

STAFF REPRESENTATIVE

Tim Rogers, Director of Infrastructure Services

Robbin Webber, Assistant Director of Infrastructure Services

SUMMARY

Included in the approved FY2015 budget is funding for pavement and leveling services. The purpose of this item is to award the third of four one-year renewal options to extend the agreement with Nortex Concrete Lift and Stabilization, Incorporated for pavement leveling services in the unit amount as amended and an annual amount of \$125,000 through the Interlocal Cooperative Purchase Agreement with the City of Grand Prairie.

BACKGROUND INFORMATION

The City of Rowlett entered into an Interlocal Purchasing Agreement with the City of Grand Prairie on April 15, 2008.

In 2011, the City of Grand Prairie solicited bids as per RFB #12001 for Pavement Leveling Services and awarded a contract to Nortex Concrete Lift and Stabilization, Incorporated ("Nortex") in the unit price bid of \$3.31 per pound for polyurethane slab jacking. The effective date was November 2, 2011, for an initial term of one-year with the option to renew for four additional one-year periods. On October 1, 2012, Grand Prairie approved an amendment to extend the agreement for the first one-year renewal expiring on November 2, 2013, and to increase the unit amount by \$0.13 per pound for a revised cost of \$3.44 per pound for polyurethane slab jacking. On September 25, 2013, the City Council of the City of Grand Prairie approved the second of four one-year renewal options. On August 12, 2014, the City of Grand Prairie approved the third of four one-year renewal options. The third term will be effective on November 2, 2014, through November 1, 2015.

September 17, 2013, City Council approved an increase in the funding of \$25,000 for the FY2014 Adopted Budget.

November 5, 2013, the City Council of the City of Rowlett approved Resolution Number RES-099-13 awarding the second of four one-year renewal options to extend the price agreement with Nortex Concrete Lift and Stabilization, Incorporated for pavement leveling services in the unit amount as amended and an annual amount of \$125,000 through the Interlocal Cooperative Purchase Agreement with the City of Grand Prairie.

DISCUSSION

As indicated above, the City of Grand Prairie has an outstanding agreement with Nortex Concrete Lift and Stabilization, Incorporated for Pavement Leveling Services. And, the City of Rowlett has approved an Interlocal Agreement with Grand Prairie to cooperatively purchase these services through the contract between the City of Grand Prairie and Nortex. The City of Rowlett has been utilizing these services since FY2007.

City staff has determined High Density Polyurethane Foam Injection gives the City another cost effective tool to help us preserve the overall PCI rating of existing roads. This is achieved by injecting high density polyurethane foam underneath the concrete pavement filling voids and providing structural support. Listed below are some additional benefits of using this product.

- Projects can be completed in hours and days instead of weeks using the traditional method of panel replacement.
- Reduces the need for longer term lane closures on our arterials and collectors.
- The cost savings can be up to 75 percent compared to panel replacement.

The foam injection process has proved to be a very cost effective way of extending the life of concrete pavement and the program has been very successful. In FY2014, Nortex stabilized 56 locations with 3,700 square yards of pavement, which is equal to .53 lane miles. This is only 15 percent of the cost it would take to rebuild a section of pavement of equal length.

City staff will prepare the standard public works construction contract as written and approved by the City Attorney for execution of said services.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of \$125,000 is available in CIP funds budget for pavement stabilization in account code 398-8201-521.80-02, project code ST2080.

| Budget Account Number and/or Project Code | Account or Project Title | Budget Amount | Proposed Amount |
|---|---|------------------|------------------|
| ST2080 | Foam Injection/Pavement Leveling #398-8201-521-8002 | \$125,000 | \$125,000 |
| Total | | \$125,000 | \$125,000 |

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution awarding the third of four one-year renewal options to extend the price agreement with Nortex Concrete Lift and Stabilization,

Incorporated for pavement leveling services in the unit amount as amended in an annual amount of \$125,000 through the Interlocal Cooperative Purchase Agreement with the City of Grand Prairie and authorize the Mayor to execute the necessary documents for said services.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE THIRD OF FOUR ONE-YEAR RENEWAL OPTIONS TO EXTEND THE PRICE AGREEMENT WITH NORTEX CONCRETE LIFT AND STABILIZATION, INCORPORATED FOR PAVEMENT LEVELING SERVICES IN THE AMOUNT OF \$125,000 THROUGH THE INTERLOCAL COOPERATIVE PURCHASE AGREEMENT WITH THE CITY OF GRAND PRAIRIE AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID SERVICES; AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to provide pavement leveling services at various street locations within the City of Rowlett; and

WHEREAS, the City of Rowlett has entered into an Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie on April 15, 2008; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise such bids as amended with Nortex Concrete Lift and Stabilization Incorporated for pavement leveling services as per RFB #12001 and establish an agreement for the third one-year renewal which expires on November 16, 2015.

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

Section 1: The City of Rowlett does hereby approve exercising the third of four one-year renewal options to extend the price agreement with Nortex Concrete Lift and Stabilization, Incorporated for pavement leveling services in the unit amount as amended and an annual amount of \$125,000 through the interlocal cooperative purchase agreement with the City of Grand Prairie.

Section 2: The City of Rowlett does hereby authorize the Mayor to execute the necessary documents for said services and to issue purchase orders to conform to this resolution.

Section 3: This resolution shall become effective immediately upon its passage.

ATTACHMENT

Exhibit A – Nortex & City of Grand Prairie Renewal

ID

4297

Department:
Purchasing for Streets

Vendor Name:
Nortex Concrete Lift & Stabilization

Project Name:
12001 R3 Pavement Leveling Srv - Nortex - amendment **3**

Work Order Number(s):

Account Number:
232010-01210101-63030

Contract Amount:
\$266,935.00

Implementation Date:
11/2/2014

Termination Date:
11/1/2015

City Council Appr. Date:
11/1/2011

Insurer A Name:
Admiral Ins Co

Insurer A Expiration:
11/9/2014

Insurer B Name:
American Home Assurance AIG

Insurer B Expiration:
12/7/2014

Insurer C Name:
State Farm

Insurer C Expiration:
7/1/15

Insurer D Name:

Insurer D Expiration:

Insurer E Name:

Insurer E Expiration:

Return Executed Copy To:
purchasing interoffice mail

Department Manager Signature:

Daphne C. Meier

Date: *KR*

August 7, 2014

City Attorney Signature:

[Signature]

Date:
8/11

City Manager/Deputy City Manager Signature:

[Signature]

Date:
8/12/14

City Secretary Signature:

cd

Date:
8/12/2014

AMENDMENT TO PRICE AGREEMENT CONTRACT
NON MONETARY CHANGE
CITY OF GRAND PRAIRIE

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

THIS AMENDMENT is made and entered into this date by and between the **CITY OF GRAND PRAIRIE**, a Texas municipal corporation (hereinafter referred to as the "CITY", and **NORTEX CONCRETE LIFT & STABILIZATION** (hereinafter referred to as "VENDOR").

WHEREAS, the CITY and VENDOR have entered into a price agreement to provide pavement leveling services per bid award resulting from vendor's response to RFB #12001, submitted by David Simpson on October 3, 2011; and

WHEREAS, the above referenced agreement was for an initial term of one year with the option to renew for four additional one year periods, totaling \$1,334,675.00 if all extensions were exercised. This Contract was effective as of November 2, 2011, and was to terminate at midnight on November 1, 2012, unless the parties mutually agreed in writing to extend the term of the Contract through an allowable renewal option, or, unless otherwise terminated as provided in provided in paragraph XVI of the original contract; and

WHEREAS, the first of four available renewal options was executed on October 1, 2012 and extended the term of the contract through November 1, 2013; and

WHEREAS, the second of four available renewal options was executed on September 25, 2013 and extended the term of the contract through November 1, 2014; and

NOW, THEREFORE, for and in consideration of the mutual acts and covenants set out herein, the parties agree as follows:

1. The parties mutually agree to extend the term of the contract and execute the third of the four available renewal options and extend the contract expiration to midnight on November 1, 2015 at which time all of the work called for under this Contract must be completed unless the parties mutually agree in writing to extend the term of the Contract through an additional allowable renewal option, or, unless otherwise terminated as provided in paragraph XVI of the original contract; and
2. The estimated annual amount to be paid to VENDOR under such contract shall remain the sum of \$266,935.00, to reflect the contract renewal; and
3. This shall constitute an Authorization for extension of price agreement as set out in the agreement between the parties, and an amendment to such contract. All of the terms and conditions of the original contract shall remain in full force and effect, as amended hereto, unless set out otherwise herein.

EXECUTED this the 12th day of August, 2014.

CITY OF GRAND PRAIRIE, TEXAS

NORTEX CONCRETE LIFT & STABILIZATION

By: 
Tom Cox, Deputy City Manager

By: 
Printed
Name: DAVID S. SIMPSON

ATTEST:

Title: GM


Cathy E. DiMaggio, City Secretary

APPROVED AS TO FORM:


Donald R. Postell, City Attorney



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/14/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | |
|---|---|------------------------------------|
| PRODUCER BondTex Agency 8101 Boat Club Rd Suite 360 Fort Worth, TX 76179 | CONTACT NAME: Rachelle Harris PHONE (A/C, No, Ext): 817-747-2663 E-MAIL ADDRESS: rharris@bondtexagency.com | FAX (A/C, No): 817-747-6660 |
| | INSURER(S) AFFORDING COVERAGE | |
| INSURED Nortex Concrete Lift & Stabilization, Inc. 201 NW 26th St Fort Worth TX 76164 | INSURER A: Admiral Insurance Company | |
| | INSURER B: American Home Assurance - AIG | |
| | INSURER C: | |
| | INSURER D: | |
| | INSURER E: | |
| | INSURER F: | |

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WYD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-----------|----------|----------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> OCP GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: | X | X | CA000017138-02 | 11/09/2013 | 11/09/2014 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | | | | | | <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$ |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | X | 9674583-12 | 12/07/2013 | 12/07/2014 | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Contract for Pavement Leveling Services - RFB #12001

| | |
|--|--|
| CERTIFICATE HOLDER City of Grand Prairie Purchasing Division PO Box 534045 Grand Prairie, TX 75053-4045 Attention: Angie Mize Purchasingfax@gptx.org Fax 972-237-8265 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Rachelle Harris <i>Rachelle Harris</i> |
|--|--|

ACORD **CERTIFICATE OF LIABILITY INSURANCE** DATE (MM/DD/YYYY)
07/03/2014

PRODUCER
HALEY CARTER STATE FARM
328 W MAIN ST., STE 1
AZLE, TX 76020

THIS CERTIFICATE IS ISSUED AS MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.



INSURERS AFFORDING COVERAGE **NAIC #**

INSURED
NORTEX CONCRETE LIFT & STABILIZATION, INC.
201 NW 26TH ST
FORT WORTH, TX 76164

| | |
|---|--|
| INSURER A: State Farm Mutual Auto Insurance Company 25178 | |
| INSURER B: | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | ADD'L INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS | | | | | | | | |
|-----------------------------|-------------|--|----------------|----------------------------------|-----------------------------------|--|---------------------|-------|--------------------|----|----------------------------|----|-----------------------------|----|
| | | GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ | | | | | | | | |
| A | X | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | 96 0737-A01-43 | 07/01/14 | 07/01/15 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ | | | | | | | | |
| | | GARAGE LIABILITY <input type="checkbox"/> ANY AUTO | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$ | | | | | | | | |
| | | EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$ | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$ | | | | | | | | |
| | | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below | | | | <table border="1"> <tr> <td>WC STATUTORY LIMITS</td> <td>OTHER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> </tr> </table> | WC STATUTORY LIMITS | OTHER | E.L. EACH ACCIDENT | \$ | E.L. DISEASE - EA EMPLOYEE | \$ | E.L. DISEASE - POLICY LIMIT | \$ |
| WC STATUTORY LIMITS | OTHER | | | | | | | | | | | | | |
| E.L. EACH ACCIDENT | \$ | | | | | | | | | | | | | |
| E.L. DISEASE - EA EMPLOYEE | \$ | | | | | | | | | | | | | |
| E.L. DISEASE - POLICY LIMIT | \$ | | | | | | | | | | | | | |
| | | OTHER | | | | | | | | | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 CITY OF GRAND PRAIRIE IS LISTED AS ADDITIONAL INSURED WITH WAIVER OF SUBROGATION.
 RE: RENEWAL OF PRICE AGREEMENT CONTRACT FOR PAVEMENT LEVELING SERVICES - RFB #12001.

CERTIFICATE HOLDER

CITY OF GRAND PRAIRIE
 PO BOX 534045
 GRAND PRAIRIE, TX 75053-4045

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
 Judy Butler, SSA

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7E

TITLE

Consider a resolution approving a request for alternative building materials for a proposed single family home, new construction, located at 1417 Shadybrook Lane, being further described as Lot 16, Block A of the Pecan Harbor Estates Addition to the City of Rowlett, TX, Dallas County (DP14-746).

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

This is an Alternative Building Material (ABM) request to allow a new single family home utilizing stucco as one of the main exterior materials. Per the Rowlett Development Code (RDC), new single family construction requires 100 percent brick and/or stone exterior. Alternative materials such as stucco may be recommended by the Planning and Zoning Commission and may be approved by the City Council. The Planning and Zoning Commission unanimously recommended approval of this item at their October 28, 2014, regular meeting. The discussion can be viewed at the following link as item C2: <http://rowlettx.swagit.com/play/10282014-1352> .

BACKGROUND INFORMATION

The subject property is located at 1417 Shadybrook Lane, (Attachment 1 - Location Map) and is zoned Single Family Residential – 10. The applicants, Mark and Toni Skipalis, are proposing to construct a new single family home (Attachment 2- Letter of Intent) with an exterior composed of 71 percent stucco with the remaining exterior material being stone (Exhibit A – Elevations). The façade facing the street will consist primarily of stone while the side and rear elevations will consist primarily of stucco. While the final colors have not been determined, it is the owners' intent to use earth tones similar to what is shown on the elevations included in this request.

There are at least two other homes within close proximity to the subject property in the Pecan Harbor Estates subdivision that have stucco exteriors- 4202 Shadybrook Lane and 4302 Running Brook Lane (Attachment 3 – Homes in the Area Using Stucco). While these prior approvals do not set a precedence, allowing stucco at 1417 Shadybrook Lane would not be out of character with the similar materials used in the area.

DISCUSSION

Per Section 77-508.C.1 of the RDC, 100 percent masonry exterior construction is required:

“(a) Buildings shall be of 100 percent brick and/or stone masonry construction per elevation, exclusive of roofs, doors, windows, dormers, and gables over

the entrance of an extended garage. All chimneys shall be of masonry construction in conformance and compliance with current building codes. Masonry chimney construction visible from the outside of the structure shall be of masonry units of brick or stone similar in appearance to the masonry utilized for the exterior elevations of the structure.

- (b) *Alternatives to masonry construction may be recommended by the planning and zoning commission and may be approved by the city council.”*

The intent of the code is outlined in Section 77-508.A. of the RDC, “The standards of this section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for Rowlett's neighborhoods.” Although the material does not meet the code, the intent is met because of stucco’s durability, curb appeal and its versatility. Stucco is also weather-resistant, fire-resistant and impact-resistant. It primarily consists of a mixture of Portland cement, sand, lime and water.

Considering the quality of the material and the existence of similar architecture within close proximity to the subject property, Staff finds the request is acceptable and meets the intent of the Rowlett Development Code.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval of this request.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, GRANTING A MINOR MODIFICATION TO ALLOW FOR ALTERNATE EXTERIOR BUILDING MATERIALS FOR A SINGLE FAMILY HOME LOCATED AT 1417 SHADYBROOK LANE, BEING FURTHER DESCRIBED AS LOT 16, BLOCK A OF THE PECAN HARBOR ESTATES ADDITION TO THE CITY OF ROWLETT, TEXAS, DALLAS COUNTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and where the governing body have legislative discretion and has concluded that this resolution is in the best interest of the City of Rowlett;

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

Section 1: That a single family home located at 1417 Shadybrook Lane, being further described as Lot 16, Block A of the Pecan Harbor Estates Addition to the City of Rowlett, Texas, Dallas County, be and is hereby granted a minor modification from the 100% brick and/or stone masonry building exterior requirements to allow for alternate exterior building materials, specifically to allow ¾ inch cement based stucco, as shown on Exhibit 'A', Architectural Elevations.

Section 2: That should any sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this resolution as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

Section 3: That this resolution shall take effect immediately from and after its passage and the publication of the caption of said resolution as the law in such case provides.

ATTACHMENTS

Exhibit A – Elevations

Attachment 1 – Location Map

Attachment 2 – Letter of Intent

Attachment 3 – Examples of other homes in the area that utilize stucco.

NEW RESIDENCE at
SHADYBROOK LANE
for
Mark and Toni Skipalis
8314 Greenspoint Drive, Rowlett, TX 75088

William Michael & Associates, P.L.L.C.
ARCHITECTURE PLANNING

6724 PENTRIDGE DRIVE
PLANO, TEXAS, 75024
PH 214.477.8053
william@wmhaynes.com
www.wmhaynes.com

PECAN HARBOR ESTATES, Lot 16, Block A: 1417 Shadybrook Lane, Rowlett, TX 75088

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DESIGN DEVELOPMENT SET
SUBMITTED ON MAY 8, 2014

PRICING ISSUE SET:
JULY 3, 2014

BUILDING FACADE/ELEVATION PLAN
10/14/14

PERMIT SET ISSUE:
TBD

REVISIONS

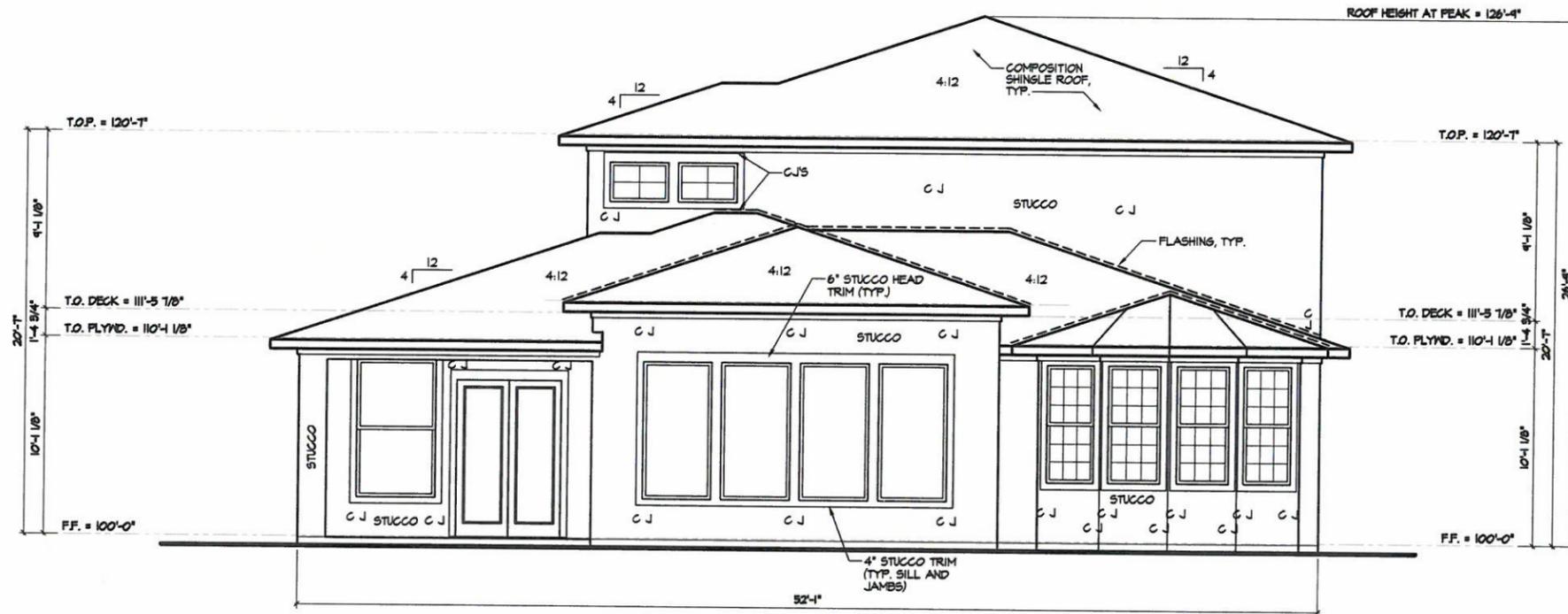
13-1024

A2.4
EXTERIOR
ELEVATIONS



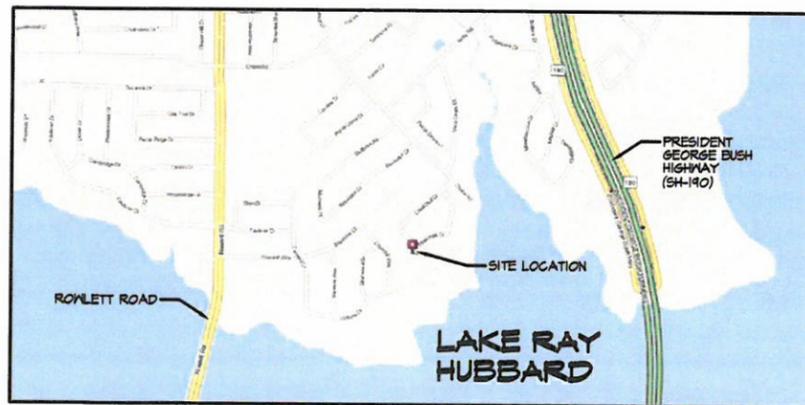
01) NORTHEAST (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"

| BUILDING MATERIAL CALCULATIONS | | |
|--------------------------------|--------------------------|-------------------------|
| ELEVATION | STUCCO AREA (PERCENTAGE) | STONE AREA (PERCENTAGE) |
| NORTHEAST (FRONT) | 175 SQ. FT. (26%) | 510 SQ. FT. (74%) |
| SOUTHWEST (REAR) | 448 SQ. FT. (100%) | 0 SQ. FT. (0%) |
| NORTHWEST (RIGHT) | 565 SQ. FT. (76%) | 176 SQ. FT. (24%) |
| SOUTHEAST (LEFT) | 861 SQ. FT. (85%) | 155 SQ. FT. (15%) |
| TOTALS | 2,049 SQ. FT. (71%) | 841 SQ. FT. (29%) |



02) SOUTHWEST (REAR) ELEVATION
SCALE: 1/8" = 1'-0"

SIGNAGE NOTE
ANY/ALL SIGNAGE IS SUBJECT TO FINAL APPROVAL UNDER SEPARATE APPLICATION/PERMIT BY THE CHIEF BUILDING OFFICIAL OR DESIGNEE.



BUILDING FACADE/ELEVATION PLAN

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DESIGN DEVELOPMENT SET
 SUBMITTED ON MAY 8, 2014

PRICING ISSUE SET:
 JULY 3, 2014

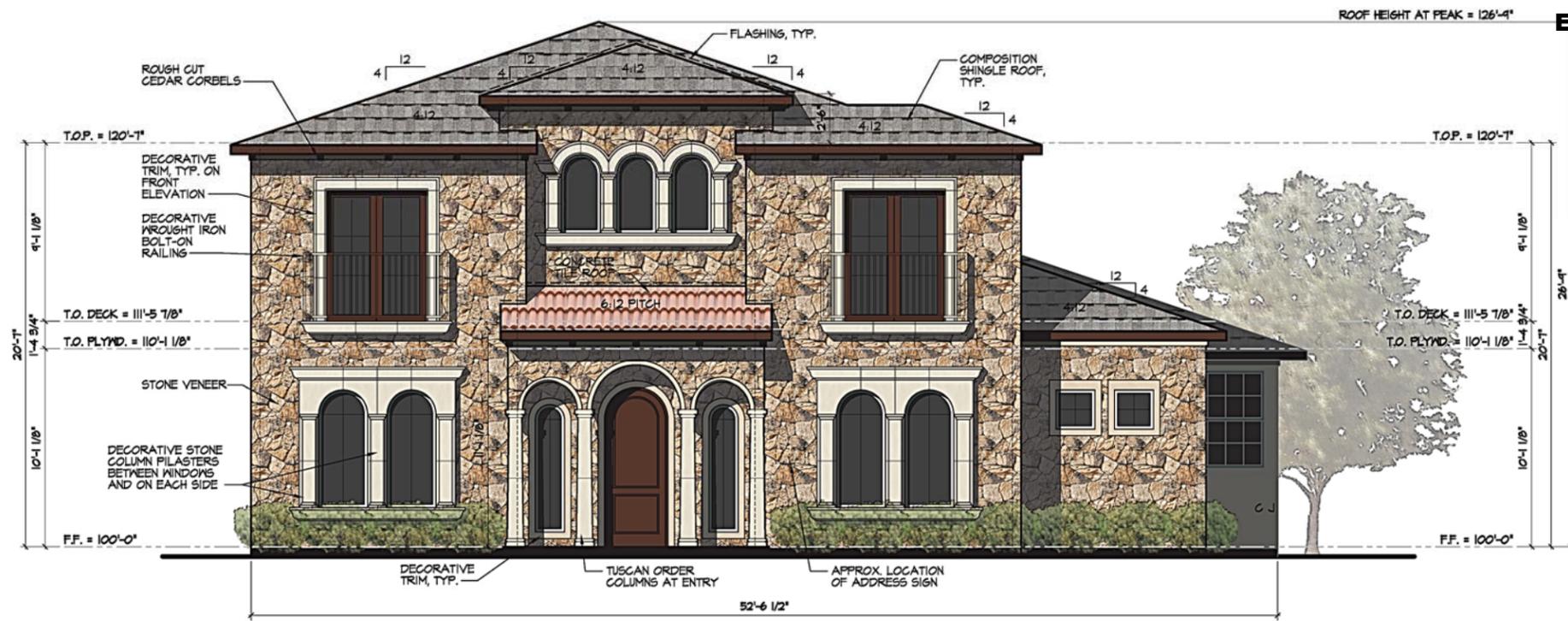
BUILDING FACADE/ELEVATION PLAN
 10/14/14

PERMIT SET ISSUE:
 TBD

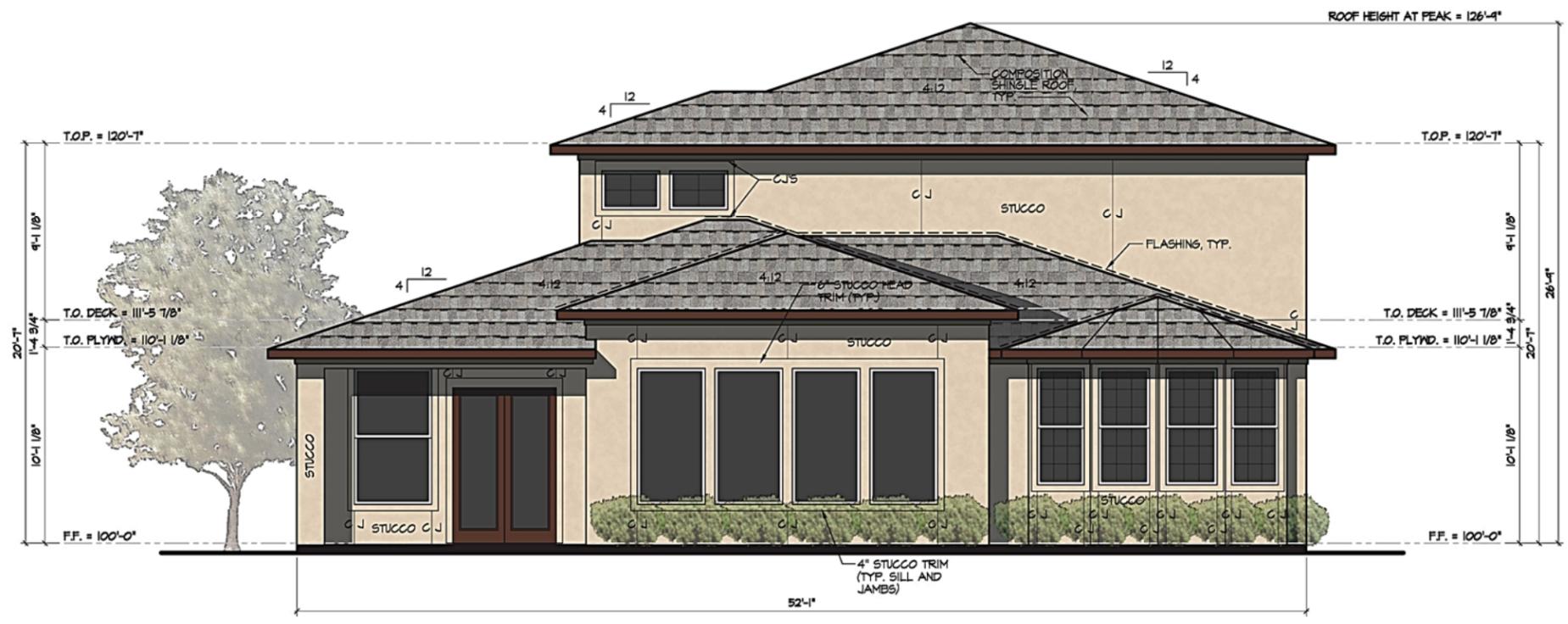
REVISIONS

13-1024

A2.4
 EXTERIOR ELEVATIONS



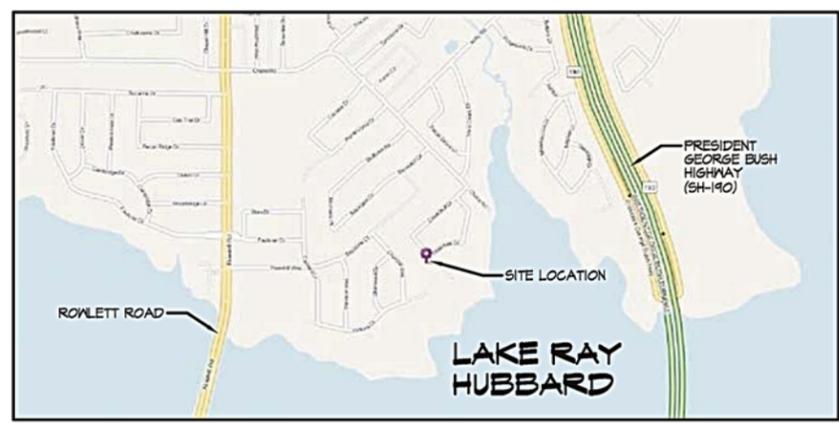
01) NORTHEAST (FRONT) ELEVATION
 SCALE: 1/8" = 1'-0"



02) SOUTHWEST (REAR) ELEVATION
 SCALE: 1/8" = 1'-0"

NOTE:
 ACTUAL STONE AND STUCCO COLORS MAY VARY DEPENDING ON FINAL COLOR SELECTION BY OWNER.

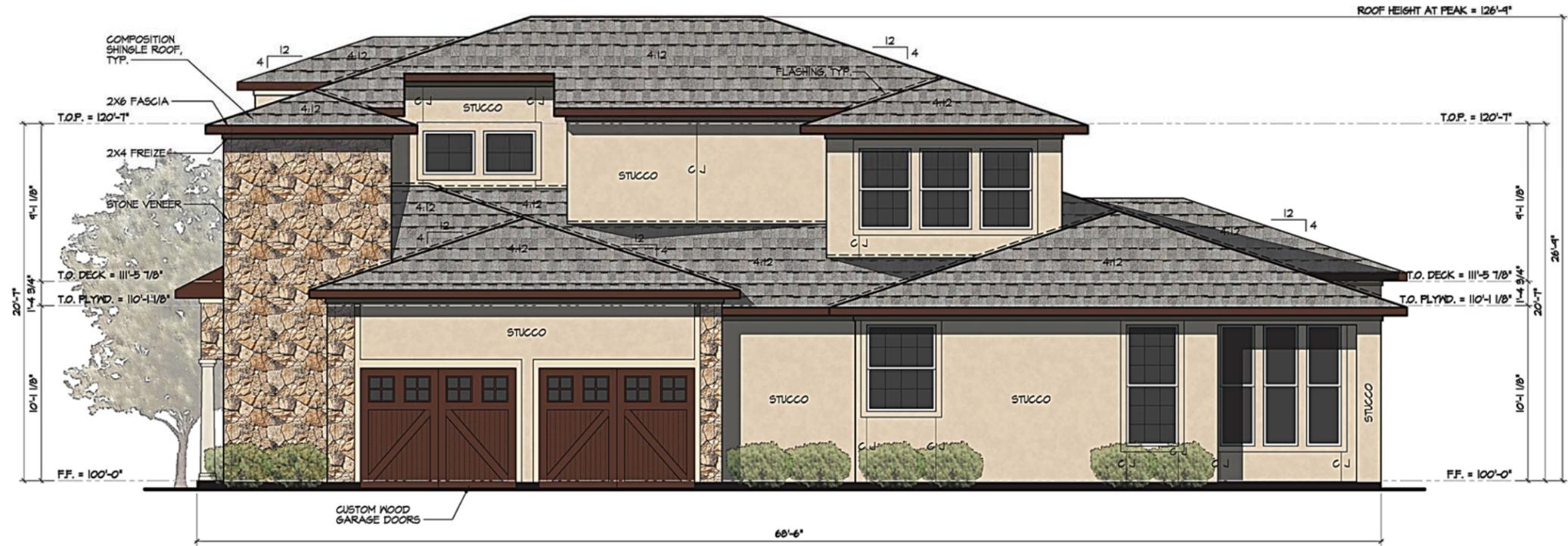
SIGNAGE NOTE
 ANY/ALL SIGNAGE IS SUBJECT TO FINAL APPROVAL UNDER SEPARATE APPLICATION/PERMIT BY THE CHIEF BUILDING OFFICIAL OR DESIGNER.



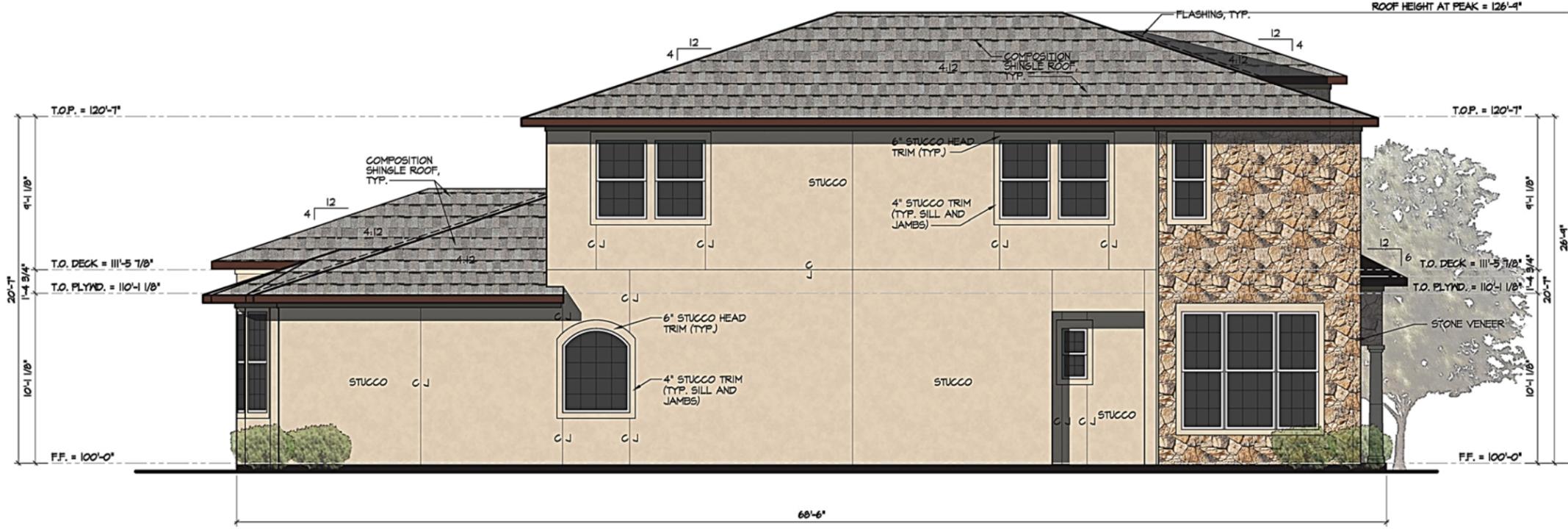
03) VICINITY MAP
 NOT TO SCALE

BUILDING FACADE/ELEVATION PLAN

PECAN HARBOR ESTATES, Lot 16, Block A: 1417 Shadybrook Lane, Rowlett, TX 75088



01) NORTHWEST (RIGHT) ELEVATION
SCALE: 1/8" = 1'-0"



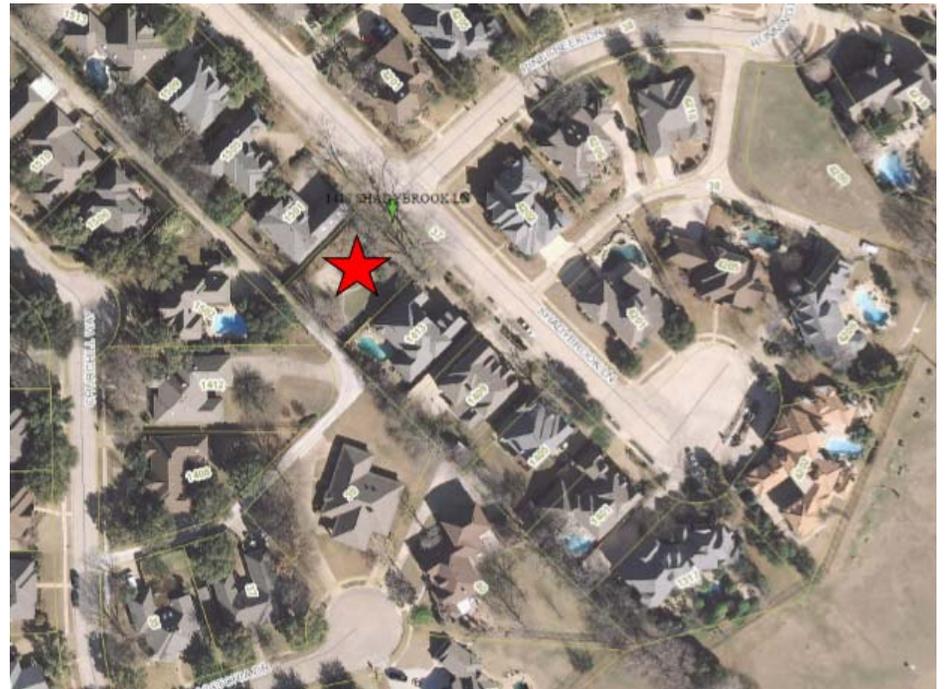
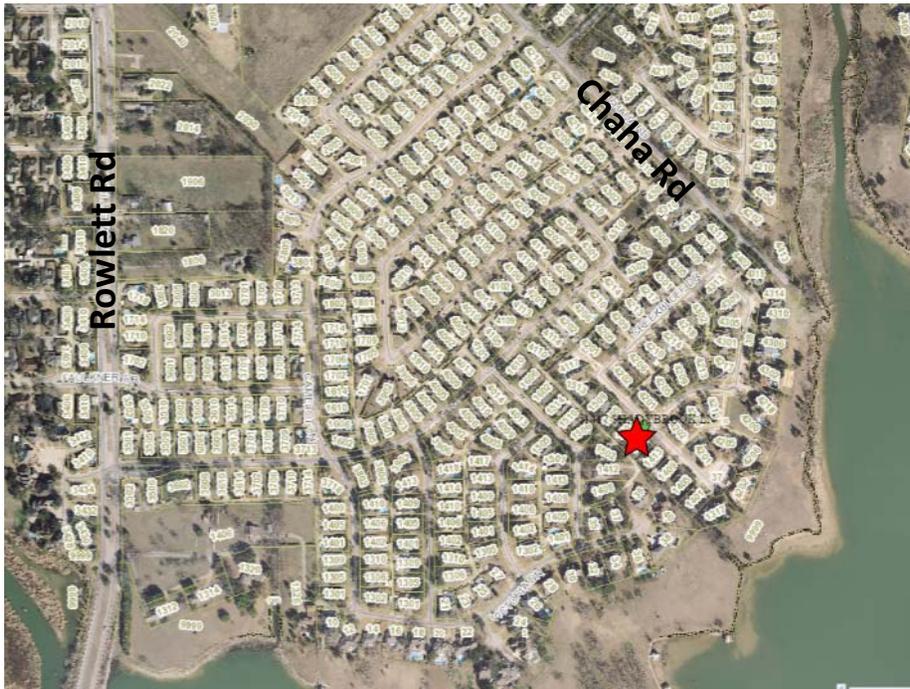
02) SOUTHEAST (LEFT) ELEVATION
SCALE: 1/8" = 1'-0"

NOTE:
ACTUAL STONE AND STUCCO
COLORS MAY VARY DEPENDING
ON FINAL COLOR SELECTION BY
OWNER.

SIGNAGE NOTE
ANY/ALL SIGNAGE IS SUBJECT TO FINAL APPROVAL UNDER SEPARATE
APPLICATION/PERMIT BY THE CHIEF BUILDING OFFICIAL OR DESIGNER.

BUILDING FACADE/ELEVATION PLAN

1417 Shadybrook Lane Location Map



Generally located in the SW quadrant of the City between
Rowlett Rd. and Chaha Rd.

Mark & Toni Skipalis
8314 Greenspoint Drive
Rowlett, TX 75088

October 13, 2014

Dear Planning and Zoning Board,

My wife and I have lived in the city of Rowlett for 14 years. We are preparing to build a new home in the Pecan Harbor Estates neighborhood. In the planning of our new home we have decided on Tuscan Villa style architecture. Stucco is a critical element in accomplishing this look and this letter is written to request a board variance and allow our home to have stucco veneer.

We feel a Tuscan Villa type of architecture would be appropriate for the elevation we have designed. Exterior stucco finish will also fit in well within the gated community of Pecan Harbor. In fact, other homes in the neighborhood also have stucco veneers.

We ask that the board grant our request to provide a variance for our future home located at 1417 Shadybrook Lane. William Haynes will be acting as our adjacent and architect of record for the referenced project.

Thank you for your consideration in this matter,

Mark Skipalis

Mark Skipalis



4202 Shadybrook Lane
(pictured above with a stucco/stone exterior)

BUILDING FACADE/ELEVATION PLAN

for residence at
1417 Shadybrook Lane, Rowlett, TX 75088
Lot 16, Block A of the Pecan Harbor Estates

Owners: Mark and Toni Skipalis
8314 Greenspoint Drive, Rowlett, TX 75088
Architect: William Michael & Associates, P.L.L.C.
6724 Pentridge Drive, Plano, TX 75024



4302 Running Brook Drive
(pictured above with a stucco/stone exterior)

BUILDING FACADE/ELEVATION PLAN

for residence at
1417 Shadybrook Lane, Rowlett, TX 75088
Lot 16, Block A of the Pecan Harbor Estates

Owners: Mark and Toni Skipalis
8314 Greenspoint Drive, Rowlett, TX 75088
Architect: William Michael & Associates, P.L.L.C.
6724 Pentridge Drive, Plano, TX 75024



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7F

TITLE

Consider action to approve a resolution approving the purchase of lighting fixtures from Graybar Electric Company, Inc. in the total amount of \$163,925 through the U.S. Communities Cooperative Purchasing Program and authorizing the City Manager to execute the necessary documents for said purchase.

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

On November 4, 2014, the City Council approved a Facilities Agreement with Arcadia Liberty Grove Development 1, LLC, for the purchase of lighting fixtures for the Homestead at Liberty Grove (via Resolution 109-14). As part of this agreement, Arcadia Liberty Grove Development 1, LLC, will escrow \$163,925 with the City of Rowlett.

This agenda item is a follow-up companion item to the Facilities Agreement that will allow the City to utilize these escrowed funds to purchase these lighting fixtures through the U.S. Communities Cooperative Purchasing Program.

BACKGROUND INFORMATION

The Homestead at Liberty Grove is located in the New Neighborhood Form-Based District (NN-FB) and is thus regulated by the City's Form Based Code (FBC). With regard to construction status, site grading for the development began in June 2014 and installation of wet utilities (e.g., water and sewer infrastructure) began in September 2014.

On November 4, 2014, the City Council approved a Facilities Agreement with Arcadia Liberty Grove Development 1, LLC, for the purchase of lighting fixtures for the Homestead at Liberty Grove (via Resolution 109-14). Also at the November 4, 2014, City Council Meeting, Ordinance 035-14 was adopted approving a Major Warrant pertaining to the lighting standards for the Homestead at Liberty Grove.

As previously stated, this resolution will allow for the purchase of the lighting fixtures through the U.S. Communities Cooperative Purchasing Program, which will later be installed at this development (See Attachment 1-Quotation, and Attachment 2-Sample Lighting Fixture).

DISCUSSION

As stated in the Background section of this report, the Homestead at Liberty Grove development is located in the NN-FB district. As such, one of the intents of the Form Based Code (FBC) is to

provide a high-quality development for current and future residents of the City. The lighting fixtures that will be purchased through this Resolution will provide a high quality component commensurate with the standards set in the FBC.

This agenda item will simply allow for the purchase of these lighting fixtures through the U.S. Communities Cooperative Purchasing Program. This cooperative purchase agreement allows for a significantly reduced price for these fixtures, which allows this neighborhood to add this high quality fixture at a reduced price. While the City of Rowlett will purchase these lighting fixtures, the payment of these fixtures will be made using escrowed funds by Arcadia Liberty Grove Development 1, LLC, who is the developer of Homestead at Liberty Grove.

FINANCIAL/BUDGET IMPLICATIONS

Arcadia Liberty Grove Development 1, LLC, will escrow \$163,925 with the City of Rowlett, and the City will use said funds to purchase lighting fixtures through the U.S. Communities Cooperative Purchasing Program.

RECOMMENDED ACTION

Move to approve a resolution approving the purchase of lighting fixtures from Graybar Electric Company, Inc. in the total amount of \$163,925 through the U.S. Communities Cooperative Purchasing Program and authorizing the City Manager to execute the necessary documents for said purchase.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE PURCHASE OF LIGHTING FIXTURES FROM GRAYBAR ELECTRIC COMPANY, INC. IN THE TOTAL AMOUNT OF \$163,925 THROUGH THE U.S. COMMUNITIES COOPERATIVE PURCHASING PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett has approved a facilities agreement with Arcadia Liberty Grove Development 1, LLC (Arcadia), for the acquisition of non-standard street lighting fixtures for the Homestead at Liberty Grove, a Form-Based Code development project; and

WHEREAS, the fixtures, once installed, will be serviced, maintained and repaired by OnCor Electric Delivery Services, Inc., in accordance with the Non-Standard Lighting Fixtures Agreement between the City and OnCor; and

WHEREAS, Arcadia has escrowed funds with the City in compensation for the cost of acquiring the non-standard fixtures; and

WHEREAS, the City has previously approved and entered into a cooperative purchasing agreement with the U.S. Communities Cooperative Purchasing Program, whereby competitive bidding has been conducted and prospective vendors have been selected; and

WHEREAS, the City desires to purchase the non-standard fixtures, as depicted in Exhibit "A," from Graybar Electric Company, Inc., the lowest responsible bidder, in the total amount of \$163,925 through the U.S. Communities Cooperative Purchasing Program.

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

Section 1: That the City Council of the City of Rowlett, Texas, hereby approves the purchase of non-standard lighting fixtures as depicted in Exhibit "A," from Graybar Electric Company, Inc., in the total amount of \$163,925 through the U.S. Communities Cooperative Purchasing Program.

Section 2: That the City Council hereby authorizes the City Manager to execute purchase orders on the City's behalf to give effect to this Resolution and to execute such related documents as may be necessary or appropriate.

Section 3: That this resolution shall become effective immediately upon its passage.

ATTACHMENTS

Attachment 1 – Price Quote

Attachment 2 – Lighting Fixture Specification Sheet



4601 CAMBRIDGE RD
 FORT WORTH TX 76155-2233
 Phone: 817-213-1586
 Fax: 817-213-1373

To: CITY OF ROWLETT - C/D
 4000 MAIN ST
 ROWLETT TX 75088-5077
 Attn: Marc J. Kurbansade
 Phone: 972-412-6128
 Fax:
 Email: kate.pearce@graybar.com

Date: 11/07/2014
Proj Name: HOMESTEAD AT LIBERTY
GB Quote #: 221420709
 Valid From: 11/07/2014
 Valid To: 12/07/2014
 Contact: KATHLEEN PEARCE
 Email: kate.pearce@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

| Item | Quantity | Supplier | Catalog Nbr | Description | Price | Unit | Ext.Price |
|------|--------------|------------------|--|--|-------------------|----------|---------------------|
| 100 | 79 EA | HOLOPHANE | WFC 15DMH MD B C3 S H P27 WDA 12 L4E 17 | P07 DBB BK - Utility Washington Postlite FCO (WFC), 150W Metal Halide, Medium Base, Multivolt 120, 208, 240 & 277V. Factory wired for 277V only. UL Only, Black, Asymmetric, Full Cutoff, Flat Glass, Spike Style Finial, NEMA twistlock photocontrol receptacle, DTL twistlock photocontrol 120-277 Volt Wadsworth Aluminum Pole (WDA): Wadsworth Aluminum Pole, 12 feet, SiteLink 4.5 inch FLuted, .156 wall, 17 inch Round Base, 3 X 3 Tenon, Direct Burial Base, Powder Coat Paint Finish, Black. | \$2,075.00 | 1 | \$163,925.00 |

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.
 Unless noted the estimated ship date will be determined at the time of order placement.

To: CITY OF ROWLETT - C/D
4000 MAIN ST
ROWLETT TX 75088-5077
Attn: Marc J. Kurbansade

Date: 11/07/2014
Proj Name: HOMESTEAD AT LIBERTY
GB Quote #: 221420709

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

| Item | Quantity | Supplier | Catalog Nbr | Description | Price | Unit | Ext.Price |
|---|----------|----------|-------------|-------------|-------|------|---------------------|
| Total in USD (Tax not included): | | | | | | | \$163,925.00 |

GRAYBAR ELECTRIC COMPANY, INC. TERMS AND CONDITIONS OF SALE

1. ACCEPTANCE OF ORDER; TERMINATION - Acceptance of any order is subject to credit approval and acceptance of order by Graybar Electric Company, Inc. ("Graybar") and, when applicable, Graybar's suppliers. If credit of the buyer of the goods ("Buyer") becomes unsatisfactory to Graybar, Graybar reserves the right to terminate upon notice to Buyer and without liability to Graybar.
2. PRICES AND SHIPMENTS - Unless otherwise quoted, prices shall be those in effect at time of shipment, which shall be made F.O.B. shipping point, prepaid and bill.
3. RETURN OF GOODS - Credit may be allowed for goods returned with prior approval. A deduction may be made from credits issued to cover cost of handling.
4. TAXES - Prices shown do not include sales or other taxes imposed on the sale of goods. Taxes now or hereafter imposed upon sales or shipments will be added to the purchase price. Buyer agrees to reimburse Graybar for any such tax or provide Graybar with acceptable tax exemption certificate.
5. DELAY IN DELIVERY - Graybar is not to be accountable for delays in delivery occasioned by acts of God, failure of its suppliers to ship or deliver on time, or other circumstances beyond Graybar's reasonable control. Factory shipment or delivery dates are the best estimates of our suppliers, and in no case shall Graybar be liable for any consequential or special damages arising from any delay in shipment or delivery.
6. LIMITED WARRANTIES - Graybar warrants that all goods sold are free of any security interest and will make available to Buyer all transferable warranties (including without limitation warranties with respect to intellectual property infringement) made to Graybar by the manufacturer of the goods. GRAYBAR MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PURPOSE. UNLESS OTHERWISE AGREED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF GRAYBAR, PRODUCTS SOLD HEREUNDER ARE NOT INTENDED FOR USE IN OR IN CONNECTION WITH (1) ANY SAFETY APPLICATION OR THE CONTAINMENT AREA OF A NUCLEAR FACILITY, OR (2) IN A HEALTHCARE APPLICATION, WHERE THE GOODS HAVE POTENTIAL FOR DIRECT PATIENT CONTACT OR WHERE A SIX (6) FOOT CLEARANCE FROM A PATIENT CANNOT BE MAINTAINED AT ALL TIMES.
7. LIMITATION OF LIABILITY - Buyer's remedies under this agreement are subject to any limitations contained in manufacturer's terms and conditions to Graybar, a copy of which will be furnished upon written request. Furthermore, Graybar's liability shall be limited to either repair or replacement of the goods or refund of the purchase price, all at Graybar's option, and IN NO CASE SHALL GRAYBAR BE LIABLE FOR INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES. In addition, claims for shortages, other than loss in transit, must be made in writing not more than five (5) days after receipt of shipment.
8. WAIVER - The failure of Graybar to insist upon the performance of any of the terms or conditions of this agreement or to exercise any right hereunder shall not be deemed to be a waiver of such terms, conditions, or rights in the future, nor shall it be deemed to be a waiver of any other term, condition, or right under this agreement.
9. MODIFICATION OF TERMS AND CONDITIONS - These terms and conditions supersede all other communications, negotiations, and prior oral or written statements regarding the subject matter of these terms and conditions. No change, modification, rescission, discharge, abandonment, or waiver of these terms and conditions shall be binding upon Graybar unless made in writing and signed on its behalf by a duly authorized representative of Graybar. No conditions, usage of trade, course of dealing or performance, understanding or agreement, purporting to modify, vary, explain, or supplement these terms and conditions shall be binding unless hereafter made in writing and signed by the party to be bound. Any proposed modifications or additional terms are specifically rejected and deemed a material alteration hereof. If this document shall be deemed an acceptance of a prior offer by Buyer, such acceptance is expressly conditional upon Buyer's assent to any additional or different terms set forth herein.
10. REELS - When Graybar ships returnable reels, a reel deposit may be included in the invoice. The Buyer should contact the nearest Graybar service location to return reels.
11. CERTIFICATION - Graybar hereby certifies that these goods were produced in compliance with all applicable requirements of Sections 6, 7, and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof. This agreement is subject to Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Veterans Readjustment Assistance Act of 1974, as amended, E.O. 13496, 29 CFR Part 471, Appendix A to Subpart A, and the corresponding regulations, to the extent required by law. 41 CFR 60-1.4, 60-741.5, and 60-250.5 are incorporated herein by reference, to the extent legally required.
12. FOREIGN CORRUPT PRACTICES ACT - Buyer shall comply with applicable laws and regulations relating to anti-corruption, including, without limitation, (i) the United States Foreign Corrupt Practices Act (FCPA) (15 U.S.C. §§78dd-1, et. seq.) irrespective of the place of performance, and (ii) laws and regulations implementing the Organization for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the U.N. Convention Against Corruption, and the Inter-American Convention Against Corruption in Buyer's country or any country where performance of this agreement or delivery of goods will occur.
13. ASSIGNMENT - Buyer shall not assign its rights or delegate its duties hereunder or any interest herein without the prior written consent of Graybar, and any such assignment, without such consent, shall be void.
14. GENERAL PROVISIONS - All typographical or clerical errors made by Graybar in any quotation, acknowledgment or publication are subject to correction. This agreement shall be governed by the laws of the State of Missouri applicable to contracts to be formed and fully performed within the State of Missouri, without giving effect to the choice or conflicts of law provisions thereof. All suits arising from or concerning this agreement shall be filed in the Circuit Court of St. Louis County, Missouri, or the United States District Court for the Eastern District of Missouri, and no other place unless otherwise determined in Graybar's sole discretion. Buyer hereby irrevocably consents to the jurisdiction of such court or courts and agrees to appear in any such action upon written notice thereof.
15. PAYMENT TERMS - Payment terms shall be as stated on Graybar's invoice or as otherwise mutually agreed. As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.
16. EXPORTING - Buyer acknowledges that this order and the performance thereof are subject to compliance with any and all applicable United States laws, regulations, or orders. Buyer agrees to comply with all such laws, regulations, and orders, including, if applicable, all requirements of the International Traffic in Arms Regulations and/or the Export Administration Act, as may be amended. Buyer further agrees that if the export laws are applicable, it will not disclose or re-export any technical data received under this order to any countries for which the United States government requires an export license or other supporting documentation at the time of export or transfer, unless Buyer has obtained prior written authorization from the United States Office of Export Control or other authority responsible for such matters.

Signed: _____

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.

Unless noted the estimated ship date will be determined at the time of order placement.

Specifications

POST DESCRIPTION

The lighting post shall be all aluminum, one-piece construction, with a classic double-tapered and fluted base design. The shaft shall be Ø4" fluted.

MATERIALS

The base shall be heavy wall, cast aluminum produced from certified ASTM 356.1 ingot per ASTM B-179-95a or ASTM B26-95. The straight shafts shall be extruded from aluminum. All hardware shall be tamper resistant stainless steel.

CONSTRUCTION

The shaft shall be double welded to the base casting and shipped as one piece for maximum structural integrity. The shaft shall be circumferentially welded inside the base casting at the top of the access door, and externally where the shaft exits the base. All exposed welds below 8' shall be ground smooth. All welding shall be per ANSI/AWS D1.2-90. All welders shall be certified per Section 5 of ANSI/AWS D1.2-90.

DIMENSIONS

The post shall be 12'-0" in height with a 17" diameter base. The shaft diameter shall be 4". At the top of the post, an integral 3"x3" tenon with a transitional donut shall be provided for luminaire mounting.

INSTALLATION

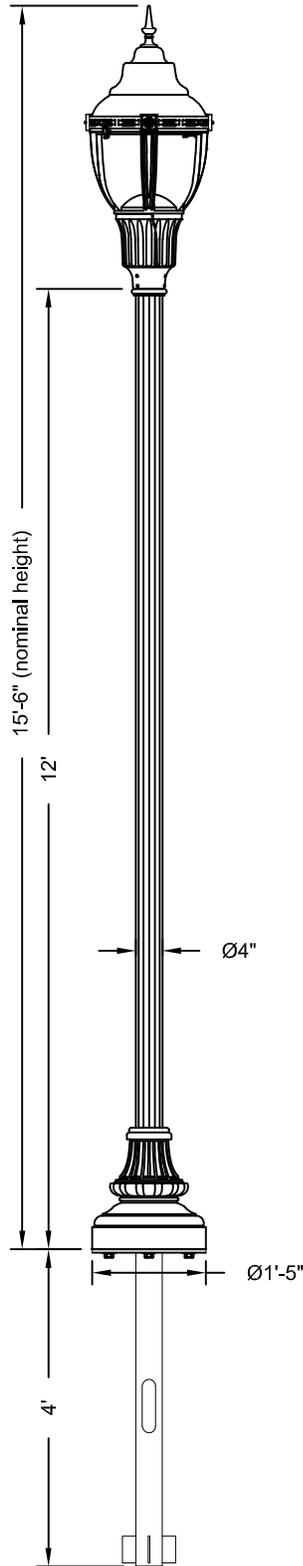
The post shall be provided with four, joining bolts to be installed on a slotted 12" diameter bolt circle. A door shall be provided inside the base for anchorage and wiring access. A grounding screw shall be provided inside the base opposite door.

FINISH

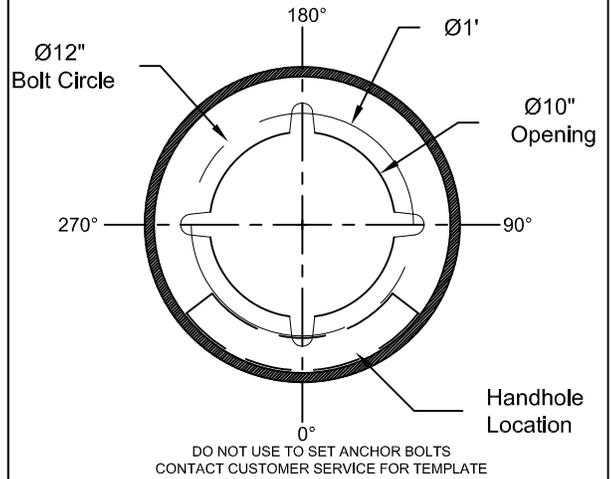
The post shall have a Holophane black finish.

LUMINAIRE DESCRIPTION

- Utility Washington Post/ite FCO
 - 150W Metal Halide (medium)
 - Multivolt 120-277V, Factory Wired For 277V Only
 - Asymmetric Full Cutoff, Flat Glass, Spike Finial
 - NEMA Twistlock Photocontrol Receptacle
 - DTL Twistlock Photocontrol 120-277V
- For complete specifications see LUM_WFC.



ANCHORAGE DETAIL



Catalog #'s:

WFC15DMHMDBC3SHP27 S-64402 - WDA12L4E17P07DBBBK

Customer Signature

Date



**Rowlett
Missouri**

ORDER #: 2051-13-10054

TYPE:

DRAWING #:

REVISION:

REVISION DATE:

TSG 007600

DRAWN: KRW

ORIGIN DATE: 5/1/13

PAGE: 1 of 1

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF SIMILAR DESIGN MAY BE SUPPLIED, BUT ONLY AFTER APPROVAL BY THE CUSTOMER IN WRITING. ON POLE ORDERS AN ANCHOR BOLT TEMPLATE PRINT WILL BE SUPPLIED WITH EACH ANCHOR BOLT ORDER TO MATCH THE POLE PROVIDED, THIS PRINT IS THE PROPERTY OF HOLOPHANE AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS CONDITION THAT IT WILL NOT BE USED DIRECTLY OR INDIRECTLY IN ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
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www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7G

TITLE

Consider action to approve an ordinance amending Chapter 22 “Environment” to address dead and dangerous trees as public nuisances.

STAFF REPRESENTATIVE

Lt. Marvin Gibbs – Community Services Commander
Maria Martinez – Community Services Manager

SUMMARY

The drought and severe weather conditions that the City has experienced in recent years has had a detrimental impact on vegetation throughout the City. Subsequently, this has caused an increase in complaints from citizens regarding dead and/or dangerous tree conditions. These types of issues could have negative effects on private or public property due to falling or hazardous tree limbs. The proposed amendment to Chapter 22, “Environment” is to provide Staff with the ability to enforce dead, diseased or damaged trees that pose a safety hazard.

BACKGROUND INFORMATION

This item was discussed at the City Council work session on November 4, 2014.

DISCUSSION

Dead and dangerous trees have become a nuisance and a hazard in the City due to the severe weather conditions (drought, ice storm, etc.). Numerous complaints prompted City Staff to review the Code of Ordinances. Section 77-504(H)(2) of the Development Code provides: *Damaged/diseased trees. The removal of a tree that is dead, diseased, naturally fallen, damaged beyond the point of recovery, or in danger of falling, or a tree that the director of parks and recreation or designee finds to be a threat to public health, welfare, or safety. This would include requiring the removal of a diseased tree to reduce the chance of spreading the disease to adjacent healthy trees.* Upon consulting with the City Attorney, it was determined that this ordinance is for the purpose of establishing landscaping requirements and is not enforceable as a nuisance violation to require the removal of dead or dangerous trees. The proposed amendment of Chapter 22 (“Environment”) will allow enforcement where dangerous conditions exist in the same manner as enforcement of other property-condition nuisances. This proposed ordinance will promote public safety and will assist in keeping trees pruned in healthy and livable conditions.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Move to approve an ordinance amending Chapter 22 "Environment" to address dead and dangerous trees.

ORDINANCE

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ROWLETT, TEXAS, BY AMENDING SECTION 22-125 OF ARTICLE III ("WEEDS, WILD GROWTH AND OTHER UNWHOLESOME, UNSIGHTLY OR DANGEROUS CONDITIONS") OF CHAPTER 22 ("ENVIRONMENT"), TO REVISE OVERHEAD AND LATERAL CLEARANCE REQUIREMENTS FOR VEGETATION ABOVE AND ADJACENT TO STREETS AND SIDEWALKS, AND TO PROHIBIT DANGEROUS TREES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas, finds and determines that the City's existing regulations that impose overhead and lateral clearance requirements for streets and sidewalks on property owners, and that require owners to remove branches, limbs and vegetation above adjacent streets and sidewalks, contain an apparent conflict that indicates a need to amend the Code of Ordinances to reconcile the apparent conflict; and

WHEREAS, the City Council finds and determines that dead, damaged and diseased trees can be dangerous in that they can create a fire hazard, can cause property damage and personal injury when branches and limbs fall, and can cause the spread of disease or infestation to other trees; and

WHEREAS, prolonged drought conditions in the region and the ice storm during the previous winter have caused an increase in the number of dangerous trees; and

WHEREAS, the City Council finds that property owners and persons in charge of property should bear responsibility for maintaining the property in a safe condition, and that regulations requiring the abatement of unsafe conditions posed by dangerous trees will promote and protect the public health, safety and welfare of the citizens of Rowlett.

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

SECTION 1. That the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by amending Section 22-125 of Article III ("Weeds, Wild Growth and Other Unwholesome, Unsightly or Dangerous Conditions") of Chapter 22 ("Environment") to revise the title of the section, to create subsections (a), (b) and (c) and to add prohibitions regarding dangerous trees, such that Section 22-125 shall henceforth read in its entirety as follows:

“CHAPTER 22

ENVIRONMENT

...

ARTICLE III. WEEDS, WILD GROWTH AND OTHER UNWHOLESOME, UNSIGHTLY OR DANGEROUS CONDITIONS

...

Sec. 22-125. Unsafe trees, shrubs and plants.

(a) Trees, shrubs, or plants shall not create a hazard or an obstruction. Minimum clearance standards are as follows:

- (1) Overhead clearance of public sidewalks and other public pathways: Eight feet vertical clearance.
- (2) Lateral clearance of public sidewalks and other public pathways: No encroachment into or over sidewalks or pathways that block or hinder pedestrian access or use.
- (3) Overhead clearance of streets: 14½ feet vertical clearance.
- (4) Lateral clearance of streets: No encroachment over or above the back of curb or edge of paving.
- (5) Sight clearance at intersections of city streets: Unobstructed sight distance of 200 feet.
- (6) Sight clearance for signs erected by the city: Unobstructed sight distance of 100 feet.
- (7) Sight clearance at the inside of curves in city streets: unobstructed sight distance of 100 feet.
- (8) Overhead clearance of public alleys and easements which have been dedicated and improved for vehicular use: 12 feet vertical clearance.
- (9) Lateral clearance of alleys and easements which have been dedicated and improved for vehicular use: No encroachment over the edge of paving nor shall any tree, shrub or similar plant extend into the alley or easement more than 18 inches, or in any way obstruct or interfere with vehicular traffic.
- (10) Parkway area between sidewalks of city streets: Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and nine feet.

(b) It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to keep such property free from:

- (1) dead or damaged trees that, through danger of falling or of falling branches or limbs, may cause injury to persons or damage to property and that constitute a threat to public health, welfare or safety; and
- (2) diseased trees that, through spreading disease or infestation to healthy trees, constitute a potential threat to other trees.

(c) Upon a finding by the city manager or designee that a tree is dead, damaged or diseased in accordance with this section, the property owner or person owning, claiming, occupying or having supervision or control of the property shall remove the tree or abate the condition.

...”

SECTION 2. That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City of Rowlett.

SECTION 5. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each day in which an offense occurs shall be deemed a separate offense.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 7H

TITLE

Consider action to approve a resolution accepting the bid of and awarding a contract to DataProse for printing and mail processing services in the unit amounts bid and in an estimated annual amount of \$145,200 through an Interlocal Cooperative Purchasing Agreement with the City of Plano; and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said services.

STAFF REPRESENTATIVE

Alan Guard, Chief Financial Officer
Gary Lester, Revenue Manager

SUMMARY

The Revenue Office outsources the services for printing and mailing processing services for Utility bills. The purpose of this item is to award the bid for printing and mail processing for Utility bills for continuation of services with this vendor. The most cost effective pricing available is through the ILA with the City of Plano.

BACKGROUND INFORMATION

Since August 18, 2009, the City has been cooperatively purchasing the printing and mailing services from DataProse, Incorporated in the unit amounts bid through the Interlocal Agreement with the City of Garland.

DISCUSSION

It was determined several years ago that it is more cost effective and efficient to outsource these services rather than processing in house. We currently do not have the equipment or the staffing capacity to process these functions in-house. Multiple renewals have been approved by the City of Rowlett City Council between 2009 and 2014. DataProse indicated to City staff that the pricing through the bid with the City of Plano is the lowest in the metroplex; therefore, we have requested to cooperatively purchase with the City of Plano through our interlocal agreement that was established on November 16, 2004, by Resolution 2004-69. DataProse has provided a quote, which is attached as Exhibit A.

The City of Rowlett currently sends close to 19,000 cycle bills to DataProse for printing and mailing a month. This results in DataProse printing and mailing about 228,000 cycle bills a year. In addition to the cycle bills printed, DataProse also prints and mails about 2,080 final bills and 47,772 delinquent notices a year for the City.

FINANCIAL/BUDGET IMPLICATIONS

Funding was approved in the FY2015 budget in the Utility Fund as stated below:

| Budget Account Number | Account Title | Budget Amount | Proposed Amount |
|-----------------------|--------------------------------------|------------------|------------------|
| 160-2061-500-7622 | Purchasing Services- Mail Processing | \$145,200 | \$145,200 |
| Total | | \$145,200 | \$145,200 |

RECOMMENDED ACTION

City Staff recommends the City Council approve a resolution accepting and awarding the bid of Data Prose for printing and mail processing services in the unit amounts bid and in an estimated annual amount of \$145,200 through the Interlocal Agreement with the City of Plano; and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said services.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONTRACT TO DATAPROSE FOR PRINTING AND MAIL PROCESSING SERVICES IN THE UNIT AMOUNTS BID AND IN AN ESTIMATED ANNUAL AMOUNT OF \$145,200 THROUGH THE INTERLOCAL PURCHASING AGREEMENT WITH THE CITY OF PLANO; AUTHORIZING THE CITY MANAGER, AFTER CITY ATTORNEY APPROVAL, TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID SERVICES AND TO ISSUE PURCHASE ORDERS PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rowlett outsources the utility bill printing and mailing services for the City of Rowlett as it has been determined to be cost effective and efficient; and

WHEREAS, the City of Plano has obtained competitive bids for printing and mailing services and has awarded the bid to DataProse; and

WHEREAS, the City of Rowlett has an interlocal agreement established with the City of Plano; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to accept and award the bid with DataProse for printing and mail processing services in the unit amounts bid through the Interlocal Purchasing Agreement with the City of Plano.

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

Section 1: That the City Council of the City of Rowlett does hereby accept the bid of and award a contract to DataProse for printing and mail processing services in

the unit amounts bid and in an estimated annual amount of \$145,200 through the Interlocal Agreement with the City of Plano.

Section 2: That the City Council does hereby authorize the City Manager, after City Attorney approval, to execute the necessary documents for said services and to issue purchase orders to conform to this resolution.

Section 3: This resolution shall become effective immediately upon its passage.

ATTACHMENT

Exhibit A – Quote



AMENDMENT TO PRODUCTION AGREEMENT

This Addendum to the Production Agreement ("Addendum") amends the Production Agreement ("Agreement") made between DataProse, LLC, a Texas limited liability company ("DataProse") and the City of Rowlett ("Client") dated 12/1/2003. This purpose of this Addendum is to amend the terms and conditions agreed to in the original Agreement. The effective date of this Addendum is the date last signed below ("Effective Date"). In consideration of the mutual promises and benefits contained herein, the parties hereby agree as follows:

PURPOSE OF ADDENDUM. This Addendum shall become effective as of the Effective Date and makes the following changes to the original Agreement

- Replaces Schedule 1.0 from the Agreement with Schedule 1.1 (below)
- Replaces Article 3 of the Agreement with Article 3.1 (below) which amends the term of the Agreement
- Replaces Article 15 of the Agreement with Article 15.1 (below) which amends the client notice of the Agreement

DataProse and Customer agree that this Addendum is hereby incorporated by reference into the Agreement. The Agreement and this Addendum set forth the entire understanding between the Parties with respect to the Licensed Software, as defined below.

Schedule 1.1 – Fees for Goods & Services

| | | |
|---|----------|------------------------|
| ServiceBill (Package Includes: data processing & simplex, 2-color, laser imaging, 8.5x11 white paper, perforated at 3.5" from bottom, #10 window env., #9 single window reply env., folding, inserting, presorting and delivery to USPS) | \$0.072 | Per Bill |
| Search&Viewbill (Archive Package Includes: data processing, archive creation, search, access & hosting of archive files for 3 months from creation date – Minimum Monthly fee - \$150) | \$0.0046 | Per Bill |
| Search & View Transmission (includes FTP transmission to client site or files copied to CDRom) | \$150.00 | Per Transmission/CDRom |
| NCOALink – Automated address update service | \$0.50 | Per Address Correction |
| Additional Impressions | \$0.035 | Per Impression |
| Bill Suppression (data processing only – Group Y & Z) | \$0.028 | Per Bill |
| Oversized Surcharge (8-99 page bills – Group C) | \$0.40 | Per Bill |
| Oversized Surcharge (100+ page bills – Group D & E) | \$4.00 | Per Bill |
| Additional Inserts | \$0.004 | Per Insert |
| Offline Folding | \$0.005 | Per Piece |
| Technical Services (including additional set-up beyond standard, formatting or custom reports, conditional logic & insert/forms composition) | \$125.00 | Per Hour |
| Freight, Courier & Air Delivery | Cost | Per Request |
| Minimum Daily Processing/Production Fee | \$150.00 | Per Day |
| Postage (1 oz.) | \$0.406 | Per Bill |

ARTICLE 3.1 TERM. The term of the Agreement shall be extended through 10/1/2017, unless terminated earlier in accordance with provisions found elsewhere in the Agreement. The Agreement shall renew itself for successive one (1) year terms unless written notice of cancellation is received by one party from the other at the end of the initial term or at the end of any succeeding one (1) year renewal term(s) by sending written notice of non-renewal to the other party no earlier than one hundred fifty (150), and no later than ninety (90), days before the expiration of the then current term.

ARTICLE 15.1 NOTICE. All notices must be in writing and if not personally delivered, be sent by facsimile, first class mail, nationally recognized overnight delivery service or by electronic mail. Mailed notices will be effective on the third day after mailing. Notice by personal delivery or delivery service will be effective when delivered. When sent by facsimile or electronic mail, notice will be effective on the day the transmission is received by the recipient provided that (a) a duplicate copy of the notice is promptly given by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Either party may change the address to which notices are to be sent by giving notice of such a change to the other party.

If to DataProse:

DataProse
1122 W. Bethel Road
Coppell, TX 75019
Attention: COO

If to Client:

City of Rowlett
4004 Main Street
Rowlett, TX 75088
Attention: City Manager

IN WITNESS WHEREOF, The parties hereto have caused this Addendum to be executed to be effective as of the Effective Date.

DataProse, LLC

CLIENT:

By: _____
COO

By: _____

Date: _____

Title: _____ Date: _____



City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 71

TITLE

Consider action to appoint a member to the CIP Task Force to fill a vacancy.

STAFF REPRESENTATIVE

Jim Proce, Assistant City Manager

SUMMARY

The purpose of this item is appoint a replacement for Waite Ligon, who has resigned from the CIP Task Force due to his relocation out of the Rowlett area. This replacement will ensure that an odd number of voting members (7) make up the CIP Task Force. Due to its timeline, the CIP Task Force is desirous of replacing the vacant member expediently. Trevor Read is the recommendation for the opening. Mr. Read has been contacted and has an interest in serving for the duration of the task force, and he is up next on the list from the Council recommendations.

BACKGROUND INFORMATION

The City has been planning for a bond election for well over a year. The proposed election would take place in May of 2015.

On June 20, 2014, during the annual City Council Retreat, staff presented a plan to address the planned upcoming bond election in May of 2015 and the related process. During that discussion, several items and questions were discussed, inclusive of needs assessment, how we leverage future freed-up bond capacity, and the public engagement/election calendar. Council provided consensus on several items that included a bond election and a public engagement process that would include the creation of an ad-hoc committee that would operate as a citizen task force.

On July 15, 2014, during the City Council Work Session, the City Council had directed staff to establish the CIP Task Force to develop a recommendation for the upcoming bond election. The CIP Task Force is charged with making a recommendation to Council for the May 2015 bond election, including project identification and prioritization. Once the required tasks are completed, the CIP Task Force will stand down.

DISCUSSION

In an effort to build the CIP Task Force, Council provided a list of prospective members for consideration for the task force. The list was compiled and was distributed to Council for review and consideration. Council had chosen several potential members for the CIP Task Force for consideration. Staff had polled Council on all nominees and compiled a list of those nominees receiving the most votes from Council. Staff had followed up with those nominees verifying qualifications and interest to serve on the task force.

The task force was configured to include seven Council-appointed members, and one Council Liaison with an alternate Council Liaison who was chosen by the Council. Creation of the CIP Task Force and selection of the members of the CIP Task Force was confirmed by the resolution and created in accordance with the City of Rowlett Boards and Commissions Handbook (Resolution RES-095-12). Ad-hoc committees, boards and commissions are created periodically to address specific needs or concerns for a limited period of time.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Move to approve a resolution appointing Trevor Read as a new member to the CIP Task Force.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPOINTING A NEW MEMBER TO THE CIP TASK FORCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has established an ad-hoc committee entitled as the "Community Investment Program Task Force" (CIP Task Force); and

WHEREAS, the CIP Task Force has been charged with making a recommendation to City Council on matters regarding a bond election in May of 2015; and

WHEREAS, the City Council has chosen seven representatives, one of whom has recently resigned, thereby creating the need to appoint a replacement member to the Task Force.

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

Section 1: That the City Council of the City of Rowlett does hereby appoint _____, to serve as a member to the Community Investment Program Task Force (CIP Task Force).

Section 2: This resolution shall become effective immediately upon its passage.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 11/18/14

AGENDA ITEM: 8A

TITLE

Conduct a public hearing and take action on a request for a Planned Development to allow a convenience store with retail vehicle filling at property located at 5001 Lakeview Parkway further described as being a tract of land located in the Thomas Lumley Survey, Abstract No. 789, being part of a 4.2840 acre tract of land described in deed to NEC Liberty Grove/66, Ltd. as recorded in Volume 2003184, Page 8883, Deed Records, Dallas County, a portion of said tract being all of Lot 1, Block 1 Chacon Autos Ltd. Addition, an addition to the City of Rowlett, Dallas County, Texas (Case Number PD14-731).

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicant, QuikTrip, is requesting to rezone the subject property from General Commercial (C-2) to a Planned Development (PD) to allow a convenience store with retail vehicle filling located at 5001 Lakeview Parkway (Attachment 1 – Location Map). Per the Rowlett Development Code (RDC), a convenience store with retail vehicle filling requires a Special Use Permit. The applicant has requested a PD to allow the proposed use and to allow modifications to several development standards including setbacks, building materials, signage, parking lot lighting height, and the number of parking spaces (Attachment 2 – Statement of Intent).

The Planning and Zoning Commission voted unanimously to recommend approval of this item, including all of the requested modifications at their November 11, 2014, meeting.

BACKGROUND INFORMATION

The applicant is proposing to develop the subject property with a 5,858 square-foot convenience store with 22 retail vehicle filling positions (Attachment 3 – Concept Plan). The filling positions will be covered by a 9,072 square-foot canopy. The applicant is under contract to acquire all 3.9087 acres. The proposed development will be limited to 2.227 acres out of the 3.9087 acres. The remaining 1.6817 acres will remain zoned as C-2 and will be platted as a separate lot.

The subject property is located at the northeast corner of Lakeview Parkway and President George Bush Turnpike (PGBT). The subject property is bounded by Bowl-a-Rama to the east, which is zoned Special Use Permit (Ord. 9-03-02A). To the north is Covington Nursery, which is zoned Planned Development (Ord. 030-09). To the west is PGBT and to the south is Lakeview Parkway. The property across Lakeview Parkway is zoned C-2 and includes a small convenience store with retail vehicle filling with the remaining land being undeveloped.

The subject property includes the former Chacon auto dealership, which has been vacant for several years. All improvements from the former dealership will be removed, including the two existing driveways on Lakeview Parkway. A previously planned right turn deceleration lane will be added by the City for the westbound traffic on Lakeview Parkway turning north onto the PGBT service road. The proposed development will be accessed by a shared driveway from the PGBT service road, which will include a deceleration lane. The site will also have two cross access drives from the Bowl-a-Rama property to the east. The applicant will also improve the western driveway of Bowl-a-Rama by making it wider and adding a deceleration lane.

Section 77-205 of the RDC states the intent of a PD district is to allow for integrations of various land uses, accommodate alternative development standards, or to tailor development regulations specifically for the development. In this case, the applicant's request for a PD is to tailor several design standards including setbacks, building materials, parking lot lighting, signage and parking for their proposed development. The standard for the proposed PD will follow the C-2 standards with the proposed modifications as described in the section below.

DISCUSSION

The following is the applicant's proposed requesting development standards. Staff comments are provided in bold italics for each consideration.

Rear Setback

The applicant proposes to subdivide the 3.9087 acre tract into two lots. The proposed convenience store will be 9.36 feet from the proposed lot line as shown on the concept plan (attachment 3). This lot line will represent the rear property line for the proposed development. The RDC requires a setback of 30 feet from the rear property line.

Staff Comment:

Staff is supportive of the proposed location of the convenience store in relation to the proposed lot line that will subdivide the 3.9087 acre tract. The applicant wishes to retain 1.67 acres for a future development. The fueling stations and canopy were located so as not to encroach into the utility easements located along the south side of the site. This resulted in pushing the convenience store closer to the proposed rear lot line.

Building Materials:

The applicant is proposing building elevations (attachment 4) that will include non-masonry materials. These materials include aluminum fascia and porcelain tile columns, which are not permitted by right.

Staff Comment:

Staff does not oppose allowing aluminum fascia and porcelain tile. The proposed convenience store meets all of the façade requirements outlined in the RDC with the exception of the previously mentioned accent materials. The materials requested are part of the applicant's prototype design for their convenience stores. In staff's opinion, the proposed materials appear to be high quality and long lasting. The materials used in concert with the other materials on the proposed elevation meets the intent of the RDC

façade standards for nonresidential developments. The intent is “to create a distinct image for important or highly visible areas of the city in order to enhance the public image of the city and encourage high quality economic development.”

Parking Lot Lighting Pole Height:

The proposed development includes parking light poles with a height of 22 feet. The Rowlett Development Code allows developments, with less than 100 parking spaces, lighting poles with a maximum height of 15 feet.

Staff Comment:

Staff is not opposed to this alternative standard. The applicant is proposing a 24-hour operation where there will be outdoor activity (filling vehicles), making additional lighting appropriate. Allowing 22-ft tall lighting standard is not out of context as the site is adjacent to a freeway and a commercial development that has 22-ft tall lighting poles.

Signage:

The applicant requests two oversized monument signs for the development. The maximum allowed size for a monument sign under the RDC is 48 square feet for the sign face, 80 square feet for the overall monument, and a maximum height of 10 feet. The RDC does not provide any provision to allow larger monument signs for property fronting on PGBT. The only allowance for an oversized monument signs in the RDC pertains to multi-tenant signs. The applicant is requesting two monument signs that will have a height of 17.33 feet, a sign face of 83.12 square feet, and an overall size of 124 square feet. One of the monument signs will be located along the PGBT frontage and the other monument sign will be located at the southeast corner of the property along Lakeview Parkway. The applicant's reasons for requesting the oversized monument sign are stated in Attachment 2. Staff commentary is included for each monument sign below. Attachment 5 identifies the specific location of the monument sign on the site plan and provides elevation of the proposed monument sign. Pictures of the site from PGBT and Lakeview Parkway are available in Attachment 6.

Staff Comment PGBT Oversized Monument Sign:

PGBT is a four lane toll road with a speed limit of 70 mph while the PGBT service roads have a speed limit of 50 mph. In some instances, a thoroughfare with higher speeds and larger volume traffic could justify allowance for an oversized monument sign. However, in this case, from a practical standpoint, Staff does not see a benefit to allowing an oversized monument sign for the following reasons.

When traveling northbound on PGBT, the subject property is not visible before the Lakeview Parkway and Main Street exit. As a result, potential patrons will not be able to react to seeing the site or its signage before passing the exit off PGBT. The site is visible from the northbound service road, which has a 50 mph speed limit. The traffic light at the intersection of PGBT and Lakeview Parkway slows the northbound traffic as it passes the subject property. Based on Staff's analysis, it does not appear that an oversized

monument sign would increase visibility for patrons traveling northbound beyond what could be accomplished by a standard sized monument sign that is allowed by right.

The subject property is partially visible from the southbound traffic on PGBT; however, this is after passing the Lakeview Parkway exit off PGBT. While limited site visibility could justify a larger sign in some instances, it is Staff's opinion that this is not one of those situations given the constraints of the location of the exits on PGBT. It is Staff's opinion that allowing the proposed oversized monument sign will not necessarily increase visibility on PGBT, thus there is not a clear justification to support the request. However, should the Council ultimately choose to approve an oversized monument sign along PGBT, it is also Staff's opinion that it would not be completely out of character with surrounding developments, as there is an oversized monument sign along the PGBT frontage of the Liberty Crossing Shopping Center (Target) that is slightly larger than the applicant's proposed monument sign. However, it should be noted that the Liberty Crossing sign was permitted as a multi-tenant sign.

Lakeview Parkway Oversized Monument Sign:

Lakeview Parkway is a six-lane divided arterial with a speed limit of 45 mph. The applicant is proposing an oversized monument sign that is the same size of what is proposed along the PGBT service road. The applicant is proposing to locate this monument sign 3.6 feet north of Oncor's electrical tower and 3 feet from the east property line. This encroaches 7 feet into the required 10-foot setback from the property line. The applicant is attempting to place the monument sign as close as possible to the western driveway of Bowl-a-Rama so that potential patrons can see the sign prior to passing the driveway. This is important to the applicant as the site will not have any driveways on Lakeview Parkway beyond the shared drive with Bowl-a-Rama. There is a large electrical utility pole that would block the sign if located to the west. There is also a 10-foot utility easement along the frontage property prohibiting the possibility of locating the sign closer to the right-of-way. Staff does not oppose locating the proposed monument sign 3 feet from the east property line.

While there are special conditions related to the placement of the Lakeview Parkway monument sign, Staff does not see special conditions that would justify a larger monument sign on Lakeview Parkway. The visibility conditions for the subject property along Lakeview Parkway are no different from the visibility conditions of other properties along Lakeview Parkway. As a result, staff does not support the proposed oversized sign.

Parking:

The RDC does not specify a parking ratio for convenience store with retail vehicle filling. The applicant is proposing 58 parking spaces. Seven of the 58 parking spaces are designated as shared parking. The new cross access easements will remove some parking spaces from the Bowl-a-Rama site. As a result, the applicant is providing shared parking to offset the loss of parking spaces for Bowl-a-Rama. Attachment 7 provides the applicant's justification to allow 58 parking spaces.

Staff Comment:

A PD established for a similar retail fueling station in 2006 used a parking calculation of 1 space per 200 square feet. The applicant is proposing a parking count that is closer to 1 space per 100 square feet, which is the parking ratio used for a restaurant. The applicant has stated that the convenience store will offer additional meal choices similar to a fast food restaurant beyond the food products that are traditionally available for purchase at a convenience store resulting in customers spending more time at their store. The proposed amount of parking is in line with the applicant's other store locations in the DFW area. Based on the above mentioned factors, staff is supportive of the request for 58 parking spaces.

Section 77-805 of the *Rowlett Development Code (RDC)* states that the Planning and Zoning Commission shall consider the following when making their recommendation to the City Council as it pertains to rezoning requests including Planned Developments. These criteria are listed below:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

The proposed PD is needed to accommodate a larger retail filling station with a high number of fueling pumps. The market for convenience stores with retail filling stations has seen a growth in the size of stores in recent years due to the fact that they are offering an expanded number of products.

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purposes of this code stated in subchapter 77-103, Purpose of this Code;

The subject property is not located within one of the opportunity areas identified in the *Realize Rowlett 2020 Comprehensive Plan*. The Plan states that areas outside of the opportunity areas, the existing zoning and the Guiding Principles should be considered in decisions about rezoning and site design. Of the 13 guiding principles, Guiding Principle #2, "Grow the City's economy through diversification of job and business opportunities" is most relevant for this case. The rezoning of the property will allow the redevelopment of the site that has long been vacant.

3. Whether the proposed rezoning will protect or enhance the health, safety, morals, or general welfare of the public;

The proposed rezoning is not expected to impact negatively the health, safety, morals, or general welfare of the public. As part of the proposed development, the two existing driveways on Lakeview Parkway, which do not meet the current driveway separation requirements for the City or for TxDOT, will be removed. The City is planning to install a dedicated right turn lane for the westbound traffic at the Lakeview

Parkway and PGBT. Removal of these driveways will allow for a safer operation of the deceleration right turn lane, which should allow for a smoother traffic operation at the Lakeview Parkway and PGBT intersection.

The proposed driveway on PGBT will include a deceleration lane to allow patrons to safely turn off of the PGBT service road as the speed limit is 50 mph. The applicant will also modify the driveway and add a deceleration lane for western driveway of the Bowl-a-Rama property. The applicant has agreed to install deceleration lanes in lieu of doing a Traffic Impact Analysis.

4. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

Adequate utilities, access roads, and drainage facilities are available for the subject property and are sufficient for accommodating the demands associated with the request for the proposed development.

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

It is unlikely that the proposed rezoning will have significant adverse impacts on the natural environment.

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract;

It is not anticipated that the proposed rezoning will have adverse impact on adjacent properties. The proposed development is not located near any residential developments. The proposed development is providing a cross access easement between the Bowl-a-Rama site to the east and the PGBT service road to the west. This will allow Bowl-a-Rama patrons to access PGBT directly, which may alleviate the existing traffic from Bowl-a-Rama onto Lakeview Parkway. The proposed development is seen as a benefit for the Bowl-a-Rama site.

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification;

The subject property is suitable for the proposed PD to allow a convenience store with retail vehicle filling. The subject property is adjacent to a high traffic intersection with frontage on PGBT. This type of use is suitable for this location.

8. Whether there is determined to be an excessive proliferation of the use or similar uses;

The proposed PD will not lead to an excessive proliferation of the proposed use within the immediate area. There is an existing convenience store with retail filling located at the southeast corner of Lakeview Parkway and PGBT. Beyond that, there is a convenience store with vehicle filling approximately 1.25 miles to the east and another convenience store located 0.8 miles to the west.

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract; and;

The subject property is bounded by larger scaled commercial activity to the east and to the north. The proposed development will not be out of scale with the surrounding properties.

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

There was not a market study provided for the area around the subject property; therefore, it is difficult for staff to comment on this criterion. The proposed rezoning to a PD does not alter the base zoning, which is currently nonresidential. It is not anticipated that the rezoning to a planned development to allow a convenience store with retail vehicle filling will negatively impact the supply or demand for nonresidential property or for similar retail uses in the surrounding area.

In summary, the proposed PD to allow a convenience store with retail vehicle filling is consistent with the Realize Rowlett 2020 Comprehensive Plan. Further, it is Staff's opinion that the proposed rezoning meets the above criteria for a rezoning. Staff does not anticipate the proposed development to have an adverse impact on adjacent properties. As it was indicated previously in this staff report, the applicant is requesting modifications to several of the City's development standards. Staff is supportive of each of the requests for modification with the exception of the oversized monument signs on Lakeview Parkway and PGBT.

Public Notice

On October 24, 2014, a total of six notices were sent to property owners within 200 feet. As of Wednesday, November 12, 2014, two responses were received in favor of the request and none were received in opposition. One of the responses is from the subject property's current property owner.

A Legal Notice was published in the *Rowlett Lakeshore Times* on October 30, 2014, pursuant to the requirements set forth in the Rowlett Development Code. A rezoning sign was placed on the

subject property on October 31, 2014, in accordance with the Rowlett Development Code and remains on the site today.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval of the requested Planned Development with the exception of allowing oversized monument signs.

ORDINANCE

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING TO “PD” PLANNED DEVELOPMENT DISTRICT FOR 2.227+/- ACRES OF LAND SITUATED AT 5001 LAKEVIEW PARKWAY, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, IN THE CITY OF ROWLETT, DALLAS COUNTY, TEXAS; PROVIDING DEVELOPMENT AND USE STANDARDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Rowlett is of the opinion that said zoning ordinance and map should be amended as provided herein.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Rowlett, Texas, heretofore duly passed by the governing body of the City of Rowlett, as heretofore amended, be and the same are hereby amended by granting a change in zoning to “PD” Planned Development District for 2.227+/- acres of land situated at 5001 Lakeview Parkway, in the City of Rowlett, Dallas County, Texas, and being more particularly described in Exhibit “A”, attached hereto and incorporated herein (hereinafter the “Property”).

SECTION 2. That the development standards and regulations set forth herein shall be applicable to all land uses, structures, the use and occupancy of all structures, and the development, construction, operation and maintenance of all improvements on the Property described herein. The location of buildings, parking areas and pavement shall be in accordance with the site plan set forth in Exhibit “C”, attached thereto and made a

part hereof. The granting of this Planned Development District is subject to the Development Regulations set forth in Exhibit "D", attached thereto and made a part hereof.

SECTION 3. That the development, use and occupancy of the Property shall conform to the standards and regulations set forth in the C-2 Commercial District and the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), as amended, except where in conflict with the provisions of this Ordinance and the regulations adopted hereby, in which event this Ordinance shall control. In the event of any conflict or inconsistency between the provisions of this Ordinance and the provisions contained in any other provision of the Rowlett Development Code or other codes or ordinances of the City, the provisions of this Ordinance shall control. In the event that this Ordinance does not include a standard or regulation that is otherwise required for similar or comparable development or uses by the Rowlett Development Code or Code of Ordinances, then the standard or regulation required by the Development Code or other ordinance shall be applied to development, use and occupancy of the Property.

SECTION 4. That the development, improvement, construction and use of the Property and all structures thereon shall be in compliance with all applicable City, state and federal regulations for inspections, permitting, licensing, and building, construction and fire codes, except as modified by this Ordinance and the Exhibits attached hereto and made a part hereof.

SECTION 5. That the Property shall be used only in the manner and for the purposes provided herein and by the ordinances of the City of Rowlett, Texas, as heretofore amended, and as amended herein.

SECTION 6. That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this Ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7. An offense committed before the effective date of this Ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this Ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the comprehensive Zoning Ordinance as a whole.

SECTION 9. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each

offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

ATTACHMENTS

Exhibit A – Legal Description

Exhibit B – Boundary Survey

Exhibit C – Concept Plan

Exhibit D – Development Standards

Attachment 1 – Location Map

Attachment 2 – Statement of Intent

Attachment 3 – Concept Plan

Attachment 4 – Building Elevations

Attachment 5 – Monument Signage

Attachment 6 – Site Photos

Attachment 7 – Parking Information

Attachment 8 – Public Notice Responses

EXHIBIT "A"

BEING a tract of land located in the City of Rowlett, Dallas County, Texas, part of the Thomas Lumley Survey, Abstract No. 789, being part of a 4.2840 acre tract of land described in deed to NEC Liberty Grove/66, Ltd. as recorded in Volume 2003184, Page 8883, Deed Records, Dallas County, a portion of said tract being all of Lot 1, Block Chacon Autos Ltd. Addition, an addition to the City of Rowlett according to the plat thereof recorded in Volume 94011, Page 1031, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a concrete TXDOT monument found at the southerly end of a right-of-way corner clip at the intersection of the north right-of-way line of Lakeview Parkway (State Highway No. 66, a variable width R.O.W.) and the east right-of-way line of the President George Bush Tollway (a variable width R.O.W.), being in the easterly line of a called 0.5244 acre tract of land described in deed to the North Texas Tollway Authority (NTTA) as recorded as Instrument No. 200900145466, Deed Records, Dallas County, Texas;

THENCE, along the east right-of-way line of President George Bush Tollway and the easterly line of said 0.5244 acre tract as follows:

North 45 degrees 34 minutes 39 seconds West, a distance of 49.77 feet to 5/8" iron rod set with cap stamped "RPLS 5199" set;

North 00 degrees 14 minutes 48 seconds West, a distance of 184.79 feet;

THENCE, departing the east line of President George Bush Tollway, over and across said 4.2840 acre tract, North 88 degrees 09 minutes 55 seconds East, a distance of 433.79 feet to the east line of said 4.2840 acre tract and the west line Lot 1, Block 1, Rowlett Family Entertainment Addition as recorded in Volume 2003019, Page 86, Deed Records, Dallas County, Texas;

THENCE, along the east line of said 4.2840 acre tract and the west line of said Rowlett Family Entertainment Addition, South 02 degrees 00 minutes 06 seconds East, passing at a distance of 23.20 feet the northeast corner of said Chacon Autos Ltd. Addition, continuing for a total distance of 224.16 feet to a 5/8" iron rod set with cap stamped "RPLS 5199" set for the southeast corner of said 4.2840 acre tract, the southeast corner of said Chacon Autos Ltd. Addition, the southwest corner of said Rowlett Family Entertainment Addition, and being in the north right-of-way line of Lakeview Parkway (60' from centerline at this point);

THENCE, along the south line of said 4.2840 acre tract, South 88 degrees 09 minutes 55 seconds West, passing at a distance of 245.00 feet the southwest corner of said Chacon Autos Ltd. Addition, continuing for a total distance of 325.25 feet to concrete TXDOT monument found for the southeast corner of aforementioned 0.5244 acre NTTA tract;

THENCE, along the easterly line of said 0.5244 acre NTTA tract as follows:

North 00 degrees 55 minutes 21 seconds East, a distance of 2.14 feet to a 5/8" iron rod with cap stamped "RPLS 5199" set;

South 89 degrees 07 minutes 46 seconds West, a distance of 80.02 feet to the **POINT OF BEGINNING** and containing 97,024 square feet or 2.227 acres of land more or less.

NOTICE:

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



William J. Johnson
11/6/14

LEGAL DESCRIPTION

BEING a tract of land located in the City of Rowlett, Dallas County, Texas, part of the Thomas Lumley Survey, Abstract No. 789, being part of a 4.2840 acre tract of land described in deed to NEC Liberty Grove/66, Ltd. as recorded in Volume 2003184, Page 8883, Deed Records, Dallas County, a portion of said tract being all of Lot 1, Block Chacon Autos Ltd. Addition, an addition to the City of Rowlett according to the plat thereof recorded in Volume 94011, Page 1031, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a concrete TXDOT monument found at the southerly end of a right-of-way corner clip at the intersection of the north right-of-way line of Lakeview Parkway (State Highway No. 66, a variable width R.O.W.) and the east right-of-way line of the President George Bush Tollway (a variable width R.O.W.), being in the easterly line of a called 0.5244 acre tract of land described in deed to the North Texas Tollway Authority (NTTA) as recorded as Instrument No. 200900145466, Deed Records, Dallas County, Texas;

THENCE, along the east right-of-way line of President George Bush Tollway and the easterly line of said 0.5244 acre tract as follows:
North 45 degrees 34 minutes 39 seconds West, a distance of 49.77 feet to 5/8" iron rod set with cap stamped "RPLS 5199" set;
North 00 degrees 14 minutes 48 seconds West, a distance of 184.79 feet;

THENCE, departing the east line of President George Bush Tollway, over and across said 4.2840 acre tract, North 88 degrees 09 minutes 55 seconds East, a distance of 433.79 feet to the east line of said 4.2840 acre tract and the west line Lot 1, Block 1, Rowlett Family Entertainment Addition as recorded in Volume 2003019, Page 86, Deed Records, Dallas County, Texas;

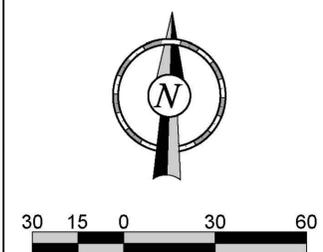
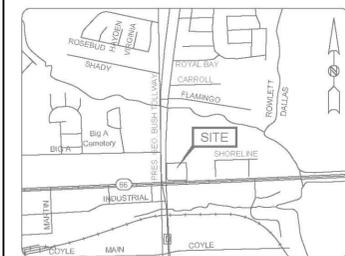
THENCE, along the east line of said 4.2840 acre tract and the west line of said Rowlett Family Entertainment Addition, South 02 degrees 00 minutes 09 seconds East, passing at a distance of 23.20 feet the northeast corner of said Chacon Autos Ltd. Addition, continuing for a total distance of 224.16 feet to a 5/8" iron rod set with cap stamped "RPLS 5199" set for the southeast corner of said 4.2840 acre tract, the southeast corner of said Chacon Autos Ltd. Addition, the southwest corner of said Rowlett Family Entertainment Addition, and being in the north right-of-way line of Lakeview Parkway (60' from centerline at this point);

THENCE, along the south line of said 4.2840 acre tract, South 88 degrees 09 minutes 55 seconds West, passing at a distance of 245.09 feet the southwest corner of said Chacon Autos Ltd. Addition, continuing for a total distance of 325.25 feet to concrete TXDOT monument found for the southeast corner of aforementioned 0.5244 acre NTTA tract;

THENCE, along the easterly line of said 0.5244 acre NTTA tract as follows:
North 00 degrees 55 minutes 21 seconds East, a distance of 2.14 feet to a 5/8" iron rod with cap stamped "RPLS 5199" set;
South 89 degrees 07 minutes 46 seconds West, a distance of 80.02 feet to the POINT OF BEGINNING and containing 97,024 square feet or 2.227 acres of land more or less.

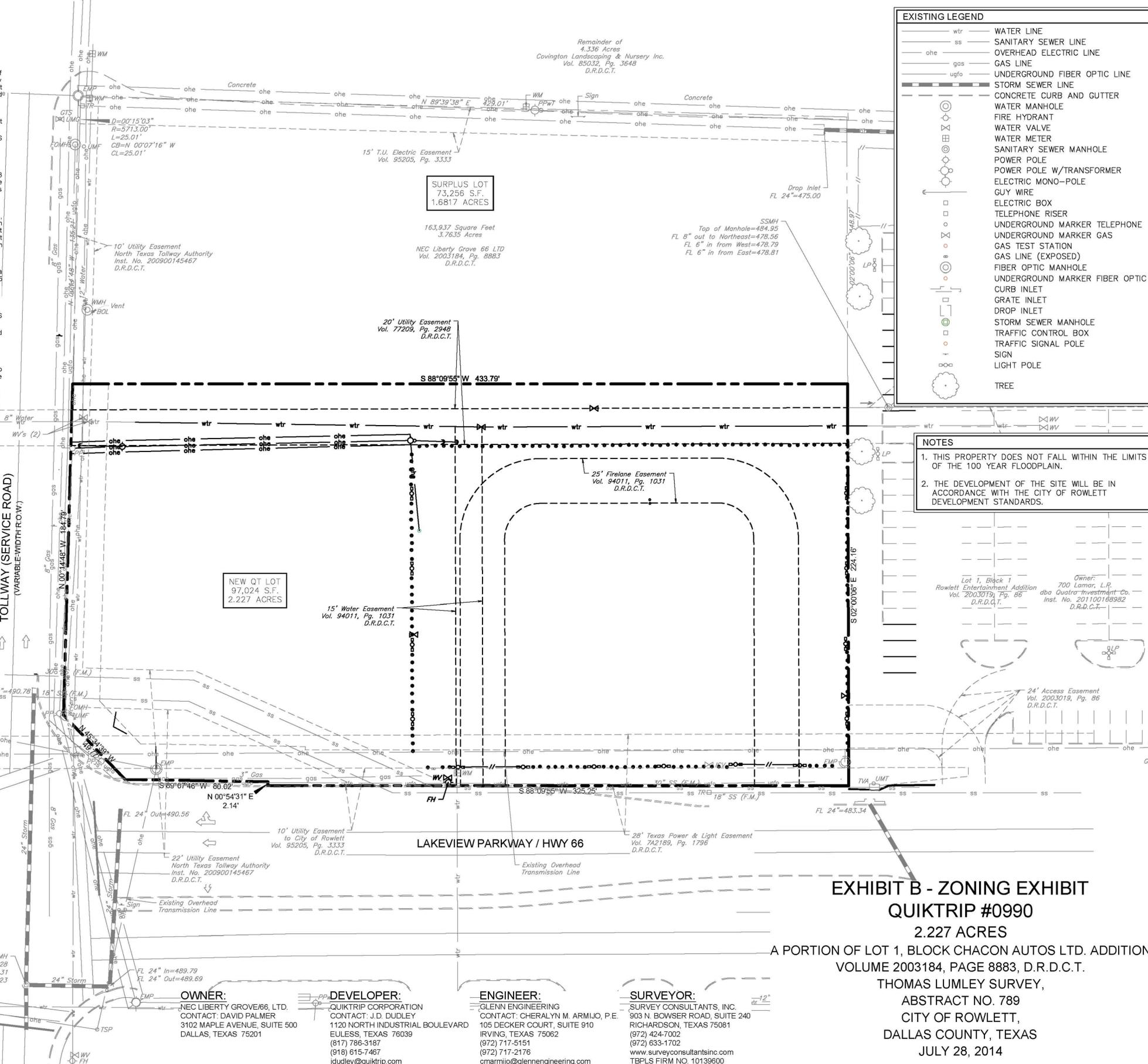
NOTICE:
"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

FILE LOCATION: \\KK-HV\Projects\QuikTrip\990 Rowlett\08-0990 Civil.dwg TAB NAME: Exhibit B - Zoning USER: Cherylm SAVED: 11/6/2014 12:38 PM PLOTTED: 11/6/2014 12:41 PM



EXISTING LEGEND table listing symbols for water line, sanitary sewer line, overhead electric line, gas line, underground fiber optic line, storm sewer line, concrete curb and gutter, water manhole, fire hydrant, water valve, water meter, sanitary sewer manhole, power pole, power pole w/transformer, electric mono-pole, guy wire, electric box, telephone riser, underground marker telephone, underground marker gas, gas test station, gas line (exposed), fiber optic manhole, underground marker fiber optic, curb inlet, grate inlet, drop inlet, storm sewer manhole, traffic control box, traffic signal pole, sign, light pole, tree.

NOTES
1. THIS PROPERTY DOES NOT FALL WITHIN THE LIMITS OF THE 100 YEAR FLOODPLAIN.
2. THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.



Professional seal for Cheryl M. Armijo, P.E., Registered Professional Engineer, State of Texas, License No. 84568, dated November 6, 2014. PROJECT NO.: 14-663-990.

Glenn Engineering logo and contact information: PHONE: (972) 717-6161, FAX: (972) 717-6161, 105 DECKER COURT, SUITE 910, IRVING, TEXAS 75062, TEXAS REGISTRATION NUMBER: F-303. QuikTrip No. 0990, NEC OF HWY. 190 & S.H. 66, ROWLETT, TX.

QT logo and project metadata: PROTOTYPE: P-80 (08/01/14), DIVISION: DALLAS, VERSION: 001, DESIGNED BY: CMA, DRAWN BY: KKE, REVIEWED BY: POTTER.

Table with columns: REV, DATE, DESCRIPTION. Includes SHEET TITLE: ZONING EXHIBIT B and SHEET NUMBER: 1. ORIGINAL ISSUE DATE: 8/4/14.

EXHIBIT B - ZONING EXHIBIT
QUIKTRIP #0990
2.227 ACRES
A PORTION OF LOT 1, BLOCK CHACON AUTOS LTD. ADDITION
VOLUME 2003184, PAGE 8883, D.R.D.C.T.
THOMAS LUMLEY SURVEY,
ABSTRACT NO. 789
CITY OF ROWLETT,
DALLAS COUNTY, TEXAS
JULY 28, 2014

OWNER: NEC LIBERTY GROVE/66, LTD. CONTACT: DAVID PALMER, 3102 MAPLE AVENUE, SUITE 500, DALLAS, TEXAS 75201
DEVELOPER: QUIKTRIP CORPORATION CONTACT: J.D. DUDLEY, 1120 NORTH INDUSTRIAL BOULEVARD, EULESS, TEXAS 76039, (817) 786-3187, (918) 615-7467, jdudley@quiktrip.com
ENGINEER: GLENN ENGINEERING CONTACT: CHERALYN M. ARMIJ0, P.E., 903 N. BOWSER ROAD, SUITE 240, RICHARDSON, TEXAS 75081, (972) 424-7002, (972) 717-5151, (972) 717-2176, cmarmijo@glennengineering.com
SURVEYOR: SURVEY CONSULTANTS, INC. 903 N. BOWSER ROAD, SUITE 240, RICHARDSON, TEXAS 75081, (972) 424-7002, (972) 633-1702, www.surveyconsultantsinc.com, TBPLS FIRM NO. 10139600

EXHIBIT “D” – Development Regulations

PLANNED DEVELOPMENT STANDARDS 5001 Lakeview Parkway

All development shall adhere to the Rowlett subdivision and development regulations set forth in the C-2 Commercial District and the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), as amended, except as outlined herein. Minor modifications can be approved administratively by staff as long as it does not increase the intensity of the use.

Use

1. Convenience store with retail vehicle filling shall be permitted.

Building Materials

1. Aluminum finish and porcelain tile shall be permitted as accent materials.

Exterior Lighting Standards

1. The height for the exterior lighting in the parking area shall be limited to 22 feet.

Parking Spaces

1. The number of parking spaces for the convenience store and retail vehicle filling station shall not exceed 58 parking spaces.

Signage

1. Signage shall be in accordance with the sign regulations within the Rowlett Code of Ordinances, as amended, for location, height, and area with the following modifications:
 - a. A monument sign along the frontage of President George Bush Turnpike shall have a maximum height of 17.33 feet, a sign face of 83.12 square feet, and an overall size of 124 square feet.
 - b. A monument sign along the frontage of Lakeview Parkway shall have a maximum height of 17.33 feet, a sign face of 83.12 square feet, and an overall size of 124 square feet, and shall have a setback of at least 3 feet from the east property line.



November 7, 2014

City of Rowlett
Garrett Langford
City Planner

RE: Planned Development

Purpose: The purpose of this submittal is to allow for the development of a 2.227 acre tract of land for the purpose of constructing a 5,858 SF 24 hour convenience store with retail gasoline sales. The provisions of the Commercial (C-2) District and all other applicable regulations as stated in the City of Rowlett's Zoning Ordinance shall govern this tract of land. Please note, there is no residential adjacency.

Proposed Conditional Use:

QuikTrip is proposing to construct and operate a 5,858 SF 24 hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed QuikTrip can comply with all ordinances and requirements within the Commercial (C-2) District, except as follows:

List Variances:

1. Gasoline Fueling Positions:
 - QT is requesting 11 MPD's or 22 fueling positions.
2. Light Pole Height:
 - QT is requesting to install 22' tall light poles. This is consistent with the Bowl-O-Rama that is adjacent to the site.
3. Signage:
 - **MV12-4PGQ** - Variance needed for height and SF. (PGBT)
 - Increased size is for visibility from the off ramp and hwy. If customers pass our site they are unable to access the QT from the tree nursery.
 - **MV12-4PGQ** - Variance needed for height and SF. (Lakeview)
 - The reason we went with the vertical over the horizontal MH10 sign is because the steel pole would block any sign wider than 5'. We don't have any horizontal monument sign under 8' because they are not legible. Also, the sign can't be shifted because it is intended only for our customers traveling westbound on 66. They have to see the sign so they can turn into the Bowl-O-Rama drive. If they pass the drive they won't shop our site. Customers will not go all the way around, they will go to the next competitor. The vertical sign and placement is crucial to the success of our store. Relocating the steel pole is not an option.

1. The proposed QT is consistent with the comprehensive zoning plan and compliments the existing uses in the area.
2. Our use is consistent with the current zoning district and our main use is allowed by right. The planned development is only required for retail gasoline sales.
3. The trend of the market today is larger c-stores with multiple fueling positions.
4. QT is a neighborhood and family store. After school our stores are normally filled with parents and kids trying the newest frozen drinks and food items. On weekends the store serves as a meeting place for little sports teams so they can stock up on snacks and sports drinks for the events. QT is a friendly family owned business that promotes a safe place for citizens to shop.
5. QT plans to use the existing curb cuts. All utilities are provided to the site and there are no conflicts.
6. We feel that our use compliments the adjacent bowling alley and we look forward to a long term corporate partnership.
7. Based on our internal site selection criteria, this site is the ideal location for a convenience store with retail gasoline sales.

We believe that our development will provide a family oriented, clean and modern facility for the citizens of Rowlett. We provide many of the items you will find in your larger grocery stores with very similar pricing. We are also making great strides in the food industry and currently have a commissary in Coppell that caters to all 114 DFS locations. We will have fresh foods delivered daily such as pastries, wraps, salads, sandwiches, flat bread sandwiches, pizza, pretzels, kolaches and desserts.

QuikTrip takes great pride in our employees and our stores. We build and maintain our facilities to last fifty years .We have an in house Facility Support team that maintains our stores daily. They are called on to maintain the landscaping, machines, paving and all aesthetic features of the store.

As previously stated, we are a family oriented business. QuikTrip does not carry any drug paraphernalia or inappropriate magazines. QuikTrip is a place where you can bring the entire family and you will always receive fast and friendly customer service.

Sincerely,

GLENN ENGINEERING CORPORATION



Cheralyn M. Armijo, P.E.
Project Manager



| | BUILDING MATERIALS EXTERIOR WALLS | | | | | |
|----------------|--------------------------------------|------------------|------------------|----------------|----------------|-------------|
| | TOTAL | BRICK | ACCENT MATERIALS | | FENESTRATIONS | OTHER |
| FRONT FACADE: | 2,430 SF | 772.5 SF = 32% | 489 SF = 20% | 360.5 SF = 15% | 680 SF = 28% | 128 SF = 5% |
| SIDE FACADES: | 2,284 SF | 824 SF = 36% | 606 SF = 26% | 246 SF = 11% | 518 SF = 23% | 90 SF = 4% |
| REAR FACADE: | 1,675 SF | 1,294 SF = 77% | 280 SF = 17% | 45 SF = 3% | 56 SF = 3% | N/A |
| TOTAL FACADES: | 6,389 SF | 2,890.5 SF = 45% | 1,375 SF = 22% | 651.5 SF = 10% | 1,254 SF = 20% | 218 SF = 3% |

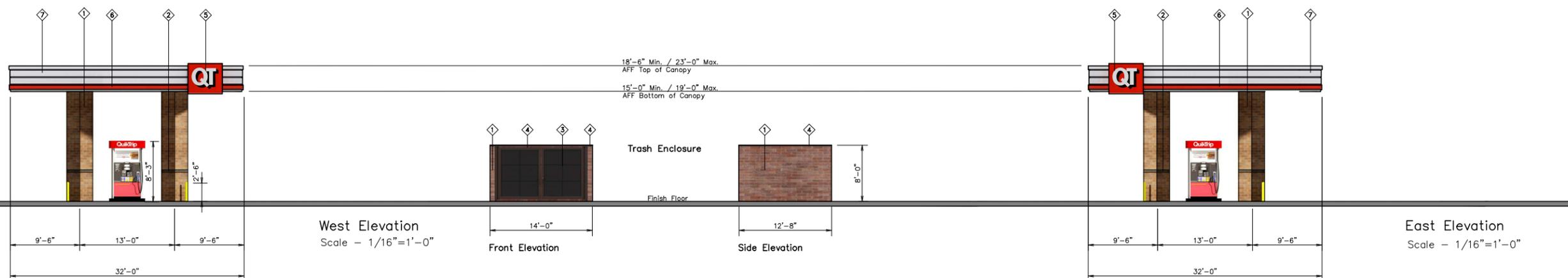
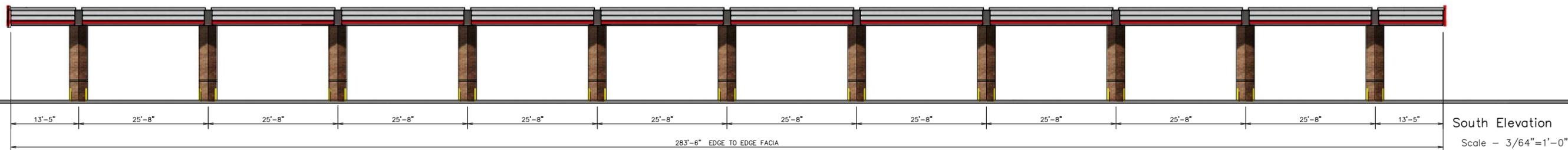


| | | | |
|--|---|---|--|
| <p>4705 South 129th East Ave. Tulsa, OK 74134-7008 P.O. Box 3475 Tulsa, OK 74101-3475 (918) 615-7700</p> | <p>Store # 0990 Building Elevations with Brick Mechanical Screen, Internal Roof Drains and Pilasters</p> | <p>Address: NE Corner of Hwy 190 & SH 66</p> | <p>City, State: Rowlett, TX</p> |
| | <p>Serial # 08-0990-BSTI</p> | <p>Scale: 1/16"=1'-0"</p> | <p>Issue Date: 08/05/14</p> |

| NO. | FINISH | MANUFACTURER | SPECIFICATION |
|-----|---------------------|------------------|------------------------|
| 1 | BRONZESTONE | INTERSTATE BRICK | ATLAS STRUCTURAL BRICK |
| 2 | MIDNIGHT | INTERSTATE BRICK | ATLAS STRUCTURAL BRICK |
| 3 | BRONZESTONE | INTERSTATE BRICK | ATLAS VENEER BRICK |
| 4 | 101 BROWN | SHERWIN WILLIAMS | PAINT |
| 5 | QT RED | LANE | STANDING SEAM AWNING |
| 6 | RED POLYCARBONATE | ALLEN INDUSTRIES | ILLUMINATED BAND |
| 7 | DARK BRONZE | LANE | WE/F/PAINT |
| 8 | ALU-ALUMINUM | ALPOLD | FLASHING |
| 9 | DR-ZO | ALLEN INDUSTRIES | ILLUMINATED SIGNAGE |
| 10 | CL-FOR | ALLEN INDUSTRIES | SIGNAGE |
| 11 | MP04 - RADIANT IRON | DALTILE | PORCELAIN TILE |

Rev/Notes:
 08/27/2014 Internal roof drains, brick mech.
 08/28/2014 material percentages table
 Added rear pilasters

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QuikTrip

4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Store #

0990 Vertical 11 Canopy

Address:

NE Corner of Hwy 190 & SH 66

City, State:

Rowlett, TX

Serial #

08-0990-GV11

Scale:

AS NOTED

Issue Date:

08/05/14

Drawn By:

DMM

Rev/Notes:

08/08/14 Revised to Vertical 11 from Spill Canopy

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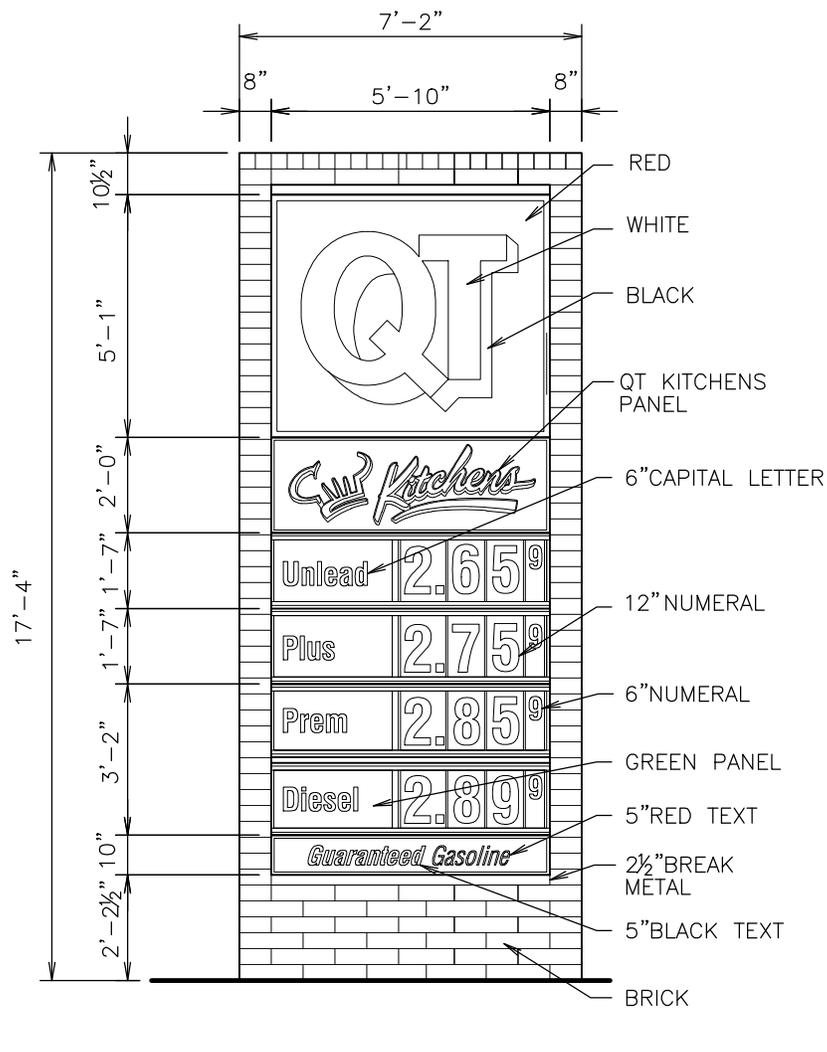
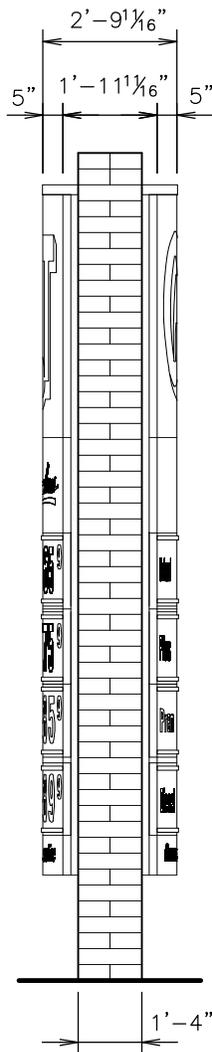
| ① | FINISH | MANUFACTURER | SPECIFICATION |
|---|-------------------|-------------------|------------------------|
| 1 | BRONZESTONE | INTERSTATE BRICK | ATLAS STRUCTURAL BRICK |
| 2 | MIDNIGHT BLACK | INTERSTATE BRICK | ATLAS STRUCTURAL BRICK |
| 3 | BLACK | ALL COURT FABRICS | POLYPRO 95 MESH |
| 4 | DARK BRONZE | LANE | METAL/PAINT |
| 5 | IDC-20 | ALLEN INDUSTRIES | ILLUMINATED SIGNAGE |
| 6 | RED POLYCARBONATE | ALLEN INDUSTRIES | ILLUMINATED BAND |
| 7 | HLZ-ALUMINUM | ALPOLIC | CANOPY |



QuikTrip.
 4705 S. 127th E. Ave. - Tulsa, OK 74134-7008
 P.O. Box 18100 - Tulsa, OK 74113-1810
 © 1983-2008



**Vertical
 Monument Sign
 MV12-4PGQ-BS**



| | | | |
|-------|--|------------|----------|
| NOTES | | | |
| | | DRAWN BY | BP |
| | | ISSUE DATE | 09/02/14 |

| | | | |
|----------------|----|----|----|
| SQUARE FOOTAGE | 39 | 71 | 84 |
| TYPEFACE | | | |
| INSIDE CAN | | | |
| ENTIRE SIGN | | | |

SPECIFICATIONS:

LOGO

Flat Solar grade, Clear Cyro Face, .177 thickness, painted on 2nd surface to match 3M Cardinal Red Translucent #3632-53, Akzo Nobel, no embossment.

Pricer

Flat Solar grade, Clear Cyro Face, .177 thickness, painted on 2nd surface, Akzo Noble Black, manual Font Numerals, Clear Helvetica Condensed font. Product Panels, Cyro, Clear text area, painted 2nd surface Akzo Nobel Opaque Black, Diesel Product Panel painted 2nd surface to match PMS 7481C Translucent Green, Akzo Noble.

LOGO Cabinet/Pricer Cabinet/Base

Aluminum Construction, Internally illuminated with GE Tetra PowerStrip DS65/GE PS24 Power Supplies. LOGO Cabinet painted Akzo Noble, QT Red SIGN9141 Low Gloss. Pricer Cabinet and Base painted Akzo Noble Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss. Base and Surround are Brick construction using Interstate Brick Midnight Black Atlas.

SCALE:

1/4" = 1'-0"

SERIAL NUMBER:

MV12-4PGQ-BS

STORE NUMBER:

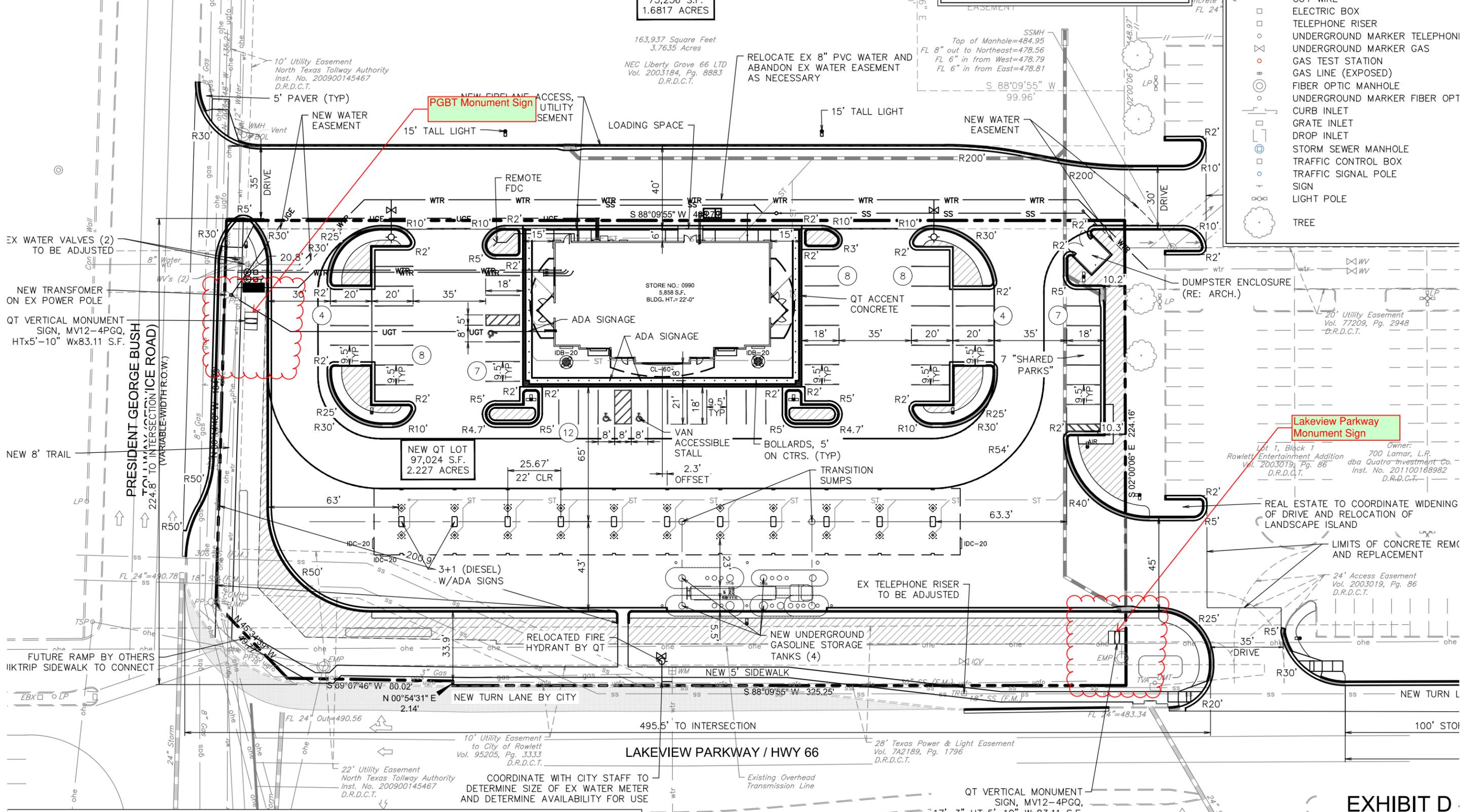
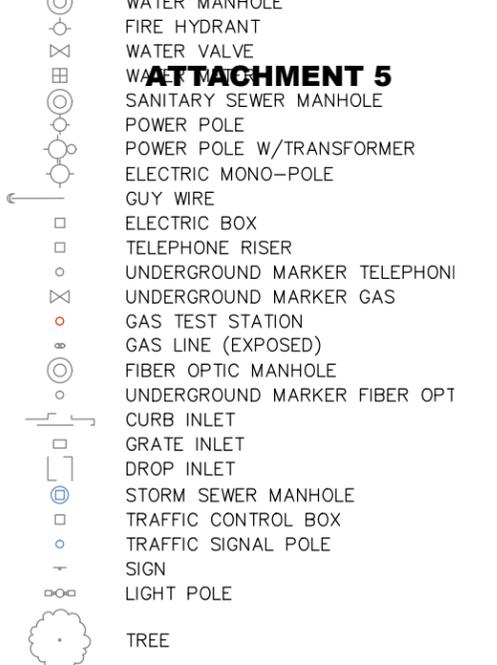
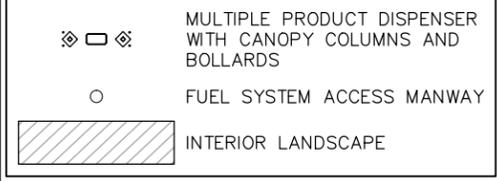
0990



15' T.U. Electric Easement
Vol. 95205, Pg. 3333

SURPLUS LOT
73,256 S.F.
1.6817 ACRES

163,937 Square Feet
3.7635 Acres
NEC Liberty Grove 66 LTD
Vol. 2003184, Pg. 8883
D.R.D.C.T.



Lakeview Parkway Monument Sign

Lot 1, Block 1
Rowlett Entertainment Addition
Vol. 2003019, Pg. 86
D.R.D.C.T.
Owner:
700 Lamar, L.P.
dba Quatro Investment Co.
Inst. No. 201100168982
D.R.D.C.T.

REAL ESTATE TO COORDINATE WIDENING OF DRIVE AND RELOCATION OF LANDSCAPE ISLAND

LIMITS OF CONCRETE REMOVAL AND REPLACEMENT

24' Access Easement
Vol. 2003019, Pg. 86
D.R.D.C.T.

COORDINATE WITH CITY STAFF TO DETERMINE SIZE OF EX WATER METER AND DETERMINE AVAILABILITY FOR USE

- NOTES**
1. DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS/REGULATIONS NOT SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS PART OF PLANNED DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING/APPROVAL BY THE BOARD OF ADJUSTMENT (BOA).
 2. ALL CURRENT DEVELOPMENT REQUIREMENT OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
 3. THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT.

OWNER: _____ DEVELOPER: _____ ENGINEER: _____ SURVEYOR: _____

EXHIBIT D

A PORTION OF LOT
VOLUME

QuikTrip PGBT Site Photos



QuikTrip PGBT Site Photos



QuikTrip PGBT Site Photos



QuikTrip PGBT Site Photos



Northbound PGBT



PGBT and Lakeview Pkwy facing north

QuikTrip PGBT Site Photos



Westbound Lakeview Pkwy



Westbound Lakeview Pkwy

QuikTrip PGBT Site Photos





November 5, 2014

City of Rowlett
Garrett Langford
City Planner

RE: QuikTrip 990 - Parking Requirements

Mr. Langford,

QuikTrip is proposing to construct 58 parking stalls at the proposed station located at the NEC of Hwy 66 and Hwy 190 in Rowlett, TX. Please note, 7 of the parks will be shared with Bowl-O-Rama as shown on our PD Concept Plan. The shared parking stalls will replace the existing 7 Bowl-O-Rama parks that will be removed when cross access is provided. Here is a list of some of our most recent locations:

- #876 Arlington, TX - 46 Parking Stalls
- #910 Plano, TX - 54 Parking Stalls
- #922 Lancaster, TX - 64 Parking Stalls
- #963 McKinney, TX - 69 Parking Stalls
- #984 River Oaks, TX - 71 Parking Stalls

QuikTrip's proposal is consistent with all new GEN 3 store layouts and is vital to the success of our new business model. With our business going in the direction of the food service industry, it is vital to our success to have adequate parking. The proposed QT will have a kitchen which will serve made to order pizzas, flat bread sandwiches, pretzels, kolaches, shakes, smoothies and many more items are to be added. Customers are spending longer in our stores due to our outdoor seating and cook time. Thank you for your time and attention regarding this matter.

Sincerely,

GLENN ENGINEERING CORPORATION

A handwritten signature in black ink that reads "Cheralyn Armijo". The signature is written in a cursive, flowing style.

Cheralyn M. Armijo, P.E.
Project Manager



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Planned Development

LOCATION: The subject property is located at 5001 Lakeview Parkway further described as being a tract of land located in the Thomas Lumley Survey, Abstract No. 789, being part of a 4.2840 acre tract of land described in deed to NEC Liberty Grove/66, Ltd. as recorded in Volume 2003184, Page 8883, Deed Records, Dallas County, a portion of said tract being all of Lot 1, Block 1 Chancon Autos Ltd. Addition, an addition to the City of Rowlett, Dallas County, Texas. A map is attached for your reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code. (Case Number PD14-731).

EXPLANATION OF REQUEST: The applicant requests a rezoning from the General Commercial/Retail Zoning District (C-2) to a Planned Development to allow a convenience store with retail vehicle filling at the subject property.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Whatever works for Rowlett would be helpful for Covington's Nursery

SIGNATURE: Joe Covington
ADDRESS: 5518 Pres. George Bush Hwy

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 11th day of November, 2014, and that the City Council will hold a public hearing at 7:30 p.m. on the 18th day of November, 2014, both at the Municipal Center, 4000 Main Street, Rowlett, Texas.
Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, November 5, 2014, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 12, 2014, to be included in the City Council packet. All responses received by November 12th will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.
Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com
RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



Department of Development Services

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TO: Property Owner
RE: Application for a Planned Development

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

SIGNATURE:

Handwritten signature: John D. Palmer for NEC Liberty Grove/66, Ltd. a Texas Limited Partnership
ADDRESS: 3102 Maple Ave., Suite 500, Dallas, TX 75201

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 11th day of November, 2014, and that the City Council will hold a public hearing at 7:30 p.m. on the 18th day of November, 2014, both at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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