



# 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.*

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Tuesday, February 3, 2015

5:30 P.M.

Municipal Building – 4000 Main Street

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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**
3. **WORK SESSION (5:30 P.M.)\*** Times listed are approximate.
  - 3A. Receive update on 84<sup>th</sup> Texas Legislative Session. (30 minutes)
  - 3B. Hear a presentation outlining the City Aggregate, Departmental, and Tenure-based results of the 2014 City of Rowlett Employee Climate Assessment Survey. (30 minutes)
  - 3C. Discuss the Request for Proposals (RFP's) submitted on January 22, 2015, for the remodel of the 5702 Rowlett Road property for the Rowlett Public Library. (30 minutes)
  - 3D. Discuss proposed amendments to the Code of Ordinances to create regulations pertaining to Oil and Gas Drilling and Production, and seek feedback from City Council regarding future consideration of proposed amendments. (30 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. Hear presentation of the Monthly Financial report for the period ending December 31, 2014.
- 5B. Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.
- 5C. Mayor's State of the City Address

**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 January 20, 2015, City Council Meeting and the January 27, 2015 City Council Work Session Meeting.
- 7B. Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Rowlett Road Lower Pressure Plane Pump Station Project in the amount of \$361,394.16 to Crescent Constructors Incorporated, and authorizing the Mayor to execute the necessary documents.
- 7C. Consider action to approve a resolution authorizing the final acceptance and release of retainage for the traffic signal construction for the Princeton Road at Liberty Grove Road Project in the amount of \$14,627.90 to Durable Specialties, Incorporated and authorizing the Mayor to execute the necessary documents.
- 7D. Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Martha Lane Tank Water Main Improvements Project in the amount of \$22,989 to Fryer Construction Company, and authorizing the Mayor to execute the necessary documents.
- 7E. Consider action to approve a resolution authorizing the final acceptance and release of retainage for the 24-Inch Force Main Replacement and Television Inspection Project in the amount of \$26,856.93 to Flow-Line Construction and authorizing the Mayor to execute the necessary documents.
- 7F. Consider action to approve a resolution accepting the proposal of and awarding a contract to Gadberry Construction Company, Inc., for the remodel of the building at 5702 Rowlett Road for the Rowlett Public Library in the amount of \$423,050, plus an early completion bonus of \$2,000 for a total amount of \$425,050, and authorizing the City Manager to execute the necessary documents.

- 7G. Consider a resolution approving a request for alternative building materials for a garage conversion located at 8013 Eagle Drive, further described as Lot 4, Block C of the Dalrock Heights Addition to the City of Rowlett, Dallas County, Texas. (DP14-756)
- 7H. Consider action to approve a resolution accepting the bid of and awarding a contract to Motorola in the amount of \$82,485 for the purchase of 18 – P25 portable radios through the interlocal cooperative purchasing agreement with Houston-Galveston Area Council (H-GAC).

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A. Conduct a public hearing and take action on a request for a Planned Development with an underlying General Commercial/Retail (C-2) base zoning district to allow a self-storage facility at property located at 7301 Lakeview Parkway further described as being Block A, Lot 2 RaceTrac Addition, City of Rowlett, Dallas County, Texas (Case Number PD14-750).
- 8B. Consider a resolution authorizing the use of eminent domain to condemn property and authorizing the initiation of condemnation proceedings under Chapter 21, Texas Property Code, to acquire property consisting of a part of the tract of land located at 2609 Lakeview Parkway (described as 0.042 acres of right-of-way situated in the Reason Crist Survey, Abstract Number 225, Lot 2 Luke's Landing Addition, Rowlett, Dallas County, Texas) and a part of the tract of land located at 5404 Kenwood Drive (described as 0.276 acres of right-of-way and 0.435 acres of temporary construction easement situated in the Reason Crist Survey, Abstract Number 225, Lot 5A, Luke's Landing Addition, Rowlett, Dallas County, Texas) for use as a public street and for temporary construction easement purposes.

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

**9. ADJOURNMENT**

*Laura Hallmark*

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Laura Hallmark, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the City's website ([www.rowlett.com](http://www.rowlett.com)) on the 29<sup>th</sup> day of January 2015, 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:** 02/03/15

**AGENDA ITEM:** 3A

**TITLE**

Receive update on 84<sup>th</sup> Texas Legislative Session. (30 minutes)

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager

**SUMMARY**

The purpose of this item is to discuss possible legislation that could impact the City during the 84<sup>th</sup> Legislative Session and to update the City Council on the legislative priorities for Rowlett.

**BACKGROUND INFORMATION**

In previous years, the City Council has approved resolutions supporting or opposing certain issues that may be considered before the Texas State Legislature. The 84<sup>th</sup> Legislative Session began on January 13, 2015, and staff has prepared this item to provide the opportunity to update City Council on the formal legislative agenda.

**DISCUSSION**

**84<sup>th</sup> Legislative Session - Summary**

On Tuesday, January 13, 2015, the 84<sup>th</sup> Texas Legislative Session began. As of January 27, 2015, the Senate has filed 395 bills and the House has filed 1,184 bills, many of which impact local governments. Senate committee appointments were made on January 23, 2015. As of January 27<sup>th</sup>, House committee appointments had not been published. Once both have appointed their members, the session will begin in earnest.

**Calendar**

Date	Event
Tuesday 11-4-2014	General election for legislative and other offices is held.
Monday 11-10-2014	Prefiling of legislation for the 84 <sup>th</sup> Legislature begins
Tuesday 1-13-2015	84 <sup>th</sup> Legislature convenes at noon
Friday 3-13-2015	Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by the Governor.
Monday 6-1-2015	Last day of 84 <sup>th</sup> Regular Session; corrections only in House and Senate

Date	Event
<b>Sunday</b> <b>6-21-2015</b>	Last day Governor can sign or veto bills passes during the regular legislative session
<b>Monday</b> <b>8-31-2015</b>	Date that bills without specific effective dates (that could not be effective immediately) become law

### **Bills**

While the 84<sup>th</sup> Texas Legislative Session is just getting started, staff is monitoring the bills that have been submitted to date. Organizations such as the Texas Municipal League (TML), North Central Texas Council of Governments (NCTCOG), and other associations play a big role in providing alerts and updates that help manage such a big job.

TML is currently monitoring any bills that could impact local government, which you can find at <http://www.tml.org> under *Legislative Information – City Related Bills Filed*; bills range from property and sales taxes, elections, municipal courts, and economic development. In addition, NCTCOG is monitoring several bills, which you can find at <http://www.nctcog.org/trans/legislative/index.asp>; ranging from transportation funding, eminent domain, insurance and revenue.

### **Legislative Agenda for Other Entities:**

#### *Texas Municipal League (TML):*

The Texas Municipal League (TML) is a huge resource to local government. TML published their 2015 legislative priorities on October 10, 2014. In previous years, TML has approved a series of resolutions regarding municipal revenue and finance, eminent domain and regulation of development, and utilities and transportation, among other items. Most of these resolutions list issues that they would like to see introduced, support, oppose or take no position on. For 2015, TML is taking the approach that Cities are “partners” with the state (Attachment One) with the theme *Continue Partnering with Cities to do the State’s Local Work*. TML’s legislative priorities are as follows:

1. Ensure that local decisions are made locally by supporting reasonable enhancements to regulatory authority and by opposing attempts to harm the ability of cities to:
  - Protect property values by imposing reasonable development standards;
  - Enact zoning ordinances; and
  - Respond to citizen demands for orderly development.
  
2. Protect and enhance essential infrastructure by opposing efforts to diminish municipal revenue and by supporting initiatives that will meet the needs of our cities for:
  - Streets, roads, and bridges;
  - Clean water;
  - Safe and effective wastewater treatment;
  - Stormwater management; and
  - Sustainable solid waste collection and disposal.

3. Ensure funding for vital community services by vigorously opposing efforts to erode revenue needed to:
  - Keep cities safe from crime;
  - Respond to emergencies;
  - Enhance economic growth and job creation;
  - Provide recreational facilities, parks, and libraries; and
  - Protect the natural environment.

*Texas Municipal Retirement System (TMRS):*

On October 23, 2014, the Texas Municipal Retirement System (TMRS) passed a resolution (Attachment Two) regarding the upcoming legislative session. The resolution contains the following “be it resolved” language.

***Be It Resolved by the Board of Trustees of TMRS, that the Board strongly supports the continuation of the current hybrid (“cash-balance”) plan design, high operational standards, local control for cities, and commitment to actuarially sound funding policies that have characterized TMRS since its inception, and furthermore***

***Be It Resolved by the Board of Trustees of TMRS, that the Board encourages the Texas Legislature to continue their support of TMRS and not support any legislative proposals that would negatively impact TMRS.***

*North Texas Tollway Authority (NTTA):*

The North Texas Tollway Authority (NTTA) has adopted their priorities for 2015 (Attachment Three) as well. Their priorities support roadway safety, remedies to aid in the collection of tolls, and preservation of their current business tools for the effective operation of NTTA.

*North Texas Crime Commission (NTCC):*

The North Texas Crime Commission (NTCC) has approved their North Texas Crime Commission Anti-Crime Legislative Package (Attachment Four). Some of their primary initiatives are to oppose legalization of marijuana, use of DNA samples, and to increase funding to develop a strategic mental health initiative to facilitate access to those challenged by mental health issues.

*Regional Transportation Council (RTC):*

The Regional Transportation Council (RTC) of the North Central Texas Council of Governments (NCTCOG) has published their Legislative Program (Attachment Five). Legislation they want to actively pursue includes the following:

1. Identify additional transportation revenue to enhance state-wide and regional ability to maintain and improve the multi-modal transportation system.
2. Retain limited authority for TxDOT to enter into public-private partnerships on specific projects, such as IH635 East Project and CDA projects previously approved by the Texas Legislature that need an extension.

3. Support the Low Income Repair and Replacement Assistance Program (LIRAP), also known as the AirCheck Texas Drive a Clean Machine Program, and Local Initiative Projects (LIP).
4. High-speed rail to provide the ability for high-speed rail to be developed consistent with the Metropolitan Transportation Plan.

Links to key entities' legislative webpages are as follows:

Texas Municipal League	<a href="http://www.tml.org/legislative_faq">http://www.tml.org/legislative_faq</a>
North Central Texas Council Of Governments (NCTCOG)	<a href="http://www.nctcog.org/trans/legislative/index.asp">http://www.nctcog.org/trans/legislative/index.asp</a>
Texas Municipal Retirement System	<a href="http://www.tmr.org/legislative.php">http://www.tmr.org/legislative.php</a>
North Texas Tollway Authority	<a href="https://www.ntta.org/whatwedo/govtaff/Pages/Legislative-Progress.aspx">https://www.ntta.org/whatwedo/govtaff/Pages/Legislative-Progress.aspx</a>

### **Rowlett's Legislative Agenda**

Based upon research conducted by City staff utilizing pre-filed bills and legislative programs/agendas of other governmental bodies, it is staff's recommendation that the City Council consider the following issues as part of any formal legislative agenda that the Council may approve. Based on actual Council action and discussion, staff has a formal draft of the two page fact sheet that we would share with our elected officials (Attachment Six) that summarizes our biggest concerns:

Summary of Rowlett Legislative Priorities – Draft (page 2 of Attachment Six)

### **Rowlett Supports -**

- Supporting the I-30 Bottleneck Project and I-30 Reconstruction Project identified in the Blacklands Corridor Feasibility Study. Join with the City of Garland to support further improvements to I-30 as part of the I-30/US80 East Corridor Project as it affects I-30. Support the East Corridor Project currently under consideration by the Texas Department of Transportation to be extended further east, beyond Dalrock Road and its inclusion, as an amendment, in the current Mobility 2035 Transportation Plan. **[Note: these projects are part of the resolution approved by the Rowlett City Council on October 21, 2014]**
- Allowing for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
- Maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both Local and State parks and that all Texas Recreation and Parks Account (TRPA) and Urban Account funded park projects be subject to the established Texas Parks & Wildlife Department (TPWD) competitive scoring system. **[Note: this item is part of the resolution for approval by the Rowlett City Council on December 9, 2014]**

- Restoring funding to the Texas Recreation and Parks Account (TRPA) and Urban Account accounts in the amount of at least \$15.5 million per year. **[Note: this item is part of the resolution for approval by the Rowlett City Council on December 9, 2014]**
- Supporting the legislative priorities for the Dallas Area Rapid Transit (DART), Texas Municipal League (TML), Regional Transportation Council (RTC), North Texas Crime Commission (NTCC), and Texas Cities Aggregation Power Project (TCAP).

### **Rowlett Opposes -**

- Eroding municipal authority in any way, imposing unfunded mandates, or otherwise approval of any law deemed detrimental to cities or that would undermine the City's sovereign immunity, or municipal annexation and zoning powers.
- Eroding municipal authority over the management and control of its rights-of-way or decreasing the authority of the City to be adequately compensated for such use.
- Eroding municipal authority to participate in utility rate cases.
- Negatively impacting the ability of the City to raise or expand revenue, including expanding appraisal caps, imposing revenue caps, or imposing new tax exemptions.
- Imposing state "tap fees" or any other type of state charge on municipal water systems.
- Imposing additional state fees or costs on municipal court convictions or requiring municipal courts to collect fine revenue for the state.

### **Rowlett Legislative Days**

On February 11-12, the City of Rowlett will again partner with the Rowlett Chamber of Commerce for *Rowlett Legislative Days* to visit with our representatives in Austin. This is a great time to share our concerns and issues about any particular bills being considered and the City's legislative agenda overall.

### **FINANCIAL/BUDGET IMPLICATIONS**

N/A

### **RECOMMENDED ACTION**

As indicated at the beginning of this report, the Senate has filed 395 bills and the House has filed 1,184 bills. And, while many of these bills could affect local government if approved, it is impossible to discuss every bill with our representatives. As a result, we want to be strategic about engaging our representatives. There are two questions on which staff would like feedback:

1. Do we have the right priorities captured on the draft fact sheet (page 2 of Attachment 6)?
2. If not, is there consensus to add or otherwise modify the draft priorities?

### **ATTACHMENTS**

- Attachment 1 – TML Legislative Priorities
- Attachment 2 – TMRS Legislative Resolution
- Attachment 3 – NTTA Legislative Priorities
- Attachment 4 – NTCC Anti-Crime Legislative Package

Attachment 5 – RTC Legislative Priorities

Attachment 6 – Rowlett Priorities for the 84<sup>th</sup> Texas Legislative Session



## **Texas Cities Do the State's Local Work: Safe Communities, Essential Infrastructure, Vital Services**

Cities, the government closest to the people, embody the idea that “We the People” should be in control. Cities provide the services that we cannot do without. Those services reflect the will of the local taxpayers. They are not the kind of services people think of when they say they want less government. **Put simply: City services are the nuts and bolts of our society.**

Starting with Texas' independence in 1845, the legislature began creating cities to do its local work. **The Texas Municipal League now represents more than 1,100 cities of every size, shape, and service level.** The locally-elected city councils in those cities decide – based on the wants of their citizens – how to provide appropriate services.

They provide police and fire protection, the roads we drive on, local business development, the utilities we need to survive and prosper, the protection of property values through thoughtful rules that benefit everyone, and more. It costs money to provide these services, but **keeping taxes low while meeting citizens' demand for services** is a core value of city officials.

Cities don't typically seek funding from the state, and they receive virtually nothing from the state. What cities need in lieu of state funding is **to be treated as partners in keeping Texas great.** They want to continue providing local services in the way they were elected to do. That leads to the following legislative priorities:

1. Ensure that local decisions are made locally by supporting reasonable enhancements to regulatory authority and by opposing attempts to harm the ability of cities to:
  - Protect property values by imposing reasonable development standards;
  - Enact zoning ordinances; and
  - Respond to citizen demands for orderly development.
  
2. Protect and enhance essential infrastructure by opposing efforts to diminish municipal revenue and by supporting initiatives that will meet the needs of our cities for:
  - Streets, roads, and bridges;
  - Clean water;
  - Safe and effective wastewater treatment;
  - Stormwater management; and
  - Sustainable solid waste collection and disposal.
  
3. Ensure funding for vital community services by vigorously opposing efforts to erode revenue needed to:
  - Keep cities safe from crime;
  - Respond to emergencies;
  - Enhance economic growth and job creation;
  - Provide recreational facilities, parks, and libraries; and
  - Protect the natural environment.

**The City Message to Legislators is Clear:  
Continue Partnering with Cities to do the State's Local Work**

To learn more, visit [www.tml.org](http://www.tml.org) or call 512-231-7400  
Legislative direct contact: Shanna Igo 512-750-8718

## Texas Cities: Did You Know?

1. Texas cities **lead the nation in population growth**. In 2014, seven of the 15 fastest growing cities in the nation are in Texas. On average, somewhere around **1,000 people are added to the Texas population each day**. [*U.S. Census Bureau.*]
2. **Seventy-four percent of Texas residents live in incorporated cities** (of which there are 1,216) and 86 percent of Texans live in urban areas. [*U.S. Census Bureau.*]
3. **From 1990 to 2011, the total city property tax levy rose an average of 5.48 percent per year**. This increase is closely aligned with Texas' population growth plus inflation over the same period of time, which averaged out to a 4.7 percent average yearly increase. [*Texas Comptroller, Biennial Property Tax report for 2010 and 2011 and U.S. Census Bureau.*]
4. From 2009-2013, **total outstanding state debt increased by 27.8 percent**, total outstanding local debt increased by 14.9 percent, and **total outstanding city debt increased by only 13.7 percent**. [*Texas Bond Review Board, 2013 Annual Report and 2013 Local Annual Report.*]
5. Seventeen percent of property taxes statewide go to cities. **The majority of property taxes (54 percent) go to fund public schools**. Of the remainder, sixteen percent goes to counties, and 13 percent goes to special districts. [*Texas Comptroller, Annual Property Tax Report for Tax Year 2009.*]
6. **Texas cities receive virtually no financial assistance from the state**. In fact, Texas ranks 49th out of the 50 states in the amount of general revenue it receives from state government. [*National League of Cities, City and State Fiscal Structure (2008).*]
7. Using a unique concept dubbed "reverse intergovernmental aid," the Texas Legislature requires **cities to generate and remit to the state over \$200 million annually to fund state programs**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
8. In fiscal year 2012, **cities pitched in more than \$112 million** in cash and much more in right-of-way donations and in-kind services **for state highway projects initiated by TxDOT**. [*TML article, Reverse Intergovernmental Aid Revisited, Again (2013).*]
9. **Local economic development incentives dwarf the economic development incentives offered by the state**. [*Committee Testimony by Executive Director of Governor's Office for Economic Development and Tourism, House Economic and Small Business Development Committee (2014).*]



## **Resolution**

*Whereas, the Texas Municipal Retirement System (TMRS) has provided Texas cities, municipal employees, and retirees a soundly funded, hybrid (“cash-balance”) retirement program for over 65 years that provides superior retirement security when compared to defined contribution plan alternatives; and*

*Whereas, the design of TMRS provides local control of retirement benefits so that cities may choose the level of benefits appropriate for their employees and their communities; and*

*Whereas, the design of the TMRS program requires each city to pay the annual required contribution to ensure that benefits remain soundly funded; and*

*Whereas, the TMRS Board of Trustees is committed to operating under the highest ethical standards and incorporating best practices for its actuarial and investment policies; and*

*Whereas, in recent years, TMRS has worked with constituent groups, including elected officials, employee associations, and representatives of city management, to craft important changes to the System that ensure its continued soundness; and*

*Whereas, the Board of Trustees studied the need for potential plan design changes during the most recent legislative interim period and after due consideration chose not to propose any changes to the current plan design at this time; and*

*Whereas, the Legislature of the State of Texas has historically been supportive of TMRS, the local control it provides to cities, and the high standards of its operations; and*

*Whereas, legislation may be proposed in the next session of the Texas Legislature to affect TMRS without regard to its actuarial condition, plan design, or potential impact on the sponsoring cities; therefore*

***Be It Resolved by the Board of Trustees of TMRS, that the Board strongly supports the continuation of the current hybrid (“cash-balance”) plan design, high operational standards, local control for cities, and commitment to actuarially sound funding policies that have characterized TMRS since its inception, and furthermore***

***Be it Resolved by the Board of Trustees of TMRS, that the Board encourages the Texas Legislature to continue their support of TMRS and not support any legislative proposals that would negatively impact TMRS.***

*Adopted by the TMRS Board on October 23, 2014*



## About NTTA

- Formed in 1997 as a political subdivision of the state of Texas.
- Authorized to acquire, construct, maintain, repair and operate turnpike projects in North Texas
- Serves Collin, Dallas, Denton, Tarrant and Johnson counties.
- Owns and operates the Dallas North Tollway, President George Bush Turnpike, Sam Rayburn Tollway, Addison Airport Toll Tunnel, Chisholm Trail Parkway, Lewisville Lake Toll Bridge and the Mountain Creek Lake Bridge.
- Raises capital for construction projects through the issuance of turnpike revenue bonds.
- Receives no direct tax funding. Tolls are collected to repay debt and to operate and maintain the roadways.

## 2015 Legislative Priorities

- **Paperless, electronic billing opt-in for ZipCash pay-by-mail customers** – Create paperless, electronic-only billing notification option for ZipCash customers.
- **Predictable monthly billing** – Adjust ZipCash payment periods to allow for true monthly billing (25 days) and consistent mailing on the same day each month.
- **Contiguous County Advisory Committee Plan** – Codify a formalized and continuing means to offer input on NTTA matters for ring counties with NTTA projects.
- **Protect NTTA vehicles and employees through expansion of the “Move Over or Slow Down” law** – Add NTTA emergency vehicles to “Move Over and Slow Down” law.
- **Account Data Privacy** – Protect account and trip data from public disclosure. This change will not prohibit any law enforcement or judicial request for information.
- **Annual Report Date Change** – Revise the annual summary requirement from March to June to align with the completion of the audited financial report.
- **Justice of the Peace Judicial Discretion** – Revise NTTA statute to change "shall" to "may" regarding Justice of the Peace collection of tolls during the citation process (*request of the JPs*).
- **Regional Toll Enforcement** – Allow NTTA to exercise toll enforcement remedies on the managed lane projects for which NTTA provides tolling services.

Fast Facts	
624 million total transactions (2013)	\$573.3 million Total Revenue (2013) <i>\$9+ billion in outstanding bond obligations</i>
950 lane miles	\$116 million operating budget
3 million-plus active TollTags	A2 (Moody's) stable system credit rating
6 million-plus unique toll road users	A- (S & P) stable system credit rating

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## 2015 Legislative Priorities

- **Seek opportunities to further enhance NTTA customer experience.** NTTA has implemented many initiatives to improve the customer experience. Finding legislative opportunities to provide customers a further enhanced experience is good for all parties.
  - Create paperless, electronic-only billing notification option for ZipCash customers
  - Adjust ZipCash payment periods to allow for true monthly billing (25 days)
  - Allow NTTA to exercise toll enforcement remedies on the managed lane projects for which NTTA provides tolling services.
  - Protect account and trip data from public disclosure. This change will not prohibit any law enforcement or judicial request for information.
  
- **Continue to support enhanced toll enforcement remedies to aid the effective and equitable collection of tolls.** With the passage of important toll collection and enforcement legislative in the prior two sessions, it will be important to review opportunities to improve the effective and equitable collection of tolls.
  - Revise NTTA statute to change “shall” to “may” regarding Justice of the Peace collection of tolls during the citation process (request of the JPs)
  
- **Support policies to protect NTTA employee safety.** In the 83rd legislative session, TxDOT vehicles were added to the list of emergency vehicles receiving protections under the "Move Over and Slow Down" law, which requires drivers to move over and away from the lane nearest an accident or construction site or slow to 20 miles below posted speeds when passing the site. NTTA inclusion in the "Move Over and Slow Down" law provides customers and staff with added safety protections while traveling on NTTA roads.
  - Add NTTA emergency vehicles to “Move Over or Slow Down” law
  
- **Preserve existing authority for the effective operation of NTTA.** Protecting NTTA's current business tools is vital for day-to-day operations.
  - Align annual report due date with availability of audited financials – NTTA currently produces an annual summary in March of each year although our fully audited numbers for the previous year are not completed until June. This change would move the annual summary requirement to June to align with the completion of the audited financial report.
  
- **Partner with stakeholders throughout region and state to address transportation needs.** Where possible, it is important for NTTA to serve as a partner and ally in helping address the transportation needs of North Texas and throughout the state.
  - Formation of a Contiguous County Advisory Committee for contiguous counties with NTTA projects within their boundaries.



**THE NORTH TEXAS CRIME COMMISSION  
ANTI-CRIME LEGISLATIVE PACKAGE  
84<sup>th</sup> Session of the Texas Legislature**

**OPPOSE LEGALIZATION OF MARIJUANA – PRIORITY**

The North Texas Crime Commission supports legislation that would oppose the legalization of marijuana in the State of Texas, including medical marijuana. The Sherriff's Association of Texas has openly opposed the legalization of marijuana in Texas and we will support them. Twenty-three states now offer marijuana for medical reasons. Two states have allowed for recreational use to be legal. The issue is sweeping the nation and the State of Texas needs to be a leader in opposition.

**DNA LEGISLATION – PRIORITY**

The North Texas Crime Commission supports as a priority that DNA samples are taken of all persons arrested for a Class B Misdemeanor or higher. Two sessions ago, the Legislature passed a new law that required any person convicted of a felony to provide a DNA sample.

A precedent exists in that law enforcement takes fingerprints from all persons arrested for Class B Misdemeanors and above. Many agencies even fingerprint persons for Class C Misdemeanors.

The collection of DNA could be done easily as part of the jail intake process. This simple, non-invasive procedure can provide crucial evidence in serious crimes that may otherwise go unsolved. Some obstacles have been due to fiscal note and storage availability.

**Community Mental Health Programs / Jail System – PRIORITY**

The North Texas Crime Commission supports legislation and increased funding to develop a strategic mental health initiative designed to improve coordination and facilitate access to care for those challenged by mental health issues at the community level. Local law enforcement is currently often the first line of contact with those in our communities struggling with mental health issues or in crisis. These interactions can lead to significant resource drains and injecting those suffering from mental illness into the criminal justice system rather than treatment. Spending on mentally ill patients in the jail system alone has risen approximately \$25 million a year and the combined cost of incarcerating and treating the mentally ill is \$87 million annually, noted from a study done in 2008 by the Treatment Advocacy Center. The strategic initiative could include community mental health liaisons, diversionary courts and expanded treatment opportunities. We believe it is important that the State of Texas serve as a leader in this initiative that is quickly sweeping the United States.

**2015 BOARD OF DIRECTORS**

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Retired, Highland Park Police Dept.

Patti Geolat  
The Geolat Companies

Guadalupe Gonzalez  
Deloitte Financial Advisory Services

Jim Hughes  
Retired Dallas Police Dept.

Mike Pappas  
Chair, Membership Development  
D&L Entertainment Services, Inc.

Richard B. Roper  
Thompson & Knight LLP

Clyde Siebman  
Siebman, Burg, Phillips & Smith, LLP

Jim Skinner

Don Sylvest  
Exxon Mobil

James L. William  
Chair, Cyber Crime  
Committee  
Major General USMC (Ret.)  
Lotus Tiger International, LLC

Al Zapanta  
President & CEO  
Planning Inc.

**ADVISORY BOARD**

William (Bill) Caruth, III  
Donna Halstead  
Mariano Martinez  
Charlie Tyner

**ENHANCED PENALTIES FOR INDECENT EXPOSURE – Priority** Attachment Four

The North Texas Crime Commission supports legislation that enhances the penalty for indecent exposure offences. The current penalty for indecent exposure in the State of Texas is a Class B Misdemeanor and does not increase for repeat offenders. Those who are registered sexual offenders receive greater penalty.

**K2 / Bath Salts - Priority**

The North Texas Crime Commission supports the amendment prohibiting the possession and sale of Bath Salts and Synthetic Cannabinoids.

Senator Joan Huffman authored Senate Bill 263 in the 83<sup>rd</sup> Legislative Session that designated criminal prosecution of certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act. The Bill passed out of both the House and the Senate, yet was left in Local & Consent Calendars Committee.

**Retaliation of Public Servants - Priority**

The North Texas Crime Commission supports legislation that prohibits the obstruction of and retaliation against public servants both past and present.

**SOBRIETY CHECK POINTS – PRIORITY**

The North Texas Crime Commission supports legislation dealing with DWI checkpoints. Each session, legislation has been defeated or stalled due to some saying it is a violation of an individual's civil rights. With specific guidelines attached on how the checkpoints are conducted, legislation might be considered.

**TABC – BYOB AMENDMENT REGARDING SEXUALLY ORIENTED BUSINESSES - PRIORITY**

The North Texas Crime Commission supports as a priority to amend the Alcoholic Beverage Code to create an on-premises consumption only license.

Current law authorizes the owner of a commercial establishment, including a sexually oriented business that charges a customer a fee and does not have a private club registration license, to allow a patron to bring their own alcoholic beverages onto the premises for consumption. This proposal is based on the concern that such establishments are not adequately regulated as they have no responsibility to adhere to the Alcoholic Beverage Code.

This proposal will provide a way for T.A.B.C. and local law enforcement to regulate the alcohol consumption in said establishments which include B.Y.O.B. sexually oriented businesses. This proposal will carve out exceptions for establishments that operate primarily as a food service and locations such as golf courses.

**CONFIDENTIALITY OF GRAND JURY MEMBER'S NAMES AND ADDRESSES - SUPPORT**

**CARGO THEFT - SUPPORT**

**OPPOSE THE LEGALIZATION OF OPEN CARRY - WATCH**

**CELL PHONE LEGISLATION - WATCH**



North Central Texas Council of Governments  
**Regional Transportation Council**

## Regional Transportation Council Legislative Program 84th Texas Legislature

### Legislation To Actively Pursue

**1. Identify additional transportation revenue** to enhance statewide and regional ability to maintain and improve the multimodal transportation system. Provide metropolitan areas with flexible solutions to solve problems and ensure that areas contributing to transportation solutions will not be penalized with a loss of traditional transportation funding. Ensure a fair allocation of all funding categories across the State by either a direct formula or through partnerships with Districts/Commission. End diversions of transportation revenue to non-transportation purposes. Redirect a portion of the motor vehicle sales tax to fund transportation.

**2. Retain limited authority for TxDOT to enter into public-private partnerships on specific projects.**

- IH 635 East Project
- Any CDA project previously approved by the Texas Legislature needing an extension

**CDA Projects Approved in 2013 - 83rd Texas Legislature**

SH 183/Loop 12/SH 114  
 North Tarrant Express  
 IH 35E/US 67  
 Loop 9

**CDA Projects Approved in 2011 - 82nd Texas Legislature**

IH 35E Managed Lanes from IH 635 to US 380  
 North Tarrant Express  
 SH 183 Managed Lanes from SH 161 to IH 35E

**3. Support the Low Income Repair and Replacement Assistance Program (LIRAP), also known as the AirCheck Texas Drive a Clean Machine Program, and Local Initiative Projects (LIP) through the following principles:**

- Appropriate all unspent and future revenue generated by LIRAP through the existing collection point
- Expand the eligibility of projects funded by LIP to include more transportation system improvements including:
  - Emissions enforcement programs, Low-Cost Intersection Improvements, Intelligent Transportation Systems, Bottleneck Improvements, Traffic Signal Progression, Freeway Incident Management Strategies, Alternative Fuel Vehicles/Infrastructure and Idle-Reduction Measures
- Allow county oversight of LIP project selection and fund distribution
  - Reserve a minimum threshold of 40 percent of funds for LIRAP
  - Allow counties the ability to exchange funds with other counties in the region to meet a regional minimum LIRAP threshold of 40 percent

**4. High-Speed Rail**

Provide the ability for high-speed rail to be developed consistent with the Metropolitan Transportation Plan, by TxDOT or through another mechanism approved by the RTC.



## Regional Transportation Council 2014-2015

### **Mike Cantrell, Chair**

Commissioner, Dallas County

### **Mark Riley, Vice Chair**

County Judge, Parker County

### **Ron Jensen, Secretary**

Mayor, City of Grand Prairie

### **Douglas Athas**

Mayor, City of Garland

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TxDOT, Fort Worth District

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Rapid Transit

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North Texas Tollway Authority

### **Bill Hale, P.E.**

Dir. of Eng. Operations for Metro  
Districts, Interim District Engineer,  
TxDOT, Dallas District

### **Roger Harmon**

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### **John Monaco**

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### **Kevin Roden**

Councilmember, City of Denton

### **Amir Rupani**

Citizen Representative,  
City of Dallas

### **Danny Scarth**

Councilmember, City of Fort Worth

### **Lissa Smith**

Mayor Pro Tem, City of Plano

### **Mike Taylor**

Mayor Pro Tem, City of Colleyville

### **Stephen Terrell**

Mayor, City of Allen

### **T. Oscar Trevino, Jr., P.E.**

Mayor, City of North Richland Hills

### **William Velasco, II**

Citizen Representative  
City of Dallas

### **Oscar Ward**

Councilmember, City of Irving

### **Bernice J. Washington**

Board Member  
Dallas/Fort Worth International  
Airport

### **Duncan Webb**

Commissioner, Collin County

### **B. Glen Whitley**

County Judge, Tarrant County

### **Kathryn Wilemon**

Mayor Pro Tem, City of Arlington

### **W. B. "Zim" Zimmerman**

Mayor Pro Tem, City of Fort Worth

### **Michael Morris, P.E.**

Director of Transportation,  
NCTCOG

## Regional Transportation Council Legislative Program 84th Texas Legislature

### LEGISLATION TO SUPPORT

#### Air Quality

- Require emissions testing on all On-Board Diagnostic (OBD) II compliant vehicles.
- Support full funding of the Texas Emissions Reduction Plan (TERP), fund the most cost-effective emissions reduction project; consider funding for transportation projects focused on goods movement with air quality benefits.
- Allow TERP funds to be used for staff time for third-party TERP grants.
- Reinstate the prohibition of idling near sensitive areas and remove 30 minute bus exemption in school zones.
- Allow TCEQ the ability to contract directly with a council of governments or metropolitan planning organization (MPO) for regional administration of LIRAP and/or LIP if a participating county does not wish to administer the programs at the county-level.

#### Congestion Management & System Operations

- Recognize mobility assistance patrols as emergency responders as it relates to traffic incident response; comparable to the inclusion of tow-trucks and TxDOT vehicles in the Move Over law; support inclusion of NTTA vehicles in Move Over law.
- Ban the use of hand-held communications devices in work zones.
- Establish a standard minimum fine for traffic violations in work zones and allow signs to be posted in work zones displaying the minimum fine. Allow municipalities to retain the right to increase the fine amount.
- Support the adoption of a statewide three foot passing law requiring motorists to give cyclists at least three feet of clearance when passing from the rear and/or the expansion of the Move Over law to include bicycles.
- Support an education campaign to ensure that bicyclists understand correct and safe bicycle operations on public streets.
- Allow video archiving of Intelligent Transportation System closed-circuit television cameras for a 24-hour period for transportation safety training and transportation security purposes. Exempt archived video from the Public Information Act.
- Allow the use of technology to verify HOV/managed lane vehicle occupants.

#### Aviation

- Enhance opportunities to link transportation and land use surrounding military installations, public use and reliever airports:
  - Establish compatible land use regulations for public use and reliever airports to minimize the effects of urban encroachment.
  - Support legislation that promotes compatible growth that lessens the impact on military installations and provides options for cities and counties to manage growth.
  - Support legislation that provides tools that can be used at the local level to promote compatible growth around military installations, public use and reliever airports.
  - Support legislation that establishes organizational structures to accomplish objectives that are voluntary collaborations of local entities rather than top-down mandated structures.
- Provide tools that support and promote Science, Technology, Engineering, and Mathematics (STEM) through aviation and aerospace careers.

**Transportation-Land Use Connection**

- Provide appropriate authority to counties based upon a request by the county commissioner's court, including limited land use authority, to ensure the provision of adequate infrastructure and protect the health, welfare and property values in rapidly growing unincorporated areas.
- Support the accommodation of integrated, multimodal travel on all roadway facilities on new and redevelopment projects, including vehicles, bicycles and pedestrians.
- Support existing funding programs/initiatives that maintain or increase current investments in bicycle and pedestrian infrastructure and non-infrastructure projects.

**Planning**

- Support the State planning process to improve the Statewide Freight Plan and multimodal system.
- Direct conservation planning agencies, collectively known as resource agencies, to participate in the transportation planning consultation process during long-range transportation planning in order to receive funding and expedite transportation projects.
- Allow for additional flexibility of the State Highway Fund to include transit projects as eligible to receive funds, in addition to current eligible projects under the condition that support for specific legislation on this topic will be presented to the RTC for separate approval.
- Require the Texas Transportation Institute to work with MPOs to develop criteria for Rider 42; allow criteria to be more system oriented rather than project specific.
- Require notification of natural gas well drilling when the action will occur within certain distance of interstate highways, state highways, county roads or passenger rail facilities.

**LEGISLATION TO MONITOR**

- Maintain local authority to implement red-light cameras and maintain current revenue sharing with the State.
- Oppose legislation permitting triple-tandem trucks on state highway facilities.
- Protect all transportation resources and revenues and the authority and flexibility achieved since the 78<sup>th</sup> Texas Legislature.
- Protect local flexibility for membership of MPO policy boards with at least 75 percent elected officials.
- Provide local governments, transit entities, and the State a common base for taxable goods and services, including any goods and services newly taxed by the Legislature.
- Review the continued need for eminent domain authority of private toll road corporations.
- Provide additional funding mechanisms to support airport development for public use and reliever airports to meet future demand.

A unique community where families enjoy life and feel at home.

# Rowlett

On the Water. On the Move.



## 5 FACTS ABOUT ROWLETT:

### 1 Population

Rowlett is home to 58,476 residents with a median age of 36.7

### 2 Income

The *median* household income is \$83,368, with an *average* household income of \$93,537.

### 3 Housing

Rowlett has 18,275 households with a median value of \$158,764.

### 4 General Fund

The City of Rowlett's FY 2015 General Fund Revenues total \$37,097,467. 65% of this comes from property and sales taxes.

### 5 Amenities

Rowlett has 24 parks on 600 acres of parkland including:

- Paddle Point Park - 29th on the Texas Parks and Wildlife Department Paddling Trail listing
- Katy Park - Opened in October, 2012
- Scenic Point Park - 8.6 acres on Lake Ray Hubbard

Citizens also enjoy an expansive Community Centre, a water park, a golf course and a large Library.



**Ranked the #1 Small City in America to Move To by Movoto, Rowlett is a lakeside community located 20 minutes east of downtown Dallas on Interstate Highway 30, surrounded by over 30 miles of shoreline on beautiful Lake Ray Hubbard.**

#### THE CITY OF ROWLETT IS "ON THE MOVE"!

- North Texas Tollway Authority's (NTTA) President George Bush Turnpike Eastern Extension links the eastern region of Texas to the Dallas Fort Worth metroplex through Rowlett. Opened in December of 2011, Rowlett residents waited 47 years for this transportation amenity!
- DART Light Rail now serves Rowlett! After paying into the Dallas Area Rapid Transit Authority for 28 years, Rowlett residents celebrated the opening of the Blue Line in December of 2012.

#### \$80 MILLION IN PRIVATE INVESTMENT IN 2014

The Rowlett Economic Development Department takes an active role in business recruitment, retention and expansion. New or expanded businesses include:

- Sprouts Farmers Market
- Discount Tire
- Aldi
- WalMart Neighborhood Market
- Lakepointe Hospital expansion
- CVS Pharmacy



#### REALIZE ROWLETT 2020 COMMUNITY VISIONING INITIATIVE

Rowlett staff and citizens together developed a vision for the future of Rowlett. The *Realize Rowlett 2020* strategic vision is to foster private and public investment through strategic partnerships, to enhance and diversify Rowlett's tax base and ensure fiscal sustainability.

#### ROWLETT RESIDENTS RECEIVE AN INCREDIBLE RETURN ON INVESTMENT!

With declining property values and no tax increase for six years, Rowlett residents pay an average of \$1,117 annually in City taxes. That's only **\$3.06** per day!

- \$.52 per day for Fire/Rescue
- \$.21 per day for Parks
- \$.25 per day for Public Works!
- \$.64 per day for Police
- \$.08 per day for Library



## 84th Texas Legislative Session Rowlett Priorities...



- Supporting the I-30 Bottleneck Project and I-30 Reconstruction Project identified in the Blacklands Corridor Feasibility Study. Join with the City of Garland to support further improvements to I-30 as part of the I-30/US80 East Corridor Project as it affects I-30. Support the East Corridor Project currently under consideration by the Texas Department of Transportation to be extended further east, beyond Dalrock Road and its inclusion, as an amendment, in the current Mobility 2035 Transportation Plan.
- Allowing for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
- Maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both Local and State parks and that all Texas Recreation and Parks Account (TRPA) and Urban Account funded park projects be subject to the established Texas Parks & Wildlife Department (TPWD) competitive scoring system.
- Restoring funding to the Texas Recreation and Parks Account (TRPA) and Urban Account accounts in the amount of at least \$15.5 million per year.
- Supporting the legislative priorities for the Dallas Area Rapid Transit (DART), Texas Municipal League (TML), Regional Transportation Council (RTC), North Texas Crime Commission (NTCC), and Texas Cities Aggregation Power Project (TCAP).



## Rowlett Opposes...

- Eroding municipal authority in any way, imposing an unfunded mandates, or otherwise approval of any law deemed detrimental to cities or that would undermine the City's sovereign immunity or municipal annexation and zoning powers.
- Eroding municipal authority over the management and control of its rights-of-way or decreasing the authority of a city to be adequately compensated for such use.
- Eroding municipal authority to participate in utility rate cases.
- Negatively impacting the ability of the City to raise or expand revenue, including expanding appraisal caps, imposing revenue caps, or imposing new tax exemptions.
- Imposing state "tap fees" or any other type of state charge on municipal water systems.
- Imposing additional state fees or costs on municipal court convictions or requiring municipal courts to collect fine revenue for the state.





**City of Rowlett**  
**Staff Report**

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**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 3B

**TITLE**

Hear a presentation outlining the City Aggregate, Departmental, and Tenure-based results of the 2014 City of Rowlett Employee Climate Assessment Survey. (30 minutes)

**STAFF REPRESENTATIVE**

John Murray, Director of Human Resources & Risk Management.

**SUMMARY**

As a follow-up to last year's Employee Climate Assessment, the City conducted a second assessment in order to solicit direct feedback from employees on a myriad of issues pertaining to perceptions of leadership, recognition, training and development, teamwork/communication, and job satisfaction, among others. The climate assessment, which (like last year) was both voluntary and anonymous, and which featured the same questions as last year, was conducted by TH Enterprises (Rockwall, TX) from November 16-21 2014. The purpose of this discussion is to highlight trend items captured by the survey, and to provide a comparative analysis to last year's results to assess the effectiveness of initiatives undertaken to address employee feedback. This report and attachments will be segmented, as follows, in order to break down the responses for Questions 1-20 by:

- (a) City Aggregate numbers
- (b) Department
- (c) Tenure with the City

Additionally, we have compiled responses to Questions 21-23, which afforded employees the opportunity to provide narrative replies to:

- (a) What is the best thing about working for the City?
- (b) What is the best thing about working for my Department?
- (c) If I could change one thing about the City, what would it be?

In short, the results were overwhelmingly positive, and the City looks forward to sharing the detailed results at our presentation on February 3, 2015. We will also post the results on our City intranet site after releasing the presentations to City Council.

**BACKGROUND INFORMATION**

We designed and conducted last year's assessment in an attempt to gauge employee concerns and perceptions regarding a myriad of issues, not the least of which were dissatisfaction with pay/benefits and trust in leadership. That effort, as presented to Council around this time last year, was a huge success in terms of employee participation (78%) and hard-hitting feedback

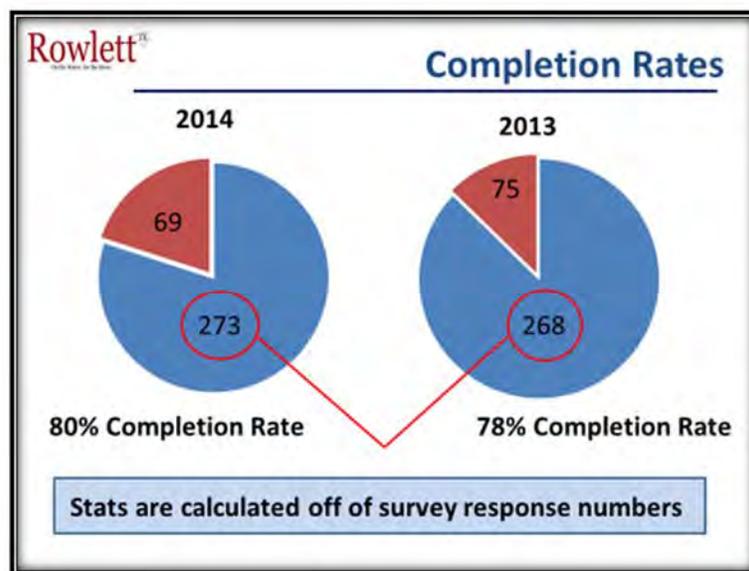
on the topics we highlighted. After out-briefing the results, which established the baseline for our strategic goals, Department Directors pledged to aggressively engage on those issues needing attention.

Throughout the year, staff championed several initiatives, the success of which would, presumably, be reflected in the 2014 employee climate assessment effort. These included:

- Compensation and Benefits Study
- Streamlining of Evaluation and Performance Expectations processes
- Activation of Employee Advisory Committees and Task Forces
- Overhaul and Publishing of the City of Rowlett Policy Manual
- Supervisor Training
- Increase in Communication and Employee Recognition Efforts
- 100% Safety Review

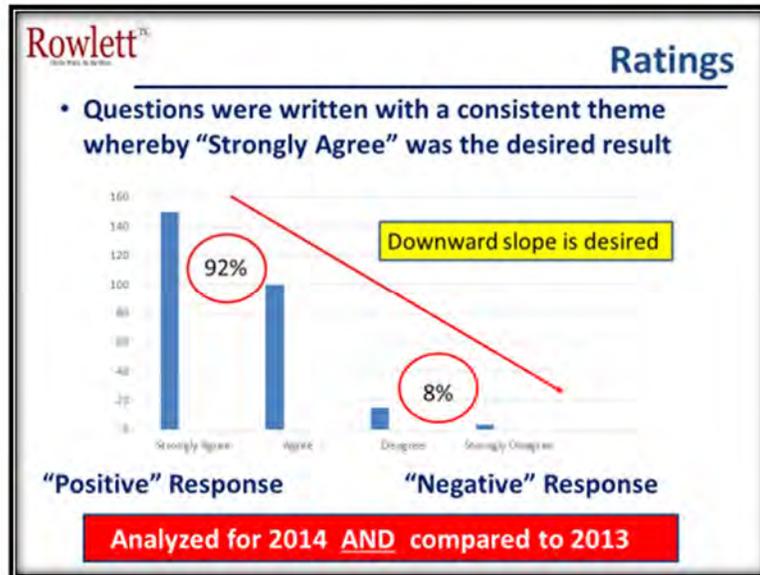
Prior to the launch of the 2014 assessment, we, again, conducted an active campaign to energize employees to participate in the feedback effort. We highlighted the results of our management efforts during our October 2014 Employee Stakeholder Meetings—a “Year in Review” celebration of the staff’s many positive developments.

In all, 273 Full-time and Part-time employees completed the 23-question assessment—an 80 percent participation rate. This very favorable response rate represents a two percent (2%) increase over last year. City Aggregate results were briefed to employees during Quarterly Stakeholder Meetings held from Jan 27-Jan 29, 2015.



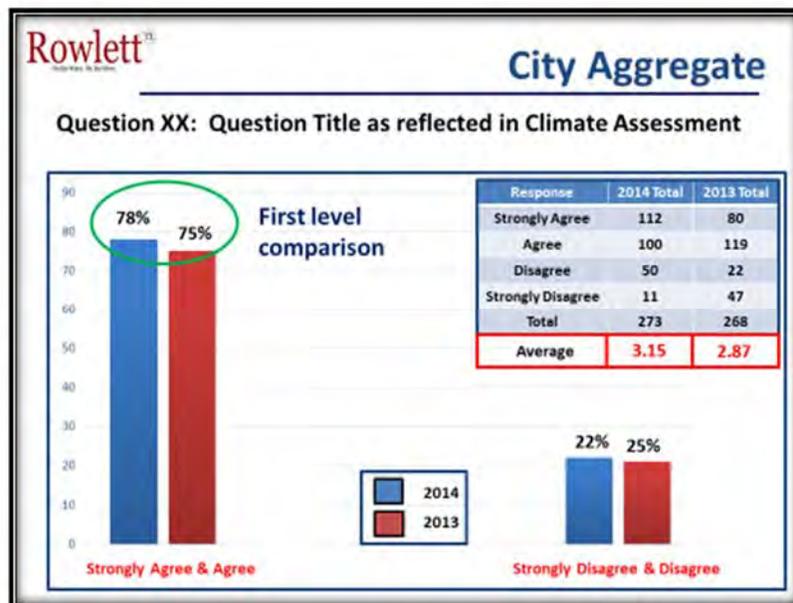
Similar to last year, the 20-question “Likert Scale” survey provided employees the opportunity to select “Strongly Agree”, “Agree”, “Disagree” or “Strongly Disagree” for each question. Each question was specifically crafted in a way that would, once aggregated, (a) provide clearly

defined actionable results and (b) show “left-to-right” comparative data (as in, left is “Strongly Agree”, right is “Strongly Disagree”) in a bar chart pictograph.



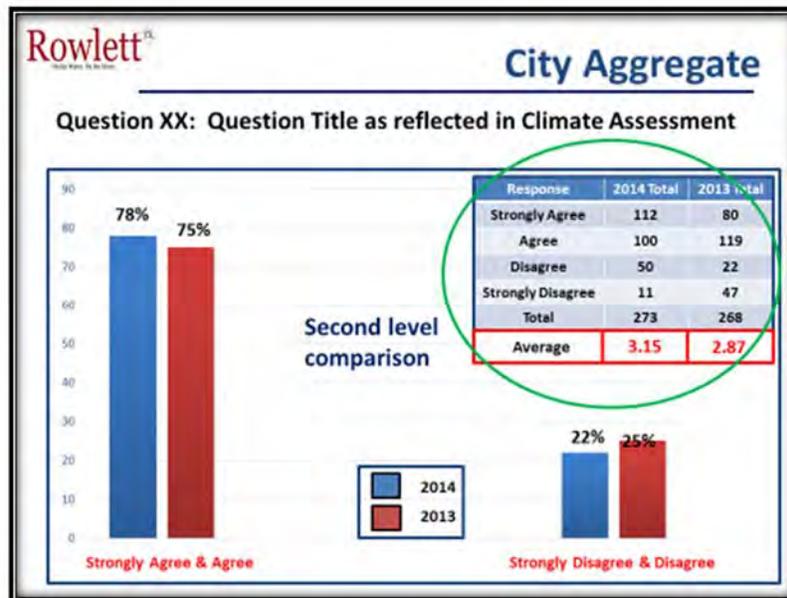
## DISCUSSION

As indicated above, we have completed our second Employee Climate Assessment Survey in November 2014. For comparative analysis, we included results from both 2013 and 2014 for each question. We have prepared slides for the City Aggregate calculations as well as for each individual Department.



Additionally, we further calculated the results to assess the levels of agreement for each question as compared to last year—an “enthusiasm value”, if you will. The concept behind this measurement is we not only wanted to see increases in our “Positive” scores for each question, but we wanted to see movement from the “Agree” to “Strongly Agree” categories, as well. To do

this, we assigned a point value to the responses similar to a scholastic grade point average tabulation—4 points for an A (“Strongly Agree”), 3 points for a B (“Agree”), etc.

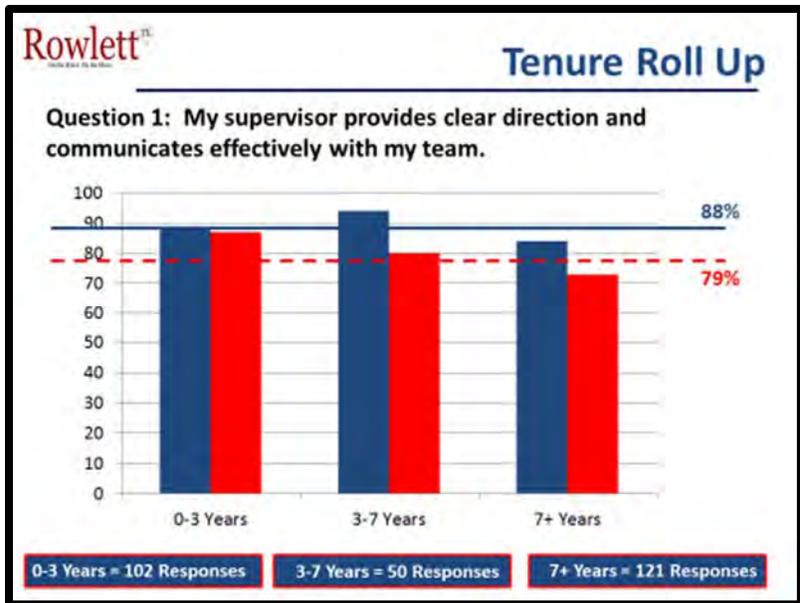


Through this climate assessment, we established a baseline on the current levels of employee perceptions about leadership effectiveness, organizational communication, employee recognition, training, teamwork, and job satisfaction. For this initial look, we specifically crafted questions to reflect “my supervisor” with the objective of measuring the effectiveness of the relationship between employees and their first line supervisors. Upon establishment of those baselines, our follow-up assessments will be to further explore lines of communication of perceptions of leadership within each Department.

Additionally, as we use this information to help shape the City’s leadership strategies for 2014 and beyond, we further analyzed the employee responses according to their tenures with the City. Just as we did last year, we established the parameters of:

- (a) 0-3 years (102 Respondents)
- (b) 3-7 years (50 Respondents)
- (c) 7+ years (121 Respondents)

This analysis allows us to identify where we’ve made positive strides in terms of relatively new employees versus those with longer tenures with the City.



After calculating and analyzing the results of each questions the details of which will be illustrated throughout the presentation, we are very pleased to report that we achieved an increase in the “Positive” scores in all 19 questions—a 100% improvement rate! These improvements were generally recognized across the board in every department (although there are a few scenarios where scores did drop for some questions for individual departments). Additionally, the number of employees who indicated via Question 20 that they are considering leaving the City of Rowlett in the next 12 months dropped from 32 percent last year to 15 percent this year.

**FINANCIAL/BUDGET IMPLICATIONS**

N/A.

**RECOMMENDED ACTION**

No action required. This is for information only.

**ATTACHMENTS**

N/A



**City of Rowlett**  
**Staff Report**

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**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 3C

**TITLE**

Discuss the Request for Proposals (RFP's) submitted on January 22, 2015, for the remodel of the 5702 Rowlett Road property for the Rowlett Public Library. (30 minutes)

**STAFF REPRESENTATIVE**

Jim Grabenhorst, Director of Economic Development  
Nathan Weber, Economic Development Specialist

**SUMMARY**

As a result of the Village of Rowlett project and redevelopment of this downtown property, the City developed a transition plan for the relocation of the Rowlett Library ("Library"). The City has acquired the property and building located at 5702 Rowlett Road as the short-term facility (18-24 months) for the Library.

The City of Rowlett issued a Request for Proposals (RFP) on January 1, 2015, for the remodel of the existing medical office building into space to be occupied as the Library. Review of the proposal received was conducted internally and thoroughly evaluated. This agenda item is to discuss the proposal by Gadberry Construction Company, Inc. in order to complete the remodel project.

**BACKGROUND INFORMATION**

City Staff held several Executive and Work Session discussions with City Council regarding the transition plan, options and negotiations for the temporary relocation of the Library as it relates to the Village of Rowlett development. Those discussions with City Council occurred on September 2, 2014, October 7, 2014, November 11, 2014, December 9, 2014, January 6, 2015, and January 13, 2015 to provide several options for City Council consideration. City Council provided direction to City Staff to purchase the property at 5702 Rowlett Road and remodel it for the Library use.

The RFP for the remodel of 5702 Rowlett Road was issued on January 1, 2015. One response was received by the City at the bid opening on January 22, 2015, at 10:00 AM. City staff analyzed this proposal and also requested follow-up information from the respondent.

**DISCUSSION**

The 5702 Rowlett Road property consists of a 10,140 square foot single-story office/medical office building on approximately 1.9 acres of property located between Rowlett Road and Old Rowlett Road. The site is fully improved with 90 parking spaces and is approximately 0.88 miles from the existing Library location in Downtown.

The RFP issued for the remodel project includes the demolition of many of the existing interior walls, the addition of a fire sprinkler system, and build out and finishes of the interior to meet Library operational needs.

The schedule associated with the RFP as advertised is included below. These items include both those completed as well as those forthcoming:

- January 1, 2015 – Issue RFP
- January 13, 2015 – Pre-bid Meeting
- January 14, 2015 – Deadline for Questions
- January 16, 2015 – Response to Questions
- January 22, 2015 – Deadline for Submitting RFP
- January 22-23, 2015 – Selection Committee Review
- February 3, 2015 – City Council Consideration of Award
- February 10, 2015 – Contract Execution
- April 17, 2015 – Project Completion (60 days)
- April 21, 2015 – Acceptance of Work by City Council

The proposed project is a design-build project and will be conducted in the manner appropriate to this type of project. As a design-build project, City staff will work closely with the Gadberry Construction Company, Inc. team to take the concept layouts to final design and provide value engineering solutions with the goal of lowering the overall project costs. The timeframe for the development of the project is compressed in order to meet the development targets set for the Village of Rowlett project. Construction for this project is expected to commence on February 10, 2015, and conclude by April 17, 2015. Staff will update City Council throughout the course of the project as necessary.

#### **FINANCIAL/BUDGET IMPLICATIONS**

A total amount of \$360,000 was originally budgeted for the remodel costs (\$400,000 less \$40,000 for the relocation costs), including design, in the Cash Capital Improvements Program (Cash CIP) under Project SP2089. On January 20, 2015, City Council approved the issuance and sale of City of Rowlett, Texas Limited Tax Note, Series 2015 in the amount of \$1,235,000. Said tax note was placed by First Southwest, the City's financial advisor as a seven-year note with an interest rate of 1.57%. Said tax note is the funding source for the property acquisition, remodel and relocation expenses associated with this project.

The contract as proposed in the amount of \$423,050 is above the budget amount allocated for remodeling expenses. Staff also recommends a \$2,000 early completion bonus. As this is a design-build project, City staff and the Gadberry Construction Company, Inc. team will work together to provide value engineering solutions to lower the overall costs to be in line with the \$360,000 amount allocated for the remodel project.

#### **RECOMMENDED ACTION**

This item is for discussion purposes only.



City of Rowlett  
Staff Report

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**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 3D

**TITLE**

Discuss proposed amendments to the Code of Ordinances to create regulations pertaining to Oil and Gas Drilling and Production, and seek feedback from City Council regarding future consideration of proposed amendments. (30 minutes)

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager  
Marc Kurbansade, Director of Development Services

**SUMMARY**

The City of Rowlett currently does not have regulations in its Code of Ordinances pertaining to Oil and Gas Drilling and Production. This item is being brought forward to City Council to present draft regulations and receive feedback should City Council wish to amend the Code of Ordinances to include these regulations.

**BACKGROUND INFORMATION**

The City's Code of Ordinances currently does not have regulations pertaining to oil and gas drilling and production, other than allowing "natural gas and petroleum drilling and storage" by special use permit in the M-2 General Manufacturing zoning district. The only other recent policy pertaining to Oil and Gas production and rights can be found in Resolution 013-12, which was adopted by City Council on January 17, 2012, in order to set a policy to reserve mineral rights in all future conveyances of City-owned property.

These regulations were vetted not only from a legal perspective, but also vetted by those familiar with Oil and Gas exploration practices and operations.

**DISCUSSION**

Oil and Gas Drilling and Production regulations are developed for two main purposes. First, these regulations allow for safe drilling operations to occur within the City limits. Second, these regulations will provide adequate health, safety and general welfare protection for others in the City that may be affected by these operations. It should be clear that these regulations are for the benefit of the property owners (i.e., possessor of property being used for mineral exploration), operators conducting exploration and/or extraction, and others ancillary to these operations that may be impacted. Having such regulations in place will ensure that the City can administer and enforce appropriate regulations in the context of a special use permit review process and protect the health, safety and general welfare of our citizens.

The draft Ordinance language is contained in Attachment 1. Below is a list of the various sections contained in the Ordinance, including a synopsis of the intent of each section.

- **Sec. 40-1. Purpose.**  
*Summary: The intent of the regulations are included in this section.*
- **Sec. 40-2. Definitions.**  
*Summary: The definitions and terms specific to the associated regulations proposed.*
- **Sec. 40-3. Special use permit.**  
*Summary: The basis for the requirement of a Special Use Permit (SUP) and the basic requirements that would cause a proposed operation to require the approval of an SUP.*
- **Sec. 40-4. Application and requirements.**  
*Summary: Sets the requirements for who may apply for an SUP. The regulations limit this to the record owner, mineral owner, or the duly authorized agent of either the record owner or the mineral owner.*
- **Sec. 40-5. Planning Commission Recommendation for Special Use Permit.**  
*Summary: The Planning and Zoning Commission is established as the recommending body for an SUP. This is not dissimilar to the current requirements for an SUP approval.*
- **Sec. 40-6. Oil and gas well development plats.**  
*Summary: Oil and gas well development plats are set as a requirement in order to delineate the area to be regulated by the standards proposed. These standards also include the declaration of necessary application information required in order to evaluate permit requests.*
- **Sec. 40-7. Site plans.**  
*Summary: Site plans are required to be submitted in conjunction with an SUP application and considered by City Council as part of this application.*
- **Sec. 40-8. Standards for drilling and production.**  
*Summary: This extensive section sets the technical requirements for the conduction of on-site operations as well as controlling the potential off-site impacts with respect to health, safety and general welfare.*
- **Sec. 40-9. Oil and gas permit required.**  
*Summary: This permit is another level of monitoring in addition to the SUP, Site Plan and Oil & Gas Development Plat. This permit is for active sites and will require the submittal of associated insurance/security, safety reporting, maintenance agreement, and notice of activities to be conducted. Each of these components are detailed in Sections 40-10 through 40-14 of the regulations.*
- **Sec. 40-10. Insurance and indemnification.**  
*Summary: Insurance standards commensurate with the on-site activities are contained in this section. Additionally, the City is indemnified against any and all claims associated with oil and gas drilling/production activities.*
- **Sec. 40-11. Security.**  
*Summary: Requires the submittal of a security instrument prior to the issuance of any Oil and Gas Permit. A separate instrument will be required for each well.*
- **Sec. 40-12. Application review.**

*Summary: Simply sets the standards to ensure that applications are processed both completely and expeditiously.*

▪ **Sec. 40-13. Periodic reports.**

*Summary: The operator will be required to keep the City apprised of activities occurring on-site and any changes as they occur.*

▪ **Sec. 40-14. Notice of activities.**

*Summary: Any work to be performed on a “well site” shall include proper notification to the City as well as posting on-site.*

▪ **Sec. 40-15. Amended permits.**

*Summary: Any activities that change in an existing Oil/Gas Well Permit shall require an amended permit. If the activities change outside of the scope of the previously approved SUP, Site Plan, or Development Plat, then such documents may be required to be amended as well.*

▪ **Sec. 40-16. Transfer of permits.**

*Summary: Permits shall be allowed to be transferred between property owners without the consent of the City.*

▪ **Sec. 40-17. Adoption of oil and gas pipeline standards.**

*Summary: Oil and Gas Pipeline Standards will be maintained as a separate document outside of this Ordinance, similar to other construction standards for the City.*

▪ **Sec. 40-18. Remedies.**

*Summary: Guidelines are provided with respect to “remedies” should an operator of a permit perform work outside of the scope of the approved permit(s).*

▪ **Sec. 40-19. Enforcement, right of entry**

*Summary: This standard language allows for enforcement of these regulations by the City as well as providing the City “right of entry” on all sites.*

▪ **Sec. 40-20. Penalties.**

*Summary: Penalties may be incurred should any person operate outside of the terms of these regulations.*

Should City Council wish to proceed with the adoption of these regulations, the Ordinance can be prepared for an upcoming City Council meeting. Since the regulations are not included in the Development Code, the Ordinance can be directly considered by City Council.

## **FINANCIAL/BUDGET IMPLICATIONS**

N/A

## **RECOMMENDED ACTION**

Provide direction to staff on the draft language and proposed schedule to amend the Rowlett Code of Ordinances regarding “Oil and Gas Drilling and Production” Regulations.

## **ATTACHMENT**

Attachment 1 – Draft Ordinance

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

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ROWLETT, TEXAS, TO ADD A NEW CHAPTER 40, TO BE ENTITLED, "OIL AND GAS DRILLING AND PRODUCTION," REGULATING THE EXPLORATION, DRILLING AND PRODUCTION OF OIL AND GAS; 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 City Council of the City of Rowlett, Texas, finds and determines that the City's existing regulations do not meet the needs of the public health, safety and welfare as it relates to the exploration, drilling, and production of oil and natural gas within the City; and

**WHEREAS**, the City Council finds and determines that a possibility exists that oil and natural gas production companies may choose to conduct operations within the City and that regulations governing such activities will protect, preserve and promote the public health, safety and welfare of the citizens of Rowlett.

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

**SECTION 1.** That the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by adding a new Chapter 40, consisting of Sections 40-1 through 40-20, to be entitled "Oil and Gas Drilling and Production," such that Chapter 40 of the Code of Ordinances shall henceforth read in its entirety as follows:

## CHAPTER 40

### OIL AND GAS DRILLING AND PRODUCTION

#### **Sec. 40-1. Purpose.**

The exploration, development, and production of gas in the City is an activity which necessitates reasonable regulation to ensure that all property owners, mineral and otherwise, have the right to peaceably enjoy their property and its benefits and revenues. It is hereby declared to be the purpose of this chapter to establish reasonable and uniform limitations, safeguards and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting and storing of oil or gas and other substances produced in association with oil and gas within the City to protect the health, safety and general welfare of the public; minimize the potential impact to property and mineral rights owners, protect the quality of the environment and encourage the orderly production of available mineral resources.

#### **Sec. 40-2. Definitions.**

All technical industry words or phrases related to the drilling and production of oil or gas wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Abandonment* means “abandonment” as defined by the Railroad Commission and includes the plugging of the well and restoration of the drill site as required by this Chapter.

*Building Inspector* means the Building Inspector or building official employed by or designated by the City of Rowlett.

*City Manager* means the City Manager (or other designee by the City Manager) of the City of Rowlett.

*Drilling* means any digging or boring of a new well to develop or produce oil or gas or to inject gas, water, or any other fluid or substance into the earth. Drilling means and includes the re-entry of an abandoned well and/or re-entry for the purpose of directionally drilling to establish a new well bore. Drilling does not mean or include the re-entry of a well that has not been abandoned.

*Drill Site* means the area used for drilling, completing, or re-working a well as well as all access roads into and out of said location.

*EPA* means the United States Environmental Protection Agency.

*Exploration* means geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other sub-surface oil or gas.

*FEMA* means the United States Federal Emergency Management Agency.

*Fire Chief* means the Fire Chief (or other designee by the City) of the Rowlett Fire Department.

*Fire Code* means the most recent Fire Code adopted by the City of Rowlett.

*Gas* means gas or natural gas, as such terms are used in the rules, regulations, or forms of the Railroad Commission.

*Gas Well* means any well drilled for the production of gas or classified as a gas well under the Texas Natural Resources Code.

*Oil/Gas Well Permit* means an Oil or Gas Well Permit applied for and issued or denied under this chapter authorizing the drilling, production, and operation of one or more oil or gas wells.

*Hazardous Materials Management Plan* means the hazardous materials management plan and hazardous materials inventory statements required by the Fire Code.

*New Well* means a new well bore or new hole established at the ground surface and shall not include the re-working of an existing well that has not been abandoned.

*Oil* means oil or crude oil, as such terms are used in the rules, regulations, or forms of the Texas Railroad Commission.

*Oil Well* means any well drilled for the production of oil or classified as an oil well under the Texas Natural Resources Code.

*Operation Site* means the area used for development and production and all related operational activities of gas after drilling activities are complete.

*Operator* means, for each well, the person listed on the Texas Railroad Commission Form W-1 or Form P-4 for an oil or gas well.

*Person* includes both the singular and plural and means a natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, and a fiduciary or representative of any kind.

*Petroleum Specialist* means a person familiar with and educated in the oil and gas industry who has been retained by the City.

*Railroad Commission* means the Railroad Commission of Texas.

*Re-working* means re-completion or re-entry of existing well within the existing bore hole or by deepening or sidetrack operations which do not extend more than one hundred fifty (150) feet from the existing well bore, or replacement of well liners or casings.

*Well* means a hole or bore to any horizon, formation, or strata for the purpose of producing oil, gas, or other liquid hydrocarbons.

**Sec. 40-3. Special use permit.**

(a) No person, acting for himself or acting as an agent, employee, independent contractor, or servant for any person, shall engage in drilling or production of an oil or gas well, nor shall any person cause, suffer or permit the placement of a well for the exploration for or the production of oil or gas within the corporate limits of the City without first obtaining a Specific Use Permit as required by this chapter.

(b) The placement of a well for the exploration for or the drilling or production of oil or gas is prohibited in all zoning districts in the City unless otherwise authorized by Special use permit. No Special use permit shall be granted if:

- (1) the proposed location of the wellhead is within one thousand feet (1,000') from a residential structure, church, or school; and
- (2) the proposed location of the wellhead is within a previously platted residential subdivision where one or more lots have structures.

(c) A Special Use Permit may be issued in accordance with the procedure required by the Rowlett Development Code (Chapter 77, Code of Ordinances, City of Rowlett).

(d) If a Special Use Permit has been issued, the drilling and production of oil or gas shall be in accordance with and shall meet the following requirements:

- (1) All applicable standards and requirements have been met as set forth in this chapter;
- (2) An approved Oil/Gas Well Development Plat and a Road Repair Agreement are on file with the City; and
- (3) An Oil/Gas Well Permit has been issued by the City.

**Sec. 40-4. Application and requirements.**

(a) An application for a Special Use Permit shall be filed by the person having legal authority. That person is presumed to be the record owner, mineral owner, or the duly

authorized agent of either the record owner or the mineral owner. An applicant, when acting as an agent for the owner, shall submit written notarized documentation of his/her authority to file an application on behalf of the owner.

(b) No application shall be accepted for filing until it is complete and the fee established by the City has been paid. Incomplete applications shall be returned less a fee for processing determined by the City Secretary and/or designee.

**Sec. 40-5. Planning Commission Recommendation for Special Use Permit.**

(a) The Planning and Zoning Commission shall review each application and shall make recommendations regarding the applications to the City Council. A copy of all recommendations shall be provided to the operator. The Planning and Zoning Commission may make recommendations regarding any aspect of the proposed oil/gas well development including, but not limited to, recommendations with respect to the standards set forth in this chapter.

(b) In connection with its review of an application for a Special Use Permit for the drilling and production of oil/gas wells, the City may determine that it is necessary to hire a petroleum specialist to assist the Commission in reviewing the application. If such a determination is made, the City will provide the operator a written "scope of work" that the City proposes for such specialist. The City and the operator will attempt to agree upon the "scope of work"; however, the decision of the City shall control. If required by the specialist, the operator will provide a retainer; otherwise, the operator will pay for the services of the specialist after they are rendered. All work performed by the specialist shall be itemized on a daily basis (including a description of the work and the amount of time spent), and such itemization shall be provided to the operator with each request for payment.

(c) The Planning and Zoning Commission has the authority to establish guidelines to use in making recommendations for Oil/Gas Well Permits or by Special Use Permit.

**Sec. 40-6. Oil and gas well development plats.**

(a) Prior to the issuance of an oil/gas drilling permit, any person who proposes drilling and/or the production of oil or gas on a tract of land located within the City limits or within the City's extraterritorial jurisdiction shall prepare and file an Oil/Gas Well Development Plat with the City, regardless of whether the property has previously been platted.

(b) Oil/Gas Well Development Plats shall be processed and approved in accordance with the City's Development Code and the provisions of this chapter, and no new oil or natural gas development may begin on property until the Oil/Gas Well Development Plat is filed and approved by the City in accordance with the provisions of this section. Where the provisions of this chapter conflict with those set forth in the City's subdivision regulations, the provisions of this chapter will prevail.

(c) Erosion control is required and shall comply with all local, state and federal requirements. The operator shall file a copy of the Stormwater Pollution Prevention Plan if required by the EPA/TCEQ.

(d) With the exception of vehicular access, no development is allowed in a floodplain.

(e) General Requirements – An application for the approval of an Oil and Gas Well Development Plat, together with fifteen (15) prints, shall be filed with the City Secretary at least thirty (30) consecutive calendar days prior to the meeting of the Planning and Zoning Commission at which the plat is to be considered. No plat will be considered filed until a complete application, inclusive of all the required items and information listed herein are provided, and the appropriate filing fees have been paid. In addition, tax certificates (indicating that all taxes on the land covered by the plat have been paid to the current year) must be submitted with an application for approval of an Oil and Gas Well Development Plat.

(f) Existing Features – The Oil and Gas Well Development Plat shall be drawn at a scale of one hundred feet to the inch (1" = 100'). The information to be included and the procedure for submittal are as follows:

- (1) Boundary lines of the entire area covered by the Oil and Gas Well Development Plat, indicated by heavy lines, and the computed acreage of the subdivision shall be noted;
- (2) The widths and names of all existing or platted streets or other public rights-of-way or easements within or adjacent to the tract, shall be located together any existing permanent buildings, railroads, and other important features, such as abstract lines, political subdivisions or corporation boundaries, and school district boundaries;
- (3) Existing sewer mains, water mains, drainage culverts, or other underground structures within the tract and within at least two hundred (200) feet of the tract, with pipe sizes and grades;
- (4) Contours with intervals of two (2) feet or less, with references to mean sea level datum;
- (5) The names and lot patterns of subdivisions and/or the names of record owners of unsubdivided land within one thousand (1,000) feet of the perimeter of the Oil and Gas Well Development Plat;
- (6) Permanent structures and land uses within the area covered by the Oil and Gas Well Development Plat and within one thousand (1,000) feet of the perimeter of the Oil and Gas Well Development Plat. Said permanent structures and uses shall include houses, barns, walls, wells, tanks, and other significant features;

- (7) The exact location, dimension, description, and flow line of existing drainage structures and the locations, flow line of existing water courses, and the 100-year FEMA flood plain within the plat;
  - (8) The locations, types, and sizes of all utility infrastructure within the area covered by Oil and Gas Well Development Plat.
- (g) New Features – The following features must also be shown on the Oil and Gas Well Development Plat.
- (1) North point, scale, date, and approximate acreage of the proposed plat;
  - (2) The names, addresses, and phone numbers of the applicant(s), engineer, surveyor, or planner;
  - (3) The tract designation and other description according to the real estate records of the City, County, or Central Appraisal District for each tract of land contained within the Oil and Gas Well Development Plat;
  - (4) The layout, names, and widths of all existing and proposed interior roads, gates, and fencing;
  - (5) Identification of all truck routes and access points;
  - (6) A drainage and erosion control plan that is prepared by a professional engineer licensed to operate in the State of Texas must be submitted with an application for an Oil and Gas Well Development Plat. The drainage and erosion control plan must be approved by the Director of Public Works and must include the following information:
    - (A) All floodplain, creek, and stream crossings shall be designed to a 25-year storm frequency;
    - (B) The erosion control plan must provide references to all applicable local, state, and federal standards and must indicate how these requirements are to be satisfied;
    - (C) Verification that all floodplain, creek, and stream crossings shall have not negative effects on other property.
  - (7) Identify the proposed source of water and any other public utilities required;
  - (8) Identify the location of proposed lease lines and well locations:
    - (A) Label distance between wells and property lines;
    - (B) Label distance between wells and structures within 600 feet of wells as measured from the property line;

- (C) Label distance between temporary holding ponds and floodplains;
- (9) Provide typical well site schematics showing layout during drilling and upon completion of drilling;
  - (10) Show location of all proposed underground pipelines;
  - (11) Identify pipelines connected with a Gas Distribution System;
  - (12) Identify the location of any fresh water wells that are registered with the Texas Water Development Board;
  - (13) Identify the location of all reserve pits, structures, tanks and all areas where equipment is to be stored;
  - (14) Identify all required screening and shrubs;
  - (15) Legal description of the property included within the plat and a metes and bounds description of perimeter of the plat;
  - (16) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;
  - (17) Location of City limits, the City's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the plat, or form any part of the boundary of the plat, or are contiguous to the boundary of the plat;
  - (18) Any proposed changes in topography shown by contour lines on a basis of five (5) foot vertical intervals in terrain with a slope of two (2) percent or more, and on a basis of two (2) foot vertical intervals in terrain with a slope of less than five (5) percent;
  - (19) A copy of all existing protective covenants regulating the use of land shall be submitted with an application for an Oil or Gas Well Development Plat; and
  - (20) Written agreement(s) with notarized signatures of the applicant for an Oil and Gas Well Development Plat and any person owning or in control of a residential structure, church or school located within one thousand (1,000) feet of a proposed well site that grants authorization to drill within one thousand (1,000) feet of said residential structure, church or school must be submitted with an application for an Oil and Gas Well Development Plat.
  - (21) As-built drawings shall be filed with the City.

**Sec. 40-7. Site plans.**

(a) Prior to the issuance of an oil/gas drilling permit, any person who proposes drilling and/or the production of oil or gas on a tract of land located within the City limits or within the City's extraterritorial jurisdiction shall prepare and file a site plan with the City. No oil or gas development activity may begin on property until the Oil/Gas Well Development site plan is filed and approved by the City Council, after recommendation by the Planning and Zoning Commission.

(b) The site plan shall be drawn to scale and shall show general use, lot arrangements, building sites and elevations, and the location and design of all internal streets, drives, railway facilities, parking areas, uses, pipelines, and structures. Site plans shall be prepared by a professional engineer licensed to practice in the State of Texas and shall bear the engineer's seal. A site plan will be required to be submitted in conjunction with any application for a Special Use Permit.

**Sec. 40-8. Standards for drilling and production.**

(a) The drilling and production of an oil/gas well shall include the following standards:

(1) *Compliance with the Development Plat.* No drilling or production of an oil/gas well shall begin until an Oil/Gas Well Development Plat that has been approved by the City is on file with the City that conforms to the requirements of this chapter and the City's subdivision regulations.

(A) The oil/gas well development plat shall provide for adequate public facilities, including water supply, access roads, drainage, erosion control and other necessary supporting facilities identified on the Oil/Gas Well Development Plat.

(B) The design, location, and arrangement of all driveways and parking spaces shall provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

(C) A Road Repair Agreement shall be entered into with the City.

(2) *On-site requirements.*

(A) No refining process, or any process for the extraction of products from gas, shall be carried on at a drill site or operation site, except that a dehydrator and separator may be maintained on a drill site or operation site for the separation of liquids from gas. Any such dehydrator or separator may serve more than one well.

(B) A masonry fence or a wrought iron fence with a living screen at least

(8) feet but not to exceed ten (10) feet in height shall enclose all completed wells and tanks located within an Oil/Gas Well Permit area. Fences shall obstruct the view of completed wells and tanks. Materials and design shall be approved by the City. Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as 24-hour on-site supervision is provided. A secured entrance gate shall be required. All gates are to be kept locked when the Operator or his employees are not within the enclosure.

- (C) Landscaping and irrigation shall be required along all street frontages of the well site with suitable screening shrubs that complement the architectural character of the surrounding neighborhood or opaque vinyl slats in the chain link fencing. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or Operator. All landscape and irrigation plans shall be submitted to the City in accordance with City requirements.
- (D) Vehicles associated with drilling and/or production in excess of three (3) tons shall be restricted to streets as designated on the vehicle route map.
- (E) Site development, other than drilling or working over a well shall be conducted only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday. Truck deliveries of equipment and materials, including the delivery of water for all fracture stimulation operations performed on a well, associated with drilling and/or production, well servicing, site preparation and other related work conducted on the well site shall be limited to between the hours of 7 a.m. to 7 p.m., Monday through Friday, except in cases of fires, blowouts, explosions and any other emergencies or where the delivery of equipment is necessary to prevent the cessation of drilling or production. "Flowback" operations to recover fluids used during fracture stimulation shall be performed between the hours of 7 a.m. to 7 p.m., Monday through Friday.
- (F) Noise and Lighting Restrictions
  - i) A 72-hour ambient sound level study, using 15-minute continuous monitoring, shall be prepared and submitted to the City prior to the commencement of operations on site to determine ambient sound levels during day and night times. The study shall be used to establish ambient sound levels at varying times.

- ii) No drilling, producing or other operations shall produce a sound level greater than 5 dB(a) above ambient sound levels between the hours of 7 a.m. and 7 p.m. when measured at a distance of three hundred feet from the property line of the well site. Between the hours of 7 p.m. and 7 a.m., no person shall operate or permit to be operated in connection with the operation of a producing well any engine, compressor or motor-driven machinery of any type which creates a sound level greater than 3 dB(a) above ambient sound levels when measured at a distance of three hundred feet from the property line of the well site.
  - iii) Sound walls shall be erected during all drilling and fracturing operations adequate to minimize the volume of noise caused by such operations. The walls shall be removed following the completion of drilling and fracturing operations
  - iv) No air, gas or pneumatic drilling shall be allowed due to the noise and safety factors involved.
  - v) In no case shall lighting spill over one foot candle onto public streets or 0.03 foot candles onto adjacent residential property. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within three hundred feet.
- (G) All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications unless other specifications are approved by the Fire Chief. The top of the tanks shall be no higher than fifteen feet above the terrain surrounding the tanks. All tanks shall be set back pursuant to the standards of the Railroad Commission and the National Fire Protection Association, but in all cases, shall be at least twenty-five (25) feet from any public right-of-way.
- (H) Main transmission pipeline cooling or compression facilities are not allowed in any zoning district in the City of Rowlett.
- (I) Air or pneumatic drilling is not allowed in the City.
- (J) Permanent weatherproof signs reading “DANGER NO SMOKING ALLOWED” in a minimum of four inch lettering shall be posted at the entrance of each drill site and operation site. The sign shall include the phone number for emergency services (911), the number

for the operator, and the well designation required by the Railroad Commission in two inch lettering.

- (K) Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the operation site itself shall be at least ten (10) feet wide, have an overhead clearance of fourteen (14) feet and shall be paved or surfaced with crushed rock, gravel or ore and maintained to prevent dust and mud. In particular cases these requirements governing minimum width and surfacing of private roads may be altered at the discretion of the Director of Public Works and/or Fire Chief after consideration of all circumstances including, but not limited to, the following: distances from public streets and highways; distances from adjoining and nearby property owners whose surface rights are not leased by the operation; the purpose for which the property of such owners is or may be used; topographical features; nature of the soil; and exposure to wind.
- (L) No person shall place, deposit, or discharge (or cause or permit to be placed, deposited, or discharged) any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, or any refuse, including wastewater or brine, from any gas operation or the contents of any container used in connection with any oil or gas operation in, into, or upon any public right-of-way, storm drain, ditch or sewer, sanitary drain or sewer, any body of water, or any private property within the corporate limits of the City or the City's extraterritorial jurisdiction.
- (M) All electric lines to production facilities shall be located underground.
- (N) All fire suppression and prevention equipment required by any applicable federal, state, or local law shall be provided by the operator, at the operator's cost, and maintenance and upkeep of such equipment shall be the responsibility of the operator.
- (O) No operator shall excavate or construct any lines for the conveyance of fuel, water, or minerals on, under, or through the streets or alleys or other land of the City without an easement or right-of-way permit approved by the City Council and then only in strict compliance with this chapter, with other ordinances of the City, and/or with the specifications established by the Director of Public Works.
- (P) The digging up, breaking, excavating, tunneling, undermining, breaking up, or damaging of any public street or leaving upon any public street any earth or other material or obstruction, is prohibited unless the operator has first obtained written permission from the

Director of Public Works, and then only in compliance with specifications established by City ordinances.

- (Q) No Oil/Gas Well Permit shall be issued for any well to be drilled within any of the streets, alleys or public easements of the City and/or streets or alleys shown by the City of Rowlett Thoroughfare Plan and no street shall be blocked or encumbered or closed due to any exploration, drilling, or production activities unless prior consent is obtained by the City Council, and then only temporarily.
  - (R) On-site storage is prohibited on the operation site. No equipment shall be stored on the drilling or production operation site unless it is necessary to the everyday operation of the well. Lumber, pipes, tubing and casing shall not be left on the operation site except when drilling or well servicing operations are being conducted on the site. No vehicle or item of machinery shall be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site. The Fire Chief shall determine whether equipment on the site shall constitute a fire hazard. No refinery, processing, treating, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises. This shall not be deemed to exclude a conventional gas separator or dehydrator.
  - (S) Unless alternative sources are approved by the City, all water used on site shall be purchased from the City and no operator shall use well water or water from any natural source.
- (3) *Flow lines and gathering lines.*
- (A) Each operator shall place an identifying sign at each point where a flow line or gathering line crosses a public street or road.
  - (B) Each operator shall place a warning sign for lines carrying H<sub>2</sub>S (Hydrogen Sulfide) gas as required by the Railroad Commission.
  - (C) All flow lines and gathering lines within the corporate limits of the City (excluding utility lines and franchise distribution systems) that are used to transport oil, gas, and/or water shall be limited to the maximum allowable operating pressure applicable to the pipes installed and shall be installed with at least the minimum cover or backfill specified by the American National Safety Institute Code, as amended. All such lines shall be buried to a minimum of thirty six inches below the ground surface and shall be shown on the as-built plans.

- (D) Structures shall not be built over flow lines or gathering lines.
- (4) *Additional safety and environmental requirements.*
- (A) The drilling and production of oil/gas and accessing the oil/gas well site shall be in compliance with all state and federal environmental regulations.
  - (B) Oil/gas wells may have a target location or bottom-hole location that is under an Environmentally Sensitive Area when the oil/gas well is drilled directionally from a location outside the Environmentally Sensitive Area.
  - (C) Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line. In all cases, blowout prevention equipment shall be used on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during gas operations as required by and in conformance with the requirements of the Texas Railroad Commission and the recommendations of the American Petroleum Institute. The operator must equip all drilling wells with adequate blowout preventers, flow lines and valves commensurate with the working pressures involved as required by the Commission. All well heads shall contain an appropriately labeled emergency shut off valve to the well distribution line.
  - (D) Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.
  - (E) All storage tanks shall be equipped with a secondary containment system including lining with an impervious material. The secondary containment system shall be of a sufficient height to contain one-and-one-half (1½) times the contents of the largest tank in accordance with the Fire Code, and buried at least one foot (1') below the surface. Drip pots shall be provided at pump out connection to contain the liquids from the storage tank.
  - (F) Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system.
  - (G) A Hazardous Materials Management Plan shall be on file with the City Secretary and the Fire Marshal.

- (H) An evacuation program shall be filed with the City prior to starting any drilling operation.
- (I) All wells shall be abandoned in accordance with the rules of the Railroad Commission; however, all well casings shall be cut and removed to a depth of at least ten feet (10') below the surface unless the surface owner submits a written agreement otherwise. Three feet (3') shall be the minimum depth. A copy of the mandatory well casing report required for abandoned wells by the Railroad Commission shall be submitted to the water service provider that provides services the area in which a well is located.
- (J) No structures shall be built over an abandoned well.
- (K) No salt-water disposal wells shall be located within the City of Rowlett.
- (L) Lining and fencing the reserve pit shall be required for any and all drilling operations.
- (M) Audible Alarms Required: An automated audible alarm system shall be installed at each well site to provide warnings for a substantial drop in pressure, the release of any gas or oil, or fire. Said audible alarm system shall be approved by the City of Rowlett.
- (N) Site Cleanup Required:
  - (i) Cleanup After Well Servicing – After the well has been completed or plugged and abandoned, the operator shall clean and restore the drill site or operation site as close as practicable to the site's pre-drilling condition and repair all damage to public property caused by such operations within thirty (30) calendar days of the completion of well drilling activities or plugging and abandonment of a well. The plugging and abandonment of a well shall be done in compliance with State regulations and shall include, at a minimum, the use of a cement plug to a depth of at least ten (10) feet from the surface.
  - (ii) Cleanup After Spills, Leaks, and Malfunctions – After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the City all waste materials from any public or private property affected by such spill, leak or malfunction. Cleanup operations must begin immediately. If the owner fails to begin site cleanup

within twenty-four (24) hours, the City shall have the right to contact the Railroad Commission in order to facilitate the removal of all waste materials from any property affected by such spill, leak or malfunction.

- (iii) Free From Debris – The property on which a well site is located shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash or other waste material within a radius of one hundred (100) feet around any tanks, separators, and producing wells.
- (iv) Blowouts – In the event of the loss of control of any well, the operator shall immediately take all reasonable steps to regain control regardless of any other provision of this chapter and shall notify the City as soon as practicable. If the City believes that danger to persons and property exists because of loss of well control and that the operator is not taking or is unable to take all reasonable and necessary steps to regain control of such well, the City may then employ any well control expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material that the City deems necessary to regain control of such well. Upon the filing of a statement of expenses with the County Clerk of Dallas County or Rockwall County, as appropriate, the City shall then have a first, prior, and valid lien against the property and the interest of the well of all working interest owners to secure payment of any expenditure made by the City pursuant to such action of the City in gaining control of said well. Said lien shall accrue interest at the rate of ten percent (10%) per annum and shall be superior to all other liens against the property, including purchase-money security interests, regardless of when such other lien(s) may have arisen, except liens for taxes.

(O) Emergency Response Plans and Emergency Incident Reporting – The reporting requirements specified herein are in addition to those required by section 40-13 of this chapter.

- (i) Each gas or oil well owner or operator shall maintain written procedures to minimize the hazards resulting from an emergency and shall provide a copy of these procedures to the City Secretary and Fire Marshal. These procedures shall at a minimum provide for:
  - (aa) Prompt and effective response to emergencies regarding: 1) Leaks or releases that can impact public

- health, safety, and welfare; 2) Fire or explosions at or in the vicinity of an oil or gas well; or, 3) Natural disasters;
- (bb) Effective means to notify and communicate required and pertinent information to local fire, police, and public officials during an emergency;
  - (cc) The availability of personnel, equipment, tools, and materials as necessary at the scene of an emergency;
  - (dd) Measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment;
  - (ee) Emergency shut down of an oil or gas well and related site;
  - (ff) The safe restoration of service and operations following an emergency or incident;
  - (gg) A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures.
- (ii) Each oil or gas well owner or operator shall meet annually with representatives of the City to review emergency response plans. These reviews shall be in accord with U.S. Department of Transportation and Railroad Commission requirements and the owner or operator will:
- (aa) Furnish or update a copy of the emergency response plan described in the foregoing subsection (O)(i);
  - (bb) Review the responsibilities of each governmental organization in response to an emergency or incident;
  - (cc) Review the capabilities of the pipeline owner or operator to respond to an emergency or incident;
  - (dd) Identify the types of emergencies or incidents that will result in or require contacting the City; and
  - (ee) Plan mutual activities that the City and the oil or gas well owner or operator can engage in to minimize risks associated with oil or gas well operation.

At this meeting, the City shall provide the oil or gas well owner or operator with a list of additional contacts that should be made in the event of an oil or gas well emergency or incident. The City will inform the oil or gas well owner or operator of the emergency response groups that will be contacted through 911.

- (iii) Upon discovery of an oil or gas well emergency or incident, the following communications are to be initiated by the affected pipeline owners or operators:
- (aa) A general description of the emergency or incident;

- (bb) The location of the emergency or incident;
  - (cc) The name and telephone number of the person reporting the emergency or incident;
  - (dd) The name of the oil or gas well owner or operator;
  - (ee) Whether or not any hazardous material is involved and identification of the hazardous material so involved; and
  - (ff) Any other information as requested by the emergency dispatcher or other such official at the time of reporting the emergency or incident.
- (iv) The oil or gas well owner or operator shall contact any other emergency response groups that are necessary that may not be activated through the 911 system.
  - (v) The oil or gas well owner or operator shall contact the Dallas County Local Emergency Planning Committee (DCLEPC) no later than one hour after the discovery of any incident.
  - (vi) Within two years of the effective date of the oil or gas well permit and every two years thereafter, the oil or gas well owner or operator shall conduct an on-site, emergency drill that includes, but shall not be limited to, the personnel operating the oil or gas well, local law enforcement personnel, and officials of the City of Rowlett.
- (5) *Reworking of a well*
- (A) Reworking of a well to deepen or directional drill an existing well shall be conducted in accordance with the conditions for the applicable Special Use Permit or underlying zoning classification that permits oil/gas development by right. The operator shall provide the City a copy of additional Railroad Commission permits that allow drilling to a deeper depth.
  - (B) Reworking of a well to deepen or directional drill an existing well shall be conducted in accordance with the approved Oil/Gas Well Permit for the well on file with the City Secretary.
- (6) Drilling and production of oil/gas wells shall comply with all federal, state, and local laws applicable to oil/gas well drilling, production and operations.
  - (7) It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located within two hundred feet to any existing fresh water well. The measurement shall be in a direct line from the closest well bore to the fresh water well bore.

- (8) The operator of a gas well shall install a fresh water well within two hundred (200) feet of the well bore prior to drilling operations. The operator shall conduct and provide the City with a pre-drilling water analysis that shall display, at a minimum, concentrations of BTEX (benzene, toluene, ethylbenzene, and xylene), methane, TPH (total petroleum hydrocarbons), and TDS (total dissolved solids). The operator shall use this well to conduct water testing for the same constituents quarterly following the commencement of drilling operations for a period of two years. Following the initial two-year period, these water tests shall be conducted twice each year thereafter. All test results shall be furnished to the City.
- (9) Within one hundred eighty days of its completion date, each oil or gas well shall be equipped with a cathodic protection system to protect the production casing from external corrosion. The City may approve an alternative method of protecting the production casing from external corrosion.

**Sec. 40-9. Oil and gas permit required.**

- (a) Any person, acting for himself or acting as an agent, employee, independent contractor, or servant for any person, shall not engage in the drilling and production of oil/gas wells within the corporate limits of the City without first obtaining an Oil/Gas Well Permit issued under this chapter.
- (b) When an Oil/Gas Well Permit has been issued covering a well, the permit shall constitute authority for drilling, operation, production, gathering of production, maintenance, repair, re-working, testing, site preparation consisting of rigs or tank batteries, plugging and abandonment, and any other activity authorized by this chapter associated with drilling or production by the operator and their respective employees, agents, and contractors. An Oil/Gas Well Permit shall also constitute authority for the construction and use of all facilities reasonably necessary or convenient in connection therewith, including gathering lines and discharge lines, by the operator and its respective employees, agents, contractors and subcontractors.
- (c) An Oil/Gas Well Permit shall not be required for exploration for oil or gas. Exploration of oil/gas means geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other sub-surface hydrocarbons.
- (d) Any well that has been annexed into the City shall be required to meet the requirements of this chapter and shall apply for an Oil/Gas Well Permit on the effective date of the annexation. Any well that has obtained an Oil/Gas Well Permit issued by the City prior to the effective date of this chapter shall provide all information required for Oil/Gas Well Permits under this chapter unless the information has been previously

provided to the City. Oil/Gas Well Permits issued prior to the effective date of this chapter shall comply with the following requirements:

- (1) Standards for oil/gas well drilling and production requirements of section 40-8 of this chapter.
  - (2) Insurance and Security requirements of sections 40-10 and 40-11.
  - (3) Periodic reports as required by section 40-13 of this chapter.
  - (4) Road Maintenance Agreement unless already provided.
  - (5) Notice of Activity requirements of section 40-14 of this chapter.
- (e) An Oil/Gas Well Permit shall not, however, constitute authority for the re-entering and drilling of an abandoned well. Re-entry and drilling of an abandoned well shall require a new Oil/Gas Well Permit.
- (f) Applications for Oil/Gas Well Permits shall be in writing, shall be on forms provided by the City; shall be signed by the Operator; shall include the application fee; and shall include a copy of the applicable Special Use Permit, Development Plat and Site Plan.
- (g) An Oil/Gas Well Permit shall not be issued until such time that the Operator has filed a vehicle route map indicating the route that will be used by all vehicles associated with drilling and or production in excess of three tons.
- (h) An Oil/Gas Well Permit shall not be issued until such time that the Operator and the City have entered into an acceptable Road Maintenance Agreement that includes provisions for a Pre-Drilling Road Condition Evaluation Study and a Post-Drilling Road Condition Evaluation Study. The Studies shall be prepared by a professional engineer and shall be paid for by the operator. The purpose of the Studies is to evaluate the condition of the vehicle routes used by the operator in order to determine the extent of damage, if any, caused by drilling operations of the operator.

**Sec. 40-10. Insurance and indemnification.**

The operator shall provide or cause to be provided the insurance described below for each well for which an Oil/Gas Well Permit is issued, such insurance to continue until the well is abandoned and the site restored. Such coverage shall be approved by the City.

- (a) General Requirements. Indemnification and Express Negligence Provisions.
- (1) Each Oil/Gas Well Permit issued by the City shall include the following language: “Operator does hereby expressly release and discharge all claims, demands, actions, judgments, and executions which it ever had, or now have or may have, or its successors or assigns may have, or claim to

have, against the City of Rowlett, and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the performance of the work performed by the operator under an Oil/Gas Well Permit and the operator caused by or arising out of, that sequence of events which occur from the operator under the Oil/Gas Well Permit and work performed by the operator. The operator shall fully defend, protect, indemnify, and hold harmless the City of Rowlett, Texas, and/or its departments, agents, officers, servants, employees, successors, assigns, sponsors, or volunteers from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of the City of Rowlett, Texas, and/or its departments, agents, officers, servants, or employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by Operator, its agents, assigns, or any third parties on account of, arising out of, or in any way incidental to or in connection with the performance of the work performed by the Operator under an Oil/Gas Well Permit and the Operator agrees to indemnify and hold harmless the City of Rowlett, Texas, and/or its departments, and/or its officers, agents, servants, employees, successors, assigns, sponsors, or volunteers from any liabilities or damages suffered as a result of claims, demands, costs, or judgments against the City and/or, its departments, its officers, agents, servants, or employees, created by, or arising out of the acts or omissions of the City of Rowlett occurring on the drill site or operation site in the course and scope of inspecting and permitting the oil/gas wells INCLUDING, BUT NOT LIMITED TO, CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE SOLE NEGLIGENCE OF THE CITY OF ROWLETT OCCURRING ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE OIL/GAS WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE CITY OF ROWLETT, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY OF ROWLETT, TEXAS, ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE. LIABILITY FOR THE SOLE NEGLIGENCE OF THE CITY IN THE COURSE AND SCOPE OF ITS DUTY TO INSPECT AND PERMIT THE OIL/GAS WELL IS LIMITED TO THE MAXIMUM AMOUNT OF RECOVERY UNDER THE TORT CLAIMS ACT.”

- (2) All policies shall be endorsed to read, "This policy will not be cancelled or non-renewed without 30 days advanced written notice to the owner and the City except when this policy is being cancelled for nonpayment of premium, in which case 10 days advance written notice is required".
  - (3) Liability policies shall be written by carriers licensed to do business in Texas and with companies rated A+ or better by A.M. Best, or with non-admitted carriers that have a financial rating comparable to carriers licensed to do business in Texas approved by the City. The A+ rating by A.M. Best shall be maintained for the policy period.
  - (4) Liability policies shall name as "Additional Insured" the City and its officials, agents, employees, and volunteers.
  - (5) Certificates of insurance must be presented to the City evidencing all coverages and endorsements required by this section, and the acceptance of a certificate without the required limits and/or coverages shall not be deemed a waiver of these requirements.
  - (6) Claims made policies will not be accepted except for excess policies or unless otherwise provided by this chapter.
- (b) Required Insurance Coverages
- (1) Commercial General Liability Insurance.
    - (A) Coverage should be a minimum Combined Single Limit of \$1,000,000 per occurrence for Bodily Injury and Property Damage. This coverage must include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, broad form property damage, independent contractors protective liability and personal injury.
    - (B) Environmental Pollution Liability Coverage:
      - (i) Operator shall purchase and maintain in force for the duration of the Oil or Gas Well Permit insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of that damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with a loss arising from the insured site. Coverage shall be maintained in an amount of at least \$1,000,000 per loss, with an annual aggregate of at least \$10,000,000.

- (ii) Coverage shall apply to sudden and accidental pollution conditions resulting from escape or release of smoke vapors, fumes, acids, alkalis, toxic chemicals, liquids or gasses, waste material or other irritants, contaminants or pollutants.
  - (iii) The operator shall maintain continuous coverage and shall purchase extended coverage period insurance when necessary. The extended coverage period insurance must provide that any retroactive date applicable to coverage under the policy precedes the effective date of the issuance of the permit by the City.
- (2) Automobile Liability Insurance. Minimum Combined Single Limit of \$500,000 per occurrence for Bodily Injury and Property Damage. Such coverage shall include owned, non-owned, and hired vehicles.
- (3) Worker's Compensation Insurance. In addition to the minimum statutory requirements, coverage shall include Employer's Liability limits of at least \$100,000 for each accident, \$100,000 for each employee, and a \$500,000 policy limit for occupational disease, and the insurer agrees to waive rights of subrogation against the City, its officials, agents, employees, and volunteers for any work performed for the City by the operator.
- (4) Excess (or Umbrella) Liability Insurance. Minimum limit of \$10,000,000 covering in excess of the preceding insurance policies.
- (5) Control of Well Insurance.
  - (A) Minimum limit of \$5,000,000 per occurrence.
  - (B) Policy shall cover the cost of controlling a well that is out of control, Re-drilling or Restoration expenses, Seepage and Pollution Damage. Damage to Property in the Operator's Care, Custody, and Control with a sub-limit of \$500,000 may be added.

**Sec. 40-11. Security.**

- (a) A security instrument that covers each well must be delivered to the City before the issuance of the Oil/Gas Well Permit for the well. The instrument must provide that it cannot be cancelled without at least thirty days' prior written notice to the City and, if the instrument is a performance bond, that the bond cannot be cancelled without at least ten days' prior written notice for non-payment of premium. The instrument shall secure the obligations of the operator related to the well to:

- (1) Repair damage as determined by a Professional Engineer by comparing the pre-drilling and the post-drilling road condition evaluation studies excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by or contemplated by the Oil/Gas Well Permit;
- (2) Comply with the insurance and security provisions set forth in section 40-10 of this section and this section; and
- (3) Pay any and all fines and penalties imposed upon the operator by the City for any breach of the Oil/Gas Well Permit.

(b) The security instrument may be in the form of an irrevocable letter of credit or payment bond issued by a bank or surety authorized to do business in the State of Texas and approved by the City. The instrument shall run to the City for the benefit of the City, shall become effective on or before the date the Oil/Gas Well Permit is issued, and shall remain in effect until the well is abandoned and the site restored. The security instrument must be provided by a surety company with an A.M. Best A+ rating that is licensed to conduct business in the State of Texas and shall be payable to the City of Rowlett. Such surety company shall maintain an A.M. Best A+ rating for the policy period.

(c) A certificate of deposit may be substituted for the letter of credit or payment bond. The certificate shall be issued by a bank in Dallas County, Texas, shall be approved by the City, shall be payable to the order of the City to secure the obligations of the Operator described above, and shall be pledged to the bank with evidence of delivery provided to the City. Interest on the certificate shall be payable to the Operator.

(d) The amount of the security shall be a minimum of \$50,000 for any single well. Any operator who initially posted a \$50,000 bond, and whose well in the producing stage and all drilling operations have ceased, may submit an application to the City to reduce the existing \$50,000 bond.

(e) The security will terminate when the Oil/Gas Well Permit is transferred, with respect to the operator-transferor and if the operator-transferee provides replacement security that complies with this section, when the well is abandoned and the site restored, and when the City consents in writing to such termination.

(f) An appeal of the determination of the amount of security required under this chapter may be made to the City Council for final determination of the amount of security.

**Sec. 40-12. Application review.**

(a) All applications for Oil/Gas Well Permits shall be filed with the City Secretary or assigns who shall immediately forward all applications to the Planning and Zoning Commission for review. Incomplete applications shall be returned to the applicant, in

which case the City shall provide a written explanation of the deficiencies if requested by the applicant. The City shall retain a processing fee determined by the City. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the operator. All such applications shall be accompanied with an approved permit issued by the Railroad Commission.

(b) The Planning and Zoning Commission shall review each application and shall determine whether the application includes all of the information required by this chapter, whether the application is in conformance with the applicable Oil/Gas Well Development Plat, applicable Special Use Permit or Planned Development Zoning District and whether the application is in conformance with the insurance and security requirements set forth in sections 40-10 and 40-11 of this chapter. The Planning and Zoning Commission shall forward a written report regarding its determination to the City Council, with a copy provided to the operator.

(c) The Planning and Zoning Commission shall review the application and shall make recommendations to the City Council regarding issuance of the Oil/Gas Well Permit. If the City Council approves the Oil/Gas Permit Application, the City shall issue an Oil/Gas Permit, which shall be forwarded to the operator. If after receiving the application, the Planning and Zoning Commission determines that the application is incomplete or that the application is not in conformance with the applicable Oil/Gas Well Development Plat and/or the applicable Special Use Permit, the City may employ a technical advisor under the Fire Code.

(d) The City Council may condition the release of the approved Oil/Gas Well Permit upon the operator providing the security required by section 40-11 of this chapter and upon the operator entering into a Road Repair Agreement that will obligate the operator to repair damage excluding ordinary wear and tear, if any, to public streets, including but not limited to, bridges caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by or contemplated by the approved Oil/Gas Well Permit.

(e) Each Oil/Gas Well Permit issued by the City shall:

- (1) Identify the name of each well and its operator;
- (2) Specify the date on which the City issued each permit;
- (3) Specify that drilling must commence on the well covered by the permit within six months of approval by the City otherwise the permit expires. A one-year extension of time may be granted if existing conditions are the same;
- (4) Specify that once drilling has commenced, the permit shall continue until the well covered by the permit is abandoned and the site restored or within

one year of the approval date of the permit by the City Council, whichever comes first;

- (5) Incorporate, by reference, the insurance and security requirements set forth in sections 40-10 and 40-11 of this chapter;
  - (6) Incorporate, by reference, the requirement for periodic reports set forth in section 40-13 of this chapter and for Notice of Activities set forth in section 40-14;
  - (7) Incorporate the full text of the release of liability provisions set forth in section 40-10(a)(1) of this chapter;
  - (8) Incorporate, by reference, the conditions of the applicable Development Plat, Site Plan or applicable Special Use Permit.
  - (9) Incorporate, by reference, the information contained in the permit application;
  - (10) Incorporate, by reference, the applicable rules and regulations of the Railroad Commission, including the applicable “field rules”;
  - (11) Specify that no drilling operations (including the construction of internal private access roads) shall commence until the operator has provided the security required by section 40-11 of this chapter;
  - (12) Contain the name, address, and phone number of the person designated to receive notices from the City, which person must be a resident of Texas that can be served in person or by registered or certified mail; and
  - (13) Incorporate by reference all other permits and fees required by the Fire Code.
- (f) The decision of the Planning and Zoning Commission to recommend denial of an application for an Oil/Gas Well Permit shall be provided to the operator in writing within 10 days after the decision, including an explanation of the basis for the decision, if requested by the operator. The City Council shall make the final decision regarding approval of the Oil/Gas Well Permit.
- (g) If an application for a Gas Well Permit is denied by the City Council, nothing herein contained shall prevent a new permit application from being submitted to the City for the same well.

**Sec. 40-13. Periodic reports.**

(a) The operator shall notify the Office of the Fire Marshal of any changes to the following information immediately, within one business day after the change occurs.

- (1) The name, address, and phone number of the operator;
- (2) The name, address, and 24-hour phone number of the person(s) with supervisory authority over drilling or operations activities;
- (3) The name, address, and phone number of the person designated to receive notices from the City, which person must be a resident of Texas that can be served in person or by registered or certified mail; and
- (4) The operator's Emergency Action Response Plan including "drive-to-maps" from public rights-of-way to each drill site.

(b) The operator shall provide a copy of any "incident reports" or written complaints submitted to the Railroad Commission or any other state or federal agency within 30 days after the operator has notice of the existence of such reports or complaints.

(c) Beginning on December 31 after each well is completed, and continuing on each December 31 thereafter until the operator notifies the City that the well has been abandoned and the site restored, the operator shall prepare a written report to the City identifying any changes to the information that was included in the application for the applicable Oil/Gas Well permit that have not been previously reported to the City.

**Sec. 40-14. Notice of activities.**

Any person who intends to re-work a well using a drilling or workover rig, to fracture stimulate a well after initial completion, or to conduct seismic exploration involving explosive charges shall give written notice to the City at least 10 days before the activities begin. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice must also provide the address and 24-hour phone number of the person conducting the activities. The person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address, and 24-hour phone number of the person conducting the activities. If the City determines that an inspection by the City is necessary, the operator will pay the City's applicable fee for the inspection.

**Sec. 40-15. Amended permits.**

(a) An operator shall submit an application to the City to amend an existing Oil/Gas Well Permit to commence drilling from a new drill site that is not shown on (or incorporated by reference as part of) the existing permit, to relocate a drill site or operation site that is shown on (or incorporated by reference as part of) the existing permit, or to otherwise amend the existing permit.

(b) Applications for amended Oil/Gas Well Permits shall be in writing, shall be on forms provided by the City, shall be signed by the operator, and shall include the following:

- (1) The application fee as set by the City's adopted Fee Schedule;
- (2) A description of the proposed amendments;
- (3) Any changes to the information submitted with the application for the existing Oil/Gas Well Permit (if such information has not previously been provided to the City);
- (4) Such additional information as is reasonably required by the City to demonstrate compliance with the applicable Development Plat, Site Plan, applicable Special Use Permit or Planned Development Zoning District; and
- (5) Such additional information as is reasonably required by the City to prevent imminent destruction of property or injury to persons.

(c) All applications for amended Oil/Gas Well Permits shall be filed with the City Secretary who shall then immediately forward said amended application to the Planning and Zoning Commission for review. Incomplete applications may be returned to the applicant, in which case the City shall provide a written explanation of the deficiencies; however, the City may retain a processing fee as determined by the City. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the operator.

(d) If the activities proposed by the amendment are not materially different from the activities covered by the existing Oil/Gas Well Permit, and if the proposed activities are in conformance with the applicable Development Plat, Site Plan, or applicable Special Use Permit, then the Planning and Zoning Commission shall have the authority to approve the amendment within 10 days after the application is filed.

(e) If the activities proposed by the amendment are materially different from the activities covered by the existing Oil/Gas Well Permit, and if the proposed activities are in conformance with the applicable Development Plat, Site Plan, or the applicable Special Use Permit, then the Planning and Zoning Commission shall approve the amendment within 30 days after the application is filed. If, however, the activities proposed by the amendment are materially different and, in the judgment of the Planning and Zoning Commission, might create a risk of imminent destruction of property or injury to persons that was not associated with the activities covered by the existing permit or that was not otherwise taken into consideration by the existing permit, the Planning and Zoning Commission may require the amendment to be processed as a new Oil/Gas Well Permit application.

(f) The failure of the Planning and Zoning Commission to review and issue an amended Oil/Gas Well Permit within a reasonable specified time limit shall not cause the application for the amended permit to be deemed approved.

(g) The decision of the Planning and Zoning Commission to deny an amendment to an Oil/Gas Well Permit shall be provided to the operator in writing within 10 days after the decision, including an explanation of the basis for the decision. The operator may appeal any such denial to the City Council.

**Sec. 40-16. Transfer of permits.**

An Oil/Gas Well Permit may be transferred by the operator without the consent of the City Council if the transfer is in writing signed by both parties, if the transferee agrees to be bound by the terms and conditions of the transferred permit, if all information previously provided to the City as part of the application for the transferred permit is updated to reflect any changes, and if the transferee provides the insurance and security required by sections 40-10 and 40-11 of this chapter. The insurance and security provided by the transferor shall be released if a copy of the written transfer is provided to the City. The transfer shall not relieve the transferor from any liability to the City arising out of any activities conducted prior to the transfer.

**Sec. 40-17. Adoption of oil and gas pipeline standards.**

The installation, construction, reconstruction, use, operation, maintenance, repair and removal of any and all pipelines, conduit and lines for the conveyance, transmission and delivery of Oil and Gas within or through the City shall be in conformity with the Oil and Gas Pipeline Standards hereby adopted by the City, as such may be amended. A true and correct copy of the Oil and Gas Pipeline Standards and any and all amendments thereto shall be maintained in the office of the City Secretary and the Building Official. This section and the standards adopted herein shall not apply to pipes, conduit or lines used for the transmission of natural gas (Liquefied Petroleum Gas - LPG) for domestic and household consumption where such transmission of LPG is directly to households.

**Sec. 40-18. Remedies.**

(a) If an operator (or its officers, employees, agents, contractors, subcontractors or representatives) fails to comply with any requirement of a Oil/Gas Well Permit (including any requirement incorporated by reference as part of the permit), the City shall give written notice to the operator specifying the nature of the alleged failure and giving the operator a reasonable time to cure, taking into consideration the nature and extent of the alleged failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the community. In no event, however, shall the cure period be less than 30 days unless the alleged failure presents a risk of imminent destruction of property or injury to persons or unless the alleged failure involves the operator's failure to provide periodic reports. The City may issue a Stop Work Order under the Fire Code.

(b) If the operator does not cure the alleged failure within the time specified by the City, the City may notify the Railroad Commission and request that the Railroad Commission take appropriate action (with a copy of such notice provided to the operator), and the City may pursue any other remedy available under this chapter or other law.

(c) If the operator does not cure the alleged failure within the time specified by the City, the City may, in addition to any other remedy:

- (1) Suspend the Oil/Gas Well Permit until the alleged failure is cured, or
- (2) If the operator fails to initiate and diligently pursue a cure, revoke the Oil/Gas Well Permit.

(d) The recommendation of suspension or revocation of an Oil/Gas Well Permit shall be provided to the operator in writing at least ten days before any action by the City Council. Failure to furnish the operator with written notice of such recommendation shall not affect the validity of any proceedings or determination of suspension or revocation.

(e) If an Oil/Gas Well Permit is revoked, the operator may submit an application for a new Oil/Gas Well Permit for the same well.

#### **Sec. 40-19. Enforcement, right of entry**

The City Manager is authorized and directed to enforce this chapter and the provisions of any Oil/Gas Well Permit. Whenever necessary to enforce any provision of this chapter or an Oil/Gas Well Permit, or whenever there is reasonable cause to believe there has been a violation of this chapter or an Oil/Gas Well Permit, the City Manager, or his designated representative, may enter upon any property covered by this chapter or an Oil/Gas Well Permit at any reasonable time to inspect or perform any duty imposed by this chapter. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry. Such refusal shall constitute an offense under the provisions of this chapter.

#### **Sec. 40-20. Penalties.**

- (a) It shall be unlawful and an offense for any person to do the following:
- (1) engage in any activity not permitted by the terms of an Oil/Gas Well Permit or an Oil and Gas Pipeline Permit issued under this chapter;
  - (2) fail to comply with any conditions set forth in an Oil/Gas Well Permit or an Oil and Gas Pipeline Permit issued under this chapter; or
  - (3) violate any provision or requirement set forth under this chapter.

(b) Any violation of this chapter shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) per day, subject to applicable state law. Each day a violation occurs constitutes a separate violation.

(c) The penalties and remedies provided for in this chapter are cumulative of all other penalties and enforcement procedures.”

**DRAFT**

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

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

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

**SECTION 5.** That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each day in which an offense occurs shall be deemed a separate offense.

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



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 5A

**TITLE**

Hear presentation of the Monthly Financial report for the period ending December 31, 2014.

**STAFF REPRESENTATIVE**

Wendy Badgett, Interim Director of Finance

**SUMMARY**

Attached is the Comprehensive Monthly Financial Report for December 2014, in accordance with the City Council's financial strategy to provide timely and accurate reporting. The fiscal year for the City of Rowlett is October 1 through October 30. Three months of FY2015, or 25.0 percent of the fiscal year is complete.

**BACKGROUND INFORMATION**

The City of Rowlett Department of Financial Services is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Comprehensive Monthly Finance Report (CMFR) is a unique document that is prepared each month and is directed at providing our audience (internal and external users), with important information about the City's financial position and operations.

**DISCUSSION**

Attached is the Comprehensive Monthly Financial report for December 2014. Three months of FY2015, or 25.0 percent of the fiscal year is complete.

**Revenues:** Overall, the City has earned or received \$31.3 million for FY2015. This amount is 36.7 percent of the approved operating budget of \$85.3 million and is 2.2 percent more than forecast through the month of December.

- General Fund revenues are \$0.4 million or 2.8 percent higher than expected.
- Utility Fund revenues are \$0.3 million or 4.4 percent lower than expected.

**Expenses:** Expenses totaled \$17.3 million year-to-date for FY2015. This amount is 20.1 percent of the approved operating budget of \$86.0 million and is 1.1 percent lower than forecast through the month of December.

- General Fund expenditures are \$0.1 million or 1.4 percent lower than expected.
- Utility Fund expenditures are \$0.2 million or 2.7 percent higher than expected.

**Surplus:** The net surplus from operations through December is \$14.0 million, which is \$0.9 million better than expected at this point in the year. The adopted operating budget for the fiscal year anticipates a total decrease of \$0.7 million.

**FINANCIAL/BUDGET IMPLICATIONS**

N/A

**RECOMMENDED ACTION**

Information only. The Comprehensive Monthly Financial Report – December 31, 2014, is attached.

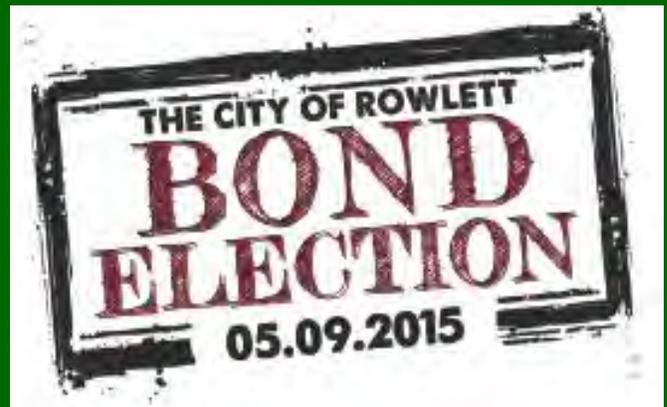
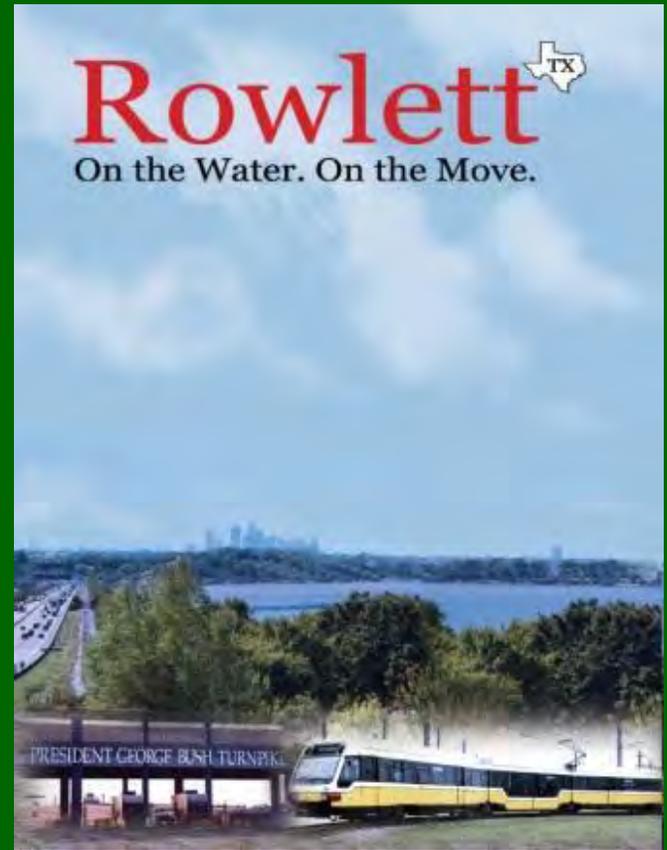
**ATTACHMENT**

Attachment 1 – Comprehensive Monthly Financial Report – December 31, 2014



**Comprehensive  
Monthly  
Financial  
Report**

**December 2014**





# MONTHLY FINANCIAL REPORT

## PERFORMANCE AT A GLANCE

**December 2014**

	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY	POSITIVE	Page 4
GENERAL FUND REV VS EXP	POSITIVE	Page 5
PROPERTY TAXES	POSITIVE	Page 5
SALES TAXES	POSITIVE	Page 6
FRANCHISE FEES	POSITIVE	Page 6
UTILITY FUND REV VS EXP	NEGATIVE	Page 7
SEWER REVENUES	WARNING	Page 7
WATER REVENUES	NEGATIVE	Page 8
WATER USAGE	NEGATIVE	Page 8
REFUSE FUND REV VS EXP	POSITIVE	Page 9
DRAINAGE FUND REV VS EXP	POSITIVE	Page 9
DEBT SERVICE FUND REV VS EXP	POSITIVE	Page 10
EMPLOYEE BENEFITS REV VS EXP	POSITIVE	Page 10

## PERFORMANCE INDICATORS

**POSITIVE**

= Positive variance or negative variance < 1% compared to seasonal trends.

**WARNING**

= Negative variance of 1-5% compared to seasonal trends

**NEGATIVE**

= Negative variance of >5% compared to seasonal trends.



ECONOMIC INDICATORS	DECEMBER 31, 2014 – NEWS FOR YOU
<p data-bbox="337 323 488 352"><b>ECONOMY</b></p> <p data-bbox="188 359 431 388"><b>National GDP:</b> </p> <p data-bbox="188 394 633 703">GDP - the output of goods and services produced by labor and property located in the US – increased at a rate of 5.0% in the 3rd quarter of 2014 after increasing 4.6% in the 2nd quarter of 2014 as reported by the Bureau of Economic Analysis. The increase in GDP reflected an increase in consumer spending, business investment and increased exports.</p> <p data-bbox="188 741 488 770"><b>Texas Retail Sales:</b> </p> <p data-bbox="188 777 633 867">Texas retail sales totaled \$42.1 billion for the month of Oct., an increase of \$3.0 billion (7.7%) over Oct. 2013.</p> <p data-bbox="188 905 516 934"><b>Texas Leading Index:</b> </p> <p data-bbox="188 940 633 1186">The Texas Leading Index is a single summary statistic that sheds light on the future of the state's economy. The index is a composite of eight leading indicators—those that tend to change direction before the overall economy. The index decreased 1.0% between the months of Nov. and Oct.</p>	<p data-bbox="656 323 1437 422">Attached is the Comprehensive Monthly Financial report for December 2014. Three months of FY2015, or 25.0% of the fiscal year is complete.</p> <p data-bbox="656 459 1437 590"><b>Revenues:</b> Overall, the City has earned or received \$31.3 million for FY2015. This amount is 36.7% of the approved operating budget of \$85.3 million and is 2.2% more than forecast through the month of December.</p> <ul data-bbox="704 627 1437 758" style="list-style-type: none"> <li>• General Fund revenues are \$0.4 million or 2.8% higher than expected.</li> <li>• Utility Fund revenues are \$0.3 million or 4.4% lower than expected.</li> </ul> <p data-bbox="656 795 1437 926"><b>Expenditures:</b> Expenses totaled \$17.3 million year-to-date for FY2015. This amount is 20.1% of the approved operating budget of \$86.0 million and is 1.1% lower than forecast through the month of December.</p> <ul data-bbox="704 963 1437 1094" style="list-style-type: none"> <li>• General Fund expenditures are \$0.1 million or 1.4% lower than expected.</li> <li>• Utility Fund expenditures are \$0.2 million or 2.7% higher than expected.</li> </ul> <p data-bbox="656 1131 1437 1297"><b>Surplus:</b> The net surplus from operations through December is \$14.0 million which is \$0.9 million better than expected at this point in the year. The adopted operating budget for the fiscal year anticipates a total decrease of \$0.7 million.</p>
<p data-bbox="285 1199 537 1228"><b>UNEMPLOYMENT</b></p> <p data-bbox="188 1266 570 1295"><b>National Unemployment:</b> </p> <p data-bbox="188 1302 633 1392">The national unemployment rate decreased to 5.6% in December, a 3.4% decrease from November.</p> <p data-bbox="188 1430 407 1459"><b>State-Wide:</b> </p> <p data-bbox="188 1465 633 1556">The Texas unemployment rate decreased from 5.1% in October to 4.9% in November.</p> <p data-bbox="188 1593 350 1623"><b>Rowlett:</b> </p> <p data-bbox="188 1629 633 1808">The City of Rowlett unemployment rate for November 2014 was 4.5%, a 4.3% decrease over the October unemployment rate of 4.7%. Note – city unemployment rates are not seasonally adjusted.</p>	<p data-bbox="935 1304 1154 1333"><b>NOTEWORTHY</b></p> <p data-bbox="656 1346 1437 1430"><b><u>NORTH TEXAS MUNICIPAL WATER DISTRICT INITIATES SEASONAL STAGE 3 RESTRICTIONS; EVERY OTHER WEEK WATERING IN EFFECT THROUGH MARCH 31, 2015!</u></b></p> <p data-bbox="656 1436 1437 1556">Recently, due to below average rainfall and extremely low lake levels, NTMWD has initiated Stage 3 seasonal watering. This limits landscape watering with sprinklers or irrigation systems to once every two weeks between November 1 and March 31.</p> <p data-bbox="656 1585 1437 1675"><b><u>BOND ELECTION MAY 9<sup>TH</sup></u></b> The City of Rowlett will hold a Community Investment Program (CIP) bond election on May 9, 2015. If passed, no increase to the tax rate will occur.</p>



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**BUDGET SUMMARY OF ALL FUNDS FY2015**

	2015 <u>Budget</u>	2015 <u>Forecast</u>	2015 <u>Year-to-Date</u>	<u>Variance</u>
<b>Beginning Reserves</b>	\$ 17,438,670	\$ 17,438,670	\$ 17,438,670	0.0%
<b>Revenues:</b>				
General	37,097,467	15,705,660	16,152,911	2.8%
Water & sewer	28,605,460	7,418,988	7,095,121	-4.4%
Debt service	7,783,232	4,583,109	5,023,221	9.6%
Drainage	1,346,939	336,576	333,524	-0.9%
Refuse	4,699,097	1,173,918	1,218,972	3.8%
Employee health benefits	4,405,117	1,101,279	1,065,044	-3.3%
Impact fees	44,357	11,089	121,015	991.3%
Police seizure	100,550	25,138	58,032	130.9%
Economic development	316,694	79,174	79,044	-0.2%
Hotel/motel tax	47,752	11,914	11,532	-3.2%
P.E.G.	85,042	20,972	21,039	0.3%
Grants	73,792	18,448	21,695	17.6%
Community Development Block Grant	186,209	46,552	44	-99.9%
Inspection Fees Fund	169,333	42,333	42,823	1.2%
Juvenile diversion	33,281	8,320	9,224	10.9%
Court technology	26,936	6,734	7,512	11.6%
Court security	20,035	5,009	7,804	55.8%
Golf course	256,564	40	764	1805.2%
<b>Total Revenues</b>	\$ 85,297,857	\$ 30,595,253	\$ 31,269,320	2.2%
<b>Expenses:</b>				
General	37,021,061	8,491,094	8,369,651	-1.4%
Water & sewer	28,062,142	5,666,652	5,817,230	2.7%
Debt service	7,783,232	190,176	148,242	-22.0%
Drainage	1,318,500	223,423	206,032	-7.8%
Refuse	4,657,232	1,164,308	1,190,820	2.3%
Employee health benefits	4,337,523	1,084,381	1,029,294	-5.1%
Impact fees	916,238	229,060	1,826	-99.2%
Police seizure	350,550	87,638	52,702	-39.9%
Economic development	436,593	99,601	108,969	9.4%
Hotel/motel tax	42,749	10,687	2,408	-77.5%
P.E.G.	73,142	18,963	15,608	-17.7%
Grants	71,434	8,929	21,695	143.0%
Community Development Block Grant	186,209	46,552	44	-99.9%
Inspection Fees Fund	115,760	30,012	15,968	-46.8%
Juvenile diversion	34,399	8,918	6,604	-25.9%
Court technology	49,005	12,251	84,745	591.7%
Court security	23,989	5,997	5,094	-15.1%
Golf course	559,025	76,117	189,158	148.5%
<b>Total Expenses</b>	\$ 86,038,783	\$ 17,454,758	\$ 17,266,090	-1.1%
<b>Current Year Surplus/(Shortfall)</b>	\$ (740,926)	\$ 13,140,496	\$ 14,003,230	6.6%
<b>Ending Reserves</b>	\$ 16,697,744	\$ 30,579,166	\$ 31,441,900	2.8%

Positive
Warning
Negative

Positive variance or negative variance <1% compared to forecast  
 Negative variance between 1%-5% compared to forecast  
 Negative variance >5% compared to forecast



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**OVERALL FUND PERFORMANCE**

**GENERAL FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	1,734,785	2,759,381	\$ (1,024,596)
Nov	1,807,432	2,671,992	(864,560)
Dec	12,610,694	2,938,279	9,672,416
Jan	-	-	-
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 16,152,911</b>	<b>\$ 8,369,651</b>	<b>\$ 7,783,260</b>
<b>Cumulative Forecast</b>	<b>\$ 15,705,660</b>	<b>\$ 8,491,094</b>	<b>\$ 7,214,566</b>
<b>Actual to Forecast \$</b>	<b>\$ 447,252</b>	<b>\$ (121,442)</b>	<b>\$ 568,694</b>
<b>Actual to Forecast %</b>	<b>2.8%</b>	<b>-1.4%</b>	



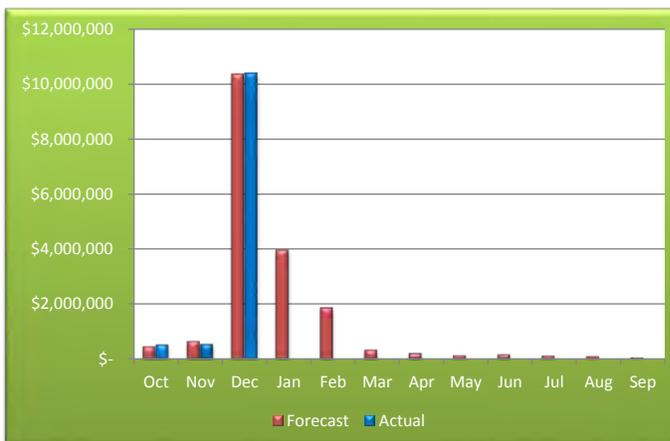
**Positive**

Cumulatively overall, the General Fund is better than forecasted for this time of the year, with revenues exceeding the forecast by 2.8% and expenses 1.4% lower than forecasted. These differences are primarily due to higher than expected charges for services revenue, and the timing of supply purchases.

**REVENUE ANALYSIS**

**PROPERTY TAXES FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	\$ 454,997	\$ 526,146	\$ 71,149
Nov	658,035	556,508	(101,527)
Dec	10,362,155	10,407,110	44,955
Jan	3,986,347	-	-
Feb	1,884,055	-	-
Mar	340,621	-	-
Apr	216,375	-	-
May	138,080	-	-
Jun	164,504	-	-
Jul	119,972	-	-
Aug	104,988	-	-
Sep	58,993	-	-
<b>Total</b>	<b>\$ 18,489,122</b>	<b>\$ 11,489,764</b>	<b>\$ 14,577</b>
<b>Actual to Forecast</b>			<b>0.1%</b>



**Positive**

Property taxes represents nearly 50% of the total General Fund revenue budget and serves as the primary funding source for the general government. They are generally collected in December and January of each year. Cumulatively overall, property tax revenues are 0.1% higher than forecasted for this time of the year.

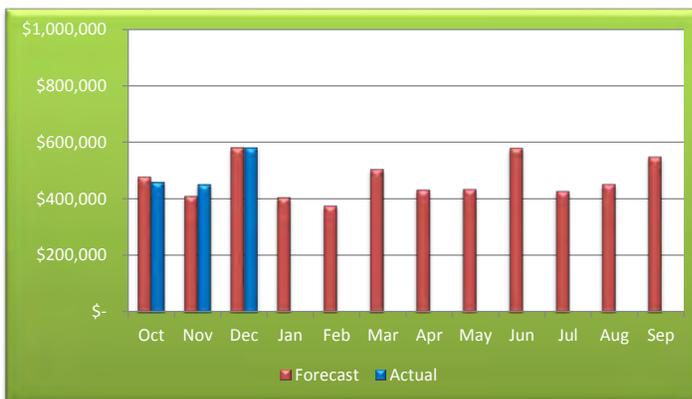


**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**REVENUE ANALYSIS**

**SALES TAXES FY2015**

<u>Month</u>	<u>2015 Forecast</u>	<u>2015 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 478,504	\$ 460,063	\$ (18,441)
Nov	410,264	452,581	42,317
Dec	581,282	<b>581,282</b>	-
Jan	405,356		
Feb	376,136		
Mar	504,779		
Apr	432,807		
May	434,829		
Jun	579,529		
Jul	427,562		
Aug	452,415		
Sep	548,190		
<b>Total</b>	<b>\$ 5,631,653</b>	<b>\$ 1,493,926</b>	<b>\$ 23,876</b>
<i>Actual to Forecast</i>			<i>1.6%</i>



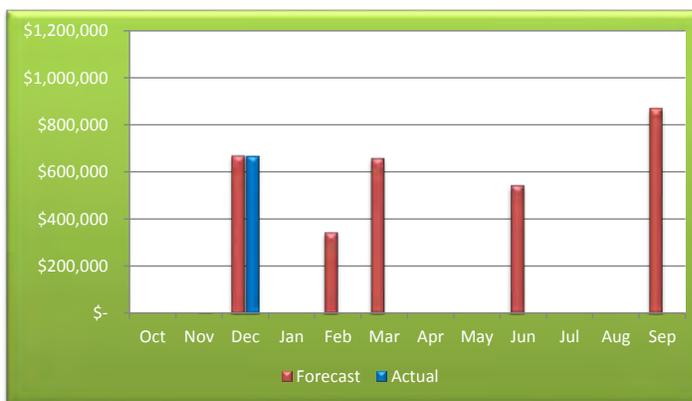
Positive

Sales tax is an important indicator of financial health for the Rowlett community. Sales taxes are collected by the State Comptroller and are recorded two months later. The sales taxes reported here for December represent an estimate. Overall, sales tax revenues are 1.6% higher than forecasted for this time of the year.

**REVENUE ANALYSIS**

**FRANCHISE FEES FY2015**

<u>Month</u>	<u>2015 Forecast</u>	<u>2015 Actual</u>	<u>Monthly Variance</u>
Oct	\$ -	\$ -	\$ -
Nov	-	215	215
Dec	667,417	<b>667,417</b>	-
Jan	-		
Feb	343,788		
Mar	656,587		
Apr	-		
May	-		
Jun	543,057		
Jul	-		
Aug	-		
Sep	867,119		
<b>Total</b>	<b>\$ 3,077,966</b>	<b>\$ 667,632</b>	<b>\$ 215</b>
<i>Actual to Forecast</i>			<i>0.0%</i>



Positive

Franchise fees represents nearly 10% of the total General Fund budget and include electric, gas, cable and telecommunications. Most fees are paid quarterly with natural gas being paid yearly in February. Franchise fees for December are estimated.

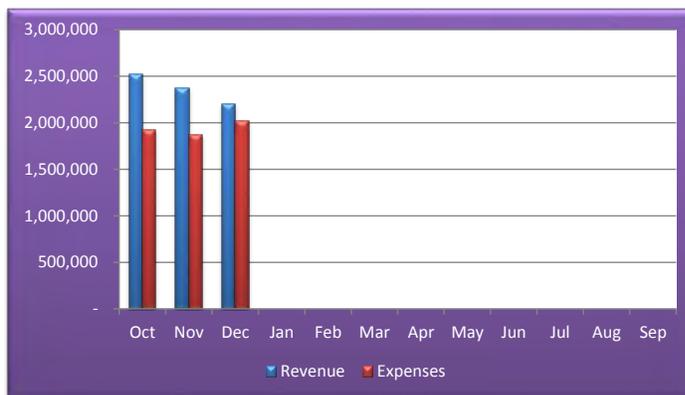


**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**OVERALL FUND PERFORMANCE**

**UTILITY FUND REVENUES VS EXPENSES FY2015**

<u>Month</u>	<u>2015 Revenue</u>	<u>2015 Expenses</u>	<u>Monthly Variance</u>
Oct	2,523,628	1,923,448	\$ 600,179
Nov	2,371,585	1,871,254	500,331
Dec	2,199,908	2,022,527	177,381
Jan	-	-	-
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 7,095,121</b>	<b>\$ 5,817,230</b>	<b>\$ 1,277,891</b>
<b>Cumulative Forecast</b>	<b>\$ 7,418,988</b>	<b>\$ 5,666,652</b>	<b>\$ 1,752,336</b>
<b>Actual to Forecast \$</b>	<b>\$ (323,867)</b>	<b>\$ 150,578</b>	<b>\$ (474,445)</b>
<b>Actual to Forecast</b>	<b>-4.4%</b>	<b>2.7%</b>	



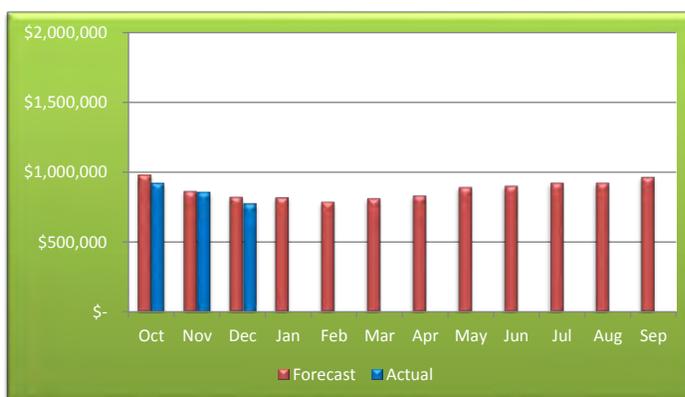
**Negative**

Utility fund revenues are 4.4% lower than forecast as a result of lower water and wastewater treatment revenues. NTMWD is maintaining stage 3 water restrictions thru March 31, 2015. Expenses are 2.7% higher as a result of repair expenses.

**REVENUE ANALYSIS**

**SEWER REVENUES FY2015**

<u>Month</u>	<u>2015 Forecast</u>	<u>2015 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 980,881	\$ 919,190	\$ (61,691)
Nov	863,081	855,352	(7,729)
Dec	822,085	772,784	(49,301)
Jan	818,618	-	-
Feb	787,673	-	-
Mar	810,911	-	-
Apr	832,390	-	-
May	891,378	-	-
Jun	901,239	-	-
Jul	922,611	-	-
Aug	922,221	-	-
Sep	963,034	-	-
<b>Total</b>	<b>\$ 10,516,122</b>	<b>\$ 2,547,326</b>	<b>\$ (118,721)</b>
<b>Actual to Forecast</b>			<b>-4.5%</b>



**Warning**

Sewer sales represent over 40% of the Utility Fund budget and cover the cost of sewer treatment paid to City of Garland. Cumulatively overall, sewer revenues are 4.5% lower than forecasted for this time of year.

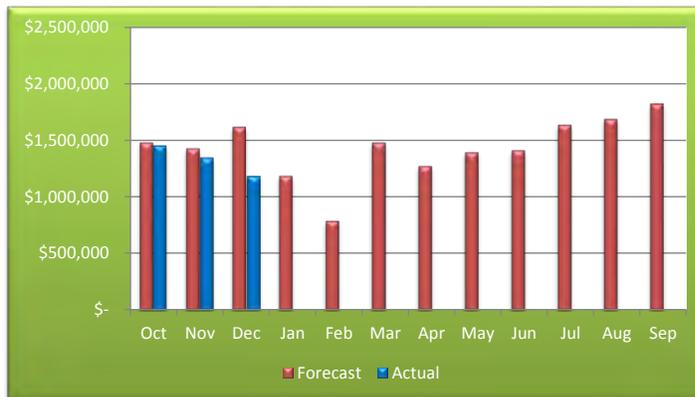


**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**REVENUE ANALYSIS**

**WATER REVENUES FY2015**

<u>Month</u>	<u>2015 Forecast</u>	<u>2015 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 1,476,673	\$ 1,451,221	\$ (25,452)
Nov	1,425,161	1,343,838	(81,323)
Dec	1,614,038	1,182,809	(431,229)
Jan	1,184,773		
Feb	789,848		
Mar	1,476,673		
Apr	1,270,626		
May	1,390,820		
Jun	1,407,991		
Jul	1,631,209		
Aug	1,682,721		
Sep	1,820,086		
<b>Total</b>	<b>\$ 17,170,618</b>	<b>\$ 3,977,868</b>	<b>\$ (538,004)</b>
<i>Actual to Forecast</i>			<i>-11.9%</i>



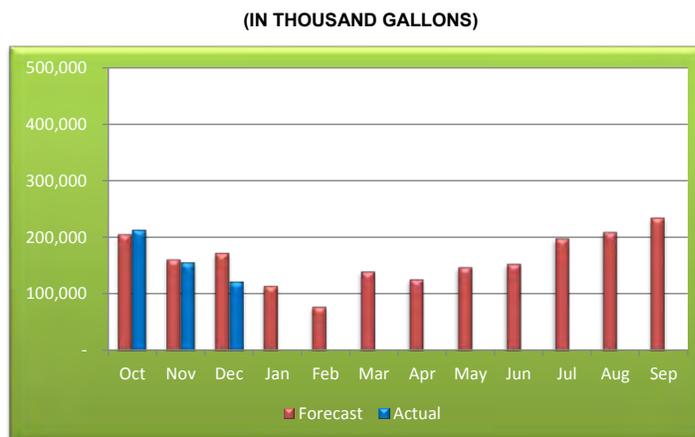
Negative

Water sales represent just over 50% of the total Utility Fund budget and cover the cost of water acquisition from the North Texas Municipal Water District. Water revenues are 11.9% less than forecasted for this time of year.

**REVENUE ANALYSIS**

**WATER USAGE FY2015**

<u>Month</u>	<u>2015 Forecast</u>	<u>2015 Actual</u>	<u>Monthly Variance</u>
Oct	205,110	212,743	7,633
Nov	160,605	155,467	(5,138)
Dec	172,215	121,571	(50,644)
Jan	114,165		
Feb	77,400		
Mar	139,320		
Apr	125,775		
May	147,060		
Jun	152,865		
Jul	197,370		
Aug	208,980		
Sep	234,135		
<b>Total</b>	<b>1,935,000</b>	<b>489,781</b>	<b>(48,149)</b>
<i>Actual to Forecast</i>			<i>-9.0%</i>



Negative

The City purchases its water from the North Texas Municipal Water District. Customer usage is 9.0% lower than forecasted for this time of the year. The contract with NTMWD requires the City to pay for a minimum of 3.2 billion gallons of water per year.



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**OVERALL FUND PERFORMANCE**

**REFUSE FUND REVENUES VS EXPENSES FY2015**

<u>Month</u>	<u>2015 Revenue</u>	<u>2015 Expenses</u>	<u>Monthly Variance</u>
Oct	402,012	389,513	\$ 12,499
Nov	402,813	408,017	(5,205)
Dec	414,147	393,290	20,858
Jan	-	-	-
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 1,218,972</b>	<b>\$ 1,190,820</b>	<b>\$ 28,152</b>
<b>Cumulative Forecast</b>	<b>\$ 1,173,918</b>	<b>\$ 1,164,308</b>	<b>\$ 9,610</b>
<b>Actual to Forecast \$</b>	<b>\$ 45,053</b>	<b>\$ 26,512</b>	<b>\$ 18,541</b>
<b>Actual to Forecast</b>	<b>3.8%</b>	<b>2.3%</b>	



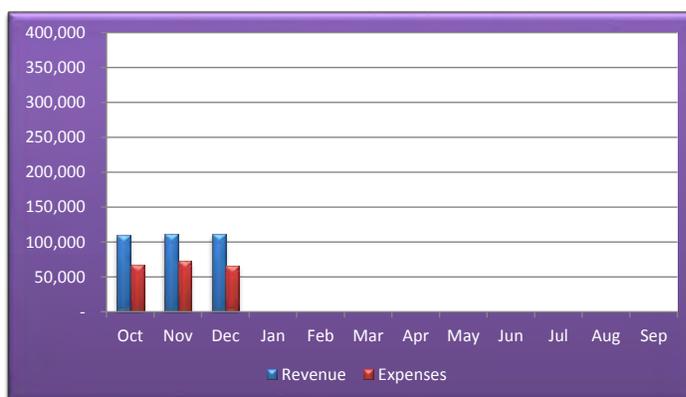
Positive

The Refuse Fund accounts for monies collected from customers on their utility bills and remitted to our solid waste provider. Revenues are currently 3.8% higher than forecasted, and expenses are also 2.3% higher than forecasted.

**OVERALL FUND PERFORMANCE**

**DRAINAGE FUND REVENUES VS EXPENSES FY2015**

<u>Month</u>	<u>2015 Revenue</u>	<u>2015 Expenses</u>	<u>Monthly Variance</u>
Oct	110,599	67,145	\$ 43,454
Nov	111,354	72,873	38,481
Dec	111,572	66,014	45,558
Jan	-	-	-
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 333,524</b>	<b>\$ 206,032</b>	<b>\$ 127,492</b>
<b>Cumulative Forecast</b>	<b>\$ 336,576</b>	<b>\$ 223,423</b>	<b>\$ 113,153</b>
<b>Actual to Forecast \$</b>	<b>\$ (3,052)</b>	<b>\$ (17,391)</b>	<b>\$ 14,340</b>
<b>Actual to Forecast</b>	<b>-0.9%</b>	<b>-7.8%</b>	



Positive

The Drainage Fund accounts for monies collected from customers on their utility bills for the municipal drainage system. Cumulatively overall, the fund is better than forecasted for this time of the year, with revenues 0.9% lower than forecasted but expenses 7.8% lower than forecasted.



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
December 31, 2014**

**OVERALL FUND PERFORMANCE**

**DEBT SERVICE FUND REVENUES VS EXPENSES FY2015**

<u>Month</u>	<u>2015 Revenue</u>	<u>2015 Expenses</u>	<u>Monthly Variance</u>
Oct	249,127	10,468	\$ 238,659
Nov	261,982	129,846	132,136
Dec	4,512,112	7,928	4,504,183
Jan	-	-	-
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 5,023,221</b>	<b>\$ 148,242</b>	<b>\$ 4,874,978</b>
<b>Cumulative Forecast</b>	<b>\$ 4,583,109</b>	<b>\$ 190,176</b>	<b>\$ 4,392,933</b>
<b>Actual to Forecast \$</b>	<b>\$ 440,112</b>	<b>\$ (41,933)</b>	<b>\$ 482,045</b>
<b>Actual to Forecast</b>	<b>9.6%</b>	<b>-22.0%</b>	



Positive

General Debt Service Fund is used to pay principal and interest on tax-supported debt. Overall, the fund is better than forecasted, with revenues 9.6% higher than projected and expenses 22.0% lower than expected. The fund pays conduit debt in November and makes other semi-annual debt payments in February and August.

**OVERALL FUND PERFORMANCE**

**EMPLOYEE HEALTH BENEFITS FUND REVENUES VS EXPENSES FY2015**

<u>Month</u>	<u>2015 Revenue</u>	<u>2015 Expenses</u>	<u>Monthly Variance</u>
Oct	419,181	447,218	\$ (28,037)
Nov	291,239	249,946	41,293
Dec	354,624	332,130	22,494
Jan	-	-	-
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 1,065,044</b>	<b>\$ 1,029,294</b>	<b>\$ 35,750</b>
<b>Cumulative Forecast</b>	<b>\$ 1,101,279</b>	<b>\$ 1,084,381</b>	<b>\$ 16,899</b>
<b>Actual to Forecast \$</b>	<b>\$ (36,235)</b>	<b>\$ (55,087)</b>	<b>\$ 18,851</b>
<b>Actual to Forecast</b>	<b>-3.3%</b>	<b>-5.1%</b>	



Positive

Employee Health Benefits Fund accounts for all health related claims paid from the City's partial self-insured fund. Overall, revenues are 3.3% lower than forecasted and expenses are 5.1% lower than forecasted. Revenues reflect lower than expected premium payments due to vacancies and plan choices, and expenses are lower than forecasted due to lower than expected claims.



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
[www.rowlett.com](http://www.rowlett.com)

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**AGENDA DATE:** 02/03/15

**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  
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www.rowlett.com

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**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 5C

**TITLE**

Mayor's State of the City Address.

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager

**SUMMARY**

In accordance with the City Charter, SECTION 3.13 Duties of Mayor "(7) The Mayor shall annually deliver and provide an annual State of the City report."



**City of Rowlett**  
**Staff Report**

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7A

**TITLE**

Consider action to approve minutes from the January 20, 2015, City Council Meeting and the January 27, 2015 City Council Work Session Meeting.

**STAFF REPRESENTATIVE**

Laura Hallmark, City Secretary

**SUMMARY**

Section 551.021 of the Government Code provides as follows:

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

**RECOMMENDED ACTION**

Move to approve, amend or correct the January 20, 2015, City Council Meeting and the January 27, 2015 City Council Work Session Meeting.

**ATTACHMENTS**

01-20-15 City Council Meeting minutes

01-27-15 City Council Work Session 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.*

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Tuesday, January 20, 2015

5:45 P.M.

Municipal Building – 4000 Main Street

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

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

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

**Absent: Councilmember Sheffield**

**1. CALL TO ORDER**

Mayor Gottel called the meeting to order at 5:45 p.m.

**2. EXECUTIVE SESSION (5:45 P.M.)\* Times listed are approximate.**

- 2A.** 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 pertaining to the settlement of pending litigation: Angela Figura vs. City of Rowlett. (15 minutes)

Council convened in Executive Session at 5:46 p.m. Out at 6:02 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 pertaining to anticipated litigation considering the use of the power of eminent domain to acquire property and the initiation of condemnation proceedings under Chapter 21, Texas Property Code, to acquire real property generally located at 2609 Lakeview Parkway and 5404 Kenwood Drive for use as a public street. (30 minutes)

Council convened in Executive Session at 6:03 p.m. Out at 6:38 p.m.

- 2C.** 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 discuss and deliberate regarding commercial or financial information relating to a business prospect that the

City seeks to have locate, stay or expand in the City for economic development purposes and to receive legal advice from the City Attorney for property generally located at the southwest corner of Merritt Road and Hickox Road. (30 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)

Council convened in Executive Session at 8:24 p.m. Out at 9:16 p.m.

- 2D.** 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 and to receive legal advice from the City Attorney relating to Elgin B. Robertson Park. (60 minutes) (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING)

Council convened in Executive Session at 9:16 p.m. Out at 10:07 p.m.

**3. WORK SESSION (6:30 P.M.)\***

- 3A.** Discuss Final Design Plan for Herfurth Park Renovations. (30 minutes)

Jermel Stevenson, Director of Parks and Recreation, welcomed members of the Parks Advisory Board and introduced la terra representatives Michael Black and Brad Moulton, who presented the plan as updated from previous presentations and discussions. The plan is proposed in three phases to include event lawns and open spaces, inline hockey, tennis courts, event stage, baseball fields, with concessions, playground, neighborhood access and possible connection with undeveloped property to the east.

Council discussion regarding clarification of phases, current use of ball fields, anticipated increase in maintenance for the park, preference for the playground element to not wait until Phase 3. Due to time constraints and the need for additional discussion, City Council will meet with the Parks Advisory Board at a later date (scheduled for 1/29/15).

- 3B.** Discuss Kids Kingdom Fundraising Goals. (30 minutes)

Wayne Baxter and Zabrina Martinson, members of the Parks Advisory Board provided updates on fundraising efforts thus far and future fundraising plans based on upcoming cost estimates. They asked for clarification regarding the \$100,000 allotted by the City and whether it was "matching" funds, whether amount to possibly be included on the bond measure would be in lieu of fundraising. Due to time constraints and the need for additional discussion, City Council will meet with the Parks Advisory Board at a later date (scheduled for 1/29/15).

**4. DISCUSS CONSENT AGENDA ITEMS**

Council took a short break at 7:38 p.m.

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

Council reconvened in Regular Session at 7:43 p.m.

**INVOCATION** – Craig Schill, Lake Cities Community Church

**PLEDGE OF ALLEGIANCE**

**TEXAS PLEDGE OF ALLEGIANCE** – Led by the City Council

**5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Proclamation for Robert Camack for his service to the Senior Advisory Board and seniors of Rowlett.

Councilmember Dana-Bashian presented the proclamation and Mr. Camack made some personal comments.

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

Mayor Gottel announced the following: Next Regular Council meetings will be held on Tuesday, February 3<sup>rd</sup> and 17<sup>th</sup> – State of the City presented by the Mayor on February 3<sup>rd</sup>. Special Joint Council and CIPTF meeting Tuesday, January 27<sup>th</sup> at RCC starting at 5pm. Upcoming Planning and Zoning Commission meetings will be Tuesday, January 27<sup>th</sup>, held in the City Hall Conference Room at 6pm. CIP (COMMUNITY IMPROVEMENT PROGRAM) TASK FORCE: Joint meeting with Council on Tuesday, January 27<sup>th</sup> at RCC, starting at 5pm. Adoption of the ballot language at Council meeting on Tuesday, February 17<sup>th</sup>. 2015 Bond Election set for May 9, 2015 – \$25M of Community Investment Projects – **NO TAX INCREASE!** CITIZEN'S POLICE ACADEMY - Registration is through January 31<sup>st</sup>. Contact Officer Chad Caldwell at 972-412-6242 or [ccaldwell@rowlett.com](mailto:ccaldwell@rowlett.com) for more information. The Spring session, which is an 11 week course, begins Thursday, February 12<sup>th</sup>. COMMUNITY EMERGENCY RESPONSE TEAM CLASSES - Saturdays, February 7<sup>th</sup> and 14<sup>th</sup> from 8am – 6pm. Visit [rowlettcert.com](http://rowlettcert.com) or email [cert@rowlettcitizencorps.org](mailto:cert@rowlettcitizencorps.org) for more information. TWICE A MONTH LANCSCAPE WATERING – *Watering once every other week still in effect!* ANIMAL SHELTER: Low Cost Vaccine Clinics Saturday, February 21<sup>st</sup> from 1:00 – 3:00pm at 4402 Industrial Street. *Normal Business Hours, Monday – Friday, 10am – 5pm, Saturday, 10:00am – 5pm.* PARKS AND RECREATION - Upcoming Events: Little Sweetheart Dance – Saturday, January 31<sup>st</sup>, 7 – 9pm at the RCC, \$40 per couple. Easter Egg Hunt – Saturday, March 28<sup>th</sup>, 10am – 12pm at Pecan Grove Park. Check out all the programs in the Spring 2015 edition of the Lakeside Leisure or at [www.rowlett.com](http://www.rowlett.com) on the Parks Department page. With over 50 ways to get healthy and stay active – there's something for everyone! Parents Day Out, Little Athletes, SAT Prep Course, Senior Programs and many, many more! ROWLETT LIBRARY - Upcoming Events: TechEd - Email Basics – Tuesday, January 27<sup>th</sup>, 10:30am and 2pm. Edible Book Contest – Saturday, January 31<sup>st</sup>, All day AND February 2<sup>nd</sup> – 14<sup>th</sup>. Family Saturday Movie & Popcorn – February 7<sup>th</sup>, 2pm. And many more programs – Check online or with the Library for dates and times at [rowlett.com](http://rowlett.com) or 972.412.6161.

**6. CITIZENS' INPUT**

Trey Bahm, 148 Lipan Street, Greenville; spoke in opposition to eminent domain.

**7. CONSENT AGENDA**

7A. Consider action to approve minutes from the January 13, 2015, City Council Meeting.

**This item was approved on the Consent Agenda.**

7B. Consider an ordinance abandoning a 0.663± acre portion of Princeton Road, an unimproved street right-of-way, generally located south of Old Princeton Road.

**This item was approved as ORD-002-15 on the Consent Agenda.**

7C. Consider an ordinance accepting a right-of-way dedication for a portion of Princeton Road consisting of a 65 foot wide roadway comprised of 0.564± acres of unimproved street right-of-way generally located south of Old Princeton Road.

**This item was approved as RES-009-15 on the Consent Agenda.**

7D. Consider a resolution approving a Facilities Agreement between the City of Rowlett, Texas and Bullitt Training Fields, LLC, for the construction of a 0.564± acre, 65 foot wide portion of Princeton Road, generally located south of Old Princeton Road.

**This item was approved as RES-004-15 on the Consent Agenda.**

7E. Consider action to approve a resolution providing support of the submission of an application to the 2015 Competitive Housing Tax Credit Program through the Texas Department of Housing and Community Affairs for the project proposed by Evergreen Rowlett Senior Community, L.P.

**This item was approved as RES-005-15 on the Consent Agenda.**

7F. Consider action to approve a resolution accepting the proposal and awarding a contract for the relocation of the Chamber of Commerce Building to D4 Construction Services, LLC in the amount of \$374,688, and authorizing the City Manager to execute the necessary documents.

**This item was approved as RES-006-15 on the Consent Agenda.**

7G. Consider action to approve a resolution to authorize the City Manager to execute a Subrecipient Grant Agreement with Life Message, Inc. in the amount of \$27,931 for funding of health and human services that primarily benefit low-income recipients during the 2014 CDBG program year.

**This item was approved as RES-007-15 on the Consent Agenda.**

7H. Consider an action to approve a resolution approving the purchase of a replacement fire engine, a replacement ladder truck (quint), and the refurbishment of Engine 3 and Quint 1 for Rowlett Fire Rescue in the amount of \$1,799,933.60 after a \$200,000 down payment.

**This item was approved as RES-008-15 on the Consent Agenda.**

**Passed the Consent Agenda**

**A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried with a vote of 5 in favor and 1 abstention (Pankratz).**

## **8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A.** Consider an ordinance calling a Special Election to consider a local option election to legalize the sale of alcoholic beverages to be held on Saturday, May 9, 2015.

Laura Hallmark, City Secretary, presented the background information relating to the petition process and verification and the requisite number of signatures obtained.

**A motion was made by Councilmember Dana-Bashian, seconded by Deputy Mayor Pro Tem Pankratz, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-004-15.**

- 8B.** Consider adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas Limited Tax Note, Series 2015; levying an annual ad valorem tax and providing for the payment of said note; providing an effective date; and enacting other provisions relating to the subject.

Alan Guard, Chief Financial Officer, introduced Marti Shew from First Southwest and Chris Settle from the firm of McCall, Parkhurst and Horton. Ms. Shew reviewed the details and provided the sale information for the bond. Council discussion regarding information about the bank with the most favorable submission.

**A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-005-15.**

After a short break at 8:18 p.m., Council reconvened to discuss Executive Session items 2C and 2D.

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

There was no action taken.

## **9. ADJOURNMENT**

Mayor Gottel adjourned the meeting at 10:07 p.m.



# City of Rowlett

## Work Session Minutes

### City Council

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

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Tuesday, January 27, 2015

5:00 P.M.

Rowlett Community Centre – Room C/D  
5300 Main Street

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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

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

**CIPTF Present:** Martha Brown, Jeff Sheldon, James Moseley, Rhetta Bowers, Diane Lemmons, Erik Ernst, Trevor Reed

#### 1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:02 p.m.

#### 2. WORK SESSION (5:00 P.M.)

- 2A.** Hold a Joint Meeting of the City Council and the Community Investment Program Task Force to discuss the proposed slate of projects for the May 2015 Bond Election as recommended by the Community Investment Program Task Force. (240 minutes if needed)

Mayor Gottel thanked the CIPTF members and staff for all their hard work.

Jim Proce, Assistant City Manager, reviewed freed up bond capacity and important milestones and dates.

Brian Funderburk, City Manager, provided clarification of the number of bond issues that would appear on the ballot. Upon the advice of bond counsel, there will be more than one issue listed on the ballot.

Mr. Proce reviewed the entire list of projects reviewed by the CIPTF, those recommended and not recommended. Discussion regarding the suggestion points of each item. CIPTF members provided insight into the discussions that took place regarding each item and how the decision

was reached for recommendation or not. Some street items, for example, might not have been recommended for inclusion due to the possibility of other funding sources such as NCTCOG or TxDOT grants. Other items were not included due to timing and were recommended for the next round of bonds.

Because of the freed up bond and debt capacity, discussion centered on the total dollar amount for the bond submission, including contingencies and allowance for increased pricing. It was determined that \$25,000,000 was the target figure.

There was discussion regarding street improvements and the desire to improve the outcome of the entire streetscape once completed – inclusion of trees, better walkways, and improved lighting. This was noted especially in areas adjacent to downtown or older areas with traditional streetscape.

Some items received recommendation not only based on suggestion points, but how it would affect the City as a whole; such as the Advanced Traffic Management System, which helps move traffic throughout the City – not just today, but five to ten years in the future.

There was lengthy discussion regarding the Alley Reconstruction Program and the clarification of the number of alleys that would be included, the total number of alleys in need of repair/reconstruction, and the variables that determine what affects costs.

After a short break at 7:01 p.m., the meeting reconvened at 7:12 p.m.

Review of the list continued with some items flagged for further discussion at the end of the list to reach the target amount.

The Hike and Bike Trail discussion focused on the design only concept versus design and construction. It was the consensus of the group to provide additional funds to ensure a construction portion. There was some discussion regarding the possible combination of this plan with the proposed sidewalk connection plans.

Once the entire list was reviewed, flagged items were revisited with additional discussion. Upon completion of this review, consensus was reached for the list of items to be included. This list will be provided to bond counsel, who will then help determine ballot language. That information will be presented to Council at the February 3, 2015 meeting.

### **3. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:40 p.m.



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7B

**TITLE**

Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Rowlett Road Lower Pressure Plane Pump Station Project in the amount of \$361,394.16 to Crescent Constructors Incorporated 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**

The Rowlett Road Lower Pressure Plane (LPP) Pump Station improvements include a 3,112 square foot facility, 3 – 125 HP (horsepower) vertical turbine pumps with Variable Frequency Drives (VFDs), pump cans for two additional pumps, all associated piping, appurtenances, mechanical and electrical equipment, installation of a 500 kW generator to provide redundant power to both pump stations, new utility feed and associated transformer, and site work including, but not limited to, site grading and paving.

**BACKGROUND INFORMATION**

In 2012, a project was implemented to create an Interim Upper Pressure Plane (UPP) and temporarily improve pressures in a small portion of the City until additional infrastructure to support an Upper Pressure Plane could be completed. Hence, the existing Rowlett Road Pump Station (RRPS) will be transitioned so that it is dedicated to the Upper Pressure Plane (UPP) and this project pump station will be constructed to serve the Lower Pressure Plane (LPP). The new pump station (RRLPP) was constructed on land adjacent to the existing pump station currently owned by the City. The Rowlett Road Lower Pressure Plane (LPP) Pump Station is constructed for a firm capacity of 8 MGD (Million Gallons per Day) to serve the LPP with an additional pump slot to serve future growth in the UPP.

October 1, 2013, City Council awarded the Rowlett Road Lower Pressure Plane Pump Station Project in the amount of \$3,711,000, approving an early completion bonus budget of \$40,000 with contingency for a total project amount of \$3,751,000.

April 1, 2014, City Council approved Change Order # 1 in the amount of \$62,664 to increase the total amount of the contract to \$3,813,664.

A total of five changes have been executed by Staff or City Council for this project as such:

<b>CHANGE ORDER NUMBER</b>	<b>PURPOSE</b>	<b>AMOUNT</b>
1	Fencing Upgrades	\$62,664.00
2	Upgrade Generator Enclosure	\$14,854.00
3	SCADA for Antenna Relocation	\$8,541.00
4	Love Level Lockout Mapping	\$7,149.00
5	AHU Breaker	\$2,883.00
	<b>Total</b>	<b>\$96,091.00</b>

## **DISCUSSION**

Crescent Constructors Incorporated 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 \$361,394.16.

## **FINANCIAL/BUDGET IMPLICATIONS**

The original project budget for WA2095-Upper Pressure Plane and Rowlett Road Pump Station was \$5,919,236. The project was amended in the 1st quarter of FY2014 to move \$650,000 to WA2107-1.25MG Elevated Tank for Upper Pressure Plane leaving a final amended budget of \$5,269,236. To date, \$4,489,805 has been expended on this project, and funding in the amount of \$361,394.16 has been encumbered for final acceptance and release of retainage for a final cost of \$4,851,199.16, or \$418,036.80 under budget.

## **RECOMMENDED ACTION**

Staff recommends the City Council approve a resolution authorizing the final acceptance and release of retainage for the Rowlett Road Lower Pressure Plane Pump Station Project in the amount of \$361,394.16 to Crescent Constructors Incorporated 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 AND RELEASE OF RETAINAGE FOR THE ROWLETT ROAD LOWER PRESSURE PLANE PUMP STATION PROJECT IN THE AMOUNT OF \$361,394.16 TO CRESCENT CONSTRUCTORS INCORPORATED; 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-089-13 awarding Bid # 2013-68 for the construction of Rowlett Road Lower Pressure Plane Pump Station Project on October 1, 2013, in the amount of \$3,711,000 to Crescent Constructors Incorporated; and

**WHEREAS**, Crescent Constructors Incorporated 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 Rowlett Road Lower Pressure Plane Pump Station Project and approves the release of retainage to Crescent Constructors Incorporated in the amount of \$367,394.16.

**Section 2:** That the Council does hereby authorize the Mayor to execute the necessary documents to conform to this resolution.

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

**ATTACHMENT**

Exhibit A – Final Payment Request Form



PAYMENT REQUEST (4.51)

<b>PROJECT:</b>	Rowlett Road Lower Pressure Plane Pump Station	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	City of Rowlett	WA2095
<b>CONTRACTOR:</b>	Crescent Constructors, Inc.	
<b>ENGINEER:</b>	Freese and Nichols, Inc.	

**PAYMENT PERIOD FROM:** Beginning TO Completion **ESTIMATE NO.:** #14 (retainage)

**SUMMARY OF PAYMENT ESTIMATE VALUES FROM ATTACHED TABULATIONS**

Original Contract Amount	\$ 3,711,000.00
Approved Change Orders	\$ 96,091.00
Current Contract Amount	\$ 3,807,091.00
Total Value of Original Contract Performed (Attachment "A" consisting of __ pages)	\$ 3,517,850.61
Extra Work on Approved Change Orders (Attachment "B" consisting of __ pages)	\$ 96,091.00
Materials on Hand (Attachment "C" consisting of __ pages)	\$ -
Total Value of Work to Date	\$ 3,613,941.61
Less Amount Retained at 0 %	\$ -
Net Amount Earned on Contract	\$ 3,613,941.61
Less Amount of Previous Payments	\$ 3,252,547.45
<b>BALANCE DUE THIS STATEMENT</b>	\$ 361,394.16
Percentage of Contract Paid to Date	\$ 85.43

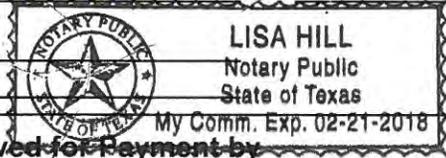
The undersigned Contractor certifies that all work, including materials on hand, covered by this Periodical Payment has been completed and delivered and stored in accordance with the Contract Documents, that all amounts have been paid by him for work, materials, and equipment for which previous Periodical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

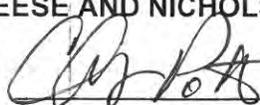
Contractor: Crescent Constructors, Inc. By 

Date: DECEMBER 15, 2014

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 20 14

Notary Public: Lisa Hill  
My Commission expires: 2/21/18



**Recommended for Payment by**  
**FREESE AND NICHOLS, INC.**  
By  1/8/14  
Date

**Approved for Payment by**  
**[OWNER]**  
By  1/8/15  
Date

**Approved for Payment by**  
**[OWNER]**  
By  01/12/15  
Date

**Approved for Payment by**  
**[OWNER]**  
By \_\_\_\_\_  
Date

A	B	C	D	E	F	G	H	I	J	K	L	M	N
<b>ATTACHMENT "A"</b>													
<b>PAYMENT REQUEST</b>													
<b>TABULATION OF VALUES FOR ORIGINAL CONTRACT WORK PERFORMED</b>													
<b>PROJECT:</b> Rowlett Road Lower Pressure Plane Pump Station <b>OWNER:</b> City of Rowlett <b>CONTRACTOR:</b> Crescent Constructors, Inc. <b>ENGINEER:</b> Freese and Nichols, Inc.													
<b>PROJECT NUMBER</b> WA2095													
<b>PAYMENT PERIOD FROM:</b> Beginning <b>TO</b> 12/15/2014 <b>ESTIMATE NO.:</b> #13													
ITEM NO.	DESCRIPTION	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE			
A-1	<b>Mobilization</b>												
12	1% Payment 50% of Mobilization	1	LS	72500	72500		1		72500	100%			
13	5% Payment 25% more of Mobilization	1	LS	36250	36250		1		36250	100%			
14	10% Payment 15% more of Mobilization	1	LS	21750	21750		1		21750	100%			
15	100% Payment Remainder of Mobiliz	1	LS	14500	14500		1		14500	100%			
16	<b>TOTAL BID ITEM A-1</b>				<b>145000</b>				<b>145000</b>	<b>100%</b>			
A-2	<b>Pump Station Improvements</b>												
19	Discovery & Measurement	1	LS	7500	7500		1		7500	100%			
20	Engineering and Layout	1	LS	7500	7500		1		7500	100%			
21	Strip Topsoil & Haul Excess	1	LS	9000	9000		1		9000	100%			
22	Site Cut and Fill	1	LS	57000	57000		1		57000	100%			
23	Dewatering System (Casual)	1	LS	3000	3000		1		3000	100%			
24	Pump Station Excavation	1	LS	23500	23500		1		23500	100%			
25	Form, Rebar, Conc Pump Can Bottom	1	LS	14000	14000		1		14000	100%			
26	Install Pump Cans	5	Ea	13800	69000		5		69000	100%			
27	Form, Rebar, Conc Pump Can Encase	1	LS	22500	22500		1		22500	100%			
28	Backfill Cans with Flowable Fill	1	LS	22000	22000		1		22000	100%			
29	Backfill Cans with Excavated Material	1	LS	15000	15000		1		15000	100%			
30	Fine Grade Bottom	1	LS	3000	3000		1		3000	100%			
31	Form, Rebar, Conc Pump Can Top	1	LS	17000	17000		1		17000	100%			
32	Form Grade Beams	1	LS	25000	25000		1		25000	100%			
33	Rebar Grade Beams	1	LS	24000	24000		1		24000	100%			
34	Conc Grade Beams	1	LS	24600	24600		1		24600	100%			
35	Install Carton Forms	1	LS	22800	22800		1		22800	100%			
36	Form Main Slab	1	LS	27000	27000		1		27000	100%			
37	Rebar Main Slab	1	LS	37000	37000		1		37000	100%			
38	Form, Rebar, Conc Main Slab	1	LS	41000	41000		1		41000	100%			
39	Backfill Grade Beams & Main Slab	1	LS	7500	7500		1		7500	100%			
40	Generator Excavation	1	LS	1300	1300		1		1300	100%			
41	Under Generator Slab Aggregate Fill	1	LS	1000	1000		1		1000	100%			
42	Form, Rebar, Conc Generator Slab	1	LS	10000	10000		1		10000	100%			
43	Backfill Generator Slab	1	LS	500	500		1		500	100%			
44	HVAC Area Excavation	1	LS	1300	1300		1		1300	100%			
45	Fine Grade HVAC Area Bottom	1	LS	1000	1000		1		1000	100%			

A	B	C	D	E	F	G	H	I	J	K	L	M	N
ITEM NO.		DESCRIPTION			QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
11													
47					1	LS	16000	16000		1		16000	100%
48					1	LS	500	500		1		500	100%
49					1	LS	20200	20200				20200	100%
50					1	LS	19600	19600				19600	100%
51					1	LS	3500	3500				3500	100%
52					1	LS	2200	2200				2200	100%
53					1	LS	4500	4500				4500	100%
54					1	LS	9500	9500				9500	100%
55					1	LS	11000	11000				11000	100%
56					1	LS	9000	9000				9000	100%
57					1	LS	21000	21000				21000	100%
58					1	LS	25000	25000				25000	100%
59					1	LS	1000	1000				1000	100%
60					1	LS	2000	2000				2000	100%
61					1	LS	1000	1000				1000	100%
62					1	LS	2600	2600				2600	100%
63					1	LS	500	500				500	100%
64					1	LS	700	700				700	100%
65					1	LS	120000	120000				120000	100%
66					1	LS	25000	25000				25000	100%
67					1	LS	9800	9800				9800	100%
68					1	LS	13800	13800				13800	100%
69					1	LS	22500	22500				22500	100%
70					1	LS	84000	84000				84000	100%
71					1	LS	12000	12000				12000	100%
72					1	LS	1000	1000				1000	100%
73					1	LS	5000	5000				5000	100%
74					1	LS	2000	2000				2000	100%
75					1	LS	1000	1000				1000	100%
76					1	LS	21000	21000				21000	100%
77					1	LS	11000	11000				11000	100%
78					1	LS	10000	10000				10000	100%
79					1	LS	5000	5000				5000	100%
80					2	EA	24000	48000		2		48000	100%
81					1	LS	4000	4000		1		4000	100%
82					1	LS	18000	18000		1		18000	100%
83					1	LS	14000	14000		1		14000	100%
84					1	LS	3200	3200		1		3200	100%
85					1	LS	20000	20000		1		20000	100%
86					1	LS	11500	11500		1		11500	100%
87					1	LS	3000	3000		1		3000	100%
88					1	LS	7000	7000		1		7000	100%
89					1	LS	2100	2100		1		2100	100%
90					1	LS	4500	4500		1		4500	100%
91					1	LS	15000	15000		1		15000	100%
92					1	LS	1500	1500		1		1500	100%

A	B	C	D	E	F	G	H	I	J	K	L	M	N
ITEM NO.		DESCRIPTION			QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
11													
93		Paint Mechanical			1	LS	11000	11000		1		11000	100%
94		Electrical Switchgear SWB-1			1	LS	52000	52000		1		52000	100%
95		Elect. Switchgear VFD RRLPP-1 thru 3			3	EA	37000	111000		3		111000	100%
96		Disconnects			1	LS	22000	22000		1		22000	100%
97		Panels & Transformers			1	LS	29000	29000		1		29000	100%
98		Power Study			1	LS	9800	9800		1		9800	100%
99		MTS-1			1	LS	39300	39300		1		39300	100%
100		Light Fixtures			1	LS	45900	45900		1		45900	100%
101		Instrumentation			1	LS	48800	48800		1		48800	100%
102		Generator Set			1	LS	118000	118000		1		118000	100%
103		ATS 1			1	LS	49600	49600		1		49600	100%
104		Fire Alarm System			1	LS	14000	14000		1		14000	100%
105		Lightning Protection			1	LS	13900	13900		1		13900	100%
106		Grounding			1	LS	40000	40000		1		40000	100%
107		UG Feeders Conduit			1	LS	52000	52000		1		52000	100%
108		UG Controls & Instrument Conduit			1	LS	26100	26100		1		26100	100%
109		UG Feeders Wire & Terminations			1	LS	50000	50000		1		50000	100%
110		UG Controls & Instrument Wire & Terms			1	LS	40000	40000		1		40000	100%
111		AG Conduit (Power)			1	LS	22000	22000		1		22000	100%
112		AG Conduit (Instrumentation)			1	LS	20000	20000		1		20000	100%
113		AG Wire (Power)			1	LS	39000	39000		1		39000	100%
114		AG Wire (Instrumentation)			1	LS	22000	22000		1		22000	100%
115		Install Bridge Crane			1	LS	30000	30000		1		30000	100%
116		Misc. Steel			1	LS	62200	62200		1		62200	100%
117		Joist and Deck			1	LS	57800	57800		1		57800	100%
118		Grating			1	LS	2600	2600		1		2600	100%
119		Metal Canopies			1	LS	13000	13000		1		13000	100%
120		16" Bfly Valve Fig. w/ 2" Nut Operator			1	EA	3300	3300		1		3300	100%
121		18" Bfly Valves Fig. w/ 2" Nut Operator			5	LS	4800	24000		5		24000	100%
122		12" Bfly Valves Fig. w/ EMO			4	EA	5500	22000		4		22000	100%
123		18" Bfly Valve Fig. w/ HW			1	EA	4200	4200		1		4200	100%
124		8" Gate Valve Fig. w/ 2" Nut Operator			1	EA	1100	1100		1		1100	100%
125		8" Gate Valves Fig. w/ HW			3	EA	1100	3300		3		3300	100%
126		4" Gate Valve MJ w/ Nut - PIV Valve			1	EA	1000	1000		1		1000	100%
127		6" Gate Valve FGxMJ. w/ 2" Nut Oper			1	EA	600	600		1		600	100%
128		4" Gate Valve FGxMJ. w/ 2" Nut Oper			1	EA	500	500		1		500	100%
129		8" Gate Valve FGxMJ Tapping w/ 2" Nut			1	EA	900	900		1		900	100%
130		12" Gate Valves Fig. w/ HW			2	EA	1900	3800		2		3800	100%
131		12" Rubber Flapper Check Valves, FG			4	EA	3450	13800		4		13800	100%
132		8" Surge Relief Valve, FG			1	EA	7000	7000		1		7000	100%
133		2" Air Vacuum Valves			7	EA	450	3150		7		3150	100%
134		Fire Hydrant			1	EA	2500	2500		1		2500	100%
135		Install Suction Branches to Cans			150	LF	592	88800		150		88800	100%
136		Install Suction Header			40	LF	1500	60000		40		60000	100%
137		Install Surge Relief Line Underslab			30	LF	350	10500		30		10500	100%
138		Tie-in Suction Line to Header			120	LF	300	36000		120		36000	100%





A	B	C	D	E	F	G	H	I	J	K	L	M	N
ITEM NO.		DESCRIPTION			QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT-PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
11													
191	B-5	Flow Meter on Existing 24"											
192		Install Piping			1	LS	36000	36000		1		36000	100%
193		Install Flowable Fill			1	LS	2000	2000		1		2000	100%
194		Install Concrete Slab			1	LS	2000	2000		1		2000	100%
195		Electrical (Flow Meter)			1	LS	61000	61000		1		61000	100%
196		Painting			1	LS	1000	1000		1		1000	100%
197		Pipe Bollards			1	LS	2000	2000		1		2000	100%
198													
199		TOTAL BID ITEM B-5						104000				104000	100%
200													
201	B-6	8-Ft Picket Fence			700	LF	30	21000		700		21000	100%
202													
203	B-7	Disposal of Excavation Spoils Offsite			1	LS	20000	20000		1		20000	100%
204													
205	B-8	Disposal of Existing Spoils Offsite			1	LS	10000	10000		0.245		2450	25%
206													
207	B-9	Hydromulch			10000	SY	1	10000		7500		7500	75%
208													
209	B-10	Minimum 4" Caliper Tree Planting			20	LS	800	16000				0	0%
210													
211	B-11	Site Security Allowance			1	LS	22000	22000				0	0%
212													
213	B-12	SCADA Integrator Allowance			1	LS	160000	160000		0.06451255		10322.008	6%
214													
215		TOTAL FOR PAGE / PROJECT						3711000				3517851	

**ATTACHMENT "B"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR APPROVED CHANGE ORDERS**

**PROJECT:** Rowlett Road Lower Pressure Plane Pump Station  
**OWNER:** City of Rowlett  
**CONTRACTOR:** Crescent Constructors, Inc.  
**ENGINEER:** Freese and Nichols, Inc.

**PROJECT NUMBER:** WA2095  
**0**

**PAYMENT PERIOD FROM:** Beginning **TO:** 12/15/2014 **ESTIMATE NO.:** #14 (retainage)

ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
2	Upgrade Generator Enclosure	1.00	LS	\$ 14,854.00	\$ 14,854.00		1		\$ 14,854.00	100.00%
1	Fencing Upgrades	1.00	LS	\$ 62,664.00	\$ 62,664.00		1		\$ 62,664.00	100.00%
3	SCADA for Antenna Relocation	1.00	LS	\$ 8,541.00	\$ 8,541.00		1		\$ 8,541.00	100.00%
4	Low Level Lockout Mapping	1.00	LS	\$ 7,149.00	\$ 7,149.00		1		\$ 7,149.00	100.00%
5	AHU Breaker	1.00	LS	\$ 2,883.00	\$ 2,883.00		1		\$ 2,883.00	100.00%
<b>TOTAL FOR PAGE / PROJECT</b>					<b>96091</b>				<b>96091</b>	

**ATTACHMENT "C"**  
**PAYMENT REQUEST**  
**TABULATION OF MATERIALS ON HAND**

**PROJECT:** Rowlett Road Lower Pressure Plane Pump Station  
**OWNER:** City of Rowlett  
**CONTRACTOR:** Crescent Constructors, Inc.  
**ENGINEER:** Freese and Nichols, Inc.

**PAYMENT PERIOD FROM:** Beginning **TO** 12/15/2014 **#14 (retainage)**

A T T A	TOTAL SCHEDULE D VALUE	NAME OF SUPPLIER	INVOICE NO.	TOTAL INVOICE AMOUNT THIS ESTIMATE	TOTAL STORED MATERIAL AT LAST PAY ESTIMATE	AMOUNT INSTALLED TO DATE	BALANCE OF MATERIALS ON HAND
A2 (row 27) (See Billing #1)	69000	Smith Pump Co.	PI031119 (PR#1)	\$ 46,000.00	\$ -	\$ 46,000.00	\$ -
A2 (124-130) (Billing #2)	11200	Municipal Valve	15186	\$ 10,249.50	\$ -	\$ 10,249.50	\$ -
A2 (rebar items) (Billing #2)	164100	CRP	5014	\$ 17,900.75	\$ -	\$ 17,900.75	\$ -
A2, B4 & B5 (See Billing #3)	3150	Municipal Valve	15295	\$ 2,765.00	\$ -	\$ 2,765.00	\$ -
A2 (rebar items)(See Billing #3)	164100	CRP	5217	\$ 14,784.60	\$ -	\$ 14,784.60	\$ -
A2 (rebar items)(See Billing #3)	164100	CRP	5178	\$ 1,947.75	\$ -	\$ 1,947.75	\$ -
A2 (row 116)(See Billing #3)	62200	LaFer	14-01	\$ 41,000.00	\$ -	\$ 41,000.00	\$ -
A2 (120, 121, 122 & 123)(Billing #3)	53500	Municipal Valve	15315	\$ 29,500.00	\$ -	\$ 29,500.00	\$ -
A2 (row 69)(See Billing #3)	22500	DFW Doors	88634	\$ 2,872.00	\$ -	\$ 2,872.00	\$ -
A2 (row 108)(See Billing #3)	52000	Reynolds	2231450-01	\$ 10,188.40	\$ -	\$ 10,188.40	\$ -
A2 (row 107)(See Billing #3)	45900	Reynolds	2231450-00	\$ 23,511.19	\$ -	\$ 23,511.19	\$ -
A2 (row 100)(See Billing #3)	22000	Reynolds	2230249-00	\$ 29.50	\$ -	\$ 29.50	\$ -
A2 (row 98) (See Billing #4)	22000	Crescent Electric	301466-04	\$ 6,383.30	\$ -	\$ 6,383.30	\$ -
A2 (row 96) (See Billing #4)	22000	Crescent Electric	301466-02	\$ 1,088.40	\$ -	\$ 1,088.40	\$ -
A2 (row 96) (See Billing #4)	22000	Crescent Electric	301466-03	\$ 3,688.30	\$ -	\$ 3,688.30	\$ -
A2 (row 97) (See Billing #4)	29000	Crescent Electric	301466-05	\$ 3,285.90	\$ -	\$ 3,285.90	\$ -
A2 (rows 97, 99 & 169) (See Billing #4)	109700	Crescent Electric	301466-07	\$ 32,669.76	\$ -	\$ 32,669.76	\$ -
A2 (row 100) (See Billing #4)	45900	Reynolds	2230249-04	\$ 3,346.00	\$ -	\$ 3,346.00	\$ -
A2 (row 100) (See Billing #4)	45900	Reynolds	2230249-01	\$ 3,060.00	\$ -	\$ 3,060.00	\$ -
A2 (row 107) (See Billing #4)	52000	Barnsco	6352153	\$ 1,925.99	\$ -	\$ 1,925.99	\$ -
A2 (row 107) (See Billing #4)	52000	Barnsco	6349411	\$ 937.50	\$ -	\$ 937.50	\$ -
A2 (row 107) (See Billing #4)	52000	ALT	132631	\$ 2,527.72	\$ -	\$ 2,527.72	\$ -
A2 (row 107) (See Billing #4)	52000	Reynolds	2231450-02	\$ 1,405.50	\$ -	\$ 1,405.50	\$ -
A2 (row 107) (See Billing #4)	52000	Reynolds	223213-00	\$ 2,859.44	\$ -	\$ 2,859.44	\$ -
A2 (row 103) (See Billing #4)	49600	Cummins	85493	\$ 40,348.00	\$ -	\$ 40,348.00	\$ -
A2 (row 103) (See Billing #4)	52600	Cummins	85493	\$ 40,065.00	\$ -	\$ 40,065.00	\$ -
B-2 (row 168) (See Billing #4)	150800	RLC	5036	\$ 46,094.60	\$ -	\$ 46,094.60	\$ -
A2 (row 101)B-4 (row 185)B-5 (row 195) (See Billing #4)	255500	Municipal Valve	15377	\$ 74,302.00	\$ -	\$ 74,302.00	\$ -
A2 (rows 136-139) B-4 (182) & B-5 (192) (See Billing #4)	85500	Municipal Valve	15378	\$ 7,600.00	\$ -	\$ 7,600.00	\$ -
B-5 (row 192) (See Billing #4)	36000	Municipal Valve	15389	\$ 6,928.22	\$ -	\$ 6,928.22	\$ -
A-2 (row 134) (See Billing #4)	2500	Municipal Valve	15359	\$ 2,186.25	\$ -	\$ 2,186.25	\$ -
A2 (rows 136-139) B-4 (182) & B-5 (192) (See Billing #4)	255500	Municipal Valve	15360	\$ 20,818.00	\$ -	\$ 20,818.00	\$ -
A-2 (row 132) (See Billing #4)	7000	Municipal Valve	15348	\$ 6,706.25	\$ -	\$ 6,706.25	\$ -
A2, B-1 139, 140, 161 (Billing #5)	144000	Municipal Valve	15468	\$ 9,002.00	\$ -	\$ 9,002.00	\$ -
A-2 116 (Billing #5)	62200	Mapes Canopies	M7214	\$ 11,094.00	\$ -	\$ 11,094.00	\$ -

**ATTACHMENT "C"**  
**PAYMENT REQUEST**  
**TABULATION OF MATERIALS ON HAND**

**PROJECT:** Rowlett Road Lower Pressure Plane Pump Station  
**OWNER:** City of Rowlett  
**CONTRACTOR:** Crescent Constructors, Inc.  
**ENGINEER:** Freese and Nichols, Inc.

PAYMENT PERIOD FROM:		Beginning		TO		12/15/2014		#14 (retainage)	
A T T A	TOTAL SCHEDULE D VALUE	NAME OF SUPPLIER	INVOICE NO.	TOTAL INVOICE AMOUNT THIS ESTIMATE	TOTAL STORED MATERIAL AT LAST PAY ESTIMATE	AMOUNT INSTALLED TO DATE	BALANCE OF MATERIALS ON HAND		
A2, 139 (Billing #5)	99000	Municipal Valve	15444	\$ 52,500.00	\$ -	\$ 52,500.00	\$ -		
A2, 36 (Billing #5)	22800	Void Form	141175	\$ 8,572.00	\$ -	\$ 8572	\$ -		
A2, 117 (Billing #5)	57800	LaFer	14-04	\$ 31,000.00	\$ -	\$ 31,000.00	\$ -		
A2, 74 (Billing #5)	2000	Spec Ten	74963	\$ 480.00	\$ -	\$ 480.00	\$ -		
A2, 81 (Billing #5)	4000	Texas Air Systems	106928	\$ 1,893.00	\$ -	\$ 1,893.00	\$ -		
A2, 83 (Billing #5)	14000	Texas Air Systems	106911	\$ 6,401.00	\$ -	\$ 6,401.00	\$ -		
A2, 94 (See Billing #6)	52000	Crescent Electric	301466-08	\$ 25,425.25	\$ -	\$ 25,425.25	\$ -		
A2, 100 (See Billing #6)	45900	Reynolds	2230249-05	\$ 1,139.50	\$ -	\$ 1,139.50	\$ -		
A2, 69 (See Billing #6)	22500	DFW Doors	89194	\$ 10,233.00	\$ -	\$ 10,233.00	\$ -		
A2, 69 (See Billing #6)	22500	DFW Doors	89195	\$ 5,401.00	\$ -	\$ 5,401.00	\$ -		
A2, 116 (See Billing #6)	62200	LaFer	14-06	\$ 12,645.00	\$ -	\$ 12645	\$ -		
A2, 75 (See Billing #6)	1000	Spec Ten	74976	\$ 470.00	\$ 470.00	\$ 470.00	\$ -		
A2, 67 (See Billing #6)	9800	Advanced Cast Stone	J10567-R1	\$ 2,456.00	\$ -	\$ 2,456.00	\$ -		
A2, 66 (See Billing #6)	120000	BESCO	219386	\$ 4,300.00	\$ -	\$ 4300	\$ -		
A2, 66 (See Billing #6)	120000	BESCO	219348	\$ 2,672.00	\$ -	\$ 2672	\$ -		
A2, 66 (See Billing #6)	120000	BESCO	219200	\$ 1,056.00	\$ -	\$ 1056	\$ -		
A2, 66 (See Billing #6)	120000	BESCO	219199	\$ 1,607.00	\$ -	\$ 1607	\$ -		
A2, 66 (See Billing #6)	120000	BESCO	217191	\$ 561.04	\$ -	\$ 561.04	\$ -		
A2, 131 (See Billing #6)	13800	Municipal Valve	15550	\$ 9,756.75	\$ -	\$ 9,756.75	\$ -		
A2, 80 (See Billing #6)	48000	Texas Air Systems	107807	\$ 30,785.00	\$ -	\$ 30,785.00	\$ -		
A2, 82 (See Billing #6)	18000	Texas Air Systems	107063	\$ 7,938.00	\$ 1,985.00	\$ 7,938.00	\$ -		
A2, 65 (See Billing #7)	120000	Texas Building Products	85747	\$ 10,207.85	\$ -	\$ 10,207.85	\$ -		
A2, 65 (See Billing #7)	120000	Texas Building Products	85688	\$ 1,454.40	\$ -	\$ 1,454.40	\$ -		
A2, 65 (See Billing #7)	120000	Texas Building Products	85721	\$ 2,008.02	\$ -	\$ 2,008.02	\$ -		
A2, 66 (See Billing #7)	25000	ACME Brick	7626338 RI	\$ 3,510.00	\$ -	\$ 3510	\$ -		
A2, 115 (See Billing #7)	30000	Kone Cranes	151689749	\$ 22,427.00	\$ -	\$ 22,427.00	\$ -		
A2, 131 (See Billing #7)	13800	Municipal Valve	15611	\$ 3,252.25	\$ -	\$ 3,252.25	\$ -		
A2, 117 (See Billing #7)	57800	LaFer	14-07	\$ 15,000.00	\$ -	\$ 15,000.00	\$ -		
A2, 51 (See Billing #7)	3500	Hanson	11089538	\$ 1,318.00	\$ -	\$ 1,318.00	\$ -		
A2, 51 (See Billing #7)	3500	Hanson	11089560	\$ 910.00	\$ -	\$ 910.00	\$ -		
A2, 95 & B-1, 163 (See Billing #7)	164000	Crescent Electric	301466-09	\$ 106,590.75	\$ -	\$ 106,590.75	\$ -		
A1 86 & 87 (See Billing #8)	31500	Texas Air Systems	109203	\$ 8,225.00	\$ -	\$ 8,225.00	\$ -		
A1 100 (See Billing #8)	45900	Reynolds	109203	\$ 11,885.51	\$ -	\$ 11,885.51	\$ -		
A1 70	84000	ABC	34153597	\$ 8,514.96	\$ -	\$ 8,514.96	\$ -		

**ATTACHMENT "C"  
PAYMENT REQUEST  
TABULATION OF MATERIALS ON HAND**

**PROJECT:** Rowlett Road Lower Pressure Plane Pump Station  
**OWNER:** City of Rowlett  
**CONTRACTOR:** Crescent Constructors, Inc.  
**ENGINEER:** Freese and Nichols, Inc.

**PAYMENT PERIOD FROM:** Beginning **TO** 12/15/2014 **#14 (retainage)**

ATTACHED	TOTAL SCHEDULE D VALUE	NAME OF SUPPLIER	INVOICE NO.	TOTAL INVOICE AMOUNT THIS ESTIMATE	TOTAL STORED MATERIAL AT LAST PAY ESTIMATE	AMOUNT INSTALLED TO DATE	BALANCE OF MATERIALS ON HAND
				\$ 941,666.10		\$941,666.10	\$ -
<b>TOTAL FOR PAGE / PROJECT</b>							

**ATTACHMENT "D"  
PROJECT SUMMARY**

<b>PROJECT:</b>	Rowlett Road Lower Pressure Plane Pump Station	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	City of Rowlett	WA2095
<b>CONTRACTOR:</b>	Crescent Constructors, Inc.	
<b>ENGINEER:</b>	Freese and Nichols, Inc.	

**PAYMENT PERIOD FROM:** Beginning **TO Completion ESTIMATE NO.:** #14 (retainage)

**CONTRACT TIME SUMMARY**

Date of Notice to Proceed	18-Nov-13	
Original Contract Duration	360	Days
Original Date of Contract Substantial Completion	14-Sep-14	
Original Date of Contract Final Completion	13-Nov-14	
Approved Time Extensions	56	Days
Current Contract Duration	416	Days
Current Date of Contract Substantial Completion	9-Nov-14	
Current Date of Contract Final Completion	8-Jan-15	
Days Charged to Project to Date	392	Days
Days Remaining in Contract	24	Days
Percent of Current Project Duration	94.23	%
Current Scheduled Completion Date		
Project is (Ahead/Behind) Schedule		

**CONTRACT COST SUMMARY**

Original Contract Amount	\$ 3,711,000.00
Approved Change Orders	\$ 96,091.00
Current Contract Amount	\$ 3,807,091.00
Contract Earnings to Date on Original Contract	\$ 3,517,850.61
Earnings on Approve Change Orders	\$ 96,091.00
Materials on Hand	\$ -
Total Current Project Amount Earned	\$ 3,613,941.61
Percent of Contract Earned to Date	94.93%
Retainage	\$ -
Amount Paid to Date	\$ 3,252,547.45
Percent of Contract Paid to Date	85.43%



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7C

**TITLE**

Consider action to approve a resolution authorizing the final acceptance and release of retainage for the traffic signal construction for the Princeton Road at Liberty Grove Road Project in the amount of \$14,627.90 to Durable Specialties, Incorporated 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 consists of the construction of a traffic signal at the Princeton Road and Liberty Grove Road intersection.

**BACKGROUND INFORMATION**

City Staff received several complaints about the congestion at the intersection of Liberty Grove Road and Princeton Road during peak hours. The intersection had multi-way stop signs as a means of controlling traffic. Based on the daily traffic volumes, Lee Engineering recommended that the City install a traffic signal system and the staff agreed with their assessment. After funding was secured for the project, staff issued a task authorization for design in September 2011 and construction plans were completed in April 2013.

In August 6, 2013, City Council adopted a resolution awarding the base bid to Durable Specialties, Incorporated in the amount of \$122,400 for traffic signal construction on Princeton Road at Liberty Grove Road to execute the Standard Public Works Construction Contract for said services. Change Order Number 1 in the amount of \$24,223 was approved by City Staff on November 11, 2013, for the fourth signal pole and equipment to accommodate the extension of Princeton Road to the north of the intersection. This increased the total construction contract amount to \$146,623.

**DISCUSSION**

Durable Specialties, Incorporated 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 \$14,627.90.

**FINANCIAL/BUDGET IMPLICATIONS**

Funding in the amount of \$14,627.90 has been encumbered for final acceptance and release of retainage in Project Code ST2076 Traffic Management Projects. Project ST2076 funded various traffic management projects along roadways in the City for median openings and closings, turn

lanes, deceleration lanes and other infrastructure improvements that improve the safety and capacity of City roadways. ST2076 was funded at \$450,000, and \$274,490 has been spent on previous projects. The total construction costs, including change orders, for the Princeton and Liberty Grove signal installation is \$146,279, which is \$344 under the original contract amount.

### **RECOMMENDED ACTION**

Staff recommends the City Council approve a resolution authorizing the final acceptance and release of retainage for the traffic signal construction on Princeton Road at Liberty Grove Road Project in the amount of \$14,627.90 to Durable Specialties, Incorporated 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 AND RELEASE OF RETAINAGE FOR THE TRAFFIC SIGNAL CONSTRUCTION FOR THE PRINCETON ROAD AT LIBERTY GROVE ROAD PROJECT IN THE AMOUNT OF \$14,627.90 TO DURABLE SPECIALTIES, INCORPORATED; 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-063-13 awarding Bid # 2013-57 for the traffic signal construction on Princeton Road at Liberty Grove Road Project on August 6, 2013, in the amount of \$122,400.00 to Durable Specialties, Incorporated; and

**WHEREAS**, Durable Specialties, Incorporated 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 traffic signal construction for the Princeton Road at Liberty Grove Road Project and approves the release of retainage to Durable Specialties, Incorporated in the amount of \$14,627.90.

**Section 2:** That the Council does hereby authorize the Mayor to execute the necessary documents to conform to this resolution.

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

### **ATTACHMENT**

Exhibit A – Final Payment Request Form



# EXHIBIT A

## PAYMENT REQUEST (4.51)

<b>PROJECT:</b>	TRAF SIG INSTALL AT PRENCETON RD @ LIBERTY GROVE RD	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	CITY OF ROWLETT	PO #2013-57
<b>CONTRACTOR:</b>	DURABLE SPECIALTIES, INC.	
<b>ENGINEER:</b>	LEE ENGINEERING	

**PAYMENT PERIOD FROM:** 8/30/2014 TO 09/19/14 **ESTIMATE NO.:** 5 & FINAL

### SUMMARY OF PAYMENT ESTIMATE VALUES FROM ATTACHED TABULATIONS

Original Contract Amount	\$	122,400.00
Approved Change Orders	\$	24,223.00
Current Contract Amount	\$	146,623.00
Total Value of Original Contract Performed (Attachment "A" consisting of ___ pages)	\$	122,750.00
Extra Work on Approved Change Orders (Attachment "B" consisting of ___ pages)	\$	23,529.00
Materials on Hand (Attachment "C" consisting of ___ pages)	\$	-
Total Value of Work to Date	\$	146,279.00
Less Amount Retained at 10 %	\$	-
Net Amount Earned on Contract	\$	146,279.00
Less Amount of Previous Payments	\$	146,279.00
<b>BALANCE DUE THIS STATEMENT</b>	\$	14,627.90
Percentage of Contract Paid to Date	\$	99.77

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: Durable Specialties, Inc. By [Signature]  
 Date: 12-12-14  
 Subscribed and sworn to before me this 12<sup>th</sup> day of December  
 Notary Public: Melissa Hedgepeth  
 My Commission expires: 7-31-14



**Recommended for Payment by**  
**LEE ENGINEERING**  
 By [Signature] 1/21/15  
 Date

**Approved for Payment by**  
**[OWNER]**  
 By [Signature] 1/10/15  
 Date

**Approved for Payment by**  
**[OWNER]**  
 By [Signature] 1/18/14  
 Date

**Approved for Payment by**  
**[OWNER]**  
 By \_\_\_\_\_  
 Date

A	B	C	D	E	F	G	H	I	J	K	L	M	N
<b>ATTACHMENT "A"</b>													
<b>PAYMENT REQUEST</b>													
<b>TABULATION OF VALUES FOR ORIGINAL CONTRACT WORK PERFORMED</b>													
<b>PROJECT:</b> TRAFFIC SIGNAL INSTALLATION AT PRINCETON RD @ LIBERTY GROVE ROAD <b>OWNER:</b> CITY OF ROWLETT <b>CONTRACTOR:</b> DURABLE SPECIALTIES, INC. <b>ENGINEER:</b> LEE ENGINEERING, LLC													
<b>PROJECT NUMBER</b> PO #2013-57													
<b>PAYMENT PERIOD FROM:</b> 8/30/2014 <b>TO:</b> 9/19/2014 <b>ESTIMATE NO.:</b> 5 & FINAL													
ITEM NO.	DESCRIPTION	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE			
1	F&I DRILL SHAFT (30")	11	LF	165	1815		11		1815	100.00%			
2	F&I DRILL SHAFT (36")	26	LF	180	4680		26		4680	100.00%			
3	MOBILIZATION	1	LS	1500	1500		1		1500	100.00%			
4	BARRICADES, SIGNS & TRAFFIC HANDLING	3	MO	500	1500		3		1500	100.00%			
5	F&I 2" PVC CONDUIT - TRENCHED	35	LF	8	280		35		280	100.00%			
6	F&I 3" PVC CONDUIT - TRENCHED	100	LF	9	900		100		900	100.00%			
7	F&I 4" PVC CONDUIT - TRENCHED	240	LF	10	2400		240		2400	100.00%			
8	F&I 4" PVC CONDUIT - BORED	285	LF	16	4560		285		4560	100.00%			
9	F&I ELEC CONDR (1C #6 INSULATED)	70	LF	1	70		70		70	100.00%			
10	F&I ELEC CONDR (1C #6 BARE)	660	LF	1	660		660		660	100.00%			
11	F&I ELEC CONDR (1C #8 INSULATED)	1040	LF	1	1040		1390		1390	133.65%			
12	F&I GROUND BOX TY C W/APRON (162911)	5	EA	680	3400		5		3400	100.00%			
13	F&I ELEC SVC TY D 120/240 070 NS AL E PS U	1	EA	5000	5000		1		5000	100.00%			
14	INSTALL HWY TRAF SIG W/CONTROLLER & CABINET	1	EA	18040	18040		1		18040	100.00%			
15	F&I 3 SEC 12" BACKPLATE	7	EA	85	595		7		595	100.00%			
16	F&I 4 SEC 12" BACKPLATE	1	EA	95	95		1		95	100.00%			
17	F&I VEH SIG SEC 12" LED (GRN ARW)	1	EA	240	240		1		240	100.00%			
18	F&I VEH SIG SEC 12" LED (GRN)	8	EA	240	1920		8		1920	100.00%			
19	F&I VEH SIG SEC 12" LED (YEL ARW)	1	EA	240	240		1		240	100.00%			
20	F&I VEH SIG SEC 12" LED (YEL)	8	EA	240	1920		8		1920	100.00%			
21	F&I VEH SIG SEC 12" LED (RED)	8	EA	240	1920		8		1920	100.00%			

A	B	C	D	E	F	G	H	I	J	K	L	M	N
ITEM NO.		DESCRIPTION	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE		
11													
53	22	F&I TRF SIG CBL (TY A)(14 AWG)(5 CONDR)	361	LF	1	361		361		361	100.00%		
54	23	F&I TRF SIG CBL (TY A)(14 AWG)(7 CONDR)	68	LF	1	68		68		68	100.00%		
55	24	F&I TRF SIG CBL (TY A)(14 AWG)(10 CONDR)	205	LF	2	410		205		410	100.00%		
56	25	F&I TRF SIG CBL (TY A)(14 AWG)(20 CONDR)	670	LF	3	2010		670		2010	100.00%		
57	26	F&I TRF SIG POLE & MA ASSY 28' LUM & ILSN	1	EA	4100	4100		1		4100	100.00%		
58	27	F&I TRF SIG POLE & MA ASSY 48' LUM & ILSN	2	EA	6350	12700		2		12700	100.00%		
59	28	F&I PED POLE ASSY	3	EA	1200	3600		3		3600	100.00%		
60	29	F&I ILLUMINATED ST NAME SIGN (8' SGL SIDED)	3	EA	2800	8400		3		8400	100.00%		
61	30	F&I VIVDS PROCESSOR SYSTEM	1	EA	3500	3500		1		3500	100.00%		
62	31	F&I VIVDS CAMERA ASSY	3	EA	4000	12000		3		12000	100.00%		
63	32	F&I VIVDS SET-UP SYSTEM	1	EA	250	250		1		250	100.00%		
64	33	F&I VIVDS COMMUNICATION CABLE	559	LF	2	1118		559		1118	100.00%		
65	34	F&I LED PED COUNTDOWN SIG HEADS	6	EA	530	3180		6		3180	100.00%		
66	35	F&I BBU SYSTEM FOR CABINETS	1	EA	6000	6000		1		6000	100.00%		
67	36	F&I ACCESSIBLE PED SIGNAL UNITS	6	EA	1050	6300		6		6300	100.00%		
68	37	F&I UNI-DIRECTIONAL OPTICOM DETECTOR	3	EA	800	2400		3		2400	100.00%		
69	38	F&I OPTICOM DETECTOR PHASE SELECTOR	1	EA	2700	2700		1		2700	100.00%		
70	39	F&I OPTICOM DETECTOR CABLE	528	LF	1	528		528		528	100.00%		
71													
72													
73													
74													
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90													
91													
92													
93	TOTAL FOR PAGE / PROJECT										122400	122750	

**ATTACHMENT "B"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR APPROVED CHANGE ORDERS**

**PROJECT:** TRAF SIG INSTALL AT PRENCETON RD @ LIBERTY GROVE RD  
**OWNER:** CITY OF ROWLETT  
**CONTRACTOR:** DURABLE SPECIALTIES, INC.  
**ENGINEER:** LEE ENGINEERING

**PROJECT NUMBER**  
 PO #2013-57  
 0

**ESTIMATE NO.:** 5 & FINAL

9/19/2014

**TO**

8/30/2014

ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
2	DRILL SHAFT (TRF SIG POLE)(36")	13	LF	180	2340	0	13		2340	1
11	ELEC CONDR (NO.8) INSULATED	350	LF	1	350	0	0		0	0
15	BACK PLATE (12")(3 SEC)	1	EA	85	85	0	1		85	1
16	BACK PLATE (12")(4 SEC)	2	EA	95	190	0	2		190	1
16A	BACK PLATE (12")(5 SEC)	1	EA	105	105	0	1		105	1
17	VEH SIG SEC (12")LED(GRN ARW)	3	EA	240	720	0	3		720	1
18	VEH SIG SEC (12")LED(GRN)	4	EA	240	960	0	4		960	1
19	VEH SIG SEC (12")LED(YEL ARW)	1	EA	240	240	0	1		240	1
20	VEH SIG SEC (12")LED(YEL)	4	EA	240	960	0	4		960	1
21	VEH SIG SEC (12")LED(RED)	4	EA	240	960	0	4		960	1
22	TRF SIG CBL (TY A)(14 AWG)(5 CONDR)	188	LF	1	188	0	188		188	1
23	TRF SIG CBL (TY A)(14 AWG)(7 CONDR)	68	LF	1	68	0	68		68	1
27	TRF SIG PL AM(S) 1 ARM (48') LUM	-1	EA	6350	-6350	0	1		6350	1
28	PED POLE ASSY	1200	EA	1200	-1200	0	-1		-1200	1
29	ILSN (8' SINGLE SIDED)	1	EA	2800	2800	0	1		2800	1
31	VIVDS CAMERA ASSEMBLY	1	EA	4000	4000	0	1		4000	1
33	VIVDS COMM CABLE (COAXIAL)	2	LF	690	1380	0	345		690	1
34	LED COUNTDOWN PEDESTRIAN SIG HEADS	2	EA	530	1060	0	2		1060	1
36	ACCESSIBLE PEDESTRIAN SIGN UNITS	2	EA	1050	2100	0	2		2100	1
37	UNI-DIRECTIONAL OPTICOM DETECTOR	1	EA	800	800	0	1		800	1
39	OPTICOM DETECTOR CABLE	344	LF	1	344	0	345		344	0
40	250W COBRA HEAD LUM	1	EA	585	585	0	1		585	1
41	R10-12 REGULATORY SIGN	1	EA	215	215	0	1		215	1
42	CREDIT FOR APSU	1	LS	-687	-687	0	1		-687	1
<b>TOTAL FOR PAGE / PROJECT</b>					24223				23529	

# DURABLE SPECIALTIES, INC.

P.O. Box 535969 • Grand Prairie, TX 75053-5969 • Phone 1-972-296-6324 • Fax 1-972-780-7411

## INVOICE

TO: CITY OF ROWLETT  
PO BOX 99  
ROWLETT, TEXAS 75030

ATTN: ROBBIN WEBBER  
972-463-3913  
972-463-3907 FAX

DS# 353  
INV# 5 & FINAL

DATE: 10/15/2014  
WORK END: 9/19/2014

REVISED CONTRACT AMT.: \$ 146,623.00  
CONTRACT AMT.: \$ 122,400.00  
PROJECT#: TRAFFIC SIGNAL INSTALLATION  
LOCATION: PRINCETON ROAD @ LIBERTY GROVE ROAD

COUNTY: DALLAS

ITEM#	DESCRIPTION	UNITS	EST QTY	UNDER QTY	UNIT PRICE	PREVIOUS QTY	PREVIOUS AMT	CURRENT QTY	CURRENT AMT	TOTAL TO DATE QTY	TOTAL TO DATE AMT
1	FURNISH & INSTALL DRILL SHAFT (30")	LF	11.00		165.00	11.00	1,815.00		0.00	11.00	1,815.00
2	FURNISH & INSTALL DRILL SHAFT (36")	LF	26.00	13.00	180.00	39.00	7,020.00		0.00	39.00	7,020.00
3	MOBILIZATION	LS	1.00		1,500.00	1.00	1,500.00		0.00	1.00	1,500.00
4	BARRICADES, SIGNS & TRAFFIC HANDLING	MO	3.00		500.00	3.00	1,500.00		0.00	3.00	1,500.00
5	FURNISH & INSTALL 2" PVC CONDUIT - TRENCHED	LF	35.00		8.00	35.00	280.00		0.00	35.00	280.00
6	FURNISH & INSTALL 3" PVC CONDUIT - TRENCHED	LF	100.00		9.00	100.00	900.00		0.00	100.00	900.00
7	FURNISH & INSTALL 4" PVC CONDUIT - TRENCHED	LF	240.00		10.00	240.00	2,400.00		0.00	240.00	2,400.00
8	FURNISH & INSTALL 4" PVC CONDUIT - BORED	LF	285.00		16.00	285.00	4,560.00		0.00	285.00	4,560.00
9	FURNISH & INSTALL ELEC CONDR (1C #6 INSULATED)	LF	70.00		1.00	70.00	70.00		0.00	70.00	70.00
10	FURNISH & INSTALL ELEC CONDR (1C #6 BARE)	LF	660.00		1.00	660.00	660.00		0.00	660.00	660.00
11	FURNISH & INSTALL ELEC CONDR (1C #8 INSULATED)	LF	1,040.00	350.00	1.00	1,390.00	1,390.00		0.00	1,390.00	1,390.00
12	FURNISH & INSTALL GROUND BOX TY C W/APRON (162911)	EA	5.00		680.00	5.00	3,400.00		0.00	5.00	3,400.00
13	FURNISH & INSTALL ELEC SVC TY D 120/240.070 NS ALE PS U	EA	1.00		5,000.00	1.00	5,000.00		0.00	1.00	5,000.00
14	INSTALL HIWY TRAF SIGNALS W/CONTROLLER & CABINET	EA	1.00		18,040.00	1.00	18,040.00		0.00	1.00	18,040.00
15	FURNISH & INSTALL 3 SEC 12" BACKPLATE	EA	7.00	1.00	85.00	8.00	680.00		0.00	8.00	680.00
16	FURNISH & INSTALL 4 SEC 12" BACKPLATE	EA	1.00		95.00	1.00	95.00		0.00	1.00	95.00
17	FURNISH & INSTALL VEH SIG SEC 12" LED (GRN ARW)	EA	1.00	3.00	240.00	4.00	960.00		0.00	4.00	960.00
18	FURNISH & INSTALL VEH SIG SEC 12" LED (GRN)	EA	8.00	4.00	240.00	12.00	2,880.00		0.00	12.00	2,880.00
19	FURNISH & INSTALL VEH SIG SEC 12" LED (YEL ARW)	EA	1.00	1.00	240.00	2.00	480.00		0.00	2.00	480.00
20	FURNISH & INSTALL VEH SIG SEC 12" LED (YEL)	EA	8.00	4.00	240.00	12.00	2,880.00		0.00	12.00	2,880.00
21	FURNISH & INSTALL VEH SIG SEC 12" LED (RED)	EA	8.00	4.00	240.00	12.00	2,880.00		0.00	12.00	2,880.00
22	FURNISH & INSTALL TRF SIG CBL (TY A)(14 AWG)(5 CONDR)	LF	361.00	188.00	1.00	549.00	549.00		0.00	549.00	549.00
23	FURNISH & INSTALL TRF SIG CBL (TY A)(14 AWG)(7 CONDR)	LF	68.00	68.00	1.00	136.00	136.00		0.00	136.00	136.00
24	FURNISH & INSTALL TRF SIG CBL (TY A)(14 AWG)(10 CONDR)	LF	205.00		2.00	205.00	410.00		0.00	205.00	410.00
25	FURNISH & INSTALL TRF SIG CBL (TY A)(14 AWG)(20 CONDR)	LF	670.00		3.00	670.00	2,010.00		0.00	670.00	2,010.00
26	FURNISH & INSTALL TRF SIG CBL (TY A)(14 AWG)(30 CONDR)	EA	1.00		4,100.00	1.00	4,100.00		0.00	1.00	4,100.00
27	FURNISH & INSTALL TRF SIG POLE & MA ASSY 28' LUM & ILSN	EA	2.00	1.00	6,350.00	3.00	19,050.00		0.00	3.00	19,050.00
28	FURNISH & INSTALL TRF SIG POLE & MA ASSY 48' LUM & ILSN	EA	3.00	-1.00	1,200.00	2.00	2,400.00		0.00	2.00	2,400.00
29	FURNISH & INSTALL ILLUMINATED ST NAME SIGN (8' SGL SIDED)	EA	3.00	1.00	2,800.00	4.00	11,200.00		0.00	4.00	11,200.00
30	FURNISH & INSTALL VIVDS PROCESSOR SYSTEM	EA	1.00		3,500.00	1.00	3,500.00		0.00	1.00	3,500.00
31	FURNISH & INSTALL VIVDS CAMERA ASSY	EA	3.00	1.00	4,000.00	4.00	16,000.00		0.00	4.00	16,000.00
32	FURNISH & INSTALL VIVDS SET-UP SYSTEM	EA	1.00		250.00	1.00	250.00		0.00	1.00	250.00
33	FURNISH & INSTALL VIVDS COMMUNICATION CABLE	LF	559.00	345.00	2.00	904.00	1,808.00		0.00	904.00	1,808.00
34	FURNISH & INSTALL LED PED COUNTDOWN SIG HEADS	EA	6.00	2.00	530.00	8.00	4,240.00		0.00	8.00	4,240.00
35	FURNISH & INSTALL BBU SYSTEM FOR CABINETS	EA	1.00		6,000.00	1.00	6,000.00		0.00	1.00	6,000.00
36	FURNISH & INSTALL ACCESSIBLE PED SIGNAL UNITS	EA	6.00	2.00	1,050.00	8.00	8,400.00		0.00	8.00	8,400.00
37	FURNISH & INSTALL UNI-DIRECTIONAL OPTICOM DETECTOR	EA	3.00	1.00	800.00	4.00	3,200.00		0.00	4.00	3,200.00
38	FURNISH & INSTALL OPTICOM DETECTOR PHASE SELECTOR	EA	1.00		2,700.00	1.00	2,700.00		0.00	1.00	2,700.00
39	FURNISH & INSTALL OPTICOM DETECTOR CABLE	LF	528.00	344.00	1.00	528.00	528.00		0.00	528.00	528.00

# DURABLE SPECIALTIES, INC.

P.O. Box 535969 • Grand Prairie, TX 75053-5969 • Phone 1-972-296-6324 • Fax 1-972-780-7411

INVOICE

TO: CITY OF ROWLETT  
 PO BOX 99  
 ROWLETT, TEXAS 75030  
 ATTN: ROBBIN WEBBER  
 972-463-3913  
 972-463-3907 FAX

DSI# 353  
 INV# 5 & FINAL

REVISED CONTRACT AMT.: \$ 146,623.00  
 CONTRACT AMT.: \$ 122,400.00  
 PROJECT#: TRAFFIC SIGNAL INSTALLATION  
 LOCATION: PRINCETON ROAD @ LIBERTY GROVE ROAD

COUNTY: DALLAS

ITEM#	DESCRIPTION	UNITS	EST QTY	OVER UNDER	UNIT PRICE	PREVIOUS QTY	PREVIOUS AMT	CURRENT QTY	CURRENT AMT	TOTAL TO DATE QTY	TOTAL TO DATE AMT
16A	CHANGE ORDER PROPOSAL DATED 11/11/13 - NON-EXISTING ITEMS	EA	1.00	\$	105.00	1.00	105.00	1.00	0.00	1.00	105.00
40	BACK PLATE 12" 5 SEC)	EA	1.00	\$	585.00	1.00	585.00	1.00	0.00	1.00	585.00
41	250W COBRA HEAD LUM	EA	1.00	\$	215.00	1.00	215.00	1.00	0.00	1.00	215.00
42	R10-12 REGULATORY SIGN	LS	1.00	\$	(687.00)	1.00	(687.00)	1.00	0.00	1.00	(687.00)
CHANGE ORDER PROPOSAL DATED 11/22/13											
CREDIT FOR APSU											
CK DATE	CK #	AMOUNT									
7/25/2014	208297	\$ 22,173.75									
TOTAL EARNED: 146,279.00											
RETAINAGE: 0.00											
PREVIOUS PAYMENTS: 22,173.75											
TOTAL DUE: 124,105.25											
TOTAL DUE: \$14,627.90 (RET)											

\*\*\*\*\*WE ARE BILLING FOR RETAINAGE ON THIS INVOICE\*\*\*\*\*



**City of Rowlett**  
**Staff Report**

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7D

**TITLE**

Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Martha Lane Tank Water Main Improvements Project in the amount of \$22,989 to Fryer Construction Company, 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 reconstruction and replacement of approximately 235 linear feet of 16-inch PVC water main, an altitude valve, butterfly valves and other appurtenances in the existing valve vault at the Martha Lane Elevated Storage Tank facility.

**BACKGROUND INFORMATION**

The Martha Lane Elevated Storage Tank Facility is an important part of the distribution system and placing it back online would increase the City's current storage capacity by 0.75 million gallons, and assist to ensure system pressures are maintained to provide the additional resources for fire services. City staff issued a task authorization on July 5, 2013, for the replacement of the existing 24-inch water main serving the Martha Lane elevated storage tank for added capacity. Upon physical location of the water main, staff confirmed that it was a 16-inch line. The replacement will also include replacing the existing altitude valve, butterfly valves and other appurtenances in the existing valve vault at the site. Upon the completion of construction, the Martha Lane Elevated Storage Tank has been placed active and functional on the City's water supply system increasing the capacity (0.75 million gallons) and the assistance in maintaining system pressures.

In June 17, 2014, City Council adopted a resolution awarding the base bid to Fryer Construction Company in the amount of \$214,850 for the Martha Lane Tank Water Main Improvements Project and authorized the Mayor to execute the Standard Public Works Construction Contract for said services. Change Order Number 1 in the amount of \$14,990 was approved by City Staff on July 12, 2014, for the removal and replacement of 18-inch water main, which increased the total construction contract amount to \$229,840.

**DISCUSSION**

Fryer Construction Company 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 \$22,989.

### **FINANCIAL/BUDGET IMPLICATIONS**

The project budget in the amount of \$229,840 for Martha Lane Tank Water Main Improvements Project was allocated between WA1118-Water Tank Refurbishing and WA2100-Martha Elevated Tank Refurbishment. To date, \$206,905 has been expended on this project, and funding in the amount of \$22,989 has been encumbered for final acceptance and release of retainage for a total cost of \$229,894.

### **RECOMMENDED ACTION**

Staff recommends the City Council approve a resolution authorizing the final acceptance and release of retainage for the Martha Lane Tank Water Main Improvements Project in the amount of \$22,989 to Fryer Construction Company 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 AND RELEASE OF RETAINAGE FOR THE MARTHA LANE TANK WATER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$22,989 TO FRYER CONSTRUCTION COMPANY; 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-052-14 awarding Bid # 2014-51 for the construction of Martha Lane Tank Water Main Improvements Project on June 17, 2014, in the amount of \$214,850 to Fryer Construction Company; and

**WHEREAS**, Fryer Construction Company 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 Martha Lane Tank Water Main Improvements Project and approves the release of retainage to Fryer Construction Company in the amount of \$22,989.

**Section 2:** That the City Council does hereby authorize the Mayor to execute the necessary documents to conform to this resolution.

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

**ATTACHMENT**

Exhibit A – Final Payment Request Form



# EXHIBIT A

## FINAL

### PAYMENT REQUEST (4.51)

<b>PROJECT:</b>	<u>Martha Lane Tank Water Main Improvements</u>	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	<u>City of Rowlett</u>	<u>2014-51</u>
<b>CONTRACTOR:</b>	<u>Fryer Construction Company</u>	<u>7314</u>
<b>ENGINEER:</b>	<u>Neel-Schaffer, Inc.</u>	<u>11704</u>

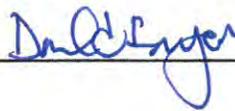
**PAYMENT PERIOD FROM:** 07/12/14 **TO:** 01/06/15 **ESTIMATE NO.** 6

**SUMMARY OF PAYMENT ESTIMATE VALUES FROM ATTACHED TABULATIONS**

Original Contract Amount	\$	214,900.00
Approved Change Orders	\$	14,990.00
Current Contract Amount	\$	229,890.00
Total Value of Original Contract Performed (Attachment "A" consisting of 1 page)	\$	214,900.00
Extra Work on Approved Change Orders (Attachment "B" consisting of 1 page)	\$	14,990.00
Materials on Hand (Attachment "C" consisting of 1 page)	\$	-
Total Value of Work to Date	\$	229,890.00
Less Amount Retained at 0.0%	\$	-
Net Amount Earned on Contract	\$	229,890.00
Less Amount of Previous Payments	\$	206,901.00
<b>BALANCE DUE THIS STATEMENT</b>	\$	22,989.00
Percentage of Contract Paid to Date		100.0%

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: Fryer Construction Company

By 

Date: January 14, 2015

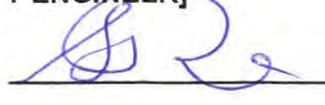
**Recommended for Payment by**  
**[ENGINEER]**

By  1/16/15  
Date

**Approved for Payment by**  
**[CITY INSPECTOR]**

By  1/16/15  
Date

**Approved for Payment by**  
**[CITY ENGINEER]**

By  1/16/15  
Date

**ATTACHMENT "A"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR ORIGINAL CONTRACT WORK PERFORMED**

PROJECT:		Martha Lane Tank Water Main Improvements								
OWNER:		City of Rowlett								
CONTRACTOR:		Fryer Construction Company								
ENGINEER:		Neel-Schaffer, Inc.								
PAYMENT PERIOD FROM:		July 12, 2014	TO			January 6, 2015	ESTIMATE NO. 6			
ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
1.	SWPPP	1	LS	\$625.00	\$625.00		625.00		\$625.00	100.0%
2.	Inlet Protection	2	Ea	\$50.00	\$100.00		100.00		\$100.00	100.0%
3.	Silt Fence	300	LF	\$2.00	\$600.00		600.00		\$600.00	100.0%
4.	Removal, Protect & Replace Shrubs & Plants	1	LS	\$200.00	\$200.00		200.00		\$200.00	100.0%
5.	Sodding	160	SY	\$15.00	\$2,400.00		2,400.00		\$2,400.00	100.0%
6.	General Site Protection									
a.	Mobilization Bonds and Insurance	1	LS	\$12,000.00	\$12,000.00		12,000.00		\$12,000.00	100.0%
b.	Removal of Existing 24" Water Line	1	LS	\$14,000.00	\$14,000.00		14,000.00		\$14,000.00	100.0%
7.	16" PVC C-905 Water Line	230	LF	\$270.00	\$62,100.00		62,100.00	0.00	\$62,100.00	100.0%
8.	Stabilized Construction Entrance	750	SF	\$3.00	\$2,250.00		2,250.00		\$2,250.00	100.0%
9.	Chain Link Fence Removal & Replacement	20	LF	\$30.00	\$600.00		600.00		\$600.00	100.0%
10.	Trench Safety	230	LF	\$5.00	\$1,150.00		1,150.00		\$1,150.00	100.0%
11.	Remove & Replace Valve Vault Appurtances	1	LS	\$70,375.00	\$70,375.00		70,375.00	0.00	\$70,375.00	100.0%
12.	Riser Pipe	1	LS	\$31,000.00	\$31,000.00		31,000.00	0.00	\$31,000.00	100.0%
13.	Tank Disinfection	1	LS	\$3,000.00	\$3,000.00		3,000.00		\$3,000.00	100.0%
14.	12" Gate Valve	1	LS	\$2,500.00	\$2,500.00		2,500.00	0.00	\$2,500.00	100.0%
15.	Ductile Iron Fittings	2	Tons	\$1,000.00	\$2,000.00		2,000.00		\$2,000.00	100.0%
16.	Miscellaneous Water Allowance	1	LS	\$10,000.00	\$10,000.00		10,000.00		\$10,000.00	100.0%
<b>PROJECT TOTAL</b>					\$214,900.00		\$214,900.00	\$0.00	\$214,900.00	100.0%

**ATTACHMENT "B"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR APPROVED CHANGE ORDERS**

<b>PROJECT:</b> Martha Lane Tank Water Main Improvements		<b>PROJECT NUMBER</b>								
<b>OWNER:</b> City of Rowlett		2014-51								
<b>CONTRACTOR:</b> Fryer Construction Company		7314								
<b>ENGINEER:</b> Neel-Schaffer, Inc.		11704								
<b>PAYMENT PERIOD FROM:</b> July 12, 2014		<b>ESTIMATE NO. 6</b>								
<b>TO</b>		January 6, 2015								
ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
	<b>CHANGE ORDER No. 1</b>									
	Remove and Replace PVF in 18" Water Main	1	LS	\$44,440.00	\$44,440.00		44,440.00	0.00	\$44,440.00	100.00%
	Delete Bid Item No. 14 - 12" Gate Valve	(1)	LS	\$2,500.00	(\$2,500.00)		(2,500.00)	0.00	(\$2,500.00)	100.00%
	Revisions to Bid Item No. 12 - Riser Pipe	(1)	LS	\$14,700.00	(\$14,700.00)		(14,700.00)	0.00	(\$14,700.00)	100.00%
	Delete Bid Item No. 8 - Construction Entrance	(750)	SF	\$3.00	(\$2,250.00)		(2,250.00)	0.00	(\$2,250.00)	100.00%
	Delete Bid Item No. 16 - Water Allowance	(1)	LS	\$10,000.00	(\$10,000.00)		(10,000.00)	0.00	(\$10,000.00)	100.00%
<b>TOTAL FOR PROJECT</b>					<b>\$14,990.00</b>				<b>\$14,990.00</b>	<b>100.00%</b>

**ATTACHMENT "C"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR MATERIALS ON HAND**

**PROJECT:** Martha Lane Tank Water Main Improvements **PROJECT NUMBER** 2014-51  
**OWNER:** City of Rowlett **PROJECT NUMBER** 7314  
**CONTRACTOR:** Fryer Construction Company **PROJECT NUMBER** 11704  
**ENGINEER:** Neel-Schaffer, Inc.

**PAYMENT PERIOD FROM:** July 12, 2014 **TO** January 6, 2015 **ESTIMATE NO.** 6

ATTACHMENT "A" OR "B" ITEM NO.	TOTAL SCHEDULED VALUE	NAME OF SUPPLIER	INVOICE NO.	TOTAL INVOICE AMOUNT THIS ESTIMATE	TOTAL STORED MATERIAL AT LAST PAY ESTIMATE	AMOUNT INSTALLED TO DATE	BALANCE OF MATERIALS ON HAND
7 - 16" WL	\$62,100.00	Ferguson Waterworks	666193	\$0.00	\$4,378.40	\$4,378.40	\$0.00
11 - vault	\$70,375.00	Ferguson Waterworks	666193	\$0.00	\$24,285.35	\$24,285.35	\$0.00
12 - Riser	\$31,000.00	Ferguson Waterworks	666193	\$0.00	\$670.47	\$670.47	\$0.00
14 - GV	\$2,500.00	Ferguson Waterworks	666193	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL FOR PAGE / PROJECT</b>							<b>\$0.00</b>

**ATTACHMENT "D"  
PROJECT SUMMARY**

<b>PROJECT:</b>	<u>Martha Lane Tank Water Main Improvements</u>	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	<u>City of Rowlett</u>	<u>2014-51</u>
<b>CONTRACTOR:</b>	<u>Fryer Construction Company</u>	<u>7314</u>
<b>ENGINEER:</b>	<u>Neel-Schaffer, Inc.</u>	<u>11704</u>

**PAYMENT PERIOD FROM:** 07/12/14 **TO** 01/06/15 **ESTIMATE NO.** 6

**CONTRACT TIME SUMMARY**

Date of Notice to Proceed	<u>September 2, 2014</u>	
Original Contract Duration	<u>45</u>	Days
Original Date of Contract Substantial Completion	<u>October 2, 2014</u>	
Original Date of Contract Final Completion	<u>October 17, 2014</u>	
Approved Time Extensions	<u>52</u>	Days
Current Contract Duration	<u>97</u>	Days
Current Date of Contract Substantial Completion	<u>November 23, 2014</u>	
Current Date of Contract Final Completion	<u>December 8, 2014</u>	
Days Charged to Project to Date	<u>97</u>	Days
Days Remaining in Contract	<u>0</u>	Days
Percent of Current Project Duration	<u>100%</u>	
Current Scheduled Completion Date	<u>December 8, 2014</u>	
Project is (On/Ahead/Behind) Schedule	<u>ON</u>	

**CONTRACT COST SUMMARY**

Original Contract Amount	<u>\$ 214,900.00</u>
Approved Change Orders	<u>\$ 14,990.00</u>
Current Contract Amount	<u>\$ 229,890.00</u>
Contract Earnings to Date on Original Contract	<u>\$ 214,900.00</u>
Earnings on Approve Change Orders	<u>\$ 14,990.00</u>
Materials on Hand	<u>\$ -</u>
Total Current Project Amount Earned	<u>\$ 229,890.00</u>
Percent of Contract Earned to Date	<u>100%</u>
Retainage	<u>\$ -</u>
Amount Paid to Date	<u>\$ 229,890.00</u>
Percent of Contract Paid to Date	<u>100.0%</u>



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7E

**TITLE**

Consider action to approve a resolution authorizing the final acceptance and release of retainage for the 24-Inch Force Main Replacement and Television Inspection Project in the amount of \$26,856.93 to Flow-Line Construction 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 consists of the installation of 674 linear feet of 24-inch sanitary sewer force main, temporary piping and bypass pumping during construction and other miscellaneous improvements on the east side of Lake Ray Hubbard and cleaning and television inspection of 2,230 linear feet of existing 24-inch sanitary sewer on the west side of Lake Ray Hubbard.

**BACKGROUND INFORMATION**

On May 6, 2014, the Rowlett City Council approved a contract with Flow-Line Construction for the 24-inch Force Main Replacement and Television Inspection project in the amount of \$390,018. The proposed construction replaced, by open cut method, approximately 550 linear feet of the corroded force main between the vertical bend at the lake crossing and the horizontal bend under State Highway 66 with the installation of a 24-inch tee on the north side of State Highway 66 and television inspection as far feasible towards the Eastside Lift Station header. The construction sequence allowed nighttime connection of the new 24 inch force main to the existing pipe at both ends. At the conclusion of the television inspection, the City was provided with an actual video and report for documentation purposes.

Upon review of the television inspection videos provided by Flow-Line Construction, it was determined that the force main under the lake was in good condition. However, approximately 160 linear feet of force main between Highway 66 and the Eastside Lift Station (ESLS) header was corroded and warranted immediate replacement. In addition, when Flow-Line excavated the horizontal bend on the south side of Highway 66, it was found to be over six feet lower than it appeared on the original engineering plans. As a result, it was necessary to install vertical bends and an air release valve in order to connect the new 24-inch force main with the existing pipe under Highway 66. The City Manager approved Change Order #4 in the amount of \$118,909 due to the close proximity to the lake and the eminent failure of the system. City Council ratified the emergency line repairs on November 4, 2014. The three additional change orders approved by City Staff were:

- CO#1 \$ 2,782.47
  - Labor cost associated with an unscheduled shutdown by TxDOT.
- CO#2 \$11,158.80
  - Additional bypass pumping was necessary for the addition of the installation of a tee and 45 degree fitting.
- CO#3 \$10,980.27
  - Cost associated with lost time due to the rescheduling of the bypass pumping and connecting the new line.
- CO#4 \$118,909.00
  - Emergency repair additional 160 linear feet of force main.

Total change orders amounted to \$152,968.54 with a total construction cost of \$542,986.54.

## **DISCUSSION**

Flow-Line Construction 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 \$26,856.93.

## **FINANCIAL/BUDGET IMPLICATIONS**

Funds from completed projects SS2093 – Merritt Road Sewer Line and WA2092 – Merritt Road Waterlines were re-allocated to SS2104-24-Inch Force Main and Inspection in the FY2014 3<sup>rd</sup> Quarter budget amendment. This project was added to the scope of the Eastside Pump Station following design of the overall project. This item was requested to be added by City Council at the August 6, 2013, City Council meeting due to potential failure of the system identified by video inspection. The original project budget for SS2104-24” Force Main and TV Inspection was \$434,000. Ultimately, the project exceeded the funds available for budget amendment at that time. To date, \$539,466 has been expended on this project, and funding in the amount of \$26,856.93 has been encumbered for final acceptance and release of retainage for a final cost of \$566,322.93 or \$132,322.90 higher than the budget.

Additional funding from SS1102-Miscellaneous Sanitary Sewer Line Repair is available to cover the \$132,322.90 shortfall and will be used to amend the budget for this project at the next budget amendment.

## **RECOMMENDED ACTION**

Staff recommends the City Council approve a resolution authorizing the final acceptance and release of retainage for the 24-Inch Force Main Replacement and Television Inspection Project in the amount of \$26,856.93 to Flow-Line Construction 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 AND RELEASE OF RETAINAGE FOR THE 24-INCH FORCE MAIN REPLACEMENT AND TELEVISION INSPECTION PROJECT IN THE AMOUNT OF \$26,856.93 TO FLOW-LINE CONSTRUCTION; 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-033-14 awarding Bid # 2014-49 for the construction of 24-Inch Force Main Replacement and Television Inspection Project on May 6, 2014, in the amount of \$390,018.00 to Flow-Line Construction; and

**WHEREAS**, Flow-Line Construction has completed the project within the construction time frame; 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 24-Inch Force Main Replacement and Television Inspection Project and approves the release of retainage to Flow-Line Construction in the amount of \$26,856.93.

**Section 2:** That the City Council does hereby authorize the Mayor to execute the necessary documents to conform to this resolution.

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

**ATTACHMENT**

Exhibit A – Final Payment Request Form

# EXHIBIT A



## PAYMENT REQUEST (4.51)

<b>PROJECT:</b>	<u>24-inch Force Main Replacement and Television Inspection</u>	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	<u>City of Rowlett, TX</u>	<u>ST110710</u>
<b>CONTRACTOR:</b>	<u>Flow-Line Construction</u>	
<b>ENGINEER:</b>	<u>Grantham &amp; Associates</u>	

**PAYMENT PERIOD FROM:** 12/06/14 **TO** 01/15/15 **ESTIMATE NO.:** Final

### SUMMARY OF PAYMENT ESTIMATE VALUES FROM ATTACHED TABULATIONS

Original Contract Amount	<u>\$390,018.00</u>
Approved Change Orders	<u>\$152,968.54</u>
Current Contract Amount	<u>\$542,986.54</u>
Total Value of Original Contract Performed (Attachment "A" consisting of 1 page)	<u>\$384,170.00</u>
Extra Work on Approved Change Orders (Attachment "B" consisting of 0 page)	<u>\$152,968.54</u>
Materials on Hand (Attachment "C" consisting of 0 pages)	<u>\$0.00</u>
Total Value of Work to Date	<u>\$537,138.54</u>
Less Amount Retained at <u>0</u> %	<u>\$0.00</u>
Net Amount Earned on Contract	<u>\$537,138.54</u>
Less Amount of Previous Payments	<u>\$510,281.61</u>
<b>BALANCE DUE THIS STATEMENT</b>	<u>\$26,856.93</u>
Percentage of Contract Paid to Date	<u>98.92%</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.

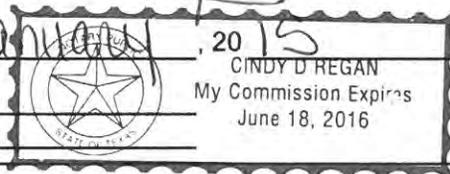
Contractor: Flow-Line Construction

By [Signature]

Date: 1/14/2015

Subscribed and sworn to before me this 14 day of January, 2015

Notary Public: Cindy D. Regan  
My Commission expires: 06-18-2016



**Recommended for Payment by**  
**Grantham & Associates**

By [Signature] 1/15/15  
Date

**Recommended for Payment by**  
**City of Rowlett Inspector**

By [Signature] 1/20/15  
Date

**Approved for Payment by**  
**CITY of ROWLETT**

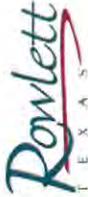
By [Signature] 1/21/15  
Date



**ATTACHMENT "A"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR ORIGINAL CONTRACT WORK PERFORMED**

24-inch Force Main Replacement and Television Inspection										TO		ESTIMATE NO.:	
City of Rowlett, TX										01/15/15		Final	
Flow-Line Construction													
Grantham & Associates													
ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	PREVIOUS QUANTITY	QUANTITY THIS ESTIMATE	VALUE OF WORK THIS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE		
<b>Base Bid A</b>													
1	MOBILIZATION (MAXIMUM 5% OF CONTRACT, PAYMENT TO BE MADE PER TxDOT ITEM 500)	1	LS	\$17,000.00	\$17,000.00	1.00	0.00	\$0.00	\$0.00	\$17,000.00	100%		
2	CLEARING AND GRUBBING	0.30	AC	\$65,000.00	\$19,500.00	0.30	0.00	\$0.00	\$0.00	\$19,500.00	100%		
3	TEMPORARY CONSTRUCTION FENCING	500	LF	\$1.00	\$500.00	508.00	0.00	\$0.00	\$0.00	\$508.00	102%		
4	EROSION CONTROL INCLUDING SWPPP	1	LS	\$10,000.00	\$10,000.00	1.00	0.00	\$0.00	\$0.00	\$10,000.00	100%		
5	FURNISH & INSTALL CAPITAL IMPROVEMENTS SIGN	1	EA	\$1,000.00	\$1,000.00	0.00	0.00	\$0.00	\$0.00	\$0.00	0%		
6	REMOVE, STOCKPILE, AND REPLACE GRAVEL DRIVE	830	SY	\$22.00	\$18,260.00	830.00	0.00	\$0.00	\$0.00	\$18,260.00	100%		
7	FURNISH AND INSTALL TEMPORARY SUBMERSIBLE PUMP & PIPING AT EAST TEE	1	LS	\$20,000.00	\$20,000.00	1.00	0.00	\$0.00	\$0.00	\$20,000.00	100%		
8	EXCAVATE AND REMOVE VERTICAL 90 DEGREE BEND ON EAST SIDE OF LAKE	6	VF	\$3,000.00	\$18,000.00	6.00	0.00	\$0.00	\$0.00	\$18,000.00	100%		
9	FURNISH AND INSTALL 24"X24" TEE AT PREVIOUS VERTICAL BEND LOCATION	1	LS	\$13,000.00	\$13,000.00	1.00	0.00	\$0.00	\$0.00	\$13,000.00	100%		
10	FURNISH AND INSTALL TEMPORARY 24"X18" REDUCER AT NEW TEE	1	LS	\$3,000.00	\$3,000.00	1.00	0.00	\$0.00	\$0.00	\$3,000.00	100%		
10A	FURNISH AND INSTALL TEMPORARY 24"X18" REDUCER AT EAST SIDE LIFT STATION	1	LS	\$3,000.00	\$3,000.00	1.00	0.00	\$0.00	\$0.00	\$3,000.00	100%		
11	FURNISH AND INSTALL TEMPORARY 18" HDPE PIPING	1,000	LF	\$15.00	\$15,000.00	1,000.00	0.00	\$0.00	\$0.00	\$15,000.00	100%		
12	CUT EXISTING 24" FORCE MAIN ON SOUTH SIDE OF SH 66 AND PLUG PIPE	1	LS	\$6,000.00	\$6,000.00	1.00	0.00	\$0.00	\$0.00	\$6,000.00	100%		
13	EXCAVATE AND REMOVE HORIZONTAL 45 DEGREE BENDS ON SOUTH SIDE OF SH66	1	LS	\$200.00	\$200.00	1.00	0.00	\$0.00	\$0.00	\$200.00	100%		
14	FURNISH AND INSTALL NEW 45 DEGREE BEND ON SOUTH SIDE OF SH 66 CROSSING	2	EA	\$5,000.00	\$10,000.00	2.00	0.00	\$0.00	\$0.00	\$10,000.00	100%		
15	FURNISH AND INSTALL 24" DR 18 C905 PVC FORCE MAIN	514	LF	\$300.00	\$154,200.00	508.00	0.00	\$0.00	\$0.00	\$152,400.00	99%		
16	EXCAVATE, REMOVE, AND SALVAGE 24"X24" TEE ON EXISTING FORCE MAIN NEAR EAST SIDE C	1	LS	\$1,700.00	\$1,700.00	1.00	0.00	\$0.00	\$0.00	\$1,700.00	100%		
17	INSTALL SALVAGED 24"X24" TEE ON NORTH SIDE OF SH 66 CROSSING	1	LS	\$7,000.00	\$7,000.00	1.00	0.00	\$0.00	\$0.00	\$7,000.00	100%		
18	REMOVE BOTH TEMPORARY 18"X24" REDUCER AND CONNECT NEW FORCE MAIN	1	LS	\$14,000.00	\$14,000.00	1.00	0.00	\$0.00	\$0.00	\$14,000.00	100%		
18A	INSTALL VERTICAL RISER AT 24"X24" TEE	2	EA	\$4,000.00	\$8,000.00	2.00	0.00	\$0.00	\$0.00	\$8,000.00	100%		
19	TRENCH SAFETY	514	LF	\$12.00	\$6,168.00	508.00	0.00	\$0.00	\$0.00	\$6,096.00	99%		
20	SEWER TEST	1	LS	\$3,000.00	\$3,000.00	1.00	0.00	\$0.00	\$0.00	\$3,000.00	100%		
21	FURNISH & INSTALL BERMUDA SOD	1,300	SY	\$3.00	\$3,900.00	1,300.00	0.00	\$0.00	\$0.00	\$3,900.00	100%		
					<b>Subtotal Base Bid:</b>					<b>\$352,428.00</b>	<b>99.19%</b>		
<b>Base Bid B</b>													
22	CLEAN & TELEWISE 24" FORCE MAIN ON SOUTH SIDE OF SH66 CROSSING TO ESLS	420	LF	\$16.00	\$6,720.00	242.00	0.00	\$0.00	\$0.00	\$3,872.00	58%		
23	FURNISH, INSTALL & OPERATE TEMPORARY PUMP AT WEST TEE & 1,900' OF TEMPORARY PIPIN	1	LS	\$5,000.00	\$5,000.00	1.00	0.00	\$0.00	\$0.00	\$5,000.00	100%		
24	CLEAN & TELEWISE 24" FORCE MAIN ON WEST SIDE OF LAKE (SECTION 3)	1,420	LF	\$4.00	\$5,680.00	1,046.00	0.00	\$0.00	\$0.00	\$4,184.00	74%		
25	RESTORE PRIVATE PROPERTY ALONG ACCESS CORRIDOR ON WEST SIDE OF LAKE	1	LS	\$3,100.00	\$3,100.00	1.00	0.00	\$0.00	\$0.00	\$3,100.00	100%		
26	FURNISH, INSTALL & OPERATE TEMPORARY PUMP AT EAST TEE & 1,000' OF TEMPORARY PIPIN	1	LS	\$7,600.00	\$7,600.00	1.00	0.00	\$0.00	\$0.00	\$7,600.00	100%		
27	FURNISH, INSTALL & OPERATE FILTER BOX	1	LS	\$2,000.00	\$2,000.00	1.00	0.00	\$0.00	\$0.00	\$2,000.00	100%		
28	HAUL FOREIGN MATERIAL FROM SECTION 2 FORCE MAIN TO LANDFILL	50	CY	\$25.00	\$1,250.00	94.00	0.00	\$0.00	\$0.00	\$2,350.00	188%		
29	CLEAN & TELEWISE 24" FORCE MAIN UNDER LAKE AND VERTICALLY ON EAST SIDE (SECTION 2)	480	LF	\$13.00	\$6,240.00	500.00	0.00	\$0.00	\$0.00	\$6,500.00	104%		
					<b>Subtotal Bid Alternate:</b>					<b>\$34,606.00</b>	<b>92%</b>		
					<b>TOTAL FOR PAGE / PROJECT</b>					<b>\$390,018.00</b>	<b>99%</b>		

PROJECT NUMBER



**ATTACHMENT "B"**  
**PAYMENT REQUEST**  
**TABULATION OF VALUES FOR APPROVED CHANGE ORDERS**

PROJECT: 24-inch Force Main Replacement and Television Inspection		PROJECT NUMBER									
OWNER: City of Rowlett		ST110710									
CONTRACTOR: Flow-Line Construction											
ENGINEER: Grantham & Associates											
PAYMENT PERIOD FROM: 12/06/14		ESTIMATE NO.: Final									
		TO 1/15/2015									
ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	CHANGE ORDER AMOUNT	PREVIOUS QUANTITY	QUANTITY THIS ESTIMATE	VALUE OF WORK COMPLETED THIS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
1	Labor and Equipment TxDOT Shutdown	1.00	LS	\$1,357.57	\$1,357.57	1.00	0.00	\$0.00	0.00	\$1,357.57	100.00%
2	Equipment Rent TxDOT Shutdown	1.00	LS	\$1,424.90	\$1,424.90	1.00	0.00	\$0.00	0.00	\$1,424.90	100.00%
3	Temporary Pump West Tee for 90 Deg Bend Removal and Tee Installation and HDPE Tie Temporary Pump West Tee for Bypass	1.00	LS	\$5,579.40	\$5,579.40	1.00	0.00	\$0.00	0.00	\$5,579.40	100.00%
4	Removal and Foremain Connection	1.00	LS	\$5,579.40	\$5,579.40	1.00	0.00	\$0.00	0.00	\$5,579.40	100.00%
5	Incurrec Cost due to Inclement Weather	1.00	LS	\$10,980.27	\$10,980.27	1.00	0.00	\$0.00	0.00	\$10,980.27	100.00%
6	Demobilization/Remobilization	1.00	LS	\$6,100.00	\$6,100.00	1.00	0.00	\$0.00	0.00	\$6,100.00	100.00%
7	Cut and Remove Existing Casing and DIP	1.00	LS	\$3,000.00	\$3,000.00	1.00	0.00	\$0.00	0.00	\$3,000.00	100.00%
8	DRI Prime Pump At 6+07	1.00	LS	\$5,600.00	\$5,600.00	1.00	0.00	\$0.00	0.00	\$5,600.00	100.00%
9	24" DRI18 C905 PVC Foremain	166.00	LF	\$250.00	\$41,500.00	166.00	0.00	\$0.00	0.00	\$41,500.00	100.00%
10	Trench Safety	166.00	LF	\$12.00	\$1,992.00	166.00	0.00	\$0.00	0.00	\$1,992.00	100.00%
11	45 Degree Bend (Vertical)(Relubished)	1.00	EA	\$4,800.00	\$4,800.00	1.00	0.00	\$0.00	0.00	\$4,800.00	100.00%
12	Add Conc. T. Block for 45 Vert Bend at 6+07	13.00	CY	\$150.00	\$1,950.00	13.00	0.00	\$0.00	0.00	\$1,950.00	100.00%
13	Air Release Valve Assembly	1.00	EA	\$8,300.00	\$8,300.00	1.00	0.00	\$0.00	0.00	\$8,300.00	100.00%
14	18" HDPE Bypass	2.00	MO	\$6,900.00	\$13,800.00	2.00	0.00	\$0.00	0.00	\$13,800.00	100.00%
15	Temporary Construction Fence	166.00	LF	\$1.00	\$166.00	166.00	0.00	\$0.00	0.00	\$166.00	100.00%
16	Cut and Remove Ex. 45 Degree Bends	2.00	EA	\$200.00	\$400.00	2.00	0.00	\$0.00	0.00	\$400.00	100.00%
17	22 Degree Horizontal Bend	1.00	EA	\$4,500.00	\$4,500.00	1.00	0.00	\$0.00	0.00	\$4,500.00	100.00%
18	45 Degree Horizontal Bend (Relubished)	1.00	EA	\$2,400.00	\$2,400.00	1.00	0.00	\$0.00	0.00	\$2,400.00	100.00%
19	Sewer Test	1.00	LS	\$3,000.00	\$3,000.00	1.00	0.00	\$0.00	0.00	\$3,000.00	100.00%
20	Connect to Existing Foremain	2.00	EA	\$6,200.00	\$12,400.00	2.00	0.00	\$0.00	0.00	\$12,400.00	100.00%
21	Cap Ex. Foremain at Two Locations	1.00	LS	\$6,000.00	\$6,000.00	1.00	0.00	\$0.00	0.00	\$6,000.00	100.00%
22	Bermuda Block Sod	667.00	SY	\$3.00	\$2,001.00	667.00	0.00	\$0.00	0.00	\$2,001.00	100.00%
23	Pavement Restoration	4.00	SY	\$250.00	\$1,000.00	4.00	0.00	\$0.00	0.00	\$1,000.00	100.00%
24	Temporary Construction Fence	26.00	LF	\$1.00	\$26.00	26.00	0.00	\$0.00	0.00	\$26.00	100.00%
25	Furnish and Install 24" DR18 Foremain	26.00	LF	\$300.00	\$7,800.00	26.00	0.00	\$0.00	0.00	\$7,800.00	100.00%
26	Trench Safety	26.00	LF	\$12.00	\$312.00	26.00	0.00	\$0.00	0.00	\$312.00	100.00%
27	Pavement Restoration	4.00	LF	\$250.00	\$1,000.00	4.00	0.00	\$0.00	0.00	\$1,000.00	100.00%
28								\$0.00		\$0.00	#DIV/0!
29								\$0.00		\$0.00	#DIV/0!
30								\$0.00		\$0.00	#DIV/0!
31								\$0.00		\$0.00	#DIV/0!
32								\$0.00		\$0.00	#DIV/0!
33								\$0.00		\$0.00	#DIV/0!
34								\$0.00		\$0.00	#DIV/0!
35								\$0.00		\$0.00	#DIV/0!
<b>TOTAL FOR PAGE / PROJECT</b>					<b>\$152,968.54</b>			<b>\$0.00</b>		<b>\$152,968.54</b>	<b>100.00%</b>





**ATTACHMENT "D"  
PROJECT SUMMARY**

<b>PROJECT:</b>	<b>24-inch Force Main Replacement and Television Inspection</b>	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	<b>City of Rowlett, TX</b>	
<b>CONTRACTOR:</b>	<b>Flow-Line Construction</b>	
<b>ENGINEER:</b>	<b>Grantham &amp; Associates</b>	

<b>PAYMENT PERIOD FROM:</b>	<b>12/06/14</b>	<b>TO</b>	<b>01/15/15</b>	<b>ESTIMATE NO.:</b>	<b>Final</b>
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**CONTRACT TIME SUMMARY**

Date of Notice to Proceed	7-Jul-14
Original Contract Duration	90 Days
Original Date of Contract Substantial Completion	5-Oct-14
Original Date of Contract Final Completion	5-Oct-14
Approved Time Extensions	74.5 Days
Current Contract Duration	164.5 Days
Current Date of Contract Substantial Completion	18-Dec-14
Current Date of Contract Final Completion	18-Dec-14
Rain Out Days	3 Days
Days Charged to Project to Date	153 Days
Days Remaining in Contract	12 Days
Percent of Current Project Duration	7.0%
Current Scheduled Completion Date	18-Dec-14
Project is (Ahead/Behind) Schedule	Complete

**CONTRACT COST SUMMARY**

Original Contract Amount	\$390,018.00
Approved Change Orders	\$152,968.54
Current Contract Amount	\$542,986.54
Contract Earnings to Date on Original Contract	\$384,170.00
Earnings on Approve Change Orders	\$152,968.54
Materials on Hand	\$0.00
Total Current Project Amount Earned	\$537,138.54
Percent of Contract Earned to Date	98.92%
Retainage	\$0.00
Amount Paid to Date	\$537,138.54
Percent of Contract Paid to Date	98.92%



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7F

**TITLE**

Consider action to approve a resolution accepting the proposal of and awarding a contract to Gadberry Construction Company, Inc., for the remodel of the building at 5702 Rowlett Road for the Rowlett Public Library in the amount of \$423,050, plus an early completion bonus of \$2,000 for a total amount of \$425,050, and authorizing the City Manager to execute the necessary documents.

**STAFF REPRESENTATIVE**

Jim Grabenhorst, Director of Economic Development  
Nathan Weber, Economic Development Specialist

**SUMMARY**

As a result of the Village of Rowlett project and redevelopment of this downtown property, the City developed a transition plan for the relocation of the Rowlett Public Library ("Library"). The City has acquired the property and building located at 5702 Rowlett Road as the short-term facility (18-24 months) for the Library.

The City of Rowlett issued a Request for Proposals (RFP) on January 1, 2015, for the remodel of the existing medical office building into space to be occupied as the Library. Review of the proposal received was conducted internally and thoroughly evaluated. This agenda item is to accept the proposal and award a contract to Gadberry Construction Company, Inc. in order to complete the remodel project.

**BACKGROUND INFORMATION**

City Staff held several Executive and Work Session discussions with City Council regarding the transition plan, options and negotiations for the temporary relocation of the Library as it relates to the Village of Rowlett development. Those discussions with City Council occurred on September 2, 2014, October 7, 2014, November 11, 2014, December 9, 2014, January 6, 2015, and January 13, 2015, to provide several options for City Council consideration. City Council provided direction to City Staff to purchase the property at 5702 Rowlett Road and remodel it for the Library use.

The RFP for the remodel of 5702 Rowlett Road was issued on January 1, 2015. Only one response was received by the City at the bid opening on January 22, 2015, at 10:00 AM. City staff analyzed this response and also requested follow-up information from the respondent. Based on the responses received, City staff is recommending the acceptance of the proposal with Gadberry Construction Company, Inc.

**DISCUSSION**

The 5702 Rowlett Road property consists of a 10,140 square foot single-story office/medical office building on approximately 1.9 acres of property located between Rowlett Road and Old Rowlett Road. The site is fully improved with 90 parking spaces and is approximately 0.88 miles from the existing Library location in Downtown.

The RFP issued for the remodel project includes the demolition of many of the existing interior walls, the addition of a fire sprinkler system, and build out and finishes of the interior to meet Library operational needs.

The schedule associated with the RFP as advertised is included below. These items include both those completed as well as those forthcoming:

- January 1, 2015 – Issue RFP
- January 13, 2015 – Pre-bid Meeting
- January 14, 2015 – Deadline for Questions
- January 16, 2015 – Response to Questions
- January 22, 2015 – Deadline for Submitting RFP
- January 22-23, 2015 – Selection Committee Review
- February 3, 2015 – City Council Consideration of Award
- February 10, 2015 – Contract Execution
- April 17, 2015 – Project Completion (60 days)
- April 21, 2015 – Acceptance of Work by City Council

The proposed project is a design-build project and will be conducted in the manner appropriate to this type of project. As a design-build project, City staff will work closely with the Gadberry Construction Company, Inc. team to take the concept layouts to final design and provide value engineering solutions to lower the overall project costs. The timeframe for the development of the project is compressed in order to meet the development targets set for the Village of Rowlett project. Construction for this project is expected to commence on February 10, 2015, and conclude by April 17, 2015. Staff will update City Council throughout the course of the project as necessary.

#### **FINANCIAL/BUDGET IMPLICATIONS**

A total amount of \$360,000 was originally budgeted for the remodel costs (\$400,000 less \$40,000 for the relocation costs), including design, in the Cash Capital Improvements Program (Cash CIP) under Project SP2089. On January 20, 2015, City Council approved the issuance and sale of City of Rowlett, Texas Limited Tax Note, Series 2015 in the amount of \$1,235,000. Said tax note was placed by First Southwest, the City's financial advisor as a seven-year note with an interest rate of 1.57%. Said tax note is the funding source for the property acquisition, remodel and relocation expenses associated with this project.

The contract as proposed in the amount of \$423,050 is above the budget amount allocated for remodeling expenses. As this is a design-build project, City staff and the Gadberry Construction

Company, Inc. team will work together to provide value engineering solutions to lower the overall costs to be in line with the \$360,000 amount allocated for the remodel project.

### **RECOMMENDED ACTION**

Move to approve a resolution accepting the proposal and awarding a contract for the remodel of 5702 Rowlett Road to Gadberry Construction Company, Inc. in the amount of \$423,050, plus an early completion bonus of \$2,000 for a total amount of \$425,050, and authorizing the City Manager to execute the necessary documents.

### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE PROPOSAL OF AND AWARDING THE LIBRARY BUILDING REMODEL PROJECT TO GADBERRY CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$423,050, PLUS AN EARLY COMPLETION BONUS OF \$2,000 FOR A TOTAL AMOUNT OF \$425,050; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID CONTRACT AND TO ISSUE PURCHASE ORDERS FOR SAID PURCHASE PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to remodel 5702 Rowlett Road as part of the Village of Rowlett development to accommodate the Rowlett Public Library; and

**WHEREAS**, the Purchasing Division has obtained a competitive proposal as per RFP #2015-29 in accordance with Texas Local Government Code; and

**WHEREAS**, Gadberry Construction Company, Inc. has provided a proposal for the remodel of 5702 Rowlett Road, which best meets the needs of the City; and

**WHEREAS**, City staff recommends the award of the proposal for the Library Building Remodel Project from Gadberry Construction Company, Inc. in the amount of \$423,050; and

**WHEREAS**, The City Council of the City of Rowlett, Texas desires to award proposal #2015-29 for the remodel of 5702 Rowlett Road to Gadberry Construction Company, Inc. in the amount of \$423,050.

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

**Section 1:** The City Council of the City of Rowlett does hereby accept proposal #2015-29 and award the contract for the remodel of 5702 Rowlett Road to Gadberry Construction Company, Inc. in the amount of \$423,050, plus an early completion bonus of \$2,000 for a total amount of \$425,050.

**Section 2:** The City Council does hereby authorize the City Manager to execute the necessary documents for said purchase, and to issue appropriate purchase orders to conform to this resolution.

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



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7G

**TITLE**

Consider a resolution approving a request for alternative building materials for a garage conversion located at 8013 Eagle Drive, further described as Lot 4, Block C of the Dalrock Heights Addition to the City of Rowlett, Dallas County, Texas. (DP14-756)

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

This is an Alternative Building Material (ABM) request to allow a garage conversion to utilize wood as an exterior material. Per the Rowlett Development Code (RDC), new single family construction requires 100 percent brick and/or stone exterior. Alternative materials such as wood may be recommended by the Planning and Zoning commission and may be approved by the City Council.

The Planning and Zoning Commission unanimously recommended approval of this item at their January 13, 2015, regular meeting. The discussion can be viewed at the following link as item C3: <http://rowlettx.swagit.com/play/01142015-679>.

**BACKGROUND INFORMATION**

The subject property is located at 8013 Eagle Drive, (Attachment 1 - Location Map) and is zoned Single Family Residential – 9. The applicant, Ayele Gebremichael, received a building permit to convert his rear accessed garage into living space. It was explained to the applicant that removal of the garage door would need to be replaced with brick and/or stone as required by the RDC. The applicant indicated that the garage door would be replaced with a series of doors. However, upon inspection, the applicant ended up using one set of double doors with wood exterior panels on either side (Attachment 2 – Elevation and Attachment 3 – Pictures). The use of the wood panels as exterior material is not permitted by right unless approved by an ABM.

The home at 8013 Eagle Drive was constructed in 1993. At that time, the Rowlett Zoning Ordinance required a minimum of 75 percent masonry exterior exclusive of doors and windows. The current requirement is 100 percent masonry exterior exclusive of doors and windows. The garage conversion or any remodel affecting the exterior is required to follow the current masonry requirements.

**DISCUSSION**

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

- “(a) Buildings shall be of 100 percent brick and/or stone masonry construction per elevation, exclusive of roofs, doors, windows, dormers, and gables over the entrance of an extended garage. All chimneys shall be of masonry construction in conformance and compliance with current building codes. Masonry chimney construction visible from the outside of the structure shall be of masonry units of brick or stone similar in appearance to the masonry utilized for the exterior elevations of the structure.*
- (b) Alternatives to masonry construction may be recommended by the planning and zoning commission and may be approved by the city council.”*

The intent of the code is outlined in Section 77-508.A. of the RDC, “The standards of this section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for Rowlett's neighborhoods.” The home at 8013 Eagle Drive has at least 75 percent brick with the rear of the home consisting of exterior wood siding. The use of the exterior wood panels for the garage conversion is consistent with the exterior wood material already present on the rear of the house. The use of wood in this instance is not only consistent with the architecture of the home but also with the surrounding homes. Several surrounding homes have similar architecture. Staff finds the request is acceptable and meets the intent of the Rowlett Development Code.

#### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Staff recommends approval of this request.

#### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, GRANTING A MINOR MODIFICATION TO ALLOW FOR ALTERNATE EXTERIOR BUILDING MATERIALS FOR A SINGLE FAMILY HOME LOCATED AT 8013 EAGLE DRIVE, BEING FURTHER DESCRIBED AS LOT 4, BLOCK C, OF THE DALROCK HEIGHTS ADDITION TO THE CITY OF ROWLETT, TEXAS, DALLAS COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**Section 1:** That a single family home located at 8013 Eagle Drive, being further described as Lot 4, Block C, of the Dalrock Heights Addition to the City of Rowlett, Texas, Dallas County, be and is hereby granted a minor modification from the 100 percent brick and/or stone masonry building exterior requirements to allow for wood exterior panels, as shown in Exhibit 'A', Architectural Elevations, attached hereto and incorporated herein.

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

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

#### **ATTACHMENTS**

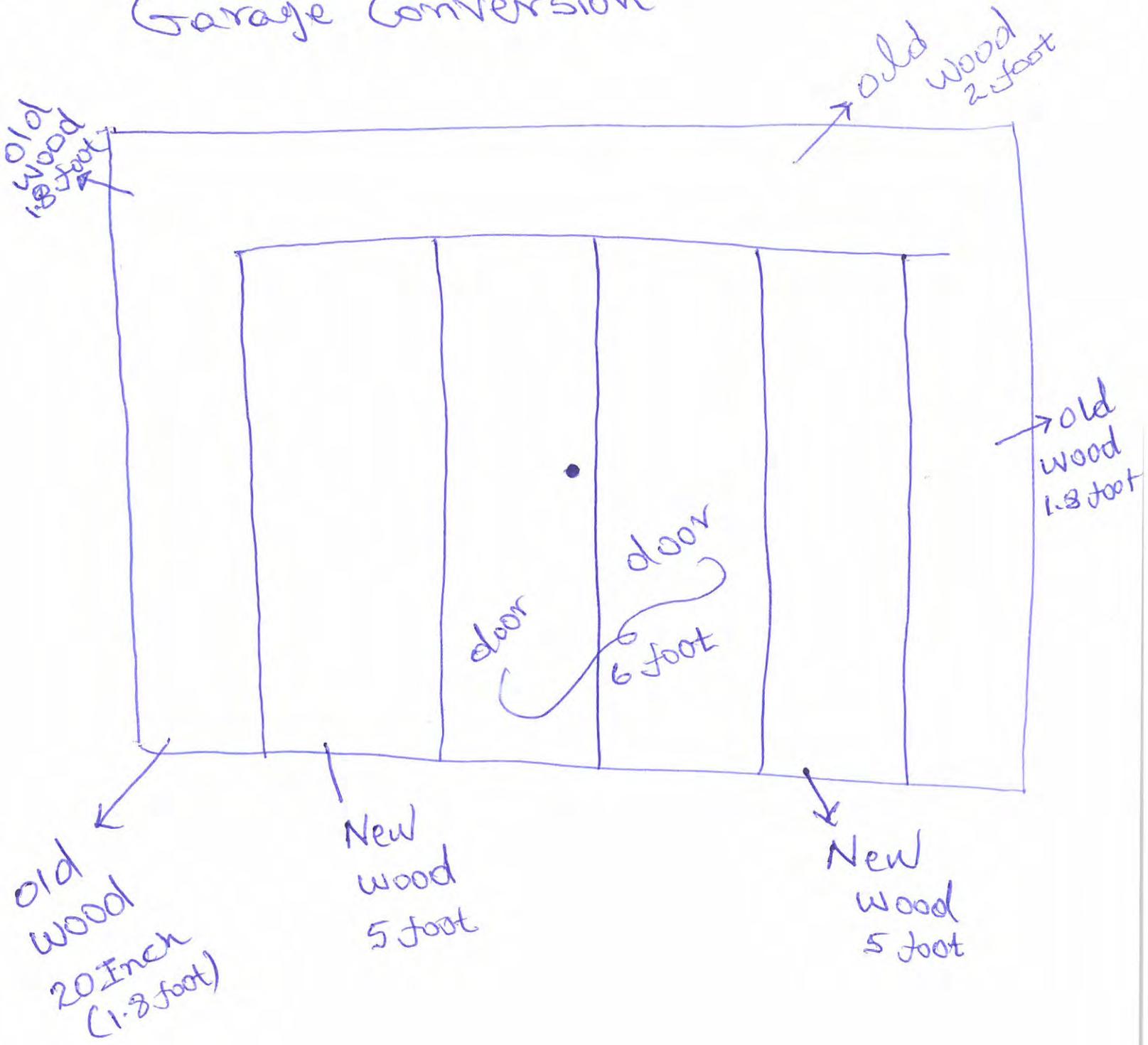
Exhibit A – Architectural Elevations

Attachment 1 – Location Map

Attachment 2 – Building Elevation

Attachment 3 – Picture of the rear elevation

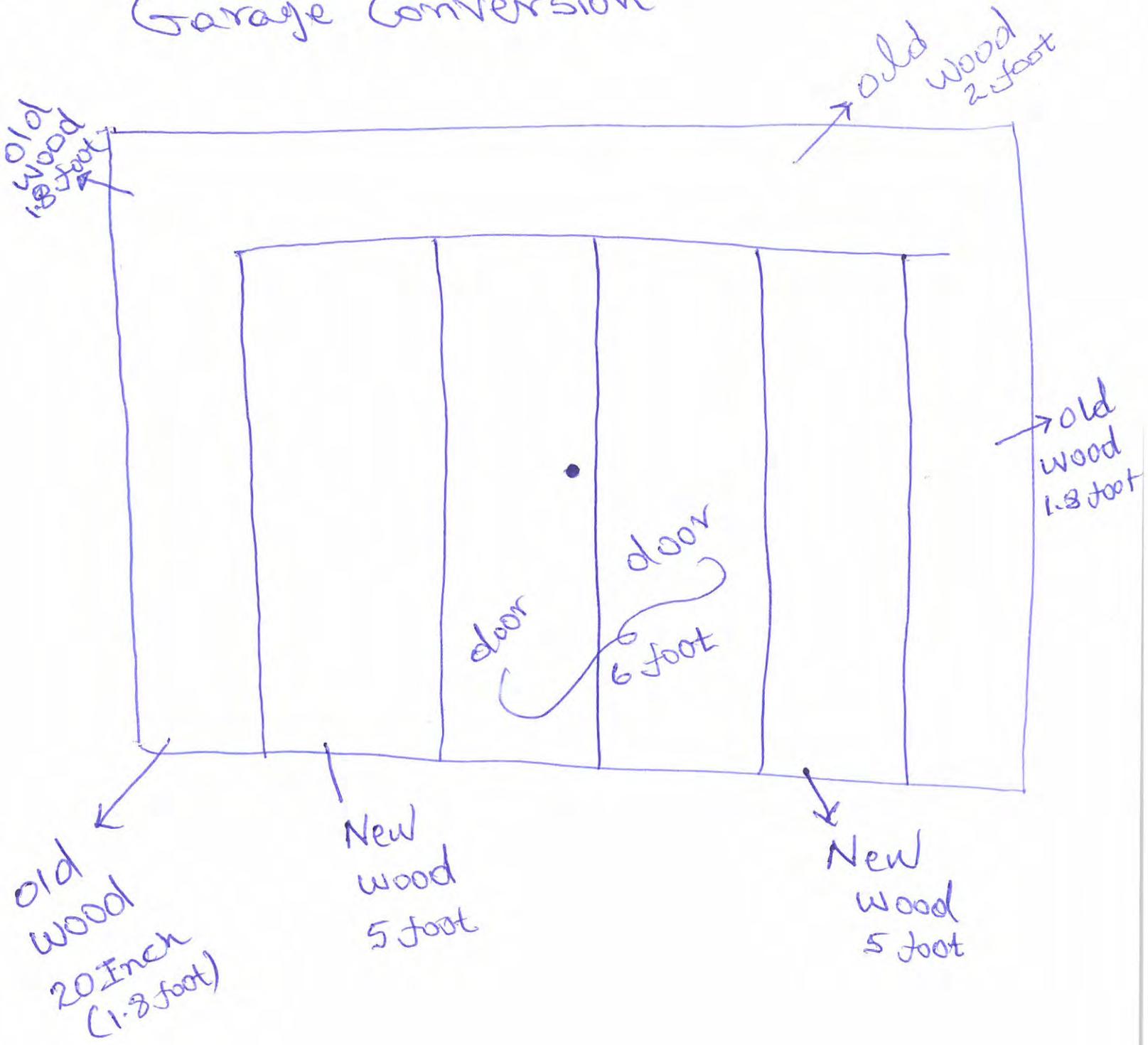
# Garage Conversion



8013 Eagle Dr  
Rowlett, TX, 75088



# Garage Conversion



8013 Eagle Dr  
Rowlett, TX, 75088

8013 Eagle Drive Site Photos

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# 8013 Eagle Drive Site Photos

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City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 7H

**TITLE**

Consider action to approve a resolution accepting the bid of and awarding a contract to Motorola in the amount of \$82,485 for the purchase of 18 - P25 portable radios through the interlocal cooperative purchasing agreement with Houston-Galveston Area Council (H-GAC).

**STAFF REPRESENTATIVE**

W.M. Brodnax, Chief of Police  
Allyson Wilson, Purchasing Agent

**SUMMARY**

The purpose of this item is to award the bid to Motorola for the purchase of 18 - P25 portable radios, for a total cost of \$82,485. This purchase is directly related to the Texas Criminal Justice Division (CJD) Grant approved by the City of Rowlett on March 4, 2014.

**BACKGROUND INFORMATION**

The Texas Statewide Communications Interoperability Plan mandates that all public safety agencies within the state become P25 compatible by 2015. P25 simply means that any agency can communicate with other agencies in case of an emergency, with no need to purchase additional radios or equipment.

To assist with the cost to become P25 compatible, the Police Department applied for and was awarded a grant totaling \$79,900 to purchase 18 - P25 portable radios. The grant was awarded on September 12, 2014, with a beginning date of October 1, 2014, and an end date of March 31, 2015.

**DISCUSSION**

In October 2013, the Rowlett Police Department was notified by the City of Garland that their radio system, in which Rowlett is a user/partner, would come to the end of its life in December 2014, and that they would begin the process of identifying a new P25 compliant radio system. The City of Garland contracted with RCC Consultants, Inc. to perform a radio system needs assessment to determine the radio equipment needed and to establish bid specs for new equipment needs. The needs assessment has been completed and official bid specs have been received, but a vendor has not been named.

Since the vendor has not been named and the grant for portable radios will expire on March 31, 2015, it is imperative that we purchase the P25 portable radios prior to the naming of a vendor. We consulted with Motorola to ensure that this radio purchase would be compatible with the new City of Garland radio system.

When we applied for the grant, our intention was to purchase 16 radios; however, due to the pricing, the police department will be able to purchase 18 portable radios and microphones by utilizing \$79,900 from the grant and \$2,585 from the Police Department's Federal Seized Account.

H-GAC has taken sealed bids for the P25 portable radios and has Contract #RA05-12 in place with Motorola. The City of Rowlett has entered into an interlocal cooperative purchase agreement on May 12, 1995, ILA Number 95-551, for the purchase of products and services. City staff recommends the City Council consider awarding said bid as per H-GAC Contract #RA05-12 for the eighteen P25 portable radios.

### **FINANCIAL/BUDGET IMPLICATIONS**

The total cost of this project will be \$82,485. Grant funds totaling \$79,900 will be used with the remaining balance of \$2,585 being spent from the Police Department's Federal Seized Account.

<b>Budget Account Number and/or Project Code</b>	<b>Account or Project Title</b>	<b>Available Funds</b>	<b>Proposed Amount</b>
2795201-CJD	Byrne JAG Grant	\$79,900	\$79,900
103-2512-440-6008	Federal Seized Account*	2,585	2,585
<b>Total</b>		<b>\$82,485</b>	<b>\$82,485</b>

\*Since the CJD Grant was not awarded until September 12, 2014, it was not included in the FY2015 Adopted Budget but will be included in a future budget amendment. Additionally, seizure funds are expended only when funds are available. At the beginning of FY2015, the balance of the Federal Seized Account was \$851,326.

### **RECOMMENDED ACTION**

Move to approve a resolution accepting the bid of and awarding a contract to Motorola in the amount of \$82,485 for the purchase of 18 - P25 portable radios through the interlocal cooperative purchasing agreement with Houston-Galveston Area Council (H-GAC).

### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE PURCHASE OF EIGHTEEN (18) P25 PORTABLE RADIOS FROM MOTOROLA IN THE AMOUNT OF \$82,485.00 THROUGH THE INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH HOUSTON-GALVESTON AREA COUNCIL (H-GAC); AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID PURCHASE AND TO ISSUE PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to purchase portable radios that are P25 compatible as mandated by the Texas Statewide Communications Interoperability Plan; and

**WHEREAS**, the City of Rowlett was awarded a grant for the purchase of P25 portable radios from the Texas Criminal Justice Division (CJD); and

**WHEREAS**, the City of Rowlett has entered into an interlocal cooperative purchase agreement on May 12, 1995, ILA Number 95-551, for the purchase of products and services; and

**WHEREAS**, the Houston-Galveston Area Council (H-GAC) has established Contract #RA05-12 with Motorola for P25 portable radios; and

**WHEREAS**, The City Council for the City of Rowlett, Texas desires to award such bids for P25 portable radios to Motorola utilizing H-GAC Contract #RA05-12.

**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 Motorola for the purchase of 18 - P25 portable radios in the amount of \$82,485.00 through the interlocal cooperative purchasing agreement with Houston-Galveston Area Council (H-GAC) Contract #RA05-12.

**Section 2:** That the City Council does hereby authorize the City Manager, or his designee, to execute the necessary documents for said purchase and to issue appropriate purchase orders to conform to this resolution.

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

**ATTACHMENT**

Exhibit A – Motorola Sales Quotation





City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 8A

**TITLE**

Conduct a public hearing and take action on a request for a Planned Development with an underlying General Commercial/Retail (C-2) base zoning district to allow a self-storage facility at property located at 7301 Lakeview Parkway further described as being Block A, Lot 2 RaceTrac Addition, City of Rowlett, Dallas County, Texas (Case Number PD14-750).

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The applicant is requesting to rezone the subject property from General Commercial (C-2) to a Planned Development (PD) to allow a self-storage facility located at 7301 Lakeview Parkway (Attachment 1 – Location Map). Per the Rowlett Development Code (RDC), a self-storage facility is not permitted by right or with a Special Use Permit in the C-2 District. The RDC allows self-storage facilities in the Light Manufacturing (M-1) and the General Manufacturing (M-2) districts with a Special Use Permit. The applicant has requested a PD to allow the proposed use and to allow modifications to some development standards including setbacks, number of parking spaces, screening and landscaping (Attachment 2 – Statement of Intent).

The Planning and Zoning Commission voted 5-1 to recommend approval of this item at their January 13, 2015, regular meeting. The discussion can be viewed at the following link as item C2: <http://rowlettx.swagit.com/play/01142015-679>.

**BACKGROUND INFORMATION**

The applicant is proposing to develop the subject property with a self-storage facility consisting of nine buildings totaling in 104,190 square feet (Attachment 3 – Concept Plan). Self-storage will have 102,090 square feet dedicated and 2,100 square feet will be for an office and apartment unit for the onsite manager. The proposed development will have a fortress design where the storage units will be contained within a walled in area and will not be visible from adjacent properties.

The subject property is a 5.526 acre lot located at the northwest corner of Lakeview Parkway and Chiesa Road behind the RaceTrac fueling station. The subject property is bounded by a single family residential neighborhood to the north zoned Planned Development (Ordinance 9-14-71). To the east across Chiesa Road and to the south across Lakeview Parkway are vacant tracts of land zoned C-2. To the west is the Pure Heart Fellowship Church and a single family home both zoned C-2.

The subject property has frontage on Chiesa Road and Lakeview Parkway. The primary entrance for the proposed development will be located on Chiesa Road using the existing driveway. The proposed development will have a secondary access from Lakeview Parkway that will utilize the RaceTrac's existing driveway on Lakeview Parkway. The proposed self-storage facility will be accessible by patrons from 6:00 am to 9:00 pm, seven days week. The proposed facility does not include outdoor storage stalls for RVs, trailers, boats or other recreational vehicles.

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

## **DISCUSSION**

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

### **Setback:**

The proposed development will be setback from the residential subdivision to the north by 15 feet from the property line. The RDC requires a setback of at least 50 feet from the property line when adjacent to a residential district.

### **Staff Comment:**

***The subject property is considered a corner lot which does not have a rear setback. Instead, there is a side yard setback of at least 50 feet when adjacent to a residential district. The 50-ft setback requirement is intended to provide adequate space from a more intense commercial use and a lower intense residential use. As for the proposed development, the self-storage is considered a low intense use as it does not generate a significant amount of traffic, noise or other nuisances. Considering the fortress design of the proposed facility with the oversized screening wall along with the 15-ft landscape buffer, Staff considers the request to allow a 15-ft setback appropriate in this situation.***

### **Screening Wall:**

The proposed facility will have a perimeter screening wall. The proposed development standards will allow the rear walls of Buildings I, H and G to serve as the perimeter screening wall from the residential districts. These buildings are 11 feet in height. The applicant is providing a matching masonry wall in height and materials between the storage buildings that will provide continuous screening from the northern and western property lines (Attachment 4 – Building Elevations). The masonry wall between the buildings exceeds the minimum standards. The RDC does not allow for the rear wall building to serve as part of a screening wall.

### **Staff Comment:**

The RDC does not provide a provision to allow the rear wall of a building to serve as part of a screening wall. The applicant is proposing to utilize the rear walls of some of the storage buildings as part of the screening wall adjacent to the north and west property line. The rear of these buildings will not have any access points, doors, and/or windows. In this context, Staff does not oppose the use of the rear walls as part of the screening wall.

#### **Chiesa Road ROW Landscape Buffer**

The proposed facility will not have any landscaping within 50 feet of Chiesa Road ROW line. There is an existing 50-ft gas easement that runs parallel along the front property line. The easement prohibits the placement of plantings. The applicant is proposing to berm over the easement area and to place landscaping closer to the building as depicted on the landscape plan (Attachment 5 – Landscape Plan).

#### **Staff Comment:**

***Staff has confirmed the existence of a 50-ft easement that runs parallel along the front property line along Chiesa Road. This easement contains a high pressured underground gas line owned by Atmos. This easement prohibits landscaping plantings within this area. The applicant is proposing to locate the required plantings outside of the 50-ft easement in front of and adjacent to the building as shown in Attachment 5. Additionally, the applicant will locate a berm over the 50-ft easement. A similar requirement was made in the Planned Development for the adjacent RaceTrac development.***

#### **Interior Landscaping:**

The proposed development does not include any internal landscaping inside the self-storage facility. The RDC requires interior landscaping based on the amount of square footage of the parking area including internal drives.

#### **Staff Comment:**

***The proposed self-storage facility is setup as a fortress with the internal drives, parking and storage units contained within the outer walls of the facility. The interior to the proposed development will be screened from adjacent uses and street rights-of-way. Having internal landscaping within the facility is not necessary.***

#### **Parking:**

The RDC requires 1 space per 1,500 square feet of storage. For the proposed development, this will result in 70 parking spaces. The applicant is proposing 56 parking spaces.

#### **Staff Comment:**

***A self-storage facility generates only a small level of traffic at any one time. In Staff's opinion, reducing the parking to 56 spaces for the proposed development is adequate.***

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;

***Staff cannot identify a specific instance where the proposed rezoning corrects an error or meets the challenge of a changing condition, trend or fact. The subject property is zoned C-2, which allows retail, personal services, and office uses by right. Staff believes the subject property is a commercially viable site for the uses already permitted.***

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 located within one of the opportunity areas identified in the Realize Rowlett 2020 Comprehensive Plan known as Area D-3 (Southshore). Area D-3 and the adjacent Area D-2 (Business Beltway) include the Lakeview Parkway corridor. This linear corridor is intended for business parks and employment uses. Specific product types called for by the Plan include neighborhood-serving commercial, junior commercial boxes, class C offices, limited entertainment uses and higher density residential.***

***Rowlett has long considered self-storage facilities as manufacturing/industrial uses. The RDC permits self-storage facilities in the Manufacturing (M-1 and M-2) zoning districts with a special use permit. A self-storage facility is not in keeping with the intended uses as described by the Comprehensive Plan.***

***The Comprehensive Plan identifies the following guiding principles that apply to Area D-3:***

**Guiding Principle #1: Value existing neighborhoods.**

The applicant has proposed a development that is in scale with the adjacent single family neighborhood. The proposed buildings are one story in height with a 15-ft landscape buffer. The applicant is proposing to provide landscaping outside of the masonry screening wall in order to provide a more aesthetically pleasing buffer for the adjacent residents.

**Guiding Principle #2: Grow the City's economy through diversification of job and business opportunities.**

The proposed development does not provide the potential to diversify job and business opportunities. A self-storage facility does not offer significant employment opportunities that would diversify the local economy.

**Guiding Principle #4: Invest in places of lasting value and distinctive character.**

Places of lasting value and distinctive character are developments that can easily change their function as the market changes over the years. While the proposed development may hold its value in the short term, it does not lend itself to be easily repurposed in the future. This leads staff to believe that it would be difficult for this site to be repurposed in the future without substantial changes.

**Guiding Principle #9: Balance growth efficient development patterns.**

The proposed development does not contribute to an efficient development pattern. The proposed development utilizes a parcel for a fortress style self-storage facility that will not contribute to an overall efficient development pattern for this portion of Lakeview Parkway corridor. However, it should be acknowledged that the existing developments in the immediate vicinity are conventional in nature and do not embrace efficient development patterns as envisioned in the comprehensive plan.

**Guiding Principle #11: Position Rowlett for an appropriate scale of investment and reinvestment.**

The proposed development does not help position Rowlett for an appropriate scale of investment and reinvestment.

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

***Staff does not anticipate the proposed rezoning to impact negatively the health, safety, morals, or general welfare of the public.***

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 and access roads are available for the subject property and are sufficient for accommodating the demands associated with the request for the proposed development. Adequate drainage facilities will be provided as required by the RDC.***

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

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

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

**As previously noted, the applicant has made an effort to ensure that the adjacent single family neighborhood will not suffer significant adverse impacts. The development is proposed to be one story in height and the applicant has provided adequate buffers. The self-storage units are screened with a fortress style design which will have a 24-hour, onsite manager who resides in the complex for additional security. Based on these factors, staff does not foresee that the proposed rezoning will have a significant adverse impact on the adjacent properties.**

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

**The subject property has an existing zoning designation of General Commercial/Retail (C-2). The applicant is requesting to rezone the subject property to a Planned Development with a C-2 base zoning district. The proposed Planned Development will include the uses that are currently permitted in the C-2 zoning district with the addition of self-storage units. Generally, self-storage is considered a manufacturing use and is only permitted in the Manufacturing (M-1 and M-2) zoning districts with a special use permit. Based on the current zoning designation and the Comprehensive Plan, a self-storage facility is not suitable for the subject property.**

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

**There are currently six self-storage facilities located within the City. City staff was able to speak to a representative from three of the six facilities. In summary, the average occupancy rate is approximately 90 percent. One of the facilities has recently expanded to add storage units. Another facility is expected to begin construction on expansion of outdoor storage units. The closest storage facility to the subject property is 1.25 miles to the west. There are no self-storage facilities located within the eastern peninsula of the City.**

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 rezoning will continue to allow the uses already permitted by right in C-2 zoning. The proposed rezoning to allow the self-storage facility will be in scale with the surrounding uses.**

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.

**Self-storage facilities are considered as a manufacturing use and are only permitted in the Manufacturing (M-1 or M-2) zoning districts with an SUP. M-1 and M-2**

***districts are limited to the west end of the City where most of the existing storage facilities are located. There are no M-1 or M-2 zoning districts located within the eastern peninsula of the City.***

In summary, the proposed PD to allow a self-storage facility is not consistent with the *Realize Rowlett 2020 Comprehensive Plan*. The applicant suggests in their statement of intent that the subject property does not lend itself to a retail or office development given its lack of visibility from Lakeview Parkway. The visibility from the southeast is limited by RaceTrac. However, in Staff's opinion, there could be opportunities for increased visibility from the south and southwest. The developments along Lakeview Parkway to the south and southwest are older and may not conform to the current development requirements. When, and if, these properties are redeveloped, it will provide an increased view shed to the subject property and possible land assembly opportunities. It is Staff's opinion that the site could be more commercially viable in the future than it is now and, as such, is more appropriate for a use that will further the goals of the Comprehensive Plan.

The applicant has made efforts to provide a development compatible with the adjacent residential neighborhood. However, the *Comprehensive Plan* is clear that the subject property and the surrounding area along Lakeview Parkway known as area D-3 is intended for business and employment uses. Further, the *Comprehensive Plan* calls for product types that include neighborhood-serving commercial, junior commercial boxes, class C offices, limited entertainment uses and higher density residential. A self-storage facility is not a product type envisioned by the *Comprehensive Plan*. The proposed use will not create lasting value or diversify the City's economy. Therefore, it is Staff's opinion that the proposed rezoning to allow a self-storage facility does not meet the criteria and should not be rezoned.

#### Public Notice

On December 26, 2014, a total of 36 notices were sent to property owners within 200 feet and a total of 58 courtesy notices were sent to property owners within 500 feet. As of Friday, January 28, 2015, three public notice responses were received in favor of the request and one was received in opposition (Attachment 6 – 200-ft Public Notice Responses). Six courtesy notice responses were received in favor of the request and two were received in opposition (Attachment 7 – 500-ft Courtesy Notice Responses).

A Legal Notice was published in the *Rowlett Lakeshore Times* on January 1, 2015, pursuant to the requirements set forth in the Rowlett Development Code. A rezoning sign was placed on the subject property on January 1, 2015, in accordance with the Rowlett Development Code and remains on the site today.

#### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Staff recommends denial of this request.

## **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 “C-2” GENERAL COMMERCIAL/RETAIL ZONING TO “PD” PLANNED DEVELOPMENT FOR A 5.5366 +/- ACRE TRACT OF REAL PROPERTY GENERALLY LOCATED AT 7301 LAKEVIEW PARKWAY, AND DESCRIBED AS BLOCK A, LOT 2, RACETRAC ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; 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 zoning from “C-2” General Commercial/Retail to “C-2” general Commercial/Retail with “PD” Planned Development overlay for a 5.5366 +/- acre tract of real property generally located at 7301 Lakeview Parkway, and described as Block A, Lot 2, Racetrac Addition, City of Rowlett, Dallas County, Texas, and being more particularly described in Exhibit “A”, attached hereto and incorporated herein (hereinafter the “Property”).

**SECTION 2.** That the development standards and regulations set forth in Exhibit “B” (“Development Regulations”), attached hereto and made a part hereof, shall be applicable to all land uses, structures, the use and occupancy of all structures, and the development, construction, operation and maintenance of all improvements on the Property described herein. The configuration of buildings, parking areas and drive approaches on the Property shall be in accordance with the Concept Plan attached hereto as Exhibit “C.”

**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 Exhibits “B” and “C,” 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**

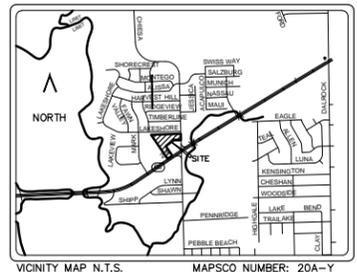
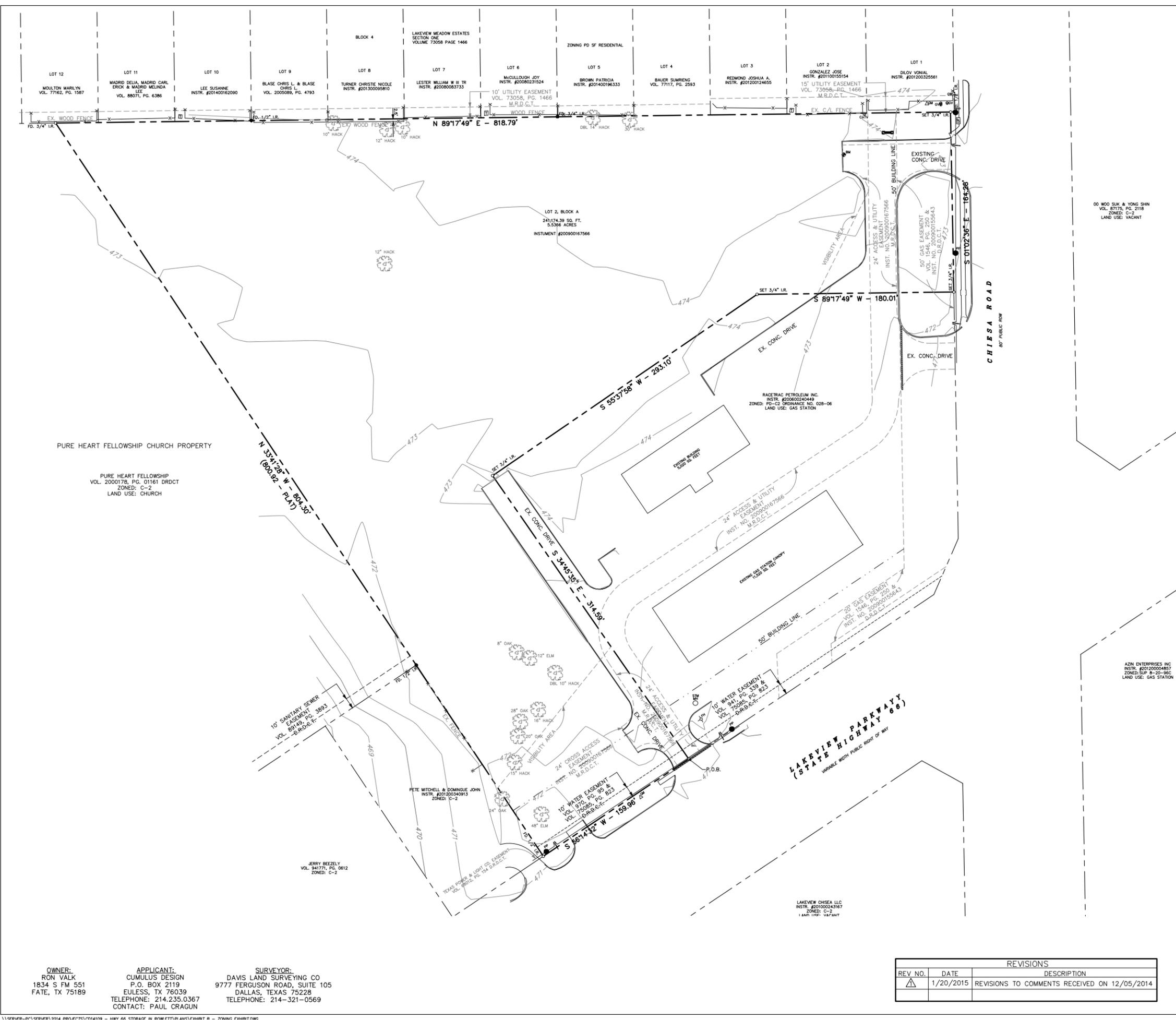
Exhibit A – Zoning Boundary

Exhibit B – Development Standards

Exhibit C – Concept Plan

Attachment 1 – Location Map

- Attachment 2 – Statement of Intent and Purpose
- Attachment 3 – Concept Plan
- Attachment 4 – Building Elevations
- Attachment 5 – Landscape Plan
- Attachment 6 – 200-ft Public Notice Responses
- Attachment 7 – 500-ft Courtesy Notice Responses



**METES AND BOUNDS**

BEING ALL OF LOT 2, BLOCK A OF RACETRAC ADDITION, AN ADDITION TO THE CITY OF ROWLETT, DALLAS COUNTY, TEXAS, RECORDED IN INSTRUMENT NO. 200900167566 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND SAID LOT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CROSS CUT AT THE SOUTH CORNER OF LOT 1 OF SAID ADDITION; SAID POINT BEING IN THE NORTHWEST R.O.W. LINE OF LAKEVIEW PARKWAY (STATE HIGHWAY 66 - A VARIABLE WIDTH R.O.W.); THENCE S 58°14'32" W, 159.96' ALONG THE NORTHWEST LINE OF LAKEVIEW PARKWAY TO A 1/2" IRON ROD FOUND AT THE EAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED IN DEED TO J. DOMINGUE AND P. MITCHELL, RECORDED IN INSTRUMENT NO. 201200340913 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE N 33°41'28" W, ALONG THE NORTHEAST LINE OF SAID J. DOMINGUE AND P. MITCHELL PROPERTY, AT 209.50' PASSING THE PRESENT EAST CORNER OF THE REMAINDER OF LOT 1, BLOCK 1 OF PURE HEART FELLOWSHIP ADDITION, AN ADDITION TO THE CITY OF ROWLETT, TEXAS, RECORDED IN VOLUME 2000178, PAGE 1161 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 804.30' TO A 3/4" IRON ROD FOUND FOR CORNER IN THE SOUTH LINE OF LAKEVIEW MEADOWS ESTATES, SECTION ONE, AN ADDITION TO THE CITY OF ROWLETT, TEXAS, RECORDED IN VOLUME 73058, PAGE 1466 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS;

THENCE N 89°17'49" E, 818.79' ALONG THE SOUTH LINE OF SAID LAKEVIEW MEADOWS ESTATES ADDITION TO A 3/4" IRON ROD SET FOR CORNER IN THE WEST R.O.W. LINE OF CHISPA ROAD (A VARIABLE WIDTH R.O.W.);

THENCE S 01°02'36" E, 164.28' ALONG THE WEST LINE OF CHISPA ROAD TO A 3/4" IRON ROD SET AT THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 1, BLOCK A OF RACETRAC ADDITION;

THENCE S 89°17'49" W, 180.01' ALONG THE NORTH LINE OF SAID LOT 1 TO A 3/4" IRON ROD SET FOR CORNER;

THENCE S 55°37'58" W, 293.10' ALONG THE NORTHWEST LINE OF SAID LOT 1 TO A 3/4" IRON ROD SET FOR CORNER;

THENCE S 34°45'35" E, 314.59' ALONG THE SOUTHWEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING AND CONTAINING 241,174.39 SQUARE FEET OR 5.5366 ACRES OF LAND.

**NOTES:**

1. ACCORDING TO MAP NO. 48113C0245K DATED JULY 7, 2014 OF THE NATIONAL FLOOD INSURANCE RATE MAP OF DALLAS COUNTY, TEXAS, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, THE PROPERTY IS NOT LOCATED IN THE FLOODPLAIN.
2. THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.

**EXHIBIT 'A' - ZONING EXHIBIT**  
**PLATINUM SELF-STORAGE, ROWLETT**  
 BEING ALL OF LOT 2, BLOCK A OF THE  
**RACETRAC ADDITION**  
**CITY OF ROWLETT, DALLAS COUNTY, TEXAS**

January 20, 2015

REVISIONS		
REV NO.	DATE	DESCRIPTION
1	1/20/2015	REVISIONS TO COMMENTS RECEIVED ON 12/05/2014

**OWNER:**  
RON WALK  
1834 S FM 551  
FATE, TX 75189

**APPLICANT:**  
CUMULUS DESIGN  
P.O. BOX 2119  
EULESS, TX 76039  
TELEPHONE: 214.235.0367  
CONTACT: PAUL CRAGUN

**SURVEYOR:**  
DAVIS LAND SURVEYING CO  
9777 FERGUSON ROAD, SUITE 105  
DALLAS, TEXAS 75228  
TELEPHONE: 214-321-0569

## **Development Regulations**

### **Planned Development Standards**

All development shall adhere to the Rowlett subdivision and development regulations set forth in the C-2 Commercial District and the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), as amended, except as outlined herein. Minor modifications can be approved administratively by staff as long as it does not increase the intensity of the use.

#### **Use**

1. A self-storage facility shall be permitted.
2. Outdoor storage shall be prohibited.

#### **Setbacks:**

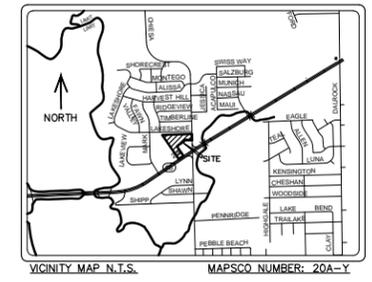
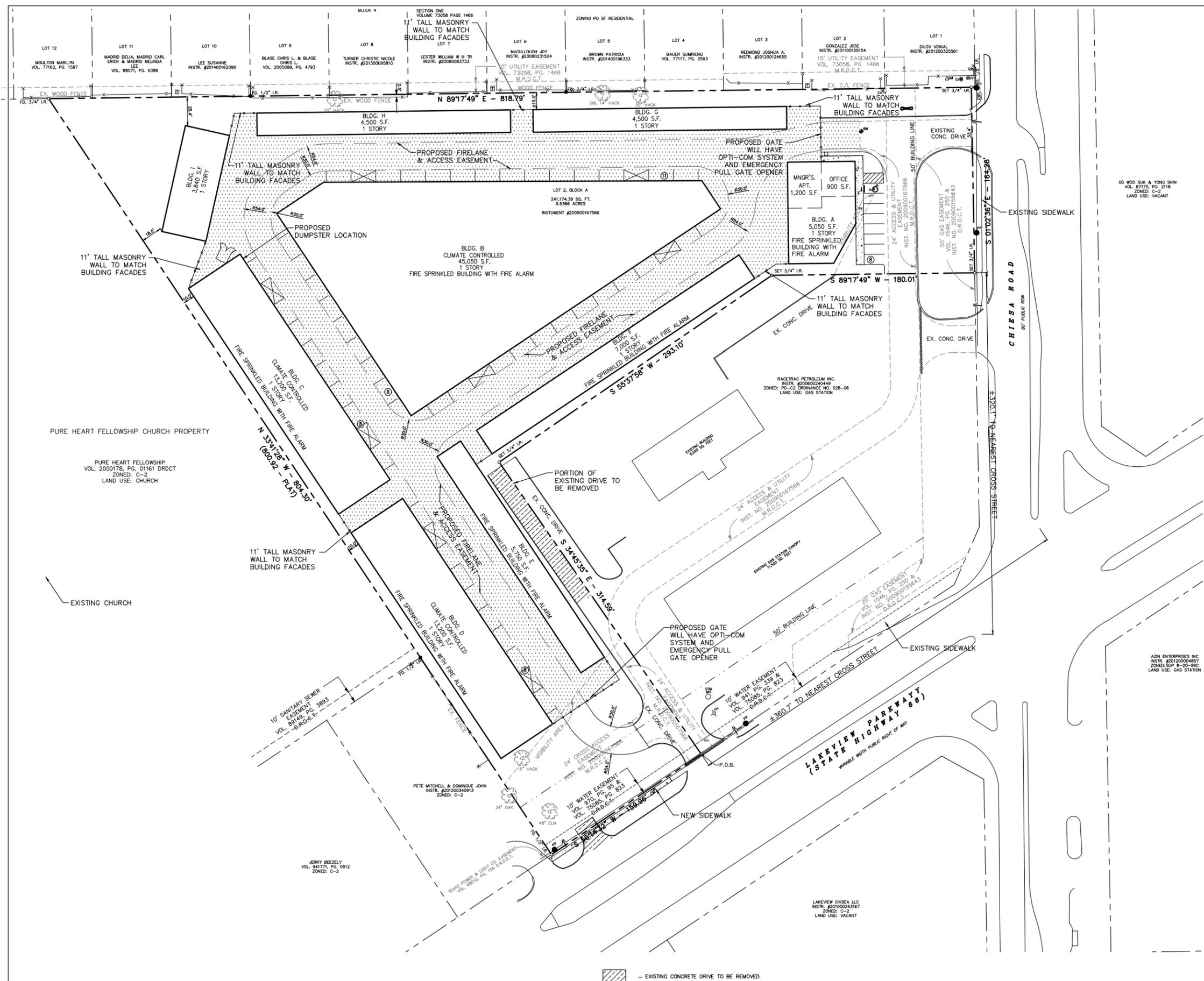
1. The minimum setback from the north property line is 15 feet.
2. The minimum setback from the west property line is 10 feet.

#### **Parking Spaces**

1. Eight off-street parking spaces shall be provided outside of the gated area of the property. The loading spaces located within the gated areas of the property shall be provided as set forth in Exhibit C.

#### **Landscaping and Screening**

1. The rear wall of buildings C, D, E, F, G, H, and I will serve as part of the perimeter screening wall. A minimum 11-foot tall wall is required between said storage buildings to provide a continuous screen from the property lines.
2. Interior parking lot landscaping is not required for those parking spaces located within the gated areas of the property.
3. The 50-foot Atmos Energy easement along Chiesa Road shall consist of a berm and sod. The trees and shrubs required for the Chiesa Road landscape buffer shall be planted between the building line proper and the 50-foot Atmos Energy easement.



ZONING CONCEPT PLAN DATA		
<b>GENERAL</b>		
CASE NUMBER	PD14-750	
PROJECT NAME	PLATINUM SELF-STORAGE, ROWLETT	
PROPOSED USE	SELF-STORAGE	
PROPOSED FUTURE LAND USE DESIGNATION	SELF-STORAGE	
EXISTING ZONING DISTRICT	C-2	
PROPOSED ZONING DISTRICT	PLANNED DEVELOPMENT (PD)	
APPRAISAL DISTRICT ACCOUNT #'S	DC 440156000A0020000	
<b>OVERALL SITE</b>		
GROSS SITE AREA	241,174.39 SF (5.537 ACRES)	
SITE FRONTAGE	*CHISSIA RD - 164.28' *LAKEVIEW PARKWAY - 159.96'	
IMPERVIOUS SURFACE AREA	97,877 (2.25 ACRES)	
PERVIOUS SURFACE AREA	38,645 (0.89 ACRES)	
OPEN SPACE (%)	16.1%	
DETENTION AC (%)	UNDERGROUND DETENTION (NA)	
<b>BUILDING</b>		
FLOOR TO AREA RATIO	0.43	
TOTAL SQUARE FOOTAGE	104,190 SF	
SELF-STORAGE BUILDINGS	102,090 SF	
OFFICE/APARTMENT	2,100	
<b>PROPERTY DEVELOPMENT REGULATIONS</b>		
SETBACKS	PERMITTED/REQUIRED	PROPOSED
FRONT	50'	50'
SIDE (NORTH)	30' OR 6' BETWEEN COMMERCIAL	15'
SIDE (WEST)		10'
<b>PARKING &amp; ACCESS</b>		
PARKING REQUIRED: (1 PER 1,500 SQ. FT.)	70	
PARKING PROVIDED:	56 SPACES	

- NOTES:**
- NO 100-YEAR FLOODPLAIN EXISTS ON THE SITE
  - THE ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING, WILL REQUIRE AN AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.
  - ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS
  - DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS/REGULATIONS NOT SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS PART OF PLANNED DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING/APPROVAL BY THE BOARD OF ADJUSTMENT (BOA).
  - SITE LIGHTING SHALL BE L.E.D. FIXTURES AND SHALL BE SHIELDED. LIGHTING FIXTURES SHALL MEET CITY OF ROWLETT'S REQUIREMENTS AND THE "DARK SKY" INITIATIVE.

EXHIBIT "C" - ZONING CONCEPT PLAN  
 PLATINUM SELF-STORAGE, ROWLETT  
 BEING ALL OF LOT 2, BLOCK A OF THE  
 RACETRAC ADDITION  
 CITY OF ROWLETT, DALLAS COUNTY, TEXAS  
 January 20, 2015

REVISIONS	
REV NO.	DESCRIPTION
1	1/20/2015 REVISIONS TO COMMENTS RECEIVED ON 12/05/2014

- EXISTING CONCRETE DRIVE TO BE REMOVED
- PROPOSED CONCRETE
- PROPOSED SIDEWALK

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TO: Development Services  
City of Rowlett

17 November 2014

FROM: Maxwell Fisher, AICP

RE: Planned Development Application for Self Storage Facility

On behalf of Platinum Storage, Masterplan requests approval of a change of zoning to a Planned Development District to accommodate a 1-story, approximately 104,000-square foot storage facility. The site is located north of Lakeview Parkway and west of Chiesa Road. The city allows storage facilities of any kind in industrial type districts only and doesn't distinguish between less intensive neighborhood storage facilities from more intensive and generally larger scale commercial storage or warehousing businesses. As such, a Planned Development District is sought to accommodate a self-storage development while maintaining a retail-based zoning district, compatible with the neighborhoods.

This particular parcel has a number of challenges, limiting the types of uses that could feasibly develop and have long-term success. Development of the RaceTrac facility has left a remnant parcel possessing limited street frontage. Moreover, the shape of the site is irregular and most of it is removed from the street with diminished visibility. The site also has residential adjacency along its northern perimeter, further limiting the possible compatible uses.

In addition to the challenges posed by the physical characteristics of the shape and location of the site, large utility easements are located along both site-to-street interfaces. Moreover, RaceTrac, as seller of the property, has imposed visibility restrictions that prohibit construction of buildings within a certain distance of both Lakeview Parkway and Chiesa Road. These restrictions combined with the limited amount of street frontage and shape of site makes retail or most office/medical uses impractical with questionable long-term viability.

The development will be all one-story with high quality exterior building material of brick and stone. The building layout is internally oriented providing the best view and buffer from the periphery. As a screen, neighbors generally prefer an 11' tall building with a row of trees instead of a shorter 6' wall with adjacent parking and parking lot lights.

In light of these challenges, special consideration should be given to this unique opportunity to develop the property with a neighborhood serving storage facility that buffers the residential from the more intensive retail/gas station development. Development of self storage facilities is an excellent fit for those properties located behind retail and commonly buffer residential districts from more intensive retail development.

Please consider the following points about the proposal:

- The parcel is located in the Southshore, Area D-3 of the Realize Rowlett 2020 Plan. This has been identified as an overflow location of medical uses, as a continuation of the medical development along Highway 66. The medical that has developed, has done so with predominate direct frontage on the highway. This particular site is challenged in that it doesn't offer the same access and visibility that other sites have in the corridor.
- Of the product types, our proposal could be characterized as Neighborhood-Service Commercial, as our facility provides a storage option in a safe and convenient location, proximate to the neighbors it would serve.
- Of the guiding principles of the Southshore Area, our proposal aims at "Balancing the growth through efficient development patterns." Our development would efficiently develop a challenging tract, ill-suited for medical or retail development. Moreover, storage is an excellent option with only 30 trips per day, and when paired with more intensive uses such as medical and gas stations, it regulates the overall local traffic levels.
- The proposal would also "Support quality educational resources to meet the needs of Rowlett residents" by raising the taxable value by as much as five fold.

#### Modifications:

As part of the request for a change of zoning to a Planned Development District, we request modification of development standards pertaining to parking, interior parking lot landscaping, perimeter buffering, and the location of trees along the landscape buffer or setback along Chiesa Road. The proposed facility would contain approximately 56 parking spaces whereas 70 spaces are required. The city's parking standards for self storage facilities is a general category that includes all types of storage. A self-storage facility is one of the lowest parking generators with about 30 trips per day. Our facilities typically need no more than 16-19 parking spaces at any one time as most visitors park in front of their units, in a loading or unloading capacity. The site plan offers parking spaces for those visiting the office as well as for those customers accessing units.

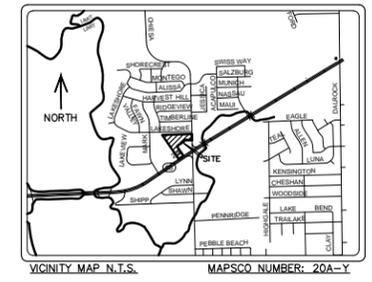
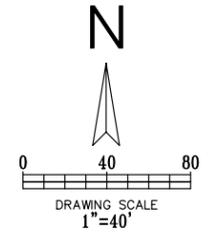
One requested modification is to waive the parking lot landscaping requirements with trees for those interior portions adjacent to parallel parking spaces. This type of facility with its fortress design and activities occurring internally make interior landscaping impractical and serves little purpose. This area is visible to patrons only. Particular emphasize is being placed on landscaping the periphery, particularly along the streets and residential district to the north.

Along the northern property line adjacent to the residential district, the perimeter screen would consist of a 15' landscape setback with one large tree per 30 lineal feet. The storage buildings will serve as the perimeter screen wall. In between the storage buildings, there would be an 8' tall masonry screen wall to provide a continuous screen along the residential properties.

3

As mentioned the portion of the site adjacent to Chiesa Road is heavily encumbered with underground utility easements. The 50' gas easement and access and utility easement along Chiesa Road preclude placement of street trees in the conventional and uniform locations. Alternatively, the four required trees are planned to be setback in a clustered format along the northern property line. There are also two trees planned on each side of the front yard parking serving as a dual purpose of providing parking lot landscaping and front yard street buffering/landscaping.

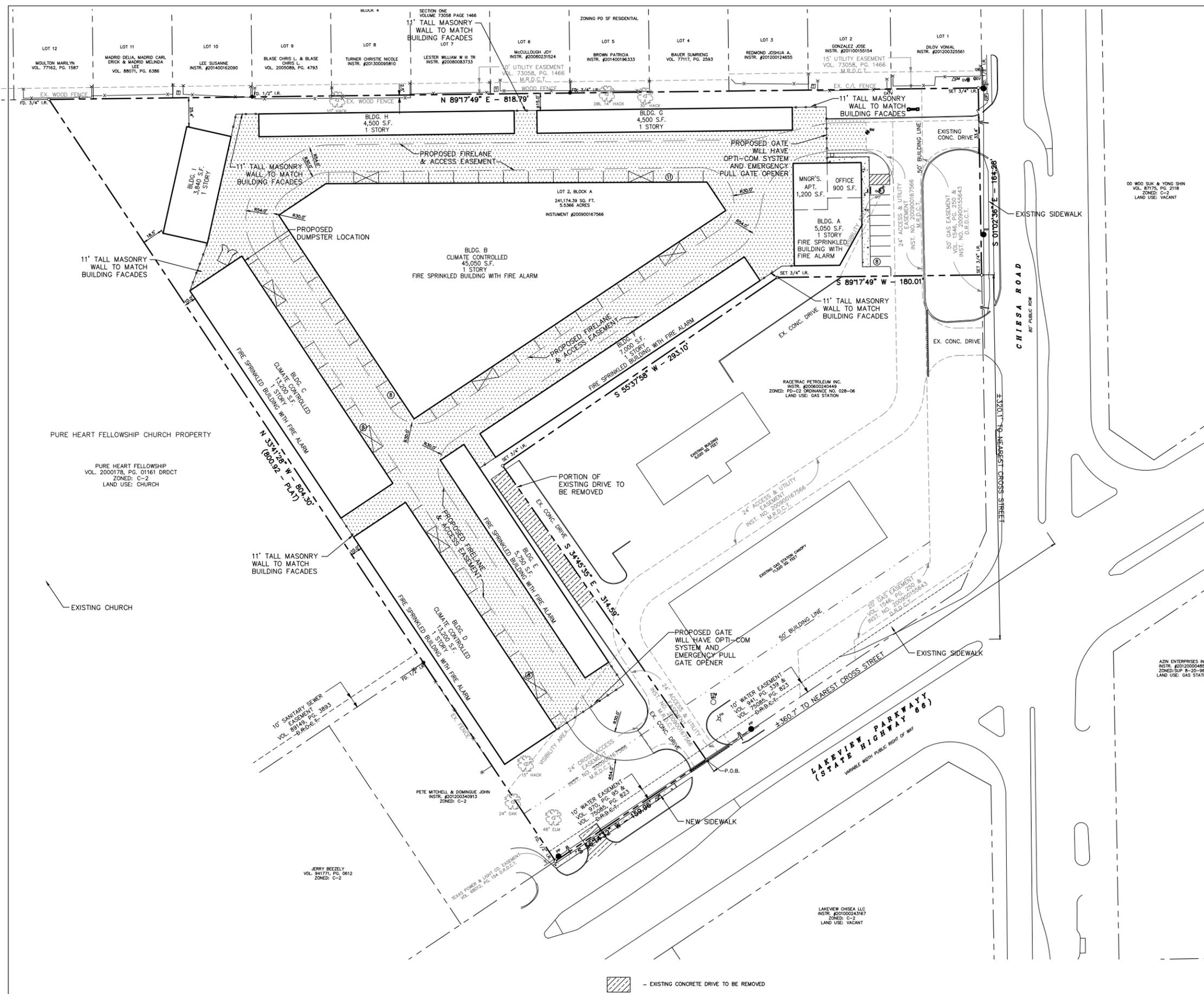
We look forward to working with both city staff and appointed and elected officials. Should there be any questions or comments, please feel free to email at [maxwell@masterplanconsultants.com](mailto:maxwell@masterplanconsultants.com), or call at 214.761.9197.



ZONING CONCEPT PLAN DATA		
<b>GENERAL</b>		
CASE NUMBER	PD14-750	
PROJECT NAME	PLATINUM SELF-STORAGE, ROWLETT	
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PROPOSED FUTURE LAND USE DESIGNATION	SELF-STORAGE	
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APPRAISAL DISTRICT ACCOUNT #'S	DC 440156000A0020000	
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EXHIBIT "C" - ZONING CONCEPT PLAN  
 PLATINUM SELF-STORAGE, ROWLETT  
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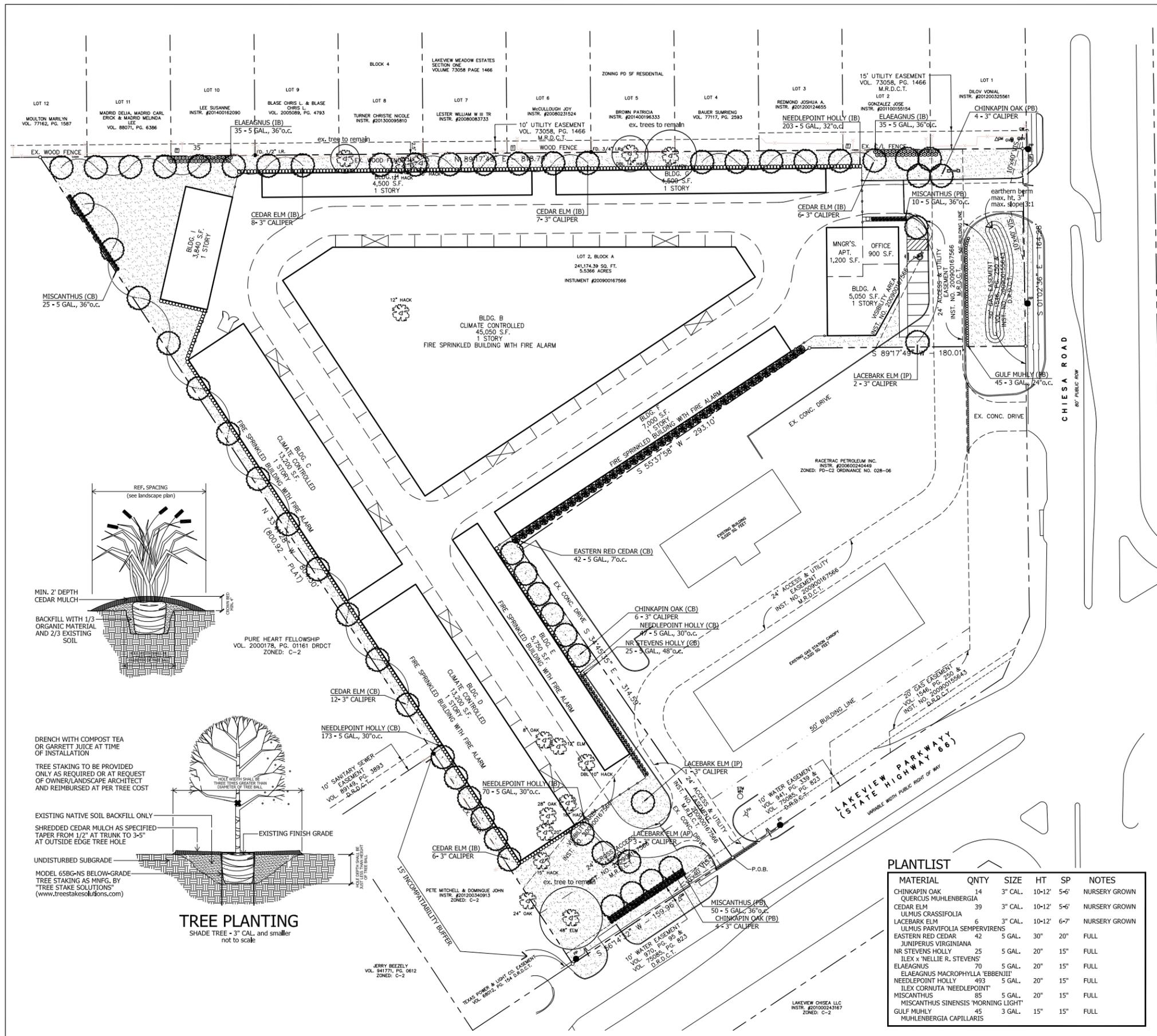
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REVISIONS		
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LANDSCAPE REQUIREMENTS  
SECTION 77-504

**LANDSCAPE AREA**  
MIN. 15% REQUIRED  
TOTAL SITE 241,176 SF  
15% REQUIRED 36,176 SF  
22.6% PROVIDED 52,235 SF

**PERIMETER BUFFERS (PB)**  
15' R.O.W. BUFFER REQUIRED (CHIESA ROAD)  
(165' - 30' DRIVE APPROACH = 135')  
SHADE TREES - 1 - 3" CAL. PER 35 LIN. FT.  
135' = 3.86 = 4 TREES REQUIRED  
35' = 4 TREES PROVIDED  
SHRUBS - 10 - 5 GAL. SHRUBS PER 30 LIN. FT.  
135' = 4.5 x 10 = 45 SHRUBS REQUIRED  
30' = 45 SHRUBS PROVIDED

15' R.O.W. BUFFER REQUIRED (LAKEVIEW PARKWAY)  
(160' - 12' DRIVE APPROACH = 148')  
SHADE TREES - 1 - 3" CAL. PER 30 LIN. FT.  
148' = 4.2 = 5 TREES REQUIRED  
35' = 4 PROPOSED + 1 EXISTING TREE  
SHRUBS - 10 - 5 GAL. SHRUBS PER 30 LIN. FT.  
148' = 4.9 x 10 = 49 SHRUBS REQUIRED  
30' = 50 SHRUBS PROVIDED

15' INCOMPATIBILITY BUFFER REQUIRED (NORTH P.L.) - (IB)  
CANOPY TREES - 1 - 3" CAL. PER 35 LIN. FT.  
819' = 23.4 = 24 TREES REQUIRED  
35' = 21 PROPOSED + 3 EXISTING TREES  
SHRUBS - 10 - 5 GAL. SHRUBS PER 30 LIN. FT.  
819' = 27.3 x 10 = 273 SHRUBS REQUIRED  
30' = 273 SHRUBS PROVIDED

15' INCOMPATIBILITY BUFFER REQUIRED (WEST P.L.) - (IB)  
CANOPY TREES - 1 - 3" CAL. PER 35 LIN. FT.  
210' = 6 TREES REQUIRED  
35' = 6 TREES PROVIDED  
SHRUBS - 10 - 5 GAL. SHRUBS PER 30 LIN. FT.  
210' = 7 x 10 = 70 SHRUBS REQUIRED  
30' = 70 SHRUBS PROVIDED

10' COMPATIBILITY BUFFER REQUIRED (WEST P.L.) - (CB)  
CANOPY TREES - 1 - 3" CAL. PER 50 LIN. FT.  
595' = 11.9 = 12 TREES REQUIRED  
50' = 12 TREES PROPOSED  
SHRUBS - 10 - 5 GAL. SHRUBS PER 30 LIN. FT.  
595' = 19.8 x 10 = 198 SHRUBS REQUIRED  
30' = 198 SHRUBS PROVIDED

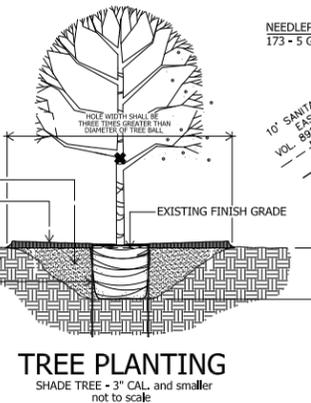
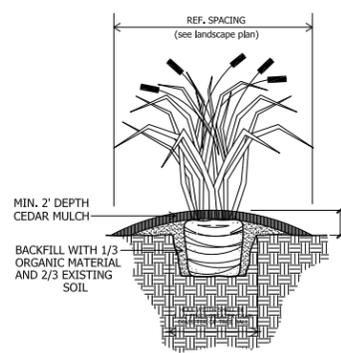
**PARKING LOT INTERIOR (IP)**  
5% INTERIOR LANDSCAPE REQUIRED  
TOTAL PARKING AREA 14,157 SF  
(does not include interior storage area paving)  
REQUIRED (5%) 708 SF  
PROVIDED (13.1%) 1,861 SF

1 - 3" SHADE TREE PER EACH 9'x18' ISLAND PLUS  
1 TREE PER ADDITIONAL 400 SF LANDSCAPE AREA

3 PARKING ISLANDS  
3 LARGE TREES PROVIDED

ADDITIONAL LANDSCAPE AREA (AP)  
1153 SF = 2.88 = 3 TREE REQUIRED  
400 SF = 3 TREE PROVIDED

**PARKING LOT SCREENING**  
SHRUBS REQUIRED - MIN. 3' CENTERS  
(UTILIZE BUFFER SHRUBS AS ABLE - AS PER 77-504.D.3)



**TREE PLANTING**  
SHADE TREE - 3" CAL. and smaller  
not to scale

DRENCH WITH COMPOST TEA OR GARRETT JUICE AT TIME OF INSTALLATION

TREE STAKING TO BE PROVIDED ONLY AS REQUIRED OR AT REQUEST OF OWNER/LANDSCAPE ARCHITECT AND REIMBURSED AT PER TREE COST

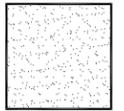
EXISTING NATIVE SOIL BACKFILL ONLY  
SHREDDED CEDAR MULCH AS SPECIFIED  
TAPER FROM 1/2" AT TRUNK TO 3-5" AT OUTSIDE EDGE TREE HOLE

UNDISTURBED SUBGRADE

MODEL 65BG-NS BELOW-GRADE TREE STAKING AS MFG. BY "TREE STAKE SOLUTIONS" (www.treestakesolutions.com)

06 WOOD SIGN & SIGNING SIGN  
FOR ZONING C-2

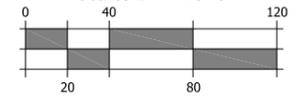
TURF LEGEND



COMMON  
BERMUDA HYDROMULCH  
(CYNODON DACTYLON)



scale: 1" = 40'-0"



PLANTLIST

MATERIAL	QNTY	SIZE	HT	SP	NOTES
CHINKAPIN OAK	14	3" CAL.	10-12'	5-6'	NURSERY GROWN
QUERCUS MUHLENBERGIA					
CEDAR ELM	39	3" CAL.	10-12'	5-6'	NURSERY GROWN
ULMUS CRASSIFOLIA					
LACEBARK ELM	6	3" CAL.	10-12'	6-7'	NURSERY GROWN
ULMUS PARVIFOLIA SEMPERVIRENS					
EASTERN RED CEDAR	42	5 GAL.	30"	20"	FULL
JUNIPERUS VIRGINIANA					
NR STEVENS HOLLY	25	5 GAL.	20"	15"	FULL
ILEX x 'NELLIE R. STEVENS'					
ELAEAGNUS	70	5 GAL.	20"	15"	FULL
'ELAEAGNUS MACROPHYLLA' 'EBBENJII'					
NEEDLEPOINT HOLLY	493	5 GAL.	20"	15"	FULL
ILEX CORNUTA 'NEEDLEPOINT'					
MISCANTHUS	85	5 GAL.	20"	15"	FULL
MISCANTHUS SINENSIS 'MORNING LIGHT'					
GULF MUHLY	45	3 GAL.	15"	15"	FULL
MUHLBERGIA CAPILLARIS					

appr. by:  
drawn by:  
date: 11-10-14

revisions  
12-19-14



Leeming  
Design Group  
Landscape Architecture  
4913 Red Stone Drive, Suite 014-B North Rowlett Hills, Texas 75088  
(817) 577-5889 Fax: (817) 577-5896  
leemingdesigngroup@outlook.com

LANDSCAPE PLAN

PLATINUM SELF-STORAGE  
CHIESA ROAD at LAKEVIEW PARKWAY  
ROWLETT, TEXAS

file name:  
c:\rowlett-storage\lpl\lpl-base\_rowlettstorage.dwg  
sheet  
1-1

REVISION	NO.

PROPOSED NEW FACILITY FOR:  
**PLANTINUM SELF-STORAGE**  
 LOT 1, BLK. A, RACETRAC ADDITION  
 ROWLETT, TEXAS

PRELIMINARY - NOT FOR CONSTRUCTION

4700 KEMBLE ST.  
 FORT WORTH, TX, 76103  
 PH: 817-334-6579  
 FAX: 817-366-5365  
 WWW.JLBUILDINGS.COM



CONCEPTUAL ELEVATIONS

Date 11-18-2014

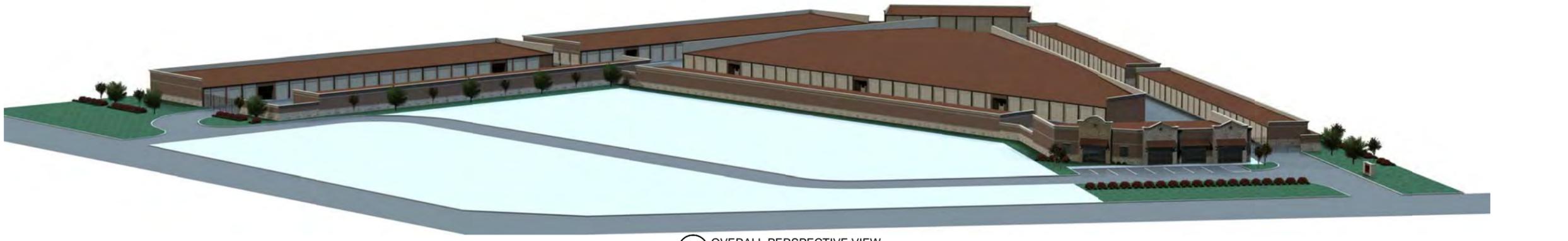
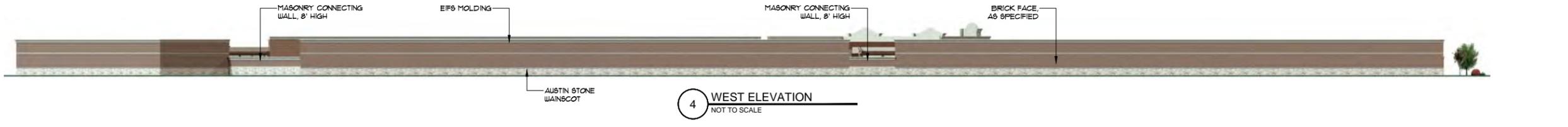
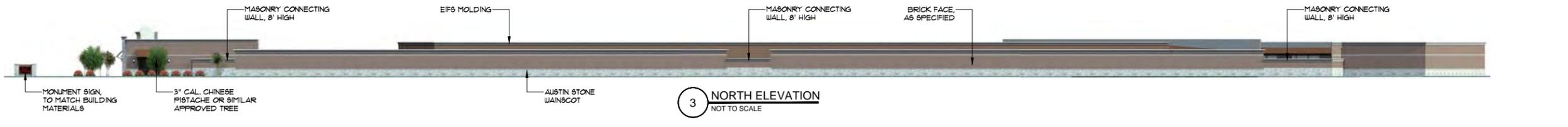
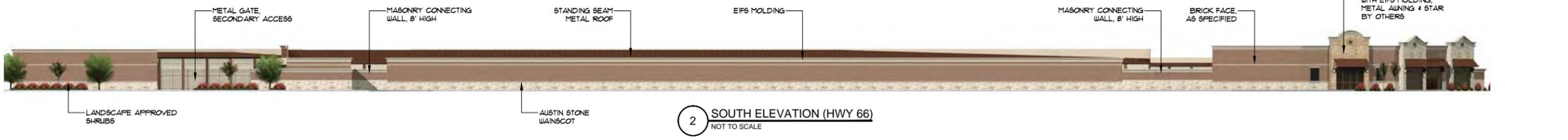
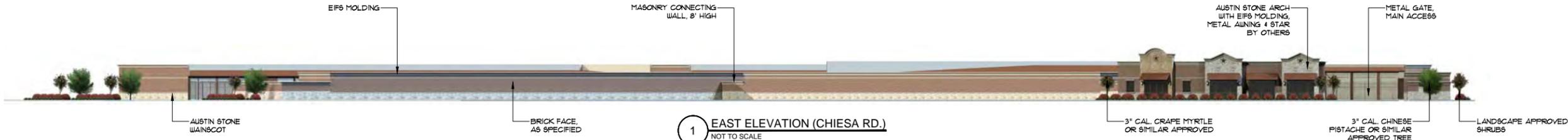
Scale As Noted

Drawn JLL

Job 14050

Sheet

A1





January 13, 2015

01-13-15 P02:49 RCVD

City Of Rowlett, Texas  
Development Services  
PO Box 99  
Rowlett, Texas 75030-0099

Dear Rowlett Planning & Zoning Commissioners and City Council,

RaceTrac owns and operates the retail fueling facility at Lakeview Parkway and Chiesa. The remaining undeveloped parcel that surrounds our site is unusual in shape and has limited frontage. These characteristics are a challenge to most retailers who prefer a "normal" shaped site, ample frontage, and great visibility. While a retail use would likely bring a significant amount of traffic to our site, we do not believe this site is conducive to retail.

After learning more about the storage facility, we believe it will complement our facility very well. The low amount of trips and traffic that it will generate will ensure that it will remain easy to access our site and will not congest either access point. In addition, the storage facility will provide an appropriate, low impact transition between our facility and the residences to the north.

With this site being adjacent to our store at Lakeview Parkway and Chiesa Road, we have great interest in seeing a high quality development. We are very pleased with what the storage facility has proposed, and are glad another operator intends to develop a facility with the same level of detail and care we give our stores. We are in full support of the self-storage and see it as a win-win opportunity for the surrounding property owners and the city. Please do not hesitate to call if you have any questions or if we can be of any assistance.

Best Regards,

A handwritten signature in black ink, appearing to read "Brian Thornton", is written over a light blue horizontal line.

Brian Thornton  
Vice President of Real Estate & Engineering



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for a Planned Development  
**LOCATION:** The subject property is located at 7301 Lakeview Parkway further described as being all of Lot 2, Block A of Racetrac Addition, an addition to the City of Rowlett, Dallas County, Texas. A map is attached for your reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.  
**EXPLANATION OF REQUEST:** The applicant requests a rezoning to a Planned Development with an underlying General Commercial/Retail (C-2) base zoning district to allow a self-storage facility. (Case Number PD14-750).

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

**COMMENTS:**

---

**SIGNATURE:** *Cherish Silverstone Professional Succs - VP*  
**ADDRESS:** *7200 Lakeshore Dr.*

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the **13<sup>th</sup> day of January, 2015**, and that the City Council will hold a public hearing at 7:30 p.m. on the **3<sup>rd</sup> day of February, 2015**. The Planning and Zoning Commission meeting will be held in the Annex Conference Room at 4004 Main Street, Rowlett, Texas. The City Council hearing will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, January 7, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, January 28, 2015, to be included in the City Council packet. All responses received by January 28<sup>th</sup> will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

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

**COMMENTS:** *will help the City commercial tax base*

**SIGNATURE:** *[Handwritten Signature]* 01-07-15A09:49 RCVD  
**ADDRESS:** *7101 Lakeshore Drive*

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Department of Development Services

NOTICE OF PUBLIC HEARING

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

COMMENTS: I hear of bonds renting units + practicing in them. If this goes through, I request strict noise regulations
SIGNATURE: [Handwritten Signature]

ADDRESS: 7305 Lakeshore Dr

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FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



**Department of Development Services**

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

**COMMENTS:** PERFECT for this location, & will not cause any problems for the neighbor hoods.

**SIGNATURE:** *David Langford*

**ADDRESS:** 6929 LAKEVIEW Circle Rowlett TX

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OUTSIDE OF PUBLIC 200 FT

*Rec 1/27/15 JD*



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

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

**COMMENTS:** LOCAL ownership; it's not a strip center; it will eliminate the dirt bikes + coyotes, lighting is subdued, there will BE A RESIDENT manager on site

**SIGNATURE:** Patricia J Van Hook

**ADDRESS:** 6929 LAKEVIEW CIRCLE, Rowlett

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**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099

- OUTSIDE OF PUBLIC NOTICE 2015 Rec 1/27/15  
 122



**Department of Development Services**

**COURTESY NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

**RE:** Application for a Planned Development

**LOCATION:** The subject property is located at 7301 Lakeview Parkway further described as being all of Lot 2, Block A of Racetrac Addition, an addition to the City of Rowlett, Dallas County, Texas. A map is attached for your reference.

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

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

**SIGNATURE:**

*Bobby Row*

**ADDRESS:**

*3717 Dickson Rd  
Rowlett TX 75089*

*Lakeview Ave*

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**Department of Development Services**

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

**COMMENTS:** Maybe it will cover up the corner SW @ corner of lake shore at Chiesa. We think it is great

**SIGNATURE:** Chantale James Cooper  
**ADDRESS:** 7305 Timberline Dr (Residents for 37 yrs)

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**Department of Development Services**

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

**COMMENTS:** Will be an improvement over an overgrown vacant lot!

**SIGNATURE:** Nannia Ubiss  
**ADDRESS:** 5901 Bobbie Dr.  
Rowlett, TX 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the **13<sup>th</sup> day of January, 2015**, and that the City Council will hold a public hearing at 7:30 p.m. on the **3<sup>rd</sup> day of February, 2015**. The Planning and Zoning Commission meeting will be held in the Annex Conference Room at 4004 Main Street, Rowlett, Texas. The City Council hearing will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, January 7, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, January 28, 2015, to be included in the City Council packet. All responses received by January 28<sup>th</sup> will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

<p>If you have any questions concerning this request, please contact the Department of Development Services</p> <p style="text-align: center;">Phone 972-412-6166                  FAX 972-412-6228  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b></p> <p>City of Rowlett                  Development Services                  PO Box 99                  Rowlett, TX 75030-0099</p>
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**Department of Development Services**

**COURTESY NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

**RE:** Application for a Planned Development

**LOCATION:** The subject property is located at 7301 Lakeview Parkway further described as being all of Lot 2, Block A of Racetrac Addition, an addition to the City of Rowlett, Dallas County, Texas. A map is attached for your reference.

**EXPLANATION OF REQUEST:** The applicant requests a rezoning to a Planned Development with an underlying General Commercial/Retail (C-2) base zoning district to allow a self-storage facility. (Case Number PD14-750).

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

**COMMENTS:**

*Rowlett Tax base increase*

**SIGNATURE:**

**ADDRESS:**

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 13<sup>th</sup> day of January, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 3<sup>rd</sup> day of February, 2015. The Planning and Zoning Commission meeting will be held in the Annex Conference Room at 4004 Main Street, Rowlett, Texas. The City Council hearing will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, January 7, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, January 28, 2015, to be included in the City Council packet. All responses received by January 28<sup>th</sup> will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

If you have any questions concerning this request, please contact the Department of Development Services  
 Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



**Department of Development Services**

**COURTESY NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for a Planned Development  
**LOCATION:** The subject property is located at 7301 Lakeview Parkway further described as being all of Lot 2, Block A of Racetrac Addition, an addition to the City of Rowlett, Dallas County, Texas. A map is attached for your reference.  
**EXPLANATION OF REQUEST:** The applicant requests a rezoning to a Planned Development with an underlying General Commercial/Retail (C-2) base zoning district to allow a self-storage facility. (Case Number PD14-750).

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

**COMMENTS:** There are a number of children that walk and

ride their bicycles to Schrade Middle School (on chiese) and it is not a good idea to increase traffic which will increase the risk of one of them being hit.

**SIGNATURE:** Vanessa Jamarie

**ADDRESS:** 5306 Mark Ln Rowlett, Tx 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the **13<sup>th</sup> day of January, 2015**, and that the City Council will hold a public hearing at 7:30 p.m. on the **3<sup>rd</sup> day of February, 2015**. The Planning and Zoning Commission meeting will be held in the Annex Conference Room at 4004 Main Street, Rowlett, Texas. The City Council hearing will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, January 7, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, January 28, 2015, to be included in the City Council packet. All responses received by January 28<sup>th</sup> will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

<p>If you have any questions concerning this request, please contact the Department of Development Services                  Phone 972-412-6166                  FAX 972-412-6228  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Development Services                  PO Box 99                  Rowlett, TX 75030-0099</p>
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**Department of Development Services**

**COURTESY NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for a Planned Development  
**LOCATION:** The subject property is located at 7301 Lakeview Parkway further described as being all of Lot 2, Block A of Racetrac Addition, an addition to the City of Rowlett, Dallas County, Texas. A map is attached for your reference.  
**EXPLANATION OF REQUEST:** The applicant requests a rezoning to a Planned Development with an underling General Commercial/Retail (C-2) base zoning district to allow a self-storage facility. (Case Number PD14-750).

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

**COMMENTS:** *Self-storage is an inappropriate use for this property. It will reduce existing property values. The current zoning should be enforced.*

**SIGNATURE:**   
**ADDRESS:** 5800 Chinese Rd.

<p>Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 15<sup>th</sup> day of January, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 3<sup>rd</sup> day of February, 2015. The Planning and Zoning Commission meeting will be held in the Annex Conference Room at 4004 Main Street, Rowlett, Texas. The City Council hearing will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.</p> <p>Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, January 7, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, January 28, 2015, to be included in the City Council packet. All responses received by January 28<sup>th</sup> will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.</p>	
<p>If you have any questions concerning this request, please contact the Department of Development Services                  Phone 972-412-6166                  FAX 972-412-6228  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Development Services                  PO Box 99                  Rowlett, TX 75030-0099</p>



City of Rowlett  
Staff Report

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

**AGENDA DATE:** 02/03/15

**AGENDA ITEM:** 8B

**TITLE**

Consider a resolution authorizing the use of eminent domain to condemn property and authorizing the initiation of condemnation proceedings under Chapter 21, Texas Property Code, to acquire property consisting of a part of the tract of land located at 2609 Lakeview Parkway (described as 0.042 acres of right-of-way situated in the Reason Crist Survey, Abstract Number 225, Lot 2 Luke's Landing Addition, Rowlett, Dallas County, Texas) and a part of the tract of land located at 5404 Kenwood Drive (described as 0.276 acres of right-of-way and 0.435 acres of temporary construction easement situated in the Reason Crist Survey, Abstract Number 225, Lot 5A, Luke's Landing Addition, Rowlett, Dallas County, Texas) for use as a public street and for temporary construction easement purposes.

**STAFF REPRESENTATIVE**

David Berman, City Attorney  
Tim Rogers, Director of Public Works  
Robbin Webber, Asst. Director of Public Works

**SUMMARY**

There is a public purpose, need and necessity to acquire certain rights-of-way and temporary construction easements for the construction, use, operation and maintenance of a public street. This resolution will authorize the institution of condemnation proceedings and the use of eminent domain as an option to acquire the property above should the City be unable to negotiate a voluntary sale of the properties.

**BACKGROUND INFORMATION**

The plat of the Luke's Landing Addition, recorded on March 5, 2007, required that private easements be set aside and reserved such that the lots fronting on Rowlett Road would have access from the rear (northern) side of the lots to Kenwood Drive and to the tract to the east of Luke's Landing. Since the tract to the east is undeveloped, and since the northern portion of Luke's Landing remains vacant, this private drive has been partially completed, only to the extent of allowing drive access from Kenwood Drive eastward to serve Lot 4A, where the Arby's currently exists. Development plans for the Briarwood tract to the immediate east of Luke's Landing have recently been approved and construction is expected to commence in the near future.

The developer of the Briarwood tract has agreed to construct a drive approach on its property that will connect to the drive on Luke's Landing; however, this developer does not have the legal authority to enter upon the Luke's Landing tract to complete the existing partial drive and connect the drive approach. Since the roadway is currently set aside as a private easement, the City does

not have the authority to compel the owners of the vacant tracts in Luke's Landing to complete construction of the drive before those owner's tracts are developed without condemnation.

As of the date of this staff report, negotiations are underway with other property owners affected by the conversion of the private easement to a public right-of-way. In the event that negotiations fail and any one or more decline to voluntarily convey easement rights to the City, staff may request authorization through another resolution seeking to acquire these other tracts should it be necessary.

## **DISCUSSION**

As indicated above, City staff would like to see the City build a drive approach between the backside of Luke's Landing Addition, across the drainage course east of the Landing and terminating in the Briarwood tract. This drive approach would be a City street and serves a public purpose by providing access from Kenwood Drive across the drainage channel to the Briarwood tract. As with all public streets, the City will assume responsibility for maintenance and repair.

When the Briarwood tract is developed, the drive approach will provide circulation between retail locations on the north side of Lakewood Parkway, which will facilitate retail activity and will lessen an increase in traffic flow on Lakeview Parkway. More importantly, the drive approach is needed for emergency vehicle access and first responder service. When completed, vehicles will be able to access the Briarwood tract from Kenwood drive (and Kenwood Drive from the Briarwood tract), without traversing Lakeview Parkway.

The drive approach will not exceed the boundaries of the existing private easement and will include a small bridge and culvert over the drainage channel that runs along the eastern side of Luke's Landing.

Prior to Eminent Domain proceedings, the City has to follow procedures that include:

- Identification of the property (5404 Kenwood Drive & 2609 Lakeview Parkway).
- Negotiate in good faith with the property owner until the City and the property owner come to an impasse due to unwillingness or inability to negotiate an agreement.
- Present the Property Appraisal and Landowner Bill Of Rights to the property owner.
- Approve a resolution to proceed with Eminent Domain proceedings by the City Council.

On adoption of the attached resolution, the eminent domain proceedings can be implemented.

The photo below shows the proposed route for the drive approach.



**FINANCIAL/BUDGET IMPLICATIONS**

Eminent Domain expenses relating to property acquisition and related attorney fees. Budget implications associated with the property acquisition and temporary construction easements are subject to appraisals and negotiations with property owners.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
ST 2052	398-8201-521-8005	\$710,224	\$43,852
<b>Total</b>		<b>\$710,224</b>	<b>\$43,852</b>

**RECOMMENDED ACTION**

Staff recommends the City Council adopt a resolution to authorize condemnation proceedings for property located at 5404 Kenwood Drive described as 0.276 acres of right-of-way (ROW) and 0.4350 acres of temporary construction easement (TCE) situated in the Reason Crist Survey, Abstract Number 225, Lot 5A Lukes Landing Addition, Rowlett, Dallas County, Texas and 2609 Lakeview Parkway described as 0.042 acres of right of way (ROW) situated in the Reason Crist Survey, Abstract Number 225, Lot 2 Lukes Landing Addition, Rowlett, Dallas County, Texas for use as a public street.

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, DETERMINING THE NECESSITY FOR THE EXERCISE OF THE POWER OF EMINENT DOMAIN AND THE INITIATION OF CONDEMNATION PROCEEDINGS TO ACQUIRE FEE**

**SIMPLE TITLE TO TRACTS OF LAND WITHIN THE CITY OF ROWLETT, TEXAS, CONSISTING OF APPROXIMATELY 0.276 ACRES OF PERMANENT RIGHT-OF-WAY AND 0.435 ACRES OF TEMPORARY CONSTRUCTION EASEMENT FOR PROPERTY DESCRIBED AS LAND SITUATED IN THE REASON CRIST SURVEY, ABSTRACT NUMBER 225, AND FURTHER DESCRIBED AS A PART OF LOT 5A, BLOCK A, LUKE'S LANDING ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, LOCATED AT 5404 KENWOOD DRIVE, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND DEPICTED IN ATTACHMENTS 1 AND 2; AND PROPERTY CONSISTING OF 0.042 ACRES OF PERMANENT RIGHT-OF-WAY DESCRIBED AS LAND SITUATED IN THE REASON CRIST SURVEY, ABSTRACT NUMBER 225, AND FURTHER DESCRIBED AS A PART OF LOT 2, BLOCK A, LUKE'S LANDING ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, LOCATED AT 2609 LAKEVIEW PARKWAY, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN ATTACHMENT 4, FOR THE PUBLIC PURPOSE OF ACQUIRING RIGHT-OF-WAY FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF A PUBLIC STREET WITHIN THE CITY OF ROWLETT, DALLAS COUNTY, TEXAS; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, there is a public purpose, need and necessity to acquire certain rights-of-way for the construction, use, operation and maintenance of a public street; and

**WHEREAS**, the City has performed an appraisal of the properties which are the subject of this Resolution, and which are described as: 1) 0.276 +/- acres of right-of-way and 0.435 +/- acres of temporary construction easement on property located at 5404 Kenwood Drive and situated in the Reason Crist Survey, Abstract Number 225, Lot 5A, Block A, Luke's Landing Addition, Rowlett, Dallas County, Texas; and, 2) 0.042 +/- acres of right-of-way on property located at 2609 Lakeview Parkway and situated in the Reason Crist Survey, Abstract Number 225, Lot 2, Block A, Luke's Landing Addition, Rowlett, Dallas County, Texas; said properties being more particularly described by metes and bounds in Attachments 1, 2, and 4, (the "Properties") which are attached hereto and incorporated herein; and

**WHEREAS**, the City has furnished the owner or reputed owners and persons claiming an interest in the Properties (KMS Retail Huntsville, LP for 5404 Kenwood Drive and Jerry A. Rosenblum and Cheryl Rosenblum as Trustees of the 2002 Jerry A. Rosenblum and Cheryl Rosenblum Revocable Trust for 2609 Lakeview Parkway) (hereinafter "Owners"), with the fair market value appraisal and a true and correct copy of the Landowner's Bill of Rights, and has attempted to negotiate a voluntary sale of the Property with said owners in an amount of at least the certified appraised value; and

**WHEREAS**, based upon the appraisal of the Property, the City Council directed staff to make a final bona fide offer for the purchase of said Properties and the negotiations to purchase the Property voluntarily have been unsuccessful; and

**WHEREAS**, the City Council of the City of Rowlett, Texas, finds and determines that proceedings in eminent domain are the City's only option to acquire the Properties and, by this Resolution, authorizes the institution of condemnation proceedings to that end.

**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 finds and determines that the premises hereof are true and correct and that a public necessity exists for the welfare of the City and its citizens and it is in the public interest to acquire the tracts of land consisting of: 0.276 acres of right-of-way and 0.435 acres of temporary construction easement on property located at 5404 Kenwood Drive and situated in the Reason Crist Survey, Abstract Number 225, and described as a part of Lot 5A, Block A, Luke's Landing Addition, Rowlett, Dallas County, Texas; and, 0.042 acres of right-of-way on property located at 2609 Lakeview Parkway situated in the Reason Crist Survey, Abstract Number 225, and described as a part of Lot 2, Block A, Luke's Landing Addition, Rowlett, Dallas County, Texas for the public purpose of acquiring right-of-way for construction, maintenance and operation of a public street; the said properties being more specifically described in Attachments 1, 2, and 4, all being made a part hereof for all purposes.

**Section 2:** That the City Manager or designee is hereby authorized on behalf of the City to attempt to agree on damages and compensation to be paid to the owners of the property. If the City Manager or designee determines that an agreement to damages and compensation cannot be reached then the City Attorney or designee is hereby authorized to file or cause to be filed against the owners and interested parties of the Properties proceedings in eminent domain to acquire the properties in fee simple.

**Section 3:** That if it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, or if it is later determined that other persons not named herein own any right, title or interest in or to the Properties, the City Attorney or designee is authorized to have such errors corrected or revisions made without the necessity of obtaining City Council approval authorizing the condemnation of the corrected or revised property or owners.

**Section 4:** That the owner or reputed owners, and persons claiming an interest in the Property are KMS Retail Huntsville, LP (5404 Kenwood Dr.) and Jerry A. Rosenblum and Cheryl Rosenblum as Trustees of the 2002 Jerry A. Rosenblum and Cheryl Rosenblum Revocable Trust (2609 Lakeview Parkway).

**Section 5:** That this resolution shall become effective immediately upon its passage.

**ATTACHMENTS**

Attachment 1 – Right-of-Way Exhibits (5404 Kenwood Dr.)

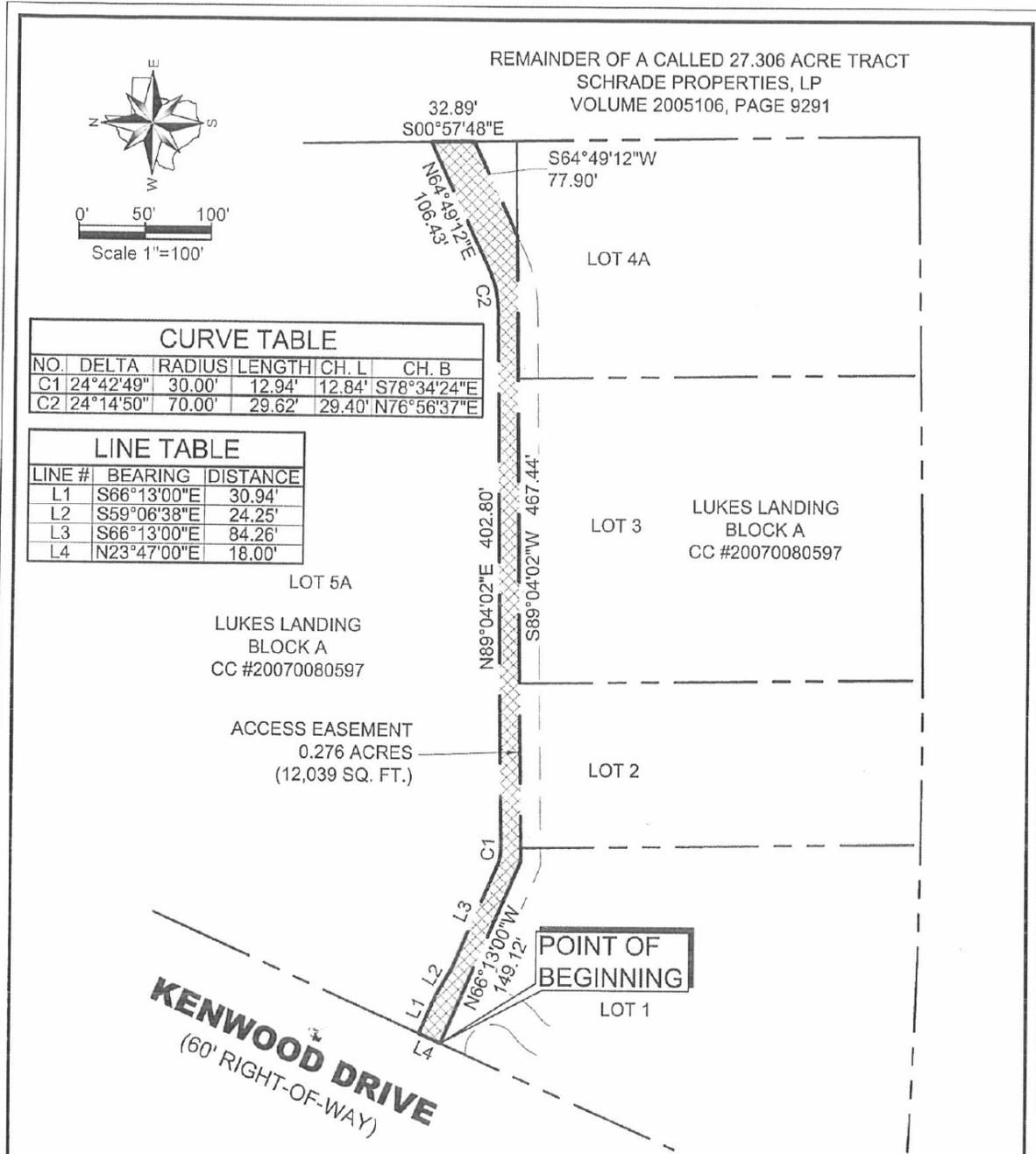
Attachment 2 – Temporary Construction Easement Exhibits (5404 Kenwood Dr.)

Attachment 3 – Aerial Map (5404 Kenwood Dr.)

Attachment 4 – Right-of-Way Exhibits (2609 Lakeview Parkway)

Attachment 5 – Aerial Map (2609 Lakeview Parkway)

**ATTACHMENT 1  
PERMANENT RIGHT OF WAY (5404 KEWOOD DR.)**



CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	24°42'49"	30.00'	12.94'	12.84'	S78°34'24"E
C2	24°14'50"	70.00'	29.62'	29.40'	N76°56'37"E

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S66°13'00"E	30.94'
L2	S59°06'38"E	24.25'
L3	S66°13'00"E	84.26'
L4	N23°47'00"E	18.00'

**KENWOOD DRIVE**  
(60' RIGHT-OF-WAY)

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
8759 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75220  
(972) 490-7090 (972) 490-7099 FAX  
Texas Engineers Registration No. 85  
Firm Registration/ license No. 10086900 Expires 10-31-14  
COPYRIGHT © 2014 Winkelmann & Associates, Inc.

Scale: 1" = 100'  
Date: 10.27.14  
Dwg. File: 64003-ESMT-ACCESS-5A  
Project No.: 64003

*Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.*

ACCESS EASEMENT  
0.276 ACRES  
(12,039 SQ. FT.)

BRIARWOOD CAPITAL CORPORATION  
2911 TURTLE CREEK BOULEVARD,  
SUITE 1240  
DALLAS, TEXAS 75219

**SHEET  
1  
OF  
2**

G:\1640\03\SURVEY\Easements\54003-ESMT-ACCESS-5A.dwg

**PROPERTY DESCRIPTION**

STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEING a tract of land situated in the REASON CRIST SURVEY, ABSTRACT NO. 225, in the City of Rowlett, Dallas County, Texas, being a portion of Lot 5A, Block A, of Lukes Landing, an addition to the City of Rowlett, Rockwall County, Texas, according to the Plat thereof recorded in County Clerk's Instrument No. 20070080597, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner on the Easterly right-of-way of Kenwood Drive, a 60-foot right-of-way, said point being the most Westerly Southwest corner of said Lot 5A, and the Northwest corner of Lot 1, Block A, of said Lukes Landing;

THENCE North 23 deg 47 min 00 sec East, along the Easterly right-of-way of said Kenwood Drive and the Westerly line of said Lot 5A, a distance of 18.00 feet to a point for corner;

THENCE departing the Easterly right-of-way of said Kenwood Drive, over and across said Lot 5A, the following courses and distances:

South 66 deg 13 min 00 sec East, a distance of 30.94 feet to a point for corner;

South 59 deg 06 min 38 sec East, a distance of 24.25 feet to a point for corner;

South 66 deg 13 min 00 sec East, a distance of 84.26 feet to a point for corner, said point being the beginning of a curve to the left having a radius of 30.00 feet, a central angle of 24 deg 42 min 49 sec, a chord bearing of South 78 deg 34 min 24 sec East, and a chord length of 12.84 feet;

Along said curve to the left, an arc distance of 12.94 feet to a point for corner;

North 89 deg 04 min 02 sec East, a distance of 402.80 feet to a point for corner, said point being the beginning of a curve to the left having a radius of 70.00 feet, a central angle of 24 deg 14 min 50 sec, a chord bearing of North 76 deg 56 min 37 sec East, and a chord length of 29.40 feet;

Along said curve to the left, an arc distance of 29.62 feet to a point for corner;

North 64 deg 49 min 12 sec East, a distance of 106.43 feet to a point for corner on the East line of said Lot 5A and the West line of the remainder of a called 27.306 acre tract described in deed to Schrade Properties, L.P. as recorded in Volume 2005106, Page 9291, Official Public Records, Rockwall County, Texas;

THENCE South 00 deg 57 min 48 sec East, along the East line of said Lot 5A and the West line of said Schrade Properties tract, a distance of 32.89 feet to a point for corner;

THENCE South 64 deg 49 min 12 sec West, departing the West line of said Schrade Properties tract, over and across said Lot 5A, a distance of 77.90 feet to a point for corner on the North line of said Lot 4A;

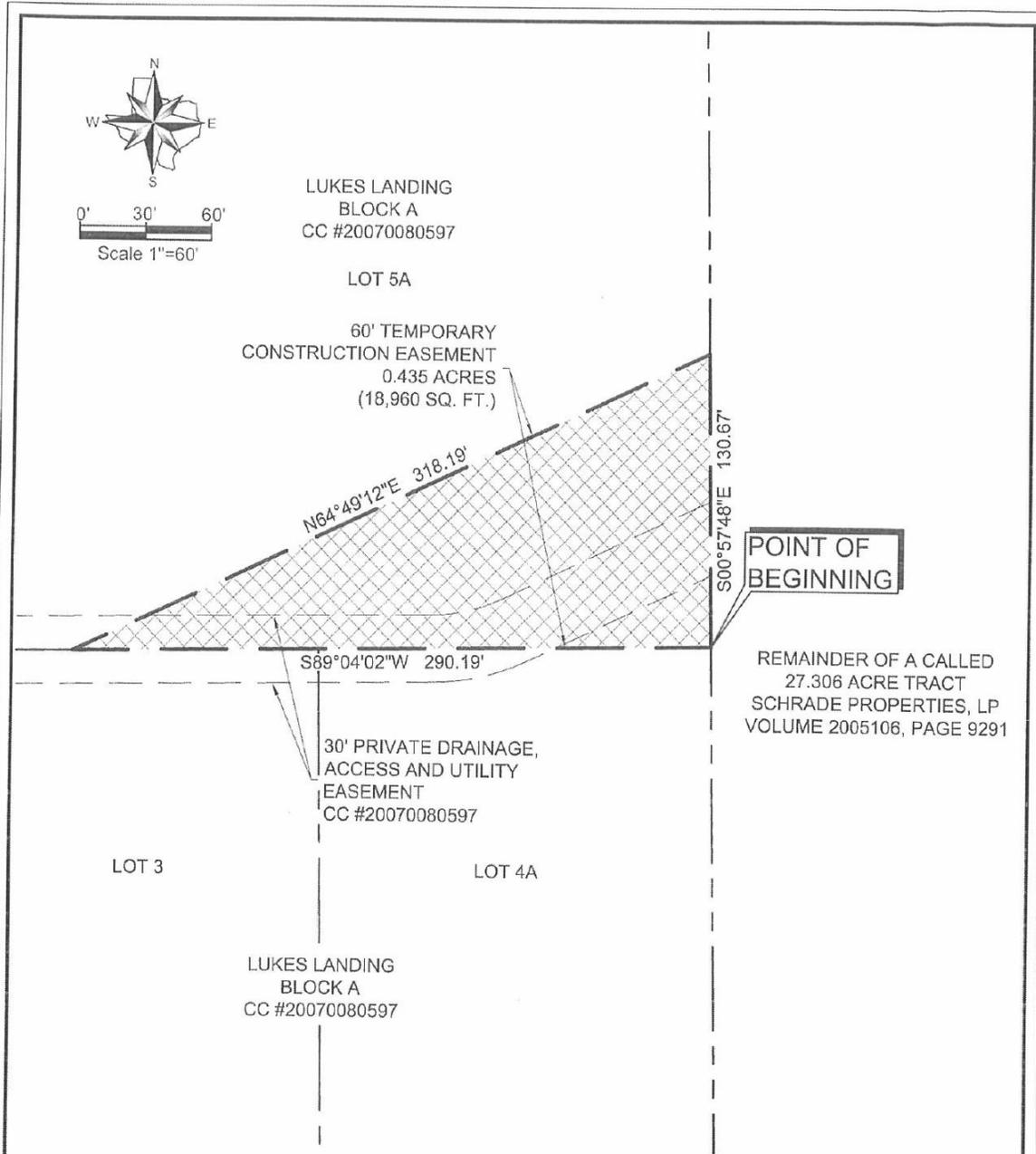
THENCE South 89 deg 04 min 02 sec West, along the Southerly line of said Lot 5A and the Northerly line of Lots 1, 2, 3, and 4A, Block A, of said Lukes Landing, a distance of 467.44 feet to a point for corner;

THENCE North 66 deg 13 min 00 sec West, continuing along the South line of said Lot 5A and the Northerly line of said Lot 1, a distance of 149.12 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 12,039 square feet or 0.276 acres of land, more or less. Bearings shown hereon are based upon the Plat of Lukes Landing as recorded in County Clerk's Instrument No. 20070080597, Official Public Records, Dallas County, Texas.

 <p><b>Winkelmann &amp; Associates, Inc.</b>                  CONSULTING CIVIL ENGINEERS ■ SURVEYORS                  6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230                  Texas Engineer Registration No. 62                  Firm Registration Number No. 16295623 Expires 12/31/14                  ©COPYRIGHT © 2014 Winkelmann &amp; Associates, Inc.</p>	<p><i>Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.</i></p>	<p>ACCESS EASEMENT                  0.276 ACRES                  (12,039 SQ. FT.)</p>	<p><b>SHEET</b>  <b>2</b>  <b>OF</b>  <b>2</b></p>
<p>Scale: N/A                  Date: 10/27/14                  Dwg. File: 64003-ESMT-ACCESS-5A                  Project No.: 64003</p>			

**ATTACHMENT 2  
TEMPORARY CONSTRUCTION EASEMENT (5404 KENWOOD DR.)**



**W Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST FLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75220  
Texas Engineers Registration No. 69 Firm Registration License No. 10067600 Expires 12/31/14 OCP#41043 © 2014 Winkelmann & Associates, Inc.

Scale: 1" = 60'  
Date: 10.27.14  
Dwg. File: 64003-ESMT-TEMP-CONST  
Project No.: 64003

*Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.*

**60' TEMPORARY CONSTRUCTION EASEMENT  
0.435 ACRES (18,960 SQ. FT.)**

**BRIARWOOD CAPITAL CORPORATION  
2911 TURTLE CREEK BOULEVARD,  
SUITE 1240  
DALLAS, TEXAS 75219**

**SHEET  
1  
OF  
2**

**PROPERTY DESCRIPTION**

STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEING a tract of land situated in the REASON CRIST SURVEY, ABSTRACT NO. 225, in the City of Rowlett, Dallas County, Texas, being a portion of Lot 5A, Block A, of Lukes Landing, an addition to the City of Rowlett, Rockwall County, Texas, according to the Plat thereof recorded in County Clerk's Instrument No. 20070080597, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner on the West line of the remainder of a called 27.305 acre tract described in deed to Schrade Properties, L.P. as recorded in Volume 2005106, Page 9291, Official Public Records, Dallas County, Texas, said point being the Southeast corner of said Lot 5A, and the Northeast corner of Lot 4A, Block A, of said Lukes Landing;

THENCE South 89 deg 04 min 02 sec West, along the South line of said Lot 5A, the North line of said Lot 4A and Lot 3, Block A, of said Lukes Landing, a distance 290.19 feet to a point for corner;

THENCE North 64 deg 49 min 12 sec East, departing the South line of said Lot 5A, over and across said Lot 5A, a distance of 318.19 feet to a point for corner on the West line of said Schrade Properties tract and the East line of said Lot 5A;

THENCE South 00 deg 57 min 48 sec East, along the East line of said Lot 5A and the West line of said Schrade Properties tract, a distance of 130.67 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 18,960 square feet or 0.435 acres of land, more or less. Bearings shown hereon are based upon the Plat of Lukes Landing as recorded in County Clerk's Instrument No. 20070080597, Official Public Records, Dallas County, Texas.

 <p><b>Winkelmann &amp; Associates, Inc.</b>                  CONSULTING CIVIL ENGINEERS ■ SURVEYORS                  6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230                  (972) 410-7000 (972) 410-7009 FAX                  Texas Engineers Registration No. 89                  Professional Seal No. 10389500 Expires 12-31-14                  © Copyright © 2014 Winkelmann &amp; Associates, Inc.</p>	<p><i>Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.</i></p>	<p>60' TEMPORARY CONSTRUCTION EASEMENT                  0.435 ACRES (18,960 SQ. FT.)</p>	<p><b>SHEET</b> <b>2</b> <b>OF</b> <b>2</b></p>

ATTACHMENT 3  
AERIAL PHOTOGRAPH (5404 KENWOOD DR.)



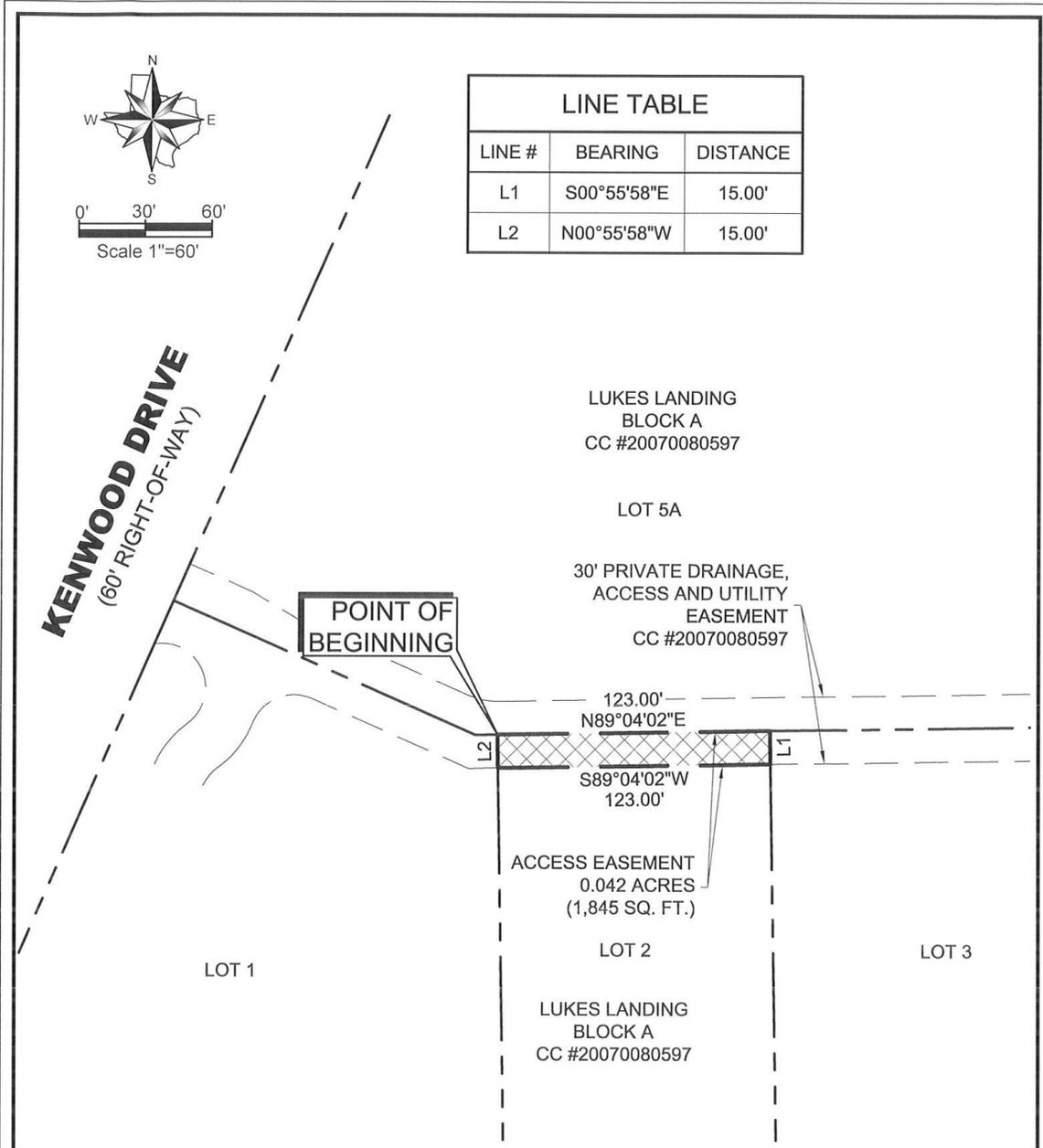
Aerial Map  
DFWMaps.com

**DISCLAIMER**

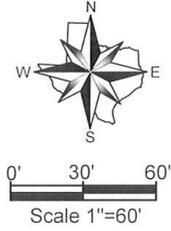
This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



**ATTACHMENT 4**  
**PERMANENT RIGHT OF WAY (2609 LAKEVIEW PARKWAY DR.)**



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S00°55'58"E	15.00'
L2	N00°55'58"W	15.00'



**KENWOOD DRIVE**  
 (60' RIGHT-OF-WAY)

**POINT OF BEGINNING**

LUKES LANDING  
 BLOCK A  
 CC #20070080597

LOT 5A

30' PRIVATE DRAINAGE,  
 ACCESS AND UTILITY  
 EASEMENT  
 CC #20070080597

123.00'  
 N89°04'02"E  
 S89°04'02"W  
 123.00'

ACCESS EASEMENT  
 0.042 ACRES  
 (1,845 SQ. FT.)

LOT 1

LOT 2

LOT 3

LUKES LANDING  
 BLOCK A  
 CC #20070080597

 <p><b>Winkelmann &amp; Associates, Inc.</b>                  CONSULTING CIVIL ENGINEERS ■ SURVEYORS                  6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230                  (972) 490-7090 (972) 490-7099 FAX                  Texas Engineers Registration No. 89                  Firm Registration License No. 10086600 Expires 12-31-14                  COPYRIGHT © 2014, Winkelmann &amp; Associates, Inc.</p>	<p><i>Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.</i></p>	ACCESS EASEMENT 0.042 ACRES (1,845 SQ. FT.)	<p><b>SHEET</b>  <b>1</b>  <b>OF</b>  <b>2</b></p>
		BRIARWOOD CAPITAL CORPORATION 2911 TURTLE CREEK BOULEVARD, SUITE 1240 DALLAS, TEXAS 75219	
Scale: 1" = 60' Date: 10.27.14 Dwg. File: 64003-ESMT-ACCESS-2 Project No.: 64003			

**PROPERTY DESCRIPTION**

STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEING a tract of land situated in the REASON CRIST SURVEY, ABSTRACT NO. 225, in the City of Rowlett, Dallas County, Texas, being a portion of Lot 2, Block A, of Lukes Landing, an addition to the City of Rowlett, Rockwall County, Texas, according to the Plat thereof recorded in County Clerk's Instrument No. 20070080597, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner on the South line of Lot 5A, Block A, of said Lukes Landing, said point being the Northwest corner of said Lot 2, and the most Northeasterly corner of Lot 1, Block A, of said Lukes Landing;

THENCE North 89 deg 04 min 02 sec East, along the North line of said Lot 2 and the South line of said Lot 5A, a distance 123.00 feet to a point for corner, said point being the Northeast corner of said Lot 2 and the Northwest corner of Lot 3, Block A, of said Lukes Landing;

THENCE South 00 deg 55 min 58 sec East, departing the South line of said Lot 5A, along the East line of said Lot 2 and the West line of said Lot 3, a distance of 15.00 feet to a point for corner;

THENCE South 89 deg 04 min 02 sec West, departing the West line of said Lot 3, over and across said Lot 2, a distance of 123.00 feet to a point for corner on the West line of said Lot 2 and the East line of said Lot 1;

THENCE North 00 deg 55 min 58 sec West, along the East line of said Lot 1 and the West line of said Lot 2, a distance of 15.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 1,845 square feet or 0.042 acres of land, more or less. Bearings shown hereon are based upon the Plat of Lukes Landing as recorded in County Clerk's Instrument No. 20070080597, Official Public Records, Dallas County, Texas.



**Winkelmann & Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
 6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
 DALLAS, TEXAS 75230 (972) 490-7099 FAX  
 Texas Engineers Registration No. 69  
 Firm Registration/ license No. 10086600 Expires 12-31-14  
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Scale : N/A  
 Date : 10.27.14  
 Dwg. File : 64003-ESMT-ACCESS-2  
 Project No. : 64003

*Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.*

ACCESS EASEMENT  
 0.042 ACRES  
 (1,845 SQ. FT.)

BRIARWOOD CAPITAL CORPORATION  
 2911 TURTLE CREEK BOULEVARD,  
 SUITE 1240  
 DALLAS, TEXAS 75219

**SHEET**  
**2**  
**OF**  
**2**

**ATTACHMENT 5  
AERIAL PHOTOGRAPH (2609 LAKEVIEW PARKWAY)**

