



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, December 2, 2014

5:40 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**
 - 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 discuss the Rowlett Public Library transition plan. (60 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)
 - 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 in or near Elgin B. Robertson Park. (30 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)
3. **WORK SESSION (5:40 P.M.)* Times listed are approximate**
 - 3A. Discuss Kids Kingdom Strategy. (15 minutes)
 - 3B. Discuss and receive direction from City Council on enhancing public notification for zoning cases by increasing the notification radius from 200 feet to 500 feet. (15 minutes)
 - 3C. Discuss Verizon PEG Fund Contribution. (15 minutes)
 - 3D. Discuss a proposal accepting the bid of and awarding a contract to Dowager Utility Construction, LTD for the total bid amount of \$1,491,698.76 plus 10 percent contingency in the amount of \$149,169.88 plus up to \$25,000.00 for an early completion bonus, resulting in a total award amount of \$1,665,868.64 for the North Shore Sanitary Sewer Project and authorizing the Mayor to execute the necessary documents for said services. (15 minutes)

- 3E.** Provide Council with an update and discuss and receive feedback on the Community Development Block Grant (CDBG) as it relates to the Public Facilities, Public Services and Housing Rehabilitation Program. (45 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.** Presenting a proclamation to the Rowlett High School Band for their placement at University Interscholastic League (UIL) Texas State Marching Band Contest at the Alamodome in San Antonio, Texas.

- 5B.** 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 18, 2014, City Council Meeting.
- 7B.** Consider action to approve a resolution awarding the second and final one year renewal option for screening wall repair and maintenance services to Ratliff Hardscape LTD in the unit amounts bid and in an estimated annual amount of \$50,000 and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.
- 7C.** Consider action to approve a resolution to amend the City's Sick Leave Payout Policy in order to reduce the City's liability rate.
- 7D.** Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Downtown Improvement Project in the amount of \$184,796.09 to Phillips May Corporation and authorizing the Mayor to execute the necessary documents.

- 7E. Consider action to approve a resolution accepting the bid of and awarding a contract to Dowager Utility Construction, LTD for the total bid amount of \$1,491,698.76 plus ten percent contingency in the amount of \$149,169.88 plus up to \$25,000 for the early completion bonus, resulting in a total award amount of \$1,665,868.64 for the North Shore Sanitary Sewer Project and authorizing the Mayor to execute the necessary documents for said services.
- 7F. Consider action to approve the purchase of an additional set of Personal Protective Ensemble gear for each firefighter.

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 consider a recommendation regarding Major Warrants for property located at 6800 Scenic Drive, and located within the Healthy Living, Urban Village Form Based District, related to the following Form Based Code standards in order to develop the subject property: roadway dedication, open space, continuous building frontage, ceiling height requirements and primary entry location.
- 8B. Conduct a public hearing and consider an ordinance approving a Special Use Permit to allow a licensed massage establishment in a Planned Development District Ord. 3-5-96D located at 8809 Lakeview Parkway, Suite 100, within the Lakepoint Shopping Center. (SUP14-745)
- 8C. Conduct a public hearing and take action on a request to amend Planned Development Ordinance #28-04 to allow additional land uses at a property located at 1800 Dalrock Road further described as Lot 1, Block A, Shafer Plaza Addition to the City of Rowlett, Rockwall County, Texas. (PD14-737)

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

9. ADJOURNMENT

Stacey Chadwick

Stacey Chadwick, Deputy 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 26th 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: 12/02/14

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 discuss the Rowlett Public Library transition plan. (60 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 2B

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. (30 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 3A

TITLE

Discuss Kids Kingdom Strategy. (15 minutes)

STAFF REPRESENTATIVE

Jermel Stevenson, Parks and Recreation Director
Keith Flournoy, Parks Division Manager

SUMMARY

A strategy and timeline for the design and establishing a cost for Kids Kingdom has been reviewed with the Parks and Recreation Advisory Board. On November 6, 2014, a Request for Qualifications (RFQ) was issued for Kids Kingdom. The RFQ closed on Friday, November 20th. A special Parks and Recreation Advisory Board meeting was held on November 24th for staff to provide an update on the selection of the design firm. This meeting also provided the opportunity for the board to provide input on the type of firm needed for the Design Day. This City Council work session is scheduled to provide members of Council with an update on the status of the project.

BACKGROUND INFORMATION

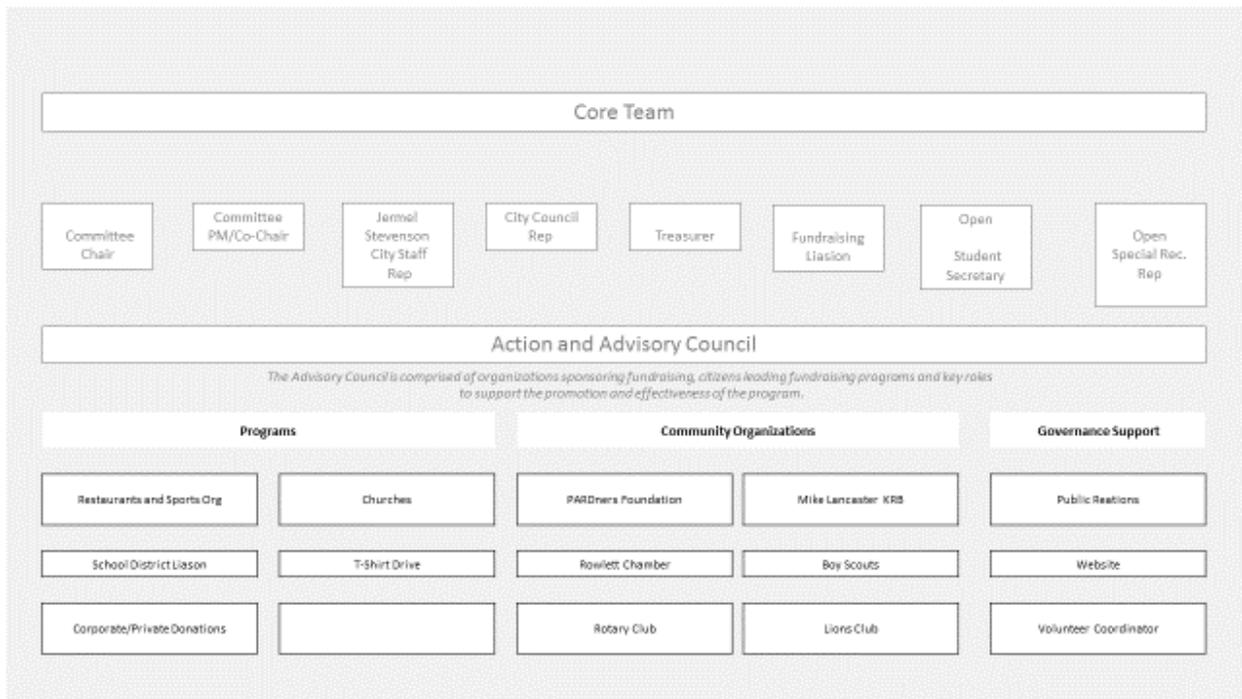
Kids Kingdom was a playground the community built and completed in 1998. The playground was located in Pecan Grove Park and it was taken down in early June 2013. The playground was taken down because of the risks associated with its construction dating from 1998 and the number of repairs needed to keep the structure safe for children. During the June 4, 2013, City Council work session, the Council set aside \$100,000 for the rebuild of Kids Kingdom. Members of Council challenged the community to match the funding for the rebuild.

In August 2013, City Council directed staff to move forward with plans to install our new Kids Kingdom at Herfurth Park. During the time frame of August 2013 to June 2014, the Parks Advisory Board, along with other non-profit groups worked to raise funds towards the building of a new Kids Kingdom. In June 2014, the Parks Advisory Board provided a recommendation to City Council to move Kids Kingdom back to Pecan Grove. City Council accepted the recommendation and City staff, along with the Parks Advisory Board, continued work on fundraising with the primary goal of identifying a firm to conduct a Design Day and provide a design to the City and the Parks and Recreation Advisory Board with community input.

DISCUSSION

We have set a date for our Design Day. It will be Saturday, January 10, 2015, 10:00am – 1:00pm at the Rowlett Community Centre. We established a Playground Committee comprised of Council member(s), staff, citizens, and Parks Board members to oversee progress and subcommittees (see below). We are also in the early stages of our marketing campaign to get the community excited about this day as it is going to take a significant number of volunteers to complete this project once we start. We plan to visit or contact all the schools, churches, local businesses, Boy

and Girl Scout organizations, and HOA's in Rowlett to encourage them to come and join us on January 10, 2015.



From the Design Day to Build Day, we estimate that time frame is between six to nine months, depending on the success of our fundraising efforts. We are working with the Parks Advisory Board, PARDners and the vendor to rally support and boost our fundraising drive, which will be kicked-off in conjunction with Design Day. We have put together a timeline that we will use to guide us as we move into the various phases of establishing committees, fundraising, marketing and other tasks, leading up to the actual building phase.



On Design Day, the community will give ideas to the playground designers, who will in turn put those concepts into an actual conceptual drawing along with all the specifications. It is estimated that it would take seven to ten days to complete the specifications and at that time a cost of the project will be submitted to the Parks and Recreation Department. Once we receive that cost it will be presented to all of the necessary bodies.

FINANCIAL/BUDGET IMPLICATIONS

We have estimated that our first financial expense will be the cost of our Design Day, which is approximately \$2,000. That cost is based on feedback from the vendor, which covers their fees for leading the design day and other typical expenses for the day.

RECOMMENDED ACTION

We invite Council to come out and be a part of the Design Day on Saturday, January 10, 2015, at the Rowlett Community Centre. We also would like Council to assist us in spreading the word about this exciting opportunity in Rowlett as we put on a display of community pride.



City of Rowlett
Staff Report

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AGENDA DATE: 12/02/14

AGENDA ITEM: 3B

TITLE

Discuss and receive direction from City Council on enhancing public notification for zoning cases by increasing the notification radius from 200 feet to 500 feet. (15 minutes)

STAFF REPRESENTATIVE

Garrett Langford, Principal Planner

SUMMARY

The 2015 City Council's adopted work plan included a strategy to increase the notification radius from 200 feet to 500 feet in order to further the City's overarching goal of educating the community. Staff has prepared three options for Council's consideration to increase mailing notifications for rezoning cases. This item is intended to facilitate a discussion and receive Council's feedback prior to instituting a requested change.

BACKGROUND INFORMATION

Currently, the Rowlett Development Code (RDC) requires public notices to be mailed at least 15 days prior to a public hearing to all property owners located within a 200-foot radius of a property subject to a possible rezoning; this is consistent with Texas Local Government Code requirements. The owner information used for the mailings is based on tax records collected from the Dallas/Rockwall Central Appraisal Districts as required by the RDC. In addition to rezoning cases, public notices are sent in cases involving variances, residential replats, and administrative appeals. The increased notification radius is limited to rezoning cases including special use permits and major warrants.

From August 2013 to August 2014, a total of 896 public notices were mailed for 14 rezoning cases. Increasing the notification to a 500-foot radius would have resulted in approximately 2,075 notices for those same cases, an increase of 132%. In general, increasing to a 500-foot radius for mailing notices will result in up to five and a quarter times more notices than under the current 200-foot radius. The increase in the number of notices will vary depending on the location of the subject property and the size of the surrounding properties.

Chapter 211 of the Texas Local Government Code and Section 77-812 of the RDC require a concurring vote of at least three-fourths vote of Council when property owners who object to a rezoning represent at least 20% of the land area within the 200-foot radius. The RDC states the following:

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.

DISCUSSION

Should the council determine that the notice area should be increased to 500 feet, staff has prepared three options to increase the rezoning notification radius to 500 feet. One option would not involve a text amendment, but instead establish a policy to send extra notices for those properties that fall outside of the official public notice of 200 feet but within 500 feet. The other two options would involve a text amendment increasing the notification radius to 500 feet. Below are the three options to increase the notification radius to 500 feet for rezoning cases.

Option 1:

Establish a policy directing Staff to send additional notices to all property owners located outside of the 200-foot public notice radius but within 500 feet. These extra notices would be considered a courtesy and would not be subject to the protest and super majority requirement. If this option is selected, then the policy for additional notices would be detailed in the Development Services Zoning and Development Handbook. (The handbook is a document that details development process including rezoning that is provided to potential applicants.)

Option 2:

Amend the RDC to require additional notices for those properties between 200 feet and 500 feet of a subject property. This is similar to option 1; however, it would codify the additional notices within the RDC as courtesy notices. This amendment would include language stating the courtesy notices would not be subject to the protest and super majority voting requirement, and would not invalidate the public hearing process should a property owner (between 200 feet and 500 feet) fail to receive a courtesy notice.

Option 3:

Amend the RDC to require additional notices for those properties between 200 feet and 500 feet of a subject property. The difference from option 2 is that these additional notices would be codified as required public notices. These additional public notices would be subject to the protest super majority voting requirement. Under this scenario, separate calculations for the protest and super majority vote would be done for the 200-foot area and for the area between 200 feet and 500 feet. A super majority vote would be required if the protest from the property owners represent land that is more than 20% of the 200-foot radius area and/or 20% of the area between 200 feet and 500 feet. Two calculations are done to avoid diluting the relevance of the 200-foot area. Increasing the public notices to include the area between 200 feet and 500 feet may increase the risk of invalidating a rezoning action should some fail to receive a public notice.

FINANCIAL/BUDGET IMPLICATIONS

Increasing the notification radius from 200 feet to 500 feet will result in higher printing and postage costs. Staff expects to have up to five and a quarter times more notifications. The approximate

cost per notice is \$0.58. The cost increase would be the same in any of the three options. At this time, Staff believes the current fee schedule for rezoning requests will be able to cover the cost associated with the increased number of mailed notices.

RECOMMENDED ACTION

Staff is seeking direction from Council regarding the increase in mailing notifications to 500 feet. If the Council decides to increase the notification area to 500 feet, Staff recommends Option 1 as it would not require a text amendment and would not affect the super majority requirements or impact the validity of the public hearing notice process. The table below is a summary of the three options.

	Notices	Implementing Action	³/₄ Vote Apply
Option 1	Courtesy Notice	Council Direction	No
Option 2	Courtesy Notice	Text Amendment	No
Option 3	500-foot Public Notice	Text Amendment	Yes



City of Rowlett
Staff Report

4000 Main Street
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www.rowlett.com

AGENDA DATE: 12/02/14

AGENDA ITEM: 3C

TITLE

Discuss Verizon PEG Fund Contribution. (15 minutes)

STAFF REPRESENTATIVE

Alan Guard, Chief Financial Officer

SUMMARY

The City of Rowlett collects fees from its cable franchisees to provide funding for capital expenditures associated with the Public, Educational and Government programming on the cable network. This is designated as the City's PEG Fund. When originally established in 2006, the City elected to receive \$0.50 per subscriber. This fee is passed on directly to the subscribers. In January of 2012, Verizon sent all of its customer cities an email asking if the City wanted to change to one percent (1%) of gross revenues as allowed by the Texas Utilities Code and requested a response within 60 days. This fee would also be a pass-through to subscribers. Verizon indicated that they did not receive a response from the City; therefore, they continued to collect the \$0.50.

In reviewing their files, Verizon found the 2006 letter, which referred to changing to the one percent (1%) starting in June 2010. Based on the intent of that letter, Verizon has determined that a payment totaling \$296,004.34 would true up the remittance for the period June 2010 – June 2014. In order to pay this however, the fee would need to be collected from Verizon customers going forward.

There are two options for moving forward. Verizon can collect the one percent as intended, plus it can collect an additional one percent until such time as the true up is recovered. This would be a period of two to three years. The second option is to collect the one percent going forward and forego the true-up payment. Staff is requesting that the City Council provide direction.

BACKGROUND INFORMATION

The Texas Utilities Code, Chapter 66, Section 66.006 provides for the funding of capital expenditures associated with the Public, Educational and Governmental (PEG) access facilities. Pursuant to the law, these funds may only be used for the funding of PEG-related capital costs and expenses and not for general revenue purposes. Cities can elect to receive one percent of the revenues derived within the municipality or a per subscriber fee. The code allows these fees to be passed on to subscribers regardless of the form of PEG fees selected.

In 2006, Rowlett chose to collect the \$0.50 per subscriber. The letter also refers to the current agreement expiring in June 2010. The City would then wish to go to the one percent collection rate. For some reason, Verizon did not implement the one percent on the subscriber bills and

continued to collect the \$0.50 per subscriber. In 2012, Verizon contacted its customer cities and asked if they would prefer to change to the one percent. According to their records, Rowlett did not respond so Verizon continued to charge the \$0.50 per subscriber.

During a recent review of their records, Verizon discovered the reference to 2010 in the 2006 letter and contacted the City. They want to know if the City would like to receive a true up of those funds that should have been collected between June 2010 and now. This would total \$296,004.34 through June of 2014. Further, should Verizon begin to collect the one percent from subscribers going forward?

DISCUSSION

If the City decides to receive the true-up check of \$296,004, Verizon has the right to pass that cost on to subscribers. In order to accomplish this, Verizon is proposing adding an additional one percent until they recoup the \$296,004.

There are some issues for Council to consider with this option. First, the money in the PEG Fund is highly restrictive and can only be used for capital costs and expenses related to Public, Educational and Governmental access facilities. Currently, there is not a significant need for this amount of money in that fund. The second issue is that the funds would be collected from customers who may have not lived in Rowlett from June 2010 through June 2014.

A second option would be to forego the true up check and start the one percent fee going forward. Based on recent history, this would generate about \$21,000 per quarter, or \$84,000 annually. Time Warner collects one percent (1%) and moving Verizon to the one percent (1%) would negate this small competitive advantage that Verizon currently enjoys. This is staff's recommendation.

A third option would be to remain with the \$0.50 per subscriber. Again, regardless of the method, these funds can only be used for approved PEG fund items.

FINANCIAL/BUDGET IMPLICATIONS

Currently, the City receives a quarterly check from both Verizon and Time-Warner Cable. The amount from TWC is about \$7,500 and the amount from Verizon is \$15,900. The City budgets \$85,042 and received \$95,637 in FY2013. In directing Verizon to begin collecting one percent from its subscribers going forward would generate an additional \$21,000 per quarter for the PEG Fund. This fund is used to pay for the expenses related to RTN16, the City's cable channel.

RECOMMENDED ACTION

Staff recommends Option 2 to decline the \$296,004 true up and provide direction to Verizon to begin collecting the one percent fee for the PEG Fund.

ATTACHMENTS

Attachment 1 – 2006 Letter from Rowlett to Verizon

Attachment 2 – 2012 Email from Verizon to Rowlett

MAYOR
C. Shane Johnson
MAYOR PRO TEM
Al Alberts
DEPUTY MAYOR
PRO TEM
David Bryan



CITY COUNCIL
Dennis Alsup
Steve Maggiotto
Cindy Rushing
Becky Sebastian
CITY MANAGER
Craig S. Owens

May 25, 2006

Ms. Michelle Lawson
Franchise Service Manager – West Region
6665 N. Mac Arthur Blvd.
HQQ02B18
Irving, TX 75039

VIA ELECTRONIC FORMAT

Dear Ms. Lawson:

In response to your letter dated March 6, 2006, the City of Rowlett confirms that Comcast/Time Warner is currently paying the City of Rowlett \$0.50 cents per month, per subscriber for the PEG fee.

Additionally, the information on the incumbent agreement is incorrectly listed. The current incumbent franchise agreement with Comcast/Time Warner expires in June 4, 2010.

Lastly, upon expiration of the incumbent agreement, the City of Rowlett will wish to elect the one percent payment option under Section 66.006(b) of the Utilities Code of Texas State statutes regarding State-issued cable and video franchising requirement.

Thank you for your continued assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Owens", written over a light blue circular stamp.

Craig S. Owens
City Manager



March 6, 2006

City of Rowlett
Assistant to the City Manager
4000 Main Street
Rowlett, TX, 75088

VIA CERTIFIED MAIL

RE: PEG Fees

Dear Katie Corder:

In order to assist us in determining the amount to be paid to the City of Rowlett pursuant to Chapter 66, Section 66.006 "In Kind Contributions", Verizon requests confirmation that the incumbent, Comcast is currently paying to the City of Rowlett \$0.50 cents per month, per subscriber. In addition, the expiration date of the incumbent agreement is March 2006. If this information is incorrect, please insert the correct information below and return this letter to me at the address above.

Incumbent Name(s)	Contribution Amount	Agreement Expiration Date
* <u>Comcast / Time Warner</u>	<u>\$.50 per subscriber / per month</u>	<u>June 4, 2010</u>
_____	_____	_____

City Official's Signature _____

Date Signed _____

If upon expiration of the incumbent agreement, you wish to elect the one percent payment option under Section 66.006(b), Verizon requests 60 days notice prior of your election so that we can make the required changes to our internal billing systems and supply notification to our subscribers. If you have any questions or comments, please do not hesitate to contact me at 972-465-4442.

Sincerely

Michelle Lawson
Franchise Service Manager – West Region

* currently in the process of transferring service

Kay

AGENDA DATE: 12/02/14

AGENDA ITEM: 3D

TITLE

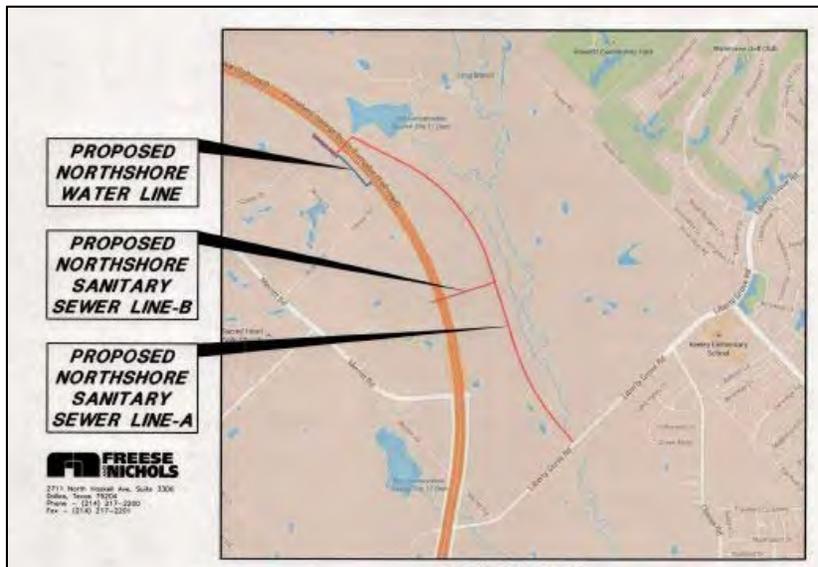
Discuss a proposal accepting the bid of and awarding a contract to Dowager Utility Construction, LTD for the total bid amount of \$1,491,698.76 plus ten percent (10%) contingency in the amount of \$149,169.88 plus up to \$25,000 for an early completion bonus, resulting in a total award amount of \$1,665,868.64 for the North Shore Sanitary Sewer Project 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 will consist of the installation of approximately 10,943 linear feet of sanitary sewer main ranging from 12-inch to 21-inch in size, approximately 1,336 linear feet of 8-inch water main and associated construction measures beginning near Liberty Grove at the South and generally following Muddy Creek to a point North and then West under President George Bush Turnpike (PGBT) to serve the proposed Huffines Development.

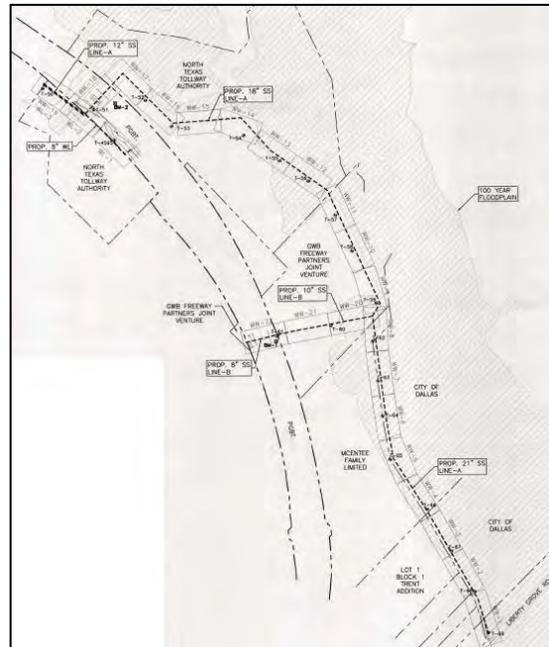


BACKGROUND INFORMATION

On October 28, 2013, staff presented to Council information relative to the ability to provide sanitary sewer services for the Harmony Hills project under the Form Based Code Urban Village District as well as the surrounding areas. Council provided consensus to have staff work with the developer to leverage the private investment of this project and the willingness of the developer to provide funds to offset the costs of the installation of the North Shore Sanitary Sewer Main line construction versus installing two lift stations on site to service their development.

On November 19, 2013, Council conducted a public hearing and approved a rezoning request from the existing Planned Development (ORD-052-06) Zoning District to the Urban Village Form Based Zoning District for the purposes of building a pedestrian-oriented, multi-family neighborhood to be governed by the City of Rowlett's Form Based Code. The Subject Property is located at 3100 Merritt Road, further described as a 28.532± acres portion of 31.59± acre Tract 2 in the McKinney and WMS Abstract, Number 1015, Page 460 in the City of Rowlett, Dallas County, Texas.

On February 18, 2014, Council authorized approving Task Authorization #141-FNI to the approved professional services agreement with Freese and Nichols, Incorporated in the amount of \$194,522 to provide construction plans and specifications for the North Shore Sanitary Sewer Main Project. The proposed design phase is 180 days. The bid and construction phase is 210 days. The total proposed time from design to final construction, including ROW/easement acquisitions is 15 months with a total estimated construction cost of \$1.6 Million. The design was completed in September 2014.



City Staff, along with Freese and Nichols, Incorporated are still working with the North Texas Tollway Authority (NTTA) and the Dallas Water Utility Division to obtain construction easements. It is anticipated that the process will be completed within the next three to five months. Staff will provide Notice to Proceed to the Contractor upon receipt of all easements/acquisitions.

DISCUSSION

This is a significant project for three reasons:

1. It eliminates the need for two pumping stations that would otherwise be required to service the Huffines Development. By not installing these lift stations, it will save on perpetual maintenance expenses. The gravity sewer mains will ensure service reliability to this area.
2. It provides sewer capacity for the remaining undeveloped areas in the North Shore, opening this area up for future economic development. This supports the vision of *Realize Rowlett 2020*.
3. It leverages private investment dollars with taxpayer dollars for a more cost efficient solution.

Notice to bidders was published in the *Rowlett Lakeshore Times* on October 9th and 15th, 2014. A non-mandatory Pre-Bid meeting was held at 2:00pm, October 21, 2014, in the City Hall Council Room at 4004 Main Street, Rowlett, Texas 75088. Sealed bids were received in the Purchasing

Office until 2:00 pm, October 28, 2014, and then publicly read aloud in the City Hall Council Room, 4004 Main Street, Rowlett, Texas 75088 in accordance with Texas Local Government Code requirements.

Nine bids were received (see attached Bid Tabulation – Attachment 1). Bids for seeding ranged from \$1,491,698.76 to \$1,798,954.65. The low bid received for the Total Base Bid was received from Dowager Utility Construction, LTD in the amount of \$1,491,698.76. Section 3.4.2 of the Contract Document has a provision to pay an early completion bonus of \$150 per day up to a maximum of \$25,000 and applying the maximum early completion bonus to the contract amount of \$25,000 plus a ten percent contingency of \$149,169.88, yields a total project budget of \$1,665,868.64. The Engineer's Construction Estimate was \$1.6 Million.

Financials were reviewed by the City's Chief Financial Officer, Alan Guard. The City Consultant, Freese and Nichols Incorporated, has checked the past performance for this Contractor and recommends awarding the project to Dowager Utility Construction, LTD. (See the Recommendation of Award – Attachment 2). The project construction time is 150 calendar days. The project is scheduled to be completed in June, 2015.

Staff consulted with a landscape professional for recommendation on what method should be used for establishing vegetation during that time of the year. It was determined seeding was the best method to use to re-establish vegetation in the disturbed areas.

FINANCIAL/BUDGET IMPLICATIONS

In the Spring of 2013, the developer of the Harmony Hills project approached the City regarding sewer infrastructure. If the development were to connect with the sewer main to the northeast of the property, it would be necessary for the developer to construct two lift stations on the property. As an alternative, the developer requested that the City build a gravity sewer main on the east side of PGBT that would run south to the main line at Liberty Grove. The developer would contribute the \$500,000 they would have had to spend to construct the lift stations.

On September 17, 2013, during an executive session, Council agreed that the construction of the gravity line would not only benefit this project but other projects along PGBT, and provided direction to staff to take that approach. The original estimate of the North Shore Sanitary Sewer project was \$1.6 million.

Staff identified \$947,967 from a sanitary sewer study project that could be utilized. Combined with the \$500,000 contribution from the developer and \$330,000 of impact fees provided for the project, sufficient funds in the amount of \$1,777,976 were identified to proceed. The March 4, 2014, budget amendment of \$947,967 established the project. Since that amendment, the City has received the first of two payments from the developer of \$250,000.

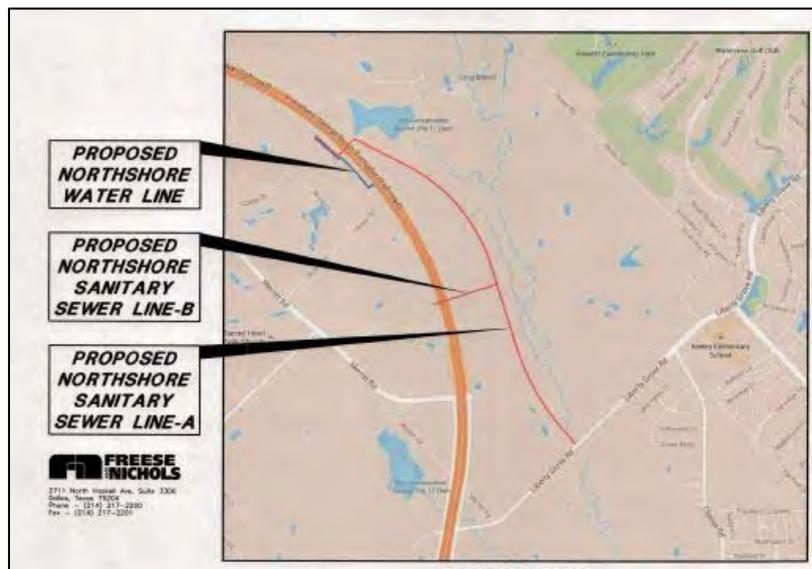
The North Shore Sanitary Sewer Project, as designed, includes a gravity main line from the Harmony Hills Project under PGBT due south along Muddy Creek to connect into the existing sanitary sewer main line at Liberty Grove. In addition, the design includes a sanitary sewer main

to serve the properties on the west side of PGBT for future development. At the 95 percent design, the Engineer's Opinion of Probable Cost (EOPC) was estimated at \$2.1 million. Due to the revised EOPC, staff chose to bid the project with alternates and seeding options to ensure completion within budget.

As indicated above, there were nine bidders for this project with bids ranging from \$1,491,698.76 to \$1,798,954.65 with Dowager Utility Construction, LTD as the apparent low bidder. The North Shore Sanitary Sewer Project's base bid with the seeding option is Alternate #2 in the amount of \$1,213,843. Staff added Alternate #4 (\$197,066.40, Sanitary Sewer Line-B) and Alternate #6 (\$80,789.36, Water Line).

Alternate #4 provides a sanitary sewer main to serve the properties on the west side of PGBT for future development from PGBT east to the Proposed Muddy Creek Sanitary Sewer Main Line as depicted in the illustration listed below in the text box "Proposed North Shore Sanitary Sewer Line-B".

Alternate #6 extends a water main south, toward Hickox Road along the west side of PGBT to ensure the system is appropriately looped, thus reducing maintenance cost from required



flushing. Initially, the plan called for partnering with the City of Sachse for the installation of an interconnect to Rowlett and Sachse water mains to meet the standards of looping the system. Staff and our consultant, Freese & Nichols determined the most optimal way to ensure a looped system is to extend the water main to the south and looping the system into the City of Rowlett's distribution system. The location of this loop system is identified in the illustration

listed above in the text box "Proposed North Shore Water Line".

The total cost for the project, including all the alternates is (\$1,491,698.76). Adding a ten percent (10%) contingency (\$149,169.88) and early completion bonus up to (\$25,000) brings the total to \$1,665,868.64.

The project funds will be amended in the first FY2015 budget amendment to utilize impact fees (\$500,108.64) and re-allocated funds from other projects that have come in under budget (\$162,315) to provide \$1,665,868.64 to construct the project.

The second developer contribution of \$250,000 will be paid when Harmony Hills begins Phase II of the development.

Budget Account Number and/or Project Code	Account or Project Title	Estimated Amount February, 2014	Final Amount December, 2014
SS2103 / 607-8201-531	North Shore Sanitary Sewer	\$947,967.00	\$947,967.00
SS2103 / 598-8201-831	North Shore Sanitary Sewer (Developer Contribution)	\$500,000.00	\$250,000.00
SS2103 / 162-8201-592	Impact Fees (Phase I)	\$330,000.00	\$330,000.00
Subtotal		\$1,777,967.00	\$1,527,967.00
	Task Authorization #141-FNI	(\$194,522.00)	(\$194,522.00)
	Project Cost	\$1,665,868.64	\$1,665,868.64
Total		(\$82,423.64)	(\$332,423.64)
Funding for Future Budget Amendment:			
SS2093 / 606-8201-531	Merritt Road Sanitary Sewer Line		\$81,797.00
WA2092 / 606-8201-530	Merritt Road Water Line		\$80,518.00
SS2103 / 162-8201-592	Impact Fees		\$170,108.64
Total			\$332,423.64

RECOMMENDED ACTION

Move forward with staff's recommendation. This item is on tonight's consent agenda as an action item.

ATTACHMENTS

Attachment 1 – Bid Tabulation

Attachment 2 – Recommendation of Award Letter

Comprehensive Bid Tab
 City of Rowlett
 Northshore Sanitary Sewer Main
 Bid No. 2015-01 S5 No. 2103
 ROW14174

Trench Safety Variance
 Apparent Lowest Bidder
 Variance from Bidder's Bid Form

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	A&M Construction and Utilities, Inc.		Condle Construction Company		Dowager Utility Construction, LTD		Mountain Cascade of Texas, LLC		S&J Construction Co., Inc.		S. J. Louis Construction of Texas, Ltd		Tri-Con Services		Utili-Tex		Wilson Contractor		
			UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	
#REF! LINE A SANITARY SEWER MAIN (PVC PIPE)																					
A-1	21" PVC Wastewater Pipe (ASTM F679 - PS46)	LF 1613	\$76.00	\$122,588.00	\$65.00	\$104,845.00	\$78.00	\$125,814.00	\$75.00	\$120,975.00	\$90.13	\$145,379.69	\$95.00	\$153,235.00	\$62.00	\$100,006.00	\$70.00	\$112,910.00	\$85.00	\$137,105.00	
A-2	21" PVC Wastewater Pipe (ASTM F679 - PS115)	LF 2278	\$78.00	\$177,684.00	\$79.00	\$179,982.00	\$86.00	\$195,908.00	\$83.00	\$189,074.00	\$99.86	\$227,481.08	\$102.00	\$232,356.00	\$70.00	\$159,460.00	\$80.00	\$182,240.00	\$83.00	\$189,074.00	
A-3	18" PVC Wastewater Pipe (ASTM F679 - PS46)	LF 2872	\$57.00	\$163,704.00	\$56.00	\$160,832.00	\$64.00	\$183,808.00	\$65.00	\$186,680.00	\$90.78	\$260,720.16	\$88.00	\$252,736.00	\$107.50	\$308,740.00	\$55.00	\$157,960.00	\$64.00	\$183,808.00	
A-4	18" PVC Wastewater Pipe (ASTM F679 - PS115)	LF 2427	\$115.00	\$279,105.00	\$95.00	\$230,565.00	\$72.00	\$174,744.00	\$70.00	\$169,890.00	\$95.78	\$232,458.06	\$93.00	\$225,711.00	\$153.00	\$371,331.00	\$90.00	\$218,430.00	\$92.00	\$223,284.00	
A-5	12" PVC Wastewater Pipe (ASTM D3034 - SDR 26)	LF 279	\$48.00	\$13,392.00	\$79.00	\$22,041.00	\$56.00	\$15,624.00	\$55.00	\$15,345.00	\$86.94	\$24,256.26	\$81.00	\$22,599.00	\$60.00	\$16,740.00	\$100.00	\$27,900.00	\$61.00	\$17,019.00	
A-6	36" Steel Casing by Bore	LF 388	\$475.00	\$184,300.00	\$534.00	\$207,192.00	\$605.00	\$234,740.00	\$530.00	\$205,640.00	\$442.00	\$171,496.00	\$533.00	\$206,804.00	\$600.00	\$232,800.00	\$550.00	\$213,400.00	\$496.00	\$192,448.00	
A-7	5' Diameter Manhole (0'-6' Depth)	EA 8	\$4,600.00	\$36,800.00	\$6,800.00	\$54,400.00	\$5,400.00	\$43,200.00	\$12,000.00	\$96,000.00	\$5,895.00	\$47,160.00	\$6,100.00	\$48,800.00	\$5,500.00	\$44,000.00	\$6,825.00	\$54,600.00	\$5,200.00	\$41,600.00	
A-8	5' Diameter Manhole with Sealed Lid (0'-6' Depth)	EA 13	\$4,800.00	\$62,400.00	\$7,100.00	\$92,300.00	\$5,800.00	\$46,800.00	\$13,000.00	\$104,000.00	\$5,895.00	\$76,635.00	\$6,200.00	\$47,400.00	\$5,700.00	\$44,100.00	\$7,250.00	\$57,450.00	\$6,430.00	\$49,390.00	
A-9	5' Diameter Manhole with Sealed Lid and Ventilator (0'-6' Depth)	EA 4	\$5,980.00	\$23,920.00	\$8,200.00	\$32,800.00	\$6,400.00	\$25,600.00	\$14,000.00	\$56,000.00	\$6,415.00	\$25,660.00	\$9,200.00	\$36,800.00	\$7,700.00	\$30,800.00	\$8,850.00	\$35,400.00	\$7,500.00	\$30,000.00	
A-10	5' Diameter Manhole Beyond 6' Depth	VF 155.4	\$410.00	\$63,714.00	\$925.00	\$143,745.00	\$200.00	\$31,080.00	\$350.00	\$54,390.00	\$427.00	\$66,355.80	\$302.00	\$46,930.80	\$500.00	\$77,700.00	\$575.00	\$89,355.00	\$470.00	\$73,038.00	
A-11	Connection to Existing Sanitary Sewer Main	LS 1	\$5,800.00	\$5,800.00	\$43,700.00	\$43,700.00	\$8,000.00	\$8,000.00	\$30,000.00	\$30,000.00	\$9,000.00	\$9,000.00	\$3,000.00	\$3,000.00	\$20,000.00	\$20,000.00	\$7,000.00	\$7,000.00	\$12,900.00	\$12,900.00	
A-12	Flowable Fill Encasement	LF 48	\$126.00	\$6,048.00	\$55.00	\$2,640.00	\$40.00	\$1,920.00	\$30.00	\$1,440.00	\$178.00	\$8,544.00	\$178.00	\$8,544.00	\$31.00	\$1,488.00	\$45.00	\$2,160.00	\$70.00	\$3,360.00	
A-13	Flexbase Pavement Replacement	SY 445	\$15.00	\$6,675.00	\$14.00	\$6,230.00	\$20.00	\$8,900.00	\$15.00	\$6,675.00	\$49.04	\$21,822.80	\$9.00	\$4,005.00	\$13.00	\$5,785.00	\$20.00	\$8,900.00	\$24.00	\$10,680.00	
A-14	Erosion Control Matting	SY 150	\$2.50	\$375.00	\$1.60	\$240.00	\$10.00	\$1,500.00	\$12.00	\$1,800.00	\$11.52	\$1,728.00	\$5.00	\$750.00	\$15.00	\$2,250.00	\$10.00	\$1,500.00	\$4.00	\$600.00	
A-15	Trench Safety*	LF 9081	\$1.25	\$11,836.25	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$4.00	\$36,324.00	\$0.01	\$635.67	\$0.07	\$635.67	\$3.00	\$28,407.00	\$2.10	\$19,070.10	
A-16	Traffic Control Plan	LS 1	\$4,700.00	\$4,700.00	\$6,700.00	\$6,700.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	
A-17	Storm Water Pollution Prevention Plan	LS 1	\$6,200.00	\$6,200.00	\$20,800.00	\$20,800.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$9,400.00	\$9,400.00	\$33,000.00	\$33,000.00	\$16,200.00	\$16,200.00	
A-18	Mobilization	LS 1	\$85,700.00	\$85,700.00	\$65,000.00	\$65,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$69,581.00	\$69,581.00	\$50,000.00	\$50,000.00	\$57,000.00	\$57,000.00	\$36,000.00	\$36,000.00	\$58,730.00	\$58,730.00	
Subtotal Item A:				\$1,254,621.25		\$1,383,073.00		\$1,193,719.00		\$1,379,490.00		\$1,444,763.85		\$1,365,907.61		\$1,514,907.67		\$1,307,612.00		\$1,296,728.10	
A1 LINE A (HYDROMULCH)																					
A1-1	Hydromulch	SY 50310	\$0.75	\$37,732.50	\$0.55	\$27,670.50	\$0.60	\$30,186.00	\$1.00	\$50,310.00	\$0.76	\$38,235.60	\$0.30	\$15,093.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.60	\$30,186.00	
Subtotal Item A1:				\$37,732.50		\$27,670.50		\$30,186.00		\$50,310.00		\$38,235.60		\$15,093.00		\$3,521.70		\$100,620.00		\$30,186.00	
A2 LINE A (SEEDING)																					
A2-1	Seeding	SY 50310	\$0.65	\$32,701.50	\$0.27	\$13,583.70	\$0.40	\$20,124.00	\$0.20	\$10,062.00	\$0.55	\$27,670.50	\$0.20	\$10,062.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.57	\$28,676.70	
Subtotal Item A2:				\$32,701.50		\$13,583.70		\$20,124.00		\$10,062.00		\$27,670.50		\$10,062.00		\$3,521.70		\$100,620.00		\$28,676.70	
B LINE B SANITARY SEWER MAIN (PVC PIPE)																					
B-1	10" PVC Wastewater Pipe (ASTM D3034 - SDR 35)	LF 1474	\$56.00	\$82,544.00	\$36.00	\$53,064.00	\$38.00	\$56,012.00	\$45.00	\$66,330.00	\$78.25	\$115,340.50	\$84.00	\$123,816.00	\$41.00	\$60,434.00	\$32.00	\$47,168.00	\$37.00	\$54,538.00	
B-2	24" Steel Casing by Bore	LF 270	\$410.00	\$110,700.00	\$332.00	\$89,640.00	\$390.00	\$105,300.00	\$350.00	\$94,500.00	\$290.00	\$78,300.00	\$299.00	\$80,730.00	\$400.00	\$108,000.00	\$340.00	\$91,800.00	\$315.00	\$85,050.00	
B-3	5' Diameter Manhole (0'-6' Depth)	EA 4	\$4,600.00	\$18,400.00	\$5,820.00	\$23,280.00	\$5,400.00	\$21,600.00	\$12,000.00	\$48,000.00	\$5,895.00	\$23,580.00	\$6,100.00	\$24,400.00	\$5,500.00	\$22,000.00	\$6,700.00	\$26,800.00	\$4,790.00	\$19,160.00	
B-4	5' Diameter Manhole Beyond 6' Depth	VF 12.9	\$410.00	\$5,289.00	\$655.00	\$8,449.50	\$200.00	\$2,580.00	\$350.00	\$4,415.00	\$427.00	\$5,508.30	\$302.00	\$3,895.80	\$500.00	\$6,450.00	\$575.00	\$7,417.50	\$430.00	\$5,547.00	
B-5	Trench Safety*	LF 1204	\$1.25	\$1,842.50	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$2.00	\$2,408.00	\$0.01	\$12.04	\$0.05	\$60.20	\$3.00	\$4,422.00	\$2.00	\$2,408.00	
B-6	Traffic Control Plan	LS 1	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,010.00	\$4,010.00	\$1.00	\$1.00	\$200.00	\$200.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00	
B-7	Storm Water Pollution Prevention Plan	LS 1	\$1,700.00	\$1,700.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$3,528.40	\$3,528.40	\$1.00	\$1.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00	
B-8	Mobilization	LS 1	\$8,800.00	\$8,800.00	\$4,650.00	\$4,650.00	\$6,000.00	\$6,000.00	\$9,000.00	\$9,000.00	\$25,000.00	\$25,000.00	\$1.00	\$1.00	\$2,500.00	\$2,500.00	\$6,600.00	\$6,600.00	\$9,800.00	\$9,800.00	
Subtotal Item B:				\$230,775.50		\$183,087.50		\$193,296.00		\$228,549.00		\$257,675.20		\$232,856.84		\$200,644.20		\$189,932.50		\$181,303.00	
B1 LINE B (HYDROMULCH)																					
B1-1	Hydromulch	SY 6284	\$0.75	\$4,713.00	\$0.55	\$3,456.20	\$0.80	\$5,027.20	\$1.00	\$6,284.00	\$0.76	\$4,775.84	\$0.30	\$1,885.20	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.10	\$6,912.40	
Subtotal Item B1:				\$4,713.00		\$3,456.20		\$5,027.20		\$6,284.00		\$4,775.84		\$1,885.20		\$439.88		\$12,568.00		\$6,912.40	
B2 LINE B (SEEDING)																					
B2-1	Seeding	SY 6284	\$0.65	\$4,084.60	\$0.27	\$1,696.68	\$0.60	\$3,770.40	\$1.00	\$6,284.00	\$0.55	\$3,456.20	\$0.20	\$1,256.80	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.00	\$6,284.00	
Subtotal Item B2:				\$4,084.60		\$1,696.68		\$3,770.40		\$6,284.00		\$3,456.20		\$1,256.80		\$439.88		\$12,568.00		\$6,284.00	
C WATERLINE (PVC PIPE)																					
C-1	8" PVC Water Pipe (AWWA C900 DR-18)	LF 1336	\$35.00	\$46,760.00	\$38.00	\$50,768.00	\$46.00	\$61,456.00	\$45.00	\$60,120.00	\$33.80	\$45,156.80	\$77.00	\$102,872.00	\$43.00	\$57,448.00	\$36.00	\$48,096.00	\$40.61	\$54,254.96	
C-2	8" Gate Valve	EA 1	\$1,350.00	\$1,350.00	\$1,650.00	\$1,650.00	\$1,200.00	\$1,200.00	\$2,500.00	\$2,500.00	\$2,015.00	\$2,015.00	\$1,000.00	\$1,000.00	\$1,750.00	\$1,750.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	
C-3	2" Combination Air Valve	EA 1	\$8,400.00	\$8,400.00	\$10,100.00	\$10,100.00	\$8,000.00	\$8,000.00	\$11,000.00	\$11,000.00	\$4,535.00	\$4,535.00	\$10,000.00	\$10,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$8,520.00	\$8,520.00	
C-4	6" Blow-Off Valve	EA 1	\$2,500.00	\$2,500.00	\$4,600.00	\$4,600.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$4,323.00	\$4,323.00	\$4,300.00	\$4,300.00	\$4,500.00	\$4,500.00	\$4,200.00	\$4,200.00	\$4,000.00	\$4,000.00	
C-5	Trench Safety*	LF 1336	\$1.00	\$1,336.00	\$0.25	\$334.00	\$0.01	\$13.36	\$1.00	\$1,336.00	\$1.50	\$2,004.00	\$0.01	\$13.36	\$0.05	\$66.80	\$1.50	\$2,004.00	\$1.00	\$1,336.00	
C-6	Traffic Control Plan	LS 1	\$4,700.00	\$4,700.00	\$500.00	\$500.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,340.00	\$4,340.00	\$1.00	\$1.00	\$500.00	\$500.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00	
C-7	Storm Water Pollution Prevention Plan	LS 1	\$8,700.00	\$8,700.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$4,340.00	\$4,340.00	\$1.00	\$1.00	\$1,500.00	\$1,500.00	\$2,200.00	\$2,200.00	\$2,800.00	\$2,800.00	
C-8																					

1 Alternative Bid No. 1										
TOTAL AMOUNT (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,429,800.00	\$1,482,999.45	\$1,381,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,289,800.00	\$1,482,999.45	\$1,372,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
2 Alternative Bid No. 2										
TOTAL AMOUNT (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,389,552.00	\$1,472,434.35	\$1,375,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,249,552.00	\$1,472,434.35	\$1,366,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
3 Alternative Bid No. 3										
TOTAL AMOUNT (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
4 Alternative Bid No. 4										
TOTAL AMOUNT (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
5 Alternative Bid No. 5										
TOTAL AMOUNT (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
6 Alternative Bid No. 6										
TOTAL AMOUNT (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Total Project - Hydromulch (Alt. 1 + Alt. 3 + Alt. 5)										
TOTAL AMOUNT BID	\$1,609,978.25	\$1,669,725.20	\$1,503,521.56	\$1,612,109.00	\$1,830,079.49	\$1,725,687.01	\$1,798,954.65	\$1,690,897.50	\$1,602,362.46	
Total Project - Seeding (Alt. 2 + Alt. 4 + Alt. 6)										
TOTAL AMOUNT BID	\$1,604,066.85	\$1,653,173.28	\$1,491,698.76	\$1,571,861.00	\$1,817,665.55	\$1,719,775.61	\$1,798,954.65	\$1,690,897.50	\$1,600,098.76	
Mandatory Sections - Line A + Waterline - Hydromulch (Alt. 1 + Alt. 5)										
TOTAL AMOUNT BID	\$1,374,489.75	\$1,483,181.50	\$1,305,198.36	\$1,379,276.00	\$1,567,628.45	\$1,490,944.97	\$1,597,870.57	\$1,488,397.00	\$1,414,147.06	
Mandatory Sections - Line A + Waterline - Seeding (Alt. 2 + Alt. 6)										
TOTAL AMOUNT BID	\$1,369,206.75	\$1,468,389.10	\$1,294,632.36	\$1,339,028.00	\$1,556,534.15	\$1,485,661.97	\$1,597,870.57	\$1,488,397.00	\$1,412,511.76	



Innovative approaches
Practical results
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November 6, 2014

Mr. Tim Rogers
Director of Public Works
City of Rowlett
4000 Main Street
Rowlett, Texas 75030

Re: Northshore Sanitary Sewer Main
Bid No. 2015-01
Recommendation of Award

Dear Mr. Rogers:

A total of nine bids were received for the above-referenced project on October 28, 2014. Alternate bids were submitted for alternate easement restoration methods and for an additional sanitary sewer extension. A tabulation of the bids, including each alternate items is attached. Based on the tabulation, Dowager Utility Construction, LTD. submitted the low bid on each of the options for the project.

City staff has reviewed the various alternatives and elected to award the seeding option of the Base Bid plus Alternative 6 which includes a sanitary sewer extension across PGBT. FNI has verified project references provided and based on this evaluation believes Dowager Utility Construction, Inc. can satisfactorily perform the work on this project. Therefore, FNI recommends the City of Rowlett award the project to Dowager Utility Construction, LTD. in the amount of \$1,491,698.76 plus applicable contingencies and early completion bonuses as determined by the City.

Sincerely,

A handwritten signature in blue ink that reads 'Bryan C. Jann'.

Bryan C. Jann, P.E.
Project Manager

cc: Sherrelle Diggs, P.E.
File

Attachments:
Bid Tabulation

Comprehensive Bid Tab
 City of Rowlett
 Northshore Sanitary Sewer Main
 Bid No. 2015-01 S5 No. 2103
 ROW14174

Trench Safety Variance
 Apparent Lowest Bidder
 Variance from Bidder's Bid Form

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	A&M Construction and Utilities, Inc.		Condle Construction Company		Dowager Utility Construction, LTD		Mountain Cascade of Texas, LLC		S&J Construction Co., Inc.		S. J. Louis Construction of Texas, Ltd		Tri-Con Services		Utili-Tex		Wilson Contractor		
			UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	
#REF! LINE A SANITARY SEWER MAIN (PVC PIPE)																					
A-1	21" PVC Wastewater Pipe (ASTM F679 - PS46)	LF 1613	\$76.00	\$122,588.00	\$65.00	\$104,845.00	\$78.00	\$125,814.00	\$75.00	\$120,975.00	\$90.13	\$145,379.69	\$95.00	\$153,235.00	\$62.00	\$100,006.00	\$70.00	\$112,910.00	\$85.00	\$137,105.00	
A-2	21" PVC Wastewater Pipe (ASTM F679 - PS115)	LF 2278	\$78.00	\$177,684.00	\$79.00	\$179,982.00	\$86.00	\$195,908.00	\$83.00	\$189,074.00	\$99.86	\$227,481.08	\$102.00	\$232,356.00	\$70.00	\$159,460.00	\$80.00	\$182,240.00	\$83.00	\$189,074.00	
A-3	18" PVC Wastewater Pipe (ASTM F679 - PS46)	LF 2872	\$57.00	\$163,704.00	\$56.00	\$160,832.00	\$64.00	\$183,808.00	\$65.00	\$186,680.00	\$90.78	\$260,720.16	\$88.00	\$252,736.00	\$107.50	\$308,740.00	\$55.00	\$157,960.00	\$64.00	\$183,808.00	
A-4	18" PVC Wastewater Pipe (ASTM F679 - PS115)	LF 2427	\$115.00	\$279,105.00	\$95.00	\$230,565.00	\$72.00	\$174,744.00	\$70.00	\$169,890.00	\$95.78	\$232,458.06	\$93.00	\$225,711.00	\$153.00	\$371,331.00	\$90.00	\$218,430.00	\$92.00	\$223,284.00	
A-5	12" PVC Wastewater Pipe (ASTM D3034 - SDR 26)	LF 279	\$48.00	\$13,392.00	\$79.00	\$22,041.00	\$56.00	\$15,624.00	\$55.00	\$15,345.00	\$86.94	\$24,256.26	\$81.00	\$22,599.00	\$60.00	\$16,740.00	\$100.00	\$27,900.00	\$61.00	\$17,019.00	
A-6	36" Steel Casing by Bore	LF 388	\$475.00	\$184,300.00	\$534.00	\$207,192.00	\$605.00	\$234,740.00	\$530.00	\$205,640.00	\$442.00	\$171,496.00	\$533.00	\$206,804.00	\$600.00	\$232,800.00	\$550.00	\$213,400.00	\$496.00	\$192,448.00	
A-7	5' Diameter Manhole (0'-6' Depth)	EA 8	\$4,600.00	\$36,800.00	\$6,800.00	\$54,400.00	\$5,400.00	\$43,200.00	\$12,000.00	\$96,000.00	\$5,895.00	\$47,160.00	\$6,100.00	\$48,800.00	\$5,500.00	\$44,000.00	\$6,825.00	\$54,600.00	\$5,200.00	\$41,600.00	
A-8	5' Diameter Manhole with Sealed Lid (0'-6' Depth)	EA 13	\$4,800.00	\$62,400.00	\$7,100.00	\$92,300.00	\$5,800.00	\$46,800.00	\$13,000.00	\$104,000.00	\$5,895.00	\$76,635.00	\$6,200.00	\$47,400.00	\$5,700.00	\$44,100.00	\$7,250.00	\$57,450.00	\$6,430.00	\$49,390.00	
A-9	5' Diameter Manhole with Sealed Lid and Ventilator (0'-6' Depth)	EA 4	\$5,980.00	\$23,920.00	\$8,200.00	\$32,800.00	\$6,400.00	\$25,600.00	\$14,000.00	\$56,000.00	\$6,415.00	\$25,660.00	\$9,200.00	\$36,800.00	\$7,700.00	\$30,800.00	\$8,850.00	\$35,400.00	\$7,500.00	\$30,000.00	
A-10	5' Diameter Manhole Beyond 6' Depth	VF 155.4	\$410.00	\$63,714.00	\$925.00	\$143,745.00	\$200.00	\$31,080.00	\$350.00	\$54,390.00	\$427.00	\$66,355.80	\$302.00	\$46,930.80	\$500.00	\$77,700.00	\$575.00	\$89,355.00	\$470.00	\$73,038.00	
A-11	Connection to Existing Sanitary Sewer Main	LS 1	\$5,800.00	\$5,800.00	\$43,700.00	\$43,700.00	\$8,000.00	\$8,000.00	\$30,000.00	\$30,000.00	\$9,000.00	\$9,000.00	\$3,000.00	\$3,000.00	\$20,000.00	\$20,000.00	\$7,000.00	\$7,000.00	\$12,900.00	\$12,900.00	
A-12	Flowable Fill Encasement	LF 48	\$126.00	\$6,048.00	\$55.00	\$2,640.00	\$40.00	\$1,920.00	\$30.00	\$1,440.00	\$178.00	\$8,544.00	\$178.00	\$8,544.00	\$31.00	\$1,488.00	\$45.00	\$2,160.00	\$70.00	\$3,360.00	
A-13	Flexbase Pavement Replacement	SY 445	\$15.00	\$6,675.00	\$14.00	\$6,230.00	\$20.00	\$8,900.00	\$15.00	\$6,675.00	\$49.04	\$21,822.80	\$9.00	\$4,005.00	\$13.00	\$5,785.00	\$20.00	\$8,900.00	\$24.00	\$10,680.00	
A-14	Erosion Control Matting	SY 150	\$2.50	\$375.00	\$1.60	\$240.00	\$10.00	\$1,500.00	\$12.00	\$1,800.00	\$11.52	\$1,728.00	\$5.00	\$750.00	\$15.00	\$2,250.00	\$10.00	\$1,500.00	\$4.00	\$600.00	
A-15	Trench Safety*	LF 9081	\$1.25	\$11,836.25	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$4.00	\$36,324.00	\$0.01	\$90.81	\$0.07	\$635.67	\$3.00	\$28,407.00	\$2.10	\$19,070.10	
A-16	Traffic Control Plan	LS 1	\$4,700.00	\$4,700.00	\$6,700.00	\$6,700.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	
A-17	Storm Water Pollution Prevention Plan	LS 1	\$6,200.00	\$6,200.00	\$20,800.00	\$20,800.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$9,400.00	\$9,400.00	\$33,000.00	\$33,000.00	\$16,200.00	\$16,200.00	
A-18	Mobilization	LS 1	\$85,700.00	\$85,700.00	\$65,000.00	\$65,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$69,581.00	\$69,581.00	\$50,000.00	\$50,000.00	\$57,000.00	\$57,000.00	\$36,000.00	\$36,000.00	\$58,730.00	\$58,730.00	
Subtotal Item A:				\$1,254,621.25		\$1,383,073.00		\$1,193,719.00		\$1,379,490.00		\$1,444,763.85		\$1,365,907.61		\$1,514,907.67		\$1,307,612.00		\$1,296,728.10	
A1 LINE A (HYDROMULCH)																					
A1-1	Hydromulch	SY 50310	\$0.75	\$37,732.50	\$0.55	\$27,670.50	\$0.60	\$30,186.00	\$1.00	\$50,310.00	\$0.76	\$38,235.60	\$0.30	\$15,093.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.60	\$30,186.00	
Subtotal Item A1:				\$37,732.50		\$27,670.50		\$30,186.00		\$50,310.00		\$38,235.60		\$15,093.00		\$3,521.70		\$100,620.00		\$30,186.00	
A2 LINE A (SEEDING)																					
A2-1	Seeding	SY 50310	\$0.65	\$32,701.50	\$0.27	\$13,583.70	\$0.40	\$20,124.00	\$0.20	\$10,062.00	\$0.55	\$27,670.50	\$0.20	\$10,062.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.57	\$28,676.70	
Subtotal Item A2:				\$32,701.50		\$13,583.70		\$20,124.00		\$10,062.00		\$27,670.50		\$10,062.00		\$3,521.70		\$100,620.00		\$28,676.70	
B LINE B SANITARY SEWER MAIN (PVC PIPE)																					
B-1	10" PVC Wastewater Pipe (ASTM D3034 - SDR 35)	LF 1474	\$56.00	\$82,544.00	\$36.00	\$53,064.00	\$38.00	\$56,012.00	\$45.00	\$66,330.00	\$78.25	\$115,340.50	\$84.00	\$123,816.00	\$41.00	\$60,434.00	\$32.00	\$47,168.00	\$37.00	\$54,538.00	
B-2	24" Steel Casing by Bore	LF 270	\$410.00	\$110,700.00	\$332.00	\$89,640.00	\$390.00	\$105,300.00	\$350.00	\$94,500.00	\$290.00	\$78,300.00	\$299.00	\$80,730.00	\$400.00	\$108,000.00	\$340.00	\$91,800.00	\$315.00	\$85,050.00	
B-3	5' Diameter Manhole (0'-6' Depth)	EA 4	\$4,600.00	\$18,400.00	\$5,820.00	\$23,280.00	\$5,400.00	\$21,600.00	\$12,000.00	\$48,000.00	\$5,895.00	\$23,580.00	\$6,100.00	\$24,400.00	\$5,500.00	\$22,000.00	\$6,700.00	\$26,800.00	\$4,790.00	\$19,160.00	
B-4	5' Diameter Manhole Beyond 6' Depth	VF 12.9	\$410.00	\$5,289.00	\$655.00	\$8,449.50	\$200.00	\$2,580.00	\$350.00	\$4,415.00	\$427.00	\$5,508.30	\$302.00	\$3,895.80	\$500.00	\$6,450.00	\$575.00	\$7,417.50	\$430.00	\$5,547.00	
B-5	Trench Safety*	LF 1204	\$1.25	\$1,842.50	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$2.00	\$2,408.00	\$0.01	\$12.04	\$0.05	\$60.20	\$3.00	\$4,422.00	\$2.00	\$2,408.00	
B-6	Traffic Control Plan	LS 1	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,010.00	\$4,010.00	\$1.00	\$1.00	\$200.00	\$200.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00	
B-7	Storm Water Pollution Prevention Plan	LS 1	\$1,700.00	\$1,700.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$3,528.40	\$3,528.40	\$1.00	\$1.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00	
B-8	Mobilization	LS 1	\$8,800.00	\$8,800.00	\$4,650.00	\$4,650.00	\$6,000.00	\$6,000.00	\$9,000.00	\$9,000.00	\$25,000.00	\$25,000.00	\$1.00	\$1.00	\$2,500.00	\$2,500.00	\$6,600.00	\$6,600.00	\$9,800.00	\$9,800.00	
Subtotal Item B:				\$230,775.50		\$183,087.50		\$193,296.00		\$228,549.00		\$257,675.20		\$232,856.84		\$200,644.20		\$189,932.50		\$181,303.00	
B1 LINE B (HYDROMULCH)																					
B1-1	Hydromulch	SY 6284	\$0.75	\$4,713.00	\$0.55	\$3,456.20	\$0.80	\$5,027.20	\$1.00	\$6,284.00	\$0.76	\$4,775.84	\$0.30	\$1,885.20	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.10	\$6,912.40	
Subtotal Item B1:				\$4,713.00		\$3,456.20		\$5,027.20		\$6,284.00		\$4,775.84		\$1,885.20		\$439.88		\$12,568.00		\$6,912.40	
B2 LINE B (SEEDING)																					
B2-1	Seeding	SY 6284	\$0.65	\$4,084.60	\$0.27	\$1,696.68	\$0.60	\$3,770.40	\$1.00	\$6,284.00	\$0.55	\$3,456.20	\$0.20	\$1,256.80	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.00	\$6,284.00	
Subtotal Item B2:				\$4,084.60		\$1,696.68		\$3,770.40		\$6,284.00		\$3,456.20		\$1,256.80		\$439.88		\$12,568.00		\$6,284.00	
C WATERLINE (PVC PIPE)																					
C-1	8" PVC Water Pipe (AWWA C900 DR-18)	LF 1336	\$35.00	\$46,760.00	\$38.00	\$50,768.00	\$46.00	\$61,456.00	\$45.00	\$60,120.00	\$33.80	\$45,156.80	\$77.00	\$102,872.00	\$43.00	\$57,448.00	\$36.00	\$48,096.00	\$40.61	\$54,254.96	
C-2	8" Gate Valve	EA 1	\$1,350.00	\$1,350.00	\$1,650.00	\$1,650.00	\$1,200.00	\$1,200.00	\$2,500.00	\$2,500.00	\$2,015.00	\$2,015.00	\$1,000.00	\$1,000.00	\$1,750.00	\$1,750.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	
C-3	2" Combination Air Valve	EA 1	\$8,400.00	\$8,400.00	\$10,100.00	\$10,100.00	\$8,000.00	\$8,000.00	\$11,000.00	\$11,000.00	\$4,535.00	\$4,535.00	\$10,000.00	\$10,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$8,520.00	\$8,520.00	
C-4	6" Blow-Off Valve	EA 1	\$2,500.00	\$2,500.00	\$4,600.00	\$4,600.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$4,323.00	\$4,323.00	\$4,300.00	\$4,300.00	\$4,500.00	\$4,500.00	\$4,200.00	\$4,200.00	\$4,000.00	\$4,000.00	
C-5	Trench Safety*	LF 1336	\$1.00	\$1,336.00	\$0.25	\$334.00	\$0.01	\$13.36	\$1.00	\$1,336.00	\$1.50	\$2,004.00	\$0.01	\$13.36	\$0.05	\$66.80	\$1.50	\$2,004.00	\$1.00	\$1,336.00	
C-6	Traffic Control Plan	LS 1	\$4,700.00	\$4,700.00	\$500.00	\$500.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,340.00	\$4,340.00	\$1.00	\$1.00	\$500.00	\$500.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00	
C-7	Storm Water Pollution Prevention Plan	LS 1	\$8,700.00	\$8,700.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$4,340.00	\$4,340.00	\$1.00	\$1.00	\$1,500.00	\$1,500.00	\$2,200.00	\$2,200.00	\$2,800.00	\$2,800.00	
C-8																					

1 Alternative Bid No. 1										
TOTAL AMOUNT (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,429,800.00	\$1,482,999.45	\$1,381,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,289,800.00	\$1,482,999.45	\$1,372,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
2 Alternative Bid No. 2										
TOTAL AMOUNT (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,389,552.00	\$1,472,434.35	\$1,375,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,249,552.00	\$1,472,434.35	\$1,366,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
3 Alternative Bid No. 3										
TOTAL AMOUNT (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
4 Alternative Bid No. 4										
TOTAL AMOUNT (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
5 Alternative Bid No. 5										
TOTAL AMOUNT (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
6 Alternative Bid No. 6										
TOTAL AMOUNT (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Total Project - Hydromulch (Alt. 1 + Alt. 3 + Alt. 5)										
TOTAL AMOUNT BID	\$1,609,978.25	\$1,669,725.20	\$1,503,521.56	\$1,612,109.00	\$1,830,079.49	\$1,725,687.01	\$1,798,954.65	\$1,690,897.50	\$1,602,362.46	
Total Project - Seeding (Alt. 2 + Alt. 4 + Alt. 6)										
TOTAL AMOUNT BID	\$1,604,066.85	\$1,653,173.28	\$1,491,698.76	\$1,571,861.00	\$1,817,665.55	\$1,719,775.61	\$1,798,954.65	\$1,690,897.50	\$1,600,098.76	
Mandatory Sections - Line A + Waterline - Hydromulch (Alt. 1 + Alt. 5)										
TOTAL AMOUNT BID	\$1,374,489.75	\$1,483,181.50	\$1,305,198.36	\$1,379,276.00	\$1,567,628.45	\$1,490,944.97	\$1,597,870.57	\$1,488,397.00	\$1,414,147.06	
Mandatory Sections - Line A + Waterline - Seeding (Alt. 2 + Alt. 6)										
TOTAL AMOUNT BID	\$1,369,206.75	\$1,468,389.10	\$1,294,632.36	\$1,339,028.00	\$1,556,534.15	\$1,485,661.97	\$1,597,870.57	\$1,488,397.00	\$1,412,511.76	



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 3E

TITLE

Provide Council with an update, discuss and receive feedback on the Community Development Block Grant (CDBG) as it relates to the Public Facilities, Public Services and Housing Rehabilitation Program. (45 minutes)

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

Each year, the City presents the CDBG Annual Plan to City Council for approval in order to authorize transmittal to the Department of Housing and Urban Development (HUD) and allocate individual program funding. In July 2014, the City Council provided feedback as to how to allocate program funding. The purpose of this item is to update City Council and request feedback on the Public Facilities, Public Services and Housing Rehabilitation Programs.

BACKGROUND INFORMATION

On August 2, 2011, the City Council approved the 2011-2015 CDBG Consolidated Plan. The 2011-2015 Consolidated Plan is the comprehensive planning document that details how the City will expend its federal funds during the five-year period. Concurrent with the adoption of the Consolidated Plan and each successive year, the City has adopted Annual Plans in 2011, 2012, and 2013. The 2014 Annual Plan was approved by City Council on August 5, 2014, and detailed the proposed usage of the CDBG funds for the next year starting October 1, 2014, and concluding September 30, 2015.

In prior years, the City Council has elected to target funds primarily to address streets, drainage, sidewalks, and utilities needs in the area south of Main Street and immediately east of Rowlett Road. However, on May 20, 2014, of this year, City Council voted to approve a Substantial Amendment to the 2013 Annual Plan that re-allocated existing funds also to be utilized for Housing Rehabilitation and Public Services. In July 2014, the City Council provided additional direction as to how the funds should be divided for each program.

Since July, Staff has been working to understand the requirements for each program and have begun setting up policy guidelines as required by HUD. In doing so, there are several areas that require Council feedback prior to proceeding. This staff report will be broken out between the Public Facilities Program, the Housing Rehabilitation Program, and Public Services Program. Upon receiving direction from Council, it is Staff's goal to have these programs initiated by February 2015.

DISCUSSION

In summary, the City of Rowlett will be receiving \$186,209 in CDBG funds for the plan year beginning October 1, 2014. This is down from the \$191,254 allocation for the 2013 plan year.

The table below shows the distribution of funds by program for the 2014 Plan year.

Project Description	2014 Plan Allocation	
	Amt (%)	Amt (\$)
Housing Rehabilitation – Funding for minor repairs for housing occupied by low-income homeowners	32.5%	\$60,518
Public Facilities – Improvements to public facilities, including streets, parks, water, sewage, and drainage facilities in eligible low-income areas of the City	32.5%	\$60,519
Public Services – Funding for non-profit organizations to provide health and human services to low income or special need households	15.0%	\$27,931
Administration – Administrative and management costs for operational expenses of the CDBG Program and projects	20.0%	\$37,241
Total Grant		\$186,209

The remainder of this report will outline the decisions that require Council feedback for the Public Facilities Program, Public Services, and Housing Rehabilitation Program.

Housing Rehabilitation

The Housing Rehabilitation Program is intended to help low-income homeowners make necessary repairs and ensure compliance with health and safety codes. From a city-wide perspective, the program helps to improve the City's housing stock and maintain property values.

At the July 15, 2014, Council Meeting, Council debated whether or not to cap grants at \$5,000 or increase the amount to \$24,999. Ultimately the Council gave Staff direction to proceed with a \$24,999 cap to ensure that more substantial improvements can be made to an eligible house if necessary. It should be noted that this does not preclude eligible applicants from requesting smaller repairs, but it does give greater flexibility.

Based on the amount of funding allocated to this program, Staff anticipates that the City may be able to substantially rehabilitate two homes per year, and provide smaller repairs for a limited number of other applicants. However, repairs will be evaluated on a first come, first served basis and prioritized by necessity. For example, an applicant who does not have running water will take priority over an applicant requesting a cosmetic improvement to their home. When the funds are exhausted, then applicants will go on a wait list and be re-evaluated the following fiscal year.

The remainder of this portion of the report will be broken up into two sections. The first will be an overview outlining what Staff has discovered about the Home Rehabilitation program and required process through research conducted since the July 2014 Council Meeting. The second section will discuss remaining points of clarification that Staff needs from Council in order to proceed with establishing the policy guidelines for Rowlett's program.

Process Overview

In speaking with staff at other cities who have implemented the home rehabilitation program over many years, one salient point was consistent. While this program enables cities to provide valuable services to low-income residents, it is in no way an expedient process. Even the streamlined process that is available for qualified emergency repairs takes significant time. It is human nature to see a problem and want to fix it as quickly as possible. It is important that Staff is clear up front that it will not be possible to conduct repairs instantaneously. On average, it will take weeks, if not months, for an applicant and Staff to navigate the required process. With that said, Staff is committed to providing excellent customer service to help applicants accomplish eligible repairs as quickly as possible within the confines of the program.

Below is a summary of the required process to set up the program:

1. Create Policy Guidelines.
2. Create a construction standards manual OR purchase software that provides consistent standards in order to create a baseline estimate for each improvement.
3. Create a pre-approved contractor list via a request for proposals (RFP) or through recruitment that follows the City's procurement policies.
4. Create all required forms and applications.

Once the program is set up, then the implementation process is as follows:

1. The homeowner submits an application.
2. City Staff verifies income and all other required criteria. This is also where the environmental regulations would be verified (i.e. the property is not in a floodplain or exposed to hazardous materials).
3. An inspector goes out to the home and verifies that the requested improvements are 1-needed, and 2-there are not higher priority items (health/safety) that must be repaired prior to the requested repairs.
4. Once all requested repairs are confirmed, then a cost estimate is generated either from the previously mentioned software program or by a 3rd party professional.

5. After the estimate is generated, then staff would request bids from the pre-approved contractor list.
6. If the bids come back within a reasonable range of the estimate, then a contractor is selected to perform the work. Ultimately the City has the final say of which contractor is selected; however, this is a good chance to involve the homeowner and give them a choice if there are multiple reasonable bids. Once a contractor is selected a contract for the project is executed.
7. The work is then completed per City and HUD standards following the standard building permitting process.
8. The City then inspects the work and gives a “final finish out” approval for all repairs.
9. If the homeowner is satisfied with the repairs, then the file is closed out and documented for HUD. If not, then City Staff will help navigate any complaints between the homeowner and contractor.
10. Staff submits a report to HUD on a quarterly basis and draws down funds from the grant to cover expenses paid up front from the general fund.

In order to proceed with setting up the Policy Guidelines, staff needs Council direction on the following items (Staff has included commentary beneath each item):

1. Should mobile homes be eligible for repairs?

Based on staff’s research, many cities in the area restrict eligibility to single family dwellings. However, several cities do extend emergency repairs and accessibility improvements to mobile homes.

2. Should the funds be allocated by way of a grant or partially or fully forgivable loan?

The City has the option to provide funds as a one-time grant that requires no repayment. The other option is to set the program up as a partially or fully forgivable loan, which could require the homeowner to payback a small portion of the funds over a five year period. If the owner sells the home prior to that time, then they are responsible for paying back the full amount. The benefit to the loan is that it does prevent people from “flipping” properties after repairs are made. In speaking with other cities, it is clear that the forgivable loans will significantly increase the workload associated with this process. From staff’s perspective, in addition to helping low-income citizens, this program is intended to help stabilize property values in declining neighborhoods. Thus, that objective is met regardless of the home changing hands following the repairs or not.

3. Does the Council want to set aside a portion of the funds for eligible emergency repairs?

Several cities that staff spoke to set aside a portion of their CDBG funds specifically for emergency improvements. By doing this, these cities can virtually guarantee that they can meet all qualifying emergency repairs that will come up in a year. A good example of an eligible emergency repair would be an elderly resident’s air conditioner going out in the heat of summer. This is a good practice in theory. However, these cities also have

significantly larger grant amounts than Rowlett. Thus setting aside funds does not affect their ability to implement other aspects of the program. Should the Council desire to set aside a portion of Rowlett's funds for emergency repairs, it will reduce the number of non-emergency repairs that can be completed in a year. In addition, due to Rowlett's limited funds, even if a portion is set aside for emergencies, it is unlikely that we could meet every eligible emergency repair that comes up throughout the year. If a portion of the funds are not set aside and the funds are exhausted, then any additional emergency requests will be placed on the waiting list in the same way as non-emergency repairs and addressed when additional funds become available.

4. Should property owners who owe back taxes or liens be eligible for repairs?

The City has the option to provide or deny repairs to applicants who owe back taxes or have liens on their property. In speaking to other cities, it is staff's opinion that a more balanced approach may be to deny funds, unless the applicant has a documented payment plan with the County and/or lien holder and is actively working to pay down their debts. Similar to the suggested approach to mobile homes, this may be an area where it is appropriate to limit repairs to only emergencies and accessibility improvements. Then the City is truly meeting a basic need instead of providing cosmetic improvements when back taxes are owed.

Staff requests Council's feedback on these items prior to finalizing the Policy Guidelines.

Public Facilities

In accordance with the 2014 Annual Plan that was approved by HUD, the Public Services component of the grant is allocated to Isaac Scruggs Park. This would be a continuation of the funds allocated to Isaac Scruggs Park as part of the 2013 grant funds. It should be noted that pursuant to prior City Council direction and authorization, we have secured a contract for the construction of the basketball court and the shade structure at Isaac Scruggs Park. At this time, it is estimated that construction will be completed as soon as late January 2015.

For the 2014 Plan year funds, the following was proposed to City Council on July 15, 2014:

1. *Pavilion.* Install a picnic pavilion over the existing concrete slab that will be left over from the removal of the basketball goals from one of the half-court structures. Approximate Cost: \$40,000
2. *Fencing.* Wooden Split Rail or Chain Link fencing would need to be erected parallel to the park from the basketball court to the playground in order to provide a safety barrier from the street for children playing in the park, in the playground or on the basketball courts. Approximate Cost: \$6,000
3. *Outdoor Fitness Area.* An Outdoor Fitness Area would be erected similar to the below images. Approximate Cost: \$17,000



Staff is requesting feedback whether City Council would like to proceed in this direction or reallocate funds in a different manner for Isaac Scruggs Park.

Public Services

In order to fulfill the intent of this portion of the grant, City Council approved a Subrecipient Agreement with Life Message, Inc. on May 20, 2014. Life Message is a local food pantry operation located in Rowlett that serves low-income, elderly, disabled, and special need populations. Services include providing food products and basic living necessities and are available city-wide.

On October 16, 2014, City staff provided information to a group of non-profit entities in a meeting organized by Deputy Mayor Pro Tem Pankratz. During this meeting, several entities in addition to Life Message attended. These five entities included the following services:

- Animal Adoption/Veterinarian Assistance through Friends of Rowlett Animals
- Kayak Rental Assistance at Paddle Point Park
- Character programs tuition assistance through Men of Honor
- Community Garden Project through Keep Rowlett Beautiful
- Equipment/Fee Assistance through Rowlett Hockey League

All of the aforementioned groups have commendable missions and could potentially be awarded a portion of the funds allocated to this part of the grant. Pursuant to the adopted Annual Plan, there is \$27,931 allocated specifically to Life Message, Inc. to fulfill this portion of the grant. If City Council desires staff to reallocate the existing funds to other groups, this will require a Substantial Amendment to the Annual Plan.

Staff is requesting feedback from City Council whether to pursue a Substantial Amendment to the 2014 Annual Plan and reallocate a portion of the \$27,931 to other eligible groups.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff is requesting the following feedback from City Council

Housing Rehabilitation

Staff is requesting feedback from City Council regarding the following four questions detailed above in the staff report:

1. Should mobile homes be eligible for repairs?
2. Should the funds be allocated by way of a grant or forgivable loan?
3. Does the Council want to set aside a portion of the funds for eligible emergency repairs?
4. Should property owners who owe back taxes or liens be eligible for repairs?

Public Facilities

Should staff fulfill this portion of the grant as detailed above (Pavilion - \$40,000; Fencing - \$6,000; Outdoor Fitness Area - \$17,000)? If not, what programming should be pursued and allocated at what distribution?

Public Services

Should Staff pursue a Substantial Amendment to the 2014 Annual Plan and reallocate a portion of the \$27,931 to other eligible groups? And if so, what portion of the grant should be allocated to each group?

AGENDA DATE: 12/02/14

AGENDA ITEM: 5A

TITLE

Presenting a proclamation to the Rowlett High School Band for their placement at University Interscholastic League (UIL) Texas State Marching Band Contest at the Alamodome in San Antonio, Texas.

STAFF REPRESENTATIVE

Jim Proce, Assistant City Manager

ATTACHMENT

Proclamation

Attachment 1 - Texas State Marching Band Results



ROWLETT HIGH SCHOOL MIGHTY EAGLE BAND

WHEREAS, the City of Rowlett, Texas, recognizes and appreciates that the Garland Independent School District is committed to excellence in education and extracurricular programs and activities for our young citizens; and

WHEREAS, in October, the Rowlett High School Mighty Eagle Band received unanimous “Superior” ratings at the University Interscholastic League UIL Region 3 Marching Band Contest; and placed 3rd at the UIL Area C Marching Band Contest; and qualifying for the University Interscholastic League State competition representing the GISD; and

WHEREAS, on November 4th, the 37 Class 6A bands from throughout the State competed in the UIL Texas State Band Competition in San Antonio, Texas, and the Rowlett High School Mighty Eagle Band placed 17th overall; and

WHEREAS, the members of the Rowlett High School Mighty Eagle Band have displayed to their families, to their school, and to their community that they possess the determination, the skill, the talent, the coaching, and the ability that clearly makes them champions.

NOW THEREFORE, I, Todd W. Gottel, Mayor of the City of Rowlett and on behalf of the City Council, do hereby wish to extend congratulations to Head Band Director Phillip Alvarado, Associate Directors of Bands Benjamin Sumrak and Christopher McHenry and to all members of the

ROWLETT HIGH SCHOOL MIGHTY EAGLE BAND

for this outstanding achievement in the field of music and for the discipline and maturity demonstrated in reaching this level of excellence. We are proud of you, once again! Rowlett High School has proven that our young people, our Rowlett Eagles are the best. Oh yeah baby!



Texas State Marching Band Contest

4A Prelims: [Schedule](#) [Results](#)4A Finals: [Schedule](#) [Results](#)6A Prelims: [Schedule](#) [Results](#)6A Finals: [Schedule](#) [Results](#)

Conference 6A Prelim Results

Alamodome, San Antonio, TX

Place	Band	Armstrong	Clements	Leyva	Robinson	Spurlin	Composite
1	Marcus HS, Flower Mound	2	3	4	1	1	11
2	Bowie HS, Austin	4	2	2	2	8	18
3	Flower Mound HS, Flower Mound	7	5	1	11	3	27
4	Hebron HS, Carrollton	1	1	12	10	9	33
5	Reagan HS, San Antonio	5	6	5	13	5	34
6	The Woodlands HS, The Woodlands	6	11	3	9	7	36
7	Johnson HS, San Antonio	3	4	7	3	28	45
8	Duncanville HS, Duncanville	10	7	13	5	10	45
9	Coppell HS, Coppell	13	8	10	6	13	50
10	Keller H S, Keller	12	13	9	4	14	52
11	Westlake HS, Austin	8	9	8	20	23	68
12	Haltom HS, Haltom City	11	12	22	12	11	68
13	Westwood HS, Austin	18	20	11	15	6	70
14	Cy-Fair H S, Cypress	15	10	14	17	18	74
15	Friendswood H S, Friendswood	9	14	18	7	26	74
16	Dawson HS, Pearland	14	16	19	25	2	76
17	Rowlett H S, Rowlett	20	19	15	8	19	81
18	Berkner HS, Richardson	21	15	17	14	17	84
19	Pearland H S, Pearland	27	21	6	19	20	93
20	Spring HS, Spring	22	18	24	18	15	97
21	Harlingen HS, Harlingen	26	26	21	29	4	106
22	Clements HS, Sugar Land	24	22	25	24	16	111
23	Cedar Ridge HS, Round Rock	16	25	30	16	24	111
24	Cypress Falls H S, Houston	25	17	16	22	34	114
25	Dickinson H S, Dickinson	19	24	23	23	30	119
26	Austin HS, Sugar Land	17	33	34	28	12	124
27	Lopez HS, Brownsville	23	28	31	27	21	130
28	O'Connor HS, Helotes	29	31	28	21	25	134
29	Taft HS, San Antonio	35	32	20	36	22	145
30	Coronado HS, El Paso	28	30	32	26	31	147
31	North Shore H S, Houston	30	23	29	33	35	150
32	Hanna H S, Brownsville	32	35	33	30	29	159
33	San Benito HS, San Benito	37	29	35	31	27	159
34	Edinburg North H S, Edinburg	34	34	27	32	32	159
35	Clark HS, San Antonio	31	27	36	37	33	164
36	Frenship H S, Wolfforth	36	36	26	34	36	168
37	Central HS, San Angelo	33	37	37	35	37	179

Texas State Marching Contest System

[UIL Music Information](#), [UIL Home Page](#)Send comments or questions to [UIL State Music Office](#)
or phone (512) 471-5883.



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 5B

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: 12/02/14

AGENDA ITEM: 7A

TITLE

Consider action to approve minutes from the November 18, 2014, City Council Meeting.

STAFF REPRESENTATIVE

Stacey Chadwick, Deputy 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 18, 2014, City Council Meeting.

ATTACHMENT

11-18-14 City Council Meeting 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 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.

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

Absent: Deputy Mayor Pro Tem Pankratz and Councilmember Bobbitt

1. CALL TO ORDER

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

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)

This item followed Item 3C.

Council reconvened into Executive Session at 6:35 p.m.

Reconvened into open session at 7:22 p.m.

- 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)

This item was discussed first during the Executive Session.

Council convened into Executive Session at 5:30 p.m.

Reconvened into open session at 5:58 p.m.

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)

Marc Kurbansade, Director of Development Services, gave an overview of this item including the necessary participation by the City, possible rezoning, designation of a revitalization area, possible financial incentives, and the typical application schedule. Spoke concerning two projects: Evergreen and Brownstone.

Unanimous consensus was reached by the Council to proceed with the Evergreen project.

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

Neil Howard, Fire Chief, spoke concerning the necessity of the fire personnel to have two sets of protective gear. Spoke concerning the safety factors, the various upgrades and visibility advantages.

Unanimous consensus was reached by the Council to move forward with purchasing additional protective gear.

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

Jim Proce, Assistant City Manager, spoke concerning the current vacancy on the CIP Task Force. Stated one member has resigned and a replacement is necessary. Asked for consensus to offer the position to the Trevor Read as he was once the prior listing of possible appointments.

Unanimous consensus was reached by the Council to appoint Trevor Read.

4. DISCUSS CONSENT AGENDA ITEMS

Item 7I was removed from the Consent Agenda to be considered individually.

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

Convened into the Council Chambers at 7:31 p.m.

INVOCATION

The invocation was provided by Pastor Craig Schill, Lake Cities Community Church.

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE

The Pledges were led by the City Council.

5. PRESENTATIONS AND PROCLAMATIONS

5A. Presentation to the Parks Department from KRB for Daffodil Project.

Jermel Stevenson, Director of Parks and Recreation provided a brief history of the project.

Martha Brown with Keep Rowlett Beautiful presented the City with a \$500 check for this 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.

Mayor Gottel gave a brief history of the program.

Resident Sandy Wood spoke on behalf of the Angel Swim Program and thanked the City for caring for all children.

Will Mitchell, a representative from Texas Recreation and Parks Society presented Brian Norton, Athletic/Aquatics Supervisor, with the North Texas Region Award for Excellence in Programming.

5C. Hear Fourth Quarter Investment Report for September 30, 2014.

The Fourth Quarter Investment Report was presented by Alan Guard, Chief Financial Officer.

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

Mayor Gottel presented the following update: The next Council meetings will be held on Tuesday, December 2nd and 9th in City Hall Conference Room. There will be no Special Work Session for month of December. The next Planning and Zoning Commission meetings will be held on Tuesday, November 25th in City Hall Conference Room and Tuesday, December 9th in the Annex Conference Room. There will be no meeting on December 23rd. The Community Improvement Program Task Force (CIP Task Force) meetings are held on the 2nd & 4th Tuesdays of the month starting at 5pm in City Hall Conference Room; the next meetings will be held on November 25th, December 9th and 23rd. Read about the newest developments coming to Rowlett in the November issue of the Mayor's Message. The Stop A Cop Toy Drive will run from November 29th – December 20th. Wave down any officer and if they aren't responding to a call, they will be happy to take your donation. Toys may be dropped off 24 hours a day at any of the four Fire Stations or the lobby of the Police Station. Other collection sites include Rowlett Community Centre, City Hall, Fire Administration and the Chamber of Commerce. Toy donations accepted in the Wal-Mart parking lot on these Saturdays: December 6th from 10am to 2pm; December 13th from 2pm to 6pm and December 20th from 10am to 2pm. Watering once every other week resumed on November 1st. 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. The Animal Shelter maintains a 98% live release rate! Low Cost Vaccine Clinics at Animal Shelter (4402 Industrial) will be held on Saturday, December 13th from 1:00 pm – 3:00 p.m. The normal business hours for the Shelter are Monday – Friday from 10:00 am-5:00 pm and Saturday from 10:00 am-5:00 pm. Upcoming events for the Parks and Recreation Department include the Main Street Fest and Holiday Parade: Saturday, December 6th from 3:00pm-7:00pm (Downtown Rowlett on Main St.). Check out all the Fall and Winter programs, including programs for Seniors, listed in the Lakeside Leisure or at www.rowlett.com on the Parks Department page. Upcoming events for the Rowlett Library include: Healthy Holiday Cooking, Saturday, November 22nd at 2pm; Arts and Humanities 14th Annual Young Artists Contest & Exhibit. Submit all entries to the Rowlett Library on Saturday, January 10th between 10am and noon. All entries will be on display until Saturday, February 7th. For more information, visit the Arts and Humanities Commission webpage at rowlett.com. The Arts and Humanities Commission offers grants to support the activities of Rowlett based non-profit cultural art groups. Applications are due Saturday, December 6th; applications and more information available at rowlett.com. The Library holiday schedule is as follows: closing at 6pm on Wednesday, November 26th; closed Thursday and Friday, November 27th and 28th for Thanksgiving Holiday. The holiday schedule for City offices is as follows: closed Thanksgiving – Thursday and Friday, November 27th and 28th; closed Christmas – Wednesday and Thursday, December 24th and 25th; and closed New Year's – Thursday, January 1st. Trash and recycling pickup will be delayed one day and Waste Management will not pick up on the following holidays: Thanksgiving Day – Thursday, November 27th; Christmas Day – Thursday, December 25th; and New Year's Day – Thursday, January 1st. Mayor Gottel introduced Animal Control Officer Monica Patterson and Toto. Spoke regarding the Animal Shelters live release rate and their hopes to find Toto a forever home.

Mayor Pro Tem Gallops announced the Chamber of Commerce's Sunset Santa 5K Run to benefit the Dallas Metroplex Foster Care Association will be held on Saturday, December 6th. Additional information is located at www.rowlettchamber.com.

6. CITIZENS' INPUT

No one spoke during Citizens' Input.

7. CONSENT AGENDA

Item 7I was removed from the Consent Agenda to be considered individually.

- 7A.** Consider action to approve minutes from the November 4, 2014, City Council Meeting and the November 11, 2014, City Council Work Session Meeting.

This item was approved on the Consent Agenda.

- 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.

This item was approved as RES-112-14 on the Consent Agenda.

- 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.

This item was approved as RES-113-14 on the Consent Agenda.

- 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.

This item was approved as RES-114-14 on the Consent Agenda.

- 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).

This item was approved as RES-115-14 on the Consent Agenda.

- 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.

This item was approved as RES-116-14 on the Consent Agenda.

- 7G.** Consider action to approve an ordinance amending Chapter 22 "Environment" to address dead and dangerous trees as public nuisances.

This item was approved as ORD-036-14 on the Consent Agenda.

- 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.

This item was approved as RES-117-14 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Sheffield, seconded by Mayor Pro Tem Gallops, 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.

- 7I.** Consider action to appoint a member to the CIP Task Force to fill a vacancy.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Dana-Bashian, to appoint Trevor Read as a member to the CIP Task Force. The motion carried with a unanimous vote of those members present. This item was adopted as RES-118-14.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 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.

Garrett Langford, Principle Planner, provided the background information on this project. Council discussed the proposed monument signage and the addition of a directional sign on the property.

The public hearing opened and closed at 8:58 pm with no one speaking.

A motion was made by Councilmember Dana-Bashian, seconded by Councilmember Sheffield, to approve the item as presented with a provision that a directional sign serving the adjacent property may be approved by City staff. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-037-14

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

No actions were taken on the Executive Session items.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 8:59 p.m.



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 7B

TITLE

Consider action to approve a resolution awarding the second and final one-year renewal option for screening wall repair and maintenance services to Ratliff Hardscape, LTD in the unit amounts bid and in an estimated annual amount of \$50,000 and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

STAFF REPRESENTATIVE

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

SUMMARY

The screening wall repair and maintenance program is to improve and properly maintain the condition of the screening walls located within the City's right-of-way.

BACKGROUND INFORMATION

September 28, 2009, City Council established the screening wall repair maintenance program. The screening wall repair and maintenance program is to improve the condition of the screening walls located within the City's right-of-way. The initial contract period is February 1, 2013 through February 1, 2014 and includes two one-year renewal options if both parties are in agreement. City staff estimated the cost of the annual service to be \$50,000.

DISCUSSION

The original approval for screening wall repair and maintenance services was for an initial one-year period with two (2) one-year renewal options if both parties are in agreement. All parties are in agreement to exercising the second and final one-year renewal. The initial contract began February 1, 2013, through January 31, 2014. The first one-year renewal began on February 1, 2014, and will terminate on January 31, 2015. Upon approval, the second one-year renewal will begin January 5, 2015, and will terminate on January 4, 2016.

This contract is a Requirements Upon Request Contract with work requested on an **"as needed basis only"** in which the unit price prevails. It will also include an estimated annual total amount of \$50,000 as budgeted in this fiscal year.

The Cities of Lewisville, Richardson, Frisco, Allen, Mesquite, the Colony and the Town of Addison cooperatively purchase from the City of Rowlett's contract with Ratliff Hardscape, LTD.

Ratliff Hardscape, LTD has indicated they are interested in exercising the second one year renewal.

Adopted Three Year Governmental Purposes Cash CIP Plan

CASH CIP Programs	FY2015	FY2016	FY2017	Total Three Year
Concrete Pavement Repair	\$670,000	\$1,070,000	\$1,270,000	\$3,010,000
Asphalt Rehab/Overlay	500,000	500,000	500,000	1,500,000
Alley Improvements	395,000	395,000	395,000	1,185,000
Alley Panel Replacement	335,000	335,000	335,000	1,005,000
Foam Injection	125,000	125,000	125,000	375,000
Crack Sealing	150,000	150,000	150,000	450,000
Screen Wall Rehabilitation - City owned	50,000	50,000	50,000	150,000
Sign Replacement / Pavement Markings	90,000	90,000	90,000	270,000
Traffic Signal Repair / Maintenance	30,000	30,000	30,000	90,000
Sidewalks	55,000	55,000	55,000	165,000
Library Improvements	200,000	200,000	-	400,000
Chamber Building Relocation	400,000	-	-	400,000
Total	\$3,000,000	\$3,000,000	\$3,000,000	\$9,000,000

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of \$50,000 is available for the purchase of these services in CIP account #398-8001-521-8002, Project Code (ST 2084), Screening Wall Rehabilitation and Contract Services account #101-4525-450-7808.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
ST2084	Screening Wall Rehabilitation I#398-8201-521-8002	\$46,447	\$46,447
	Contract Services 101-4525-450-7808	3,553	\$3,553
Total		\$50,000	\$50,000

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution exercising the second and final one-year renewal option for the annual contract for screening wall repair and maintenance in the unit amounts bid as attached hereto and incorporated herein by reference as Exhibit A with an estimated annual amount of \$50,000 to Ratliff Hardscape, LTD for the City of Rowlett Street Department and authorizing the execution of the necessary documents for said one-year extension.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, EXERCISING THE SECOND AND FINAL ONE-YEAR RENEWAL OPTION FOR THE ANNUAL CONTRACT

FOR SCREENING WALL REPAIR AND MAINTENANCE IN THE UNIT AMOUNTS BID AS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT A IN AN ESTIMATED ANNUAL AMOUNT OF \$50,000 TO RATLIFF HARDSCAPE, LTD FOR THE CITY OF ROWLETT STREET DEPARTMENT; AUTHORIZING EXECUTION OF THE NECESSARY DOCUMENTS FOR SAID ONE-YEAR EXTENSION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is desired to contract annually for screening wall repair and maintenance services as required by the City of Rowlett Street Department; and

WHEREAS, the Purchasing Division obtained competitive bids and recommended the award of bids to the lowest responsible bidder meeting specifications in the unit amounts bid as needed as per Bid # 2013-18; and

WHEREAS, the original term of the contract was for twelve months beginning February 1, 2013 with an option for two one-year renewals if both parties are in agreement; and

WHEREAS, Ratliff Hardscape, LTD has agreed to the second and final one-year renewal option; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise the second and final one-year renewal option for screening wall repair and maintenance services as required by the City of Rowlett Street Department.

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, does hereby approve exercising the second and final one-year renewal option in the unit amounts bid and an estimated annual amount of \$50,000 to Ratliff Hardscape, LTD as attached hereto and incorporated herein by reference as Exhibit A for screening wall repair and maintenance for the Street Department.

Section 2: That the City Council does hereby authorize the Mayor to execute the Standard Public Works Construction Contract with Ratliff Hardscape, LTD, and the City Manager or designee is hereby authorized to issue purchase orders to conform to this resolution.

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

ATTACHMENTS

Exhibit A – Bid tabulation

Exhibit B – Letter of renewal

City Of Rowlett Bid Tabulation Annual Screening Wall Repair & Maintenance, #2013-18
 4004 Main Street, Rowlett, TX 75088
 Purchasing Phone 972-412-6189 Fax 972-412-6144
 December 20, 2012

			Ratliff Hardscape, LTD Booder McWhorter 972-436-2508	
			<u>Yes</u>	
	Bid Bond Included			
1	500	Repair to single course brick wall panel	\$14.25	\$7,125.00
2	500	Repair to single course brick column	\$14.25	\$7,125.00
3	100	Repair to double brick wall panel	\$40.00	\$4,000.00
4	100	Repair to double course brick column	\$40.00	\$4,000.00
5	50	Remove & replace single course thin wall panel	\$855.00	\$42,750.00
6	50	Remove & replace single course brick column	\$325.00	\$16,250.00
7	5	Remove & replace double course wall panel	\$1,550.00	\$7,750.00
8	5	Remove & replace brick course brick column	\$560.00	\$2,800.00
9	100	Remove existing single course panel wall and install light duty metal post & picket fence panels.	\$87.50	\$8,750.00
10	60	Remove existing double course panel wall and install light duty metal post & picket fence panels	\$97.50	\$5,850.00
11	60	Repair light duty metal picket fence panels	\$24.00	\$1,440.00
12	100	Repair heavy duty wrought fence panels	\$30.00	\$3,000.00
13	500	Clean existing steel/or iron fence, apply primer & paint.	\$17.00	\$8,500.00
14	250	Replace sections of chain link fence	\$27.00	\$6,750.00
15	5	Traffic control which includes arrow board	\$1,000.00	\$5,000.00
16	100	Install safety fence & remove when work complete	\$10.00	\$1,000.00
17	250	Remove & install new mow strips	\$80.00	\$20,000.00
18	40	Remove pre-cast concrete support beams	\$80.00	\$3,200.00
19	200	Clean mortar joints & replace missing mortar	\$14.25	\$2,850.00
20	20	Replace pre-cast caps	\$200.00	\$4,000.00
21	100	Replace soldier course to match existing wall	\$20.00	\$2,000.00
22	30	Trim and/or remove vegetation from wall	\$20.00	\$600.00
GRAND TOTAL BID ITEMS 1-22				\$164,740.00



November 20, 2014

Mr. Robbin Webber
4004 Main
Rowlett, TX. 75088

Re: Renewal 2 of 2 Annual Contract for Screening Wall Repair and Maintenance
Sent via: Email

Dear Robbin:

Ratliff Hardscape, Ltd. would like to exercise the renewal 2 of 2 for the Annual Contract. The Annual Contract for Screening Wall Repair and Maintenance Services to your city as per Bid 2013-18 in the amounts bid and an estimated annual amount of Fifty Thousand dollars and no cents (50,000.00) for One (1) Year.

Please feel free to contact Jennifer Eber, Contract Manager at 972-436-2508 or jeber@ratliffhardscape.com with any questions.

Sincerely,



Bryan A. Robertson
President



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 7C

TITLE

Consider action to approve a resolution to amend the City's Sick Leave Payout Policy in order to reduce the City's liability rate.

STAFF REPRESENTATIVE

John Murray, Director of Human Resources and Risk Management

SUMMARY

Staff's original recommendation to reduce Sick Leave payout for departing employees was highlighted in Chart 30 of the FY2015 Proposed Budget for the City of Rowlett. Council removed that particular issue from budget deliberations and set it aside for individual discussion at a later date.

Staff presented to Council on November 11, 2014, its three-tiered proposal (with projected cost savings for each) to amend the eligibility and associative percentages for Sick Leave payout based on an employee's departure from City service. Council approval of these options is necessary to implement changes to the City of Rowlett Policy Manual, Chapter 8, *Leave*.

BACKGROUND INFORMATION

During FY2014, the City chartered a Comprehensive Compensation and Benefits Study by Evergreen Solutions, LLC. Just as the compensation study conducted by Evergreen determined that the City's pay was below market, it also recognized that the City's Vacation and Sick Leave payout policies were more generous than market.

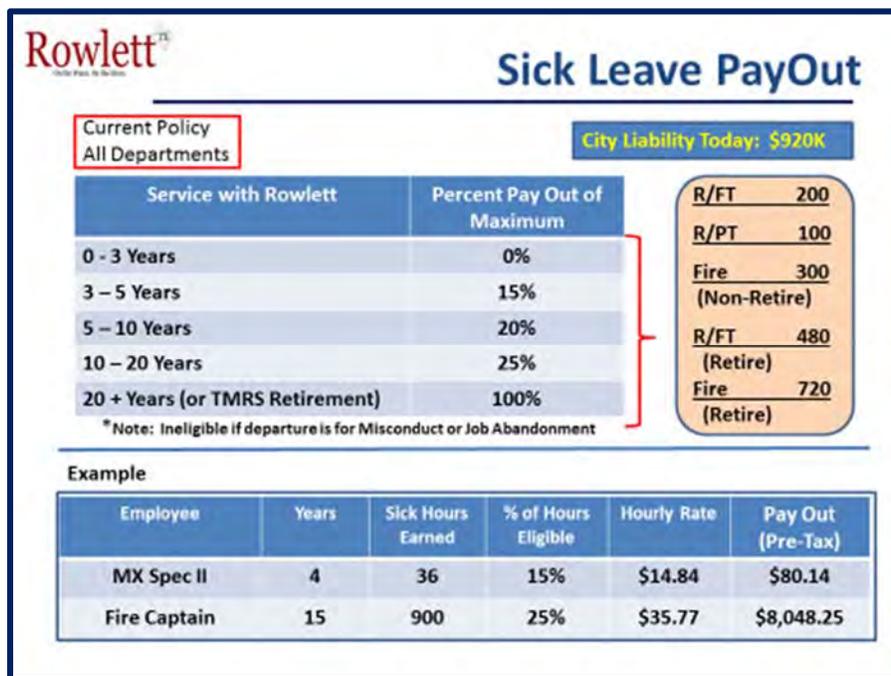
In May, 2014, Staff conducted a thorough analysis of existing City Policy regarding Vacation Leave and Sick Leave accrual and payout. At the time, these combined numbers equated to a \$1.8 million liability to the City. It must be noted that this liability is not on par with actual annual budget requirements—instead, it represents the total amount of dollars that would be paid if ALL employees departed the City at one time. As such, any proposals that will identify increases or decreases to the liability rate do not represent "hard" budget dollars until such time as employees retire or otherwise leave employment with the City.

On September 16, 2014, the City Council approved Staff's recommendation to reduce the amount of unused Vacation Leave hours paid upon an employee's departure from the City. That change, along with the five-year "grandfather" period enacted to enable employees with high Vacation Leave balances to use their leave, went into effect October 1, 2014.

DISCUSSION

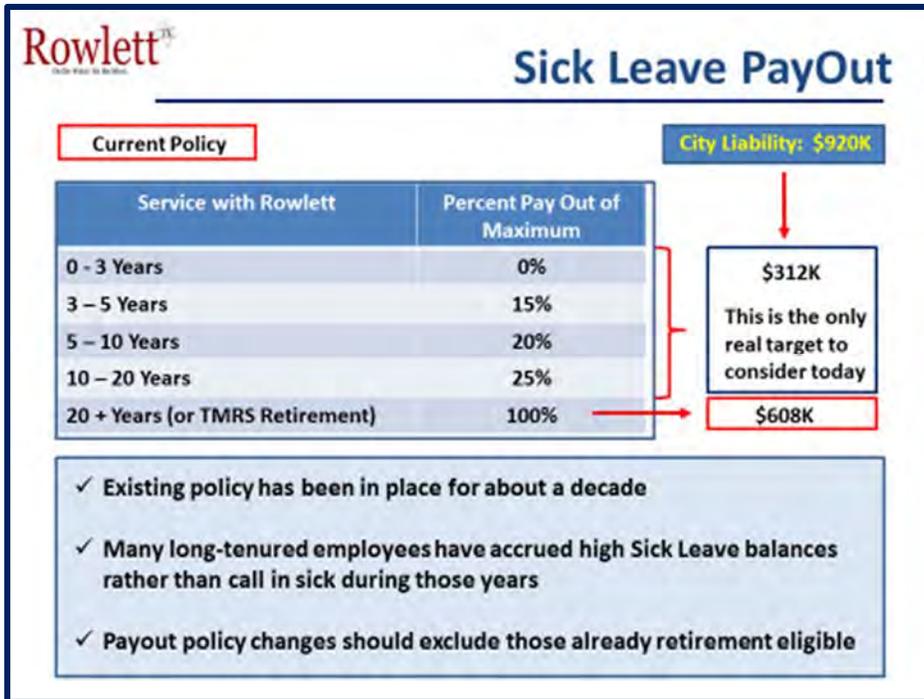
Unlike the Vacation Leave payout policy (which pays dollar-for-hour based on hourly rate up to a maximum figure), Sick Leave involves multiple variables and percentages that affect how much an employee will be paid upon departure from the City. The variables include tenure with the City (which affects the percentage of maximum payout), changes in employee salary, employee status (Full-Time vs. Part-Time), the reason for separation (TMRS-recognized retirement vs. voluntary resignation) and, of course, the amount of hours in the employee's current Sick Leave balance. Because of these variables, the liability rate specifically tied to Sick Leave payout is constantly changing. As such, proposed savings tied to the proposals Staff will make to Council, while sound in principle, are extremely fluid in actual cash dollars. Again, Sick Leave payout is not a budgeted item and, therefore, does not affect annual budget deliberations.

The slide below illustrates current policy considerations, including the value of accrued Sick Leave balances as of Sep 30, 2014. Collectively, Sick Leave payout represents a \$920K liability to the City. As it did with the reduction of Vacation Leave payout policy, Staff is committed to reducing this liability rate methodically and responsibly.



Employees separated from City employment for misconduct or job abandonment are ineligible to receive Sick Leave payout.

It's also important to point out that 38 employees have already reached TMRS tenure-based (20+ years) retirement eligibility under the current Sick Leave payout policy. As we did with the amendment to Vacation Leave payout policy, we advise Council to not repeal that policy at the expense of these employees and, instead, move forward on changes to less-tenured and future employees.



In the original discussion regarding potential amendments to the Sick Leave payout policy, which was presented as Chart 30 of the proposed FY2015 City of Rowlett Budget, staff submitted the following recommendation:

PROPOSAL #3: EMPLOYEE SICK LEAVE PAYOUT POLICY	
Title	Impact
Modify the City's employee maximum sick leave payout policy.	Reduce outstanding liability over five years.
Discussion	
<p>Currently, the City allows employees to be paid upon retirement or separation of up to 480 hours for non-Fire employees and 720 hours for Fire employees. However, only half of the market cities provide a payout for hours accrued. The current outstanding liability is \$0.8 million.</p> <p>Sick leave is an interesting conundrum for organizations. On the one hand, employers set aside this time for employees to use when they or a family member are ill; however, on the other hand, employees sometimes view it as an additional benefit to take whenever they want time off. To combat absenteeism, employers can offer a certain percentage of the time accrued as a cash payout upon separation, whether from retirement or voluntary resignation. In Rowlett, employees face disciplinary action if sick leave is abused and employees terminated as a result of disciplinary action are not eligible to receive a payout of any percentage.</p> <p>What makes this issue more complex for Rowlett is that 67 percent, or \$0.5 million, of the \$0.8 million outstanding liability is already vested with retirement-eligible employees. These are personnel who have either completed 20 years of service with Rowlett, completed 20 years through a combination of service with Rowlett and another TMRS city, or who have satisfied some other TMRS retirement</p>	

eligibility requirement, such as prior military service credit or having been vested and reached age 60. In short, this amount is already obligated.

The City's goals should be to **cap the benefit** so that it doesn't continue to grow, and reduce the liability over a period of time through retirements. Additionally, we recommend increasing the minimum service with the City in order to be eligible for any payout of unused Sick Leave from 3 years to 10 years. This will mitigate the concerns of "paying employees for leaving the City" while also continuing to reward those employees who have exhibited loyalty through service and who do not burn Sick time unnecessarily.

Current payout policy under Section 8.3:

Tenure in Years	Pay Out %	Max Payout Part-time	Max Payout Full-time	Max Payout Fire
<3	0%	0	0	0
3-5	15%	100	200	300
5-10	20%	100	200	300
10-20	25%	100	200	300
>20*	100%	240	480	720

*Retire under TMRS or 20 consecutive years with City.

Options

Option 1: No Change.

Option 2: Buy Down. Not an option as there is no guarantee that the sick leave will even be taken.

Option 3: Burn Down. Not an option as again, there is no need to force employees to use their sick leave balances.

Option 4: Grandfather. **[Recommended Option]**

1. Increase the minimum service time with the City from 3 years to 10 years and set the maximum accrual payout at 25 percent of total accrued hours up to 240 hours.
2. Grandfather employees who currently exceed the maximum payout balances until September 30, 2019. These employees would be maxed out at their current individual sick leave balances and would not be allowed to exceed that balance during the grandfathering period.

Option 5: Eliminate Payout. Not a practical option as this practice provides a very powerful tool to combat absenteeism. Option 4 is a reasonable option that stops the problem from growing while having a specific date in time for the grandfathering period to end.

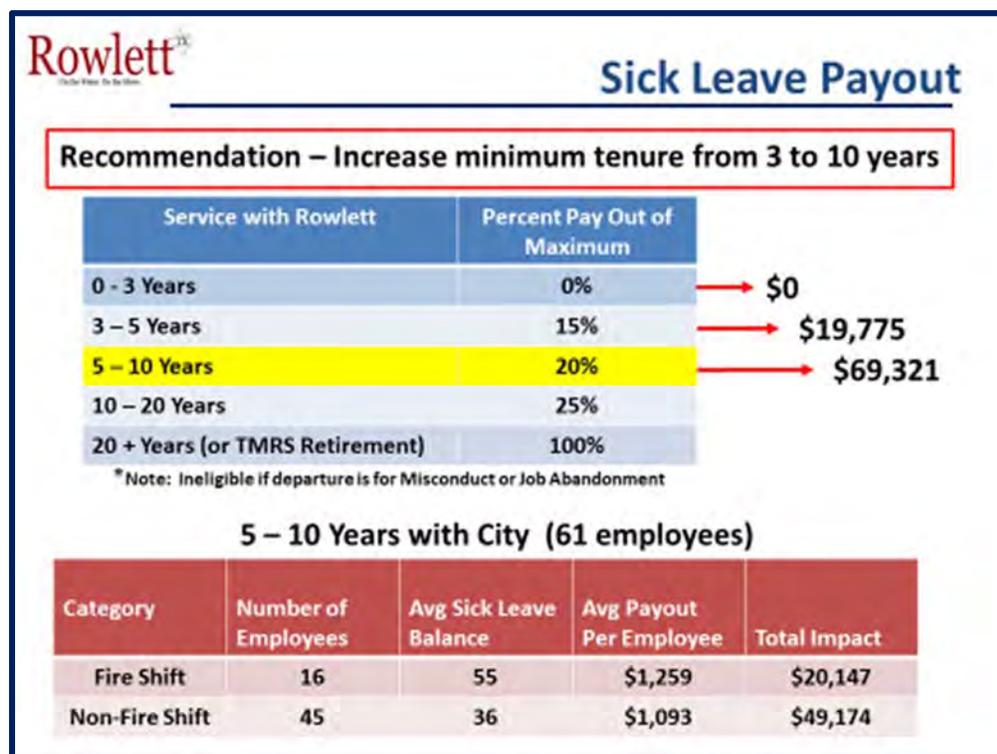
At the request of Council, Staff further explored the issue and made a series of recommendations which vary slightly from this original recommendation. However, these recommendations satisfy the over-arching vision of reducing the City's liability responsibly and effectively.

Additionally, because of Family Medical Leave Act considerations, the unpredictability of emergency scenarios affecting employees and their family members, and the City's "Catastrophic

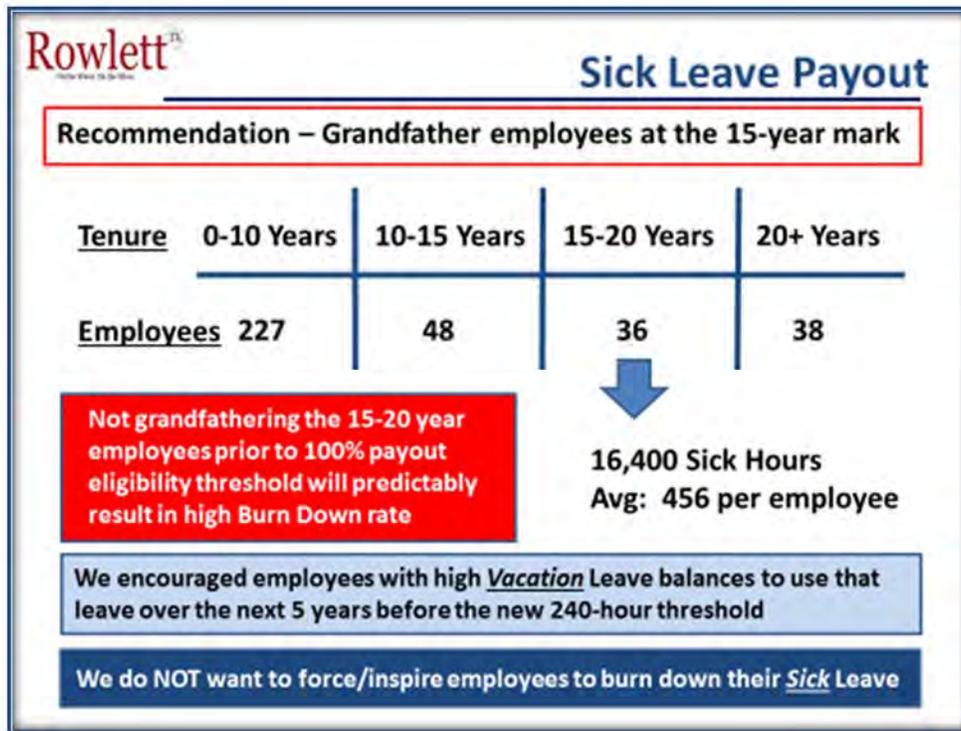
Leave Sharing Program”, which allows employees to donate Sick Leave to fellow employees in emergency situations, we no longer recommend capping Sick Leave accrual balances. Current policy provides strict guidelines for appropriate use of Sick Leave.

On November 11, 2014, Staff provided Council recommendations with real-time fiscal analysis.

- Staff’s recommendation of increasing the minimum service time from three years to ten years for Sick Leave payout eligibility will impact a total of 217 employees (including 90 who would draw some percentage-based payout under current policy) and will immediately reduce the City’s liability by \$89K. Based on September 30, 2014, accrual balances, this represents 29 percent of the City’s current Sick Leave payout liability not already obligated under TMRS tenure-based retirement eligibility.



- Staff also recommends to exclude from this policy change all employees who have reached their 15-year tenure mark with the City as of January 7, 2015. **This, essentially, “grandfathers” implementation until Sep 30, 2019**, for which Council expressed its support during our November 11, 2014, Work Session. However, because Staff can already identify those employees affected by virtue of Hire Dates, we are able to implement the policy now and meet the desired “grandfather” initiative. This action will enable 36 employees (14 Fire Shift, 22 Non-Fire Shift) to cross the 20-year threshold and, therefore, be eligible to receive 100% of their maximum allowable hours.



- Finally, Staff recommends establishing a maximum 25 percent for Sick Leave payout for all current and future employees reaching the ten-year continuous service tenure mark. This includes all employees currently with more than ten, but less than 15 years of service as of January 7, 2015. *Note: These employees are already eligible to receive 25 percent of their eligible unused Sick Leave hours—this action does not reduce or eliminate their payout balances.

FINANCIAL/BUDGET IMPLICATIONS

Adopting any or all will have a direct impact on the City's liability rate, with the long-term (5+ year) liability figure being significantly lower than the current \$920K, with a conservative estimate of a reduction of \$500K. This, understandably, is directly tied to employee retention and the Sick Leave utilization of those employees.

There are numerous assumptions that go into fiscal projections, which make a "hard" number impossible to accurately reflect. These assumptions include, among other considerations, that all 36 employees at the 15-year point of the tenure with the City remain in their positions, that the current Sick Leave utilization rate remains constant, that employees who cross the 20-year threshold don't all retire shortly afterwards, etc. Still, the philosophy of reduction is both logically and mathematically sound in that (a) increasing minimum tenure for payout eligibility from three years to ten and (b) capping the maximum payout percentage at 25 percent for employees short of their 15-year tenure marks as of January 7, 2015, will generate a considerable long-term (5+ year) reduction to the City's liability rate.

RECOMMENDED ACTION

Staff recommends approving a resolution to amend the City's Sick Leave Payout Policy as follows:

Rowlett^{TX}
Make Plans. Be the Plan.**Conclusion**

Staff is committed to maintaining the City's fiscal health by addressing existing policies

5A: Increase minimum tenure from 3 to 10 years

5B: Grandfather employees at the 15+ year mark

5C: Set maximum payout at 25% in 2019

✓ **3-point proposal will reduce outstanding liability**

- ✓ Immediate impact = \$89K
- ✓ Long-term impact = ~\$500K+

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING AN AMENDMENT TO THE CITY'S SICK LEAVE PAYOUT POLICY WHICH, ONCE IMPLEMENTED, WILL REDUCE THE CITY'S OUTSTANDING FINANCIAL LIABILITY.

WHEREAS, the Rowlett City Council and Staff Leadership are committed to conducting operations and executing policy in an efficient and fiscally sound manner; and

WHEREAS, the Rowlett City Council and Staff Leadership are committed to offering attractive compensation and benefits packages in order to recruit and retain outstanding employees; and

WHEREAS, the Rowlett City Council and Staff Leadership recognize the loyalty, commitment, subject matter expertise and institutional knowledge of long-tenured employees.

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 hereby approves revisions to the City's Personnel Policy Manual providing as follows:

1. The minimum service time with the City of Rowlett for an employee departing City service, in order to be eligible to receive a percentage-based payout of unused Sick Leave, will be increased from three (3) years to ten (10) years, effective January 7, 2015.
2. All employees whose continuous service with the City of Rowlett began prior to January 7, 2000, will be permanently grandfathered to be eligible for 100% of their eligible unused Sick Leave as defined in current City of Rowlett policy upon reaching their 20-year thresholds of continuous service with the City.
3. All employees hired after January 7, 2000 and with more than ten (10) years of continuous service with the City, will be eligible for a maximum of 25% of their eligible unused Sick Leave, effective January 7, 2015.

Section 2: That the City Manager, or his designee, be and is hereby authorized to draft amendments to the Personnel Policy Manual in accordance with the foregoing, and to incorporate those amendments into the Policy.

Section 3: That this resolution shall take effect immediately after its passage.

ATTACHMENT

Attachment 1 – Recommended Adjustment to the City’s Sick Leave Payout Policy Presentation from November 11, 2014



*Recommended Adjustment to
the City's Sick Leave Payout Policy*

*John Murray
Director of Human Resources
& Risk Management*

Overview

Staff continues to partner with Council to address the City's Vacation and Sick Leave payout policies

- ✓ **Evergreen study report reflected City's maximum payout for Vacation Leave (480 hours) exceeds market rate (280 hours)**
- ✓ **Vacation Leave liability rate (FY2013) = \$1.74M**

Council approved change to Vacation Leave payout policy

- ✓ **Set max payout hours at 240 for Non-Fire Shift personnel**
- ✓ **Maintained Fire Shift max payout at 720 hours**
- ✓ **Established 5-year grandfather period to enable employees to get Vacation Leave below new threshold**

Overview

Staff continues to partner with Council to address the City's Vacation and Sick Leave payout policies

- ✓ Evergreen study report reflected not all market cities pay out Sick Leave; Rowlett does (variable percentages)
- ✓ Sick Leave liability rate (FY2014) = \$920K

Council requested additional review of Sick Leave payout policy

- ✓ Staff does not recommend cancelling Sick Leave payout
- ✓ 3-point proposal will reduce outstanding liability
 - ✓ Immediate impact = \$89K
 - ✓ Long-term impact = ~\$500K

Before We Get Started

- ✓ **Liability rate does NOT translate to budget dollars**
 - ✓ **We do not budget for Vacation or Sick Leave payout**
- ✓ **Reducing our employee turnover = reducing payout**
 - ✓ **Why? Because we only pay this when employees depart**
- ✓ **Vacation Leave = *Benefit*; we cap accrual and max payout**
- ✓ **Sick Leave = *Business Need*; we do not cap accrual, but we do establish max payouts based a variety of factors**

Sick Leave Payout

**Current Policy
All Departments**

City Liability Today: \$920K

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 – 5 Years	15%
5 – 10 Years	20%
10 – 20 Years	25%
20 + Years (or TMRS Retirement)	100%

<u>R/FT</u>	<u>200</u>
<u>R/PT</u>	<u>100</u>
<u>Fire</u>	<u>300</u>
(Non-Retire)	
<u>R/FT</u>	<u>480</u>
(Retire)	
<u>Fire</u>	<u>720</u>
(Retire)	

*Note: Ineligible if departure is for Misconduct or Job Abandonment

Sick Leave Payout

**Current Policy
All Departments**

City Liability Today: \$920K

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 - 5 Years	15%
5 - 10 Years	20%
10 - 20 Years	25%
20 + Years (or TMRS Retirement)	100%

R/FT	200
R/PT	100
Fire (Non-Retire)	300
R/FT (Retire)	480
Fire (Retire)	720

*Note: Ineligible if departure is for Misconduct or Job Abandonment

Example

Employee	Years	Sick Hours Earned	% of Hours Eligible	Hourly Rate	Pay Out (Pre-Tax)
MX Spec II	4	36	15%	\$14.84	\$80.14

Sick Leave Payout

**Current Policy
All Departments**

City Liability Today: \$920K

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 – 5 Years	15%
5 – 10 Years	20%
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<u>Fire</u>	<u>300</u>
(Non-Retire)	
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(Retire)	
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Example

Employee	Years	Sick Hours Earned	% of Hours Eligible	Hourly Rate	Pay Out (Pre-Tax)
MX Spec II	4	36	15%	\$14.84	\$80.14
Fire Captain	15	900	25%	\$35.77	

Sick Leave Payout

Current Policy
All Departments

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<u>R/PT</u>	<u>100</u>
<u>Fire</u>	<u>300</u>
(Non-Retire)	
<u>R/FT</u>	<u>480</u>
(Retire)	
<u>Fire</u>	<u>720</u>
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*Note: Ineligible if departure is for Misconduct or Job Abandonment

Example

Employee	Years	Sick Hours Earned	% of Hours Eligible	Hourly Rate	Pay Out (Pre-Tax)
MX Spec II	4	36	15%	\$14.84	\$80.14
Fire Captain	15	900	25%	\$35.77	\$2,682.75

Sick Leave Payout

**Current Policy
All Departments**

City Liability Today: \$920K

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 - 5 Years	15%
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R/PT	100
Fire (Non-Retire)	300
R/FT (Retire)	480
Fire (Retire)	720

*Note: Ineligible if departure is for Misconduct or Job Abandonment

Example

Employee	Years	Sick Hours Earned	% of Hours Eligible	Hourly Rate	Pay Out (Pre-Tax)
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Sick Leave Payout

Current Policy

City Liability: \$920K

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10 - 20 Years	25%
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\$312K

This is the only real target to consider today

\$608K



Sick Leave Payout

Current Policy

City Liability: \$920K

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 - 5 Years	15%
5 - 10 Years	20%
10 - 20 Years	25%
20 + Years (or TMRS Retirement)	100%

\$312K

This is the only real target to consider today

\$608K

Category	20+ Years	Avg Sick Leave Balance	Avg Payout Per Employee	Total Impact
Fire Shift	17	549 Hours	\$16,613	\$282,421
Non-Fire Shift	21	366 Hours	\$15,493	\$325,348

Staff strongly recommends no change to the payout for these employees

Sick Leave Payout

Current Policy

City Liability: \$920K

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 - 5 Years	15%
5 - 10 Years	20%
10 - 20 Years	25%
20 + Years (or TMRS Retirement)	100%

\$312K

This is the only
real target to
consider today

\$608K

- ✓ Existing policy has been in place for more than a decade
- ✓ Many long-tenured employees have accrued high Sick Leave balances rather than call in sick during those years
- ✓ Payout policy changes should exclude those already retirement eligible

Sick Leave Payout

Recommendation – Increase minimum tenure from 3 to 10 years

Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 – 5 Years	15%
5 – 10 Years	20%
10 – 20 Years	25%
20 + Years (or TMRS Retirement)	100%

→ **\$0**

*Note: Ineligible if departure is for Misconduct or Job Abandonment

0 – 3 Years with City (127 employees)

Category	Number of Employees	Avg Sick Leave Balance	Avg Payout Per Employee	Total Impact
Fire Shift	11	N/A	N/A	\$0
Non-Fire Shift	116	N/A	N/A	\$0

Sick Leave Payout

Recommendation – Increase minimum tenure from 3 to 10 years

Service with Rowlett	Percent Pay Out of Maximum	
0 - 3 Years	0%	→ \$0
3 – 5 Years	15%	→ \$19,775
5 – 10 Years	20%	
10 – 20 Years	25%	
20 + Years (or TMRS Retirement)	100%	

*Note: Ineligible if departure is for Misconduct or Job Abandonment

3 – 5 Years with City (29 employees)

Category	Number of Employees	Avg Sick Leave Balance	Avg Payout Per Employee	Total Impact
Fire Shift	5	38	\$834	\$4,170
Non-Fire Shift	24	19	\$650	\$15,605

Sick Leave Payout

Recommendation – Increase minimum tenure from 3 to 10 years

Service with Rowlett	Percent Pay Out of Maximum	
0 - 3 Years	0%	→ \$0
3 – 5 Years	15%	→ \$19,775
5 – 10 Years	20%	→ \$69,321
10 – 20 Years	25%	
20 + Years (or TMRS Retirement)	100%	

*Note: Ineligible if departure is for Misconduct or Job Abandonment

5 – 10 Years with City (61 employees)

Category	Number of Employees	Avg Sick Leave Balance	Avg Payout Per Employee	Total Impact
Fire Shift	16	55	\$1,259	\$20,147
Non-Fire Shift	45	36	\$1,093	\$49,174

Sick Leave Payout

Recommendation – Increase minimum tenure from 3 to 10 years

Service with Rowlett	Percent Pay Out of Maximum	
0 - 3 Years	0%	\$0
3 – 5 Years	15%	\$19,775
5 – 10 Years	20%	\$69,321
10 – 20 Years	25%	
20 + Years (or TMRS Retirement)	100%	

\$89,096

**28% of
“available”
Sick Leave
liability
rate**

*Note: Ineligible if departure is for Misconduct or Job Abandonment

- ✓ Supports initiative to promote retention, reward loyalty
- ✓ Simply amending/reducing % for these years does not generate legitimate reduction to the overall liability rate
- ✓ This action is not dependent on other policy decisions

Sick Leave Payout

Recommendation – Grandfather employees at the 15-year mark

- ✓ These are our tenured folks with retirement eligibility in sight
- ✓ This will permanently grandfather those employees at 100%
- ✓ 5-year grandfather period mirrors Vacation Leave payout policy

Category	20+ Years	15+ Years	Avg Payout Per Employee	Total Impact
Fire Shift	17		\$16,613	\$282,421
		14	\$17,161	\$240,253
Non-Fire Shift	21		\$15,493	\$325,348
		22	\$7,532	\$165,711

Figures are based on today's balances and project to 100% eligibility

Sick Leave Payout

Recommendation – Grandfather employees at the 15-year mark

<u>Tenure</u>	0-10 Years	10-15 Years	15-20 Years	20+ Years
<u>Employees</u>	227	48	36	38

Not grandfathering the 15-20 year employees prior to 100% payout eligibility threshold will predictably result in high Burn Down rate

**16,400 Sick Hours
Avg: 456 per employee**

We encouraged employees with high Vacation Leave balances to use that leave over the next 5 years before the new 240-hour threshold

We do NOT want to force/inspire employees to burn down their Sick Leave

Sick Leave Payout

Recommendation – Set maximum payout at 25% in 2019

- ✓ Eliminates the % variables
- ✓ No need to adjust the maximum payout hours based on reason for departure
 - ✓ Setting artificial maximum payout hours will encourage absenteeism

<u>R/FT</u>	<u>200</u>
<u>R/PT</u>	<u>100</u>
<u>Fire</u>	<u>300</u>
(Non-Retire)	
<u>R/FT</u>	<u>480</u>
(Retire)	
<u>Fire</u>	<u>720</u>
(Retire)	

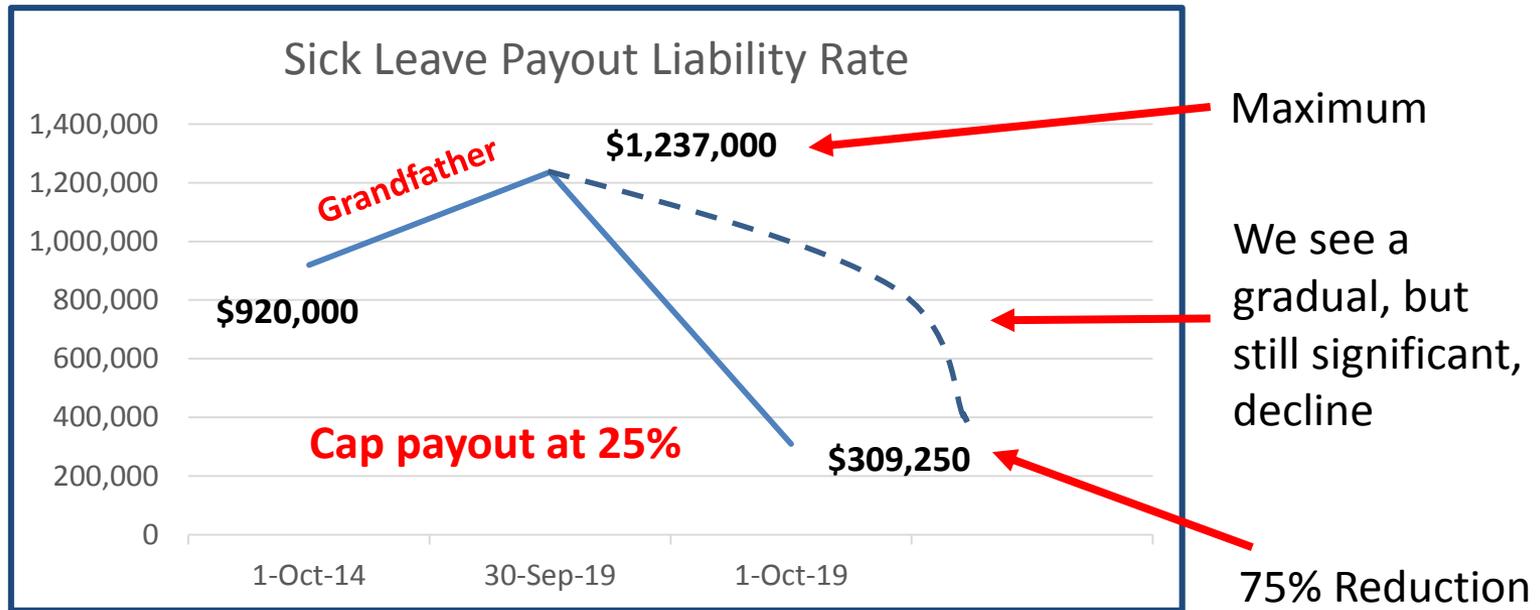
Service with Rowlett	Percent Pay Out of Maximum
0 - 3 Years	0%
3 – 5 Years	15%
5 – 10 Years	20%
10 – 20 Years	25%
20 + Years (or TMRS Retirement)	100%

Eliminated

**Grandfathered
(Oct 1, 2019)**

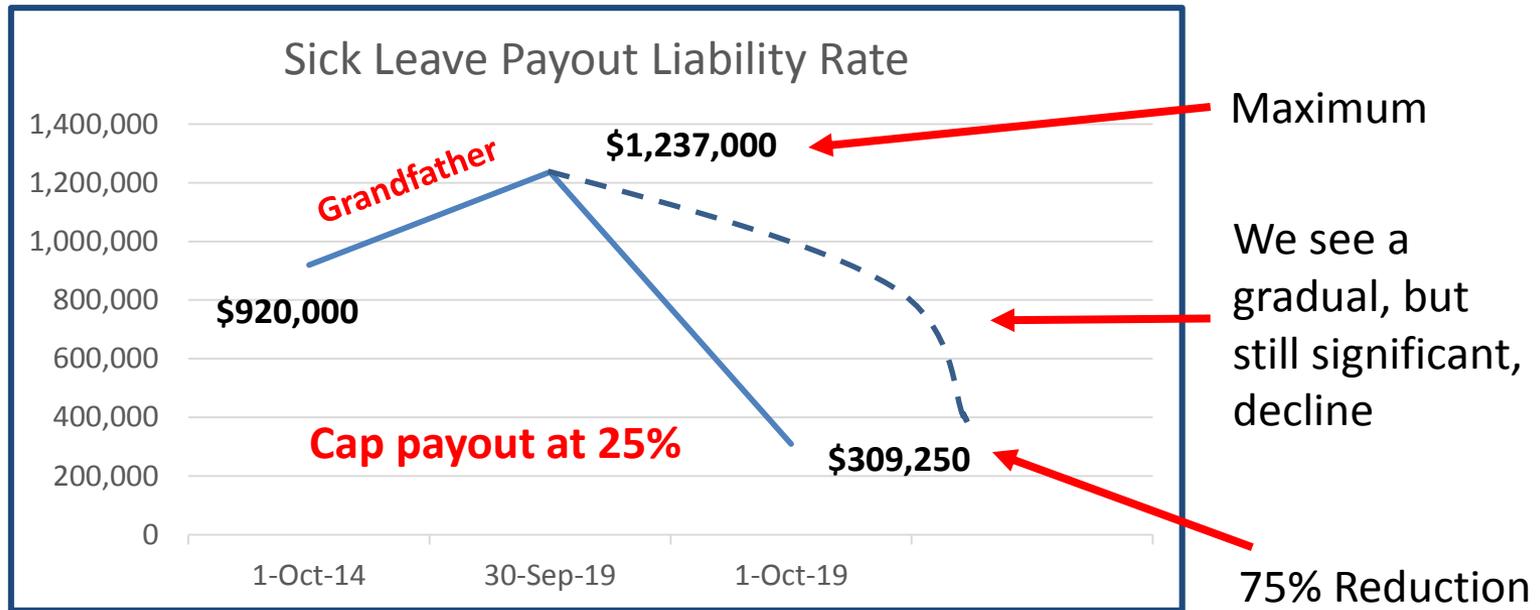
Projected Fiscal Impact

This projection assumes current Sick Leave use rate, employee count, and no turnover of 15+-year employees



Projected Fiscal Impact

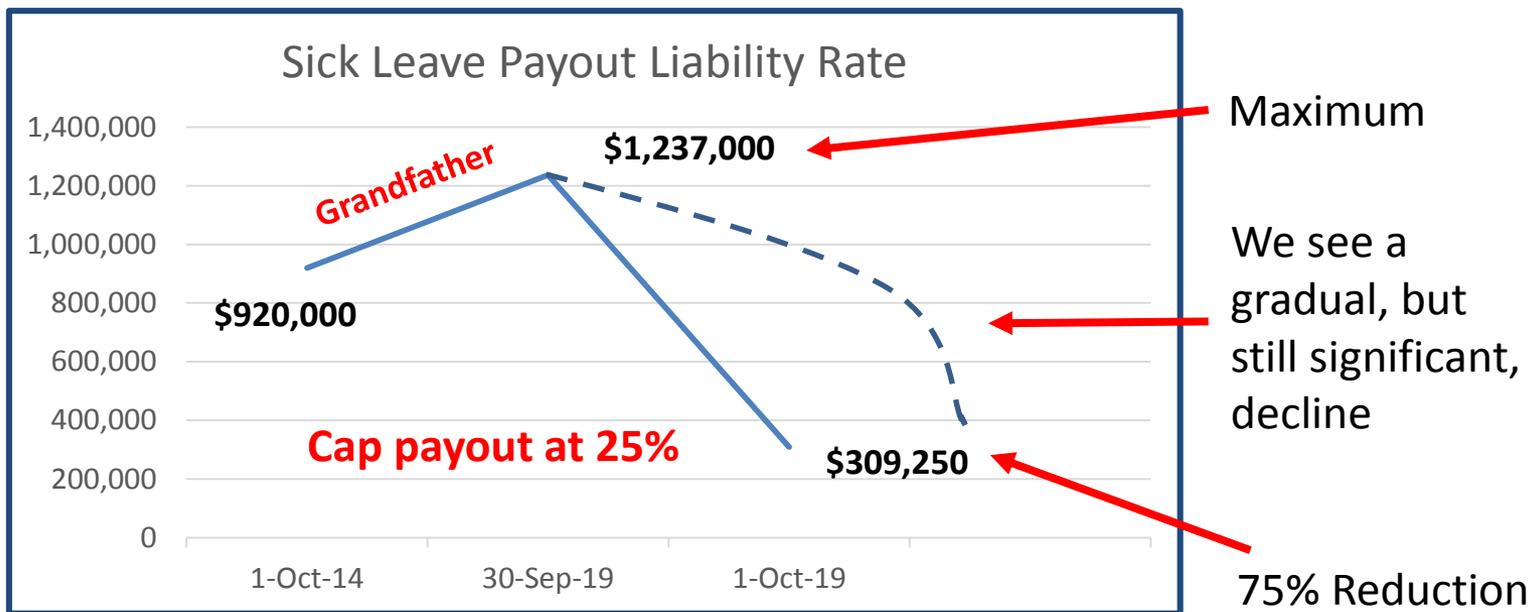
This projection assumes current Sick Leave use rate, employee count, and no turnover of 15+-year employees



Employee	Years	Sick Hours Earned	% of Hours Eligible	Hourly Rate	Pay Out (Pre-Tax)
MX Spec II	20	480	100%	\$14.84	\$7,123.20

Projected Fiscal Impact

This projection assumes current Sick Leave use rate, employee count, and no turnover of 15+-year employees



Employee	Years	Sick Hours Earned	% of Hours Eligible	Hourly Rate	Pay Out (Pre-Tax)
MX Spec II	20	480	100%	\$14.84	\$7,123.20
MX Spec II	20	480	25%	\$14.84	\$1,780.80

What About PTO?

At this time, Staff does not recommend establishing a single “Paid Time Off” (PTO) category

- ✓ **We’re in the midst of a major database (MUNIS) migration
 - ✓ **Data transfer efforts are based off of current policy****
- ✓ **No other market city offers PTO; we have no benchmark to follow in direct relation to the Compensation Study**
- ✓ **Family Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA) and civil service-comparable policies all affect our ability to move forward—and we don’t have a set standard**
- ✓ **Staff will continue to consider and evaluate all options**

Options (Presented in Budget)

- Option 1: No Change to current policy**

- Option 2: Buy Down existing Sick Leave balances**
 - Not really an option—very expensive**

- Option 3: Burn Down existing Sick Leave balances**
 - Not really an option—the collateral costs (overtime, productivity) would far surpass current liability rate**

- Option 4: Eliminate Payout**
 - An absolutely extreme position to take**

- Option 5: **Staff recommendations** (3 proposals)**

Conclusion

Staff is committed to maintaining the City's fiscal health by addressing existing policies

5A: Increase minimum tenure from 3 to 10 years

5B: Grandfather employees at the 15+ year mark

5C: Set maximum payout at 25% in 2019

- ✓ **3-point proposal will reduce outstanding liability**
 - ✓ **Immediate impact = \$89K**
 - ✓ **Long-term impact = ~\$500K+**

QUESTIONS?



City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 7D

TITLE

Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Downtown Improvement Project in the amount of \$184,796.09 to Phillips May Corporation and authorizing the Mayor to execute the necessary documents.

STAFF REPRESENTATIVE

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

SUMMARY

This project consisted of the construction improvements for downtown, which enhanced pedestrian features, landscaping and irrigation along Main Street, Martin Drive, Coyle Street and Industrial Street. The project also included the extension of Martin Drive from Coyle Street to Main Street.

BACKGROUND INFORMATION

The City of Rowlett submitted a Downtown Mixed Use Development Project for consideration by the North Central Texas Council of Governments (NCTCOG) and received \$1.6 Million in grant funding for this project. The extension of Martin Drive was for the creation of the Pedestrian Plaza where the Farmer's Market was formerly located. This connection will provide a vital pedestrian and vehicular linkage to the heart of the downtown area, ensuring a strategic plan that is conducive to transit oriented development as well as providing a clear visual focal point for visitors arriving/leaving the DART station.

On January 7, 2014, City Council adopted a resolution awarding the base bid to Phillips May Corporation in the amount of \$1,976,240.83 for the construction of the Downtown Improvement Project and authorized the Mayor to execute the Standard Public Works Construction Contract of said service.

DISCUSSION

Phillips May Corporation has satisfactorily completed the project as designed in accordance with the contract plans and specifications. Staff has inspected the construction ensuring compliance with the provisions of the contract and recommends acceptance of such improvements with a final acceptance and release of retainage in the amount of \$184,796.09. The total construction amount was \$1,847,960.91, which is \$128,279.92 less than the \$1,976,240.83 awarded for the project.

FINANCIAL/BUDGET IMPLICATIONS

The original project budget for SP2087 was \$2,536,150 of which \$2,090,889 was spent, leaving a remaining current balance of \$445,261. Funding in the amount of \$184,796.09 will be expensed to pay the retainage for this project:

Budget Project Code	Account Number	Budgeted Amount	Proposed Amount
SP2087	407-8201-524.80-01	\$109,578.00	\$109,578.00
SP2087	505-8201-524.80-01	\$75,218.09	\$75,218.09
Total		\$184,796.09	\$184,796.09

RECOMMENDED ACTION

Staff recommends City Council approve a resolution authorizing the final acceptance and release of retainage for the Downtown Rowlett Improvements Project in the amount of \$184,796.09 to Phillips May Corporation and authorizing the Mayor to execute the necessary documents.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AUTHORIZING FINAL ACCEPTANCE OF AND RELEASE OF RETAINAGE FOR THE DOWNTOWN ROWLETT IMPROVEMENT PROJECT IN THE AMOUNT OF \$184,796.09 TO PHILLIPS MAY CORPORATION; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS FOR PAYMENT PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Resolution Number RES-002-14 awarding Bid # 2014-20 for the construction of the Downtown Rowlett Improvement Project on January 7, 2014, in the amount of \$1,976,240.83 to Phillips May Corporation; and

WHEREAS, Phillips May Corporation has completed the project within the construction time frame and within budget; and

WHEREAS, City staff has inspected the construction ensuring that it complies with the provisions of the contract and recommends acceptance of such improvements as well as the release of retainage.

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 accepts the completion of the Downtown Rowlett Improvement Project and approves the release of retainage to Phillips May Corporation in the amount of \$184,796.09.

Section 2: That the City Council of the City of Rowlett hereby authorizes the Mayor to execute the necessary documents for payment to conform to this resolution as appropriate.

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

ATTACHMENT

Exhibit A – Final Payment Request

PAYMENT REQUEST (4.51)

PROJECT:	<u>Downtown City of Rowlett Improvements</u>	PROJECT NUMBER	<u>2014-20</u>
OWNER:	<u>City of Rowlett</u>		
CONTRACTOR:	<u>Phillips May Corporation</u>		
ENGINEER:	<u>Kimberly-Horn</u>		

PAYMENT PERIOD FROM: 8/30/2014 **TO** 9/29/2014 **ESTIMATE NO.:** 5 - RETAINAGE

SUMMARY OF PAYMENT ESTIMATE VALUES FROM ATTACHED TABULATIONS

Original Contract Amount	\$ 1,976,240.83
Approved Change Orders	
Current Contract Amount	\$ 1,976,240.83
Total Value of Original Contract Performed (Attachment "A" consisting of __ pages)	\$ 1,847,960.91
Extra Work on Approved Change Orders (Attachment "B" consisting of __ pages)	\$ -
Materials on Hand (Attachment "C" consisting of __ pages)	\$ -
Total Value of Work to Date	\$ 1,847,960.91
Less Amount Retained at <u>0</u> %	\$ -
Net Amount Earned on Contract	\$ 1,847,960.91
Less Amount of Previous Payments	\$ 1,663,164.82
BALANCE DUE THIS STATEMENT	\$ 184,796.09
Percentage of Contract Paid to Date	<u>94%</u>

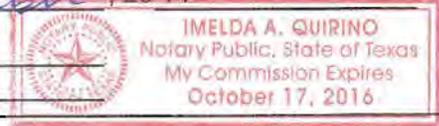
The undersigned Contractor certifies that all work, including materials on hand, covered by this Periodical Payment has been completed and delivered and stored in accordance with the Contract Documents, that all amounts have been paid by him for work, materials, and equipment for which previous Periodical Payments were issued and received from the Owner, and that the current payment shown herein is now due.

Contractor: Phillips May Corporation
Date: 9/29/14

By [Signature]

Subscribed and sworn to before me this 29 day of September, 2014

Notary Public: [Signature]
My Commission expires: 10-17-16



Recommended for Payment by [ENGINEER]
By [Signature] 9/30/14
Date

Approved for Payment by [CITY INSPECTOR]
By [Signature] 10/4/14
Date

Approved for Payment by [CITY ENGINEER]
By [Signature] 10/7/14
Date
[Signature] 10/8/14

ATTACHMENT "A"
PAYMENT REQUEST

TABULATION OF VALUES FOR ORIGINAL CONTRACT WORK PERFORMED

PROJECT: Downtown City of Rowlett Improvements
OWNER: City of Rowlett
CONTRACTOR: Phillips May Corporation
ENGINEER: Kimberly-Horn

PROJECT NUMBER
2014-20

		6/30/2014		8/30/2014		ESTIMATE NO.:					
		TO		TO		5.00					
ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETE D FROM PREVIOUS ESTIMATE	Total Quantity Completed	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
1	Mobilization	1	LS	\$ 50,488.00	50,488.00		1.00	1.00		50,488.00	100.00%
2	General Site Preparation	1	LS	\$ 109,980.00	109,980.00		1.00	1.00		109,980.00	100.00%
3	Concrete/ Asphalt Pavement Removal	2600	SY	\$ 10.53	27,378.00		2,600.00	2600.00		27,378.00	100.00%
4	Concrete Sidewalk Paver Removal	1500	SY	\$ 21.28	31,920.00		1,308.50	1308.50		27,844.88	87.23%
5	Vault Removal	1	LS	\$ 1,170.00	1,170.00		0.00	0.00		0.00	0.00%
6	Remove and Relocate Existing Amenities	1	LS	\$ 1,170.00	1,170.00		0.50	0.50		585.00	50.00%
7	Project Sign	2	EA	\$ 409.50	819.00		0.00	0.00		0.00	0.00%
8	Earthwork	1	LS	\$ 1,170.00	1,170.00		1.00	1.00		1,170.00	100.00%
9	Temp Erosion and Sediment Control	1	LS	\$ 2,379.67	2,379.67		1.00	1.00		2,379.67	100.00%
10	Inlet Protection	20	EA	\$ 128.70	2,574.00		11.00	11.00		1,415.70	55.00%
11	Silt Fence	1000	LF	\$ 1.58	1,580.00		150.00	150.00		237.00	15.00%
12	Lime Treated Subgrade 8" Thick - (Flex Base)	1400	SY	\$ 4.98	6,972.00		1,400.00	1400.00		6,972.00	100.00%
13	Hydrated Lime (45 LBS/SY) - (Flex Base)	32	TON	\$ 193.35	6,187.20		32.00	32.00		6,187.20	100.00%
14	Concrete Pavement 8"	1200	SY	\$ 64.45	77,340.00		1,331.00	1331.00		85,782.95	110.92%
15	Concrete Curb	1100	LF	\$ 12.75	14,025.00		1,222.00	1222.00		15,580.50	111.09%
16	Pavers - Vehicular	175	SY	\$ 56.87	9,952.25		175.00	175.00		9,952.25	100.00%
17	Concrete Street Header	800	LF	\$ 18.35	14,680.00		800.00	800.00		14,680.00	100.00%
18	Sawcut	1300	LF	\$ 5.46	7,098.00		1,300.00	1300.00		7,098.00	100.00%
19	Trench Safety & Excavation Protection, Storm	15	LF	\$ 39.00	585.00		15.00	15.00		585.00	100.00%
20	10" Standard Curb Inlet	1	EA	\$ 3,767.80	3,767.80		1.00	1.00		3,767.80	100.00%
21	Reinforced Concrete Pipe - 18"	15	LF	\$ 84.28	1,264.20		15.00	15.00		1,264.20	100.00%
22	Tie to Existing Storm Drain System	1	LS	\$ 3,159.00	3,159.00		1.00	1.00		3,159.00	100.00%
23	5' x 5' STD Storm Drain System	1	EA	\$ 4,213.99	4,213.99		1.00	1.00		4,213.99	100.00%
24	Adjust Storm Manhole to Grade	4	EA	\$ 2,379.67	9,518.68		4.00	4.00		9,518.68	100.00%
25	Adjust Existing Water Valve to Grade	3	EA	\$ 585.00	1,755.00		3.00	3.00		1,755.00	100.00%
26	1" Water Service for Irrigation	2	EA	\$ 1,872.00	3,744.00		2.00	2.00		3,744.00	100.00%
27	Adjust Existing SSMH to Grade	2	EA	\$ 2,379.67	4,759.34		2.00	2.00		4,759.34	100.00%
28	Traffic Control	1	LS	\$ 2,340.00	2,340.00		1.00	1.00		2,340.00	100.00%
29	Furnish and Install Small Roadside Sign Supports	1	LS	\$ 117.00	117.00		1.00	1.00		117.00	100.00%
30	4" Solid Pavement Mark - White	475	LF	\$ 1.41	669.75		2,316.00	2316.00		3,265.56	487.58%
31	8" Solid Pavement Mark - White	60	LF	\$ 2.93	175.80		60.00	60.00		175.80	100.00%
32	12" Solid Pavement Mark - White	350	LF	\$ 4.39	1,536.50		350.00	350.00		1,536.50	100.00%
33	24" Solid Pavement Mark - White	46	LF	\$ 8.78	403.88		46.00	46.00		403.88	100.00%
34	4" Solid Pavement Mark - Yellow	325	LF	\$ 1.47	477.75		325.00	325.00		477.75	100.00%

35	Street Light Foundation		4	EA	\$	643.50	2,574.00		4.00	4.00	2,574.00	100.00%
36	Decorative Light Pole, Fixture		4	EA	\$	2,925.00	11,700.00		4.00	4.00	11,700.00	100.00%
37	Conduit 2" PVC SCH 40		370	LF	\$	6.75	2,497.50		370.00	370.00	2,497.50	100.00%
38	Conduit 2" Bore		22	LF	\$	14.38	316.36		22.00	22.00	316.36	100.00%
39	Electrical Conductor No. 8 Bare		370	LF	\$	0.86	318.20		370.00	370.00	318.20	100.00%
40	Electrical Conductor No. 8 Insulated		22	LF	\$	1.11	24.42		22.00	22.00	24.42	100.00%
41	Ground Box w/ Apron		4	EA	\$	713.90	2,855.60		4.00	4.00	2,855.60	100.00%
42	Concrete 4" Thick Sidewalk		3670	SY	\$	44.85	164,599.50		3,527.50	3527.50	158,208.38	96.12%
43	Barrier Free Ramp & Landing		19	EA	\$	163.80	3,112.20		19.00	19.00	3,112.20	100.00%
44	Pavers on Concrete Base (Pedestrian)		455	SY	\$	55.81	25,393.55		400.00	400.00	22,324.00	87.91%
45	Decomposed Granite 4" Thick		2016	SY	\$	17.55	35,380.80		2,016.00	2016.00	35,380.80	100.00%
46	Pedestrian Handrail		20	LF	\$	54.54	1,090.80		20.00	20.00	1,090.80	100.00%
47	Concrete Steps		1	LS	\$	819.00	819.00		0.00	0.00	0.00	0.00%
48	Canopy Tree (Live Oak 65 Gal)		2	EA	\$	764.01	1,528.02		2.00	2.00	1,528.02	100.00%
49	Canopy Tree (Chinese Pistache 65 Gal)		98	EA	\$	764.01	74,872.98		98.00	98.00	74,872.98	100.00%
50	Canopy Tree (Red Oak 65 Gal)		17	EA	\$	764.01	12,988.17		17.00	17.00	12,988.17	100.00%
51	Canopy Tree (Desert Willow 65 Gal)		10	EA	\$	764.01	7,640.10		10.00	10.00	7,640.10	100.00%
52	Accent Tree (Vitex 30 Gal)		7	EA	\$	764.01	5,348.07		7.00	7.00	5,348.07	100.00%
53	Accent Tree (Yaupon Holly 30 Gal)		1	EA	\$	764.01	764.01		1.00	1.00	764.01	100.00%
54	Shrub (Carissa Holly 3 Gal) -Added 89 at Dart Area		285	EA	\$	37.44	10,670.40		374.00	374.00	14,002.56	131.23%
55	Shrub (Popcorn Drift Rose 3 Gal)		159	EA	\$	37.44	5,952.96		131.00	131.00	4,904.64	82.39%
56	Shrub (Hameln Fountain Grass 1 Gal)		592	EA	\$	12.87	7,619.04		422.00	422.00	5,431.14	71.28%
57	Shrub (Knock-Out Rose 3 Gal)		342	EA	\$	37.44	12,804.48		172.00	172.00	6,439.68	50.29%
58	Shrub (Mexican Feather Grass 1 Gal) - Added 6		34	EA	\$	12.87	437.58		40.00	40.00	514.80	117.65%
59	Shrub (Purple Skull Cap 1 Gal) -Qty more on Dwgs		57	EA	\$	12.87	733.59		194.00	194.00	2,496.78	340.35%
60	Shrub (Weeping Love Grass 1 Gal)		1453	EA	\$	12.87	18,700.11		908.00	908.00	11,685.96	62.49%
61	Shrub (Red Yucca 5 Gal)		123	EA	\$	37.44	4,605.12		65.00	65.00	2,433.60	52.85%
62	Shrub (Dwarf Yaupon Holly 3Gal)-Added 18 at Dart Area		178	EA	\$	37.44	6,664.32		117.00	117.00	4,380.48	65.73%
63	Garden (Daylily 1 Gal) -Added 300 at Dart Area		1568	SF	\$	12.87	20,180.16		1,231.00	1231.00	15,842.97	78.51%
64	Garden (New Gold Lantana 1 Gal)		763	SF	\$	12.87	9,819.81		763.00	763.00	9,819.81	100.00%
65	Garden (Japanese Spurge 1 Gal)-Added 250 at Dart Area		1337	SF	\$	12.87	17,207.19		1,313.00	1313.00	16,898.31	98.20%
66	Groundcover (Seasonal Color 4" Pot)		596	SF	\$	2.11	1,257.56		285.00	285.00	601.35	47.82%
67	Groundcover (Lily Turf 1 Gal) -Added 300 at Dart Area		1032	SF	\$	12.87	13,281.84		640.00	640.00	8,236.80	62.02%
68	Mulch 3"		1000	SY	\$	74.88	74,880.00		1,100.00	1100.00	82,368.00	110.00%
69	Turf (Bermuda Sod with 4" Topsoil)		25000	SF	\$	0.99	24,750.00		82,080.00	82080.00	81,259.20	328.32%
70	Turf (Bermuda Hydromulch with 4" Topsoil)		25000	SF	\$	0.58	14,500.00		0.00	0.00	0.00	0.00%
71	Steel Edging		200	LF	\$	19.89	3,978.00		200.00	200.00	3,978.00	100.00%
72	Tree Grate (4'x4') - Material Only		27	EA	\$	970.20	26,195.40		27.00	27.00	26,195.40	100.00%
72	Tree Grate (4'x4') - Labor Only		27	EA	\$	445.50	12,028.50		27.00	27.00	12,028.50	100.00%
73	Tree Grate (6'x6') - Material Only		48	EA	\$	1,815.20	87,129.60		48.00	48.00	87,129.60	100.00%
74	Tree Grate (6'x6') - Labor Only		48	EA	\$	96.00	4,608.00		42.00	42.00	4,032.00	87.50%
75	Brick Veneer Planter Wall Concrete		2	EA	\$	12,117.50	24,235.00		2.00	2.00	24,235.00	100.00%
76	Brick Veneer Planter Wall Masonry		2	EA	\$	14,500.00	29,000.00		2.00	2.00	29,000.00	100.00%
77	Irrigation System (Existing System was in Place Only Connection & New Heads Needed)		1	LS	\$	73,738.08	73,738.08		0.93	0.93	68,576.41	93.00%

78	Contingency	1	LS	\$ 200,000.00	-40,905.66								
PCO 2	2" PVC Sleeve for Fiber (Coyle)	1	LS	\$ 275.67	275.67								
PCO 5	Demolish and Haul-Off Concrete Beam (Martin)	1	LS	\$ 1,878.64	1,878.64								275.67 100.00%
PCO 6	Remove and Haul-Off Corrugated Pipe (Martin)	1	LS	\$ 1,590.97	1,590.97								1,878.64 100.00%
PCO 7	Add 134 SY to Bid Item No. 3 (Coyle Demo)	1	LS	\$ 1,440.65	1,440.65								1,590.97 100.00%
PCO 13R	Demo and Haul Off Unforeseen Concrete Beam	1	LS	\$ 12,539.92	12,539.92								1,440.65 100.00%
PCO 14R	(8)New Planters to the West of Roundabout	1	LS	\$ 27,316.59	27,316.59								12,539.92 100.00%
PCO 16	Temporary Pavestone Wall @ Cotton Gin	1	LS	\$ 2,631.27	2,631.27								27,316.59 100.00%
PCO 17R	95-100 Gal. & 200 Gal. Trees in lieu of 65 Gal. Trees	1	LS	\$ 24,729.36	24,729.36								2,631.27 100.00%
PCO 22R	Martin Dr/Coyle & Pedestrian Plaza Lighting	1	LS	\$ 117,135.93	117,135.93								24,729.36 100.00%
PCO 24	Re-Excavate Martin Drive Due to Excessive Backfill	1	LS	\$ 5,213.22	5,213.22								117,135.93 100.00%
PCO 25	Incorporate Coyle Light Poles into Sidewalk	1	LS	\$ 1,050.86	1,050.86								5,213.22 100.00%
PCO 26	Irrigation Added Plaza Areas and (2) Planter Beds	1	LS	\$ 7,984.22	7,984.22								1,050.86 100.00%
PCO 30	Final Tree Reconciliation	1	LS	\$ 5,826.22	5,826.22								7,984.22 100.00%
PCO 34R	Add for Drip Irrigation at Planting Areas	1	LS	\$ 22,250.14	22,250.14								5,826.22 100.00%
PCO 38R	Upsize Main Streets Trees to 200 Gal.	1	LS	\$ 9,042.00	9,042.00								22,250.14 100.00%
													9,042.00 100.00%
	Approved Alternate 1												
A1	Silva Cell System - Material Only	21000	CF	\$ 12.00	252,000.00								
A1	Silva Cell - Aggregate Lower Sub-Base	120	CY	\$ 40.00	4,800.00								192,000.00 76.19%
A1	Silva Cell - Aggregate Top Sub-Base	140	CY	\$ 40.00	5,600.00								2,880.00 60.00%
A1	Silva Cell - Miscellaneous Materials	1	LS	\$ 8,030.00	8,030.00								3,360.00 60.00%
A1	Silva Cell - Miscellaneous Materials	800	CY	\$ 37.50	30,000.00								6,424.00 80.00%
A1	Silva Cell System - Labor Only (Inc Labor for Exc)	1	LS	\$ 182,570.00	182,570.00								18,000.00 60.00%
A2	Remove and Haul Off Pavement	300	SY	\$ 33.00	9,900.00								109,542.00 60.00%
A2	Replace Pavement	300	SY	\$ 63.90	19,170.00								0.00 0.00%
													0.00 0.00%
	TOTAL FOR PAGE / PROJECT				1,976,240.83								1,847,960.91 93.51%

AGENDA DATE: 12/02/14

AGENDA ITEM: 7E

TITLE

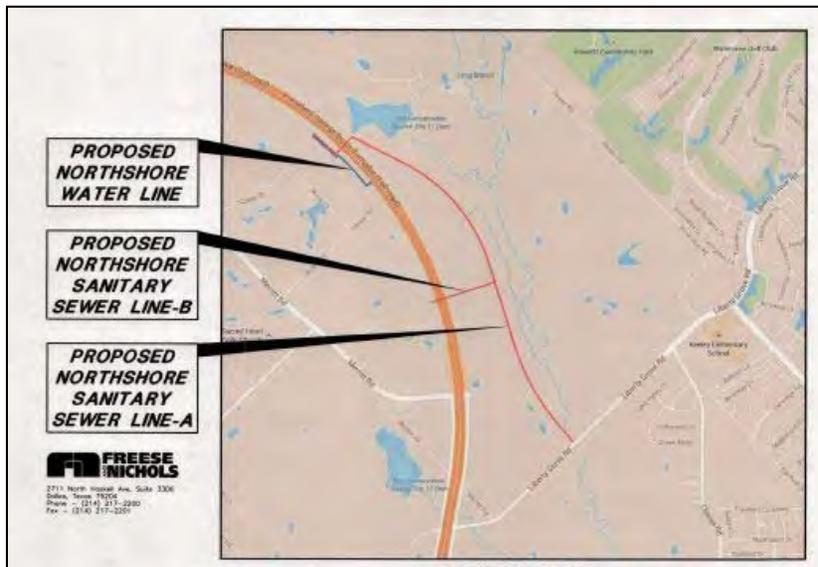
Consider action to approve a resolution accepting the bid of and awarding a contract to Dowager Utility Construction, LTD for the total bid amount of \$1,491,698.76 plus ten percent contingency in the amount of \$149,169.88 plus up to \$25,000 for an early completion bonus, resulting in a total award amount of \$1,665,868.64 for the North Shore Sanitary Sewer Project 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 will consist of the installation of approximately 10,943 linear feet of sanitary sewer main ranging from 12-inch to 21-inch in size, approximately 1,336 linear feet of 8-inch water main and associated construction measures beginning near Liberty Grove at the South and generally following Muddy Creek to a point North and then West under President George Bush Turnpike (PGBT) to serve the proposed Huffines Development.

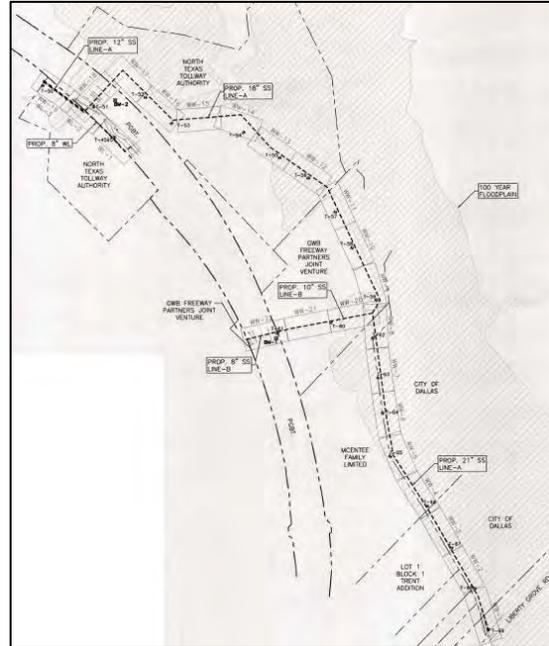


BACKGROUND INFORMATION

On October 28, 2013, staff presented to Council information relative to the ability to provide sanitary sewer services for the Harmony Hills project under the Form Based Code Urban Village District as well as the surrounding areas. Council provided consensus to have staff work with the developer to leverage the private investment of this project and the willingness of the developer to provide funds to offset the costs of the installation of the North Shore Sanitary Sewer Main line construction versus installing two lift stations on site to service their development.

On November 19, 2013, Council conducted a public hearing and approved a rezoning request from the existing Planned Development (ORD-052-06) Zoning District to the Urban Village Form Based Zoning District for the purposes of building a pedestrian-oriented, multi-family neighborhood to be governed by the City of Rowlett's Form Based Code. The Subject Property is located at 3100 Merritt Road, further described as a 28.532± acres portion of 31.59± acre Tract 2 in the McKinney and WMS Abstract, Number 1015, Page 460 in the City of Rowlett, Dallas County, Texas.

On February 18, 2014, Council authorized approving Task Authorization #141-FNI to the approved professional services agreement with Freese and Nichols, Incorporated in the amount of \$194,522 to provide construction plans and specifications for the North Shore Sanitary Sewer Main Project. The proposed design phase is 180 days. The bid and construction phase is 210 days. The total proposed time from design to final construction, including ROW/easement acquisitions is 15 months with a total estimated construction cost of \$1.6 Million. The design was completed in September 2014.



City Staff, along with Freese and Nichols, Incorporated are still working with the North Texas Tollway Authority (NTTA) and the Dallas Water Utility Division to obtain construction easements. It's anticipated that the process will be completed within the next three to five months. Staff will provide Notice to Proceed to the Contractor upon receipt of all easements/acquisitions.

DISCUSSION

This is a significant project for three reasons:

1. It eliminates the need for two pumping stations that would otherwise be required to service the Huffines Development. By not installing these lift stations it will save on perpetual maintenance expenses. The gravity sewer mains will ensure service reliability to this area.
2. It provides sewer capacity for the remaining undeveloped areas in the North Shore, opening this area up for future economic development. This supports the vision of *Realize Rowlett 2020*.
3. It leverages private investment dollars with taxpayer dollars for a more cost efficient solution.

Notice to bidders was published in the *Rowlett Lakeshore Times* on October 9th and 15th, 2014. A non-mandatory Pre-Bid meeting was held at 2:00pm, October 21, 2014, in the City Hall Council Room at 4004 Main Street, Rowlett, Texas 75088. Sealed bids were received in the Purchasing

Office until 2:00 pm, October 28, 2014, and then publicly read aloud in the City Hall Council Room, 4004 Main Street, Rowlett, Texas 75088 in accordance with Texas Local Government Code requirements.

Nine bids were received (see attached Bid Tabulation Exhibit A). Bids for seeding ranged from \$1,491,698.76 to \$1,798,954.65. The low bid received for the Total Base Bid was received from Dowager Utility Construction, LTD in the amount of \$1,491,698.76. Section 3.4.2 of the Contract Document has a provision to pay an early completion bonus of \$150 per day up to a maximum of \$25,000 and applying the maximum early completion bonus to the contract amount of \$25,000 plus a ten percent contingency of \$149,169.88, yields a total project budget of \$1,665,868.64. The Engineer's Construction Estimate was \$1.6 Million.

Financials were reviewed by the City's Chief Financial Officer, Alan Guard. The City Consultant, Freese and Nichols, Incorporated, has checked the past performance for this Contractor and recommends awarding the project to Dowager Utility Construction, LTD. (See the Recommendation of Award – Exhibit B). The project construction time is 150 calendar days. The project is scheduled to be completed in June, 2015.

Staff consulted with a landscape professional for recommendation on what method should be used for establishing vegetation during that time of the year. It was determined seeding was the best method to use to re-establish vegetation in the disturbed areas.

FINANCIAL/BUDGET IMPLICATIONS

In the Spring of 2013, the developer of the Harmony Hills project approached the City regarding sewer infrastructure. If the development were to connect with the sewer main to the northeast of the property it would be necessary for the developer to construct two lift stations on the property. As an alternative, the developer requested that the City build a gravity sewer main on the east side of PGBT that would run south to the main line at Liberty Grove. The developer would contribute the \$500,000 they would have had to spend to construct the lift stations.

On September 17, 2013, during an executive session, Council agreed that the construction of the gravity line would not only benefit this project but other projects along PGBT, and provided direction to staff to take that approach. The original estimate of the North Shore Sanitary Sewer project was \$1.6 million.

Staff identified \$947,967 from a sanitary sewer study project that could be utilized. Combined with the \$500,000 contribution from the developer and \$330,000 of impact fees provided for the project, sufficient funds in the amount of \$1,777,976.00 were identified to proceed. The March 4, 2014, budget amendment of \$947,967 established the project. Since that amendment, the City has received the first of two payments from the developer of \$250,000.

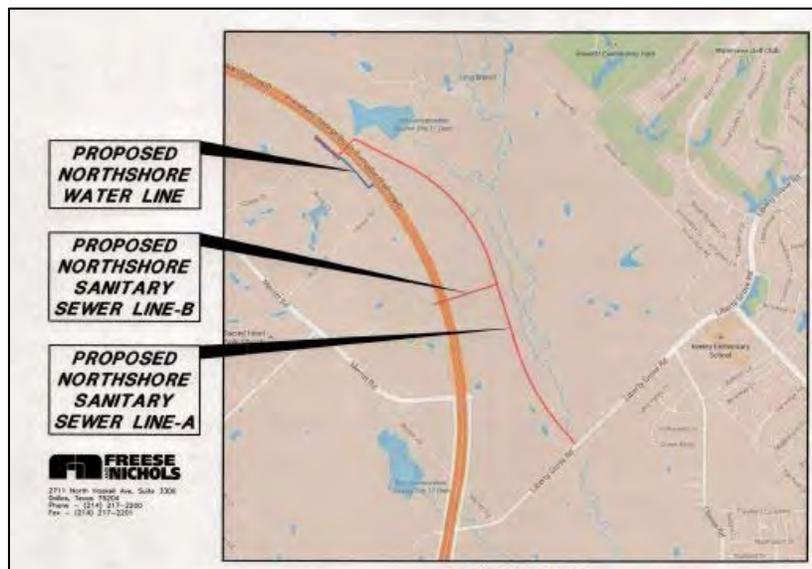
The North Shore Sanitary Sewer Project, as designed, includes a gravity main line from the Harmony Hills Project under PGBT due south along Muddy Creek to connect into the existing sanitary sewer main line at Liberty Grove. In addition, the design includes a sanitary sewer main

to serve the properties on the west side of PGBT for future development. At the 95 percent design, the Engineer's Opinion of Probable Cost (EOPC) was estimated at \$2.1 million. Due to the revised EOPC, staff chose to bid the project with alternates and seeding options to ensure completion within budget.

As indicated above, there were nine bidders for this project with bids ranging from \$1,491,698.76 to \$1,798,954.65 with Dowager Utility Construction, LTD as the apparent low bidder. The North Shore Sanitary Sewer Project's base bid with the seeding option is Alternate #2 in the amount of \$1,213,843.00. Staff added Alternate #4 (\$197,066.40, Sanitary Sewer Line-B) and Alternate #6 (\$80,789.36, Water Line).

Alternate #4 provides a sanitary sewer main to serve the properties on the west side of PGBT for future development from PGBT east to the Proposed Muddy Creek Sanitary Sewer Main Line as depicted in the illustration listed below in the text box "Proposed North Shore Sanitary Sewer Line-B".

Alternate #6 extends a water main south, toward Hickox Road along the west side of PGBT to ensure the system is appropriately looped, thus reducing maintenance cost from required



flushing. Initially, the plan called for partnering with the City of Sachse for the installation of an interconnect to Rowlett and Sachse water mains to meet the standards of looping the system. Staff and our consultant, Freese & Nichols determined the most optimal way to ensure a looped system is to extend the water main to the south and looping the system into the City of Rowlett's distribution system. The location of this loop system is identified in the illustration

listed above in the text box "Proposed North Shore Water Line".

The total cost for the project, including all the alternates, is (\$1,491,698.76). Adding a ten percent (10%) contingency (\$149,169.88) and early completion bonus up to (\$25,000) brings the total to \$1,665,868.64.

The project funds will be amended in the first FY2015 budget amendment to utilize impact fees (\$500,108.64) and re-allocated funds from other projects that have come in under budget (\$162,315.00) to provide \$1,665,868.64 to construct the project.

The second developer contribution of \$250,000 will be paid when Harmony Hills begins Phase II of the development.

Budget Account Number and/or Project Code	Account or Project Title	Estimated Amount February, 2014	Final Amount December, 2014
SS2103 / 607-8201-531	North Shore Sanitary Sewer	\$947,967.00	\$947,967.00
SS2103 / 598-8201-831	North Shore Sanitary Sewer (Developer Contribution)	\$500,000.00	\$250,000.00
SS2103 / 162-8201-592	Impact Fees (Phase I)	\$330,000.00	\$330,000.00
Subtotal		\$1,777,967.00	\$1,527,967.00
	Task Authorization #141-FNI	(\$194,522.00)	(\$194,522.00)
	Project Cost	\$1,665,868.64	\$1,665,868.64
Total		(\$82,423.64)	(\$332,423.64)
Funding for Future Budget Amendment:			
SS2093 / 606-8201-531	Merritt Road Sanitary Sewer Line		\$81,797.00
WA2092 / 606-8201-530	Merritt Road Water Line		\$80,518.00
SS2103 / 162-8201-592	Impact Fees		\$170,108.64
Total			\$332,423.64

RECOMMENDED ACTION

Staff recommends approving a resolution accepting the bid of and awarding a contract to Dowager Utility Construction, LTD for the total bid amount of \$1,491,698.76 plus ten percent contingency in the amount of \$149,169.88 plus up to \$25,000 for the early completion bonus, resulting in a total award amount of \$1,665,868.64 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, ACCEPTING THE BID OF AND AWARDING A CONSTRUCTION CONTRACT TO DOWAGER UTILITY CONSTRUCTION, LTD IN THE AMOUNT OF \$1,665,868.64, PLUS A 10% CONTINGENCY IN THE AMOUNT OF \$149,169.88, PLUS AN EARLY COMPLETION BONUS OF UP TO \$25,000, FOR THE NORTH SHORE SANITARY SEWER PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON THE CITY'S BEHALF; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to construct the North Shore Sanitary Sewer project for the Public Works Department Water and Wastewater Divisions and the City of Rowlett; and

WHEREAS, the Purchasing Division has taken sealed bids as per bid #2015-01 and is recommending award to the lowest qualified bid meeting specifications; and

WHEREAS, City staff and Freese and Nichols, Incorporated representatives recommend that the contract be awarded to Dowager Utility Construction, LTD 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 Dowager Utility Construction, LTD

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 Dowager Utility Construction, LTD for the construction of the North Shore Sanitary Sewer Project to include the total bid amount of \$1,491,698.76, plus ten percent contingency in the amount of \$149,169.88, plus up to \$25,000 for an early completion bonus, resulting in a total award amount of \$1,665,868.64.

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 authorizes the City Manager to issue purchase orders to conform to this resolution.

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

ATTACHMENTS

Exhibit A – Bid Tabulation

Exhibit B – Recommendation of Award Letter

Comprehensive Bid Tab
 City of Rowlett
 Northshore Sanitary Sewer Main
 Bid No. 2015-01 S5 No. 2103
 ROW14174

Trench Safety Variance
 Apparent Lowest Bidder
 Variance from Bidder's Bid Form

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	A&M Construction and Utilities, Inc.		Condle Construction Company		Dowager Utility Construction, LTD		Mountain Cascade of Texas, LLC		S&J Construction Co., Inc.		S. J. Louis Construction of Texas, Ltd		Tri-Con Services		Utili-Tex		Wilson Contractor		
			UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	
#REF! LINE A SANITARY SEWER MAIN (PVC PIPE)																					
A-1	21" PVC Wastewater Pipe (ASTM F679 - PS46)	LF	1613	\$76.00	\$122,588.00	\$65.00	\$104,845.00	\$78.00	\$125,814.00	\$75.00	\$120,975.00	\$90.13	\$145,379.69	\$95.00	\$153,235.00	\$62.00	\$100,006.00	\$70.00	\$112,910.00	\$85.00	\$137,105.00
A-2	21" PVC Wastewater Pipe (ASTM F679 - PS115)	LF	2278	\$78.00	\$177,684.00	\$79.00	\$179,982.00	\$86.00	\$195,908.00	\$83.00	\$189,074.00	\$99.86	\$227,481.08	\$102.00	\$232,356.00	\$70.00	\$159,460.00	\$80.00	\$182,240.00	\$83.00	\$189,074.00
A-3	18" PVC Wastewater Pipe (ASTM F679 - PS46)	LF	2872	\$57.00	\$163,704.00	\$56.00	\$160,832.00	\$64.00	\$183,808.00	\$65.00	\$186,680.00	\$90.78	\$260,720.16	\$88.00	\$252,736.00	\$107.50	\$308,740.00	\$55.00	\$157,960.00	\$64.00	\$183,808.00
A-4	18" PVC Wastewater Pipe (ASTM F679 - PS115)	LF	2427	\$115.00	\$279,105.00	\$95.00	\$230,565.00	\$72.00	\$174,744.00	\$70.00	\$169,890.00	\$95.78	\$232,458.06	\$93.00	\$225,711.00	\$153.00	\$371,331.00	\$90.00	\$218,430.00	\$92.00	\$223,284.00
A-5	12" PVC Wastewater Pipe (ASTM D3034 - SDR 26)	LF	279	\$48.00	\$13,392.00	\$79.00	\$22,041.00	\$56.00	\$15,624.00	\$55.00	\$15,345.00	\$86.94	\$24,256.26	\$81.00	\$22,599.00	\$60.00	\$16,740.00	\$100.00	\$27,900.00	\$61.00	\$17,019.00
A-6	36" Steel Casing by Bore	LF	388	\$475.00	\$184,300.00	\$534.00	\$207,192.00	\$605.00	\$234,740.00	\$530.00	\$205,640.00	\$442.00	\$171,496.00	\$533.00	\$206,804.00	\$600.00	\$232,800.00	\$550.00	\$213,400.00	\$496.00	\$192,448.00
A-7	5' Diameter Manhole (0'-6' Depth)	EA	8	\$4,600.00	\$36,800.00	\$6,800.00	\$54,400.00	\$5,400.00	\$43,200.00	\$12,000.00	\$96,000.00	\$5,895.00	\$47,160.00	\$6,100.00	\$48,800.00	\$5,500.00	\$44,000.00	\$6,825.00	\$54,600.00	\$5,200.00	\$41,600.00
A-8	5' Diameter Manhole with Sealed Lid (0'-6' Depth)	EA	13	\$4,800.00	\$62,400.00	\$7,100.00	\$92,300.00	\$5,800.00	\$45,600.00	\$13,000.00	\$109,000.00	\$5,895.00	\$76,635.00	\$6,200.00	\$49,400.00	\$5,700.00	\$43,800.00	\$7,250.00	\$55,050.00	\$6,430.00	\$49,810.00
A-9	5' Diameter Manhole with Sealed Lid and Ventilator (0'-6' Depth)	EA	4	\$5,980.00	\$23,920.00	\$8,200.00	\$32,800.00	\$6,400.00	\$25,600.00	\$14,000.00	\$56,000.00	\$6,415.00	\$25,660.00	\$9,200.00	\$36,800.00	\$7,700.00	\$30,800.00	\$8,850.00	\$35,400.00	\$7,500.00	\$30,000.00
A-10	5' Diameter Manhole Beyond 6' Depth	VF	155.4	\$410.00	\$63,714.00	\$925.00	\$143,745.00	\$200.00	\$31,080.00	\$350.00	\$54,390.00	\$427.00	\$66,355.80	\$302.00	\$46,930.80	\$500.00	\$77,700.00	\$575.00	\$89,355.00	\$470.00	\$73,038.00
A-11	Connection to Existing Sanitary Sewer Main	LS	1	\$5,800.00	\$5,800.00	\$43,700.00	\$43,700.00	\$8,000.00	\$8,000.00	\$30,000.00	\$30,000.00	\$9,000.00	\$9,000.00	\$3,000.00	\$3,000.00	\$20,000.00	\$20,000.00	\$7,000.00	\$7,000.00	\$12,900.00	\$12,900.00
A-12	Flowable Fill Encasement	LF	48	\$126.00	\$6,048.00	\$55.00	\$2,640.00	\$40.00	\$1,920.00	\$30.00	\$1,440.00	\$178.00	\$8,544.00	\$131.00	\$6,288.00	\$45.00	\$2,160.00	\$70.00	\$3,360.00	\$60.00	\$2,880.00
A-13	Flexbase Pavement Replacement	SY	445	\$15.00	\$6,675.00	\$14.00	\$6,230.00	\$20.00	\$8,900.00	\$15.00	\$6,675.00	\$49.04	\$21,822.80	\$9.00	\$4,005.00	\$13.00	\$5,785.00	\$20.00	\$8,900.00	\$24.00	\$10,680.00
A-14	Erosion Control Matting	SY	150	\$2.50	\$375.00	\$1.60	\$240.00	\$10.00	\$1,500.00	\$12.00	\$1,800.00	\$11.52	\$1,728.00	\$5.00	\$750.00	\$15.00	\$2,250.00	\$10.00	\$1,500.00	\$4.00	\$600.00
A-15	Trench Safety*	LF	9081	\$1.25	\$11,836.25	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$4.00	\$36,324.00	\$0.01	\$90.81	\$0.07	\$635.67	\$3.00	\$28,407.00	\$2.10	\$19,070.10
A-16	Traffic Control Plan	LS	1	\$4,700.00	\$4,700.00	\$6,700.00	\$6,700.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00
A-17	Storm Water Pollution Prevention Plan	LS	1	\$6,200.00	\$6,200.00	\$20,800.00	\$20,800.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$9,400.00	\$9,400.00	\$33,000.00	\$33,000.00	\$16,200.00	\$16,200.00
A-18	Mobilization	LS	1	\$85,700.00	\$85,700.00	\$65,000.00	\$65,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$69,581.00	\$69,581.00	\$50,000.00	\$50,000.00	\$57,000.00	\$57,000.00	\$36,000.00	\$36,000.00	\$58,730.00	\$58,730.00
Subtotal Item A:				\$1,254,621.25		\$1,383,073.00		\$1,193,719.00		\$1,379,490.00		\$1,444,763.85		\$1,365,907.61		\$1,514,907.67		\$1,307,612.00		\$1,296,728.10	
A1 LINE A (HYDROMULCH)																					
A1-1	Hydromulch	SY	50310	\$0.75	\$37,732.50	\$0.55	\$27,670.50	\$0.60	\$30,186.00	\$1.00	\$50,310.00	\$0.76	\$38,235.60	\$0.30	\$15,093.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.60	\$30,186.00
Subtotal Item A1:				\$37,732.50		\$27,670.50		\$30,186.00		\$50,310.00		\$38,235.60		\$15,093.00		\$3,521.70		\$100,620.00		\$30,186.00	
A2 LINE A (SEEDING)																					
A2-1	Seeding	SY	50310	\$0.65	\$32,701.50	\$0.27	\$13,583.70	\$0.40	\$20,124.00	\$0.20	\$10,062.00	\$0.55	\$27,670.50	\$0.20	\$10,062.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.57	\$28,676.70
Subtotal Item A2:				\$32,701.50		\$13,583.70		\$20,124.00		\$10,062.00		\$27,670.50		\$10,062.00		\$3,521.70		\$100,620.00		\$28,676.70	
B LINE B SANITARY SEWER MAIN (PVC PIPE)																					
B-1	10" PVC Wastewater Pipe (ASTM D3034 - SDR 35)	LF	1474	\$56.00	\$82,544.00	\$36.00	\$53,064.00	\$38.00	\$56,012.00	\$45.00	\$66,330.00	\$78.25	\$115,340.50	\$84.00	\$123,816.00	\$41.00	\$60,434.00	\$32.00	\$47,168.00	\$37.00	\$54,538.00
B-2	24" Steel Casing by Bore	LF	270	\$410.00	\$110,700.00	\$332.00	\$89,640.00	\$390.00	\$105,300.00	\$350.00	\$94,500.00	\$290.00	\$78,300.00	\$299.00	\$80,730.00	\$400.00	\$108,000.00	\$340.00	\$91,800.00	\$315.00	\$85,050.00
B-3	5' Diameter Manhole (0'-6' Depth)	EA	4	\$4,600.00	\$18,400.00	\$5,820.00	\$23,280.00	\$5,400.00	\$21,600.00	\$12,000.00	\$48,000.00	\$5,895.00	\$23,580.00	\$6,100.00	\$24,400.00	\$5,500.00	\$22,000.00	\$6,700.00	\$26,800.00	\$4,790.00	\$19,160.00
B-4	5' Diameter Manhole Beyond 6' Depth	VF	12.9	\$410.00	\$5,289.00	\$655.00	\$8,449.50	\$200.00	\$2,580.00	\$350.00	\$4,515.00	\$427.00	\$5,508.30	\$302.00	\$3,895.80	\$500.00	\$6,450.00	\$575.00	\$7,417.50	\$430.00	\$5,547.00
B-5	Trench Safety*	LF	1204	\$1.25	\$1,842.50	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$2.00	\$2,408.00	\$0.01	\$12.04	\$0.05	\$60.20	\$3.00	\$4,422.00	\$2.00	\$2,408.00
B-6	Traffic Control Plan	LS	1	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,010.00	\$4,010.00	\$1.00	\$1.00	\$200.00	\$200.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00
B-7	Storm Water Pollution Prevention Plan	LS	1	\$1,700.00	\$1,700.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$3,528.40	\$3,528.40	\$1.00	\$1.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00
B-8	Mobilization	LS	1	\$8,800.00	\$8,800.00	\$4,650.00	\$4,650.00	\$6,000.00	\$6,000.00	\$9,000.00	\$9,000.00	\$25,000.00	\$25,000.00	\$1.00	\$1.00	\$2,500.00	\$2,500.00	\$6,600.00	\$6,600.00	\$9,800.00	\$9,800.00
Subtotal Item B:				\$230,775.50		\$183,087.50		\$193,296.00		\$228,549.00		\$257,675.20		\$232,856.84		\$200,644.20		\$189,932.50		\$181,303.00	
B1 LINE B (HYDROMULCH)																					
B1-1	Hydromulch	SY	6284	\$0.75	\$4,713.00	\$0.55	\$3,456.20	\$0.80	\$5,027.20	\$1.00	\$6,284.00	\$0.76	\$4,775.84	\$0.30	\$1,885.20	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.10	\$6,912.40
Subtotal Item B1:				\$4,713.00		\$3,456.20		\$5,027.20		\$6,284.00		\$4,775.84		\$1,885.20		\$439.88		\$12,568.00		\$6,912.40	
B2 LINE B (SEEDING)																					
B2-1	Seeding	SY	6284	\$0.65	\$4,084.60	\$0.27	\$1,696.68	\$0.60	\$3,770.40	\$1.00	\$6,284.00	\$0.55	\$3,456.20	\$0.20	\$1,256.80	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.00	\$6,284.00
Subtotal Item B2:				\$4,084.60		\$1,696.68		\$3,770.40		\$6,284.00		\$3,456.20		\$1,256.80		\$439.88		\$12,568.00		\$6,284.00	
C WATERLINE (PVC PIPE)																					
C-1	8" PVC Water Pipe (AWWA C900 DR-18)	LF	1336	\$35.00	\$46,760.00	\$38.00	\$50,768.00	\$46.00	\$61,456.00	\$45.00	\$60,120.00	\$33.80	\$45,156.80	\$77.00	\$102,872.00	\$43.00	\$57,448.00	\$36.00	\$48,096.00	\$40.61	\$54,254.96
C-2	8" Gate Valve	EA	1	\$1,350.00	\$1,350.00	\$1,650.00	\$1,650.00	\$1,200.00	\$1,200.00	\$2,500.00	\$2,500.00	\$2,015.00	\$2,015.00	\$1,000.00	\$1,000.00	\$1,750.00	\$1,750.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00
C-3	2" Combination Air Valve	EA	1	\$8,400.00	\$8,400.00	\$10,100.00	\$10,100.00	\$8,000.00	\$8,000.00	\$11,000.00	\$11,000.00	\$4,535.00	\$4,535.00	\$10,000.00	\$10,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$8,520.00	\$8,520.00
C-4	6" Blow-Off Valve	EA	1	\$2,500.00	\$2,500.00	\$4,600.00	\$4,600.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$4,323.00	\$4,323.00	\$4,300.00	\$4,300.00	\$4,500.00	\$4,500.00	\$4,200.00	\$4,200.00	\$4,000.00	\$4,000.00
C-5	Trench Safety*	LF	1336	\$1.00	\$1,336.00	\$0.25	\$334.00	\$0.01	\$13.36	\$1.00	\$1,336.00	\$1.50	\$2,004.00	\$0.01	\$13.36	\$0.05	\$66.80	\$1.50	\$2,004.00	\$1.00	\$1,336.00
C-6	Traffic Control Plan	LS	1	\$4,700.00	\$4,700.00	\$500.00	\$500.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,340.00	\$4,340.00	\$1.00	\$1.00	\$500.00	\$500.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00
C-7	Storm Water Pollution Prevention Plan	LS	1	\$8,700.00	\$8,700.00	\$1,000.00	\$1,000.00	\$500.00													

1 Alternative Bid No. 1										
TOTAL AMOUNT (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,429,800.00	\$1,482,999.45	\$1,381,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,289,800.00	\$1,482,999.45	\$1,372,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
2 Alternative Bid No. 2										
TOTAL AMOUNT (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,389,552.00	\$1,472,434.35	\$1,375,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,249,552.00	\$1,472,434.35	\$1,366,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
3 Alternative Bid No. 3										
TOTAL AMOUNT (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
4 Alternative Bid No. 4										
TOTAL AMOUNT (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
5 Alternative Bid No. 5										
TOTAL AMOUNT (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
6 Alternative Bid No. 6										
TOTAL AMOUNT (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Total Project - Hydromulch (Alt. 1 + Alt. 3 + Alt. 5)										
TOTAL AMOUNT BID	\$1,609,978.25	\$1,669,725.20	\$1,503,521.56	\$1,612,109.00	\$1,830,079.49	\$1,725,687.01	\$1,798,954.65	\$1,690,897.50	\$1,602,362.46	
Total Project - Seeding (Alt. 2 + Alt. 4 + Alt. 6)										
TOTAL AMOUNT BID	\$1,604,066.85	\$1,653,173.28	\$1,491,698.76	\$1,571,861.00	\$1,817,665.55	\$1,719,775.61	\$1,798,954.65	\$1,690,897.50	\$1,600,098.76	
Mandatory Sections - Line A + Waterline - Hydromulch (Alt. 1 + Alt. 5)										
TOTAL AMOUNT BID	\$1,374,489.75	\$1,483,181.50	\$1,305,198.36	\$1,379,276.00	\$1,567,628.45	\$1,490,944.97	\$1,597,870.57	\$1,488,397.00	\$1,414,147.06	
Mandatory Sections - Line A + Waterline - Seeding (Alt. 2 + Alt. 6)										
TOTAL AMOUNT BID	\$1,369,206.75	\$1,468,389.10	\$1,294,632.36	\$1,339,028.00	\$1,556,534.15	\$1,485,661.97	\$1,597,870.57	\$1,488,397.00	\$1,412,511.76	



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November 6, 2014

Mr. Tim Rogers
Director of Public Works
City of Rowlett
4000 Main Street
Rowlett, Texas 75030

Re: Northshore Sanitary Sewer Main
Bid No. 2015-01
Recommendation of Award

Dear Mr. Rogers:

A total of nine bids were received for the above-referenced project on October 28, 2014. Alternate bids were submitted for alternate easement restoration methods and for an additional sanitary sewer extension. A tabulation of the bids, including each alternate items is attached. Based on the tabulation, Dowager Utility Construction, LTD. submitted the low bid on each of the options for the project.

City staff has reviewed the various alternatives and elected to award the seeding option of the Base Bid plus Alternative 6 which includes a sanitary sewer extension across PGBT. FNI has verified project references provided and based on this evaluation believes Dowager Utility Construction, Inc. can satisfactorily perform the work on this project. Therefore, FNI recommends the City of Rowlett award the project to Dowager Utility Construction, LTD. in the amount of \$1,491,698.76 plus applicable contingencies and early completion bonuses as determined by the City.

Sincerely,

A handwritten signature in blue ink that reads 'Bryan C. Jann'.

Bryan C. Jann, P.E.
Project Manager

cc: Sherrelle Diggs, P.E.
File

Attachments:
Bid Tabulation

Comprehensive Bid Tab
 City of Rowlett
 Northshore Sanitary Sewer Main
 Bid No. 2015-01 S5 No. 2103
 ROW14174

Trench Safety Variance
 Apparent Lowest Bidder
 Variance from Bidder's Bid Form

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	A&M Construction and Utilities, Inc.		Condie Construction Company		Dowager Utility Construction, LTD		Mountain Cascade of Texas, LLC		S&J Construction Co., Inc.		S. J. Louis Construction of Texas, Ltd		Tri-Con Services		Utili-Tex		Wilson Contractor		
			UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	
#REF! LINE A SANITARY SEWER MAIN (PVC PIPE)																					
A-1	21" PVC Wastewater Pipe (ASTM F679 - PS46)	LF	1613	\$76.00	\$122,588.00	\$65.00	\$104,845.00	\$78.00	\$125,814.00	\$75.00	\$120,975.00	\$90.13	\$145,379.69	\$95.00	\$153,235.00	\$62.00	\$100,006.00	\$70.00	\$112,910.00	\$85.00	\$137,105.00
A-2	21" PVC Wastewater Pipe (ASTM F679 - PS115)	LF	2278	\$78.00	\$177,684.00	\$79.00	\$179,982.00	\$86.00	\$195,908.00	\$83.00	\$189,074.00	\$99.86	\$227,481.08	\$102.00	\$232,356.00	\$70.00	\$159,460.00	\$80.00	\$182,240.00	\$83.00	\$189,074.00
A-3	18" PVC Wastewater Pipe (ASTM F679 - PS46)	LF	2872	\$57.00	\$163,704.00	\$56.00	\$160,832.00	\$64.00	\$183,808.00	\$65.00	\$186,680.00	\$90.78	\$260,720.16	\$88.00	\$252,736.00	\$107.50	\$308,740.00	\$55.00	\$157,960.00	\$64.00	\$183,808.00
A-4	18" PVC Wastewater Pipe (ASTM F679 - PS115)	LF	2427	\$115.00	\$279,105.00	\$95.00	\$230,565.00	\$72.00	\$174,744.00	\$70.00	\$169,890.00	\$95.78	\$232,458.06	\$93.00	\$225,711.00	\$153.00	\$371,331.00	\$90.00	\$218,430.00	\$92.00	\$223,284.00
A-5	12" PVC Wastewater Pipe (ASTM D3034 - SDR 26)	LF	279	\$48.00	\$13,392.00	\$79.00	\$22,041.00	\$56.00	\$15,624.00	\$55.00	\$15,345.00	\$86.94	\$24,256.26	\$81.00	\$22,599.00	\$60.00	\$16,740.00	\$100.00	\$27,900.00	\$61.00	\$17,019.00
A-6	36" Steel Casing by Bore	LF	388	\$475.00	\$184,300.00	\$534.00	\$207,192.00	\$605.00	\$234,740.00	\$530.00	\$205,640.00	\$442.00	\$171,496.00	\$533.00	\$206,804.00	\$600.00	\$232,800.00	\$550.00	\$213,400.00	\$496.00	\$192,448.00
A-7	5' Diameter Manhole (0'-6' Depth)	EA	8	\$4,600.00	\$36,800.00	\$6,800.00	\$54,400.00	\$5,400.00	\$43,200.00	\$12,000.00	\$96,000.00	\$5,895.00	\$47,160.00	\$6,100.00	\$48,800.00	\$5,500.00	\$44,000.00	\$6,825.00	\$54,600.00	\$5,200.00	\$41,600.00
A-8	5' Diameter Manhole with Sealed Lid (0'-6' Depth)	EA	13	\$4,800.00	\$62,400.00	\$7,100.00	\$92,300.00	\$5,800.00	\$46,800.00	\$13,000.00	\$104,000.00	\$5,895.00	\$76,635.00	\$6,200.00	\$49,400.00	\$5,700.00	\$43,800.00	\$7,250.00	\$55,050.00	\$6,430.00	\$49,390.00
A-9	5' Diameter Manhole with Sealed Lid and Ventilator (0'-6' Depth)	EA	4	\$5,980.00	\$23,920.00	\$8,200.00	\$32,800.00	\$6,400.00	\$25,600.00	\$14,000.00	\$56,000.00	\$6,415.00	\$25,660.00	\$9,200.00	\$36,800.00	\$7,700.00	\$30,800.00	\$8,850.00	\$35,400.00	\$7,500.00	\$30,000.00
A-10	5' Diameter Manhole Beyond 6' Depth	VF	155.4	\$410.00	\$63,714.00	\$925.00	\$143,745.00	\$200.00	\$31,080.00	\$350.00	\$54,390.00	\$427.00	\$66,355.80	\$302.00	\$46,930.80	\$500.00	\$77,700.00	\$575.00	\$89,355.00	\$470.00	\$73,038.00
A-11	Connection to Existing Sanitary Sewer Main	LS	1	\$5,800.00	\$5,800.00	\$43,700.00	\$43,700.00	\$8,000.00	\$8,000.00	\$30,000.00	\$30,000.00	\$9,000.00	\$9,000.00	\$3,000.00	\$3,000.00	\$20,000.00	\$20,000.00	\$7,000.00	\$7,000.00	\$12,900.00	\$12,900.00
A-12	Flowable Fill Encasement	LF	48	\$126.00	\$6,048.00	\$55.00	\$2,640.00	\$40.00	\$1,920.00	\$30.00	\$1,440.00	\$178.00	\$8,544.00	\$178.00	\$8,544.00	\$31.00	\$1,488.00	\$45.00	\$2,160.00	\$70.00	\$3,360.00
A-13	Flexbase Pavement Replacement	SY	445	\$15.00	\$6,675.00	\$14.00	\$6,230.00	\$20.00	\$8,900.00	\$15.00	\$6,675.00	\$49.04	\$21,822.80	\$9.00	\$4,005.00	\$13.00	\$5,785.00	\$20.00	\$8,900.00	\$24.00	\$10,680.00
A-14	Erosion Control Matting	SY	150	\$2.50	\$375.00	\$1.60	\$240.00	\$10.00	\$1,000.00	\$12.00	\$1,800.00	\$11.52	\$1,728.00	\$5.00	\$750.00	\$15.00	\$2,250.00	\$10.00	\$1,500.00	\$4.00	\$600.00
A-15	Trench Safety*	LF	9081	\$1.25	\$11,836.25	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$1.00	\$9,081.00	\$4.00	\$36,324.00	\$0.01	\$90.81	\$0.07	\$635.67	\$3.00	\$28,407.00	\$2.10	\$19,070.10
A-16	Traffic Control Plan	LS	1	\$4,700.00	\$4,700.00	\$6,700.00	\$6,700.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00
A-17	Storm Water Pollution Prevention Plan	LS	1	\$6,200.00	\$6,200.00	\$20,800.00	\$20,800.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$10,081.00	\$10,081.00	\$1.00	\$1.00	\$9,400.00	\$9,400.00	\$33,000.00	\$33,000.00	\$16,200.00	\$16,200.00
A-18	Mobilization	LS	1	\$85,700.00	\$85,700.00	\$65,000.00	\$65,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$69,581.00	\$69,581.00	\$50,000.00	\$50,000.00	\$57,000.00	\$57,000.00	\$36,000.00	\$36,000.00	\$58,730.00	\$58,730.00
Subtotal Item A:				\$1,254,621.25		\$1,383,073.00		\$1,193,719.00		\$1,379,490.00		\$1,444,763.85		\$1,365,907.61		\$1,514,907.67		\$1,307,612.00		\$1,296,728.10	
A1 LINE A (HYDROMULCH)																					
A1-1	Hydromulch	SY	50310	\$0.75	\$37,732.50	\$0.55	\$27,670.50	\$0.60	\$30,186.00	\$1.00	\$50,310.00	\$0.76	\$38,235.60	\$0.30	\$15,093.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.60	\$30,186.00
Subtotal Item A1:				\$37,732.50		\$27,670.50		\$30,186.00		\$50,310.00		\$38,235.60		\$15,093.00		\$3,521.70		\$100,620.00		\$30,186.00	
A2 LINE A (SEEDING)																					
A2-1	Seeding	SY	50310	\$0.65	\$32,701.50	\$0.27	\$13,583.70	\$0.40	\$20,124.00	\$0.20	\$10,062.00	\$0.55	\$27,670.50	\$0.20	\$10,062.00	\$0.07	\$3,521.70	\$2.00	\$100,620.00	\$0.57	\$28,676.70
Subtotal Item A2:				\$32,701.50		\$13,583.70		\$20,124.00		\$10,062.00		\$27,670.50		\$10,062.00		\$3,521.70		\$100,620.00		\$28,676.70	
B LINE B SANITARY SEWER MAIN (PVC PIPE)																					
B-1	10" PVC Wastewater Pipe (ASTM D3034 - SDR 35)	LF	1474	\$56.00	\$82,544.00	\$36.00	\$53,064.00	\$38.00	\$56,012.00	\$45.00	\$66,330.00	\$78.25	\$115,340.50	\$84.00	\$123,816.00	\$41.00	\$60,434.00	\$32.00	\$47,168.00	\$37.00	\$54,538.00
B-2	24" Steel Casing by Bore	LF	270	\$410.00	\$110,700.00	\$332.00	\$89,640.00	\$390.00	\$105,300.00	\$350.00	\$94,500.00	\$290.00	\$78,300.00	\$299.00	\$80,730.00	\$400.00	\$108,000.00	\$340.00	\$91,800.00	\$315.00	\$85,050.00
B-3	5' Diameter Manhole (0'-6' Depth)	EA	4	\$4,600.00	\$18,400.00	\$5,820.00	\$23,280.00	\$5,400.00	\$21,600.00	\$12,000.00	\$48,000.00	\$5,895.00	\$23,580.00	\$6,100.00	\$24,400.00	\$5,500.00	\$22,000.00	\$6,700.00	\$26,800.00	\$4,790.00	\$19,160.00
B-4	5' Diameter Manhole Beyond 6' Depth	VF	12.9	\$410.00	\$5,289.00	\$655.00	\$8,449.50	\$200.00	\$2,580.00	\$350.00	\$4,515.00	\$427.00	\$5,508.30	\$302.00	\$3,895.80	\$500.00	\$6,450.00	\$575.00	\$7,417.50	\$430.00	\$5,547.00
B-5	Trench Safety*	LF	1204	\$1.25	\$1,842.50	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$1.00	\$1,204.00	\$2.00	\$2,408.00	\$0.01	\$12.04	\$0.05	\$60.20	\$3.00	\$4,422.00	\$2.00	\$2,408.00
B-6	Traffic Control Plan	LS	1	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,010.00	\$4,010.00	\$1.00	\$1.00	\$200.00	\$200.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00
B-7	Storm Water Pollution Prevention Plan	LS	1	\$1,700.00	\$1,700.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$3,528.40	\$3,528.40	\$1.00	\$1.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00
B-8	Mobilization	LS	1	\$8,800.00	\$8,800.00	\$4,650.00	\$4,650.00	\$6,000.00	\$6,000.00	\$9,000.00	\$9,000.00	\$25,000.00	\$25,000.00	\$1.00	\$1.00	\$2,500.00	\$2,500.00	\$6,600.00	\$6,600.00	\$9,800.00	\$9,800.00
Subtotal Item B:				\$230,775.50		\$183,087.50		\$193,296.00		\$228,549.00		\$257,675.20		\$232,856.84		\$200,644.20		\$189,932.50		\$181,303.00	
B1 LINE B (HYDROMULCH)																					
B1-1	Hydromulch	SY	6284	\$0.75	\$4,713.00	\$0.55	\$3,456.20	\$0.80	\$5,027.20	\$1.00	\$6,284.00	\$0.76	\$4,775.84	\$0.30	\$1,885.20	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.10	\$6,912.40
Subtotal Item B1:				\$4,713.00		\$3,456.20		\$5,027.20		\$6,284.00		\$4,775.84		\$1,885.20		\$439.88		\$12,568.00		\$6,912.40	
B2 LINE B (SEEDING)																					
B2-1	Seeding	SY	6284	\$0.65	\$4,084.60	\$0.27	\$1,696.68	\$0.60	\$3,770.40	\$1.00	\$6,284.00	\$0.55	\$3,456.20	\$0.20	\$1,256.80	\$0.07	\$439.88	\$2.00	\$12,568.00	\$1.00	\$6,284.00
Subtotal Item B2:				\$4,084.60		\$1,696.68		\$3,770.40		\$6,284.00		\$3,456.20		\$1,256.80		\$439.88		\$12,568.00		\$6,284.00	
C WATERLINE (PVC PIPE)																					
C-1	8" PVC Water Pipe (AWWA C900 DR-18)	LF	1336	\$35.00	\$46,760.00	\$38.00	\$50,768.00	\$46.00	\$61,456.00	\$45.00	\$60,120.00	\$33.80	\$45,156.80	\$77.00	\$102,872.00	\$43.00	\$57,448.00	\$36.00	\$48,096.00	\$40.61	\$54,254.96
C-2	8" Gate Valve	EA	1	\$1,350.00	\$1,350.00	\$1,650.00	\$1,650.00	\$1,200.00	\$1,200.00	\$2,500.00	\$2,500.00	\$2,015.00	\$2,015.00	\$1,000.00	\$1,000.00	\$1,750.00	\$1,750.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00
C-3	2" Combination Air Valve	EA	1	\$8,400.00	\$8,400.00	\$10,100.00	\$10,100.00	\$8,000.00	\$8,000.00	\$11,000.00	\$11,000.00	\$4,535.00	\$4,535.00	\$10,000.00	\$10,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$8,520.00	\$8,520.00
C-4	6" Blow-Off Valve	EA	1	\$2,500.00	\$2,500.00	\$4,600.00	\$4,600.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$4,323.00	\$4,323.00	\$4,300.00	\$4,300.00	\$4,500.00	\$4,500.00	\$4,200.00	\$4,200.00	\$4,000.00	\$4,000.00
C-5	Trench Safety*	LF	1336	\$1.00	\$1,336.00	\$0.25	\$334.00	\$0.01	\$13.36	\$1.00	\$1,336.00	\$1.50	\$2,004.00	\$0.01	\$13.36	\$0.05	\$66.80	\$1.50	\$2,004.00	\$1.00	\$1,336.00
C-6	Traffic Control Plan	LS	1	\$4,700.00	\$4,700.00	\$500.00	\$500.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$4,340.00	\$4,340.00	\$1.00	\$1.00	\$500.00	\$500.00	\$725.00	\$725.00	\$2,000.00	\$2,000.00
C-7	Storm Water Pollution Prevention Plan	LS	1	\$8,700.00	\$8,700.00	\$1,000.00	\$1,000.00	\$500.00													

1 Alternative Bid No. 1										
TOTAL AMOUNT (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,429,800.00	\$1,482,999.45	\$1,381,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A1)	\$1,292,353.75	\$1,410,743.50	\$1,223,905.00	\$1,289,800.00	\$1,482,999.45	\$1,372,000.61	\$1,518,429.37	\$1,408,232.00	\$1,326,912.10	
2 Alternative Bid No. 2										
TOTAL AMOUNT (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,389,552.00	\$1,472,434.35	\$1,375,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	-\$140,000.00	\$0.00	-\$9,000.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM A + ITEM A2)	\$1,287,322.75	\$1,396,656.70	\$1,213,843.00	\$1,249,552.00	\$1,472,434.35	\$1,366,969.61	\$1,518,429.37	\$1,408,232.00	\$1,325,402.80	
3 Alternative Bid No. 3										
TOTAL AMOUNT (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B1)	\$235,488.50	\$186,543.70	\$198,323.20	\$232,833.00	\$262,451.04	\$234,742.04	\$201,084.08	\$202,500.50	\$188,215.40	
4 Alternative Bid No. 4										
TOTAL AMOUNT (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM B + ITEM B2)	\$234,860.10	\$184,784.18	\$197,066.40	\$232,833.00	\$261,131.40	\$234,113.64	\$201,084.08	\$202,500.50	\$187,587.00	
5 Alternative Bid No. 5										
TOTAL AMOUNT (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C1)	\$82,136.00	\$72,438.00	\$81,293.36	\$89,476.00	\$84,629.00	\$118,944.36	\$79,441.20	\$80,165.00	\$87,234.96	
6 Alternative Bid No. 6										
TOTAL AMOUNT (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Add (+) or Deduct (-)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL AMOUNT BID (ITEM C + ITEM C2)	\$81,884.00	\$71,732.40	\$80,789.36	\$89,476.00	\$84,099.80	\$118,692.36	\$79,441.20	\$80,165.00	\$87,108.96	
Total Project - Hydromulch (Alt. 1 + Alt. 3 + Alt. 5)										
TOTAL AMOUNT BID	\$1,609,978.25	\$1,669,725.20	\$1,503,521.56	\$1,612,109.00	\$1,830,079.49	\$1,725,687.01	\$1,798,954.65	\$1,690,897.50	\$1,602,362.46	
Total Project - Seeding (Alt. 2 + Alt. 4 + Alt. 6)										
TOTAL AMOUNT BID	\$1,604,066.85	\$1,653,173.28	\$1,491,698.76	\$1,571,861.00	\$1,817,665.55	\$1,719,775.61	\$1,798,954.65	\$1,690,897.50	\$1,600,098.76	
Mandatory Sections - Line A + Waterline - Hydromulch (Alt. 1 + Alt. 5)										
TOTAL AMOUNT BID	\$1,374,489.75	\$1,483,181.50	\$1,305,198.36	\$1,379,276.00	\$1,567,628.45	\$1,490,944.97	\$1,597,870.57	\$1,488,397.00	\$1,414,147.06	
Mandatory Sections - Line A + Waterline - Seeding (Alt. 2 + Alt. 6)										
TOTAL AMOUNT BID	\$1,369,206.75	\$1,468,389.10	\$1,294,632.36	\$1,339,028.00	\$1,556,534.15	\$1,485,661.97	\$1,597,870.57	\$1,488,397.00	\$1,412,511.76	



City of Rowlett
Staff Report

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P.O. Box 99
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AGENDA DATE: 12/02/14

AGENDA ITEM: 7F

TITLE

Consider action to approve the purchase of an additional set of Personal Protective Ensemble gear for each firefighter.

STAFF REPRESENTATIVE

Fire Chief Neil Howard

SUMMARY

Rowlett Fire Rescue (RFR) 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. National Fire Protection Association Standard 1851 (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 (PPE), 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.

The purchase of new bunker gear was discussed at the November 18, 2014, City Council Work Session. The direction from Council was to proceed with this item.

DISCUSSION

The consensus was to bring the item back for formal approval. 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 Table 1 below, the cost is broken down per set.

Table 1

	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 the Rowlett Fire Department 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; and
- (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 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 for this equipment. 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.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
101-3016-440-6027	Bunker Gear Lease Payment*	\$50,000/year	\$48,085/year
Total Cost over 5 years		\$250,000	\$240,425

*The lease term is for five years.

RECOMMENDED ACTION

Move to approve a resolution for the purchase of an additional set of Personal Protective Ensemble gear for each firefighter.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR ROWLETT FIRE RESCUE ON A FIVE-YEAR REPLACEMENT SCHEDULE FOR THE NEXT FIVE YEARS IN AN AMOUNT NOT TO EXCEED AN AMOUNT WHICH IS WITHIN THE ALLOCATED BUDGET.

WHEREAS, Rowlett Fire Rescue needs an additional set of bunker gear in order to promote the prevention of contamination to themselves and the public.

WHEREAS, Rowlett Fire Rescue needs to change to a five-year replacement schedule in order to provide a back-up set of gear.

WHEREAS, Rowlett Fire Rescue must stay in compliance with the National Fire Protection Association.

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 approve the purchase of new bunker gear for Rowlett Fire Rescue personnel on a five-year, as opposed to seven-year replacement schedule in amounts not to exceed current budgeted amounts.

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 authorizes the issuance of purchase orders to conform to this resolution.

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

ATTACHMENT

Exhibit A – *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.firefightercancersupport.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

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<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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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.



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: 12/02/14

AGENDA ITEM: 8A

TITLE

Conduct a public hearing and consider a recommendation regarding Major Warrants for property located at 6800 Scenic Drive, and located within the Healthy Living, Urban Village Form Based District, related to the following Form Based Code standards in order to develop the subject property: roadway dedication, open space, continuous building frontage, ceiling height requirements and primary entry location.

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services
Daniel Acevedo, Urban Designer

SUMMARY

The subject property (Attachment 1 – Location Map) is located within the Healthy Living subarea as outlined in the Realize Rowlett 2020 Comprehensive Plan. It is zoned Urban Village FB District (UV-FB), and is regulated by the City's Form Based Code (FBC). With Lake Pointe Medical Center as the anchor, the Healthy Living subarea is intended to integrate a wide variety of health and medical related uses into a pedestrian-friendly, urban environment. The purpose of this item is to conduct a public hearing and for the City Council to take action on five major warrant requests pertaining to continuous building frontage, roadway dedication, open space, primary entry locations, and ceiling height requirements related to the Lake Pointe Medical Center's phased development plan. The first three requests relate to the overall plan, whereas, the last two requests pertain specifically to the medical office building to be constructed as Phase One.

For the reasons detailed in this report, Staff cannot support the three major warrants considered critical items: continuous building frontage, roadway dedication, and open space. It is Staff's professional opinion that to eliminate these items will adversely affect the build-out of the overall district. While the other two requests are not ideal, they will not adversely affect the district to the same degree.

BACKGROUND INFORMATION

It is important to note that this major warrant request only pertains to the specific elements outlined in detail below. The uses themselves are allowed by right. All renderings and plans provided herein are intended to show the applicant's intent as it pertains to the specific major warrant requests. However, detailed development plans will be subject to all other FBC requirements and administrative approval.

Lake Pointe Medical Center publically announced their plans for a substantial expansion of both the hospital and associated medical office buildings last year. Due to the fact that the expansion

will be accomplished in multiple phases, a phased development plan is required. A phased development plan provides adjacency predictability for future phases by solidifying the public realm for the district. This is accomplished by working through and approving the placement of key features such as streets, block structure and open space for the overall project from the inception of the first phase. An approved phased development plan helps to prevent the unintended consequences of incremental development. Due to the fact that the Form Based Code (FBC) allows a large degree of flexibility for individual building sites, it is important that the critical elements, such as those listed above, remain consistent throughout the district as a whole. This is achieved through the phased development plan process. While the phased development plan can be amended, the intent is that the amendments will be evaluated in light of how they affect the rest of the district, thus preventing a piecemealed approach to development.

In this case, the applicant is requesting major warrants to fully waive several critical elements of the FBC, specifically continuous building frontage, roadway dedication, and open space. These items will significantly affect the overall block structure and connectivity of the district. Secondary, less critical, major warrant requests include primary entry locations, and ceiling height requirements.

Section 1.5.3 of the FBC states that *“The City Council may approve a Major Warrant if the application:*

- a. Meets the general intent of this Chapter (Article 1.2) and the FB District in which the property is located;*
- b. Will result in an improved project which will be an attractive contribution to the FB District; and*
- c. Will not prevent the realization of the overall intent of the FB Districts.”*

It is Staff’s professional opinion that allowing a blanket approval of the requested Major Warrants further detailed in the “Discussion” section of this report does not meet the approval criteria listed above, and as such, recommends denial of the warrants associated with the three items considered critical elements: continuous building frontage, roadway dedication, and open space. As Staff has demonstrated to Council when presenting other major warrant requests in the past, it is always Staff and the Urban Design Officer’s (UDO) goal to evaluate the applicant’s needs in light of the FBC requirements and attempt to achieve a solution that both meets the intent of the district and meets the goals of the applicant. However, in some cases a mutually beneficial compromise cannot be reached. In this case, Staff and the UDO have met with the applicant and their design team on multiple occasions and have provided alternatives that would reduce, but not eliminate critical elements of the district. The applicant has chosen not to incorporate those suggestions and instead requests a full waiver from the requirements.

The Planning and Zoning Commission recommended approval of all Major Warrants at their November 11, 2014 meeting, with a vote of 6 to 1.

DISCUSSION

The Major Warrants requested are outlined below. Staff has included commentary in italics below each request:

1. ***Exemption from construction and dedication of the C2 roadway on the north side of the property as required in the Healthy Living Regulating Plan (adopted November 6, 2012)***



Required Roadway

The adopted regulating plan establishes a block structure and street network that provides essential connectivity to the entire district. This is a crucial component of the approved regulating plan that relieves traffic on arterial corridors (such as Lakeview Parkway) and provides alternate means of district-wide circulation and accessibility.

Based on the Healthy Living regulating plan (Attachment 2), the hospital runs adjacent to a road on the north (not currently owned solely by the hospital) that is required to be dedicated and constructed as a public thoroughfare. Provision for this network is currently required to be incorporated within the Phased Development Plan. However, the applicant is requesting an exemption from this requirement.

The established block network within the UV-FB District is set to a 400 lineal foot maximum. Any size past that is considered a superblock. In this case, the hospital campus already has an enlarged block structure approved via the regulating plan due to the existing conditions on the site. The length of the previously approved super block is approximately 1,100 lineal feet, making the road in question essential to the block network. Removing the street from this network would increase the block length to 1,600 feet, four times the size of a standard block within the FB-UV District.

As connectivity is a primary concern for large scale developments, any negation to that standard would exacerbate the problem, making the block scale unreasonable for both auto and pedestrian circulation. The consequences of removing this street will create an environment that is not in line with the intent of the FBC, and as such, Staff cannot support this request.

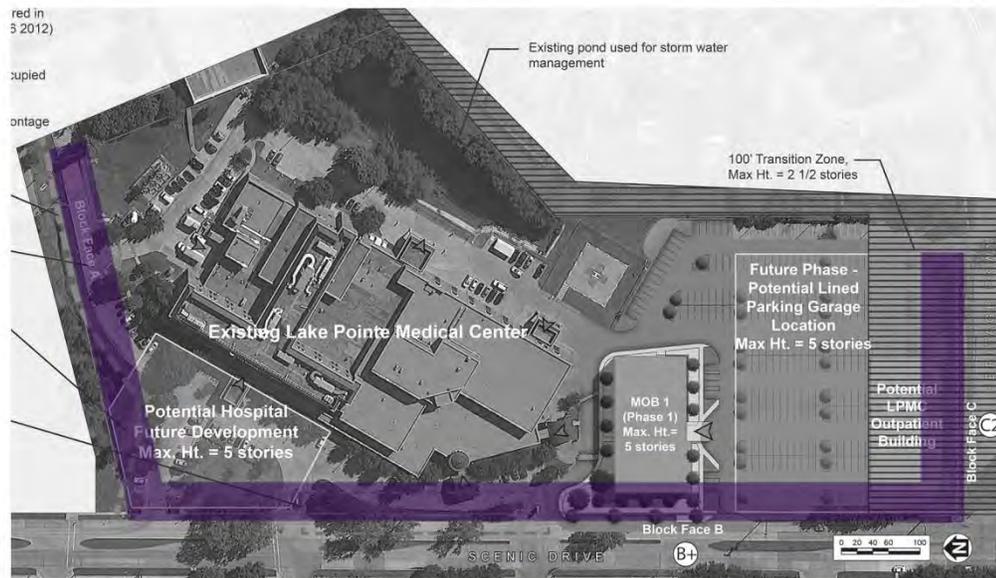
The hospital has conveyed to Staff that a private drive is crucial to their campus as they have safety concerns with their patrons crossing public streets. Through the incorporation of crosswalks, adequate sidewalks, and traffic calming measures already built into the approved street design, the hospital's concerns could be greatly reduced. The street sections within the FBC were established based on the methodology of walkable, pedestrian-friendly street design with the primary purpose of keeping pedestrians safe and comfortable.

2. Exemption from the 10% requirement and/or Fee in lieu of Public Open Space (FBC 2.4.2.f).

In this case, the applicant is not only requesting exemption from providing open space on site, but also from paying the fee in lieu of public open space. To provide some perspective, the aforementioned superblock composition creates a fragmented grid pattern and elevates concern in regards to pedestrian-scaled development. Therefore, it is crucial to provide adequate relief in the form of public open space at the maximum proposed distance prescribed in the FBC within a pedestrian shed (a five minute walk from center to edge, or an 800-foot radius circle). This request cannot be supported due to the fact that this campus should incorporate public open space into its phasing based on its size, impact and significance in the district.

Staff recognizes that the existing conditions may not lend themselves to incorporate 10% of open space on each individual building site, nor is that the intent for the district as a whole. However, if the applicant is required to pay the fee in lieu of open space, then the City can work to establish centralized open space in the district as a whole.

3. Exemption from requirement for 80% continuous building frontage (FBC 2.4.3.b.).



Build to Zone (80% Continuous Frontage Applies at This Location)

The applicant is requesting an exemption from the continuous building frontage for 80% of the block face. It should be noted that this request will not affect the outcome of the Phase 1 medical office building, since it is contributing towards the block face requirement within the build to zone. It will however, affect the development pattern as the project is phased out.

This blanket reduction raises concerns since Staff does not have adequate detail to anticipate future growth patterns without that standard in place. As previously mentioned, a key element of the phased development plan is adjacency predictability. It is the intent of this requirement to establish a predictable, high level of urban form that supports a pedestrian realm which is walkable, safe and well defined. Without the block face standard in place, incremental phasing will haphazardly detract from the integrity of the block structure over time. The FBC relies on adjacency predictability in order to remain a flexible document that allows for multiple lot configurations, without sacrificing quality. This standard is imperative to the district as a whole.

Furthermore, the requirement for 80% continuous frontage, if negated, will eliminate any possibility to establish the build-to zone (the Form Based Code's only setback requirement) leaving all setbacks at the discretion of the applicant. The establishment of the build-to zone is one of the most essential tools in the FBC; it is used to produce a coherent, predictable, and consistent public realm that is pedestrian-scaled, that adds to the safety of the public realm by getting eyes on the street with buildings that directly interact with the sidewalk, and eliminates unnecessary parking lots that dominate the street.

As already noted, this medical campus establishes a superblock, making it even more important to uphold the elements which directly contribute to the establishment of the public realm. Continuous building frontage is essential to the district and is the means by which the intent of the FBC is realized. For these reasons, staff cannot support an exemption from this standard.

4. Reduction in ceiling height requirement from 12' to 9' on the first floor (FBC 2.8.6.b.5).

The primary concern regarding this warrant, is in providing a building that is intended to have a life cycle that outlives the first user and can adapt to other occupants. The twelve foot standard is in place to reinforce the higher quality of construction in the FBC that buildings are intended to remain durable and flexible through their life span. While a medical office building has a more substantial amount of mechanical equipment and duct work than a typical building, staff feels that a 9-ft ceiling height on the first floor is an excessive reduction and limiting to future users, and as such, does not support this request. Staff would however consider supporting a more reasonable reduction up to 10-ft within the private spaces, leaving the publically accessible corridors and vestibules at the required 12-ft height.

5. Exemption from the requirement to provide functioning entries on primary facades.



The applicant is providing for a modified side façade on the proposed first phase medical office building where the primary entry would be on the south side of the building facing the parking lot. The request stems from the concern to provide as direct of access as possible from parking to the building. The applicant has worked with staff on this item to address the south side of the building as a primary façade that has all the sidewalk,

amenity areas and facade requirements that are typical to a primary frontage. While the main entry is located on the side façade, it is in some ways impractical to provide another primary entry on Scenic Drive, due to programmatic concerns that are typical with this specific user. Because of the effort that has gone into providing for the additional frontage and the willingness to treat that façade as a primary façade, staff and the UDO are in support of this request.

Public Hearing Notices:

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. Forty-eight notices were mailed on November 14, 2014, and as of Friday, November 21, 2014, Staff has received two responses in favor and one opposed to this request. The primary nature of the opposition is with regard to increased noise, traffic, and light.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

The Planning and Zoning Commission recommended approval of all Major Warrants at their November 11, 2014 meeting, with a vote of 6 to 1.

Staff and the UDO recommend denial of the requests related to continuous building frontage, roadway dedication, open space, and ceiling height; and recommend approval of the request related to building entries.

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, GRANTING MAJOR WARRANTS FOR PROPERTY LOCATED AT 6800 SCENIC DRIVE, FOR LAKE POINTE MEDICAL CENTER, TO ALLOW EXEMPTIONS FROM THE REQUIREMENT FOR ROADWAY DEDICATION, CREATION OF PUBLIC OPEN SPACE OR FEES-IN-LIEU OF OPEN SPACE, CONTINUOUS BUILDING FRONTAGE, CEILING HEIGHT REQUIREMENTS AND PRIMARY ENTRY LOCATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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 the laws of the State of Texas and the ordinances of the City, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that these Major Warrants should be approved.

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

Section 1: That the City Council of the City of Rowlett, Texas does hereby grant the following major warrants, further described in Attachment 3, which attachment is incorporated herein, for Lake Pointe Medical Center, for property located at 6800 Scenic Drive, being 11.605 +/- acres, further described as Lot 5R, Block 4 of the Heritage on the Lake Tract N Addition, City of Rowlett, Rockwall County, Texas, (“Property”), without waiving any other requirement imposed by the City’s Form Based Code zoning applicable to the property:

1. The Property is exempt from the construction and dedication of the C2 roadway on the north side of the property as required in the Healthy Living Regulating Plan (adopted November 6, 2012);
2. The Property is exempt from the 10% requirement and/or Fee in lieu of Public Open Space;
3. The Property is exempt from the requirement for 80% continuous building frontage;
4. A reduction in the ceiling height requirement from 12’ to 9’ on the first floor for Phase 1, Medical Office Building, is hereby authorized;
5. The Phase 1, Medical Office Building is exempt from the requirement to provide functioning entries on primary facades;

Section 2: That all development and use regulations and requirements imposed on property in the City’s Form Based Code – Urban Village zoning district shall apply to the development and use of the Property unless in conflict with this ordinance, in which case the provisions of this ordinance shall prevail. Nothing contained within this ordinance shall be deemed to grant or otherwise approve any permit or development plan.

Section 3: 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 4: That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5: 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 thereof other than the part so decided to be invalid, illegal, or unconstitutional.

Section 6: 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 7: That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law and Charter in such cases provide.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Regulating Plan

Attachment 3 – Phased Development Plan

Attachment 4 – Public Hearing Notices

Attachment 5 – UDO Recommendation

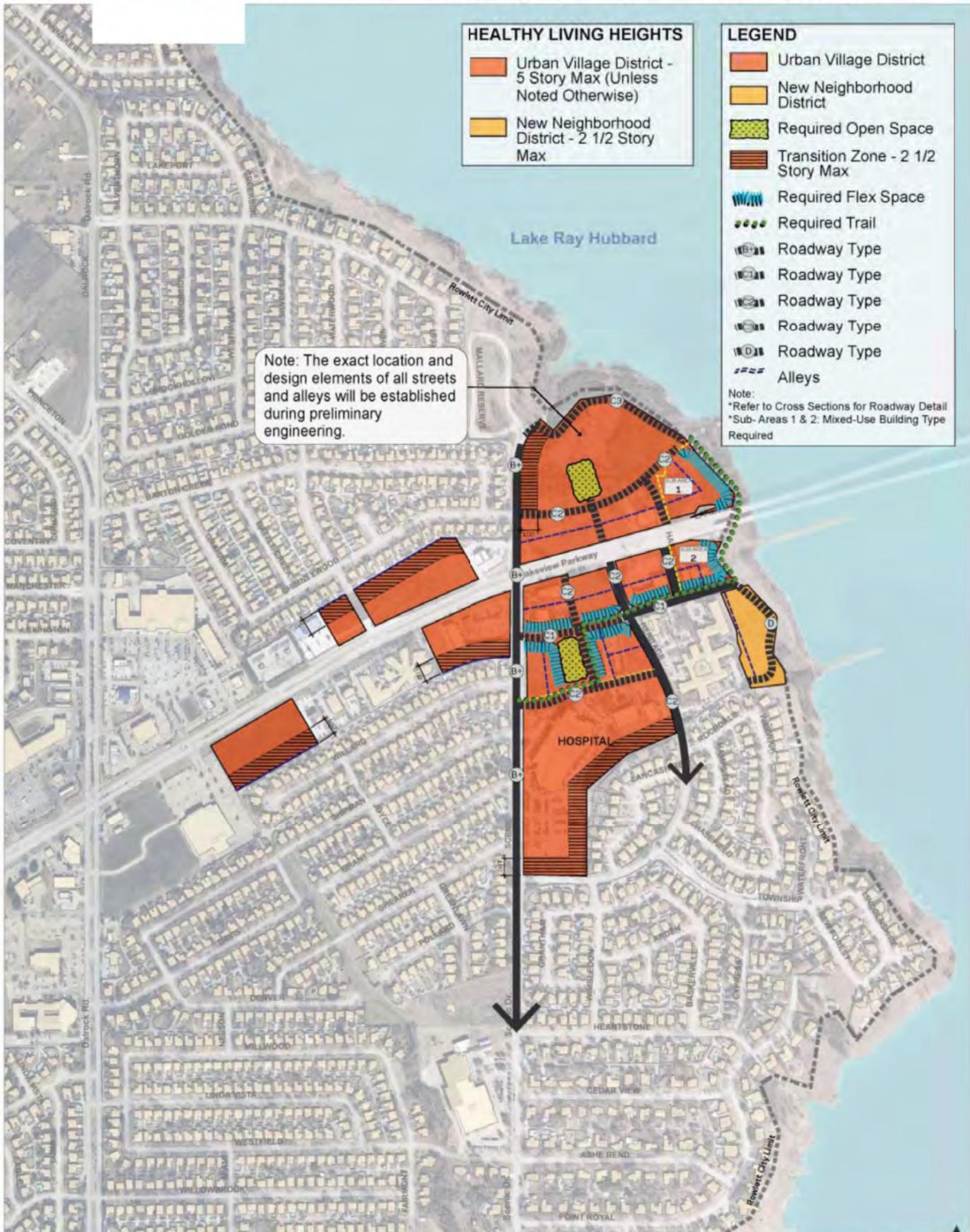


200' Notification Area

Subject Property



DRAFT - Healthy Living (D1) - Regulating Plan



HEALTHY LIVING HEIGHTS

- Urban Village District - 5 Story Max (Unless Noted Otherwise)
- New Neighborhood District - 2 1/2 Story Max

LEGEND

- Urban Village District
- New Neighborhood District
- Required Open Space
- Transition Zone - 2 1/2 Story Max
- Required Flex Space
- Required Trail
- Roadway Type
- Alleys

Note:
 *Refer to Cross Sections for Roadway Detail
 *Sub-Areas 1 & 2: Mixed-Use Building Type Required

Note: The exact location and design elements of all streets and alleys will be established during preliminary engineering.

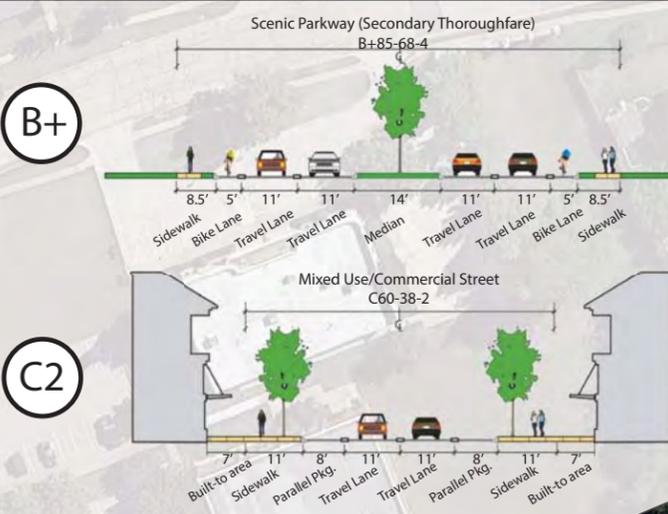
Healthy Living - Urban Village Form based District

Major Warrant List

- 1. Minimum Open Space** (section 2.4.2, f.)
Exemption from the 10% requirement and/or Fee in lieu of Public Open Space (FBC 2.4.2.f).
- 2. Continuous Building Frontage**
Exemption from requirement for 80% continuous building frontage (FBC 2.4.3, b.).
- 3. Treatment of Hospital Access Drives Roads**
Exemption from construction and dedication of the C2 roadway on the West side of the property as required in the Healthy Living Regulating Plan (adopted Nov 6 2012)

6. Block Face Notes

- Block Face A: 80% of block face needs to be occupied by a building
- *No Hospital property to be 'Block Face A'
- Block Face B & C: Hospital to provide building frontage as needed for Hospital functions



"Major Warrants from current development intent statements and regulations not specifically listed for approval as part of this Regulating Plan may require a hearing by the Planning and Zoning Commission and approval by the City Council during Development Plan review."

"The Form Based District boundary(ies), thoroughfare alignment, and Regulating Plan is for illustrative purposes and do not set the boundary."

The boundary will be determined at time of final plat.

This Regulating Plan, along with development regulations meets the intent of the City of Rowlett Form Based Code. Deviations from specific standards have been listed and requested as



Existing pond used for storm water management

100' Transition Zone, Max Ht. = 2 1/2 stories

Bike trail

6. Private / Internal Hospital Drive pending approval of major warrant

Future Phase streetscaping and screening to be installed with future development along Scenic Drive

7. Existing to Remain (no changes / additions)

Major Warrant List

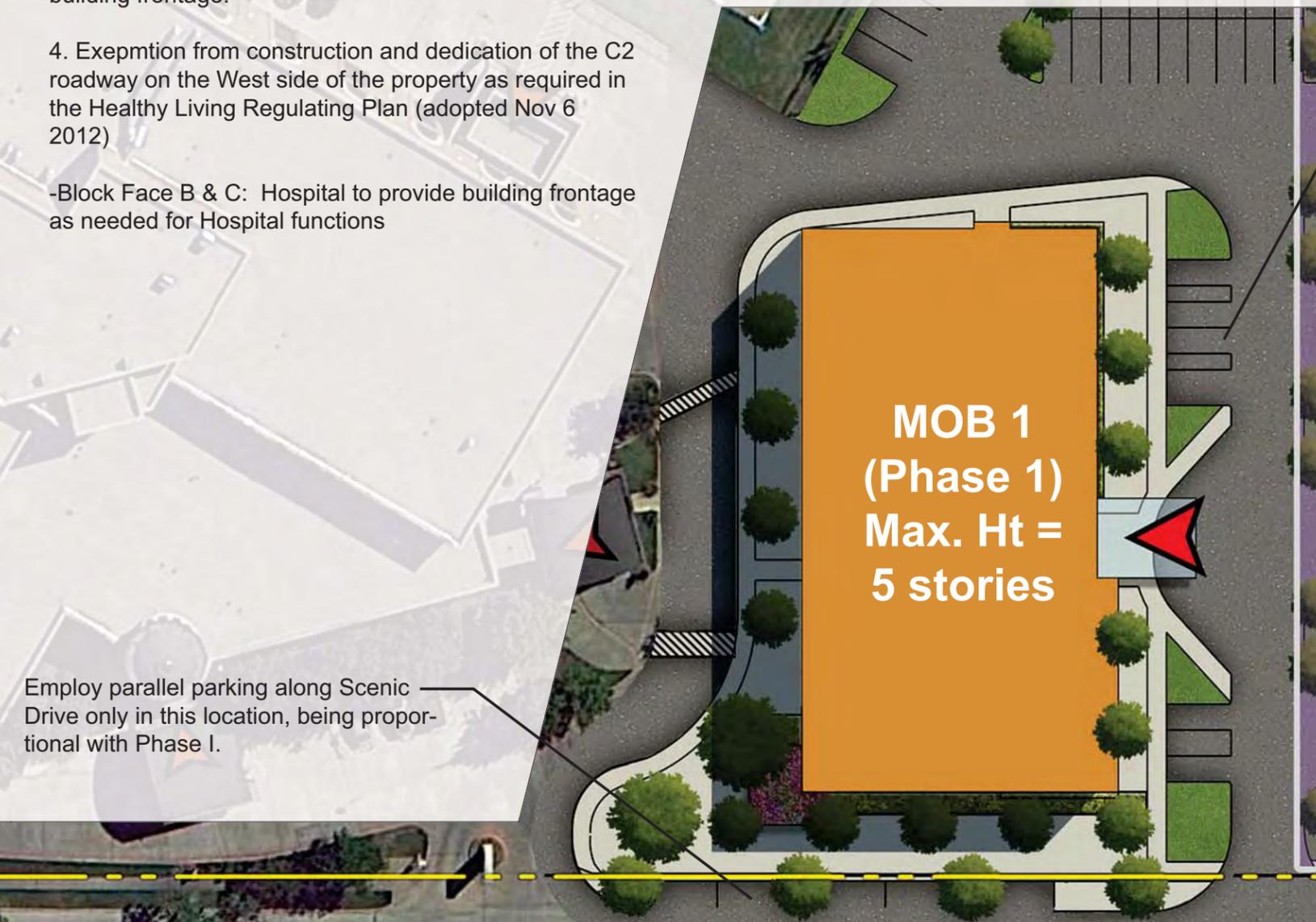
- 1. MOB 1- Primary entrance on side of building; no primary entrance off of Scenic Drive
 - 2. Exemption from the 10% requirement and/or Fee in lieu of Public Open Space (FBC 2.4.2.f).
 - 3. Exemption from requirement for 80% continuous building frontage.
 - 4. Exemption from construction and dedication of the C2 roadway on the West side of the property as required in the Healthy Living Regulating Plan (adopted Nov 6 2012)
- Block Face B & C: Hospital to provide building frontage as needed for Hospital functions

"Major Warrants from current development intent statements and regulations not specifically listed for approval as part of this Regulating Plan may require a hearing by the Planning and Zoning Commission and approval by the City Council during Development Plan review."

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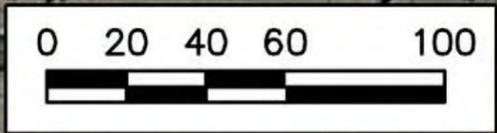
Proposed Medical Office Building

Block Face C

HERITAGE PKWY

SCENIC DRIVE

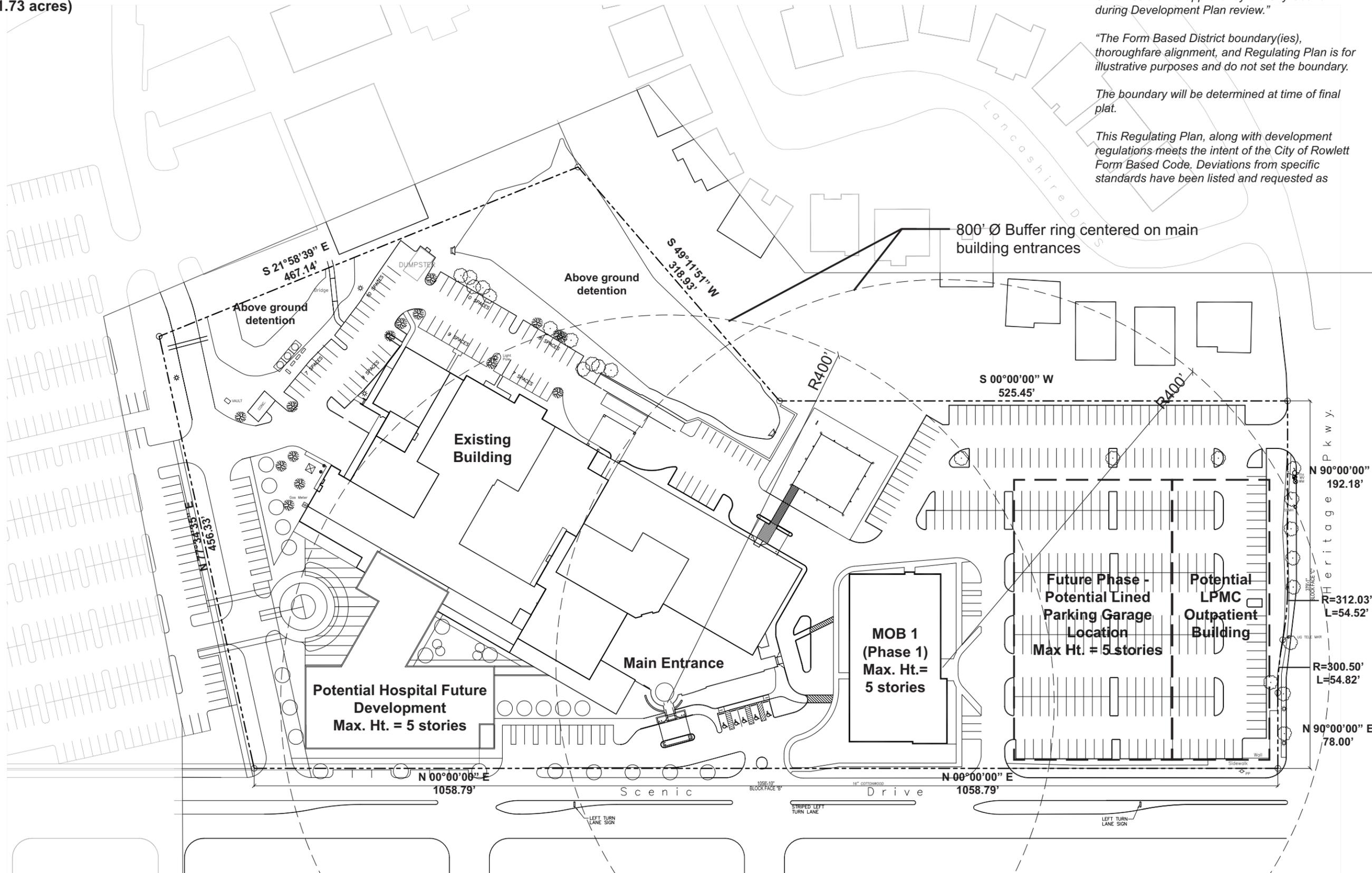
Block Face B



**Healthy Living - Urban Village
Form based District**

Site Area = 511,024 s.f. (11.73 acres)

ATTACHMENT 3
 "Major Warrants from current development intent statements and regulations not specifically listed for approval as part of this Regulating Plan may require a hearing by the Planning and Zoning Commission and approval by the City Council during Development Plan review."
 "The Form Based District boundary(ies), thoroughfare alignment, and Regulating Plan is for illustrative purposes and do not set the boundary."
 The boundary will be determined at time of final plat.
 This Regulating Plan, along with development regulations meets the intent of the City of Rowlett Form Based Code. Deviations from specific standards have been listed and requested as





**Development Services
Department/Planning Division**

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for Major Warrants

LOCATION: The subject property is located at 6800 Scenic Drive, being 11.605 +/- acres, further described as Lot 5R, Block 4 of the Heritage on the Lake Tract N Addition, City of Rowlett, Rockwall County, Texas. A location map depicting a 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The subject property is located within the Healthy Living, Urban Village Form Based District. The applicant requests a Major Warrants related to the following Form Based Code standards in order to develop the subject property: open space, continuous building frontage, roadway dedication, primary entry location, and ceiling height requirements.

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

*Would welcome a professional medical facility
in this location*

SIGNATURE:

Kathy Lane

ADDRESS:

9422 Brant Drive

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services/Planning Division 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 of November 2014, 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. The protest must be received by the Planning Division by 5 pm on Wednesday, November 5th to be included in the Planning and Zoning Commission packet. The protest shall object to the Major Warrant(s), 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 you have any questions concerning this request, please contact the Planning Division
Phone 972-463-3904
FAX 972-412-6228
dacevedo@rowlett.com

RETURN by Mail
City of Rowlett Planning Division
3901 Main Street
Rowlett, TX 75088

48 Notices were mailed on October 24, 2014

10-29-14A10:31 RCVD



**Development Services
Department/Planning Division**

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for Major Warrants

LOCATION: The subject property is located at 6800 Scenic Drive, being 11.605 +/- acres, further described as Lot 5R, Block 4 of the Heritage on the Lake Tract N Addition, City of Rowlett, Rockwall County, Texas. A location map depicting a 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The subject property is located within the Healthy Living, Urban Village Form Based District. The applicant requests a Major Warrants related to the following Form Based Code standards in order to develop the subject property: open space, continuous building frontage, roadway dedication, primary entry location, and ceiling height requirements.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

Residents already deal with so much noise and traffic (not to mention bright lights aimed at our bedroom windows) from the hospital. It's time for the hospital to be a good neighbor.

SIGNATURE:

Jeff E. Talbot

ADDRESS:

6405 Lancashire Dr

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services/Planning Division 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 of November 2014, 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. The protest must be received by the Planning Division by 5 pm on Wednesday, November 5th to be included in the Planning and Zoning Commission packet. The protest shall object to the Major Warrant(s), contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property.

11-05-14 P05:22 RCVD

If you have any questions concerning this request, please contact the Planning Division
Phone 972-463-3904
FAX 972-412-6228
dacevedo@rowlett.com

RETURN by Mail
City of Rowlett Planning Division
3901 Main Street
Rowlett, TX 75088

TOWNSCAPE, Inc.
Town Planning and Urban Design

Memo

3839 MCKINNEY AVE
SUITE 314
DALLAS, TX 75204

Townscape.com

To: Marc Kurbansade, Director of Development Services
From: Arti Harchekar, CNU-A
Date: 7 November 2014
Re: Urban Design Officer Review of Lake Point Medical Center
Major Warrant Package – Healthy Living UV-FB

Urban Design Officer Review

Per your request, I have reviewed the proposed Major Warrant package.

The proposal appears to be in conflict with the Vision for the District as set out in the Comprehensive Plan and consequently, the Form Based Code's intent and standards for the Urban Village FB District. However, there are some unique circumstances with this property:

- It is a hospital and may be considered a Landmark Building which is eligible for special standards based on merit; and
- It is a major employment and economic center that anchors the Healthy Living Regulating Plan, and impacts the image and development pattern in the Urban Village area along designated internal streets, Scenic Drive and Heritage Parkway.

Generally, the level of detail shown on these plans is adequate to review most of the requested Major Warrants. However, since only a certain amount of detail is shown, particular Major Warrant requests should not be considered at this time. The Major Warrants are organized below into the following categories: (a) critical items that should be looked upon unfavorably, (b) remainder items that should be looked upon unfavorably and (c) items that should be looked upon favorably.

(a) The following Major Warrants are critical items that should be looked upon unfavorably:

1. *Exemption from the requirement to install and dedicate street cross section C2 as designated on the Healthy Living Regulating Plan for the Phased Development Plan.* Exempting Lake Point Medical Center from this requirement could cause significant issues pertaining to the development of adjacent properties and pedestrian and vehicular circulation within the Healthy Living area. This circulation pattern was established through the RR2020 Phase II process with the hospital and adjacent property owners. As such, the adjacent property owners have expectations as to how their land can be developed and accessed. The removal of this street could hinder the reasonable development of adjacent properties effectively reducing their value (See Attachment 1 – Property owner information is based on Rockwall County Appraisal District). Moreover, the removal of this street could hinder pedestrian circulation and possibly hamper fire access for the adjacent blocks, which were important issues in the transportation

analysis that was done for the Healthy Living Regulating Plan. The vision of this area as a pedestrian, mixed-use focus will be hard to deliver if there is not a good street network for automobile, pedestrian and fire access.

2. *Exemption from the requirement for minimum public Open Space and cash-in-lieu of public Open Space for the Phased Development Plan.* Many hospital entities see the added value of communal open space for their patients (e.g. healing gardens) and of tying into trail and pedestrian networks within and around the hospital property. Good examples include Baylor Medical Center and College Station Medical Center, which understand the importance of connecting to the community and of planning for trail and open space connections to support health and accessibility.

(b) The following Major Warrant requests should be looked upon unfavorably as they could dilute the Urban Village standards:

1. *Exemption from the continuous building frontage standard of 80% along Scenic Drive and Heritage Parkway (and potentially the internal Type C2 Street) for the Phased Development Plan and MOB 1.* At this time, the City does not have enough information to grant this request. As such, it would be appropriate for the Applicant to request the Major Warrant with each Development Plan. This is one of the main tools the City has to ensure that it achieves an attractive streetscape image by ensuring that buildings are brought up to the street, parking garages are lined and that surface parking does not dominate the streetscape. It is reasonable to recognize that due to the configuration of the existing site and building, an 80% continuous building frontage may not be feasible. The way to calculate this percentage in a holistic manner as each phase builds out, can be determined once guidance is received from Council.
2. *Exemption from the requirement to provide a minimum clear height of 12 feet between finished floor and the bottom of the structure above at grade for MOB 1.* At this time, the City does not have enough information to grant this request. As such, it would be appropriate for the applicant to request the Major Warrant with each Development Plan. In the long-term, 9-foot clear ceiling heights are sub-standard for accommodating future non-residential functions (retail, office, etc.), and in fact, 16-14-foot clear ceiling height is generally the industry standard for non-residential development.

(c) The following Major Warrants should be looked upon favorably:

1. *Exemption from the requirement to provide functional building entries no greater than 60 feet apart along Scenic Drive for MOB 1.* The project is providing one entry on the façade oriented toward the existing surface parking lot, which is more appropriate for the programming needed for this type of Landmark project. The Applicant is landscaping the drive along the south side of MOB 1 as a street to emphasize the primary entrance and provide pedestrian circulation off

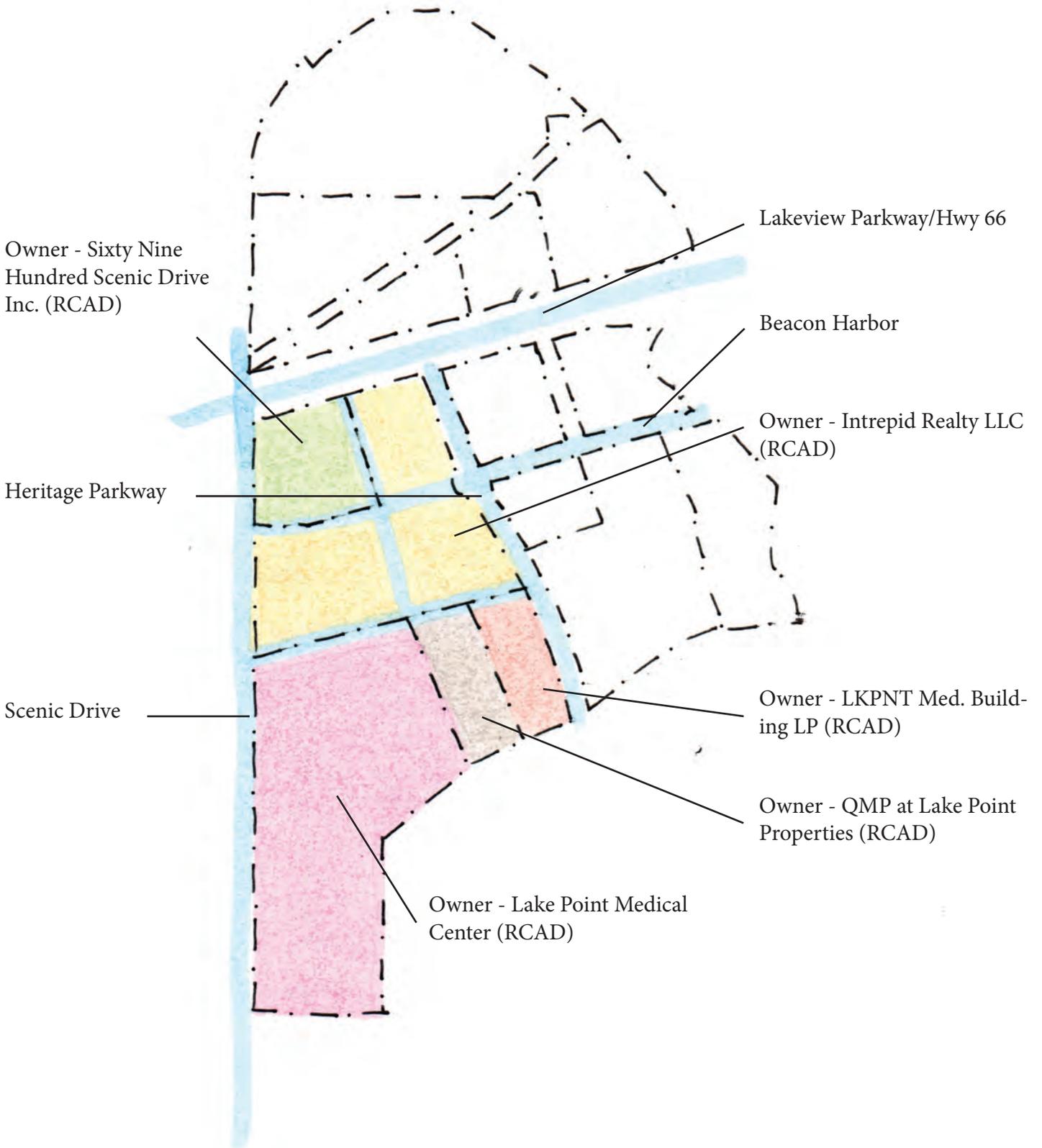
Scenic Drive. The construction of the streetscaping elements on the other side of the drive will occur in a future phase.

2. *Exemption from the block size and configuration requirements for the Phased Development Plan.* The project is generating a hospital campus. As each development plan is brought forward, a clear vehicular and pedestrian circulation route along with connections to the overall Healthy Living area will be defined internal to the site.

In summary, the biggest concern is the impact that the requested Major Warrant package could have on the realization of the overall vision and intent for the Healthy Living District. Lake Point Medical Center is a major medical facility and employer in the City and a critical anchor for Healthy Living; and as such, further expansion of the hospital should be responsive to its specific location by not inhibiting the neighborhood's future development.



Arti Harchekar, CNU-A
TOWNSCAPE, Inc.





City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 8B

TITLE

Conduct a public hearing and consider an ordinance approving a Special Use Permit to allow a licensed massage establishment in a Planned Development District Ord. 3-5-96D located at 8809 Lakeview Parkway, Suite 100, within the Lakepoint Shopping Center (SUP14-745)

STAFF REPRESENTATIVE

Marc Kurbansade, AICP, Director of Development Services

SUMMARY

The subject property is located in Suite 100 within the Tom Thumb Shopping Center on the northeast corner of Dalrock Road and State Highway 66 (Attachment 1 - Location Map, Exhibit A – Concept Plan). The shopping center is zoned Planned Development (Ord. 3-5-96D) with a base zoning district of Limited Commercial/Retail (C-1). The Rowlett Development Code (RDC) requires a specific use permit (SUP) for licensed massage establishments located in the C-1 zoning district.

The Planning and Zoning Commission recommended approval of this item with conditions at their November 25, 2014 meeting. The discussion can be viewed as item C.1 at the following link: <http://rowlettx.swagit.com/play/11252014-870>. The purpose of this item is for the City Council to consider final approval of a SUP request for Sensation Day Spa.

BACKGROUND INFORMATION

The applicant, Mi Sun Kim, is a licensed massage therapist with the State of Texas and desires to open a day spa in Rowlett (Attachment 2 – Credentials and Letter of Recommendation). As previously noted, a massage establishment requires a SUP within C-1 zoning. In addition to the grocery store anchor, the shopping center contains a variety of neighborhood serving commercial/retail uses including, but not limited to, a coffee shop, pet supply store, and restaurants. As further described below, it is staff’s professional opinion that the proposed use is compatible with the surrounding uses.

DISCUSSION

Section 77-206.D of the Rowlett Code of Ordinances lists the criteria for approval of SUPs. Recommendations and decisions on SUPs shall be based on consideration of the criteria below. Staff has added additional comments in bold italics where applicable.

1. The proposed special use permit is consistent with the comprehensive plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

The subject property is not in any of the 13 identified opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. As such, the existing zoning and guiding principles should inform development decisions.

The application can be interpreted to address Guiding Principle 2, “Grow the City’s economy through diversification of job and business opportunities,” and Guiding Principle 8, “Create centers with a mix of activities at key locations in Rowlett,” of the Realize Rowlett 2020 Comprehensive Plan.

Based on the Realize Rowlett 2020 Comprehensive Plan, the proposed use is consistent with the intent for the area.

2. The proposed special use permit is consistent with the purpose and intent of the zoning district in which it is located;

The existing zoning is C-1, which allows for general commercial/retail uses. Per Section 77-203.B.5 of the RDC,

“The C-1 district is intended for the conduct of retail trade and personal service uses to meet the needs and for the convenience of the community. These shops and stores may be an integral part of the neighborhood closely associated with residential uses.”

Based on the intent of the C-1 zoning district, a massage establishment would be a compatible use.

3. Whether the proposed special use permit meets the challenge of some changing condition, trend, or fact;

Day Spas and massage establishments continue to be a growing business type throughout the Dallas Fort Worth area. This type of use exists in other similar shopping centers in Rowlett and in surrounding Cities.

4. Whether the proposed special use permit will protect or enhance the health, safety, morals, or general welfare of the public;

The proposed use should not negatively affect the health, safety, morals, or general welfare of the public.

5. 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;

The property has access to Lakeview Parkway (SH 66) a Type A+ thoroughfare based on the Master Thoroughfare Plan and access to Dalrock Road, a Type a Thoroughfare

based on the Master Thoroughfare Plan. In addition, water and sewer services are already available at the site. No additional transportation or utility services are required to accommodate the proposed use.

6. Whether the proposed special use permit is consistent with or will have significant adverse impacts on other property in the vicinity of the subject tract; and

The proposed use should not have any adverse impacts on other property within the vicinity. The shopping center contains numerous personal service and retail establishments. The proposed use is compatible with the other uses in the center.

7. The suitability of the subject property for the existing zoning and the proposed use sought by the special use permit.

The subject lease space is within an established shopping center with personal service uses. The proposed massage establishment would complement these existing uses and provide neighborhood based services oriented to local customers. This meets the intent of the C-1 zoning district and should be compatible with surrounding uses.

A valid concern was raised prior to the Planning and Zoning Commission meeting. Since SUPs run with the land there is a risk of automatically approving an unlicensed establishment in the future if this applicant goes out of business. Unlicensed “foot reflexology” establishments have been interpreted as “massage establishments” in recent years. The Rowlett Development Code does not currently have a specific use category for “foot reflexology”. As such, staff interprets them to fit most closely under the “massage establishment” use category, thus requiring a SUP for approval. Given the above information, the concern is valid. However, in speaking to the City Attorney, this concern can be mitigated by providing a condition in the final ordinance linking the SUP to licensed massage establishments only, specifically prohibiting unlicensed foot reflexology establishments without a separate SUP review and approval process. With that condition, if the current applicant goes out of business and a foot reflexology business applies for a certificate of occupancy, then they would be required to follow the SUP process, giving the Council the opportunity to approve or deny the application based on its own individual merits. **The Planning and Zoning Commission included this condition in their recommendation for approval, and as such, staff has included it in the draft ordinance included within this report.**

Public Notice

On November 10, 2014, a total of 21 notices were sent to property owners within 200 feet. In addition, notice ran in the *Rowlett Lakeshore Times* on October 30, 2014, and was posted on the property and at City Hall on October 31st. As of Wednesday November 26, 2014, no responses have been returned.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval of this item with the condition that the SUP be tied to licensed massage establishments only.

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, TO GRANT A CHANGE IN ZONING FROM “PD3-5-96D” WITH BASE LIMITED COMMERCIAL/RETAIL ZONING TO “SUP” SPECIAL USE PERMIT FOR A LICENSED MASSAGE ESTABLISHMENT IN A 1,615 SQUARE FOOT EXISTING LEASE SPACE AT 8809 LAKEVIEW PARKWAY, SUITE 100, FURTHER DESCRIBED AS SUITE 100 IN THE LAKEPOINT SHOPPING CENTER ADDITION, ROWLETT, ROCKWALL 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 to grant a change in underlying zoning from PD 3-5-96D with base Limited Commercial/Retail Zoning to “SUP” Special Use Permit for a “Licensed Massage Establishment” in a 1,615 square foot existing lease space at 8809 Lakeview Parkway, SUITE 100, further described as the Lakepoint Shopping Center Addition, Rowlett, Rockwall County, Texas, and being more particularly described in Exhibit “A” attached hereto and incorporated herein (hereinafter the “Property”).

Section 2. That the Property may be used for the operation of a licensed massage establishment in addition to other uses authorized by PD 3-5-96D with base Limited Commercial/Retail Zoning; provided, however, that any other use that may be interpreted as a massage establishment (for example, “foot reflexology”) shall require a Special Use Permit separate from the Special use permit granted herein, prior to obtaining a certificate of occupancy.

Section 3. 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. The development, use and

occupancy of the Property shall conform to the standards and regulations set forth in provisions of PD 3-5-96D with base Limited Commercial/Retail Zoning, the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended. 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 and use of the Property.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 – Concept Plan

Attachment 1 – Location Map

Attachment 2 – Credentials and Letter of Recommendation



Subject Property

200' Notification Area



SUP Licensed Massage Establishment
8809 Lakeview PKWY
Map Created: November 10, 2014



SUP14-745
200 FT NOTIFICATION AREA

21 notices mailed on Nov. 10, 2014



Mi Sun Kim

1152 Indian Run Dr. Carrollton, TX 75010
 Tel: (469)3151107 email: mezz7868@gmail.com

OBJECTIVE

Aesthetician/Massage therapist

Experienced skin care specialist wanting to utilize my training and schooling in a productive Salon/Spa environment. Extremely skilled in all aspects of day spa operation and management.

QUALIFICATIONS

- **Manager of Day spa.**
- **Licensed skin care and body massage.**
- **Aromatherapy, anti-aging and acne facials.**
- **Specialized in facial acupressure and sinus relief, glycolic peels.**
- **Reflexology, lymphatic drainage massage**

WORK HISTORY

2004 -2013: : Esthetician, Rehoboth Spa New York, NY

Duties: Performed all aspects of skin care, maintained appropriate professionalism at all times, attended training sessions to increase knowledge of products available for sale, informed guests of products available for retail sales, provided the best possible facial, skin care, and empathized with guests as needed. Beauty consultant on skin care and facial treatments; strong abilities in coloring and make-over.

CERTIFICATES

- Licensed Cosmetologist – State of Texas
- Licensed massage therapist – State of Texas
- Licensed Cosmetologist – State of New York

References available upon request

TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157
Austin, Texas 78711-2157
1-800-803-9202 (512) 463-6599
<http://www.license.state.tx.us>



ATTACHMENT 2
TEXAS COSMETOLOGIST

OPERATOR

MI SUN KIM

License Number: 1560183

License Expires: JULY 23 2015

Fold Here

TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157
Austin, Texas 78711-2157
1-800-803-9202 (512) 463-6599
<http://www.license.state.tx.us>

The person named on the reverse
is licensed by the

MI SUN KIM
1152 INDIAN RUN DR APT 1313
CARROLLTON TX 75010-1184

You may wish to laminate the
pocket identification card above to
preserve it.

10-08-14A11:12 RCVD

Frank Denton
Chair

Mike Arismendez
Vice Chair



LuAnn Morgan
Fred N. Moses
Lilian Norman-Keeney
Ravi Shah
Deborah Yurco

TEXAS COSMETOLOGIST

OPERATOR

MI SUN KIM

License Number: 1560183



The person named above is licensed by the Texas Department of Licensing and Regulation

License Expires: JULY 23 2015

William H. Kuntz
William H. Kuntz
Executive Director



Texas Department of State Health Services

DOES HEREBY CERTIFY THAT

Ali Sun Kim

meets the qualifications established in Texas Occupations Code, Chapter 455 to practice the profession of massage therapy and is authorized to employ the title

Licensed Massage Therapist

in the State of Texas, so long as this certificate is not revoked or suspended and is renewed according to applicable law and rules.

License Number MT120798
Effective 8/22/2014

INVALID WITHOUT CURRENT RENEWAL
CARD

A handwritten signature in cursive script, appearing to read "David L. Lakey".

David L. Lakey, M.D. Commissioner of Health

Joanne Oh
President
Cold Springs Salon Company
312 Columbus Ave
New York, NY 10023

Erin Jones - Senior Planner
City of Rowlett
3901 Main Street
Rowlett, TX 75088

Re: Recommendation for Mi Sun Kim

Dear Ms. Jones,

I am pleased to write a letter of recommendation for Mi Sun Kim. I highly recommend Mi Sun for Esthetician - Massage Therapy Establishment Operator.

I have known Mi Sun for Three (3) years. I became acquainted with her when She worked as a Asthetician/Massage therapist in my firm for number of years.. During that time, I found her to be hard working, honest and reliable. Over the time that I have known her, I have witnessed tremendous growth in Mi Sun and am certain that the skills and abilities she has developed will allow her to excel at any endeavor.

At our salon, Ms. Kim demonstrated very good work ethics and stood out from the others. She was a very dedicated and serious professional. She took great pride in her work and has set great example for the other fellow workers. I can verify that there has not been a single complaint submitted against her practice. I hope she will be approved as the owner of a welcomed establishment as I am convinced that she will be an asset to the City of Rowlett.

In short, I recommend Mi Sun enthusiastically and without reservation. If you have any further questions with regard to her background or qualifications, please do not hesitate to contact me.

Sincerely,

Joanne Oh
President
(917) 8589112





City of Rowlett
Staff Report

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

AGENDA DATE: 12/02/14

AGENDA ITEM: 8C

TITLE

Conduct a public hearing and take action on a request to amend Planned Development Ordinance #28-04 to allow additional land uses at a property located at 1800 Dalrock Road further described as Lot 1, Block A, Shafer Plaza Addition to the City of Rowlett, Rockwall County, Texas. (PD14-737)

STAFF REPRESENTATIVE

Garrett Langford, Principal Planner

SUMMARY

The applicant is requesting to amend Planned Development (PD) Ordinance #28-04 to allow office uses at 1800 Dalrock Road (Attachment 1 – Location Map and Attachment 2 – PD Ordinance #28-04). The applicant would like to use 4,906 square feet of the building at 1800 Dalrock Road for office space. Currently, the PD allows for retail and restaurant uses, it does not allow any other land uses. The Planning and Zoning Commission voted unanimously to recommend approval of the request at their November 11, 2014, meeting.

BACKGROUND INFORMATION

In August 2014, KE Andrews acquired Shafer Plaza with the intention of using the vacant spaces within the building for office space. KE Andrews is located in the office building located at 1900 Dalrock Road, north of the subject property across the MKT railroad right-of-way. KE Andrews wishes to use the 4,906 square feet of space within Shafer Plaza to house one of the company's divisions in order to alleviate office crowding at their main location, 1900 Dalrock Road.

KE Andrews is a tax and valuation company that specializes in the energy sector. The company has grown from 15 employees from its inception up to 90 employees. The success of the company and increased number of employees has resulted in office space crowding for the company. To alleviate the office space shortage, the applicant wishes to add office space at 1800 Dalrock Road. The existing PD allows only retail and restaurant uses; therefore, the applicant is requesting a PD amendment to allow office use.

The subject property is 1.3141 acres in size and is bordered by the railroad to the north, the Take-Line Area to the east, a hotel to the southeast, a convenience store with retail filling to the south and Dalrock Road to the west. The subject property was first rezoned as a part of a PD in 1983 (Ord. 10-4-83A) that would have allowed a retail vehicle filling station. The PD was later amended in 1988 (Ord. 9-20-88A), which modified the development standards but left the uses

unchanged. In 2004, the PD was amended (Ord. 28-04) to allow the current restaurant and retail building that exist today.

Shafer Plaza was constructed and first occupied in 2006. The City has issued certificates-of-occupancy (CO's) for four tenants to occupy Shafer Plaza since 2006. Of these four tenants, only one tenant, Alejandro's, has continued to occupy the property since 2007. The other three tenants were unable to sustain a presence at the subject property.

Total size of the building is 10,306 square feet. Alejandro's currently occupies 3,250 square feet and the remaining portion of the building is unoccupied. The applicant is proposing to occupy 4,906 square feet at the north of end of the building. Alejandro's will expand their space from 3,250 square feet to 3,567 square feet. The remaining 1,833 square feet of the building will remain available for lease space. There is adequate parking for the proposed office space and expansion of the existing restaurant. The remainder space may be leased as office or retail. This is based on the parking requirements of 1 space per 300 square feet for office, 1 space per 100 square feet for restaurant, and 1 space per 200 square feet of retail.

The 2004 PD included an Exhibit B, which listed the development regulations for the subject property. The proposed amendment would modify the development regulations in Exhibit B by allowing office uses. The proposed amendments would allow office uses as permitted in the C-2 zoning classification, and it would specify the parking requirements for office uses as one space per 300 square feet. The PD already includes language stating that the size of the individual spaces for the different uses will be limited based on meeting the parking requirements for each use.

The PD amendment will also strike a development regulation stated that the first certificate-of-occupancy must be for a minimum of 6,000 square feet for a combination restaurant and retail use. This requirement was satisfied in 2006 when a certificate-of-occupancy was issued for a 6,500 square-foot restaurant and wine and beer store. As this requirement was satisfied, it is no longer relevant. The proposed changes to Exhibit B are illustrated by strikethrough-underline as shown in Attachment 3.

DISCUSSION

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 amendment to the Planned Development Ordinance #28-04 is needed to address the changing use of the subject property. Aside from the restaurant currently occupying Shafer Plaza, no other retail uses have been able to establish

long-term use of the property. Allowing office uses in this PD will allow for additional utilization of the building by expanding the number of allowed uses.

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 13 opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. The Plan states for areas outside of the opportunity areas that the existing zoning and the Guiding Principles should be considered in decisions about rezoning and site design. This proposal meets Guiding Principle #2, "Grow the City's economy through diversification of job and business opportunities." Allowing additional office uses within this PD will provide additional professional employment opportunities within the City, which meets the intent of the Plan.

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

The proposed amendment to the PD is not expected to negatively impact the health, safety, morals, or general welfare of the public. The proposed amendment is minor in scope. Allowing offices will not negatively impact the surrounding properties. An office use is complementary to retail, restaurant, and hotel uses in the surrounding development to the south and southeast. This PD amendment will not involve any site improvements to the subject property.

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 exist for the subject property and are sufficient for accommodating the demands associated with the request to allow additional land uses.

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;

The proposed amendment to the PD does not involve any site improvements to the site. Allowing for office uses at the subject property will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.

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

The proposed amendment to the PD does not involve any site improvements to the site. Allowing for office uses at the subject property is not expected to have any significant adverse impacts on other properties in the vicinity of the subject property. Allowing office uses should complement the surrounding retail and restaurant uses.

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

The subject property is currently zoned to allow retail and restaurant uses. Allowing for office uses will not increase the intensity of uses that already are allowed within the existing PD. Allowing office, retail and restaurant use of the property will be suitable for the subject property.

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

Amending the PD to allow office uses will not be an excessive proliferation of office use within the surrounding area of the subject property. Evidenced by the low occupancy rate of the subject property, allowing additional uses may ensure higher occupancy rates in the future.

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 proposed PD amendment will not involve any site improvements. The occupancy and intensity of the building will be limited by the parking provided. Any combination of uses within the building must meet its respective parking requirement. As there are not proposed site improvements, the development will continue to be compatible in scale with the surrounding development.

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.

The proposed PD amendment to allow office uses will not negatively impact the supply of land with similar use district. There are two other properties within the immediate area allowing for office uses. This includes property to the north of the subject property that is occupied by KE Andrews. There are also properties to the northwest that are zoned C-1, which allows for office uses. Some of these properties; however, are presently occupied by legal nonconforming single family homes. There is one 5-acre vacant tract zoned C-1, which has yet to be developed. The properties to the south and southeast are zoned for retail, restaurant, and hotel uses. In staff's opinion, allowing additional office uses at the subject property will not over supply the land available for office uses. The low occupancy rate of the subject property for retail and restaurant uses may be an indication that retail and

restaurant zoning may be oversupplied in this area. Allowing for office use at the subject property should allow for a higher utilization rate of the subject property.

In summary, the proposed amendment to the PD to allow office uses at the subject property will not have an adverse impact on adjacent properties. Allowing office uses will not increase the intensity of allowed uses within subject property beyond what is already permitted. The proposed PD amendment meets the before mentioned criteria for a rezoning and is consistent with the Realize Rowlett 2020 Comprehensive Plan. Specifically, it will diversify the area's economy by allowing additional professional employment opportunities.

Public Notice

On October 24, 2014, a total of seven notices were sent to property owners within 200 feet. As of Tuesday, November 25, 2014, no responses have been received. 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 zoning 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 City Council approve the request to amend PD Ordinance #28-04.

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 AMENDING ORDINANCE NO. ORD-28-04, AND AMENDING THE EXISTING REVISED PLANNED DEVELOPMENT DISTRICT GRANTED THEREIN, TO GRANT A CHANGE IN THE AMENDED PLANNED DEVELOPMENT CONDITIONS AND REQUIREMENTS TO ALLOW OFFICE USE AS AN ADDITIONAL USE BY RIGHT AND TO REMOVE AN OBSOLETE CONDITION FOR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR 1.3465 +/- ACRES OF LAND LOCATED AT 1800 DALROCK ROAD AND BEING DESCRIBED AS LOT 1, BLOCK A, SHAFER PLAZA ADDITION TO THE CITY OF ROWLETT, ROCKWALL 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 amending Ordinance No. ORD-28-04, and amending the existing Revised Planned Development granted therein, to allow office use as a use by right, and to delete an obsolete condition relating to the issuance of a certificate of occupancy, for 1.3465 +/- acres of land located at 1800 Dalrock Road and being described as Lot 1, Block A, Shafer Plaza Addition to the City of Rowlett, Rockwall County, Texas, and being more particularly described in Exhibit "A", attached hereto and incorporated herein, such that the Development Regulations attached to and incorporated in ORD-28-04 as Exhibit "B" be and are hereby replaced with the Revised Development Regulations attached hereto and incorporated herein as Exhibit "B," and the Concept Plan attached to and incorporated in ORD-28-04 as Exhibit "C" be and are hereby replaced with the Concept Plan attached hereto and incorporated herein as Exhibit "C."

Section 2. That the development standards and regulations set forth in ORD-28-04, except as otherwise amended herein, the standards and regulations in Exhibit "B," attached hereto, and the requirements provided for in the C-2 General Commercial/Retail zoning District 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.

Section 3. 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. The development, use and occupancy of the Property shall conform to the standards and regulations set forth in Exhibit "B," the provisions of the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended. 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 and use of the Property.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 – Amended Development Standards

Exhibit C – Revised Concept Plan

Attachment 1 – Location Map

Attachment 2 – Planned Development Ordinance #28-04

Attachment 3 – PD Exhibit B Amendments Strike-through underline

Attachment 4 – Revised Concept Plan

Exhibit "A" – Legal Description

DALROCK ROAD & I-30 SITE

BEING a tract of land situated in the City of Rowlett, Texas, in the W.T. Survey, Abstract No. 213, Rockwall County, Texas and being a 1.35 acre tract of land conveyed to Mehul B. Patel and Chirag S. Patel by deed recorded in Volume 3441, Page 199, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found with plastic cap stamped "R.S.C.I.R.P.L.S. 5034" in the east right-of-way line of Dalrock Road 90' R.O.W.), at the northwest corner of Lot 1, Block A, One Stop Dalrock No. 1, according to the plat thereof recorded in Cabinet D, Slide 137, Plat Records, Rockwall County, Texas, the southwest corner of said 1.35 acre tract;

THENCE, North 00 degrees 05 minutes 30 seconds East, along said east right-of-way line, a distance of 282.73 feet to a ½" iron rod found with plastic cap stamped "R.S.C.I.R.P.L.S. 5034" at the intersection of said east right-of-way with the south right-of-way line of the M.K. & T. Railroad (100' R.O.W.), the northwest corner of said 1.35 acre tract, the beginning of a curve to the left;

THENCE, in a southeasterly direction along said south right-of-way line and said curve to the left having a central angle of 02 degrees 33 minutes 56 seconds, a radius of 4633.66 feet, a chord bearing of South 84 degrees 13 minutes 11 seconds East, a chord distance of 207.47 feet, and an arc length of 207.48 feet to a ½" iron rod found for the northeast corner of said 1.35 acre tract, lying in the westerly line of a tract of land conveyed to the City of Dallas by deed recorded in Volume 62, Page 312, Deed Records, Rockwall County, Texas;

THENCE, departing said south right-of-way line and along the common line of said 1.35 acre tract and said City of Dallas tract, South 21 degrees 23 minutes 48 seconds East, a distance of 149.45 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the northeast corner of Lot 1, Block A, Southwestern Bell Wireless Addition, according to the plat thereof recorded in Cabinet D, Slide 275, Plat Records, Rockwall County, Texas;

THENCE, along the common line of said 1.35 acre tract and said Lot 1, South 68 degrees 36 minutes 12 seconds West, a distance of 40.00 feet to a ½" iron rod found;

THENCE continuing along said common line, South 21 degrees, 23 minutes, 48 seconds East, a distance of 30.00 feet to a ½" iron rod found;

THENCE, continuing along said common line, North 68 degrees 36 minutes 12 seconds East, a distance of 40.00 feet to a ½" rod found, a southeast corner of said 1.35 acre tract, the most northerly corner of Lot 1, Block A, I-30 Newcrest No. 1, according to the plat thereof recorded in Cabinet D, Slide 202, Plat Records, Rockwall County, Texas, and being a southwest corner of said City of Dallas tract;

THENCE, along the common line of said 1.35 acre tract and said I-30 Newcrest No. 1, South 44 degrees 10 minutes 28 seconds West, a distance of 98.51 feet to an "X" found in concrete;

THENCE, continuing along said common line, North 76 degrees 48 minutes 48 seconds West, a distance of 108.47 feet to a ½" iron rod found with plastic cap stamped "R.S.C.I.R.P.L.S. 5034";

THENCE, continuing along said common line, South 00 degrees 05 minutes 30 seconds West, a distance of 49.00 feet to an "X" found in concrete, lying in the northerly line of said One Stop Dalrock No. 1;

THENCE, along the common line of said 1.35 acre tract and said One Stop Dalrock No. 1, North 89 degrees 54 minutes 32 seconds West, a distance of 98.00 feet to the POINT OF BEGINNING and containing 58,652 square feet of 1.3465 acres of land, more or less.

EXHIBIT “B” – Development Regulations

AMENDED PLANNED DEVELOPMENT CONDITIONS AND REQUIREMENTS DALROCK ROAD & I-30 SITE

PURPOSE AND INTENT

Amend Planned Development (Ord. 028-04) to allow office, retail and restaurant uses, and to modify development regulations that pertain to the 1.3465 acres of land described in Exhibit ‘A’ – Legal Description and shown on the attached Exhibit ‘C’ – Conceptual Site Plan.

LANDSCAPING

1. The landscaping for this area will comply with the landscape requirements within the Code of Ordinance, as amended. Each parking row of nine (9) spaces shall be separated with a raised landscaped planter, curbed or depressed island of a minimum 100 sq ft area and a minimum 10-ft width, containing canopy tree(s) and appropriate combination of shrubs and groundcover.
2. All trees and plant materials shall be in accordance with the city of Rowlett approved plant list, as listed in table No. 5-5, as amended.
3. The front yard landscape edge along Dalrock frontage will be 15’.

ARCHITECTURE- (Refer to Exhibit ‘D’ – Façade Plan)

1. The structure shall be one hundred percent (100%) masonry for the total exterior wall, per elevation, excluding doors and windows. A minimum of twenty percent (20%) of each elevation shall incorporate accent stone, as outlined in Ord 03-16-04A (Revised Masonry Requirements).
2. The same exterior wall material(s) and finishes used on the primary building/s shall be used on all accessory buildings, screening walls or other structural features of the site.
3. Due to the visibility of the retail center from all directions, all building facades shall be designed to provide architectural features (such as, fenestration, entries, windows, canopies, parapet, brick detailing/corbeling, etc.)

PAVING AND PARKING AREAS

1. Driveways and parking area shall be constructed with concrete surface in accordance with City standards. Paving surfaces consisting of brick or stone pavers may be used to delineate pedestrian crossing areas or parking area access.
2. The number of parking spaces shall not be less than outlined below:
 - Office uses – 1 space per 300 gross sq ft;
 - Retail uses – 1 space per 200 gross sq ft floor space;
 - Restaurant use – 1 space per 100 gross sq ft.

3. Use of office, retail or restaurant space/s within the building shall be limited to those allowable uses whose combined parking requirements do not exceed the available on-site parking unless approved by the Planning and Zoning Commission.

SIGNAGE

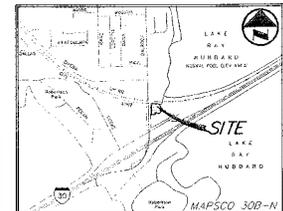
1. Signage shall be in accordance with the sign regulations within the Rowlett Code of Ordinances, as amended, for height and area. Any variation must be approved by the Board of Adjustment. The design of the sign (i.e. sign type, dimensioning, listing of materials, and other related details) shall be included in the Site Plan.

ILLUMINATION

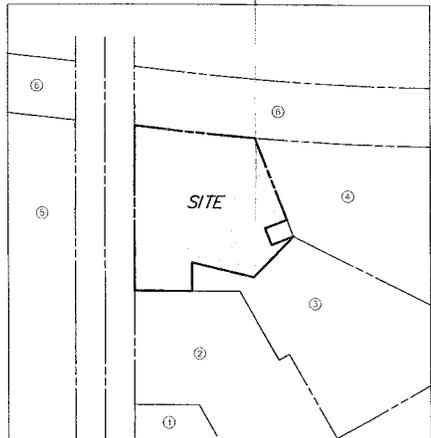
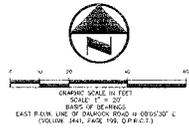
1. Lighting standards, poles and fixtures shall be compatible with the architecture of the building(s) and site.
2. All lighting shall be down-light or cut-off types oriented to eliminate glare outside the property boundaries.

GENERAL

1. Uses are those office, restaurant and retail sales uses permitted in the C-2 zoning classification.
2. The maximum building footprint will be 11,400 sq ft.
3. All utilities shall be constructed underground at the time of construction.
4. All trash containers shall be screened as outlined in current landscape regulations, as amended.
5. No building shall exceed 31 feet in height.
6. Front yard - Minimum 50 feet from street right-of-way. Any additional right-of-way needed for Dalrock Road to comply with the current Master Thoroughfare Plan shall be dedicated by plat.
7. Side yard setback – Minimum 50 feet from adjoining residential district or street.
8. Rear yard setback – Alley, service court, rear yard, or combination thereof, not less than 30 feet.
9. Sidewalks – Sidewalks are required adjacent to all public streets.
10. All development shall adhere to the Rowlett subdivision and development regulations, as amended, except as outlined herein.



VICINITY MAP
NOT TO SCALE



PROPERTY MAP
1" = 100'

1. DALROCK I-30 ADDITION PHASE I, DIAMOND SHAMROCK (CABINET C, PAGE 39, P.R.R.C.T.)
2. LOT 1, BLOCK A, ONE STOP DALROCK NO. 1 (CABINET D, SLIDE 132, P.R.R.C.T.)
3. LOT 1, BLOCK A, I-30 NEWREST NO. 1 (CABINET E, SLIDE 309, P.R.R.C.T.)
4. CITY OF DALLAS (VOLUME 62, PAGE 312, D.R.R.C.T.)
5. CITY OF DALLAS
6. M, K, & T RAILROAD

- LEGEND**
- 1. BOLLARD
 - 2. ELECTRIC METER
 - 3. POWER POLE
 - 4. LIGHT STANDARD
 - 5. WATER METER
 - 6. EXISTING WATER VALVE
 - 7. WALK VALVE
 - 8. IRRIGATION CONTROL VALVE
 - 9. FIRE HYDRANT
 - 10. FIRE DEPARTMENT CONNECTION
 - 11. CLEAN OUT
 - 12. EXISTING MANHOLE
 - 13. MANHOLE
 - 14. GAS METER
 - 15. TRAFFIC SIGNAL CONTROL
 - 16. TRAFFIC SIGNAL POLE
 - 17. TRAFFIC SIGN
 - 18. TELEPHONE RISER
 - 19. TV BOX
 - 20. FLAG POLE
 - 21. LANDSCAPE AREA
 - 22. PROPERTY LINE
 - 23. CURB/TOWER LINES
 - 24. U/G TELEPHONE LINES
 - 25. U/G WATER LINE
 - 26. U/G GAS LINE
 - 27. TIE-IN
 - 28. EXISTING OUTCROUS
 - 29. CONTOURS
 - 30. EXISTING SPOT GRADIENT
 - 31. SPOT GRADIENT
 - 32. EROSION CONTROL
 - 33. DRAINAGE DITCHES

- PAVEMENT LEGEND**
- 1. STANDARD PAVEMENT
 - 2. FIRE LANE PAVEMENT
 - 3. DUMPSTER PAD AND APRON

RECEIVED
OCT 0 4 2015
PLANNING DEPT.

SITE DATA SUMMARY TABLE

ITEM	LOT 2R, BLOCK A	LOT 1, BLOCK A
ZONING	PD 899-20-88A - (GRID 2004-129)	RETAIL/RESTAURANT
PROPOSED USE		RETAIL/RESTAURANT
LOT AREA (SF/ACRES)		57,240/1.3141
BUILDING HT (FT/STORIES)		20'-4"/1 STORY
LOT COVERAGE (%)		18.0
FLOOR AREA RATIO		0.18
PARKING REQUIRED		67
HANDICAPPED PARKING REQUIRED		3
PARKING PROVIDED		67
HANDICAPPED PARKING PROVIDED		3
INTERIOR LANDSCAPING PROVIDED		57,240 SF x 0.15 = 8,765 SF
INTERIOR LANDSCAPING PROVIDED		15,910 SF = 24.3%

Interim October 16, 2014 EXHIBIT C - ZONING EXHIBIT
Re-zoning change request for 1800 Dalrock, Rowlett, TX 75088
Ordinance #: ORD-20-04
Existing building area: 18,206 sf
4,000 sf dedicated to restaurant use, 4,306 sf retail
Owner must be a licensed PD as follows:
2,250 sf of existing restaurant to remain.
7,956 sf remaining as office, retail or restaurant

PARKING TABULATION

PARKING RATIOS:
RESTAURANT: 1.5 SEATS / 3 SEATS + 1 SPACE PER EMPLOYEE ON MAX. SHIFT
RETAIL: 1 SPACE / 200 SF

PROPOSED BUILDING: 10,306 SF TOTAL
RESTAURANT #1: 8,000 SF, 99 SEATS (INCLUDING PATIO), 6 EMP. ON MAX. SHIFT
RESTAURANT #2: 1,500 SF, 30 SEATS, 4 EMP. ON MAX. SHIFT
RETAIL: 2,806 SF

REQUIRED PARKING:
99 SEATS / 3 + 4 = 39
30 SEATS / 3 + 4 = 14
2,806 SF / 200 SF = 14
TOTAL REQUIRED PARKING = 67

PARKING PROVIDED:
67 REGULAR PARKING SPACES
3 HANDICAPPED PARKING SPACES
67 TOTAL PARKING SPACES PROVIDED

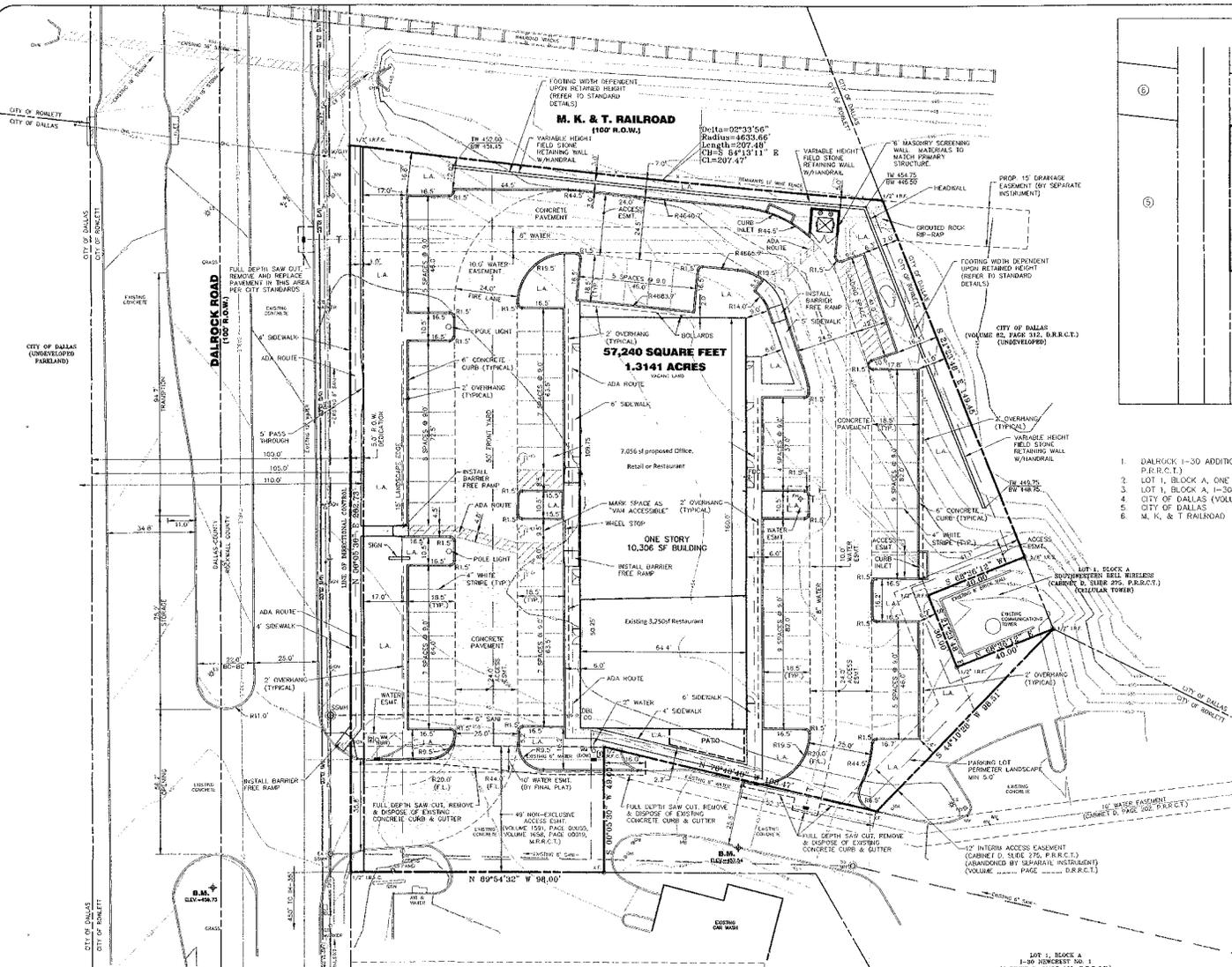
NOTE:
ALL DIMENSIONS ARE FROM BACK OF CURB TO GALK OF CURB, UNLESS OTHERWISE NOTED.

ADA ROUTE

MINIMUM SLOPE FOR ALL ADA PATHS 5%, MAX. CROPS FALL 4% TO FOR THE FIRST FIVE FEET FROM THE DOOR (1.2% SLOPE MAX.) MUST BE MAINTAINED.

NOTE:
LIGHTING TO BE DIRECTED DOWNWARD WITH NO GLARE OR LIGHT CONE ESCAPE ONTO ADJACENT PROPERTIES.

NOTE:
SITE PAVING, GRADING, DRAINAGE, AND EROSION CONTROL IMPROVEMENTS TO BE APPROVED BY ADJACENT PROPERTY OWNER VIA A LETTER OF SUBMISSION PRIOR TO ISSUANCE OF ANY PERMIT FOR CONSTRUCTION.



BENCHMARK LIST:

PROJECT BENCHMARK-THE BERTINUS TOP SURVEY MONUMENT WITH ACCESS COVER IS LOCATED IN THE CORNER OF MEANAN OF DALROCK ROAD 2507 SOUTH OF RAILROAD TRACTS 12.4' SOUTH OF THE NOSE OF THE SOUTH MEANAN, 10.6' EAST OF THE WEST CURB AND 14.0' WEST OF THE EAST CURB. ELEVATION = 454.73

SITE BENCHMARK-"T" SET ON TOP OF SOUTH CURB OF ACCESS TRACT, 0.50' EAST OF THE SOUTHWEST CORNER OF THE SUBJECT TRACT. ELEVATION = 457.94

FRANCHISE UTILITY NOTES:

1. TNU ENERGY CONSTRUCTION SERVICES - CHP MERRIT - (800) 711-9112
2. ONCOR UTILITY COMPANY - SHAWI WOOD - (972) 455-6277
3. VERIZON - MA HALEY - (972) 316-8973

WATER METER SCHEDULE:

PHASING	ID	LOCATION	TYPE	SIZE	QUANTITY	MAN. SEWER
PROPOSED	1	SNC LOT	DOMESTIC	2.0"	1	6"
PROPOSED	2	SNC LOT	IRRIGATION	1.0"	1	N/A

PROJECT INFORMATION

SHAFFER RETAIL CENTER
BLOCK A, LOT 1, SHAFFER PLAZA ADDITION
ROWLETT, ROCKWALL COUNTY, TEXAS
W.H. THOMAS SURVEY, ABSTRACT NO. 213
PROPOSED USE: RETAIL/RESTAURANT
ZONING: PD# 9.20.88A

DEVELOPER

SHAFFER PROPERTY COMPANY
3001 KNOX STREET #207
DALLAS, TEXAS 75205
MR. RYAN SHAFFER
(214) 361-7778 PHONE
(214) 361-4611 FAX

THE SEAL APPEARED ON THIS DOCUMENT WAS AUTHORIZED BY RANDALL P. POGUE, P.E. OUTSIDE OF HIS OFFICE. A SIGNATURE OF A REGISTERED PROFESSIONAL ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

R. P. Pogue
10-14-15



POGUE
ENGINEERING & DEVELOPMENT COMPANY, INC.

2111 ELDORADO PARKWAY
SUITE 101
MCKINNEY, TEXAS 75070

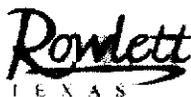
6743 344-3800 PHONE
(940) 344-3886 FAX
rpd@pogue.com

SITE PLAN

SHAFFER PLAZA
BLOCK A, LOT 1, SHAFFER PLAZA ADDITION
W.H. THOMAS SURVEY, ABSTRACT NO. 213
CITY OF ROWLETT, TEXAS

SHEET NO. C1.01

DATE: 07/14/15, 10:30 AM
BY: RANDALL P. POGUE, P.E. (10000)
PROJECT: SHAFFER PLAZA ADDITION, BLOCK A, LOT 1, ROWLETT, TEXAS



City of Rowlett

Official Copy

Ordinance: 2004-129

City of Rowlett
4000 Main Street
P.O. Box 99
Rowlett, TX 75030
www.ci.rowlett.tx.us

File Number: 2004-129

Enactment Number: ORD-28-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ROWLETT AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING FROM REVISED PLANNED DEVELOPMENT DISTRICT NO. 10-4-83A (PD-C-1) (ORDINANCE NO. 9-20-88A) TO REVISED PLANNED DEVELOPMENT DISTRICT FOR RESTAURANT/RETAIL SALES USES AS PROVIDED IN SECTION 102.398 AND TABLE 3-1 OF THE CODE OF ORDINANCES ON A TRACT CONTAINING 1.4± ACRES OF LAND LOCATED ON THE EAST SIDE OF DALROCK ROAD, 475± FEET NORTH OF INTERSTATE HIGHWAY 30 AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR DEVELOPMENT STANDARDS OUTLINED IN EXHIBIT B, AND THE ZONING CONCEPT PLAN SHOWN IN EXHIBIT C, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR 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 have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rowlett should be amended; Now, Therefore,

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

Section 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Rowlett, Texas is hereby amended by granting a change in zoning from Revised Planned Development District No. 10-4-83A (PD-C-1) (Ordinance No. 9-20-88A) to Revised Planned Development Restaurant/Retail Sales Uses for development of 1.4± acres of land located on the east side of Dalrock Road, 475± feet north of Interstate Highway 30, and being more particularly described in Exhibit A attached hereto and incorporated herein.

Section 2. That the property described in Exhibit A shall be developed in accordance with the Development Standards, Zoning Concept Plan, and Site and Elevation Study, which are attached hereto and incorporated herein as Exhibits B, and C, respectively, and which are hereby approved.

Section 3. That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance 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 4. 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 not affect the validity of this ordinance as a whole, or any part or provision thereof 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.

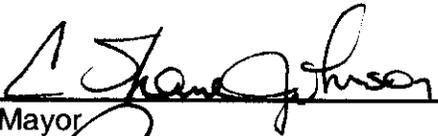
Section 5. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

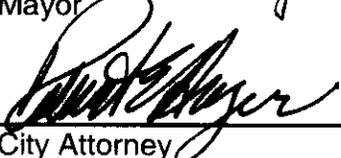
Section 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

At a meeting of the City Council on December 7, 2004, a motion was made by Councilmember Maggiotto, seconded by Deputy Mayor Pro Tem Mahnken, that this Ordinance be Adopted. The motion passed by the following vote:

Ayes: 7 Mayor Johnson, Mayor Pro Tem Sebastian, Deputy Mayor Pro Tem Mahnken, Councilmember Alberts, Councilmember Bryan, Councilmember Maggiotto and Councilmember Rushing

Approved by  **Date** 12/7/04
Mayor

Approved to Form by  **Date** 12/7/04
City Attorney

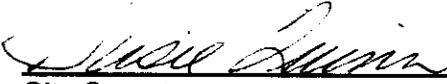
Certified by  **Date** 12/7/04
City Secretary



Exhibit A – Legal Description**Amended Planned Development #10-4-83A Revised (Ordinance # 9-20-88A)****(Shafer Plaza parcel; Case #ZAM04-008)**

BEING a tract of land situated in the City of Rowlett, Texas, in the W.T. Survey, Abstract No. 213, Rockwall County, Texas and being a 1.35 acre tract of land conveyed to Mehul B. Patel and Chirag S. Patel by deed recorded in Volume 3441, Page 199, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½” iron rod found with plastic cap stamped “R.S.C.I.R.P.L.S. 5034” in the east right-of-way line of Dalrock Road 90’ R.O.W.), at the northwest corner of Lot 1, Block A, One Stop Dalrock No. 1, according to the plat thereof recorded in Cabinet D, Slide 137, Plat Records, Rockwall County, Texas, the southwest corner of said 1.35 acre tract;

THENCE, North 00 degrees 05 minutes 30 seconds East, along said east right-of-way line, a distance of 282.73 feet to a ½” iron rod found with plastic cap stamped “R.S.C.I.R.P.L.S. 5034” at the intersection of said east right-of-way with the south right-of-way line of the M.K. & T. Railroad (100’ R.O.W.), the northwest corner of said 1.35 acre tract, the beginning of a curve to the left;

THENCE, in a southeasterly direction along said south right-of-way line and said curve to the left having a central angle of 02 degrees 33 minutes 56 seconds, a radius of 4633.66 feet, a chord bearing of South 84 degrees 13 minutes 11 seconds East, a chord distance of 207.47 feet, and an arc length of 207.48 feet to a ½” iron rod found for the northeast corner of said 1.35 acre tract, lying in the westerly line of a tract of land conveyed to the City of Dallas by deed recorded in Volume 62, Page 312, Deed Records, Rockwall County, Texas;

THENCE, departing said south right-of-way line and along the common line of said 1.35 acre tract and said City of Dallas tract, South 21 degrees 23 minutes 48 seconds East, a distance of 149.45 feet to a 5/8” iron rod set with red plastic cap stamped “R.P.L.S. 5199”, the northeast corner of Lot 1, Block A, Southwestern Bell Wireless Addition, according to the plat thereof recorded in Cabinet D, Slide 275, Plat Records, Rockwall County, Texas;

THENCE, along the common line of said 1.35 acre tract and said Lot 1, South 68 degrees 36 minutes 12 seconds West, a distance of 40.00 feet to a ½” iron rod found;

THENCE continuing along said common line, South 21 degrees, 23 minutes, 48 seconds East, a distance of 30.00 feet to a ½” iron rod found;

THENCE, continuing along said common line, North 68 degrees 36 minutes 12 seconds East, a distance of 40.00 feet to a ½” rod found, a southeast corner of said 1.35 acre tract, the most northerly corner of Lot 1, Block A, I-30 Newcrest No. 1, according to the plat thereof recorded in Cabinet D, Slide 202, Plat Records, Rockwall County, Texas, and being a southwest corner of said City of Dallas tract;

THENCE, along the common line of said 1.35 acre tract and said I-30 Newcrest No. 1, South 44 degrees 10 minutes 28 seconds West, a distance of 98.51 feet to an “X” found in concrete;

THENCE, continuing along said common line, North 76 degrees 48 minutes 48 seconds West, a distance of 108.47 feet to a ½” iron rod found with plastic cap stamped “R.S.C.I.R.P.L.S. 5034”;

THENCE, continuing along said common line, South 00 degrees 05 minutes 30 seconds West, a distance of 49.00 feet to an “X” found in concrete, lying in the northerly line of said One Stop Dalrock No. 1;

THENCE, along the common line of said 1.35 acre tract and said One Stop Dalrock No. 1, North 89 degrees 54 minutes 32 seconds West, a distance of 98.00 feet to the POINT OF BEGINNING and containing 58,652 square feet of 1.3465 acres of land, more or less.

Exhibit B – Development Regulations

Amended Planned Development #10-4-83A Revised (Ordinance # 9-20-88A)

(Shafer Plaza parcel; Case #ZAM04-008)

PURPOSE AND INTENT

Amend Planned Development (Ord. 9-20-88A) to rezone the subject property from restaurant and private club uses to retail and restaurant uses as set forth in Section 102.393 and Table 3.1 of the Code of Ordinances, and to modify development regulations that pertain to the 1.3465 acres of land described in Exhibit A – Legal Description and shown on the attached Exhibit C – Conceptual Site Plan.

LANDSCAPING

1. The landscaping for this area will comply with the landscape requirements within the Code of Ordinance, as amended. Each parking row of nine (9) spaces shall be separated with a raised landscaped planter, curbed or depressed island of a minimum 100 sq ft area and a minimum 10-ft width, containing canopy tree(s) and appropriate combination of shrubs and groundcover.
2. All trees and plant materials shall be in accordance with the city of Rowlett approved plant list, as listed in table No. 5-5, as amended.
3. The front yard landscape edge along Dalrock frontage will be 15'.

ARCHITECTURE

1. The structure shall be one hundred percent (100%) masonry for the total exterior wall, per elevation, excluding doors and windows. A minimum of twenty percent (20%) of each elevation shall incorporate accent stone, as outlined in Ord 03-16-04A (Revised Masonry Requirements).
2. The same exterior wall material(s) and finishes used on the primary building/s shall be used on all accessory buildings, screening walls or other structural features of the site.
3. Due to the visibility of the retail center from all directions, all building facades shall be designed to provide architectural features (such as, fenestration, entries, windows, canopies, parapet, brick detailing/corbeling, etc.)

PAVING AND PARKING AREAS

1. Driveways and parking area shall be constructed with concrete surface in accordance with City standards. Paving surfaces consisting of brick or stone pavers may be used to delineate pedestrian crossing areas or parking area access.
2. The number of parking spaces shall not be less than outlined below:
 - Retail uses – 1 space per 200 gross sq ft floor space;
 - Restaurant use – 1 space per 100 gross sq ft.

3. Use of retail or restaurant space/s within the building shall be limited to those allowable uses whose combined parking requirements do not exceed the available on-site parking unless approved by the Planning and Zoning Commission.

SIGNAGE

1. Signage shall be in accordance with the sign regulations within the Rowlett Code of Ordinances, as amended, for height and area. Any variation must be approved by the Board of Adjustment. The design of the sign (i.e. sign type, dimensioning, listing of materials, and other related details) shall be included in the Site Plan.

ILLUMINATION

1. Lighting standards, poles and fixtures shall be compatible with the architecture of the building(s) and site.
2. All lighting shall be down-light or cut-off types oriented to eliminate glare outside the property boundaries.

GENERAL

1. Uses are those retail sales uses permitted in the C-2 zoning classification.
2. The first certificate of occupancy must be for a minimum of 6,000 square feet for a combination restaurant and retail use, including the sale and on-site consumption of beer and wine. The restaurant use shall have a minimum of 100 seats. The remaining 4,306 – 5,400 sq ft area to be divided into no more than 3 lease spaces and divided such that one of the lease areas shall be designed as a more substantial store front of not less than 1,800 sq ft and the remaining interior retail space shall be no less than 1,000 sq ft per lease space.
3. The maximum building footprint will be 11,400 sq ft.
4. All utilities shall be constructed underground at the time of construction.
5. All trash containers shall be screened as outlined in current landscape regulations, as amended.
6. No building shall exceed 31 feet in height.
7. Front yard - Minimum 50 feet from street right-of-way. Any additional right-of-way needed for Dalrock Road to comply with the current Master Thoroughfare Plan shall be dedicated by plat.
8. Side yard setback – Minimum 50 feet from adjoining residential district or street.
9. Rear yard setback – Alley, service court, rear yard, or combination thereof, not less than 30 feet.
10. Sidewalks – Sidewalks are required adjacent to all public streets.
11. All development shall adhere to the Rowlett subdivision and development regulations, as amended, except as outlined herein.

EXHIBIT “B” – Development Regulations

AMENDED PLANNED DEVELOPMENT CONDITIONS AND REQUIREMENTS DALROCK ROAD & I-30 SITE (~~Shafer Plaza parcel; ZAM04-008~~)

PURPOSE AND INTENT

Amend Planned Development (Ord. ~~9-20-88A028-04~~) to ~~rezone the subject property from restaurant and private club uses to allow office,~~ retail and restaurant uses, and to modify development regulations that pertain to the 1.3465 acres of land described in Exhibit ‘A’ – Legal Description and shown on the attached Exhibit ‘C’ – Conceptual Site Plan.

LANDSCAPING

1. The landscaping for this area will comply with the landscape requirements within the Code of Ordinance, as amended. Each parking row of nine (9) spaces shall be separated with a raised landscaped planter, curbed or depressed island of a minimum 100 sq ft area and a minimum 10-ft width, containing canopy tree(s) and appropriate combination of shrubs and groundcover.
2. All trees and plant materials shall be in accordance with the city of Rowlett approved plant list, as listed in table No. 5-5, as amended.
3. The front yard landscape edge along Dalrock frontage will be 15’.

ARCHITECTURE- (Refer to Exhibit ‘D’ – Façade Plan)

1. The structure shall be one hundred percent (100%) masonry for the total exterior wall, per elevation, excluding doors and windows. A minimum of twenty percent (20%) of each elevation shall incorporate accent stone, as outlined in Ord 03-16-04A (Revised Masonry Requirements).
2. The same exterior wall material(s) and finishes used on the primary building/s shall be used on all accessory buildings, screening walls or other structural features of the site.
3. Due to the visibility of the retail center from all directions, all building facades shall be designed to provide architectural features (such as, fenestration, entries, windows, canopies, parapet, brick detailing/corbeling, etc.)

PAVING AND PARKING AREAS

1. Driveways and parking area shall be constructed with concrete surface in accordance with City standards. Paving surfaces consisting of brick or stone pavers may be used to delineate pedestrian crossing areas or parking area access.
2. The number of parking spaces shall not be less than outlined below:
 - Office uses – 1 space per 300 gross sq ft;
 - Retail uses – 1 space per 200 gross sq ft floor space;
 - Restaurant use – 1 space per 100 gross sq ft.

Exhibit 'B' – Development Regulations; Dalrock Road & I-30 Site (Shafer Plaza parcel; ZAM04-008)

3. Use of office, retail or restaurant space/s within the building shall be limited to those allowable uses whose combined parking requirements do not exceed the available on-site parking unless approved by the Planning and Zoning Commission.

SIGNAGE

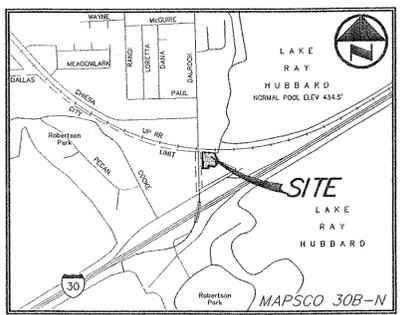
1. Signage shall be in accordance with the sign regulations within the Rowlett Code of Ordinances, as amended, for height and area. Any variation must be approved by the Board of Adjustment. The design of the sign (i.e. sign type, dimensioning, listing of materials, and other related details) shall be included in the Site Plan.

ILLUMINATION

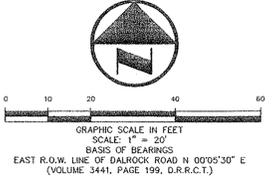
1. Lighting standards, poles and fixtures shall be compatible with the architecture of the building(s) and site.
2. All lighting shall be down-light or cut-off types oriented to eliminate glare outside the property boundaries.

GENERAL

1. Uses are those office, restaurant and retail sales uses permitted in the C-2 zoning classification.
- ~~2. The first certificate of occupancy must be for a minimum of 6,000 square feet for a combination restaurant and retail use, including the sale and on site consumption of beer and wine. The restaurant use shall have a minimum of 100 seats. The remaining 4,306 – 5,400 sq ft area to be divided into no more than 3 lease spaces and divided such that one of the lease areas shall be designed as a more substantial store front of not less than 1,800 sq ft and the remaining interior retail space shall be no less than 1,000 sq ft per lease space.~~
- ~~3.2.~~ The maximum building footprint will be 11,400 sq ft.
- ~~4.3.~~ All utilities shall be constructed underground at the time of construction.
- ~~5.4.~~ All trash containers shall be screened as outlined in current landscape regulations, as amended.
- ~~6.5.~~ No building shall exceed 31 feet in height.
- ~~7.6.~~ Front yard - Minimum 50 feet from street right-of-way. Any additional right-of-way needed for Dalrock Road to comply with the current Master Thoroughfare Plan shall be dedicated by plat.
- ~~8.7.~~ Side yard setback – Minimum 50 feet from adjoining residential district or street.
- ~~9.8.~~ Rear yard setback – Alley, service court, rear yard, or combination thereof, not less than 30 feet.
- ~~10.9.~~ Sidewalks – Sidewalks are required adjacent to all public streets.
- ~~11.10.~~ All development shall adhere to the Rowlett subdivision and development regulations, as amended, except as outlined herein.



VICINITY MAP
NOT TO SCALE



PROPERTY MAP
1" = 100'

- LEGEND**
- B. BOLLARD
 - EM. ELECTRIC METER
 - PP. POWER POLE
 - LS. LIGHT STANDARD
 - WM. WATER METER
 - WV. EXISTING WATER VALVE
 - WV. WATER VALVE
 - ICV. IRRIGATION CONTROL VALVE
 - FD. FIRE HYDRANT
 - FD. FIRE DEPARTMENT CONNECTION
 - CO. CLEAN OUT
 - EMH. EXISTING MANHOLE
 - GM. GAS METER
 - TSC. TRAFFIC SIGNAL CONTROL
 - TSP. TRAFFIC SIGNAL POLE
 - TS. TRAFFIC SIGN
 - TEL. TELEPHONE RISER
 - TV. TV BOX
 - FP. FLAG POLE
 - L.A. LANDSCAPE AREA
 - PROPERTY LINE
 - C.H. POWER LINES
 - U/G TELEPHONE LINES
 - U/G WATER LINE
 - U/G GAS LINE
 - FENCE
 - EXISTING CONTOURS
 - CONTOURS
 - EXISTING SPOT GRADES
 - TO XXX.XX SPOT GRADES
 - G XXX.XX EROSION CONTROL
 - DRAINAGE DIVIDES
- PAVEMENT LEGEND**
- STANDARD PAVEMENT
 - FIRE LANE PAVEMENT
 - DUMPSTER PAD AND APRON

1. DALROCK I-30 ADDITION PHASE I, DIAMOND SHAMROCK (CABINET C, PAGE 39, P.R.R.C.T.)
2. LOT 1, BLOCK A, ONE STOP DALROCK NO. 1 (CABINET D, SLIDE 137, P.R.R.C.T.)
3. LOT 1, BLOCK A, I-30 NEWCREST NO. 1 (CABINET E, SLIDE 309, P.R.R.C.T.)
4. CITY OF DALLAS (VOLUME 62, PAGE 312, D.R.R.C.T.)
5. CITY OF DALLAS
6. M, K, & T RAILROAD

RECEIVED
OCT 04 2005
PLANNING DEPT.

PARKING TABULATION:

PARKING RATIOS:
RESTAURANT #1: 6,000 SF, 99 SEATS (INCLUDING PATIO), 6 EMP. ON MAX. SHIFT
RESTAURANT #2: 1,500 SF, 30 SEATS, 4 EMP. ON MAX. SHIFT

RETAIL: 1 SPACE / 200 SF

PROPOSED BUILDING: 10,306 SF TOTAL
RESTAURANT #1: 6,000 SF, 99 SEATS (INCLUDING PATIO), 6 EMP. ON MAX. SHIFT
RESTAURANT #2: 1,500 SF, 30 SEATS, 4 EMP. ON MAX. SHIFT

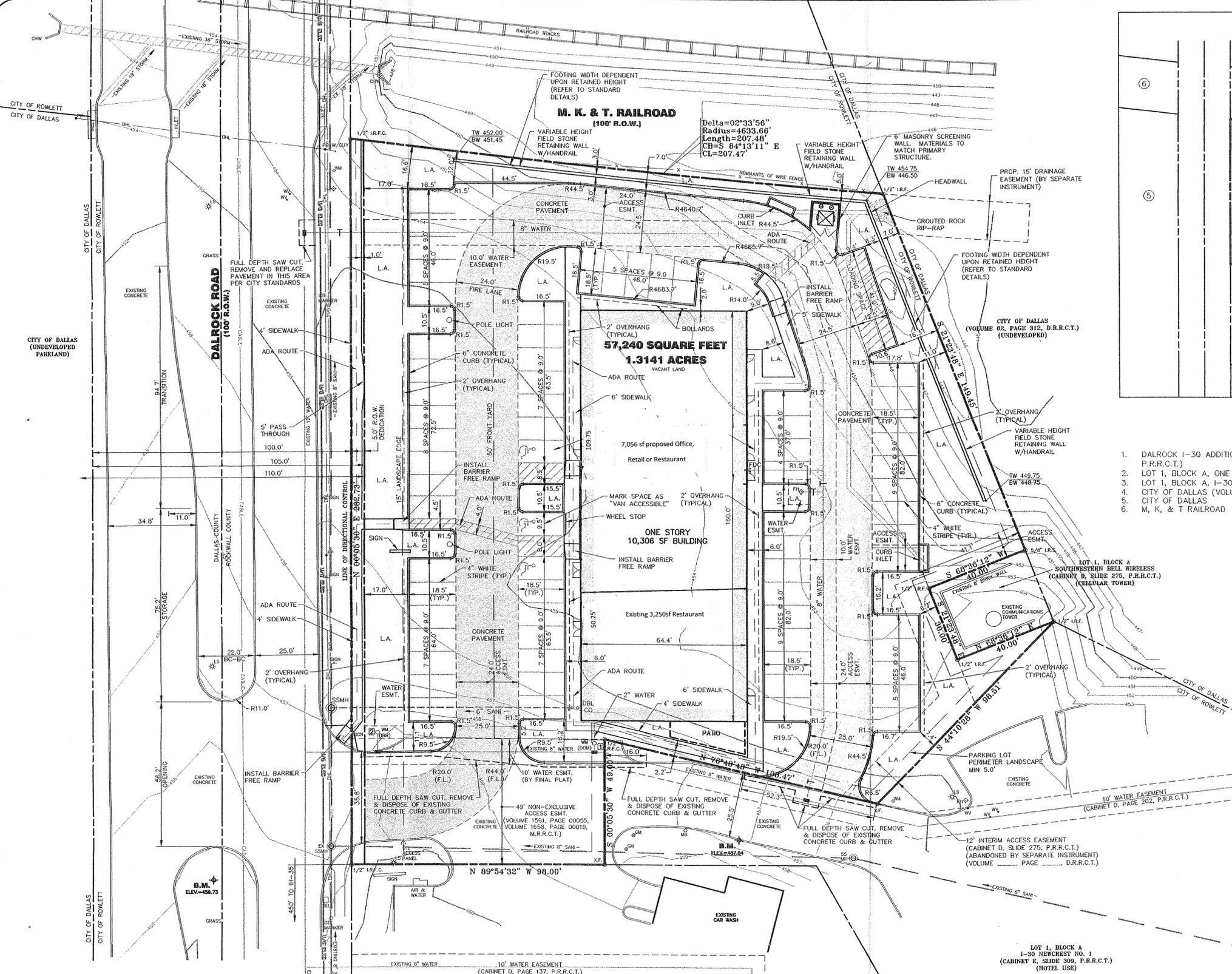
REQUIRED PARKING:
99 SEATS / 3 + 4 = 39
30 SEATS / 3 + 4 = 14
2,806 SF / 200 SF = 14
TOTAL REQUIRED PARKING = 67

PARKING PROVIDED:
64 REGULAR PARKING SPACES
3 HANDICAPPED PARKING SPACES
67 TOTAL PARKING SPACES PROVIDED

SITE DATA SUMMARY TABLE

ITEM	LOT 2R, BLOCK A
ZONING	PD #09-20-88A - (ORD. 2004-129)
PROPOSED USE	RETAIL/RESTAURANT
LOT AREA (SF/ACRES)	57,240/1.3141
BUILDING (SF)	10,306
BUILDING HT (FT/STORIES)	20'-4"/1 STORY
LOT COVERAGE (%)	18.0
FLOOR AREA RATIO	0.18:1
PARKING REQUIRED	67
HANDICAPPED PARKING REQUIRED	3
PARKING PROVIDED	67
HANDICAPPED PARKING PROVIDED	3
INTERIOR LANDSCAPING REQUIRED	57,240 SF x 0.15 = 8,765 SF
INTERIOR LANDSCAPING PROVIDED	13,910 SF = 24.3%
IMPERVIOUS AREA (SF)	43,330

Date: October 16, 2014 EXHIBIT B - ZONING EXHIBIT
Re: Zoning change request for 1800 Dalrock, Rowlett, Tx 75088
Ordinance: ORD-28-04
Existing Building area: 10,306 sf
6,000 sf dedicated to restaurant use, 4,306 sf Retail
Owner wants to amend PD as follows:
3,250 sf as existing restaurant to remain.
7,056 sf remaining as office, retail or restaurant.



BENCHMARK LIST:
PROJECT BENCHMARK-THE BERNTSEN TOP SECURITY MONUMENT WITH ACCESS COVER IS LOCATED IN THE CENTERLINE OF MEDIAN OF DALROCK ROAD 250' SOUTH OF RAILROAD TRACTS, 12.8' SOUTH OF THE NOSE OF THE SOUTH MEDIAN, 15.6' EAST OF THE WEST CURB AND 16.6' WEST OF THE EAST CURB.
ELEVATION = 459.73
SITE BENCHMARK-"X" SET ON TOP OF SOUTH CURB OF ACCESS DRIVE, 53.0' EAST OF THE SOUTHEAST CORNER OF THE SUBJECT TRACT.
ELEVATION = 457.54

FRANCHISE UTILITY NOTES:
1. TXU ENERGY CONSTRUCTION SERVICES - CHIP MERRIT - (800) 711-9112
2. ONCOR UTILITY COMPANY - DINAH WOOD - (972) 485-6277
3. VERIZON - MIA HALEY - (972) 316-8973

WATER METER SCHEDULE:

PHASING	ID	LOCATION	TYPE	SIZE	QUANTITY	SAN. SEWER
PROPOSED	1	SWC LOT	DOMESTIC	2.0"	1	6"
PROPOSED	2	SWC LOT	IRRIGATION	1.0"	1	N/A

NOTE:
LIGHTING TO BE DIRECTED DOWNWARD WITH NO GLARE OR LIGHT CONE ESCAPE ONTO ADJACENT PROPERTIES.

ADA ROUTE
NOTE: MAXIMUM SLOPE FOR ALL ADA PATHS 5%; MAX. CROSS FALL IS 2% FOR THE FIRST FIVE FEET FROM THE DOOR A 2% SLOPE (MAX.) MUST BE MAINTAINED

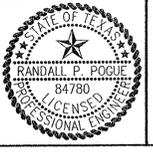
NOTE:
OFF-SITE PAVING, GRADING, DRAINAGE, AND EROSION CONTROL IMPROVEMENTS TO BE APPROVED BY ADJACENT PROPERTY OWNER VIA A LETTER OF PERMISSION PRIOR TO ISSUANCE OF ANY PERMIT FOR CONSTRUCTION.

NO.	DATE	REVISION / DESCRIPTION		
DESIGN	DRAWN	DATE	SCALE	NOTES
RPP	BEC	07-14-05	AS SHOWN	

PROJECT INFORMATION
SHAHER RETAIL CENTER
BLOCK A, LOT 1, SHAHER PLAZA ADDITION
ROWLETT, ROCKWALL COUNTY, TEXAS
W.H. THOMAS SURVEY, ABSTRACT NO. 213
PROPOSED USE: RETAIL/RESTAURANT
ZONING: PD# 9.20.88A

DEVELOPER
SHAHER PROPERTY COMPANY
3001 KNOX STREET #207
DALLAS, TEXAS 75205
MR. RYAN SHAHER
(214) 361-7778 PHONE
(214) 361-4611 FAX

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RANDALL P. POGUE, P.E. 04-04-05 ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.



POGUE
ENGINEERING & DEVELOPMENT COMPANY, INC.
2111 ELDORADO PARKWAY SUITE 101 MCKINNEY, TEXAS 75070
(214) 544-8880 PHONE (214) 544-8882 FAX randy@pogueinc.com

SITE PLAN
SHAHER PLAZA
BLOCK A, LOT 1, SHAHER PLAZA ADDITION
W.H. THOMAS SURVEY, ABSTRACT NO. 213
CITY OF ROWLETT, TEXAS

SHEET NO. C1.01