City of Rowlett

Meeting Agenda

City Council

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

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

Tuesday, July 21, 2015 | **6:00 P.M.** | **Municipal Building – 4000 Main Street**

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

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

1. CALL TO ORDER

2. EXECUTIVE SESSION (6:00 P.M.) * Times listed are approximate.

2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) to discuss commercial or financial information and the offer of incentives to business prospects that the City may seek to have locate, stay or expand in Rowlett and with which the City is conducting economic development negotiations. (45 minutes)

3. WORK SESSION (6:45 P.M.) * Times listed are approximate.

3A. Discuss authorizing the issuance and sale of City of Rowlett, Texas General Obligation Refunding and Improvement Bonds and Waterworks and Sewer System Refunding Bonds, both Series 2015, and future issuance of Waterworks and Sewer System Improvement Bonds and Certificates of Obligation. (15 minutes)

3B. Update Council on Year 5 of Employee Benefits Strategy to include Plan Performance Update, Wellness Update, Live Healthy America Challenge, Biometric Screening Results & Comparisons, Stakeholders Code of Conduct, and Year 4 Strategy. (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. Presentation of Proclamation in recognition of Jason Michael Ross attaining the rank of Eagle Scout.

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

6. CITIZENS' INPUT

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

7. CONSENT AGENDA

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

7A. Consider action to approve minutes from the July 7, 2015, City Council Regular Meeting.

7B. Consider action to approve a resolution adopting the City's Investment Guidelines Document for the Other Post-Employment Benefits (OPEB) Trust Plan within the Public Agency Retirement Services (PARS) Post-Retirement Health Care Plan Trust Program.

7C. Consider action to approve a resolution exercising the first of four one-year renewal options for Section I mowing services to Ely Tree and Landscape in the unit amounts bid with an estimated annual amount of $65,000 for the Community Services Code Enforcement Division.

7D. Consider amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

8A. Consider adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas General Obligation Refunding and Improvement Bonds, Series 2015 and Waterworks and Sewer System Refunding Bonds, Series 2015; approving the official statement, providing an effective date; and enacting other provisions relating to the subject.

8B. Consider an ordinance to rezone from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District, with Major Warrants to allow modification to the lighting and open space standards for buildings fronting on open space, for properties located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road. (Case FW14-740)

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

9. ADJOURNMENT

Laura Hallmark

Laura Hallmark, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the City's website (www.rowlett.com) on the 17th day of July 2015, by 5:00 p.m.

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 2A

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) to discuss commercial or financial information and the offer of incentives to business prospects that the City may seek to have locate, stay or expand in Rowlett and with which the City is conducting economic development negotiations. (45 minutes)

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City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
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AGENDA DATE: 07/21/15 **AGENDA ITEM**: 3A

TITLE

Discuss authorizing the issuance and sale of City of Rowlett, Texas General Obligation Refunding and Improvement Bonds, Waterworks and Sewer System Refunding Bonds, both Series 2015. (DISCUSSED IN JUNE 16, 2015, WORK SESSION. THIS IS A SHORT UPDATE BEFORE THE FINAL ISSUANCE AND SALE APPROVAL TONIGHT) (15 minutes)

STAFF REPRESENTATIVE

Brian Funderburk, City Manager
Jim Proce, Assistant City Manager
Wendy Badgett, Interim Finance Director

SUMMARY

The City of Rowlett desires to issue $10.1 million in General Obligation Bonds for the first phase of the 2015 Bond Election Capital Plan in combination with $26.2 million in General Obligation Refunding Bonds to maximize debt savings. The City also desires to issue $13.3 million in Waterworks & Sewer System Refunding Bonds to maximize debt savings.

In the June 16, 2015, City Council Work Session, preliminary issuance data was discussed with Council. This discussion will present an updated future issuance decision on the $5.0 million Waterworks & Sewer System Improvement Bonds for phase two of the Utility Capital Improvements Plan approved in the fiscal year 2014 and 2015 budgets as well as updated information on the future potential sale of Certificates of Obligation to fund the City of Rowlett's cost portion of the City of Garland's Federal and State mandated radio system upgrade. Additionally, final pricing of the General Obligation Refunding and Improvement Bonds, Series 2015 and the Waterworks & Sewer System Refunding Bonds will be finalized on July 21st and presented during the work session.

BACKGROUND INFORMATION

General Obligation Improvement Bonds

During the FY2014 budget discussions, the City conferred with Council on the upcoming long-term strategic capital needs and challenges that could not be addressed with merely a reprioritization of dollars.

These discussions noted that while staff had developed a much needed "bridge" to FY2015 in order to provide time for economic development to begin to occur as a result of the opening of PGBT and DART and the completion of Rowlett 2020, the City would run out of the capital construction bonds issued in 2004-2007, making FY2015 a pivotal year for a possible general bond election. The potential bond election was readdressed in the summer of 2014 during the FY2015 budget preparation and resulted in the decision to plan a May 2015 bond election to

address the funding needs of capital infrastructure. Upon Council's direction to staff in July 2014, a Construction Improvement Plan (CIP) Task Force, including Rowlett citizens, was organized to assess capital needs and make a recommendation to Council for the May 2015 bond election, including project identification and prioritization. On May 9, 2015, the $25.8 million capital improvement plan bond election passed.

General Obligation/Water & Sewer Refunding Bonds

An integral part of the cash management and financing for City debt involves the continual evaluation and management of debt service and terms of our existing bonds. Due to the current market, the City has the opportunity to refund (or refinance) bonds, thereby obtaining significant savings in interest payments on existing bonds. This sale will include $25.4 million (principal only) in general obligation refunding bonds and $12.9 million (principal only) in Water & Sewer System Revenue Refunding Bonds with an estimated total savings of $2.6 million over the remaining life of the bonds.

Future Water & Sewer Improvement Bonds

In August 2012, the City issued water and sewer revenue bonds totaling $8.5 million with the primary purpose of addressing the water pressure in the upper pressure zone. During the FY2014 budget discussions, the City conferred with Council that the Utility Revenue bond payments would decline in FY2015 sufficient to issue $10.0 million in additional water and sewer bonds to fund a Two-Year Utility Capital Improvement Plan in order to continue to address the water pressure in the upper pressure plane zone. The FY2014 budget originally included a planned sale of the full $10.0 million of revenue bonds; however, due to the pace of construction for the upper pressure zone, staff reduced the sale to $5.0 million, with the intent to sell the additional $5.0 million in the summer of 2015. ***Due to the combination of water restrictions and higher precipitation, the Utility Fund will not hit its revenue target for FY2015. Not knowing how customer behavior will change after four years of drought, staff is recommending deferring the additional $5.0 million until we determine how revenues "renormalize" in FY2016****.*

Future Certificates of Obligation

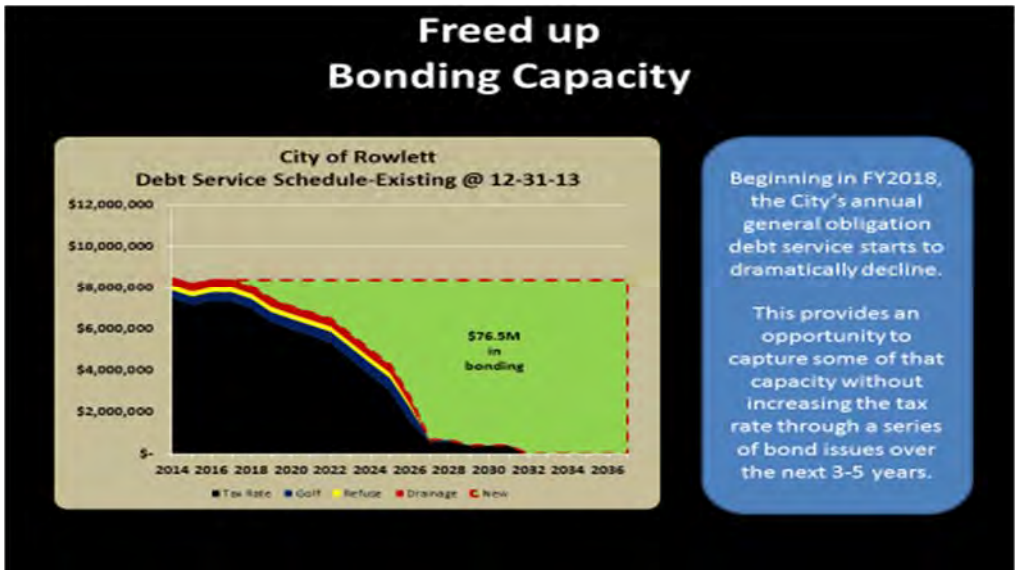
In the March 11, 2014, Council Work Session, staff discussed with Council that in August of 2013, the City of Garland notified all City of Garland radio users that their radio system will come to the end of its useful life in December, 2016. The City of Rowlett has been a user on Garland's radio system for 17 years. Pursuant to Federal and State Law, all future radio systems for the Police and Fire departments must become Phase II/P25 compliant by 2017. It was determined through an equipment needs assessment performed by RCC Consultants, hired by the City of Garland, that the City of Rowlett identified the need for one additional radio tower to be established on the east side of Rowlett as well as additional equipment to comply with the new radio system. To comply with the new law, the City of Rowlett is reviewing the option to issue Certificates of Obligation sometime in FY2016 to fund the cost of the tower and required equipment. There is a regional partnership effort involved with this project that includes Garland, Mesquite, Sachse and GISD. ***The purpose of this item was simply to alert Council and the public that there will be certificates of obligation sold during FY2016 once the primary contracts have been let and costs incurred, most likely sometime in January – February of 2017.****.*

DISCUSSION

As indicated above, the City of Rowlett has been planning for the sale of bonds during the summer of 2015. While the Water & Sewer Improvement bonds were fairly certain, the General Obligation bonds were dependent upon a successful bond election in May 2015. In addition, the City is working in a regional partnership with Garland, Mesquite, and Sachse to upgrade its public safety radio system to make sure we are Phase II/P25 compliant by 2017. This staff report will discuss the purpose of and each type of bond to be issued this summer and anticipated in FY2016.

General Obligation Improvement Bonds

Beginning in FY2018, the City's annual general obligation debt service starts to dramatically decline. Staff noted last year that this freed up bond capacity (see chart below) could provide for as much as $76.5 million over the next 10 years without a tax rate increase. Therefore, the $25.8 million General Obligation Bond issuance approved in the May 2015 bond election will come at no increased tax rate to the citizens of Rowlett. To keep pace with construction efforts, the City will issue the general obligation debt over three-years, with the first $10.1 million being issued in FY2015, $4.8 million being issued in FY2016 and the final $10.9 million being issued in FY2017.



On June 2, 2015, the CIP Task Force unanimously approved the Three-Year Capital Improvement Plan allocation of projects to be funded developed by staff. At the June 9, 2015, and June 16, 2015, City Council Work Sessions, the Council reviewed the Plan, which includes the allocation and amount of debt needed to accomplish the capital projects in fiscal years 2016, 2017 and 2018.

General Obligation Ref & Improvement Bonds

Rowlett®

Series 2015- NEW MONEY PORTION

New Money Purpose:

$7,015,000	Streets & Roads
$1,957,500	Parks & Recreation
$985,000	Police & Fire
$9,957,500	Total Proceeds

- Level Annual Debt Service Payments
- Slight Acceleration of Principal in Order to Maintain Current Tax Rate

Preliminary/Estimated Debt Service
August 20th Delivery; 4.03% True Interest Cost

FYE	Principal	Interest	Total P&I
2016	$ 450,000	$ 343,854	$ 793,854
2017	445,000	343,231	788,231
2018	410,000	336,108	746,108
2019	390,000	328,080	718,080
2020	395,000	319,107	714,107
2021	410,000	308,671	718,671
2022	420,000	296,859	716,859
2023	435,000	283,856	718,856
2024	445,000	269,528	714,528
2025	465,000	253,638	718,638
2026	480,000	236,196	716,196
2027	500,000	217,249	717,249
2028	520,000	196,844	716,844
2029	540,000	175,163	715,163
2030	565,000	152,118	717,118
2031	590,000	127,629	717,629
2032	615,000	101,748	716,748
2033	640,000	74,512	714,512
2034	670,000	45,820	715,820
2035	700,000	15,540	715,540
	$ 10,085,000	$ 4,425,747	$ 14,510,747

Bond Rating Presentation | July 2015

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Please note that these are not final pricing results; therefore, the results may slightly change. The pricing date is Tuesday, July 21, 2015.

General Obligation/Water & Sewer Refunding Bonds

As indicated above, the City has the opportunity to refund a significant amount of bonds totaling $38.3 million with a gross dollar savings of $2.6 million over the remaining life of the bonds. The following section discusses each one in turn.

General Obligation Refunding Bonds

The City's financial advisor has identified approximately $25.4 million (principal only) in governmental bonds that are available for refunding in the current market, providing significant debt service savings. The bond refunding includes the bonds and savings as outlined below:

General Obligation Ref & Improvement Bonds

Rowlett

Series 2015- REFUNDING PORTION

Issues:	Call feature:	Par Refunded:
Seires 2005 GO REF	Currently Callable	$3,095,000
Series 2005 CO	Currently Callable	$5,905,000
Series 2006 CO	2/15/2016	$16,395,000

Purpose/Goal:

- Replace higher interest rate debt with lower interest rate debt
- Reduce the overall debt service payments

Term:
Same as original; no extension to the debt

Refunding Statistics

Par Amount of Refunding Portion	$26,170,000
True Interest Cost	3.20%
Total Gross Debt Service Savings	**$1,937,998**
Average Annual Gross Debt Service Savings	**$121,125**
Net Present Value Savings	**5.73%**

Preliminary/Estimated Refunding Analysis
August 20th; 3.20% True Interest Cost

FYE	Old Net Debt Service	New Net Debt Service	Projected Savings
2016	$ 2,990,271	$ 2,867,982	$ 122,289
2017	4,115,278	3,996,001	119,277
2018	3,930,139	3,810,363	119,776
2019	3,917,900	3,799,151	118,749
2020	3,577,234	3,456,583	120,651
2021	1,937,088	1,814,303	122,785
2022	1,940,463	1,816,960	123,503
2023	1,940,088	1,820,273	119,815
2024	1,940,838	1,818,650	122,188
2025	1,941,394	1,821,381	120,013
2026	1,946,322	1,823,530	122,792
2027	421,484	300,801	120,684
2028	418,931	295,699	123,232
2029	420,481	299,960	120,521
2030	421,006	298,491	122,516
2031	420,506	301,298	119,208
	$32,279,422	$30,341,424	$ 1,937,998

Bond Rating Presentation | July 2015

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Please note that these are not final pricing results; therefore, the results may slightly change. The pricing date is Tuesday, July 21, 2015.

Water & Sewer System Refunding Bonds

The City's financial advisor has identified approximately $12.9 million (principal only) in Water & Sewer System Revenue Bonds that are available for refunding in the current market, providing significant debt service savings. The bond refunding includes the bonds and savings as outlined below:

Waterworks & Sewer System Refunding Bonds

Rowlett

Series 2015- REFUNDING FOR SAVINGS

Issues:	Call feature:	Par Refunded:
Seires 2005 W&S	Currently Callable	$2,970,000
Series 2005A W&S	Currently Callable	$3,950,000
Series 2006 W&S REF	3/1/2016	$5,990,000

Purpose/Goal:

- Replace higher interest rate debt with lower interest rate debt
- Reduce the overall debt service payments

Term:
Same as original; no extension to the debt

Refunding Statistics

Par Amount of Refunding Bonds	$13,265,000
True Interest Cost	3.19%
Total Gross Debt Service Savings	**$ 685,732**
Average Annual Gross Debt Service Savings	**$ 62,339**
Net Present Value Savings	**4.39%**

Preliminary/Estimated Refunding Analysis
August 20th; 3.19% True Interest Cost

FYE	Old Net Debt Service	New Net Debt Service	Projected Savings
2016	$ 1,331,036	$ 1,267,754	$ 63,282
2017	2,157,326	2,093,388	63,938
2018	1,875,407	1,814,369	61,038
2019	1,877,383	1,816,802	60,581
2020	1,613,636	1,552,517	61,120
2021	1,281,623	1,221,000	60,623
2022	1,279,489	1,215,285	64,204
2023	1,279,866	1,216,593	63,273
2024	1,282,653	1,219,327	63,326
2025	1,282,913	1,222,928	59,985
2026	752,456	688,095	64,361
	$16,013,787	$15,328,055	$ 685,732

Bond Rating Presentation | July 2015

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Please note that these are not final pricing results; therefore, the results may slightly change. The pricing date is Tuesday, July 21, 2015.

FINANCIAL/BUDGET IMPLICATIONS

General Obligation Refunding and Improvement Bonds

Funding for the General Obligation Refunding and Improvement Bonds will come from ad valorem taxes stemming from freed up bond capacity and new growth. Issuance costs will be paid out of the bond proceeds. Preliminary values show the estimated average impact of the $10.1 million 2015 Bond Election phase 1 portion of the issue is approximately $725,537 per year, while the average savings of the refunding portion is approximately $121,125 per year.

Waterworks and Sewer System Refunding & Improvement Bonds

Funding for the Waterworks and Sewer System Refunding Bonds will come from water and sewer fund revenue stemming from freed up bond capacity. Preliminary values show the estimated average savings of the refunding is $62,339 per year.

The actual debt service will not be known until the City's financial advisors, First Southwest, price the bonds on July 21, 2015.

Staff will update Council on the final results during this work session.

RECOMMENDED ACTION

Item is to provide an update from the June 16, 2015, work session. Formal action to authorize the issuance and sale of the Bonds will be brought in tonight's Council meeting.

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 3B

TITLE

Update City Council on Year Five of the Employee Benefits Strategy to include Plan Performance Updates and the Wellness Accountability Plan status. (30 minutes)

STAFF REPRESENTATIVE

Irene Kasujja - Interim Director of Human Resources
Brian Funderburk – City Manager

SUMMARY

The purpose of this item is to update Council on the employee benefits strategy and projected changes for the upcoming year.

BACKGROUND INFORMATION

In Fiscal Year 2010, Staff developed a five-year benefits strategy to address the rising costs of employee healthcare and wellness. FY2015 represents the fifth year of that strategy. This report and a presentation to follow on July 21st will highlight the City's continued efforts towards this goal and upholding our Mission of *Building a Culture of Wellness and Creating Educated Consumers of Healthcare*.

DISCUSSION

In an effort to curb the increasing cost of healthcare, the City of Rowlett transitioned from a traditional fully-insured insurance approach to a partial self-funded insurance approach in FY2011. Staff realized that controlling the cost of healthcare goes beyond short-term solutions of adjusting co-pays and deductibles but rather requires the ongoing monitoring of plan performance and effectiveness, a strong commitment to wellness and continuing efforts to educate consumers about healthcare products and making informed choices.

Trend

Over the last 12 months (LTM) as of May 2015 we show:

- Total claims per capita (individual) at $9,659 a decrease of 3.2 percent from 2013-2014.
- Total plan cost per capita at $11,413 a decrease of 2.2 percent from 2013-2014.
- Claims paid in network were 94.1 percent and generic utilization was at 79.7 percent in 2013-2014 with a downward trend to 93.1 percent of claims paid being in network and generic utilization at 79.4 percent.

We attribute these results to a combination of factors including but not limited to:

- Employee education on fiscally responsible healthcare and pharmacy options.

- Use of Compass healthcare advisors for cost effective procedures, hospital facilities and billing.
- An active, effective and versatile Wellness Accountability Program.
- Safety awareness through partnership with Texas Municipal League.

Consumer Education

As an organization, we continue to increase communication with employees regarding the importance and benefits of being educated consumers. We have consequently experienced positive results:

- High utilization of in-network office visits.
- Generic drug substitutions instead of costly brand names.
- Lower claims costs for both the City of Rowlett and its employees.

The City also continues its partnership with Compass. Compass, an employee benefit advocacy firm, assists our employees and their dependents in understanding their benefits. Compass is also the liaison between our employees and the medical community and advocates for the best and most cost effective services. The services provided by Compass include:

- Unbiased Provider/Doctor recommendations
- Hospital cost and quality information
- Medical bill review and reconciliation
- Cost information for various medical procedures
- Scheduling services for doctor's appointments
- Pharmaceutical alternatives and cost reduction information

Wellness Accountability Program (WAP)

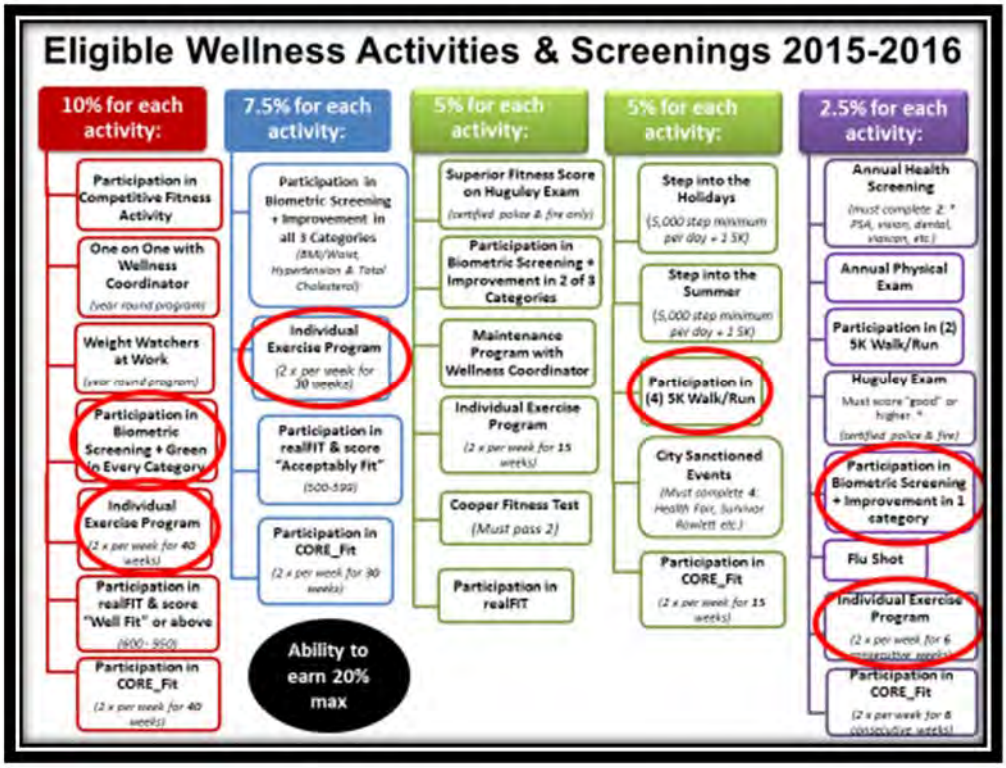
Developing a sound wellness program is another ongoing effort to address spiraling health care costs and promote wellness. This is integral to maintaining a healthy workforce, reduce absenteeism, and mitigating increasing health and prescription drug costs. In addition to this program, City employees participate in a variety of nutrition and weight loss programs ranging from one-on-one counseling sessions with our Wellness Coordinator to monthly "Weight Watchers" meetings.

Wellness Strategy

In line with our Mission of *Building a Culture of Wellness and Creating Educated Consumers of Healthcare,* we will continue to identify cost effective ways to enhance benefits, promote wellness but also contain costs and remain competitive with our survey cities. This will include continued Biometric Screenings and annual physicals; providing education and fitness classes (Core Fit and Real Fit) and promoting programs like 5-K runs and *Step-Into-Summer* programs. These programs keep employees active and continue to pay off. We continue to seek better ways to not only generate results but to motivate and encourage employees to live and breathe wellness.

The City implemented its WAP at the beginning of FY2013. In FY2014, the plan was modified to allow more flexibility in choice of activities and to add/change programs throughout the year. In all, employees on the City's medical plan were required to earn 20 percentage points to satisfy

the full year requirement. Those who did not fulfill the requirement incurred higher medical premiums. For FY2015, proposed changes to the WAP program will offer even more choices of elective options which, incidentally, are “Low Cost/No Cost” events. The new activities added specifically target the Biometric Screening elements. *A key component to the WAP this year is that many of the programs add a level of accountability with results to receive the incentive.*



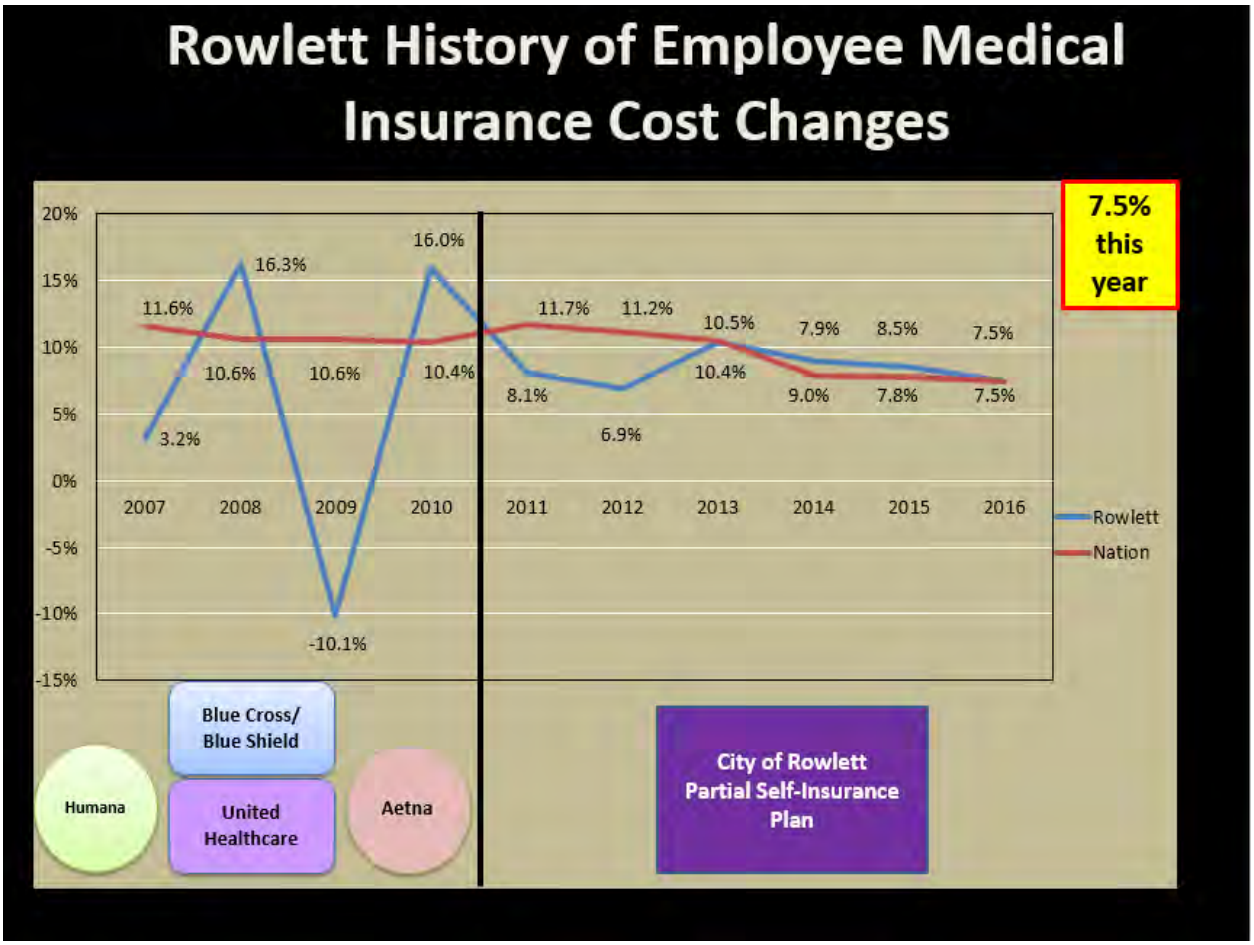
While we do make completing a Biometric Screening an option to all employees on the medical plan, we do not receive individual scores. The aggregate results we receive will not be compiled until the end of July 2015. However we are confident to say that this continues to be a measurable objective which we will continue to improve, expand and promote.

Historical Trend

The City’s decision to become partially self-insured was intended to address spiraling health care costs and promote wellness. This strategy gives the City the ability to gain greater access to population-specific claim detail, which provides increased ability for medical case management and cost containment. This information plays an integral role in the development of a sound wellness program, which is essential to maintaining a healthy workforce, reducing absenteeism, and mitigating increasing health and prescription drug costs.

We’re also confident that the successes we are seeing in our plan performance are directly tied to stability in our medical benefits providers. Past decisions to stabilize our annual rate and plan changes have dramatically reduced the turmoil associated with changing plans every year. As you can see from the chart below, since 2007, the City has been with Humana, Blue Cross/Blue

Shield, United Healthcare and Aetna. This resulted in huge spreads between years and, in some cases, even bigger increases were proposed. However, the City made changes to its plans to reduce those proposed increases. Since the City moved to its own partial self-insurance, the annual rate of increase has somewhat evened out and, in some cases, resulted in costs lower than that of national trends. For FY2016, we will experience a rate increase of 7.5 percent, equal to the national trend.



Employee clinic

The City continues to partner with Lake Pointe Medical to enable our employees to get, in most instances, same-day treatment for a variety of minor illnesses. The ease of access and convenience is not only a cost saving financially but a time saver for our employees. Lake Pointe Medical, continues to tabulate our usage rates, which enables us to identify inefficiencies and address them.

FINANCIAL/BUDGET IMPLICATIONS

In FY2014, Medical Insurance minimal program changes were anticipated. The overall increase to the health insurance fund budget was estimated at about 8.5 percent and included expected claims, Third-Party Administration costs, Stop Loss Premiums, Wellness Initiatives and other medical plan specific line items. As we have done for the past four years, the City will share the renewal increase

with employees at the stakeholder meetings in July. Based on the expected claims cost and final bid premiums from the City's benefits advisor, IPS, the City's and employee medical insurance rates will increase by 7.5 percent. This includes the Other Post-employment Benefits strategy. According to IPS, the national trend for this year is 7.5 percent; therefore, Rowlett is right on target.

RECOMMENDED ACTION

For informational purposes only.

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 5A

TITLE

Presentation of Proclamation to Jason Ross in recognition of obtaining the rank of Eagle Scout.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

ATTACHMENT

Proclamation

EAGLE SCOUT JASON ROSS

WHEREAS, Since the Boy Scouts of America was chartered by Congress in 1910, only five percent of boys entering the Boy Scouts achieve the rank of Eagle Scout, which is approximately two million – including military leaders, astronauts, state and national elected officials, and even a president; and

WHEREAS, Jason Ross has conquered many milestones since his entrance into scouting when he joined Troop 1062. Jason has received numerous awards and has earned 23 merit badges; and

WHEREAS, Jason has attained leadership positions during his time in scouting including quartermaster, scribe, and senior patrol leader; and

WHEREAS, Jason's Eagle Scout Project involved refurbishing a memorial garden at Rowlett High School for a fellow scout who had passed away several years ago in a car accident. This project included the coordination of 29 volunteers to install fresh plants and mulch; and

WHEREAS, Jason received his rank of Eagle Scout in June, 2015, and was publicly recognized at an Eagle Court of Honor held on his behalf on July 19, 2015.

NOW, THEREFORE, I, Todd W. Gottel, Mayor of the City of Rowlett, Texas, and on behalf of the City Council, do hereby give special recognition to

EAGLE SCOUT JASON ROSS

in the City of Rowlett, Texas, and encourage the citizens of the community to join me with sincere congratulations to Jason in attaining this great achievement.

21st July 15

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **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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AGENDA DATE: 07/07/15 **AGENDA ITEM**: 7A

TITLE

Consider action to approve minutes from the July 7, 2015, City Council Regular 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 minutes for the July 7, 2015, City Council Regular Meeting.

ATTACHMENTS

07-07-15 City Council Meeting Minutes

City of Rowlett

Meeting Minutes

City Council

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

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

Tuesday, July 7, 2015 **5:30 P.M.** **Municipal Building – 4000 Main Street**

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

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

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

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:31 p.m.

2. EXECUTIVE SESSION

2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.074 (Personnel) to discuss and deliberate on the evaluation and duties of the City's Municipal Court Judges: Owen Lokken, Pam Liston and Rick Schimmel. (45 minutes)

In at 5:32 p.m. Out at 6:38 p.m.

3. WORK SESSION (6:15 P.M.) * Times listed are approximate.

After a short break, Council reconvened in the Work Session at 6:42 p.m.

3A. Discuss appointments to the Library Visioning Task Force. (30 minutes)

Kathy Freiheit, Director of Library Services, provided Council with a list of names from which to select members of the Task Force. Council discussion regarding developer presence on the Task Force. Brian Funderburk, City Manager, explained there would be engagement with the developer throughout the process in terms of footprint and logistics, but did not need to be full-time.

3B. Discuss approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code Section for Plan Types associated with Form-Based Code Plan Review Fees. (15 minutes)

Marc Kurbansade, Director of Developmental Services, explained the reasoning behind the change. Council discussion regarding the necessity to use consultants when staff is not available. Mr. Kurbansade stated that verbiage could be added.

3C. Discuss amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget. (20 minutes) (This item to be discussed at the conclusion of the Regular Session.)

Due to the time, this item will be placed on the agenda for the July 14th Work Session.

3D. Discuss the scope of review for the Charter Review Commission. (20 minutes) (This item to be discussed at the conclusion of the Regular Session.)

Due to the time, this item will be placed on an emended agenda for the Council Strategic Planning Meeting.

3E. Discuss the purchase of playground construction materials and components from Play by Design in the amount of $447,313.52 for the Kids Kingdom rebuild project. (20 minutes)

Jermel Stevenson, Director of Parks and Recreation explained the reasons for the need of increased fundraising to cover the costs of shipping and handling charges. Council discussion regarding sole source and seeking competitive pricing for best quality and best price.

4. DISCUSS CONSENT AGENDA ITEMS

Council requested that items 7D, 7F, 7G, and 7I be considered individually.

Council took a short break at 7:40 p.m.

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

Council reconvened at 7:47 p.m.

INVOCATION – Jan Davis, First Rowlett United Methodist Church

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

5. PRESENTATIONS AND PROCLAMATIONS

5A. Proclamation recognizing July as National Parks and Recreation Month.

Mayor Pro Tem Gallops presented the proclamation to Jermel Stevenson, Director of Parks and Recreation, and several members of the Parks and Recreation staff.

5B. Hear presentation of the Monthly Financial report for the period ending May 31, 2015.

Wendy Badgett, Interim Finance Director, presented the report.

5C. 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: Council Meetings - next regular Council meetings will be held on Tuesday, July 21st. The annual Council retreat will be held on Friday & Saturday, July 10th & 11th in the Annex Conference Room. Start time is 8am. Special Work Session will be held Tuesday, July 14th in the Annex Conference Room. P & Z meetings - Tuesday, July 14th and 21st – held in the City Hall Conference Room at 6:30pm. New start time is 6:30pm unless a work session is needed then the meeting will start at 6pm. Town Hall Meeting with State Representative Cindy Burkett. Wednesday, July 8 beginning at 6pm. City Hall Council Chambers – 4000 Main Street. All are welcome! Boards & Commissions Volunteer Fair - Thursday, July 30 from 6:30 – 8 pm @ Rowlett Community Centre. 6th annual Volunteer Fair – learn about various City Boards and Commissions. Volunteer opportunities at the animal shelter, library, police department and other City departments as well as Keep Rowlett Beautiful and the Rowlett Citizen Corps Council. Mosquito season - the City contracts with Dallas County for testing, abatement and spraying for all of Rowlett (portion in Rockwall County too). Be proactive to help in the fight – practice the four D's: Dress, Deet, Drain, Dusk & Dawn. Still available! – City of Rowlett providing "dunks" for free at the Development Services building located at 3901 Main St, 8am to 5pm Monday thru Friday (first come, first serve basis). Rowlett Library - Reminder!! The library is now open and ready for you to visit them at their new location: 5702 Rowlett Road. Upcoming events: Summer Reading Program – runs through July 31st. There are many activities throughout the program, check with the Library for a complete listing. For more information on any of the reading programs, stop by the reference desk or call 972-412-6161. Arts & Humanities photography contest - 2015 theme – Whatever Floats Your Boat. Entries accepted @ the RCC on Saturday, September 5th from 10am to noon. Visit Arts & Humanities page at rowlett.com. Parks and Recreation - Rowlett designated as "Playful City USA" for 5th year in a row! 241 cities earned the recognition from the national non-profit Kaboom! Playful City USA is a national program advocating for local policies that increase play opportunities for children. Cities like Rowlett are key allies in the fight to combat the play "deficit". We serve as outstanding role models for government and community leaders across the country. Kids Kingdom update: Kids Kingdom playground committee has been meeting weekly since mid-May. Meetings open to public, held on Tuesday evenings at RCC; for more information check on the City's website on the home page, Rebuild Kids Kingdom! Selling fence pickets now. Need volunteers to sign up for "build week" – Nov. 30 – Dec. 6. Upcoming events: Wet Zone is open and offers hours of fun for your family! Visit wetzonewaterpark.com for more information about prices and hours of operation. Utility billing - reminder – Mint Bills – a new and convenient way to pay your Rowlett utility bill – start using it today! Download the app for free. Pay utility bill with all major credit cards, including American Express. Activities for seniors: senior potluck lunch social, second Thursday of the month; 11:30am at RCC. July 9th and August 13th – next lunches. Lunch around town - fourth Tuesday of the month; 11:30 am. July 28th – McAlister's. Community

Emergency Response Team (CERT). CERT class – Saturday, August 1st and August 8th, 8am – 5pm. Course fee of $20 covers disposable materials used in the class. Is an essential component of large city events along with being well established and integrated into the city's emergency plan. Animal Shelter - next low cost vaccine clinic at Animal Shelter – Saturday, July 18th, 1 – 3pm. Shelter is open Monday – Saturday, 10am – 5pm.

Animal Shelter attendants Victoria and Jenna brought puppies Mia and Marley to introduce to the Mayor. These are two of the many cats and dogs that are available for adoption at the Animal Shelter.

6. CITIZENS' INPUT

There were no speakers.

7. CONSENT AGENDA

7A. Consider action to approve minutes from the June 9, 2015, City Council Work Session and June 16, 2015, City Council Regular Meeting.

This item was approved on the Consent Agenda.

7B. Consider a resolution rejecting bids for roadway improvements for the Right Turn Lane Project at State Highway 66 (Lakeview Parkway) and President George Bush Turnpike (PGBT) Northbound Frontage Road and authorizing staff to re-bid the project.

This item was approved as RES-083-15 on the Consent Agenda.

7C. Consider action to approve a resolution to authorize the Mayor to execute Contract Amendment 1A-WA to the approved professional services agreement with The Wallace Group in an amount not to exceed $40,040.00 for the engineering design of a 16-inch waterline along Miller Road from Rowlett Road to the President George Bush Turnpike (PGBT).

This item was approved as RES-084-15 on the Consent Agenda.

7D. Consider action to approve a resolution for the purchase of playground construction materials and components from Play by Design in the amount of $447,313.52 for the Kids Kingdom rebuild project.

This item was considered individually.
Deputy Mayor Pro Tem Dana-Bashian commented on this item.

A motion was made by Councilmember Pankratz, seconded by Councilmember Sheffield, to approve the item as presented. The motion carried with a vote of five in favor and two opposed (Dana-Bashian, Bobbitt). This item was adopted as RES-085-15.

7E. Consider action to adopt an ordinance on the dissolution and termination of the Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas.

This item was approved as ORD-024-15 on the Consent Agenda.

7F. Consider action approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code Section for Plan Types associated with Form-Based Code Plan Review Fees.

A motion was made by Deputy Mayor Pro Tem Dana-Bashian, seconded by Mayor Pro Tem Gallops, to approve the item as presented with one amendment to Section 1 of the resolution as follows: Add a new row to the form-based code review fee table, to say "use of Outside Consultant for FBC Review", in the "description" column, and to say "Actual Costs" in the "fee" column. The motion carried with a unanimous vote of those members present. This item was adopted as RES-086-15.

7G. Consider action to approve an ordinance amending Section 70-241 of Chapter 70, Utilities, requiring mandatory connection to the City's sanitary sewer system for properties located within 300 feet of a sewer line.

A motion was made by Councilmember Pankratz, seconded by Deputy Mayor Pro Tem Dana-Bashian, to table the item. The motion carried with a unanimous vote of those members present.

7H. Consider a resolution approving a tree mitigation plan and related tree removal permit application for more than three trees associated with Platinum Storage located at 7301 Lakeview Parkway. (Case Number DP15-776).

This item was approved as RES-087-15 on the Consent Agenda.

7I. Consider action to approve a resolution for the purchase of software maintenance in the amount of $157,581 for the Enterprise Resource Planning System to Tyler Technologies, Incorporated and authorizing the City Manager to execute the necessary documents to continue said services.

Joe Beauchamp, Director of Information Technology, clarified that this fee was anticipated when the system was initially purchased.

A motion was made by Deputy Mayor Pro Tem Dana-Bashian, seconded by Mayor Pro Tem Gallops, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-088-15.

Passed the Consent Agenda

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

8. ITEMS FOR INDIVIDUAL CONSIDERATION

8A. Consider action to approve a resolution creating the Library Visioning Task Force, appointing members to the Library Visioning Task Force, and recognizing Council's choice for liaisons.

Ms. Freiheit asked Councilmembers to clarify their selections.

A motion was made by Councilmember Pankratz, seconded by Councilmember van Bloemendaal, to approve the following members: Kathie Truitt, Regular, Laura Keasling, Regular, Pat Harris, Regular, Stanley Pollard, Regular, Banna Marshburn, Regular, Cassie Wilson, Alternate, Jerry Hickman, Alternate, Brian Funderburk, Ex-Officio, Kathy Freiheit, Ex-Officio, Laura Tschoerner, Ex-Officio, Philip Barott, Ex-Officio, Councilmember van Bloemendaal and Mayor Pro Tem Gallops as Council Liaisons. The motion carried with a unanimous vote of those members present. This item was adopted as RES-089-15.

8B. Conduct a public hearing and take action on an ordinance adopting proposed text amendments to the Rowlett Development Code as it pertains to Landscaping in Section 77-504.

Garrett Langford, Principal Planner, provided the background information on this item. The public hearing opened and closed without any speakers.

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-025-15.

8C. Conduct a public hearing and take action on an ordinance to rezone from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District, with Major Warrants to allow modification to the lighting and open space standards for buildings fronting on open space, for properties located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road. (Case FW14-740)

This item was discussed first.

Marc Kurbansade, Director of Development Services, provided background information on this item. Council discussion regarding traffic counts, the size of homes, and FEMA floodplain assessments.

The public hearing opened and closed with 12 speakers:

1. Shelby Griffin, 5225 Village Creek Drive, Plano; spoke on behalf of the applicant.
2. Jerry Carter, 2725 Country Valley Road, Garland; spoke on behalf of the applicant.
3. Bob Cresswell, 17409 Club Hill Court, Dallas; applicant.
4. John Rogers, 3883 Turtle Creek Blvd. #2114, Dallas; spoke on behalf of the Dexham Estates HOA.
5. Betty Littlejohn, 4418 Dexham Road, Rowlett; spoke in opposition of this item.

6. Diane Perkins, 4414 Dexham Road, Rowlett; spoke regarding the flood plain.
7. David Koca, 1901 Palomino Drive, Rowlett; spoke in opposition of this item.
8. Larry Perkins, 4414 Dexham Road, Rowlett; spoke in opposition of this item.
9. Gayland Avance, 1821 Palomino Drive, Rowlett; spoke in opposition of this item.
10. Greg Craig, 1914 Stallion Circle, Rowlett; spoke in opposition of this item.
11. Sam Seidel, 1901 Palomino Drive, Rowlett; spoke in opposition of this item.
12. Stanley Pollard, 3110 Sycamore Street, Rowlett; spoke in opposition of this item.

Bill Anderson, Civil Engineer, and Diane Perkins provided clarification of what a flood plain is and its importance. Further Council discussion regarding form-based codes versus traditional development in other cities and density of the property.

A motion was made by Councilmember Sheffield to approve the zoning change with a maximum of 40% of type two homes and maximum of 10% of type three homes, to approve the major warrant for lighting and to deny the homes fronting the open space. A friendly amendment by Councilmember Pankratz to impose a minimum of 2200 sq ft homes was denied. This motion died for lack of a second.

A motion was made by Councilmember Pankratz, seconded by Councilmember Bobbitt, to table the item. The motion carried with a vote of four in favor and three opposed (Gottel, Dana-Bashian, Sheffield).

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

There was no action taken.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 12:01 a.m.

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 7B

TITLE

Consider action to approve a resolution adopting the City's Investment Guidelines Document for the Other Post-Employment Benefits (OPEB) Trust Plan within the Public Agency Retirement Services (PARS) Post-Retirement Health Care Plan Trust Program.

STAFF REPRESENTATIVE

Brian Funderburk, City Manager
Wendy Badgett, Interim Finance Director

SUMMARY

Tonight's agenda recommends that the City Council approve the Investment Policy Guidelines document for the City's OPEB Trust in the Public Agency Retirement Services (PARS) Post-Retirement Health Care Trust Program. These guidelines will outline the goals, risk and return objectives, and limitations for the asset mix of the investments of the Trust.

BACKGROUND INFORMATION

On May 19, 2015, in order to responsibly manage OPEB costs, the City Council authorized participation in the PARS Post-Retirement Health Care Plan Trust Program. This action created a mechanism by which the City will be able to pre-fund (one-time and annually) a portion of unfunded OPEB actuarial liabilities. The initial funding of $102,654 to the Program's irrevocable Trust for OPEB liabilities was also included on the May 19, 2015, authorization by City Council. Prior to executing the initial funding, the City would be prudent in establishing investment guidelines for the initial funding and future assets of the trust.

DISCUSSION

Staff is recommending Investment Guidelines upon the City's OPEB Trust Plan within the PARS Post-Retirement Health Care Plan Trust Program for the purpose of identifying the risk and return objectives, providing strategies, limitations and directions for the investments of the assets of the Trust, and outlining the duties and responsibilities of all applicable parties. This document represents the conclusions and decisions made by the City's investment officers (City Manager and Interim Director of Finance) after deliberate and focused review of the Plan investment objectives, risk tolerance levels, income needs and other investment concerns and has been reviewed by the City's Trust Investment Adviser, HighMark Capital Management, Inc.

Purpose

The purpose of the Investment Guidelines Document is to:

- Facilitate the process of ongoing communication between the Plan Sponsor and its plan fiduciaries;
- Confirm the Plan's investment goals and objectives and management policies applicable to the investment portfolio identified below and obtained from the Plan Sponsor;

- Provide a framework to construct a well-diversified asset mix that can potentially be expected to meet the account's short and long-term needs that is consistent with the account's investment objectives, liquidity considerations and risk tolerance;
- Identify any unique considerations that may restrict or limit the investment discretion of its designated investment managers;
- Help maintain a long-term perspective when market volatility is caused by short-term market movements.

Goals

The goal of the Plan's investment program is to generate adequate long-term returns that, when combined with contributions, will result in sufficient assets to pay the present and future obligations of the Plan. The following objectives are intended to assist in achieving this goal:

- The Plan should seek to earn a return in excess of its policy benchmark over the long-term.
- The Plan's assets will be managed on a total return basis, which takes into consideration both investment income and capital appreciation. While the Plan Sponsor recognizes the importance of preservation of capital, it also adheres to the principle that varying degrees of investment risk are generally rewarded with compensating returns. To achieve these objectives, the Plan Sponsor allocates its assets (asset allocation) with a strategic, long-term perspective of the capital markets.

Investment Authority

- Except as otherwise noted, the Trustee, US Bank, has delegated investment authority to HighMark Capital Management, an SEC-registered investment adviser. Investment Manager has full investment discretion over the managed assets in the account. Investment Manager is authorized to purchase, sell, exchange, invest, reinvest and manage the designated assets held in the account, all in accordance with account's investment objectives, without prior approval or subsequent approval of any other party(ies).

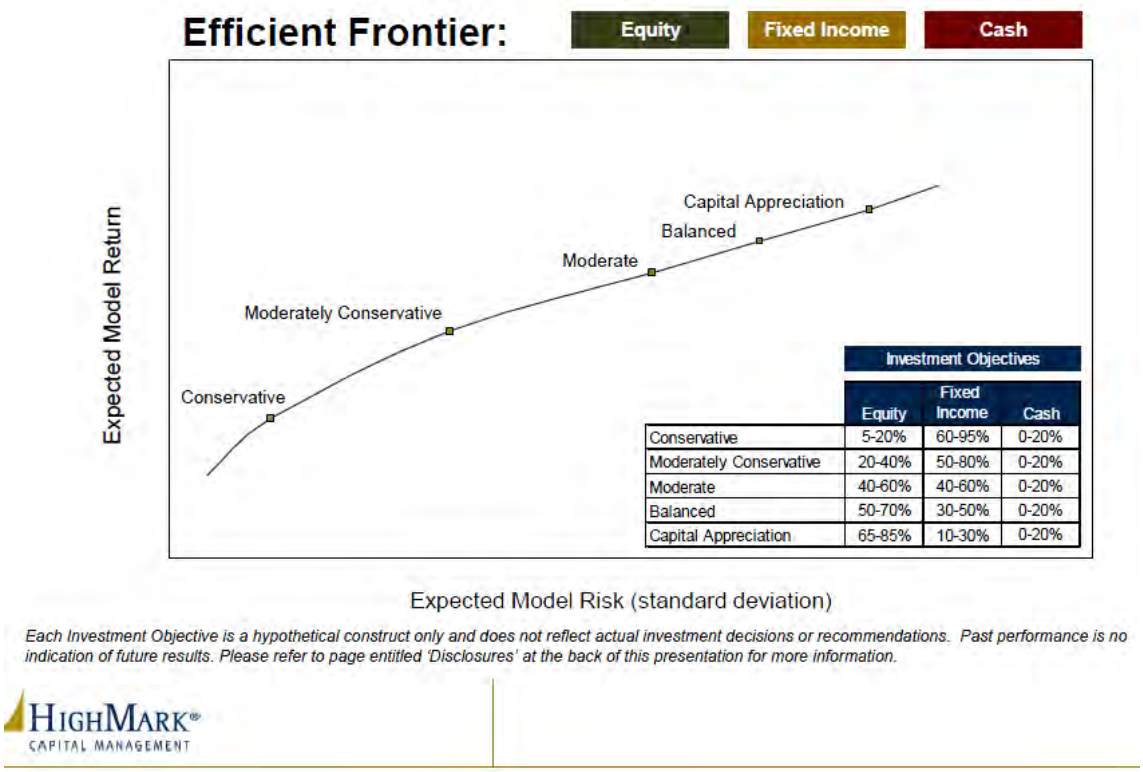
The attached Investment Guidelines Document, Exhibit A, details the investment policies and procedures.

Additionally, the City's investment officers were offered the selection of and were briefed on five various PARS diversified investment risk portfolios. The portfolio options were Conservative, Moderately Conservative, Moderate, Balanced and Capital Appreciation as shown in the model below and ranged respectively up to an estimated 7.25 percent annual return rate. Based on the current suitable claims performance of the City's health fund and the OPEB Trust funding strategy, staff is recommending the Balanced portfolio option for the following reasons: First, it will allow the Trust to experience a respectable rate of return and progressively decrease the actuarial accrued liability, while not taking on inordinate risk. Second, the OPEB Trust funding strategy includes the ability to draw from the Trust in the event the City's health fund experiences a year of high claims. Third, the Balanced portfolio rate or return is in line with our OPEB actuary's (Gabriel Roeder Smith & Company) expected return estimates. Finally, it is the number one selected objective of PARS trust participants and has the largest cash pool to draw down from to provide adequate availability for funding strategy drawdown reimbursements if necessary. The

following is a summary of the investment risk objective and asset allocation chosen for the City's OPEB Trust Plan:

Risk Objective: *Balanced*

- The account's risk tolerance has been rated balanced, as described in Attachment 1, which will provide growth of principal and income. While dividend and interest income are an important component of the objective's total return, it is expected that capital appreciation will comprise a larger portion of the total return.
- The Balanced portfolio option is comprised of about 60 percent stocks and yields an average return of 6.50 - 6.75 percent.



Strategic Asset Allocation for Balanced Portfolio:

Strategic Asset Allocation Ranges		
Cash	Fixed Income	Equity
0-20%	30%-50%	50%-70%
Policy: 5%	Policy: 35%	Policy: 60%

FINANCIAL/BUDGET IMPLICATIONS

Earnings from this fund will accumulate over time and will be restricted in use to pay for other post-employment benefits. The Balanced portfolio recommended allocates risk based on cash, fixed income, and equity type investments, yielding an average rate of return of 6.50-6.75 percent.

The City's first deposit is $102,654, which would earn approximately $6,673 to $6,929 in the first twelve months. Over time, with additional contributions in future years, earnings will grow as the trust grows.

RECOMMENDED ACTION

City staff recommends the City Council approve the resolution authorizing and approving the City's Investment Guidelines Document for the Other Post-Employment Benefits (OPEB) Trust Plan within the Public Agency Retirement Services (PARS) Post-Retirement Health Care Plan Trust Program.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AUTHORIZING AND APPROVING THE CITY'S INVESTMENT GUIDELINES DOCUMENT FOR THE OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST PLAN WITHIN THE PUBLIC AGENCY RETIREMENT SERVICES (PARS) POST-RETIREMENT HEALTH CARE PLAN TRUST PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, accrued liabilities from Other Post-Employment Benefits (OPEB) guidelines have been increasing the City's long-term liabilities; and

WHEREAS, long-term liabilities will continue to grow over time unless a strategy is put in place to offset those liabilities; and

WHEREAS, post-retirement health care plan trust programs are an acceptable methodology to plan for future liabilities; and

WHEREAS, the City Council finds that it is in the best interest of the public to approve the investment policy governing such types of post-retirement health care plan trust programs.

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

Section 1: That the City Council of the City of Rowlett hereby approves the City of Rowlett Investment Guidelines Document for the Other Post-Employment Benefits (OPEB) Trust within the Public Agency Retirement Services (PARS) Post-Retirement Health Care Plan Trust Program, which is attached hereto and incorporated herein as Exhibit A.

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

ATTACHMENTS

Exhibit A – Proposed Investment Guidelines Document
Attachment 1 – Balanced risk tolerance portfolio description
Attachment 2 – OPEB Trust team

EXHIBIT A

HIGHMARK®
CAPITAL MANAGEMENT

Investment Guidelines Document

City of Rowlett Other Post-Employment Trust Plan

July 2015

Investment Guidelines Document

Scope and Purpose

The purpose of this Investment Guidelines Document is to:

- Facilitate the process of ongoing communication between the Plan Sponsor and its plan fiduciaries;
- Confirm the Plan's investment goals and objectives and management policies applicable to the investment portfolio identified below and obtained from the Plan Sponsor;
- Provide a framework to construct a well-diversified asset mix that can potentially be expected to meet the account's short- and long-term needs that is consistent with the account's investment objectives, liquidity considerations and risk tolerance;
- Identify any unique considerations that may restrict or limit the investment discretion of its designated investment managers;
- Help maintain a long-term perspective when market volatility is caused by short-term market movements.

Key Plan Sponsor Account Information as of July 2015

Plan Sponsor:	City of Rowlett
Governance:	City Council for the City of Rowlett
Plan Name ("Plan"):	City of Rowlett Other Post Employment Trust Plan
Trustee:	US Bank Contact: Susan Hughes, 949-224-7209 susan.hughes@usbank.com
Type of Account:	GASB 45/Other Post-Employment Benefits Trust
ERISA Status:	Not subject to ERISA
Investment Manager:	US Bank, as discretionary trustee, has delegated investment management responsibilities to HighMark Capital Management, Inc. ("Investment Manager"), an SEC-registered investment adviser Contact: Andrew Brown, CFA, 415-705-7605 Andrew.brown@highmarkcapital.com

Investment Authority: Except as otherwise noted, the Trustee, US Bank, has delegated investment authority to HighMark Capital Management, an SEC-registered investment adviser. Investment Manager has full investment discretion over the managed assets in the account. Investment Manager is authorized to purchase, sell, exchange, invest, reinvest and manage the designated assets held in the account, all in accordance with account's investment objectives, without prior approval or subsequent approval of any other party(ies).

Investment Objectives and Constraints

The goal of the Plan's investment program is to generate adequate long-term returns that, when combined with contributions, will result in sufficient assets to pay the present and future obligations of the Plan. The following objectives are intended to assist in achieving this goal:

- The Plan should seek to earn a return in excess of its policy benchmark over the long-term.
- The Plan's assets will be managed on a total return basis which takes into consideration both investment income and capital appreciation. While the Plan Sponsor recognizes the importance of preservation of capital, it also adheres to the principle that varying degrees of investment risk are generally rewarded with compensating returns. To achieve these objectives, the Plan Sponsor allocates its assets (asset allocation) with a strategic, long-term perspective of the capital markets.

Investment Time Horizon:	Long-term
Anticipated Cash Flows:	Distributions are expected to be low in the early years of the Plan.
Investment Objective:	The primary objective is to maximize total Plan return, subject to the risk and quality constraints set forth herein. The investment objective the Plan Sponsor has selected is the Balanced Objective, which has a dual goal to seek growth of income and principal.
Risk Tolerance:	*Balanced* The account's risk tolerance has been rated balanced, which demonstrates that the account can accept price fluctuations to pursue its investment objectives.

Strategic Asset Allocation: The asset allocation ranges for this objective are listed below:

Strategic Asset Allocation Ranges		
Cash	Fixed Income	Equity
0-20%	30%-50%	50%-70%
Policy: 5%	Policy: 35%	Policy: 60%

Market conditions may cause the account's asset allocation to vary from the stated range from time to time. The Investment Manager will rebalance the portfolio no less than quarterly and/or when the actual weighting differs substantially from the strategic range, if appropriate and consistent with your objectives.

Security Guidelines:

Equities

With the exception of limitations and constraints described above, Investment Manager may allocate assets of the equity portion of the account among various market capitalizations (large, mid, small) and investment styles (value, growth). Further, Investment Manager may allocate assets among domestic, international developed and emerging market equity securities.

Total Equities	50%-70%
Equity Style	*Range*
Domestic Large Cap Equity	20%-50%
Domestic Mid Cap Equity	0%-15%
Domestic Small Cap Equity	0%-20%
International Equity (incl. Emerging Markets)	0%-20%
Real Estate Investment Trust (REIT)	0%-10%

Fixed Income

In the fixed income portion of the account, Investment Manager may allocate assets among various sectors and industries, as well as varying maturities and credit quality that are consistent with the overall goals and objectives of the portfolio.

Total Fixed Income	30%-50%
Fixed Income Style	*Range*
Long-term bonds (maturities >7 years)	0%-20%
Intermediate-term bonds (maturities 3-7 years)	15%-50%
Short-Term bonds (maturities <3 years)	0%-15%
High Yield bonds	0%-8%

Performance Benchmarks:

The performance of the total Plan shall be measured over a three and five-year periods. These periods are considered sufficient to accommodate the market cycles experienced with investments. The performance shall be compared to the return of the total portfolio blended benchmark shown below.

Total Portfolio Blended Benchmark

32.00%	S&P500 Index
6.00%	Russell Mid Cap Index
9.00%	Russell 2000 Index
4.00%	MSCI Emerging Market Index
7.00%	MSCI EAFE Index
2.00%	Wilshire REIT
27.00%	Barclays Capital US Aggregate
6.75%	ML 1-3 Year US Corp/Gov't
1.25%	US High Yield Master II
5.00%	Citi 1Mth T-Bill

Asset Class/Style Benchmarks

Over a market cycle, the long-term objective for each investment strategy is to add value to a market benchmark. The following are the benchmarks used to monitor each investment strategy:

Large Cap Equity	S&P 500 Index
Growth	S&P 500 Growth Index
Value	S&P 500 Value Index
Mid Cap Equity	Russell Mid Cap Index
Growth	Russell Mid Cap Growth
Value	Russell Mid Cap Value
Small Cap Equity	Russell 2000 Index
Growth	Russell 2000 Growth
Value	Russell 2000 Value
REITs	Wilshire REIT
International Equity	MSCI EAFE
Investment Grade Bonds	Barclays Capital US Aggregate Bond
High Yield	US High Yield Master II

Security Selection

Investment Manager may utilize a full range of investment vehicles when constructing the investment portfolio, including but not limited to individual securities, mutual funds, and exchange-traded funds. In addition, to the extent permissible, Investment Manager is authorized to invest in shares of mutual funds in which the Investment Manager serves as advisor or sub-adviser.

Investment Limitations:

The following investment transactions are prohibited:

- Direct investments in precious metals (precious metals mutual funds and exchange-traded funds are permissible).
- Venture Capital
- Short sales*
- Purchases of Letter Stock, Private Placements, or direct payments
- Leveraged Transactions*
- Commodities Transactions Puts, calls, straddles, or other option strategies*
- Purchases of real estate, with the exception of REITs
- Derivatives, with exception of ETFs*

**Permissible in diversified mutual funds and exchange-traded funds*

Duties and Responsibilities

Responsibilities of Plan Sponsor

The City of Rowlett Investment Officers are responsible for:

- Confirming the accuracy of this Investment Guidelines Document, in writing.
- Advising Trustee and Investment Manager of any change in the plan/account's financial situation, funding status, or cash flows, which could possibly necessitate a change to the account's overall risk tolerance, time horizon or liquidity requirements; and thus would dictate a change to the overall investment objective and goals for the account.
- Monitoring and supervising all service vendors and investment options, including investment managers.
- Avoiding prohibited transactions and conflicts of interest.

Responsibilities of Trustee

The plan Trustee is responsible for:

- Valuing the holdings.
- Collecting all income and dividends owed to the Plan.
- Settling all transactions (buy-sell orders).

Responsibilities of Investment Manager

The Investment Manager is responsible for:

- Assisting the City of Rowlett Investment Officers with the development and maintenance of this Investment Policy Guideline document annually.
- Meeting with City of Rowlett Investment Officers-annually to review portfolio structure, holdings, and performance.
- Designing, recommending and implementing an appropriate asset allocation consistent with the investment objectives, time horizon, risk profile, guidelines and constraints outlined in this statement.
- Researching and monitoring investment advisers and investment vehicles.
- Purchasing, selling, and reinvesting in securities held in the account.
- Monitoring the performance of all selected assets.
- Voting proxies, if applicable.
- Recommending changes to any of the above.

- Periodically reviewing the suitability of the investments, being available to meet with the committee at least once each year, and being available at such other times within reason at your request.
- Preparing and presenting appropriate reports.
- Informing the committee if changes occur in personnel that are responsible for portfolio management or research.

Acknowledgement and Acceptance

I/We being the Plan Sponsor with responsibility for the account(s) held on behalf of the Plan Sponsor specified below, designate Investment Manager as having the investment discretion and management responsibility indicated in relation to all assets of the Plan or specified Account. If such designation is set forth in the Plan/trust, I/We hereby confirm such designation as Investment Manager.

I have read the Investment Guidelines Document, and confirm the accuracy of it, including the terms and conditions under which the assets in this account are to be held, managed, and disposed of by Investment Manager. This Investment Guidelines Document supersedes all previous versions of an Investment Guidelines Document or investment objective instructions that may have been executed for this account.

_____ Date:_____

Plan Sponsor: City of Rowlett

_____ Date: 7/16/15

Investment Manager: Andrew Brown, CFA, Senior Portfolio Manager, (415) 705-7605

HIGHMARK® CAPITAL MANAGEMENT

PARS DIVERSIFIED PORTFOLIOS

BALANCED

AS OF MARCH 31, 2015

WHY THE PARS DIVERSIFIED BALANCED PORTFOLIO?

Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time consuming approach dedicated to one goal: competitive and consistent performance.

Flexible Investment Options

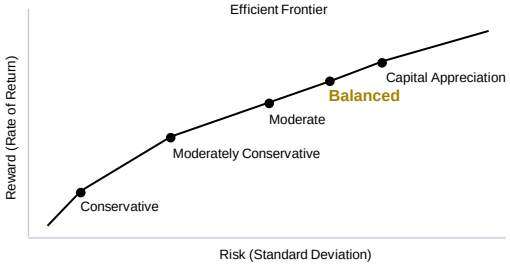
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies: HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

INVESTMENT OBJECTIVE

To provide growth of principal and income. While dividend and interest income are an important component of the objective's total return, it is expected that capital appreciation will comprise a larger portion of the total return.



ASSET ALLOCATION — BALANCED PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	50 – 70%	60%	58%
Fixed Income	30 – 50%	35%	39%
Cash	0 – 20%	5%	3%

ANNUALIZED TOTAL RETURNS

(Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)		Index Plus (Active)	
Current Quarter*	2.62%	Current Quarter*	2.06%
*Blended Benchmark***	*2.04%*	*Blended Benchmark***	*2.04%*
Year To Date*	2.62%	Year To Date*	2.06%
*Blended Benchmark**	*2.04%*	*Blended Benchmark**	*2.04%*
1 Year	6.12%	1 Year	6.66%
Blended Benchmark	*7.84%*	*Blended Benchmark*	*7.84%*
3 Year	9.16%	3 Year	9.16%
Blended Benchmark	*9.85%*	*Blended Benchmark*	*9.85%*
5 Year	9.10%	5 Year	9.13%
Blended Benchmark	*9.52%*	*Blended Benchmark*	*9.52%*
Inception to Date (102-Mos.)	5.50%	Inception to Date (90-Mos.)	4.85%
Blended Benchmark	*6.13%*	*Blended Benchmark*	*5.41%*

* Returns less than 1-year are not annualized. **Breakdown for Blended Benchmark: 32% S&P500, 6% Russell Mid Cap, 9% Russell 2000, 4% MSCI EM FREE, 7% MSCI EAFE, 27% BC US Agg, 6.75% ML 1-3 Yr US Corp/Gov't, 1.25% US High Yield Master II, 2% Wilshire REIT, and 5% Citi 1 Mth T-Bill. Prior to October 2012, the blended benchmarks were 51% S&P 500; 3% Russell 2000, 6% MSCI EAFE, 5% ML 1-3 Year Corp./Govt, 30% BC Agg, 5% Citi 1 Mth T-Bill. Prior to April 2007, the blended benchmarks were 60% S&P 500, 5% ML 1-3Yr Corp/Gov, 30% BC Agg, and 5% Citi 1 Mth T-Bill.

ANNUAL RETURNS

HighMark Plus (Active)		Index Plus (Passive)	
2008	-25.72%	2008	-23.22%
2009	21.36%	2009	17.62%
2010	14.11%	2010	12.76%
2011	-0.46%	2011	1.60%
2012	13.25%	2012	11.93%
2013	16.61%	2013	15.63%
2014	4.70%	2014	6.08%

PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Inception Data	10/2006	Inception Data	10/2007
No of Funds in Portfolio	20	No of Funds in Portfolio	14

A newly funded account enters a composite after three full months of management and is removed from a composite at the end of the last full month that the account is consistent with the criteria of the composite. Terminated accounts are included in the historical results of a composite through the last full month prior to closing. Composites may include accounts invested in domestic (U.S.) or international (non-U.S.) individual securities, funds, or a combination thereof. Account exclusions based on equity security concentrations are applied quarterly. Employing a construction methodology different from the above could lead to different results.

HIGHMARK®
CAPITAL MANAGEMENT

350 California Street
Suite 1600
San Francisco, CA 94104
800.582.4734
www.highmarkcapital.com

ABOUT THE ADVISER
HighMark® Capital Management, Inc. (HighMark) has over 90 years (including predecessor organizations) of institutional money management experience with more than $15.2 billion in assets under management. HighMark has a long term disciplined approach to money management and currently manages assets for a wide array of clients.

ABOUT THE PORTFOLIO MANAGEMENT TEAM

Andrew Brown, CFA®
Senior Portfolio Manager
Investment Experience: since 1994
HighMark Tenure: since 1997
Education: MBA, University of Southern California; BA, University of Southern California

Kevin Churchill, CFA®, CFP®
Senior Portfolio Manager
Investment Experience: since 1996
HighMark Tenure: since 2012
Education: MS, Seattle University; BS, University of Puget Sound

Salvatore "Tory" Milazzo III, CFA®
Senior Portfolio Manager
Investment Experience: since 1991
HighMark Tenure: since 2014
Education: BA, Colgate University

J. Keith Stribling, CFA
Senior Portfolio Manager
Investment Experience: since 1985
HighMark Tenure: since 1995
Education: BA, Stetson University

Christiane Tsuda
Senior Portfolio Manager
Investment Experience: since 1987
HighMark Tenure: since 2010
Education: BA, International Christian University, Tokyo

Matthew Webber, CFA®
Senior Portfolio Manager
Investment Experience: since 1995
HighMark Tenure: since 2011
Education: BA, University of California, Santa Barbara

Anne Wimmer, CFA®
Senior Portfolio Manager
Investment Experience: since 1987
HighMark Tenure: since 2007
Education: BA, University of California, Santa Barbara

Asset Allocation Committee
Number of Members: 14
Average Years of Experience: 26
Average Tenure (Years): 14

Manager Review Committee
Number of Members: 7
Average Years of Experience: 23
Average Tenure (Years): 11

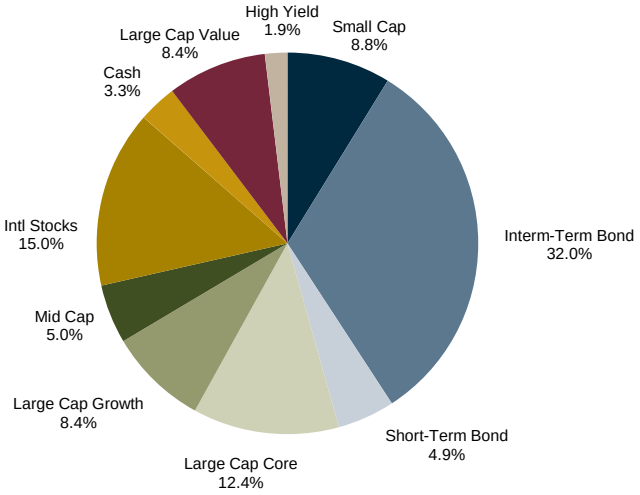
SAMPLE HOLDINGS

HighMark Plus (Active)
Columbia Contrarian Core Z
T. Rowe Price Growth Stock
Columbia Small Cap Value II Z
T. Rowe Price New Horizons
Nationwide Bailard International Equities
Nationwide HighMark Bond
Vanguard Short-Term Invest-Grade Adm
Loomis Sayles Value Y
PIMCO Total Return
Dodge & Cox International Stock
MFS International Growth I
Sentinel Common Stock I
First American Prime Obligation Z
TIAA-CREF Mid Cap Value
Ivy Mid Cap Growth
Harbor Capital Appreciation
Schroder Emerging Market Equity
Dodge & Cox Stock
SPDR Euro Stoxx 50 ETF
PIMCO High Yield

Index Plus (Passive)
iShares S&P 500
iShares S&P 500/Value
iShares S&P 500/Growth
iShares S&P Small Cap 600 Value
iShares S&P Small Cap 600 Growth
iShares MSCI EAFE
iShares Russell Midcap Value
iShares Russell Midcap Growth
iShares Barclays Aggregate Bond
Vanguard Short-Term Invest-Grade Adm
First American Prime Obligation Z
SPDR Euro Stoxx 50 ETF
SPDR Barclays High Yield Bond ETF
Vanguard FTSE Emerging Markets ETF

Holdings are subject to change at the discretion of the investment manager.

STYLE



The performance records shown represent size-weighted composites of tax exempt accounts that meet the following criteria: Composites are managed by HighMark's HighMark Capital Advisors (HCA) with full investment authority according to the PARS Balanced active and passive objectives and do not have equity concentration of 25% or more in one common stock security.

The composite name has been changed from PARS Balanced/Moderately Aggressive to PARS Balanced on 5/1/2013. The adviser to the PARS portfolios is US Bank, and HighMark serves as sub-adviser to US Bank to manage these portfolios. US Bank may charge clients as much as 0.60% annual management fee based on a sliding scale. As of March 31, 2015, the blended rate is 0.58%. US Bank pays HighMark 60% of the annual management fee for assets sub-advised by HighMark under its sub-advisory agreement with US Bank. The 36 basis points paid to HighMark, as well as other expenses that may be incurred in the management of the portfolio, will reduce the portfolio returns. Assuming an investment for five years, a 5% annual total return, and an annual sub-advisory fee rate of 0.36% deducted from the assets at market at the end of each year, a 10 million initial value would grow to $12.54 million after fees (Net-of-Fees) and $12.76 million before fees (Gross-of-Fees). Additional information regarding the firm's policies and procedures for calculating and reporting performance results is available upon request. In Q1 2010, the PARS Composite definition was changed from $750,000 minimum to no minimum. Performance results are calculated and presented in U.S. dollars and do not reflect the deduction of investment advisory fees, custody fees, or taxes but do reflect the deduction of trading expenses. Returns are calculated based on trade-date accounting.

Blended benchmarks represent HighMark's strategic allocations between equity, fixed income, and cash and are rebalanced monthly. Benchmark returns do not reflect the deduction of advisory fees or other expenses of investing but assumes the reinvestment of dividends and other earnings. An investor cannot invest directly in an index. The unmanaged S&P 500 Index is representative of the performance of large companies in the U.S. stock market. The MSCI EAFE Index is a free float-adjusted market capitalization index designed to measure developed market equity performance, excluding the U.S. and Canada. The MSCI Emerging Markets Free Index is a free float-adjusted market capitalization index that is designed to measure equity market performance in the global emerging markets. The Russell Midcap Index measures the performance of the mid-cap segment of the U.S. equity universe. The Russell 2000 Index measures the performance of the small-cap segment of the U.S. equity universe. The US High Yield Master II Index tracks the performance of below investment grade U.S. dollar-denominated corporate bonds publicly issued in the U.S. domestic market. Wilshire REIT index measures U.S. publicly traded Real Estate Investment Trusts. The unmanaged Barclays Capital (BC) U.S. Aggregate Bond Index is generally representative of the U.S. taxable bond market as a whole. The Merrill Lynch (ML) 1-3 Year U.S. Corporate & Government Index tracks the bond performance of The ML U.S. Corporate & Government Index, with a remaining term to final maturity less than 3 years. The unmanaged Citigroup 1-Month Treasury Bill Index tracks the yield of the 1-month U.S. Treasury Bill.

HighMark Capital Management, Inc. (HighMark), an SEC-registered investment adviser, is a wholly owned subsidiary of MUFG Union Bank, N.A. (MUB). HighMark manages institutional separate account portfolios for a wide variety of for-profit and nonprofit organizations, public agencies, public and private retirement plans, and personal trusts of all sizes. It may also serve as sub-adviser for mutual funds, common trust funds, and collective investment funds. MUB, a subsidiary of MUFG Americas Holdings Corporation, provides certain services to HighMark and is compensated for these services. Past performance does not guarantee future results. Individual account management and construction will vary depending on each client's investment needs and objectives. Investments employing HighMark strategies are NOT insured by the FDIC or by any other Federal Government Agency, are NOT Bank deposits, are NOT guaranteed by the Bank or any Bank affiliate, and MAY lose value, including possible loss of principal.

OPEB/115P Trust Team

	PUBLIC AGENCY RETIREMENT SERVICES PARS	usbank	HIGHMARK® CAPITAL MANAGEMENT
Role	Trust Administrator and Consultant • Recordkeeping/Sub-trust accounting • Actuarial Coordination •Monitor Contributions/ Process Disbursements • Monitor Plan Compliance • Ongoing Client Liaison	Trustee • Safeguard plan assets • Oversight protection • Plan Fiduciary • Custodian of assets	Investment Manager • An investment sub-advisor to U.S. Bank • Open architecture • Investment policy assistance
Corporate Experience	31 years *(1984 – 2015)*	152 years *(1863 – 2015)*	96 years *(1919 – 2015)*
OPEB Experience	18 years	9 years	18 years
Number of plans under administration	1,400 plans for 700 public agencies		
Dollars under administration	More than $1.7 billion	More than $4 trillion	More than $15.3 billion under management

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 7C

TITLE

Consider action to approve a resolution exercising the first of four one-year renewal options for Section I mowing services to Ely Tree and Landscape in the unit amounts bid with an estimated annual amount of $65,000 for the Community Services Code Enforcement Division.

STAFF REPRESENTATIVE

W.M. Brodnax, Police Chief
Lt. Marvin Gibbs, Community Services Division Commander
Maria Martinez, Community Services Manager

SUMMARY

This item is for the mowing, detailing, and clean up of designated properties for Community Services, Code Enforcement Division when properties are in violation of City codes and ordinances. The initial term was for one year with four one-year renewal options if both parties are in agreement.

BACKGROUND INFORMATION

On August 5, 2014, the City Council adopted Resolution 061-14 awarding a bid for Section I mowing to Ely Tree and Landscape in the unit amounts bid with an estimated annual amount of $65,000 for the Community Services Code Enforcement Division.

DISCUSSION

The contract period for the proposed first of four-year renewals shall begin on approximately August 5, 2015, and end August 4, 2016. Ely Tree and Landscape has indicated they are interested in exercising the first one-year renewal per Exhibit B.

Bids were received from three bidders. Please refer to the bid tabulation in Exhibit A.

Ely Tree and Landscape has provided satisfactory service during the initial 12 month period; therefore, City Staff recommends exercising the first one-year renewal option.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of $60,000 was approved in the Community Services Code Enforcement Division FY2015 budget in account 1014015 - 6520. The current available balance as of July 14, 2015, is $13,253. The expenditures are offset by revenues received. The proposed funding for the FY2016 budget should cover the remaining amount needed to complete this year's contract. This amount could be potentially altered due to weather.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
1014015-6520	Purchased Service-Property/Mowing	$60,000	$65,000
Total		**$60,000**	**$65,000**

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution exercising the first one-year renewal option for Section I mowing services to Ely Tree and Landscape in the unit amounts bid with an estimated annual amount of $65,000 for the Community Services Code Enforcement Division.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE EXERCISE OF THE FIRST OF FOUR ONE-YEAR RENEWAL OPTIONS FOR SECTION I MOWING SERVICES TO ELY TREE AND LANDSCAPE IN THE UNIT AMOUNTS BID WITH AN ESTIMATED ANNUAL AMOUNT OF $65,000 AS PER BID DOCUMENTS NUMBER 2014-72 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID MOWING SERVICES FOR THE CITY OF ROWLETT COMMUNITY SERVICES CODE ENFORCEMENT DIVISION; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO AWARD; AND PROVIDING AN EFFECTIVE DATE..

WHEREAS, it is desired to contract with vendors for mowing and maintenance services for Section I for the City of Rowlett Community Services Code Enforcement Division as per Bid No. 2014-72; and

WHEREAS, the Purchasing Division has obtained competitive bids for Section I mowing services bid and recommends award to the lowest responsible bidder; and

WHEREAS, the initial term of the contract was for one year beginning August 6, 2014 with options for four one-year renewals if both parties are agreeable; and

WHEREAS, the contractor and City staff have expressed interest to exercise the first of four one-year renewal options; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to exercise the first of four one-year renewal options for Section I mowing services.

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 approve and authorize the exercise of the first of four one-year renewal options for Section I mowing services to Ely Tree and Landscape in the unit amounts bid with an

estimated annual amount of $65,000 which is attached hereto and incorporated herein by reference as Exhibit A.

Section 2: The Council of the City of Rowlett does hereby authorize the City Manager to execute the necessary documents and issuance of purchase orders to conform to this resolution.

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

ATTACHMENTS

Exhibit A – Bid Tabulation for Section I Mowing
Exhibit B – Extension Agreement from Ely Tree and Landscape

EXHIBIT A

City Of Rowlett Bid Tabulation Mowing Services Section I, #2014-72
4004 Main Street, Rowlett, TX 75088
Purchasing Phone 972-412-6189 Fax 972-412-6144
July 17, 2014

Item #	WT	Description	Ely Tree & Landscape Scott Ely 214-738-8668		Lawn & Landscape Mgmt Joe Garcia 972-412-7860		The Teter Group Sharon Teter 972-978-5682	
			UNIT PRICE	TOTAL WEIGHT	UNIT PRICE	TOTAL WEIGHT	UNIT PRICE	TOTAL WEIGHT
1.	8.00	Mowing of a standard lot (43,560 sq. ft. or less) which is vacant & shall include any hand cutting that will be required. Price per lot.	$30.00	$240.00	$45.00	$360.00	$30.00	$240.00
2.	25.00	Mowing of a standard lot with a structure on said lot (43,560 sq. ft. or less) & include the cost to remove any necessary fences as well as hand cutting around the structure that is necessary to comply with the Code. Price per lot.	$40.00	$1,000.00	$55.00	$1,375.00	$45.00	$1,125.00
3.	8.00	Mowing of acreage property in excess of 43,560 sq. ft. (1 acre). Price per acre.	$40.00	$320.00	$45.00	$360.00	$35.00	$280.00
4.	5.00	Mowing of an alley or easement at the mid-line of alley or easement & shall include any hand cutting required to comply with the Code. Price per unit.	$17.00	$85.00	$25.00	$125.00	$16.50	$82.50
5.	0.25	Cleaning of debris, trash, and rubbish and shall include the labor cost of two (2) workers, a commercial loader and a vehicle that mechanically dumps. Price per hour. If debris is dumped in a for fee landfill, an actual dump receipt must be submitted with vendor's invoice for contractor reimbursement. If debris is dumped elsewhere, site must be identified and a dumping fee included in this bid.	$52.00	$13.00	$60.00	$15.00	$50.75	$12.69
6.	15.25	Cleaning of debris, trash, and rubbish by hand & shall include the labor costs of two (2) workers and a vehicle that mechanically dumps. Price per hour. If debris is dumped in a for fee landfill, an actual dump receipt must be submitted. If debris is dumped elsewhere, site must be identified and a dumping fee included in this bid.	$40.00	$610.00	$60.00	$915.00	$45.00	$686.25
7.	0.25	Cleaning of debris, trash, and rubbish by hand & shall include the costs of one worker and a vehicle that mechanically dumps. Price per hour. If debris is dumped in a for fee landfill, an actual dump receipt must be submitted. If debris is dumped elsewhere, site must be identified and a dumping fee included in this bid.	$28.00	$7.00	$75.00	$18.75	$22.25	$5.56
8.	0.25	Mowing of areas not platted into lots nor easily computed into acreage & shall include the labor costs of one worker & equipment of an 8 ft. mower to be used on large tracts and large easements or rights-of-ways (e.g. railroad rights-of-way). When terrain dictates the necessity, by-hand cutting and five foot mowers shall be permitted under this category only. When the number of workers exceeds one, Category 8A shall be employed in addition to Category 8.	$28.00	$7.00	$30.00	$7.50	$27.35	$6.84

Item #	WT	Description	Ely Tree & Landscape UNIT PRICE	TOTAL WEIGHT	Lawn & Landscape Mgmt UNIT PRICE	TOTAL WEIGHT	The Teter Group UNIT PRICE	TOTAL WEIGHT
8A.	0.25	This category shall take into consideration the cost of workers exceeding two (2) in number, per worker performing under item 8. This per hour price shall be multiplied by the number of workers and added to the price or prices in item 8. Price per worker rate per hour.	$15.00	$3.75	$15.00	$3.75	$17.25	$4.31
9.	0.25	Leveling or spreading of mounds of dirt and/or rock shall include the labor costs of one worker with a track loader.	$30.00	$7.50	$20.00	$5.00	$34.50	$8.63
10.	5.00	Securing of open/vacant structures i.e. open doors, and/or broken windows and shall include the cost of 2 workers. Price per hour for 2 workers.	$30.00	$150.00	$50.00	$250.00	$35.50	$177.50
11.	6.00	Repair of residential fences and shall include the cost of 2 workers. Price per hour.	$25.00	$150.00	$40.00	$240.00	$38.00	$228.00
12.	1.00	Remove residential fences and shall include the labor cost of 2 workers & a pickup truck w/trailer. Price per hour for 2 workers.	$40.00	$40.00	$40.00	$40.00	$37.50	$37.50
13.	10.00	Trimming of trees, shrubs, and/or plants obstructing street/alley right-of-way (ROW) and shall include the cost of 2 workers. Price per hour for 2 workers.	$40.00	$400.00	$60.00	$600.00	$36.75	$367.50
13A.	0.50	This category shall take into consideration the cost of workers exceeding two (2) in number, per worker performing under item 13. This per hour price shall be multiplied by the number of workers and added to the price or prices in item 12. Price per worker rate per hour.	$15.00	$7.50	$15.00	$7.50	$18.25	$9.13
14	10.00	Furnish and install standard 4" sturdy reflective plastic address numbers in a contrasting color to the appropriate wooden surface where the numbers are being applied.	$28.00	$280.00	$35.00	$350.00	$29.50	$295.00
15	5.00	The cost of covering graffiti with a gray-based paint to cover entire graffiti site in square form. The method of removal shall not leave shadows or ghosts and shall not follow the pattern of the graffiti such that letters or shapes remain apparent on the surface after the graffiti markings have been covered.	$4.00	$20.00	$12.00	$60.00	$18.00	$90.00
	100							
		GRAND TOTAL OF SECTION I	$502.00	**$3,340.75**	$682.00	$4,732.50	$537.10	$3,656.40
		Addenda Acknowledged/Insurance Verified	Yes / Yes		Yes / Yes		Yes / Yes	
		Comments:			A trip charge of $35.00 will be incurred for every work order that the Code Inspector incorrectly issued. Such as an incorrect photo of property in violation or incorrect address that the crew has arrived on location of violation, and cannot perform work. (Example - picture is two story home, but real address is a one story home.) Non working days are: Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Thanksgiving Day, Easter, July 4th, Labor Day, Memorial Day, Sunday's			

Exhibit B

Mowing Services for the City of Rowlett

Agreement for mowing services for Section I between the City of Rowlett, Texas and Ely Tree Service extending the contract for the first of four (4) year renewal options in the unit amounts bid as per bid #2014-72 and for an estimated annual amount of $65,000 beginning August 5, 2015.

Charles W. Ely
Ely Tree Service

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 7D

TITLE

Consider amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget.

STAFF REPRESENTATIVE

Terri Doby, Budget Officer

SUMMARY

Regular budget amendments are an accepted practice in local government and represent a visible demonstration that the municipality manages its fiscal affairs appropriately and with transparency. City staff has completed a detailed analysis of revenues and expenditures and recommends adjustments consistent with that analysis.

May 2015 has now been recorded as the wettest single month on record in Texas and Oklahoma. As a result, greater than anticipated revenue shortfalls in the Utility Fund necessitate additional adjustments to the budget. Staff continues to monitor the budget and the cost controls established to mitigate the impact of any changes in circumstances.

BACKGROUND INFORMATION

On September 16, 2014, the City Council adopted the operating and capital improvements program budget for Fiscal Year 2014-15 and the Master Fee Schedule with the changes to the various rates and fees, including a surcharge on water due to the expected continuation of Stage 3 water restrictions. The surcharge was for $6.97 per month and was intended to remain until the water restrictions were lifted.

On April 9, 2015, the North Texas Municipal Water District (NTMWD) announced that they would eliminate the Stage 3 water restrictions effective May 1, 2015. As a result, the City eliminated the monthly surcharge effective May 1st.

May 2015 has now been recorded as the wettest single month on record in Texas and Oklahoma. The official National Weather Service observation site for Dallas proper is Love Field, where 14.98 inches of rain was measured in May. That broke the May record of 13.74 inches set in 1957.

DISCUSSION

The City should proactively address the continuing revenue shortfall in the Utility Fund. Revenue projections are based on projected usage of water and sewer. Lower usage than projections are resulting from the combination of both the Stage 3 water restrictions and the record-breaking

rainfall in May. As a result, usage is down by more than 12 percent from the FY2015 budgeted projection. Currently, water revenue is 7.2 percent or $736,386 behind projection.

City staff has completed a detailed analysis of Utility Fund expenditure budgets and recommends reducing the FY2015 budget by $1,086,700, which is made up of $736,386 in water revenue and $350,314 in sewer revenue.

Operating budget:

Description	FY2015 Adopted	Change	FY2015 Revised
Revenue:			
Charges for Services	$28,454,087	$(1,086,700)	$27,367,387
Other	11,976		11,976
Transfers In	139,397		139,397
Current Revenues	**$28,605,460**	**$(1,086,700)**	**$27,518,760**
Expenses:			
Personnel Costs	$2,184,764		$2,184,764
Supplies	304,197	(11,950)	292,247
Purchase Services	12,296,266	(331,348)	11,964,918
Capital Outlay	287,628	(100,084)	187,544
Capital Improvements	2,800,000	(100,000)	2,700,000
Debt Service	4,712,956		4,712,956
Transfers Out	5,476,331		5,476,331
Total Expenses	**$28,062,142**	**$(543,382)**	**$27,518,760**
Net Change*		**$(543,318)**	
***Note: The City's FY2015 Adopted Budget reflected a budget surplus of $543,318 that was primarily due to the City's strategy to sell $5.0 million out of a possible $10.0 million in revenue bonds. This formed a "buffer" in FY2015 against potential revenue declines and therefore, is being used in this budget amendment to absorb about half of the impact.**			

Utility Cash Capital Improvements Program:

	Project Number	Title	Adjustment
Revenue decrease	n/a	Transfer from Utility Fund	(100,000)
Expenditure decrease	WA2106	Capital Equipment Leasing	(100,000)

As indicated above, due to lower than projected usage during the Stage 3 water restrictions and the amount of precipitation that has fallen in the Rowlett area during the month of May, staff believes that it will be very difficult to make up enough usage in the remaining summer months to hit our target. As a result, staff is recommending a two-fold approach to the Utility Fund in FY2015 to manage this issue.

1. Amend the budget for $1.1 million by reducing expenses and eliminating the surplus buffer budgeted in FY2015.
2. Set aside $400,000 from the amount allocated to the Utility Fund Cash CIP. If we hit our target in the remaining months, this amount will be reinstated for ongoing projects. If the target is missed, then this amount will be used to cover any additional shortfall.

FINANCIAL/BUDGET IMPLICATIONS

As indicated, this ordinance adjusts revenues and expenditures identified for FY2015. Exhibit A to the proposed ordinance details the type and purpose for the operating budget. Exhibit B details the project reductions for the cash Capital Improvements Budget.

RECOMMENDED ACTION

City staff recommends the City Council adopt an ordinance approving the restructuring and amending of the FY2015 Adopted Budget.

ORDINANCE

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING ORDINANCE NUMBER ORD-031-14, REPRESENTING THE 2014-2015 FISCAL YEAR BUDGET, BY REALLOCATING FUNDS WITHIN THE BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR BE MADE IN ACCORDANCE WITH SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 16, 2014, the City Council of the City of Rowlett, Texas, adopted its budget for Fiscal Year 2014-2015 by adopting Ordinance Number ORD-031-14, and

WHEREAS, the City Council of the City of Rowlett, Texas, has determined, after due consideration and study, that it is necessary to the efficient business and operation of the City to amend the budget for fiscal year 2014-2015, and

WHEREAS, there are adequate funds available for such amendment, and

WHEREAS the budget amendments set forth hereinafter are in the best interest of the public health, safety, and welfare.

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

Section 1: That Ordinance No. ORD-031-14, the Fiscal Year 2014-2015 Budget Ordinance of the City of Rowlett, Texas, adopted on or about September 16, 2014, be and the same is hereby amended by reallocating funds in accordance with the budget amendment attached hereto and incorporated herein as Exhibits "A" and "B", and all funds authorized and expended as set forth herein shall be deemed to be properly expended and approved as provided by law.

Section 2: That the City be and is hereby authorized to expend those funds allocated under the budget ordinance, as amended herein and the fund balance at the end of the current fiscal year will be carried forward to the next budget to fund the allocations for the next fiscal year.

Section 3: That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. ORD-031-14, the Fiscal Year 2014-2015 Budget Ordinance, shall remain in full force and effect.

Section 4: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

Section 5: That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the Budget Officer is directed to furnish a copy of this ordinance to the County Clerk as required by law.

ATTACHMENTS

Exhibit A – Utility Fund Budget Amendment FY2015
Exhibit B – Utility Cash Capital Improvement Fund Budget Amendment FY2015

FY 2015 **CITY OF ROWLETT BUDGET**

UTILITY FUND

	Adopted FY2014-15	Change	Revised Adopted FY2014-15
Revenues:			
Beginning Resources	$ 7,608,008		$ 4,039,203
Current Revenues:			
Tax Revenues	-		-
Franchise Fees	-		-
Licenses and Permits	-		-
Charges for Services	28,454,087	(1,086,700)	27,367,387
Fines & Forfeitures	-		-
Other	11,976		11,976
Transfers In	139,397		139,397
Current Revenues	28,605,460	(1,086,700)	27,518,760
Available Resources	36,213,468	(1,086,700)	31,557,963
Expenditures:			
Personnel Services	2,184,764		2,184,764
Supplies	304,197	(11,950)	292,247
Purchase Services	12,296,266	(331,348)	11,964,918
Capital Outlay	287,628	(100,084)	187,544
Capital Improvements	2,800,000		2,800,000
Debt Service	4,712,956		4,712,956
Transfers Out	5,476,331	(100,000)	5,376,331
Total Expenditures	28,062,142	(543,382)	27,518,760
Ending Resources	$ 8,151,326	$ (543,318)	$ 4,039,203

EXHIBIT B

EXHIBIT A

CITY OF ROWLETT
BUDGET AMENDMENT - FY 2014-2015

BUDGET CHANGES

	PROJECT NUMBER	PROJECT NAME OR ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	PURPOSE
REVENUE DECREASE		Transfer to CIP	520 5020	$2,800,000		($100,000)	$2,700,000	Reduction necessary as a result of the adjustment to the UF Cash CIP transfer .
EXPENDITURE DECREASE	WA2106	Capital Equipment Leasing	5208101	$438,000		($100,000)	$338,000	Utility Fund Budget Reduction

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 8A

TITLE

Consider adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas General Obligation Refunding and Improvement Bonds, Series 2015 and Waterworks and Sewer System Refunding Bonds, Series 2015; approving the official statement, providing an effective date; and enacting other provisions relating to the subject.

STAFF REPRESENTATIVE

Brian Funderburk, City Manager
Jim Proce, Assistant City Manager
Wendy Badgett, Interim Finance Director

SUMMARY

The City of Rowlett desires to issue $10.1 million in general obligation improvement debt for the first phase of the 2015 Bond Election Capital Plan in combination with $26.2 million in general obligation refunding debt to maximize debt savings for a combined $36.3 million General Obligation Refunding and Improvement, Series 2015. The City also desires to issue $13.3 million in Waterworks and Sewer System Refunding Bonds, Series 2015 to maximize additional debt savings.

BACKGROUND INFORMATION

General Obligation Improvement Bonds

During the FY2014 budget discussions, the City conferred with Council on the upcoming long-term strategic capital needs and challenges that could not be addressed with merely a reprioritization of dollars.

These discussions noted that while staff had developed a much needed “bridge” to FY2015 in order to provide time for economic development to begin to occur as a result of the opening of PGBT and DART and the completion of Rowlett 2020, the City would run out of the capital construction bonds issued in 2004-2007, making FY2015 a pivotal year for a possible general bond election. The potential bond election was readdressed in the summer of 2014 during the FY2015 budget preparation and resulted in the decision to plan a May 2015 bond election to address the funding needs of capital infrastructure. Upon Council’s direction to staff in July 2014, a Construction Improvement Plan (CIP) Task Force, including Rowlett citizens, was organized to assess capital needs and make a recommendation to Council for the May 2015 bond election, including project identification and prioritization. On May 9, 2015, the $25.8 million capital improvement plan bond election passed.

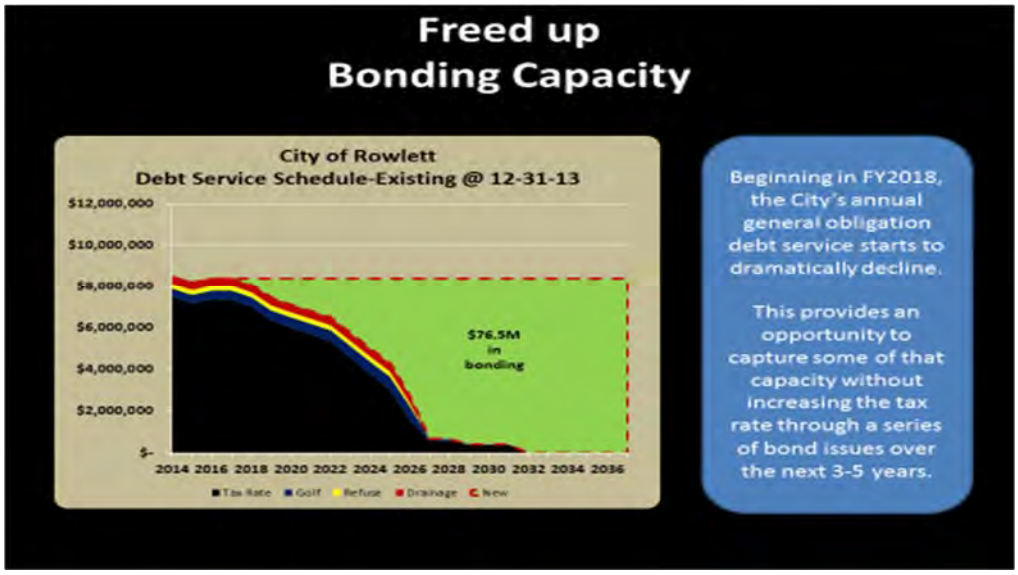
General Obligation/Water & Sewer Refunding Bonds

An integral part of the cash management and financing for City debt involves the continual evaluation and management of debt service and terms of our existing bonds. Due to the current market, the City has the opportunity to refund (or refinance) bonds, thereby obtaining significant savings in interest payments on existing bonds. This sale will include $25.4 million (principal only) in general obligation refunding bonds and $12.9 million (principal only) in Water & Sewer System Revenue Refunding Bonds with an estimated total savings of $2.6 million over the remaining life of the bonds.

DISCUSSION

General Obligation Refunding and Improvement Bonds, Series 2015

Beginning in FY2018, the City's annual general obligation debt service starts to dramatically decline. This freed up bond capacity (see chart below) could provide for as much as $76.5 million over the next ten years without a tax rate increase, therefore, the $25.8 million General Obligation Bonds issuance approved in the May 2015 bond election will come at no increased tax rate to the citizens of Rowlett. On June 2, 2015, the CIP Task Force unanimously approved the Three-Year Capital Improvement Plan allocation of projects to be funded developed by staff. At the June 9, 2015, and June 16, 2015, City Council Work Sessions, the Council reviewed the Plan, which includes the allocation and amount of debt needed to accomplish the capital projects in fiscal years 2016, 2017 and 2018. This request is to issue the first $10.1 million of the three-year issuance plan.



General Obligation Ref & Improvement Bonds

Rowlett

Series 2015- NEW MONEY PORTION

New Money Purpose:

$7,015,000	Streets & Roads
$1,957,500	Parks & Recreation
$985,000	Police & Fire
$9,957,500	Total Proceeds

- Level Annual Debt Service Payments
- Slight Acceleration of Principal in Order to Maintain Current Tax Rate

Preliminary/Estimated Debt Service
August 20th Delivery; 4.03% True Interest Cost

FYE	Principal	Interest	Total P&I
2016	$ 450,000	$ 343,854	$ 793,854
2017	445,000	343,231	788,231
2018	410,000	336,108	746,108
2019	390,000	328,080	718,080
2020	395,000	319,107	714,107
2021	410,000	308,671	718,671
2022	420,000	296,859	716,859
2023	435,000	283,856	718,856
2024	445,000	269,528	714,528
2025	465,000	253,638	718,638
2026	480,000	236,196	716,196
2027	500,000	217,249	717,249
2028	520,000	196,844	716,844
2029	540,000	175,163	715,163
2030	565,000	152,118	717,118
2031	590,000	127,629	717,629
2032	615,000	101,748	716,748
2033	640,000	74,512	714,512
2034	670,000	45,820	715,820
2035	700,000	15,540	715,540
	$ 10,085,000	$ 4,425,747	$ 14,510,747

Bond Rating Presentation | July 2015

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Please note that these are not final pricing results; therefore, the results may slightly change. The pricing date is Tuesday, July 21, 2015.

Additionally, the City's financial advisor has identified approximately $25.4 million (principal only) in governmental bonds that are available for refunding in the current market, providing significant debt service savings. The bond refunding includes the bonds and savings as outlined below:

General Obligation Ref & Improvement Bonds

Rowlett

Series 2015- REFUNDING PORTION

Issues:	Call feature:	Par Refunded:
Seires 2005 GO REF	Currently Callable	$3,095,000
Series 2005 CO	Currently Callable	$5,905,000
Series 2006 CO	2/15/2016	$16,395,000

Purpose/Goal:

- Replace higher interest rate debt with lower interest rate debt
- Reduce the overall debt service payments

Term:
Same as original; no extension to the debt

Refunding Statistics

Par Amount of Refunding Portion	$26,170,000
True Interest Cost	3.20%
Total Gross Debt Service Savings	**$1,937,998**
Average Annual Gross Debt Service Savings	**$121,125**
Net Present Value Savings	**5.73%**

Preliminary/Estimated Refunding Analysis
August 20th; 3.20% True Interest Cost

FYE	Old Net Debt Service	New Net Debt Service	Projected Savings
2016	$ 2,990,271	$ 2,867,982	$ 122,289
2017	4,115,278	3,996,001	119,277
2018	3,930,139	3,810,363	119,776
2019	3,917,900	3,799,151	118,749
2020	3,577,234	3,456,583	120,651
2021	1,937,088	1,814,303	122,785
2022	1,940,463	1,816,960	123,503
2023	1,940,088	1,820,273	119,815
2024	1,940,838	1,818,650	122,188
2025	1,941,394	1,821,381	120,013
2026	1,946,322	1,823,530	122,792
2027	421,484	300,801	120,684
2028	418,931	295,699	123,232
2029	420,481	299,960	120,521
2030	421,006	298,491	122,516
2031	420,506	301,298	119,208
	$32,279,422	$30,341,424	$ 1,937,998

Bond Rating Presentation | July 2015

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Please note that these are not final pricing results; therefore, the results may slightly change. The pricing date is Tuesday, July 21, 2015.

The general obligation combination of the approved $10.1 million in new debt plus the $26.2 million to be refunded results in the request for authorizing the issuance and sale of $36.3 million General Obligation Refunding and Improvement Bonds, Series 2015.

Waterworks and Sewer System Refunding Bonds, Series 2015

The City's financial advisor has identified approximately $12.9 million (principal only) in Water & Sewer System Revenue Bonds that are available for refunding in the current market, providing significant debt service savings. The bond refunding includes the bonds and savings as outlined below:

Waterworks & Sewer System Refunding Bonds

Rowlett

Series 2015- REFUNDING FOR SAVINGS

Issues:	Call feature:	Par Refunded:
Seires 2005 W&S	Currently Callable	$2,970,000
Series 2005A W&S	Currently Callable	$3,950,000
Series 2006 W&S REF	3/1/2016	$5,990,000

Purpose/Goal:

- Replace higher interest rate debt with lower interest rate debt
- Reduce the overall debt service payments

Term:
Same as original; no extension to the debt

Refunding Statistics

Par Amount of Refunding Bonds	$13,265,000
True Interest Cost	3.19%
Total Gross Debt Service Savings	**$ 685,732**
Average Annual Gross Debt Service Savings	**$ 62,339**
Net Present Value Savings	**4.39%**

Preliminary/Estimated Refunding Analysis
August 20th; 3.19% True Interest Cost

FYE	Old Net Debt Service	New Net Debt Service	Projected Savings
2016	$ 1,331,036	$ 1,267,754	$ 63,282
2017	2,157,326	2,093,388	63,938
2018	1,875,407	1,814,369	61,038
2019	1,877,383	1,816,802	60,581
2020	1,613,636	1,552,517	61,120
2021	1,281,623	1,221,000	60,623
2022	1,279,489	1,215,285	64,204
2023	1,279,866	1,216,593	63,273
2024	1,282,653	1,219,327	63,326
2025	1,282,913	1,222,928	59,985
2026	752,456	688,095	64,361
	$16,013,787	$15,328,055	$ 685,732

Bond Rating Presentation | July 2015

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Please note that these are not final pricing results; therefore, the results may slightly change. The pricing date is Tuesday, July 21, 2015.

Please note that the draft ordinance is substantially complete, but does not include interest rates or final pricing results; therefore, the results may change. This portion of the ordinance is intentionally left blank. Since the bond sale is a competitive bid, the aggregate principal amount, maturity amounts, and other terms may change based on the final pricing of the obligations. This is routine for this type of sale.

The estimated bond issue is $36.3 million for the General Obligation Refunding and Improvement Bonds and $13.3 million for the Waterworks and Sewer System Refunding Bonds. Actual sale results may produce a lower bond issue size. Any difference would be due to changes in market conditions at the time of the bond pricing and sale. Also, the original estimate for cost of issuance may vary slightly due to market considerations. The par amount on the offering for the issue will be annotated "*Preliminary, subject to change."

FISCAL/BUDGET IMPLICATIONS

General Obligation Refunding and Improvement Bonds

General Obligation Refunding and Improvement Bonds require the City to pledge its full faith and credit. Funding will come from ad valorem taxes stemming from freed up bond capacity and new growth. Issuance costs will be paid out of the bond proceeds. Preliminary values show the estimated average impact of the $10.1 million 2015 Bond Election phase 1 portion of the issue is

approximately $725,537 per year, while the average savings of the refunding portion is approximately $121,125 per year.

Waterworks and Sewer System Refunding & Improvement Bonds
Funding for the Waterworks and Sewer System Refunding Bonds will come from water and sewer fund revenue stemming from freed up bond capacity. Preliminary values show the estimated average savings of the refunding is $62,339 per year.

The actual debt service will not be known until the City's financial advisors, First Southwest, price the bonds on July 21, 2015.

RECOMMENDED ACTION

City staff recommends the adoption of ordinances authorizing the issuance and sale of City of Rowlett, Texas, General Obligation Refunding and Improvement Bonds, Series 2015 and Waterworks and Sewer System Refunding Bonds, Series 2015; providing for the payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

ORDINANCE

[See Exhibit A and Exhibit B, attached to this Staff Report]

ATTACHMENT

Exhibit A – Ordinance Authorizing the Issuance and Sale of City of Rowlett, Texas General Obligation Refunding and Improvement Bonds, Series 2015

Exhibit B – Ordinance Authorizing the Issuance and Sale of City of Rowlett, Texas Waterworks and Sewer System Refunding Bonds, Series 2015

ORDINANCE NO. ORD-_____-15

AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROWLETT, TEXAS GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2015; PROVIDING FOR THE PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

THE STATE OF TEXAS §
COUNTIES OF DALLAS AND ROCKWALL §
CITY OF ROWLETT §

WHEREAS, it is deemed advisable and to be in the best interest of the City of Rowlett, Texas (the "City" or "Issuer") that certain bonds authorized at an election previously held in the City be combined in a single issue and sold at this time, the date of election, amount of bonds authorized, purpose, amount of bonds previously sold, and the amount now to be sold being as follows:

DATE OF ELECTION	AMOUNT AUTHORIZED	PURPOSE	AMOUNT PREVIOUSLY SOLD	AMOUNT BEING ISSUED(1)	AMOUNT REMAINING
May 9, 2015	$18,932,340	Street improvements	$0	$7,015,000	$11,917,340
May 9, 2015	$4,206,110	Park & recreation improvements	$0	$1,957,500	$2,248,610
May 9, 2015	$2,631,050	public safety facilities and improvements	$0	$985,000	$1,646,050
January 1, 1997	$15,000,000	Street improvements	$11,040,000	$0	$3,960,000
Total	$40,769,500		$11,040,000	$9,957,500	$19,772,000

(1) Includes premium deposited into the Construction Fund and applied against voted authorization.

WHEREAS, this City Council finds and determines that it is necessary and proper to order the issuance, sale and delivery of such voted bonds; and

WHEREAS, certain previously issued and outstanding obligations of the City described in Exhibit A attached hereto and incorporated herein (collectively, the "Refunded Obligations") are intended to be and shall be refunded pursuant to this Ordinance; and

WHEREAS, Chapter 1207, Texas Government Code, authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, together with any other available funds or resources, directly with a paying agent for the Refunded Obligations or a trust company or commercial bank that does not act as a depository for the Issuer and is named in these proceedings, and such deposit, if made before the payment dates of the Refunded Obligations, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, Chapter 1207, Texas Government Code, further authorizes the Issuer to enter into an escrow or similar agreement with such paying agent for the Refunded Obligations or trust company or commercial bank with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the Issuer and such paying agent or trust company or commercial bank may agree; and

WHEREAS, the City Council hereby finds and declares a public purpose and it is in the best interests of the Issuer to refund the Refunded Obligations in order to achieve a debt service savings and to restructure

the Issuer's outstanding debt service, and that such refunding will result in a present value debt service savings of $_____ and an actual debt service savings of $_____ to the Issuer; and

WHEREAS, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized; and

WHEREAS, the bonds hereinafter authorized to be issued are to be issued, sold and delivered pursuant to the general laws of the State of Texas, including Texas Government Code, Chapters 1207 and 1331, as amended, and the City's Home Rule Charter; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Texas Government Code Chapter 551;

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE BONDS. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The bonds of the City of Rowlett, Texas (the "Issuer") are hereby authorized to be issued and delivered in the aggregate principal amount of $_____ for the public purpose of (i) refunding the Refunded Obligations; (ii) constructing, improving, extending, expanding, upgrading and developing streets and roads, including utility relocation, landscaping, sidewalks, traffic safety and operational improvements, drainage, the purchase of any necessary right-of-way and other costs related to such street and road projects; (iii) constructing, improving and equipping municipal parks and recreational facilities and the acquisition of land and interests in land necessary therefor, such projects to include trails, sports fields, Community Centre and aquatic facilities; (iv) constructing, improving and equipping public safety facilities for the fire and police departments, consisting of a training facility and communications equipment and transmission lines; and (v) paying the costs incurred in connection with the issuance of the Bonds (collectively, the "Projects").

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES AND INTEREST RATES OF BONDS. Each bond issued pursuant to this Ordinance shall be designated: "CITY OF ROWLETT, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND, SERIES 2015," and initially there shall be issued, sold, and delivered hereunder one fully registered bond, without interest coupons, dated July 15, 2015, in the principal amount stated above and in the denominations hereinafter stated, numbered T-1, with bonds issued in replacement thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective Registered Owners thereof (with the initial bond being made payable to the initial purchaser as described in Section 10 hereof), or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"), and said bonds shall mature and be payable serially on February 15 in each of the years and in the principal amounts, respectively, and shall bear interest from the date set forth in the FORM OF BOND set forth in Section 4 of this Ordinance to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

Years	Principal Amount	Interest Rates	Years	Principal Amount	Interest Rates
2016	$		2026	$	
2017			2027		

2018	2028
2019	2029
2020	2030
2021	2031
2022	2032
2023	2033
2024	2034
2025	2035

Section 3. CHARACTERISTICS OF THE BONDS.

(a) Appointment of Paying Agent/Registrar. The Issuer hereby appoints U.S. Bank National Association, Dallas, Texas, to serve as paying agent and registrar for the Bonds (the "Paying Agent/Registrar"). The Mayor or City Manager is authorized and directed to execute and deliver in the name and under the corporate seal and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar in substantially the form presented at this meeting.

(b) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

(c) Authentication. Except as provided in subsection (i) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially

were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(d) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(e) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.

(f) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(g) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(g) Book-Entry Only System. The Bonds issued in exchange for the Bonds initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof and the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC"), and except as provided in subsections (i) and (j) of this Section, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(h) Blanket Letter of Representations. The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

(i) Bonds Registered in the Name of Cede & Co. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(j) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(k) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Issuer to DTC.

(l) General Characteristics of the Bonds. The Bonds (i) shall be issued in fully registered form,

without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/registrar's Authentication Bond, in the FORM OF BOND set forth in this Ordinance.

(m) Cancellation of Initial Bond. On the closing date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the initial purchaser of the Bonds or its designee, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall insert the Delivery Date on Bond No. T-1, cancel the initial Bond and deliver to The Depository Trust Company ("DTC") on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 4. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

(a) Form of Bond.

NO. R-__

UNITED STATES OF AMERICA
STATE OF TEXAS

PRINCIPAL AMOUNT
$_____

CITY OF ROWLETT, TEXAS
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND
SERIES 2015

Interest Rate	Delivery Date	Maturity Date	CUSIP No.
_____%	August 20, 2015	February 15, 20__	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE specified above, the City of Rowlett, in Dallas and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby

promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date specified above at the Interest Rate per annum specified above. Interest is payable on February 15, 2016 and semiannually on each August 15 and February 15 thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of U.S. Bank National Association, Dallas, Texas, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared on the last business day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day

on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated July 15, 2015, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of $_____ for the public purposes of (i) refunding the Refunded Obligations; (ii) constructing, improving, extending, expanding, upgrading and developing streets and roads, including utility relocation, landscaping, sidewalks, traffic safety and operational improvements, drainage, the purchase of any necessary right-of-way and other costs related to such street and road projects; (iii) constructing, improving and equipping municipal parks and recreational facilities and the acquisition of land and interests in land necessary therefor, such projects to include trails, sports fields, Community Centre and aquatic facilities; (iv) constructing, improving and equipping public safety facilities for the fire and police departments, consisting of a training facility and communications equipment and transmission lines; and (v) paying the costs incurred in connection with the issuance of the Bonds (collectively, the "Projects").

ON FEBRUARY 15, 2024, or on any date thereafter, the outstanding Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of $5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

THE BONDS scheduled to mature on February 15 in the year 20__ (the "Term Bonds") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Bonds, on the dates and in the respective principal amounts, set forth in the following schedule:

Term Bond
Maturity: February 15, 20__

Mandatory Redemption Date	Principal Amount
February 15, 20__	$
February 15, 20__ (maturity)	

The principal amount of Term Bonds of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Bonds of the same maturity which, at least 50 days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States

mail, first-class postage prepaid to the registered owner of each Bond to be redeemed at its address as it appeared on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of $5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date, and such notice shall be of no effect unless such moneys are so deposited on or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000. As provided in the Bond Ordinance, this Bond may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of $5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of $5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date,

or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in the Mayor's absence, by the Mayor Pro-Tem) and countersigned with the manual or facsimile signature of the City Secretary of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)	(signature)
City Secretary	Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____.

U.S. BANK NATIONAL ASSOCIATION
Dallas, Texas
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers unto: _____

_____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____.

Signature Guaranteed:

_____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

_____

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

_____
Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) Initial Bond Insertions.

(i) The initial Bond shall be in the form set forth is paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF ROWLETT, TEXAS, in Dallas and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years	Principal Installments	Interest Rates

(Information from Section 2 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date specified above at the respective Interest Rate per annum specified above. Interest is payable on February 15, 2016, and semiannually on each August 15 and February 15 thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

Section 5. INTEREST AND SINKING FUND.

(a) A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer as a separate fund or account and the funds therein shall be deposited into and held in an account at an official depository bank of said Issuer. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said Issuer, and shall be used only for paying the interest on and principal of said Bonds. All amounts received from the sale of the Bonds as accrued interest shall be deposited upon receipt to the Interest and Sinking Fund, and all ad valorem taxes levied and collected for and on account of said Bonds shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Bonds are outstanding and unpaid, the governing body of said Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on said Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Bonds as such principal matures (but never less than 2% of the original amount of said Bonds as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said Issuer, for each year while any of said Bonds are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. If lawfully available moneys of the Issuer are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes that otherwise would have been required to be levied pursuant to this Section may be reduced to the extent and by the amount of the lawfully available funds then on deposit in the Interest and Sinking Fund.

(b) Article 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the taxes granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the registered owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 6. DEFEASANCE OF BONDS.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the

benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in Subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in Subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to refund, retire or otherwise discharge obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 7. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement Bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Sec. 1206.022, Government Code, this Section 7 of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 8. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor of the Issuer is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor or the City Manager, and the Mayor or the City Manager is hereby authorized to execute such engagement letter.

Section 9. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any

action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with –

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings);

(8) to pay to the United States of America at least once during each five-year period

(beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(9) to assure that the proceeds of the Bonds issued for improvements to the City's waterworks and sewer system will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(8), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor, the City Manager or the Assistant City Manager to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the construction and acquisition of the Project on its books and records by allocating proceeds to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed. The foregoing notwithstanding, the Issuer shall not expend proceeds of the sale of the Bonds or investment earnings thereon more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired, unless the Issuer obtains an opinion of nationally-recognized bond counsel that such expenditure will not adversely affect the status, for federal income tax purposes, of the Bonds or the interest thereon. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless the Issuer obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion that such failure to comply will not adversely affect

the excludability for federal income tax proposes from gross income of the interest.

Section 10. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Bonds are hereby sold and shall be delivered to BOSC, Inc., Coastal Securities, Inc. and Robert W. Baird & Co., Inc. (collectively, the "Purchaser") for the purchase price of $_____ (representing the aggregate principal amount of the Bonds, plus a reoffering premium of $_____, less the Purchaser's discount of $_____). The Bonds shall initially be registered in the name of BOSC, Inc. as lead underwriter for the syndicate of the Purchaser, or its designee.

(b) The Bonds are sold pursuant to the terms and provisions of a [Bond Purchase Agreement] (the "Purchase Agreement"), in substantially the form presented at this meeting, which the Mayor or City Manager of the Issuer are hereby authorized to execute and deliver. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable.

(c) The Issuer hereby approves the form and content of the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Bonds by the Purchaser in final form. The distribution and use of the Preliminary Official Statement, prior to the date hereof is hereby ratified and confirmed.

(d) The Mayor and Mayor Pro Tem, the City Manager, Assistant City Manager and City Secretary, any one or more of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer such documents, certificates and instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Letter of Representations, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 11. DEFAULT AND REMEDIES.

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the

Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

Section 12. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, in the electronic format prescribed by the MSRB certain updated financial information and operating data pertaining to the Issuer, being the following: (i) the Issuer's annual financial audit report; and (ii) the information found in tables 1 through 6 and 8 through 15 in the Official Statement for the Bonds. The Issuer will update and provide the information in the numbered tables within six months after the end of each fiscal year ending in and after 2015. The Issuer will additionally provide its annual financial audit report when and if available and, in any event, within 12 months after the end of each fiscal year ending in or after 2015. If the annual financial audit report is not complete within 12 months after any such fiscal year end, then the Issuer will file unaudited financial statements within such 12 month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(ii) Any financial information so to be provided shall be (i) prepared in accordance with the accounting principles described in the financial statements of the Issuer appended to the Official Statement, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation, and (ii) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided.

(iii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any documents available to the public on the MSRB's internet website or filed with the SEC. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, if such event is material within the meaning of the federal securities laws: (1) non-payment related defaults; (2) modifications to rights of Bondholders; (3) Bond calls; (4) release, substitution, or sale of property securing repayment of the Bonds; (5) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; and (6) appointment of a successor or additional trustee or the change of name of a trustee.

(ii) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, without regard to whether such event is considered material within the meaning of the federal securities laws: (1) principal and interest payment delinquencies; (2) unscheduled draws on debt service reserves reflecting financial difficulties; (3) unscheduled draws on credit enhancements reflecting financial difficulties; (4) substitution of credit or liquidity providers, or their failure to perform; (5) adverse tax opinions or the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (6) tender offers; (7) defeasances; (8) rating changes; and (9) bankruptcy, insolvency, receivership or similar event of an obligated person.

(iii) The Issuer shall notify the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such subsection.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer

to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 13. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to: (i) make any change in the maturity of any of the outstanding Bonds; (ii) reduce the rate of interest borne by any of the outstanding Bonds; (iii) reduce the amount of the principal payable on any outstanding Bonds; (iv) modify the terms of payment of principal or of interest on outstanding Bonds or any of them or impose any condition with respect to such payment; or (v) change the minimum percentage of the principal amount of any series of Bonds necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of publication of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds

then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the registration books kept by the Paying Agent/Registrar.

Section 14. APPROVAL OF ESCROW AGREEMENT AND TRANSFER OF FUNDS.

(a) The Mayor is authorized to enter into and execute on behalf of the Issuer with the escrow agent named therein, an escrow or similar agreement, in the form and substance as shall be approved by the Pricing Officer, which agreement will provide for the payment in full of the Refunded Obligations. In addition, the Mayor or other City official listed in Section 10(d) hereof are each hereby authorized to purchase such securities and to execute such subscriptions for the purchase of such securities, if any.

(b) The Mayor or other City official listed in Section 10(d) hereof are each hereby authorized to cause to be transferred to the Escrow Agent the amount of $_____ from available City funds to be utilized for the purposes set forth in the Escrow Agreement.

Section 15. REDEMPTION OF REFUNDED OBLIGATIONS.

(a) The Issuer hereby directs that the Refunded Obligations be called for redemption on the dates and as set forth in Exhibit A. Each of such Refunded Obligations shall be redeemed at the redemption price of par plus accrued interest. The Mayor or City Secretary of the Issuer is hereby authorized and directed to issue or cause to be issued the Notices of Redemption of the Refunded Obligations in the form set forth in Exhibit A attached hereto to the paying agent/registrar for the Refunded Obligations.

(b) In addition, the paying agent/registrars for the Refunded Obligations are hereby directed to provide the appropriate notices of redemption and defeasance as specified by the ordinances authorizing the issuance of such Refunded Obligations and is hereby directed to make appropriate arrangements so that such Refunded Obligations may be redeemed on their redemption date. The Refunded Obligations shall be presented for redemption at the paying agent/registrars therefore, and shall not bear interest after the date fixed for redemption.

(c) The source of funds for payment of the principal of and interest on the Refunded Obligations on their redemption date shall be from the funds placed in escrow with the Escrow Agent, pursuant to the Escrow Agreement approved in Section 14 of this Ordinance.

Section 16. CONSTRUCTION FUND; PROCEEDS OF SALE; USE OF PREMIUM.

(a) The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2015 Bond Construction Fund" (the "Construction Fund") for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided and to pay the costs of issuance of the Bonds. Upon payment of all such costs, any moneys remaining on deposit in the Construction Fund shall be transferred to the Interest and Sinking Fund.

(b) The proceeds of sale of the Bonds in the amount of (i) $____ shall be deposited into the Construction Fund, (ii) $_____ shall be deposited with the Escrow Agent to be utilized for the purposes set forth in the Escrow Agreement approved in Section 14 hereof, (iii) $_____ shall be deposited into the Interest and Sinking Fund and $_____ shall be used to pay costs of issuance. With respect to the premium on the Bonds in the amount of $_____, $_____ shall be deposited into the Construction Fund, $_____ shall be used to pay costs of issuance (including Purchaser's discount in the amount of $_____), $_____ shall be deposited

into the Interest and Sinking Fund and $_____ shall be deposited with the Escrow Agent to be utilized for the purposes set forth in the Escrow Agreement approved in Section 14 hereof.

(d) The Issuer may place proceeds of the Bonds (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Bonds will be used as soon as practicable for the purposes for which the Bonds are issued.

(c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

Section 17. APPROPRIATION. To pay the debt service coming due on the Bonds, if any, prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 18. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 19. EFFECTIVE DATE. In accordance with the provisions of Texas Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

EXHIBIT A

NOTICE OF REDEMPTION

CITY OF ROWLETT, TEXAS
CUSIP Prefix No. 779698

NOTICE IS HEREBY GIVEN that the City of Rowlett, Texas (the "City") has called for early redemption the outstanding bonds of the City described as follows:

City of Rowlett, Texas, General Obligation Refunding Bonds, Series 2005, dated April 15, 2005 (the "Series 2005 Bonds"), maturing on February 15 in the years and in the amounts shown below. Such Series 2005 Bonds have been called for redemption on August __, 2015 (the "Redemption Date") at the redemption price of par and accrued interest to the date fixed for redemption:

Maturity Date	Principal Amount	CUSIP Suffix	Maturity Date	Principal Amount	CUSIP Suffix
2016	$ 745,000	Z77	2019	$ 640,000	2A6
2017	775,000	Z85	2020	320,000	2B4
2018	615,000	Z93			

aggregating $3,095,000 in principal amount. On August 20, 2015, funds were deposited with U.S. Bank National Association, which is the Escrow Agent for the Series 2005 Bonds, in an amount, together with investment earnings thereon, to redeem the Series 2005 Bonds on the Redemption Date, and such Bonds shall be paid from amounts held in an escrow account administered by Escrow Agent, until the Redemption Date, when the redemption price shall be paid upon presentation of the Series 2005 Bonds to the paying agent/registrar thereof, U.S. Bank National Association, as follows:

First Class/Registered/ Certified Mail	Express Delivery Hand Delivery
U.S. Bank National Association Corporate Trust Services P. O. Box 64111 St. Paul, MN 55164-0111	U.S. Bank National Association Corporate Trust Services 60 Livingston Avenue 1st Floor - Bond Drop Window St. Paul, MN 55107

Upon presentation of the Series 2005 Bonds at the paying agent/registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par plus accrued interest to the redemption date and thereafter the Series 2005 Bonds shall no longer bear interest.

CITY OF ROWLETT, TEXAS

NOTICE OF REDEMPTION

CITY OF ROWLETT, TEXAS
CUSIP Prefix No. 779698

NOTICE IS HEREBY GIVEN that the City of Rowlett, Texas (the "City") has called for early redemption the outstanding bonds of the City described as follows:

City of Rowlett, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2005, dated September 15, 2005 (the "Series 2005 Certificates"), maturing on February 15 in the years and in the amounts shown below. Such Series 2005 Certificates have been called for redemption on August __, 2015 (the "Redemption Date") at the redemption price of par and accrued interest to the date fixed for redemption:

Maturity Date	Principal Amount	CUSIP Suffix	Maturity Date	Principal Amount	CUSIP Suffix
2016	$ 1,090,000	3C1	2019	$ 1,225,000	3F4
2017	1,130,000	3D9	2020	1,280,000	3G2
2018	1,180,000	3E7			

aggregating $5,905,000 in principal amount. On August 20, 2015, funds were deposited with U.S. Bank National Association, which is the Escrow Agent for the Series 2005 Certificates, in an amount, together with investment earnings thereon, to redeem the Series 2005 Certificates on the Redemption Date, and such Bonds shall be paid from amounts held in an escrow account administered by Escrow Agent, until the Redemption Date, when the redemption price shall be paid upon presentation of the Series 2005 Certificates to the paying agent/registrar thereof, U.S. Bank National Association, as follows:

First Class/Registered/ Certified Mail	Express Delivery Hand Delivery
U.S. Bank National Association Corporate Trust Services P. O. Box 64111 St. Paul, MN 55164-0111	U.S. Bank National Association Corporate Trust Services 60 Livingston Avenue 1st Floor - Bond Drop Window St. Paul, MN 55107

Upon presentation of the Series 2005 Certificates at the paying agent/registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par plus accrued interest to the redemption date and thereafter the Series 2005 Certificates shall no longer bear interest.

CITY OF ROWLETT, TEXAS

NOTICE OF REDEMPTION

CITY OF ROWLETT, TEXAS
CUSIP Prefix No. 779698

NOTICE IS HEREBY GIVEN that the City of Rowlett, Texas (the "City") has called for early redemption the outstanding bonds of the City described as follows:

City of Rowlett, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2006, dated June 15, 2006 (the "Series 2006 Certificates"), maturing on February 15 in the years and in the amounts shown below. Such Series 2006 Certificates have been called for redemption on February 15, 2016 (the "Redemption Date") at the redemption price of par and accrued interest to the date fixed for redemption:

Maturity Date	Principal Amount	CUSIP Suffix	Maturity Date	Principal Amount	CUSIP Suffix
2017	$ 1,160,000	3Y3	2024	$ 3,170,000	4F3
***	***	***	***	***	***
2019	2,495,000	4A4	2026	3,515,000	4H9
2020	1,335,000	4B2	***	***	***
***	***	***	2031	1,855,000	4N6
2022	2,865,000	4D8			

aggregating $16,935,000 in principal amount. On August 20, 2015, funds were deposited with U.S. Bank National Association, which is the Escrow Agent for the Series 2006 Certificates, in an amount, together with investment earnings thereon, to redeem the Series 2006 Certificates on the Redemption Date, and such Bonds shall be paid from amounts held in an escrow account administered by Escrow Agent, until the Redemption Date, when the redemption price shall be paid upon presentation of the Series 2006 Certificates to the paying agent/registrar thereof, U.S. Bank National Association, as follows:

First Class/Registered/ Certified Mail	Express Delivery Hand Delivery
U.S. Bank National Association Corporate Trust Services P. O. Box 64111 St. Paul, MN 55164-0111	U.S. Bank National Association Corporate Trust Services 60 Livingston Avenue 1st Floor - Bond Drop Window St. Paul, MN 55107

Upon presentation of the Series 2006 Certificates at the paying agent/registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par plus accrued interest to the redemption date and thereafter the Series 2006 Certificates shall no longer bear interest.

CITY OF ROWLETT, TEXAS

ORDINANCE NO. ORD-_____-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROWLETT, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2015; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

THE STATE OF TEXAS	**§**
COUNTIES OF DALLAS AND ROCKWALL	**§**
CITY OF ROWLETT	**§**

WHEREAS, the City of Rowlett, Texas (the "City" or "Issuer") has previously issued, and there are presently outstanding, bonds of the Issuer payable from a lien on and pledge of the net revenues of the Issuer's waterworks and sewer system; and

WHEREAS, certain of such previously issued and outstanding bonds are intended to be and shall be refunded pursuant to this Ordinance, the bonds to be refunded being described in Exhibit A attached hereto and incorporated herein (collectively, the "Refunded Bonds"); and

WHEREAS, Chapter 1207, Texas Government Code ("Chapter 1207"), authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, and any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Bonds, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Bonds; and

WHEREAS, Chapter 1207 authorizes the Issuer to enter into an escrow agreement with any paying agent for the Refunded Bonds with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the Issuer and such paying agent may agree, provided that such deposits may be invested and reinvested only in obligations described in Section 1207.062, Texas Government Code, as amended, and which shall mature and bear interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payment or prepayment of the Refunded Bonds; and

WHEREAS, the City Council hereby finds and declares a public purpose and it is in the best interests of the Issuer to refund the Refunded Bonds is in order to achieve a debt service savings and to restructure the Issuer's outstanding debt service, and that such refunding will result in a present value debt service savings of approximately $_____ and an actual debt service savings of approximately $_____ to the Issuer; and

WHEREAS, all the Refunded Bonds mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized; and

WHEREAS, the bonds hereafter authorized are being issued and delivered pursuant to said Chapter 1207 and Chapter 1502, Texas Government Code ("Chapter 1502"); and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551;

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE BONDS. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The bonds of the City are hereby authorized to be issued and delivered in the aggregate principal amount of $_____ for the public purposes of (i) refunding a portion of the Issuer's outstanding indebtedness payable from Net Revenues of the Issuer's combined Waterworks and Sewer System; and (ii) paying the costs incurred in connection with the issuance of the Bonds (collectively, the "Project").

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES AND INTEREST RATES OF BONDS. Each bond issued pursuant to this Ordinance shall be designated: "CITY OF ROWLETT, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BOND, SERIES 2015," and initially there shall be issued, sold, and delivered hereunder one fully registered bond, without interest coupons, dated July 15, 2015, in the principal amount stated above and in the denominations hereinafter stated, numbered T-1, with bonds issued in replacement thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective Registered Owners thereof (with the initial bond being made payable to the initial purchaser as described in Section 13 hereof), or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"), and said bonds shall mature and be payable serially on March 1 in each of the years and in the principal amounts, respectively, and shall bear interest from the date set forth in the FORM OF BOND set forth in Section 4 of this Ordinance to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

Year	Principal Amount	Interest Rate	Year	Principal Amount	Interest Rate
2016			2022		
2017			2023		
2018			2024		
2019			2025		
2020			2026		
2021					

The term "Bonds" as used in this Ordinance shall mean and include collectively the bonds initially issued and delivered pursuant to this Ordinance and all substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

Section 3. CHARACTERISTICS OF THE BONDS.

(a) Appointment of Paying Agent/Registrar. The Issuer hereby appoints U.S. Bank National Association, Dallas, Texas, to serve as paying agent and registrar for the Bonds (the "Paying Agent/Registrar"). The Mayor or City Manager is authorized and directed to execute and deliver in the name and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar in substantially the form presented at this meeting.

(b) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying

Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

(c) Authentication. Except as provided in subsection (l) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(d) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(e) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with

respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.

(f) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(g) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(g) Book-Entry Only System. The Bonds issued in exchange for the Bonds initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof and the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC"), and except as provided in subsections (i) and (j) of this Section, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(h) Blanket Letter of Representations. The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

(i) Bonds Registered in the Name of Cede & Co. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the

payment to any DTC Participant or any other person, other than a registered owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(j) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(k) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Issuer to DTC.

(l) General Characteristics of the Bonds. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/registrar's Authentication Certificate, in the FORM OF BOND set forth in this Ordinance.

(m) Cancellation of Initial Bonds. On the closing date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the initial purchaser of the Bonds or its designee, executed by manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall insert the Issuance Date on Bond No. T-1, cancel the initial Bond and deliver to The Depository Trust Company ("DTC") on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 4. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

(a) Form of Bond.

NO. R-__

UNITED STATES OF AMERICA
STATE OF TEXAS

PRINCIPAL AMOUNT
$_____

CITY OF ROWLETT, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BOND, SERIES 2015

Interest Rate	Delivery Date	Maturity Date	CUSIP No.
	August 20, 2015	March 1, 20__	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE specified above, the City of Rowlett, in Dallas and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date at the Interest Rate per annum specified above. Interest is payable on March 1, 2016 and semiannually on each September 1 and March 1 thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of U.S. Bank National Association, Dallas, Texas, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared on

the fifteenth day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Bond Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated July 15, 2015, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of $_____ for the public purposes of (i) refunding a portion of the Issuer's outstanding indebtedness payable from Net Revenues of the Issuer's combined Waterworks and Sewer System; and (ii) paying the costs incurred in connection with the issuance of the Bonds.

ON MARCH 1, 2024, or on any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of $5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

THE BONDS scheduled to mature on March 1 in the years 20__, 20__ and 20__ (the "Term Bonds") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Bonds, on the dates and in the respective principal amounts, set forth in the following schedule:

Term Bond Maturity: March 1, 20__	Term Bond Maturity: March 1, 20__

Mandatory Redemption Date	Principal Amount	Mandatory Redemption Date	Principal Amount
March 1, 20__		March 1, 20__	
March 1, 20__ (maturity)		March 1, 20__ (maturity)	

Term Bond
Maturity: March 1, 20__

Mandatory Redemption Date	Principal Amount
March 1, 20__	
March 1, 20__ (maturity)	

The principal amount of Term Bonds of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Bonds of the same maturity which, at least 50 days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the registered owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of $5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date, and such notice shall be of no effect unless such moneys are so deposited on or prior to the redemption date. If such redemption is not effectuated, the Paying

Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000. As provided in the Bond Ordinance, this Bond may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of $5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of $5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond and all of the bonds of the series of which it is a part constitute special obligations of the Issuer, and, together with certain Outstanding Parity Bonds defined and described in the Ordinance, are payable as to both principal and interest solely from and equally secured by a first lien on and pledge of the Net Revenues of the Issuer's combined Waterworks and Sewer System. Reference is hereby made to the Ordinance for a more complete statement of the covenants and provisions securing the payment of this Bond and the series of which it is one.

THE ISSUER EXPRESSLY RESERVES the right to issue further and additional special revenue obligations equally secured by a lien on and pledge of the net revenues of the Issuer's combined Waterworks and Sewer System on a parity with the Bonds of this issue; provided, however, that any and all such additional parity obligations may be issued only in accordance with and subject to the covenants, conditions, limitations and restrictions relating thereto which are set out and contained in the Ordinance, to which reference is hereby made for more complete and full particulars.

THE HOLDER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in the Mayor's absence, by the Major Pro Tem) and countersigned with the manual or facsimile signature of the City Secretary of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)	(signature)
City Secretary	Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____.

U.S. BANK NATIONAL ASSOCIATION,
Dallas, Texas
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers unto:

_____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____.

Signature Guaranteed:

_____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

_____

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

_____
Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) Initial Bond Insertions.

(i) The initial Bond shall be in the form set forth is paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF ROWLETT, TEXAS, in Dallas and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on March 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years	Principal Installments	Interest Rates

(Information from Section 2 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date at the respective Interest Rate per annum specified above. Interest is payable on March 1, 2016, and semiannually on each September 1 and March 1 thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

Section 5. SECURITY FOR THE BONDS.

(a) The Bonds herein authorized are "Additional Parity Bonds" as described in the ordinances authorizing the Outstanding Parity Bonds, and the principal thereof and the interest thereon, together with the principal of and interest on the Outstanding Parity Bonds, are and shall be payable from and secured by an irrevocable first lien on and pledge of the Net Revenues to be derived from the operation and/or ownership of the System.

(b) The Bonds and the interest thereon are special obligations of the City payable solely from the Net Revenues, and the Owners thereof shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation.

Section 6. DEFINITIONS, PLEDGE, FUNDS AND ACCOUNTS AND APPLICATION OF MONEY.

(a) Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise, in this Ordinance the following terms shall have the meanings specified below:

"Additional Parity Bonds" means the additional parity bonds and obligations permitted to be issued or entered into under the provisions of this Ordinance and the ordinances authorizing the Outstanding Parity Bonds.

"Average Annual Debt Service" means that average amount which, at the time of computation, will be required to pay the Debt Service of obligations when due and derived by dividing the total of such Debt Service by the number of years then remaining before final maturity. Capitalized interest payments provided from bond proceeds shall be excluded in making the aforementioned computation.

"Bond Fund" means the interest and sinking fund described in Sections 6(c) and 6(e).

"Bonds Similarly Secured" means the Outstanding Parity Bonds, the Bonds and Additional Parity Bonds.

"Debt Service" means, as of any particular date of computation, with respect to any obligations and with respect to any period, means the aggregate of the amounts to be paid or set aside by the City as of such date or in such period for the payment of the principal of, premium, if any, and interest (to the extent not capitalized) on such obligations; assuming, in the case of obligations without a fixed numerical rate, that such obligations bear, or would have borne, interest at the highest rate reached, or that would have been applied to such obligations (using the index or measure for computing interest applicable to such obligations) during the twenty-four (24) month period next preceding the date of computation, and further assuming in the case of obligations required to be redeemed or prepaid as to principal prior to maturity, the principal amounts thereof will be redeemed prior to maturity in accordance with the mandatory redemption provisions applicable thereto.

"Fiscal Year" means the twelve month period used by the City in connection with the operation of the System, which may be any twelve consecutive month period established by the City.

"Gross Revenues" means, with respect to the System, all income, receipts and revenues of every nature derived or received from the operation and ownership (excluding refundable meter deposits, restricted gifts and grants) of the System, including earnings and income derived from the investment or deposit of moneys in any special funds or accounts created and established by the City for the payment and security of obligations payable solely from and secured only by a lien on and pledge of the Net Revenues.

"Maintenance and Operating Expenses" means all current expenses of operating and maintaining the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair obligations payable from Net Revenues shall be deducted in determining "Net Revenues." Depreciation shall never be considered as an expense of Maintenance and Operation. Maintenance and Operating Expenses shall include payments under contracts for the purchase of water supply or treatment of sewage or other materials, goods or services for the System to the extent authorized by law and the provisions of such contract.

"Net Revenues" means the Gross Revenues of the System, with respect to any period, after deducting the System's Maintenance and Operating Expenses during such period.

"Outstanding" means, when used in this Ordinance with respect to Bonds, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

(1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds deemed to be paid by the City in accordance with the provisions of Section 9, provided that, if such Bonds are to be redeemed, notice of redemption thereof shall have been duly given pursuant to this Ordinance or irrevocably provided to be given to the satisfaction of the Paying Agent/Registrar, or waived; and

(3) those Bonds that have been mutilated, destroyed, lost, or stolen and replacement Bonds have been registered and delivered in lieu thereof as provided in Section 10.

"Outstanding Parity Bonds" means the outstanding and unpaid obligations of the following series: City of Rowlett, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2005; City of Rowlett, Texas, Waterworks and Sewer System Revenue Bonds, Series 2005A; City of Rowlett, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006; City of Rowlett, Texas, Waterworks and Sewer System Revenue Bonds, Series 2012; and City of Rowlett, Texas, Waterworks and Sewer System Revenue Bonds, Series 2014.

"Owner" means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

"Parity Revenue Bonds" means the Outstanding Parity Bonds, the Bonds and Additional Parity Bonds.

"Reserve Fund" means the reserve fund described in Sections 6(c) and 6(f).

"System" means all properties, facilities and plants currently owned, operated and maintained by the City for the supply, treatment and transmission of treated potable water and the collection, treatment and disposal of water-carried wastes, together with all future extensions, improvements, replacements and additions thereto; provided, however, that notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term "System" shall not mean to include facilities of any kind which are declared not to be a part of the System and which are acquired or constructed by or on behalf of the City with the proceeds from the issuance of "Special Facilities Bond," which are hereby defined as being special revenue obligations of the City which are not Bonds Similarly Secured but which are payable from and secured by other liens on and pledges of any revenues, sources or payments, not pledged to the payment of the Bonds Similarly Secured including, but not limited to, special contract revenues or payments received from any other legal entity in connection with such facilities.

"System Fund" means the revenue fund described and confirmed in Section 6(d).

(b) Pledge. The City hereby covenants and agrees that the Net Revenues, with the exception of those in excess of the amounts required to establish and maintain the special Funds created for the payment and security of the Bonds Similarly Secured, are hereby irrevocably pledged for the payment of the Bonds Similarly Secured, and the interest thereon, and it is hereby ordained that the Bonds Similarly Secured, and the interest thereon, shall constitute a first lien upon the Net Revenues.

Article 1208, Government Code, applies to the issuance of the Bonds and the pledge of the Net Revenues granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the Net Revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the registered owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

(c) Special Funds. To provide for the payment and security of the Bonds Similarly Secured, the following special funds heretofore created and established in connection with the Outstanding Parity Bonds, are hereby reaffirmed and shall continue to be kept and maintained as set forth below:

(i) City of Rowlett Waterworks and Sewer System Interest and Sinking Revenue Bond Fund, hereinafter called the "Bond Fund." This fund shall be kept and maintained at a depository bank of the City, and moneys deposited in this fund shall be used to pay principal of and interest on the Bonds similarly Secured when and as the same become due and payable; and

(ii) City of Rowlett Revenue Bond Reserve Fund, hereinafter called the "Reserve Fund." This fund shall be kept and maintained at a depository bank of the City, and moneys deposited in this fund shall be used to pay principal and interest on the Bonds Similarly Secured falling due at any time when there is insufficient money available in the Bond Fund.

(d) System Fund. The City hereby covenants and agrees and reaffirms with the registered owners of the Outstanding Parity Bonds that Gross Revenues of the System (excluding earnings and income derived from investments held in the Bond Fund and Reserve Fund) shall be, as collected, deposited into a separate account maintained with an official depository bank of the City and known as the "Water and Sewer System Fund" (herein called the "System Fund") and such revenues of the System shall be kept separate and apart from all other funds of the City. All revenues deposited in the System Fund shall be pledged and appropriated to the extent required for the following uses and in the order of precedence shown:

FIRST: To the payment of all necessary and reasonable Maintenance and Operating Expenses of the System, as defined herein or required by statute to be a first charge on and claim against the Gross Revenues thereof.

SECOND: To the payment of the amounts required to be deposited in the Bond Fund for the payment of Debt Service on the Bonds Similarly Secured as the same becomes due and payable.

THIRD: To the payment of the amounts required to be deposited in the Reserve Fund to establish and maintain the Required Reserve in accordance with the provisions of this Ordinance or any other ordinance relating to the issuance of Bonds Similarly Secured.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

(e) Bond Fund. For purposes of paying the principal of and interest on the Bonds as the same becomes due and payable, the City hereby covenants and agrees to cause to be deposited to the Bond Fund from the Net Revenues of the System an amount which, together with the amounts required to be deposited into the Bond Fund by the ordinances authorizing the issuance of the Bonds Similarly Secured, is equal to one hundred per centum (100%) of the amount required to fully pay such principal and interest falling due on the Bonds Similarly Secured on or before each maturity and interest payment date, such payments to be made in substantially equal monthly installments on or before the last day of each month and beginning on or before the last day of the month next following the month in which the Bonds are delivered.

The monthly deposits to the Bond Fund for the payment of principal of and interest on the Bonds shall continue to be made as hereinabove described until such time as the total amount on deposit in said Fund and the Reserve Fund is equal to the amount required to pay all outstanding Bonds Similarly Secured (principal and interest) or the Bonds are no longer Outstanding. Also, accrued interest and premium, if any,

received from the purchaser of the Bonds, as well as earnings derived from the investment of moneys in the Bond Fund and any proceeds of the Bonds not required to accomplish the purposes for which the Bonds were issued, shall be deposited in the Bond Fund, and shall be taken into consideration and reduce the amount of the monthly deposits hereinabove required which would otherwise be required to be deposited in the Bond Fund from the Net Revenues.

(f) Reserve Fund. The City hereby covenants and agrees to accumulate and maintain in the Reserve Fund as a reserve for the payment of Bonds Similarly Secured an amount (hereinafter called the "Required Reserve") equal to not less than the Average Annual Debt Service of Outstanding Bonds Similar Secured (calculated on a fiscal year basis and determined as of the date the last series of Bonds Similarly Secured are delivered or incurred, as the case may be). The Required Reserve shall be used solely for the payment of the principal of and interest on Bonds Similarly Secured when other funds available therefor are insufficient and, in addition, may be used to the extent not required to maintain the "Required Reserve," to pay, or provide for the payment of, the final principal amount of a series of Bonds Similarly Secured so that such series of Bonds Similarly Secured is no longer deemed to be "Outstanding" as such term is defined herein with reference to the Bonds.

In addition to the sums prescribed in the ordinances for the Outstanding Parity Bonds, the City shall deposit into the Reserve Fund on or before the last day of each month, beginning on or before the last day of the month next following the month in which the Bonds are delivered, from available Net Revenues of the System an equal amount per month which will within five calendar years of the date of the Bonds accumulate the additional amount, if any, required to be on deposit in the Reserve Fund as a result of the issuance of the Bonds. So long as the money and investments in the Reserve Fund total not less than the Required Reserve, no additional deposits need be made to the credit of the Reserve Fund, but when and if the Reserve Fund at any time contains less than the Required Reserve (other than as a result of the issuance of Additional Parity Bonds as provided in Section 7 hereof), the City covenants and agrees to cure the deficiency in the Required Reserve by resuming monthly deposits to said Fund from the Net Revenues, such monthly deposits to be in amounts equal to not less than 1/60th of the then total Required Reserve to be maintained in said Fund and to be made on or before the last day of each month until the total Required Reserve then to be maintained in said Fund has been fully restored, and the City hereby covenants and agrees that, subject only to the payments to be made to the Bond Fund, the Net Revenues of the System shall be applied and appropriated and used to establish and maintain the Required Reserve and cure any deficiency in such amount as required by the provisions of this Ordinance and any other ordinance pertaining to obligations the payment of which are secured by the Required Reserve. During such time as the Reserve Fund contains the total Required Reserve, the City may, at its option, withdraw all surplus in the Reserve Fund in excess of the Required Reserve and deposit such surplus in the System Fund; provided, that any such surplus attributable to proceeds of bonds may be used only for the purposes for which such bond proceeds may be used.

(g) Deficiencies in Funds. If in any month the City shall, for any reason, fail to pay into the Bond Fund or the Reserve Fund the full amounts above stipulated, amounts equivalent to such deficiencies shall be set apart and paid into said funds from the first available Net Revenues of the System, or from any other sources available for such purpose, in the following month or months and such payments shall be in addition to the amounts hereinabove provided to be otherwise paid into said funds during such month or months.

(h) Excess Revenues. Any revenues in excess of those required to establish and maintain the special funds as above provided may be used for any lawful purpose.

(i) Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of

public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by the ordinances authorizing the issuance of Bonds Similarly Secured.

(j) Investments.

(i) Money in any Fund established pursuant to this Ordinance may, at the option of the City, be placed in time deposits (in authorized depositories of the City) or certificates of deposit secured (to the extent not insured by the Federal Deposit Insurance Corporation) by obligations of the type hereinafter described, or be invested, including investments held in book-entry form, in direct obligations of the United States of America and obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations; provided that all such deposits and investments shall be made in such a manner that the money required to be expended from any Fund will be available at the proper time or times. Such investments (except State and Local Government Series investments held in book entry form, which shall at all times be valued at cost) shall be valued in terms of current market value within 45 days of the close of each Fiscal Year and, with respect to investments held for the account of the Reserve Fund, within 30 days of the date of passage of each ordinance authorizing the issuance of Additional Parity Bonds.

(ii) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(k) Investment Income. All interest and income derived from deposits and investments in the Bond Fund immediately shall be credited to, and any losses debited to, the Bond Fund. All interest and interest income derived from deposits in and investments of the Reserve Fund shall, subject to the limitations provided in Section 6(f) hereof, be credited to and deposited in the System Fund.

Section 7. ADDITIONAL BONDS. In addition to the right to issue obligations of inferior lien as authorized by the laws of the State of Texas, the City hereby reserves the right to issue additional obligations which, when duly authorized and issued in compliance with the terms and conditions hereinafter appearing, shall be on a parity with the Bonds, payable from and equally secured by a first lien on and pledge of the Net Revenues of the System. The additional obligations may be issued in one or more installments provided, however, that none shall be issued unless and until the following conditions have been met:

(a) The Finance Director of the City (or other officer of the City then having the primary responsibility for the financial affairs of the City) shall have executed a certificate stating (a) that, to the best of his knowledge and belief, the City is not then in default as to any covenant, obligation or agreement contained in any ordinance or other proceeding relating to any obligations of the City payable from and secured by a lien on and pledge of the Net Revenues of the System that would materially affect the security or payment of such obligations and (b) either (i) payments into all special funds or accounts created and established for the payment and security of all outstanding obligations payable from and secured by a lien on and pledge of the Net Revenues of the System have been made and that the amounts on deposit in such special funds or accounts are the amounts then required to be on deposit therein or (ii) the application of the proceeds of sale of such obligations then being issued will cure any such deficiency.

(b) The additional obligations are made to mature March 1 or September 1 of each of the years in which they are scheduled to mature.

(c) The City has secured from a Certified Public Accountant a certificate or opinion showing that, according to the books and records of the City, the Net Earnings for either (i) the last completed Fiscal Year, or (ii) a consecutive twelve-month period out of the last fifteen months immediately preceding the month the ordinance authorizing the issuance of the Additional Parity Bonds is adopted, are equal to at least (i) 1.25 times the Average Annual Debt Service of all Bonds Similarly Secured which will be outstanding after giving effect to the issuance of the Additional Parity Bonds then being issued and (ii) 1.10 times the maximum annual Debt Service payment to be paid in a Fiscal Year for the outstanding Bonds Similarly Secured after giving effect to the issuance of the Additional Parity Bonds then being issued. In making a determination of the Net Earnings, the Accountant may take into consideration a change in the rates and charges for services and facilities afforded by the System that became effective at least sixty (60) days prior to the date the ordinance authorizing the issuance of the Additional Parity Bonds is adopted and, for purposes of satisfying the above Net Earnings test, make a pro forma determination of the Net Earnings of the System for the period of time covered by his certification or opinion based on such change in rates and charges being in effect for the entire period covered by the Accountant's certificate or opinion.

(d) As used in this Section, the Term "Net Earnings" shall mean the Gross Revenues of the System after deducting the Maintenance and Operating Expenses of the System, but not depreciation charges or other expenditures which, under generally accepted accounting principles, should be treated as capital expenditures.

(e) The ordinance authorizing the additional obligations makes provision for deposits to be made into:

(i) The Bond Fund established for the payment of Bonds Similarly Secured of amounts adequate to pay the principal and interest requirements of the additional obligations as the same becomes due; and

(ii) The Reserve Fund of an additional amount so that the total amount to be accumulated in such Fund will be equal to not less than the average annual principal and interest requirement for all Bonds Similarly Secured to be outstanding after giving effect to the issuance of the proposed additional obligations (such average annual requirement to be calculated on a Fiscal Year basis as of the date of delivery of the proposed additional obligations). Any additional amount required to be deposited in the Reserve Fund shall be required (by such authorizing ordinance) to be accumulated therein within five calendar years of the date of such proposed additional obligations.

(f) Bonds Similarly Secured may be refunded (pursuant to any law then available) upon such terms and conditions as the City Council may deem to the best interest of the City and its inhabitants, and if less than all such outstanding Bonds Similarly Secured are refunded the proposed refunding bonds shall be considered as "Additional Parity Bonds" under the provisions of this Section and the certificate required in subdivision (c) shall give effect to the issuance of the proposed refunding bonds (and shall not give effect to the bonds being refunded following their cancellation or provision being made for their payment).

Section 8. PARTICULAR REPRESENTATIONS AND COVENANTS

(a) Rates and Charges. The City further covenants and agrees with the Owners that, so long as any of the Bonds Similarly Secured remain outstanding and unpaid, it shall fix and maintain rates and collect charges for the facilities and services afforded by the System that are reasonably expected, on the basis of available information and experience and with due allowance for contingencies, to produce Gross Revenues in each Fiscal Year sufficient at all times:

(i) To pay all Maintenance and Operating Expenses, depreciation charges and replacement and betterment costs;

(ii) To produce Net Revenues sufficient to pay the principal of and interest on the Bonds Similarly Secured and the amounts required to be deposited into the special funds created and established for the payment and security of the Bonds Similarly Secured, and to pay any other legally incurred indebtedness payable only from and secured solely by a lien on and pledge of the Net Revenues of the System; and

(iii) To produce Net Revenues equal to at least 1.20 times the Debt Service due and payable on outstanding Bonds Similarly Secured.

(b) Maintenance and Operation; Insurance. The City hereby covenants and agrees that the System shall be maintained in good condition and operated in an efficient manner and at reasonable cost. So long as any of the Bonds Similarly Secured are outstanding, the City agrees to maintain casualty and other insurance on the System of a kind and in an amount customarily carried by municipal corporations owning and operating similar properties. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System but nothing herein shall be construed as preventing the City from doing so.

(c) No Free Service. The City covenants and agrees that no free service shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

(d) Records and Accounts; Accounting Reports. The City hereby covenants and agrees that so long as any of the Bonds or any interest thereon remain outstanding and unpaid, it will keep and maintain a proper and complete system of records and accounts pertaining to the operation of the System parts separate and apart from all other records and accounts of the City in which complete and correct entries shall be made of all transactions relating to said System, as provided by Chapter 1502 or other applicable law. The Owner or Owners of any Bonds or any duly authorized agent or agents of such Owners shall have the right at all reasonable times to inspect all such records, accounts and data relating thereto and to inspect the System and all properties comprising same. The City further agrees that following the close of each Fiscal Year, it will cause an audit of such books and accounts to be made by an independent firm of Certified Public Accountants. Each such audit, in addition to whatever other matters may be thought proper by the Accountant, shall particularly include the following:

(i) A statement of the income and expenditures of the components of the System for such fiscal year.

(ii) A balance sheet as of the end of such Fiscal Year.

(iii) A statement of the source and disposition of all funds of the System during such Fiscal Year.

(iv) The Accountant's comments regarding the manner in which the City has complied with the covenants and requirements of this Ordinance and any other ordinance authorizing the issuance of Bonds Similarly Secured and his recommendations for any changes or improvements in the operation, records and accounts of the System.

(iv) A list of the insurance policies in force at the end of the Fiscal Year on the System properties, setting out as to each policy the amount thereof, the risk covered, the name of the insurer, and the policy's expiration date.

Expenses incurred in making the audits above referred to are to be regarded as Maintenance and Operating Expenses of the System and paid as such. Copies of the aforesaid annual audit shall be immediately furnished to the Executive Director of the Municipal Advisory Council of Texas at his office in Austin, Texas, and, upon written request, to the original purchasers and any subsequent Owner. The audits herein required shall be made within 120 days following the close of each Fiscal Year insofar as is possible.

(e) Sale or Lease of Properties. The City, to the extent and in the manner authorized by law, may sell or exchange for consideration representing the fair value thereof, as determined by the City Council of the City, any property not necessary or required in the efficient operations of the System, or any equipment not necessary or useful in the operations thereof or which is obsolete, damaged or worn out or otherwise unsuitable for use in the operation of the System. The proceeds of any sale of properties of the System shall be deposited in the System Fund.

(f) Competition. That so far as it legally may, the City covenants and agrees, for the protection and security of the Bonds Similarly Secured and the holders thereof from time to time and until all Bonds Similarly Secured shall have been retired, that it will not grant a franchise for the installation or operation of any water and/or sewer system other than those owned by the City, that it will prohibit the operation of any waterworks or sewer system other than those operated by the City, and the operation of any such system by anyone other than the City is hereby prohibited.

(g) Further Covenants. The City further covenants and agrees by and through this Ordinance as follows:

(i) That it has the lawful power to pledge the revenues supporting this issue of Bonds and has lawfully exercised said power under the Constitution and laws of the State of Texas, including power existing under Chapter 1502.

(ii) That other than for the payment of the Bonds Similarly Secured, and obligations of the City payable from and secured by a lien on and pledge of the revenues of the System subordinate and inferior to such lien and pledge for the Bonds Similarly Secured, the Net Revenues of the System have not been pledged in any manner to the payment of any debt or obligation of the City, nor of said System.

(iii) It will duly and punctually keep, observe and perform each and every undertaking, covenant and condition on its part to be kept, observed and performed, contained in this Ordinance and in the ordinances authorizing the Outstanding Parity Bonds and any Additional Parity Bonds, and that it will prior to the maturity of each installment of interest and prior to the maturity of each Outstanding Parity Bond, Bond, and Additional Parity Bond issued thereunder, make available at the principal office of the Paying Agent/Registrar, but only from the sources herein provided, sufficient funds to promptly pay such principal and interest.

(iv) The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorizations and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

Section 9. DEFEASANCE OF BONDS.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsection 9(a)(i) or (ii) shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection 9(a)(i) or (ii). All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to discharges obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement Bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Sec. 1206.022, Government Code, this Section 10 of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor of the Issuer is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the

convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor, and the Mayor is hereby authorized to execute such engagement letter.

Section 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with –

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings);

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(9) to assure that the proceeds of the Bonds issued for improvements to the City's waterworks and sewer system will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(8), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor, the City Manager or the Assistant City Manager to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the construction and acquisition of the Project on its books and records by allocating proceeds to expenditures within 18 months of the later

of the date that (1) the expenditure is made, or (2) the Project is completed. The foregoing notwithstanding, the Issuer shall not expend proceeds of the sale of the Bonds or investment earnings thereon more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired, unless the Issuer obtains an opinion of nationally-recognized bond counsel that such expenditure will not adversely affect the status, for federal income tax purposes, of the Bonds or the interest thereon. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless the Issuer obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion that such failure to comply will not adversely affect the excludability for federal income tax proposes from gross income of the interest.

Section 13. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Bonds are hereby sold and shall be delivered to BOSC, Inc., Coastal Securities, Inc. and Robert W. Baird & Co., Inc. (collectively, the "Purchaser") for the purchase price of $_____ (representing the aggregate principal amount of the Bonds, plus a reoffering premium of $_____, less the Purchaser's discount of $_____). The Bonds shall initially be registered in the name of BOSC, Inc. as lead underwriter for the syndicate of the Purchaser, or its designee

(b) The Bonds are sold pursuant to the terms and provisions of a [Bond Purchase Agreement] (the "Purchase Agreement"), in substantially the form presented at this meeting, which the Mayor or City Manager of the Issuer are hereby authorized to execute and deliver. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable.

(c) The Issuer hereby approves the form and content of the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Bonds by the Purchaser in final form. The distribution and use of the Preliminary Official Statement prior to the date hereof is hereby ratified and confirmed.

(d) The Mayor and Mayor Pro Tem, the City Manager, Assistant City Manager and City Secretary, any one or more of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer such documents, certificates and instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Letter of Representations, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 14. INTEREST EARNINGS ON BOND PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Bonds shall be used along with other Bond proceeds for the Project; provided that after completion of such purpose, if any of such interest earnings remain on hand, such

interest earnings shall be deposited in the Bond Fund. It is further provided, however, that any interest earnings on Bond proceeds that are required to be rebated to the United States of America pursuant to Section 12 hereof in order to prevent the Bonds from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 15. CONSTRUCTION FUND; PROCEEDS OF SALE; USE OF PREMIUM.

(a) The proceeds of sale of the Bonds in the amount of (i) $____ shall be deposited with the Escrow Agent to be utilized for the purposes set forth in the Escrow Agreement approved in Section 19 hereof, (ii) $_____ shall be deposited into the Bond Fund and (iii) $_____ shall be used to pay costs of issuance. With respect to the premium on the Bonds in the amount of $_____, $_____ shall be used to pay costs of issuance (including Purchaser's discount in the amount of $_____), $_____ shall be deposited into the Bond Fund and $_____ shall be deposited with the Escrow Agent to be utilized for the purposes set forth in the Escrow Agreement approved in Section 19 hereof.

(b) The Issuer may place proceeds of the Bonds (including investment earnings thereon) and amounts deposited into the Bond Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Bonds will be used as soon as practicable for the purposes for which the Bonds are issued.

(c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

Section 16. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, in the electronic format prescribed by the MSRB certain updated financial information and operating data pertaining to the Issuer, being the following: (i) the Issuer's annual financial audit report; and (ii) the information found in tables 1 through 15 in the Official Statement for the Bonds. The Issuer will update and provide the information in the numbered tables within six months after the end of each fiscal year ending in and after 2015. The Issuer will additionally provide its annual financial audit report when and if available and, in any event, within 12 months after the end of each fiscal year ending in or after 2015. If the annual financial audit report is not complete within 12 months after any such fiscal year end, then the Issuer will file unaudited financial statements within such 12 month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(ii) Any financial information so to be provided shall be (i) prepared in accordance with the accounting principles described in the financial statements of the Issuer appended to the Official

Statement, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation, and (ii) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided.

(iii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any documents available to the public on the MSRB's internet website or filed with the SEC. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, if such event is material within the meaning of the federal securities laws:

1. Non-payment related defaults;

2. Modifications to rights of Bondholders;

3. Bond calls;

4. Release, substitution, or sale of property securing repayment of the Bonds;

5. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; and

6. Appointment of a successor or additional trustee or the change of name of a trustee.

(ii) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, without regard to whether such event is considered material within the meaning of the federal securities laws:

1. Principal and interest payment delinquencies;

2. Unscheduled draws on debt service reserves reflecting financial difficulties;

3. Unscheduled draws on credit enhancements reflecting financial difficulties;

4. Substitution of credit or liquidity providers, or their failure to perform;

5. Adverse tax opinions or the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

6. Tender offers;

7. Defeasances;

8. Rating changes;

9. Bankruptcy, insolvency, receivership or similar event of an obligated person

(iii) The Issuer shall notify the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with subsection (b)(i) of this Section by the time required by such subsection.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the Registered Owners and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 17. DEFAULT AND REMEDIES

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

Section 18. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

(1) Make any change in the maturity of any of the outstanding Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Bonds;

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;

(4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or

(5) Change the minimum percentage of the principal amount of any series of Bonds necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature

of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of publication of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the registration books kept by the Paying Agent/Registrar.

Section 19. APPROVAL OF ESCROW AGREEMENT AND TRANSFER OF FUNDS.

(a) The Mayor is authorized to enter into and execute on behalf of the Issuer with the escrow agent named therein, an escrow or similar agreement, in the form and substance as shall be approved by the Pricing Officer, which agreement will provide for the payment in full of the Refunded Bonds. In addition, the Mayor or other City official listed in Section 13(d) hereof are each hereby authorized to purchase such securities and to execute such subscriptions for the purchase of such securities, if any.

(b) The Mayor or other City official listed in Section 13(d) hereof are each hereby authorized to cause to be transferred to the Escrow Agent the amount of $_____ from available City funds to be utilized for the purposes set forth in the Escrow Agreement.

Section 20. REDEMPTION OF REFUNDED BONDS.

(a) Subject to execution and delivery of the Purchase Agreement with the Purchaser, the Issuer hereby directs that the Refunded Bonds be called for redemption on the dates and at such prices as set forth in Exhibit A attached hereto. The Mayor or other City official listed in Section 13(d) hereof are each hereby authorized and directed to issue or cause to be issued a Notice of Redemption of the Refunded Bonds in substantially the form set forth in Exhibit A attached hereto to the paying agent for the Refunded Bonds.

(b) In addition, the paying agent for the Refunded Bonds is hereby directed to provide the appropriate notices of redemption and defeasance as specified by the ordinances authorizing the issuance of Refunded Bonds and is hereby directed to make appropriate arrangements so that the Refunded Bonds may be redeemed on their redemption dates. The Refunded Bonds shall be presented for redemption at the paying agent therefor, and shall not bear interest after the date fixed for redemption.

(c) The source of funds for payment of the principal of and interest on the Refunded Bonds on their respective interest payment, maturity or redemption dates, as applicable, shall be from the funds deposited

with the Escrow Agent pursuant to the Escrow Agreement approved in Section 19 of this Ordinance.

Section 21. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 22. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

EXHIBIT A

NOTICE OF REDEMPTION

CITY OF ROWLETT, TEXAS
CUSIP Prefix No. 779721

NOTICE IS HEREBY GIVEN that the City of Rowlett, Texas (the "City") has called for early redemption the outstanding bonds of the City described as follows:

City of Rowlett, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2005, dated April 15, 2005 (the "Series 2005 Bonds"), maturing on March 1 in the years and in the amounts shown below. Such Series 2005 Bonds have been called for redemption on August __, 2015 (the "Redemption Date") at the redemption price of par and accrued interest to the date fixed for redemption:

Maturity Date	Principal Amount	CUSIP Suffix	Maturity Date	Principal Amount	CUSIP Suffix
2016	$ 755,000	NL9	2019	$ 565,000	NP0
2017	785,000	NM7	2020	330,000	NQ8
2018	535,000	NN5			

aggregating $2,970,000 in principal amount. On August 20, 2015, funds were deposited with U.S. Bank National Association, which is the Escrow Agent for the Series 2005 Bonds, in an amount, together with investment earnings thereon, to redeem the Series 2005 Bonds on the Redemption Date, and such Bonds shall be paid from amounts held in an escrow account administered by Escrow Agent, until the Redemption Date, when the redemption price shall be paid upon presentation of the Series 2005 Bonds to the paying agent/registrar thereof, U.S. Bank National Association, as follows:

First Class/Registered/ Certified Mail	Express Delivery Hand Delivery
U.S. Bank National Association Corporate Trust Services P. O. Box 64111 St. Paul, MN 55164-0111	U.S. Bank National Association Corporate Trust Services 60 Livingston Avenue 1st Floor - Bond Drop Window St. Paul, MN 55107

Upon presentation of the Series 2005 Bonds at the paying agent/registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par plus accrued interest to the redemption date and thereafter the Series 2005 Bonds shall no longer bear interest.

CITY OF ROWLETT, TEXAS

NOTICE OF REDEMPTION

CITY OF ROWLETT, TEXAS
CUSIP Prefix No. 779721

NOTICE IS HEREBY GIVEN that the City of Rowlett, Texas (the "City") has called for early redemption the outstanding bonds of the City described as follows:

City of Rowlett, Texas, Waterworks and Sewer System Revenue Bonds, Series 2005A, dated August 15, 2005 (the "Series 2005A Bonds"), maturing on March 1 in the years and in the amounts shown below. Such Series 2005A Bonds have been called for redemption on August __, 2015 (the "Redemption Date") at the redemption price of par and accrued interest to the date fixed for redemption:

Maturity Date	Principal Amount	CUSIP Suffix	Maturity Date	Principal Amount	CUSIP Suffix
2017	$ 370,000	PC7	2022	$ 455,000	PH6
2018	385,000	PD5	2023	475,000	PJ2
2019	400,000	PE3	2024	495,000	PK9
2020	415,000	PF0	2025	520,000	PL7
2021	435,000	PG8			

aggregating $3,950,000 in principal amount. On August 20, 2015, funds were deposited with U.S. Bank National Association, which is the Escrow Agent for the Series 2005A Bonds, in an amount, together with investment earnings thereon, to redeem the Series 2005A Bonds on the Redemption Date, and such Bonds shall be paid from amounts held in an escrow account administered by Escrow Agent, until the Redemption Date, when the redemption price shall be paid upon presentation of the Series 2005A Bonds to the paying agent/registrar thereof, U.S. Bank National Association, as follows:

First Class/Registered/ Certified Mail	Express Delivery Hand Delivery
U.S. Bank National Association Corporate Trust Services P. O. Box 64111 St. Paul, MN 55164-0111	U.S. Bank National Association Corporate Trust Services 60 Livingston Avenue 1st Floor - Bond Drop Window St. Paul, MN 55107

Upon presentation of the Series 2005A Bonds at the paying agent/registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par plus accrued interest to the redemption date and thereafter the Series 2005A Bonds shall no longer bear interest.

CITY OF ROWLETT, TEXAS

NOTICE OF REDEMPTION

CITY OF ROWLETT, TEXAS
CUSIP Prefix No. 779721

NOTICE IS HEREBY GIVEN that the City of Rowlett, Texas (the "City") has called for early redemption the outstanding bonds of the City described as follows:

City of Rowlett, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006, dated June 15, 2006 (the "Series 2006 Bonds"), maturing on March 1 in the years and in the amounts shown below. Such Series 2006 Bonds have been called for redemption on March 1, 2016 (the "Redemption Date") at the redemption price of par and accrued interest to the date fixed for redemption:

Maturity Date	Principal Amount	CUSIP Suffix	Maturity Date	Principal Amount	CUSIP Suffix
2017	$ 480,000	PX1	2022	$ 605,000	QC6
2018	505,000	PY9	2023	635,000	QD4
2019	530,000	PZ6	2024	670,000	QE2
2020	550,000	QA0	2025	700,000	QF9
2021	580,000	QB8	2026	735,000	QG7

aggregating $5,990,000 in principal amount. On August 20, 2015, funds were deposited with U.S. Bank National Association, which is the Escrow Agent for the Series 2006 Bonds, in an amount, together with investment earnings thereon, to redeem the Series 2006 Bonds on the Redemption Date, and such Bonds shall be paid from amounts held in an escrow account administered by Escrow Agent, until the Redemption Date, when the redemption price shall be paid upon presentation of the Series 2006 Bonds to the paying agent/registrar thereof, U.S. Bank National Association, as follows:

First Class/Registered/ Certified Mail	Express Delivery Hand Delivery
U.S. Bank National Association Corporate Trust Services P. O. Box 64111 St. Paul, MN 55164-0111	U.S. Bank National Association Corporate Trust Services 60 Livingston Avenue 1st Floor - Bond Drop Window St. Paul, MN 55107

Upon presentation of the Series 2006 Bonds at the paying agent/registrar on the aforementioned redemption date, the holder thereof shall be entitled to receive the redemption price equal to par plus accrued interest to the redemption date and thereafter the Series 2006 Bonds shall no longer bear interest.

CITY OF ROWLETT, TEXAS

City of Rowlett

Staff Report

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

AGENDA DATE: 07/21/15 **AGENDA ITEM**: 8B

TITLE

Consider an ordinance to rezone from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District, with Major Warrants to allow modification to the lighting and open space standards for buildings fronting on open space, for properties located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road. (Case FW14-740)

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

On July 7, 2015, City Council postponed this item to July 21, 2015. The applicant is requesting to postpone this item to August 18, 2015, in order to allow more time to meet with the neighboring residents of Dexham Estates.

The applicant is requesting to rezone 83.25 acres along Dexham Road (Attachment 1 – Location Map) from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District. The purpose of this rezoning is to build a 20-acre pedestrian-oriented, single-family neighborhood that will be governed under the City's Form-Based Code. Also included in this request, are Major Warrants to allow modifications to the lighting and open space standards as they pertain to buildings fronting on open space.

The Planning and Zoning Commission voted 6-1 to recommend approval of this item at their June 9, 2015, meeting with condition that Category type homes 2 be limited to a maximum of 40 percent and Category type homes 3 be limited to a maximum of 10 percent. Commission member James Moseley voted in opposition. The discussion can be viewed at the following link as item C1: http://rowletttx.swagit.com/play/06092015-1189.

BACKGROUND INFORMATION

The applicant is requesting to rezone the subject property to allow a 20-acre single family residential development under the New Neighborhood Form-Based District (NN-FB) (Attachment 2 – Statement of Intent and Purpose). The subject property is located along the west side of Dexham Road, south of the MKT railroad line and east of Rowlett Creek. The total size of the subject properties is 83.25 acres with a vast majority of it located within the Rowlett Creek floodplain. The applicant will pursue reclamation of 13.5 acres of the subject property that should result in 20 developable acres. The remaining 53.25 acres will remain within the floodplain, part of which will be utilized as open space.

The applicant platted the subject property in 2004 into a nine-lot addition called Dexham Creek Ranch Estates under the Single Family Estate Residential Zoning District (SF-E). The SF-E was replaced with the SF-40 Zoning District when the Rowlett Development Code was adopted in 2006. The lots created in 2004 are conforming to the current zoning as the SF-E and SF-40 have similar dimensional requirements. The applicant has not been able to develop or secure a market for a larger lot development at this location. As a result, the applicant is now pursuing new entitlements to allow a development with higher density utilizing the NN-FB Zoning District.

The applicant is requesting to rezone the subject properties from SF-40 to the NN-FB Zoning District. The applicant's proposed Framework Plan (Attachment 3) will conform to all of the requirements for the NN-FB District with the exception of two Major Warrants. The applicant is requesting a Major Warrant to allow several lots to back to the open space that will be located in the floodplain. To ensure an active open space, the FBC prohibits the backing of homes onto open space. However due to site configuration issues, the applicant is requesting a Major Warrant to alter this requirement.

The second Major Warrant is a City Staff initiated request in order to address the residential lighting standard in the FBC. Since the adoption of the FBC, Staff has conducted additional research and determined that the current lighting standard is not reasonable for a single family neighborhood. However, until a formal change can be made to the code, a major warrant is required to reduce the residential lighting standard from two foot-candles to the more appropriate level of 0.5 foot-candles. Staff is proposing to include this adjusted residential lighting standard for the proposed development.

DISCUSSION

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

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

   It could be argued that the proposed rezoning addresses a changing trend in market demand. The subject property was platted in 2004 into nine large lots with each lot being above five acres in size. There appears to be minimal market demand for larger lot homes as evidenced by the fact that property has yet to be developed under the current subdivision. Furthermore, rezoning to the NN-FB District will allow for a diversified and a pedestrian-oriented development with integrated open spaces that achieves the goals outlined in Realize Rowlett 2020.

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

The subject property is not located within one of the 13 opportunity areas identified in the Realize Rowlett 2020 Comprehensive Plan. For areas outside of the opportunity area, the Plan states that the existing zoning and the Guiding Principles should be considered in decisions about rezoning and site design. While the Form-Based Code is primarily utilized within the 13 opportunity areas, it is not precluded from being used in the non-opportunity areas. The Form-Based Code is better suited to further the 13 Guiding Principles outlined in the Plan. Below Staff has identified and offered commentary on the Guiding Principles that are relevant to the request.

Guiding Principle #1: Value existing neighborhoods*.*
Determining how the value of an existing neighborhood will be affected by a proposed rezoning is difficult to determine. In this case, most of the surrounding property bounded the floodplain to the east and railroad to the north. There is an existing single-family residential subdivision located to the east of the subject property across Dexham Road. This existing single-family subdivision consists of lots ranging from approximately 10,000 square feet to approximately 30,000 square feet in size.

The proposed rezoning to a NN-FB district will allow for a diverse mix of housing types and a higher density than what exists in the surrounding area. In Staff's view, this is not expected to negatively affect the value of the existing neighborhood. The FBC includes a heavy emphasis on design, block configuration, open space, pedestrian orientation, and architecture. This provides an adjacent predictability of the quality and building types. It is Staff's opinion that the proposed development will not negatively affect the value of the existing neighborhood.

Guiding Principle #3: Make Rowlett a community that is attractive to people at all stages of their lives.
It is the intent that the standards required in the NN-FB District will result in a neighborhood with lasting value and distinctive character. The variety of housing types will assist in diversifying the existing single-family housing stock, which will serve to both enhance existing property values and provide housing for the complete life cycle – young professional, professional couples, families, empty nesters, retirees, and seniors.

Guiding Principle #4: Invest in places of lasting value and distinctive character*.*
The NN-FB district will foster the type and pattern of new development that increases pedestrian activity and will allow for recreational opportunities through designed and enclosed public open space. The design emphasis on accessible open spaces and pedestrians combined with the variety of housing types will result in a place of lasting value and distinctive character.

<u>Guiding Principle #6: Use Lake Ray Hubbard and Rowlett's natural assets to create a distinctive identity and the quality of life desired by the community.</u>
The subject property is adjacent to floodplain area encompassing Rowlett Creek. This area includes extensive tree canopy, wildlife and vegetation. Unlike conventional zoning, the NN-FB will ensure that the design of the development will utilize these natural features of the floodplain as accessible open space. While the applicant has requested a Major Warrant to allow several homes at the northwest corner of the development to back onto the open space, the majority of the proposed development will front the natural features within the floodplain. This will ensure accessibility to these natural features to the general public instead of allowing the natural features to be privatized and benefit only a select few.

<u>Guiding Principle #9: Balance growth efficient development patterns</u>.
In order to diversify the City's tax base, the housing stock must vary in order to attract an assorted population to support the commercial services desired by current residents. The requested rezoning will help to provide diversified housing products in the City. Furthermore, the housing types, streetscaping and landscaping delineated in the NN-FB District will contribute to the physical definition of the streets as civic places and will generate a safe, accessible environment for the pedestrian.

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. If approved, the proposed development will be required to comply with all applicable development standards in the FBC as well those standards in the Rowlett Development Code including drainage, traffic, and utility requirements.

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;

The proposed rezoning has been reviewed from the standpoint of providing sufficient transportation access and utilities (e.g., water, sanitary sewer, stormwater drainage). Both water and sewer service is provided by the City; Staff has confirmed that both are available to the site. Prior to the approval of the Regulating Plan, Staff will ensure adequate capacity for utilities is provided as required by City ordinances.

A traffic impact analysis (TIA) will be required when the Regulating Plan is submitted. A TIA will need information on the number of lots and associated product types, which will not be formulated until the Regulating Plan is formalized.

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. Instead the proposed NN-FB, will ensure that the natural features are utilized as an asset not only for the proposed development, but for the larger community. The intent of the FBC is to enhance the site's natural conditions by way of neighborhood design, which happens at the Regulating Plan phase of the FBC development review process. The applicant will attempt to reclaim 13 acres from the floodplain which will require the applicant to go through the FEMA map revision process. However, the area to be reclaimed does not contain any significant tree canopy or vegetation that would be disturbed. Most of the existing tree canopy is located within the floodplain and should not be disturbed by the development.***

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

   Staff does not anticipate that the proposed rezoning will have significant adverse impacts on other properties in the vicinity including the existing single family subdivision to the east across Dexham Road. The NN-FB prohibits homes from backing onto a collector street such as Dexham Road. This will prevent Dexham Road from being walled between the new and existing developments.

   The applicant is proposing a slip street that will provide a buffer from the existing develop and proposed development. The slip street will provide a travel lane and on-street parking that will run parallel with Dexham Road. The proposed cross section for the slip-street is shown on the Framework Plan. There will be a landscaped median between the slip-street and Dexham Road. The NN-FB will require street trees along frontage property at 30-ft on center and additionally a large canopy tree space will be required every two parallel parking spaces. The landscape median will also include a hedge row to provide some screening and separation of the on-street parking from Dexham Road.

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

   The existing zoning classification is suitable for the subject property, if it desired a large lot development. However, unlike the proposed zoning, the current zoning does not further the City's Guiding Principles. For example, the current zoning does not provide or ensure accessible open space. As currently platted, the lots

would privatize natural area's along Rowlett Creek and devoid it from becoming a community asset.

It is Staff's opinion that the proposed zoning is more suitable for the subject property than the current zoning. As previously mentioned, a NN-FB district will ensure that the design of the proposed neighborhood will utilize the natural area as an enhanced open space that is available to the general public.

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

The NN-FB standards require a range of building types to be constructed within a development. The FBC identifies three Building Categories that must be included in New Neighborhood development. For 20 acres and smaller, a minimum of 30 percent from one of the three Building Type Categories will be allocated, while 30 percent will be allocated from any combination of the other two categories. It is Staff's view that the proposed rezoning will not result in an excessive proliferation of a particular housing type in the developable area of the rezoning request.

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 result in a density that differs from the existing single family lots located within the vicinity of the subject property. However, the proposed slip street combined with Dexham Road will provide a buffer between the two differing scales of development.

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

As it was determined through Realize Rowlett 2020, the City is saturated with inventory from housing products within a very narrow size and price band and cannot afford to add more of the same product to its inventory. The Form-Based Code has been deemed to be the most effective way to achieve the goal of increasing a variety of housing types within the City of Rowlett.

<u>Site Analysis</u>

Prior to formulating the Framework Plan, the applicant prepared a Site Analysis as required by the Form-Based Code. The purpose of a Site Analysis is to evaluate the existing conditions of a property as it relates to both the natural and built environments. To this end, the Site Analysis (Attachment 4) incorporates elements such as view corridors, sun patterns, drainage, vegetation masses, topography, existing utilities, landmarks, etc. The Site Analysis is utilized to determine the approximate location of major elements/infrastructure associated with this development. This Site Analysis is a working document that will continue to be used as a reference as further detail is applied to the development.

Framework Plan

The Framework Plan incorporates the development regulations and the spatial exhibit showing high-level features including thoroughfare assemblies and the Major Warrants. Below are the key elements of the Framework Plan:

Open Space: The NN-FB requires 14 percent of the developable area to be comprised of public Open Space. The NN-FB District allows for the floodplain to count towards meeting up to half of the 14 percent requirement. The proposed development is proposing for half of the required open space to include an enhanced floodplain with multi-modal trail system and accessible, neighborhood serving, low-impact recreation amenities in close proximity to the proposed homes. The remaining seven percent of the open space will be provided internally within the development through a series of open spaces for active and passive recreation.

Facing Open Space (Major Warrant): The FBC requires buildings to face the open space including the floodplain utilized as open space. The proposed development will have several lots located at the northwest corner of the development to back against the open space. The applicant is requesting the ability to allow these lots to back onto the enhanced floodplain given the site constraints of the subject property. Staff is supportive of this request as it represents less than a quarter of the perimeter of the floodplain. The perimeter of the floodplain adjacent the proposed development is approximately 2,400 linear feet. The area which the applicant is proposing to have several lots back onto the floodplain is approximately 560 linear feet, which is approximately 24 percent of the perimeter. This combined with the shape and constraints of the subject property, Staff is supportive of this Major Warrant. The UDO does not support this request as indicated in their recommendation (Attachment 5).

Street Typologies: The Framework Plan includes a note that the developer will employ street typologies that were previously adopted in the Woodside Living Framework Plan. The applicant is proposing two established street typologies for this development. One will include a single loaded street with a 12-ft wide trail that will run parallel between the enhanced floodplain and the proposed development. The other proposed street typology is a slip street to provide guest parking for those homes that front along Dexham Road.

Housing Mix: Due to the net development only consisting of 20 acres, the housing mix will include at least 30 percent of the total units constructed will be comprised of NN-Type 1, 2 or 3 residences. At least 30 percent of the total units constructed will be comprised of any combination of the other two NN Building Type Categories.

The Planning and Zoning Commission voted to recommend a condition to limit the amount of Category Type 2 and 3 at a maximum of 40 percent and 10 percent, respectively. The Commission was concerned with the potential amount of Category Type 2 or 3. The applicant has agreed to the Commission's condition

and not to construct Townhomes and/or Multi-Unit Houses. These conditions are reflected in the Framework Plan.

Lighting Standard (Major Warrant): The Form-Based Code requires a minimum average lighting level of two foot-candles. As it was determined in the Major Warrant that was approved for The Homestead at Liberty Grove, the two foot-candle minimum is excessive for a residential neighborhood. As a result, the recommend lighting standard of 0.5 foot-candle that was adopted for The Homestead at Liberty Grove will be established for this development. Modification to allow 0.5 foot-candle lighting standard will require approval of a Major Warrant, which can be approved with this Framework Plan.

In summary, the proposed NN-FB to allow a 20-acre pedestrian-oriented, single family neighborhood governed under the City's Form-Based Code is consistent with the Guiding Principles outlined in the Realize Rowlett 2020 Comprehensive Plan. While the subject property was not identified within one of 13 opportunity areas, it is Staff's opinion that the proposed rezoning meets the above criteria for a rezoning. Utilizing the Form-Based Code will ensure that the proposed development achieves many of the Guiding Principles by ensuring a neighborhood design that emphasizes the following:

- Universally Accessible Open Spaces for active and passive recreation
- Variety of building types
- Pedestrian facilities

Staff does not anticipate the proposed development to have an adverse impact on adjacent properties. As it was indicated previously in this staff report, this Framework Plan includes two Major Warrants regarding lighting and open space standards as they pertain to buildings fronting on open space. The Planning and Zoning Commission has the option to make a recommendation on the Framework Plan and the Major Warrants as a whole or individually.

Public Notice

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. Thirty-nine notices were mailed to property owners within 200 feet of the subject property on May 22, 2015, and as of Wednesday, July 1, 2015, Staff has received 15 responses in opposition and none in favor. In addition, 36 courtesy notices were mailed to property owners within 500 feet, of which 15 responses were returned in opposition and one in favor. Staff also received 38 responses in opposition from outside of the notice areas. The public notices, courtesy notices and outside responses are included as Attachments 6, 7 and 8, respectively.

Staff has confirmed that the protest received from the property owners within 200 feet of the subject properties constitute more than 20 percent of the notice area. Using Geographic Information System software, Staff calculated that the protesting property owners represent 22 percent of the notice area (Attachment 9 – Protest Calculation Map).

As a result, per Section 77-805 of the Rowlett Development Code, "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."

A Legal Notice was published in the *Rowlett Lakeshore Times* on May 28, 2015, pursuant to the requirements set forth in the RDC. A rezoning sign was placed on the subject property on May 29, 2015, in accordance with the RDC and remains on the site today.

UDO Recommendation

This request was reviewed by the City's Urban Design Officer (UDO) and the recommendation is included in Attachment 5. In summary, the recommendation from UDO is for approval; however, the UDO does not support allowing homes to back the open space as shown on the Framework Plan.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval of the 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, BY GRANTING A CHANGE IN ZONING FROM SF-40 TO NEW NEIGHBORHOOD SUBDISTRICT OF THE FORM-BASED CODE DISTRICT ("FB DISTRICT") FOR REAL PROPERTY CONSISTING OF 83.25+/- ACRES GENERALLY LOCATED BETWEEN DEXHAM ROAD AND THE WESTERN CITY LIMITS, SOUTH OF THE DALLAS AREA RAPID TRANSIT RAIL LINE, AND BEING DESCRIBED AS LOTS 1 THROUGH 9, BLOCK A, DEXHAM CREEK RANCH ESTATES, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING MORE SPECIFICALLY 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, Plan and Map of the City of Rowlett, Texas, heretofore duly passed by the governing body of the City of Rowlett, as heretofore amended, be and the same are hereby amended by granting a change in zoning from Single-Family Residential 40/24 ("SF-40") to New Neighborhood Subdistrict of the FB District for real property consisting of 83.25+/- acres generally located between Dexham Road and the western edge of the City's limits, south of the Dallas Area Rapid Transit rail line, and being described as Lots 1 through 9, Block A, Dexham Creek Ranch Estates, City of Rowlett, Dallas County, Texas, and being more specifically described in Exhibit "A," attached hereto and incorporated herein (hereinafter the "Property").

Section 2. That the development standards, warrants and deviations from the Form-Based Code district standards set forth in Exhibit "B" (the "Creekside Village") attached hereto and incorporated herein, shall further be imposed on the development and use of the Property, notwithstanding contrary provisions in the Form-Based Code zoning regulations. All development and use regulations and requirements imposed on property in the Form-Based Code zoning districts shall apply to the development and use of the Property unless in conflict with this ordinance, in which case the provisions of this ordinance, including the regulations and standards set forth in Exhibit "B," 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 New Neighborhood or Urban subdistricts of the Form Based Code zoning classification, the Rowlett Development Code, or Code of Ordinances, then the standard or regulation required by the applicable subdistrict regulation, the Form Based Code, the Rowlett Development Code, or other ordinance shall control the development and use of the Property.

Section 3. That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

Section 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision 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.

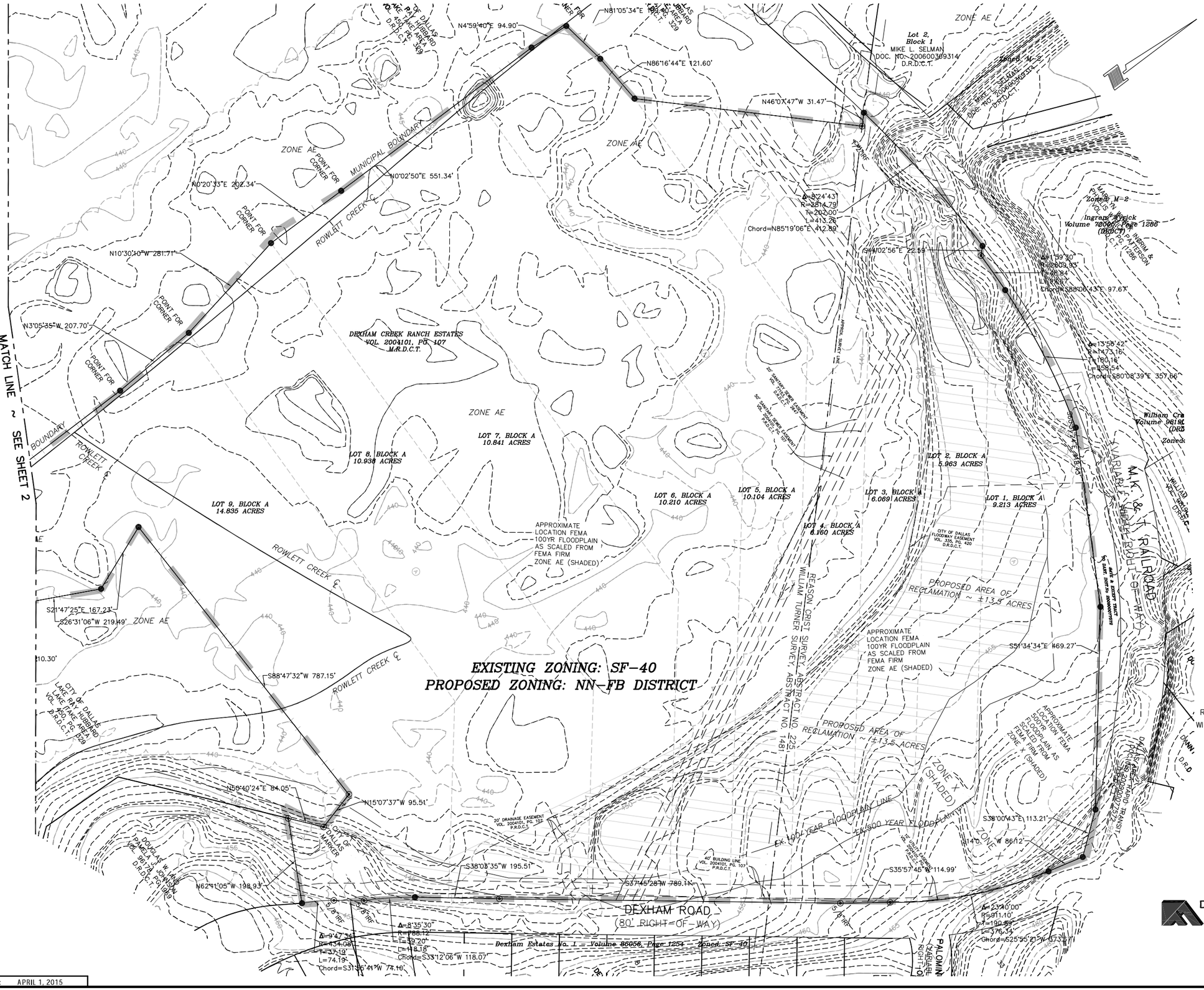
Section 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum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

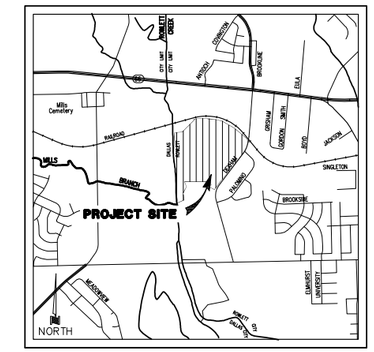
Section 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

ATTACHMENTS

Exhibit A – Legal Description
Exhibit B – Framework Plan with attachments
Attachment 1 – Location Map
Attachment 2 – Statement of Intent and Purpose
Attachment 3 – Framework Plan
Attachment 4 – Site Analysis
Attachment 5 – UDO Recommendation
Attachment 6 – Public Hearing Notice Responses
Attachment 7 – Courtesy Hearing Notice Responses
Attachment 8 – Outside Responses
Attachment 9 – Protest Calculation Map

EXHIBIT A





LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE

100 50 0 100 300

(IN FEET)
1 inch = 100 ft.

LEGEND

VE = VISIBILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
WE = WATER EASEMENT
H.O.A. = HOME OWNERS ASSOCIATION
BL = BUILDING LINE
D.R.D.C.T. = DEED RECORDS, DENTON COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS, DENTON COUNTY, TEXAS
IRF = IRON ROD FOUND
<CM> = CONTROLLING MONUMENT
= DENOTES ZERO SIDE OF LOT

▼DENOTES STREET NAME CHANGE

= 1/2" IRON ROD FOUND W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)
⊗ = 1/2" IRON ROD SET W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)

= TREE LINE

= PROPOSED ZONING

NOTES:

1. THE DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.

83.250 GROSS ACRES
20.000 NET ACRES

FRAMEWORK PLAN
& REGULATING PLAN

CREEKSIDE VILLAGE

EXHIBIT B – ZONING EXHIBIT

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS

SEPTEMBER 2014 SCALE: 1"=100'

OWNER/APPLICANT:
CRESWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

SURVEYOR:
LANES SOUTHWEST SURVEYING INC.
2717 MOTLEY DRIVE, SUITE B
MESQUITE, TX 75150
PHONE: 972-681-4442

AGENT/REPRESENTATIVE:
PLANNER/ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

SUBMITTAL: 09-23-14
RESUBMITTAL: 04-02-15

DOC. NO._____

REVISED: APRIL 1, 2015

DOWDEY, ANDERSON & ASSOCIATES, INC.

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EXHIBIT A

LEGAL DESCRIPTION:

BEING a tract of land situated in the REASON CRIST SURVEY, ABSTRACT NO. 225, Dallas County, Texas and the WILLIAM TURNER SURVEY, ABSTRACT NO. 1481, Dallas County, Texas, being all of Lots 1 thru 9, Block A, Dexham Creek Ranch Estates, an addition to the City of Rowlett, Texas according to the Plat filed of record in Volume 2004101, Page 107, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the intersection of the south line of MK&T Railroad, a 100 foot right-of-way, with the west line of Dexham Road, a 80 foot right-of-way, same being the northeast corner of said Dexham Creek Ranch Estates;

THENCE with the west right-of-way line of Dexham Road being common with the east line of said Dexham Creek Ranch Estates, the following courses and distances:

South 14° 05' 21" West, a distance of 86.12 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner at the beginning of a curve to the right having a central angle of 23° 40' 00", a radius of 911.10 feet, and a chord bearing and distance of South 25° 55' 21" West, 373.67 feet;

With said curve to the right, an arc distance of 376.34 feet to a 1/2 inch iron rod found for corner;

South 35° 57' 45" West, a distance of 114.99 feet to a 5/8 inch iron rod found for corner;

South 37° 45' 28" West for a distance of 789.11 feet to a 1/2 inch iron rod found for corner;

South 38° 03' 35" West, a distance of 195.51 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner at the beginning of a curve to the left having a central angle of 08° 35' 30", a radius of 788.12 feet, and a chord bearing and distance of South 33° 12' 08" West , 118.07 feet;

With said curve to the left, an arc distance of 118.18 feet to a 5/8 inch iron rod found for corner;

South 37° 17' 14" West, a distance of 69.84 feet to a 5/8 inch iron rod found at the beginning of a curve to the left having a central angle of 09° 47' 34", a radius of 434.08 feet, and a chord bearing and distance of South 31° 55' 41" West, 74.10 feet;

With said curve to the left, an arc distance of 74.19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for the southeast corner of said Dexham Creek Ranch Estates;

THENCE North 62° 11' 05" West, departing the west right-of-way line of said Dexham Road, a distance of 198.93 feet to a 1/2 inch iron rod found for corner located in the southerly line of that tract of land conveyed to the City of Dallas according to the document filed of record in Volume 450, Page 329, Deed Records, Dallas County, Texas;

THENCE along the southerly line of said Dexham Creek Ranch Estates with said City of Dallas tract, the following courses and distances:

North 50° 40' 24" East, a distance of 84.05 feet to a City of Dallas marker found for corner;

North 15° 07' 37" West, a distance of 95.51 feet to 1/2 iron rod found for corner;

South 88° 47' 32" West, a distance of 787.15 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 21° 47' 25" East, a distance of 167.23 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 26° 31' 06" West, a distance of 219.49 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 09° 40' 01" East, a distance of 210.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 65° 25' 38" West, a distance of 272.71 feet to a point for corner at the southwest corner of said Dexham Creek Ranch Estates;

THENCE along the westerly line of said Dexham Creek Ranch Estates and continuing with said City of Dallas tract, the following courses and distances:

North 00° 23' 44" East, a distance of 180.00 feet to a point for corner;

North 08° 55' 00" West, a distance of 175.28 feet to a point for corner;

North 00° 22' 10" West, a distance of 475.17 feet to a point for corner;

North 03° 05' 35" West, a distance of 207.70 feet to a point for corner;

North 10° 30' 10" West, a distance of 281.71 feet to a point for corner;

North 00° 20' 33" East, a distance of 202.34 feet to a a point for corner;

North 00° 02' 50" East, a distance of 551.34 feet to a point for corner;

North 04° 59' 40" East, a distance of 94.90 feet to a point for corner;

North 81° 05' 34" East, a distance of 109.40 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 86° 16' 44" East, a distance of 121.60 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

North 43° 53' 57" East, a distance of 530.65 feet to a 1/2 inch iron rod found for corner;

North 46° 07' 47" West, a distance of 31.47 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the south line of the above mentioned MK&T Railroad and being located in a curve to the right having a central angle of 08° 24' 43", a radius of 2814.79 feet, and a chord bearing and distance of North 85° 19' 06" East, 412.89 feet;

With said curve to the right, an arc distance of 413.26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in said south line at the northwest corner of that tract of land conveyed to Dallas Area Rapid Transit, also known as D.A.R.T., according to the document filed of record in Document Number 200900077572, Deed Records, Dallas County, Texas, also being a northerly corner of said Dexham Creek Ranch Estates;

THENCE along the north line of said Dexham Creek Ranch Estates being common with the south line of said D.A.R.T. tract, the following courses and distances:

South 44° 02' 56" East, a distance of 22.59 feet a 1/2 inch iron rod found at the beginning of a curve to the right having a central angle of 01° 59' 30", a radius of 2809.93 feet, and a chord bearing and distance of South 88° 06' 43" East, 97.67 feet;

With said curve to the right, an arc distance of 97.67 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the beginning of a compound curve to the right

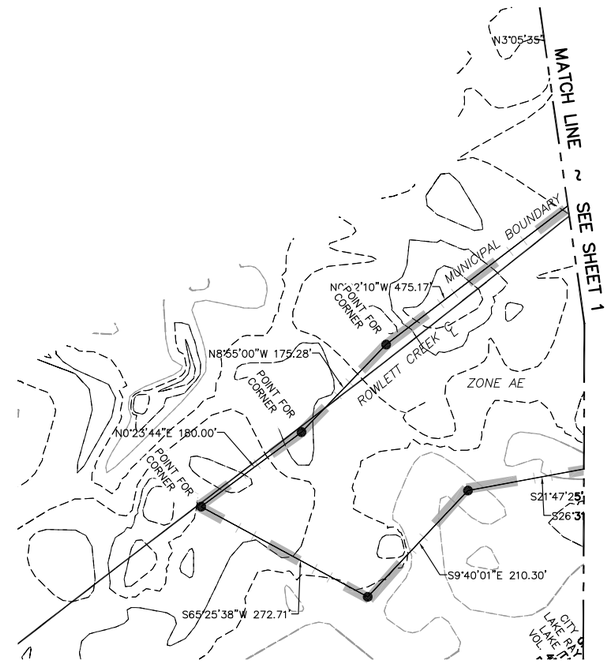
having a central angle of 13° 56' 42", a radius of 1473.16 feet, and a chord bearing and distance of South 80° 08' 39" East, 357.66 feet;

With said curve to the right, an arc distance of 358.54 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 60° 51' 24" East, a distance of 418.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

South 51° 34' 34" East, a distance of 469.27 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner at the east end of said D.A.R.T. tract, and returning to the south line of the above mentioned MK&T Railroad right-of-way;

THENCE South 38° 00' 43" East, with said south line, a distance of 113.21 feet to the POINT OF BEGINNING and containing 83.250 acres of land, more or less.



GRAPHIC SCALE

100 50 0 100 300

(IN FEET)
1 inch = 100 ft.

83.250 GROSS ACRES
20.000 NET ACRES

FRAMEWORK PLAN
& REGULATING PLAN

CREEKSIDE VILLAGE

EXHIBIT B – ZONING EXHIBIT

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS

SEPTEMBER 2014 SCALE: 1"=100'

OWNER/APPLICANT:
CRESWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

SURVEYOR:
LANES SOUTHWEST SURVEYING INC.
2717 MOTLEY DRIVE, SUITE B
MESQUITE, TX 75150
PHONE: 972-681-4442

AGENT/REPRESENTATIVE:
PLANNER/ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

SUBMITTAL: 09-23-14
RESUBMITTAL: 04-02-15

DOC. NO._____

REVISED: April 1, 2015

DOWDEY, ANDERSON & ASSOCIATES, INC.
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Creekside Village District

Overview

Except where noted below, all standards in the City of Rowlett Form-Based Code will govern. The Framework Plan will provide guidance and direction for the application of design standards and principles in approving final Development Plans and permits. As the Creekside Village area was not a part of the City of Rowlett at the time of adoption of the *RealizeRowlett2020* Comprehensive Plan, the comprehensive plan did not establish a vision for this area. However, the Framework Plan for the Creekside Village District does support the following guiding principles of the Comprehensive Plan:

- Make Rowlett a community that is attractive to people at all stages of their lives.
- Invest in places of lasting value and distinctive character.
- Use Lake Ray Hubbard and Rowlett's natural assets to create a distinctive identity and the quality of life desired by the community.
- Balance growth through efficient development patterns.

Intent. It is intended that the Creekside Village is for a neighborhood-friendly, pedestrian-oriented community complemented with extensive open space and convenient access to multiple modes of transportation. This will be achieved by permitting an integrated mix of housing types in order to facilitate and support a place that is attractive for multiple generations, to live, work and play. High quality standards, design parameters and preservation of natural features will provide a comprehensive amenity package.

Districts

Creekside Village District establishes a New Neighborhood as set out in this Framework Plan. This FB District is modified as set out below.

New Neighborhood

General Boundaries. The New Neighborhood FB District is bounded by the M.K.T Railroad to the north, Dexham Road to the east, the City Limit to the west and an existing single-family home to the south.

Developable Area: The majority of the subject property is located within the Rowlett Creek Floodplain. The proposed 20 acres of development will require approval of a Rowlett Floodplain Development Permit. This net developable area is bounded by the M.K.T Railroad to the north, Dexham Road to the east and the Rowlett Creek Floodplain to the southwest. (See Attachment 1 – Framework Plan)

Building Types. All New Neighborhood Building Types in the City of Rowlett Form-Based Code are allowed in this sub-district.

Building Height. Building heights will be in accordance with the New Neighborhood Building Heights in the City of Rowlett Form-Based Code.

Housing Mix. A minimum mix of building types will be constructed as follows:

i. At least 30 percent of the total units constructed will be comprised of NN-Type 1, 2 or 3 residences.
ii. At least 30 percent, of the total units constructed will be comprised of any combination of the other two NN Building Type Categories.
iii. No more than 40 percent of the total units constructed will be comprised of NN-Type 2 and no more than 10 percent of the total units constructed will be comprised of NN-Type 3.
iv. Multi-Unit Houses and Townhomes building types shall not be permitted.

Streets. The street system is intended to create a pedestrian and bicyclist-friendly community with easy and convenient access to open space within the floodplain. The proposed interior street adjacent to the floodplain and the slip street along Dexham Road has been identified on the Framework Plan. The remaining streets will employee a variety of street typologies as shown in Attachment 2.

Open Space. Open spaces will be employed to generate a sense of identity, image and value creation within the New Neighborhood development. They will provide for neighborhood gatherings and recreation, and will be fronted by residences or community buildings. A minimum of fourteen percent (14%) of the net developable area will be provided as open space; half of that will be located within the floodplain. The open space located within the floodplain will be made universally accessible to the general public and will include a multi-modal trail system that will be amenitized with benches, a picnic table, and horse shoe pits. The retaining wall between floodplain open space and the development shall be designed to ensure universal access to the open space within floodplain. The general locations of the open space and the floodplain trail are indicated on the Framework Plan (see Attachment to this Exhibit).

Warrants. The following warrants are granted as a part of the zoning of the New Neighborhood Sub-District:

Facing Open Space:

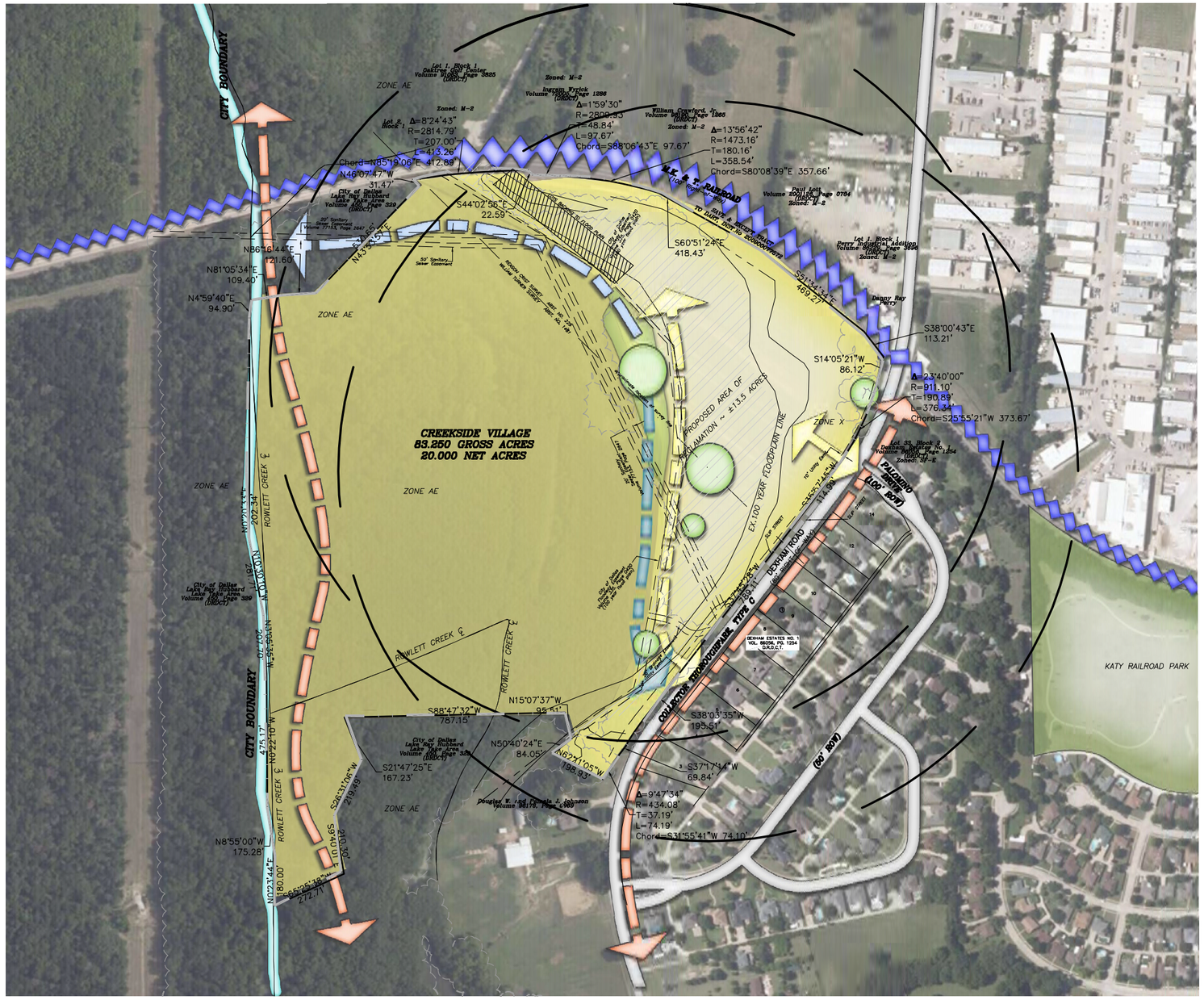
- Allow lots to back to the open space within the floodplain as shown on the Framework Plan.

Lighting Standard:

- The average residential lighting levels of 0.5-footcandles shall be provided within the public rights-of-way and pedestrian areas

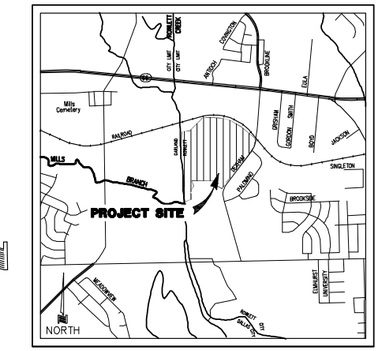
Attachments

1. Framework Plan
2. Street Cross Section



LEGEND

VE = VISIBILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
WE = WATER EASEMENT
H.O.A. = HOME OWNERS ASSOCIATION
BL = BUILDING LINE
D.R.D.C.T. = DEED RECORDS, DENTON COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS, DENTON COUNTY, TEXAS
IRF = IRON ROD FOUND
<CM> = CONTROLLING MONUMENT



LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE

200 100 0 200 600

(IN FEET)
1 inch = 200 ft.

= PROPOSED OPEN SPACE / FOCAL POINT (ORIENTED AROUND FLOODPLAIN)
= PROPOSED PEDESTRIAN SHED: R=1320 ft.
= COMMUNITY ACCESS POINTS
= PROPOSED NEW NEIGHBORHOOD DISTRICT (FLOODPLAIN).
= PROPOSED NEW NEIGHBORHOOD DISTRICT (NON-FLOODPLAIN – 20 AC.)
= EXISTING OPEN SPACES AREAS
= EXISTING MK&T / DART RAIL LINE
= PROPOSED CITY OF ROWLETT TRAIL
= PROPOSED DECOMPOSED GRANITE TRAIL
= PROPOSED COMMUNITY CONCRETE TRAIL
= CITY OF ROWLETT BOUNDARY
= EXISTING CIRCULATION
= PROPOSED ZONING AREA
= PROPOSED SLIP STREET

83.250 ACRES
FRAMEWORK PLAN
PROPOSED ZONING: NEW NEIGHBORHOOD DISTRICT

CREEKSIDE VILLAGE

EXHIBIT B – FRAMEWORK PLAN

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS

SEPTEMBER 2014 SCALE: 1"=200'

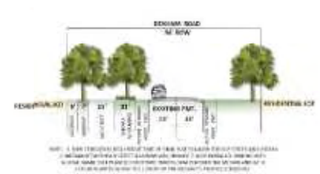
OWNER/APPLICANT:
CRESWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

SURVEYOR:
LANES SOUTHWEST SURVEYING INC.
2717 MOTLEY DRIVE, SUITE B
MESQUITE, TX 75150
PHONE: 972-681-4442

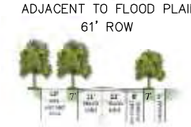
AGENT/REPRESENTATIVE:
PLANNER/ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

NOTES:

1. THE DEVELOPMENT OF THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF ROWLETT DEVELOPMENT STANDARDS.
2. THE DEVELOPMENT TYPE BOUNDARIES SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL NOT SET THE BOUNDARY. HE BOUNDARY SHALL BE DETERMINED AT THE TIME OF FINAL PLAT.
3. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL NOT SET THE ALIGNMENT. THE ALIGNMENT SHALL BE DETERMINED AT THE TIME OF FINAL PLAT.
4. MAJOR WARRANTS FROM THE CURRENT DEVELOPMENT INTENT STATEMENTS AND REGULATIONS NOT SPECIFICALLY LISTED FOR APPROVAL AS A PART OF THE FRAMEWORK PLAN MY REQUIRE A HEARING BY THE PLANNING AND ZONING COMMISSION AND APPROVAL BY THE CITY COUNCIL DURING THE REGULATING PLAN OR DEVELOPMENT PLAN REVIEW PROCESS.
5. THIS FRAMEWORK PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE. SIGNIFICANT DEVIATIONS FROM THIS FRAMEWORK PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING, WILL REQUIRE AS AMENDMENT TO THE ZONING.
6. NO CONSTRUCTION, WITHOUT AN APPROVED CITY OF ROWLETT FLOODPLAIN DEVELOPMENT PERMIT SHALL BE ALLOWED WITHIN AN IDENTIFIED 'FIRM' SFHA AREA. WHERE CONSTRUCTION IS PERMITTED, ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF OF TWO FEET (2') ABOVE THE 100-YEAR FLOOD ELEVATION.
7. THE OPEN SPACE LOCATED AT THE NORTHEAST CORNER OF THE SITE WILL NOT COUNT TOWARD THE REQUIRED "USUABLE" OPEN SPACE.



INTERIOR STREET –
ADJACENT TO FLOOD PLAIN
61' ROW

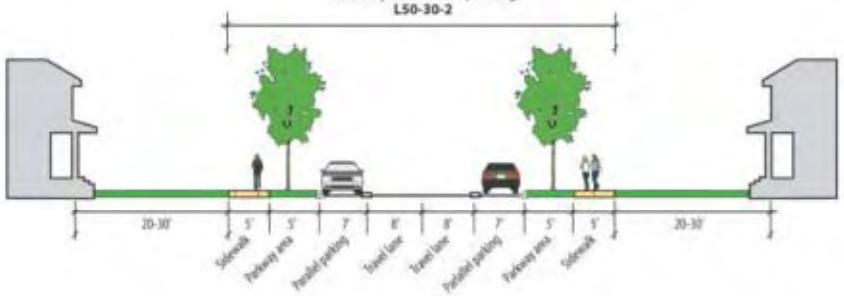


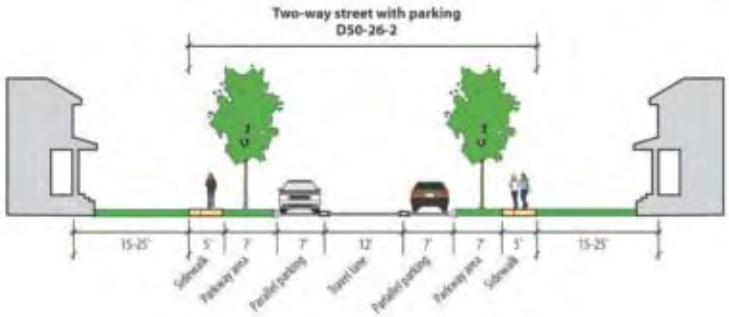
THE STREET TYPOLOGIES NOT SHOWN WILL BE EMPLOYED AT THE REGULATING PLAN FROM WOODSIDE LIVING.

SUBMITTAL: 09-23-14
RESUBMITTAL: 06-01-15

REVISED: June 30, 2015

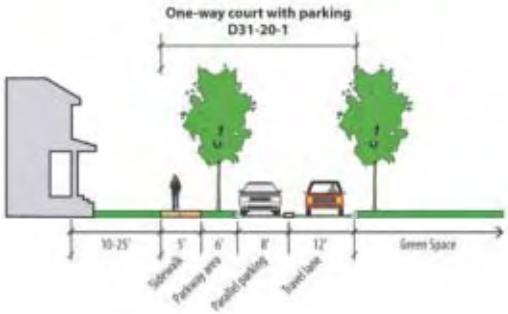
EXHIBIT B


Two-way street with parking
L50-30-2
20-30'
5'
5'
7'
8'
8'
7'
5'
5'
20-30'
Sidewalk
Parkway area
Parallel parking
Travel lane
Travel lane
Parallel parking
Parkway area
Sidewalk

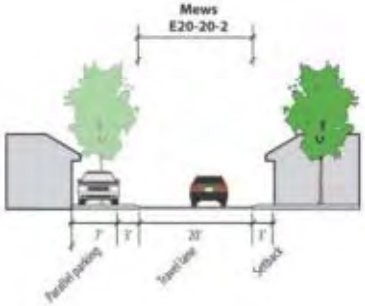

Two-way street with parking
D50-26-2
15-25'
5'
7'
7'
12'
7'
7'
5'
15-25'
Sidewalk
Parkway area
Parallel parking
Travel lane
Parallel parking
Parkway area
Sidewalk

One-way street with parking
D40-20-1
15-20'
5'
5'
8'
12'
5'
5'
15-20'
Sidewalk
Parkway area
Parallel parking
Travel lane
Parkway area
Sidewalk

Two-way court with parking
D34-23-2
10-25'
5'
6'
7'
16'
Green Space
Sidewalk
Parkway area
Parallel parking
Travel lane

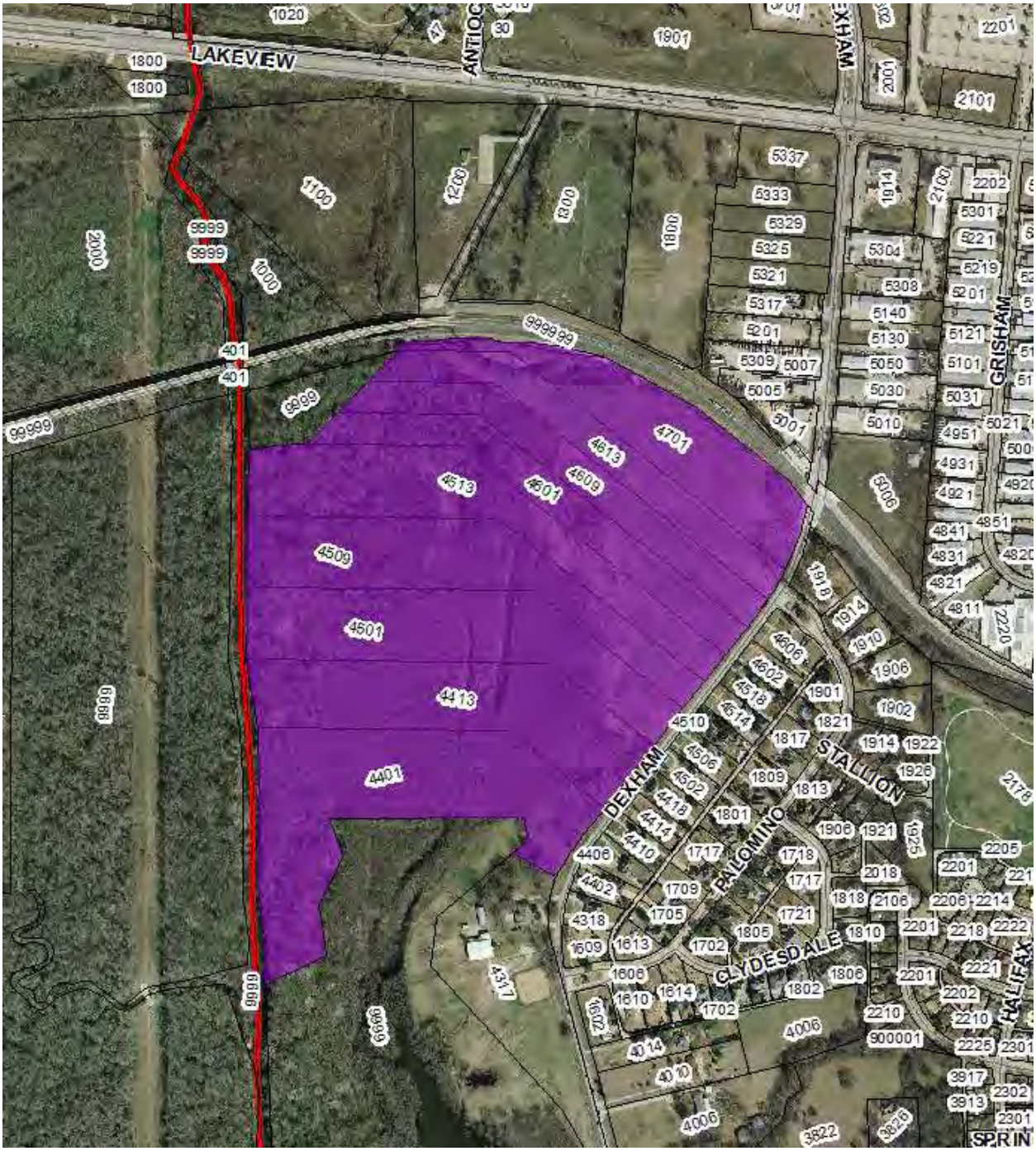

One-way court with parking
D31-20-1
10-25'
5'
6'
8'
12'
Green Space
Sidewalk
Parkway area
Parallel parking
Travel lane

Residential Alley
E20-12-1
7'
4'
12'
4'
3'
Parallel parking
Travel lane
Setback


Mews
E20-20-2
7'
3'
20'
3'
Parallel parking
Travel lane
Setback

Two-way alley with parking
E26-12-2
3'
7'
12'
7'
3'
Parallel parking
Two-way travel lane
Parallel parking

ATTACHMENT 1



DOWDEY, ANDERSON
& ASSOCIATES, INC.
CIVIL ENGINEERS

5225 Village Creek Drive
Suite 200
Plano, Texas 75093
972-931-0694
972-931-9538 Fax

June 1, 2015

Planning Division / Development Services
3901 Main Street
Rowlett, TX 75088

RE: Framework Plan: EXHIBIT C
Creekside Village (DAA No. 13053A)
Rowlett, Texas

Dear Mr. Langford,

On behalf of our client, Cresswell Enterprises Inc., please accept this letter as our Statement of Intent to describe and explain the requested Form Based Code (FBC) Zoning – Framework Plan.

OVERVIEW OF PROJECT GOALS AND OBJECTIVES:

This section is preliminary and will be expanded further in subsequent re-submittals.

The proposed project zoning and development are fashioned in response to the project's unique characteristics, surrounding context and emerging market trends. As proposed, the zoning is anticipated to enable a higher quality of development. The project vision targets a neighborhood friendly, pedestrian oriented community complimented with extensive open space and comfortable access to multiple modes of transportation. While the project embraces the surrounding public edges, it also focuses inward to lend a strong sense of place. This type of development is appropriate to the project context at the fringe of the downtown area.

DETAILED DESCRIPTION OF PROPOSED ZONING:

This section is preliminary and will be expanded further in subsequent re-submittals.

The zoning is proposed based on the City's recently approved Form Based Code – New Neighborhood category with several requested warrants. The Form Based Code is proposed for the entire 83.250± acres of Dexham Creek Ranch Estates. The proposed zoning is based on a net developable area of approximately 20 acres within the Form Based Code Portion of the subject tract. As such, the zoning request is based on Housing Mix as defined in Section 2.3.2c.3 of the Form Based Code – Housing Mix – 10-20 Acres. The unique shape of this property hinders the development at the northern end of the site, restricted by the limits of the property and the limits of the floodplain. The residential lots that would back to the creek have been identified on the Framework Plan.

The proposed zoning will provide a total of fourteen percent (14%) of public open space; whereas, half of that will be located within the floodplain. The reclaimed flood plain will be accessible to the public and provide a trail connection the City Hike and Bike Trail system. The

open space and trail would be amenitized with benches, a picnic table, and horse shoe pits. Any or all portions of the allocated open space may be retained in Homeowner Association owned lots. Given the irregularity of the property configuration, the proposed zoning incorporates a Major Warrant request to allow for identified lots to back onto open space (see below).

MAJOR WARRANTS:

1. *Facing Open Space:*

   There are 7 Estate lots that back to the Floodplain in the northwest corner of the site. The generol area is highlighted on the plan.

Please call me should you have any questions regarding our request.

Sincerely,

Shelby Griffin

Cc: Robert J. Cresswell – Cresswell Enterprises Inc.
File;

LEGEND

VE = VISIBILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
WE = WATER EASEMENT
H.O.A. = HOME OWNERS ASSOCIATION
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D.R.D.C.T. = DEED RECORDS, DENTON COUNTY, TEXAS
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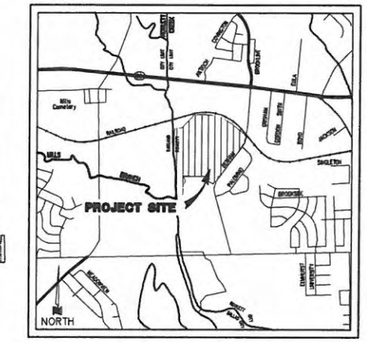

LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE

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(IN FEET)
1 inch = 200 ft.

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83.250 ACRES
FRAMEWORK PLAN
PROPOSED ZONING: NEW NEIGHBORHOOD DISTRICT

CREEKSIDE VILLAGE

EXHIBIT B – FRAMEWORK PLAN

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS

SEPTEMBER 2014 SCALE: 1"=200'

OWNER/APPLICANT:
CRESWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

SURVEYOR:
LANES SOUTHWEST SURVEYING INC.
2717 MOTLEY DRIVE, SUITE B
MESQUITE, TX 75150
PHONE: 972-681-4442

AGENT/REPRESENTATIVE:
PLANNER/ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

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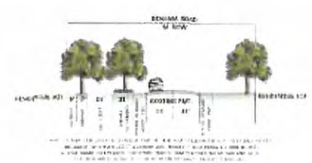
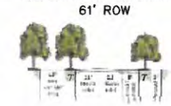


INTERIOR STREET –
ADJACENT TO FLOOD PLAIN
61' ROW



THE STREET TYPOLOGIES NOT SHOWN WILL BE EMPLOYED AT THE REGULATING PLAN FROM WOODSIDE LIVING.

SUBMITTAL: 09-23-14
RESUBMITTAL: 06-01-15

REVISED: June 30, 2015

ATTACHMENT 4

LEGAL DESCRIPTION
83.250 ACRES

BEING a tract of land situated in the Reason Crist Survey, Abstract No. 225 and the William Turner Survey, Abstract No. 1481, being all of Lots 1 thru 9, Block A, Dexham Creek Ranch Estates, an Addition in the City of Rowlett, Texas according to the Plat thereof recorded in Volume 2004101, Page 107, Map Records, Dallas County, Texas and being all of those certain tracts of land conveyed to Cresswell Enterprises, Inc. by Deeds recorded in Volume 2004125, Page 710, Volume 2004246, Page 3756, Volume 2005139, Page 7710, Instrument No. 200600043995, Instrument No. 200600250519, Instrument No. 20070017127, Instrument No. 20070287904 and Instrument No. 20080021835, all in Official Public Records, Dallas County, Texas.

BEGINNING at a 1/2 inch iron rod set at the intersection of the Southwest line of MK&T Railroad (a 100' ROW) with the Northwest ROW line of Dexham Road (an 80' ROW), said iron rod being at the East corner of said Dexham Creek Ranch Estates;

THENCE: along the Northwest ROW line of Dexham Road and the Southeast line of said Dexham Creek Ranch Estates, the following bearings and distances:

South 15 degrees 08 minutes 41 seconds West, a distance of 86.12 feet to a 1/2 inch iron rod set at the beginning of a curve to the right, having a central angle of 23 degrees 40 minutes 00 seconds, a radius of 911.10 feet and a chord bearing South 26 degrees 58 minutes 41 seconds West, a distance of 373.67 feet;

Southwesterly, along said curve to the right, an arc distance of 376.34 feet to a 1/2 inch iron rod set at the end of said curve;

South 37 degrees 03 minutes 59 seconds West, a distance of 114.95 feet to a 5/8 inch iron rod found for angle point;

South 38 degrees 48 minutes 41 seconds West, a distance of 789.14 feet to a 5/8 inch iron rod set for angle point;

South 38 degrees 48 minutes 41 seconds West, a distance of 195.51 feet to a 1/2 inch iron rod set at the beginning of curve to the left, having a central angle of 08 degrees 35 minutes 30 seconds, a radius of 788.12 feet and a chord bearing South 33 degrees 57 minutes 12 seconds West, a distance of 118.07 feet;

Southwesterly, along said curve to the left, an arc distance of 119.18 feet to a 1/2 inch iron rod set at t the end of said curve;

South 38 degrees 48 minutes 41 seconds West, a distance of 70.29 feet to a 5/8 inch iron rod set at the beginning of a curve to the left, having a central angle of 09 degrees 47 minute 31 seconds, a radius of 434.08 feet and a chord bearing South 33 degrees 54 minutes 55 seconds West, a distance of 74.10 feet;

Southwesterly, along said curve to the left, an arc distance of 74.19 feet to a 3/4 inch iron rod found at a South corner of said Dexham Creek Ranch Estates and the West corner of a tract of land conveyed to Douglas W. and Pamela J. Johnson by Deed recorded in Volume 96178, Page 969, Deed Records, Dallas County, Texas;

THENCE: North 60 degrees 58 minutes 50 seconds West, departing the Northwest ROW line of Dexham Road, along the common line of said Dexham Creek Ranch Estates and said Johnson Tract, a distance of 198.93 feet to a 1/2 inch iron rod found at the North corner of said Johnson Tract, said iron rod being in a Southerly line of a tract of land conveyed to City of Dallas by Deed recorded in Volume 450, Page 329, Deed Records, Dallas County, Texas;

THENCE: along the common line of said Dexham Creek Ranch Estates and said City of Dallas Tract, the following bearings and distances:

North 51 degrees 58 minutes 56 seconds East, a distance of 83.84 feet to a 5/8 inch iron rod found for corner;

North 13 degrees 45 minutes 18 seconds West, a distance of 96.00 feet to a 5/8 inch iron rod found for corner;

North 89 degrees 50 minutes 09 seconds West, a distance of 787.15 feet to a 3/4 inch iron rod found for corner;

South 20 degrees 25 minutes 06 seconds East, a distance of 167.23 feet to a 5/8 inch iron rod found for angle point;

South 27 degrees 53 minutes 25 seconds West, a distance of 219.49 feet to a 5/8 inch iron rod found for angle point;

South 08 degrees 17 minutes 42 seconds East, a distance of 210.30 feet to a 3/4 inch iron rod found for corner;

South 65 degrees 41 minutes 26 seconds West, a distance of 273.67 feet to a 3/4 inch iron rod found for corner;

North 01 degrees 30 minutes 00 seconds East, a distance of 180.00 feet to a 5/8 inch iron rod found for angle point;

North 07 degrees 48 minutes 44 seconds West, a distance of 175.28 feet to a 5/8 inch iron rod found for angle point;

North 00 degrees 44 minutes 06 seconds East, a distance of 475.17 f feet to a 5/8 inch iron rod found for angle point;

North 01 degrees 59 minutes 19 seconds West, a distance of 207.70 feet to a 5/8 inch iron rod found for angle point;

North 09 degrees 23 minutes 54 seconds West, a distance of 281.71 feet to a 5/8 inch iron rod found for angle point;

North 01 degrees 26 minutes 49 seconds East, a distance of 202.34 feet to a 5/8 inch iron rod found for angle point;

North 01 degrees 09 minutes 06 seconds East, a distance of 551.34 feet to a 5/8 inch iron rod found for angle point;

North 06 degrees 05 minutes 56 seconds East, a distance of 94.90 feet to a 3/4 inch iron rod found for corner;

North 82 degrees 11 minutes 50 seconds East, a distance of 109.40 feet to a 5/8 inch iron rod found for angle point;

North 87 degrees 23 minutes 00 seconds East, a distance of 121.60 feet to a 5/8 inch iron rod found for corner;

North 45 degrees 00 minutes 00 seconds East, a distance of 530.60 feet to a 5/8 inch iron rod found for corner;

North 44 degrees 55 minutes 56 seconds West, a distance of 31.44 feet to a 3/4 inch iron rod found in the Southwest ROW line of MK&T Railroad, being in a curve to the right, having a central angle of 08 degrees 24 minutes 43 seconds, a radius of 2814.43 feet and a chord bearing North 86 degrees 25 minutes 22 seconds East, a distance of 412.89 feet;

Northeasterly, along said curve to the right, an arc distance of 413.26 feet to a 1/2 inch iron rod set at the end of said curve, said iron rod being at the South corner of a tract of land conveyed to DART by Judgement recorded in Instrument No. 200900077572, Official Public Records, Dallas County, Texas;

THENCE: along the common line of said Dexham Creek Ranch Estates and said DART Tract, the following bearings and distances:

South 43 degrees 03 minutes 07 seconds East, a distance of 22.63 feet to a 1/2 inch iron rod set at the beginning of a curve to the right, having a central angle of 01 degrees 59 minutes 28 seconds, a radius of 2809.93 feet and a chord bearing South 87 degrees 03 minutes 21 seconds East, a distance of 97.65 feet;

Southeasterly, along said curve to the right, an arc distance of 97.656 feet to 1/2 inch iron rod set at the end of said curve and the beginning of a curve to the right, having a central angle of 13 degrees 56 minutes 42 seconds, a radius of 1473.16 feet and a chord bearing South 79 degrees 05 minutes 19 seconds East, a distance of 357.66 feet;

Southeasterly, along said curve to the right, an arc distance of 358.54 feet to a 1/2 inch iron rod set at the end of said curve;

South 59 degrees 48 minutes 04 seconds East, a distance of 418.43 feet to a 1/2 inch iron rod set for angle point;

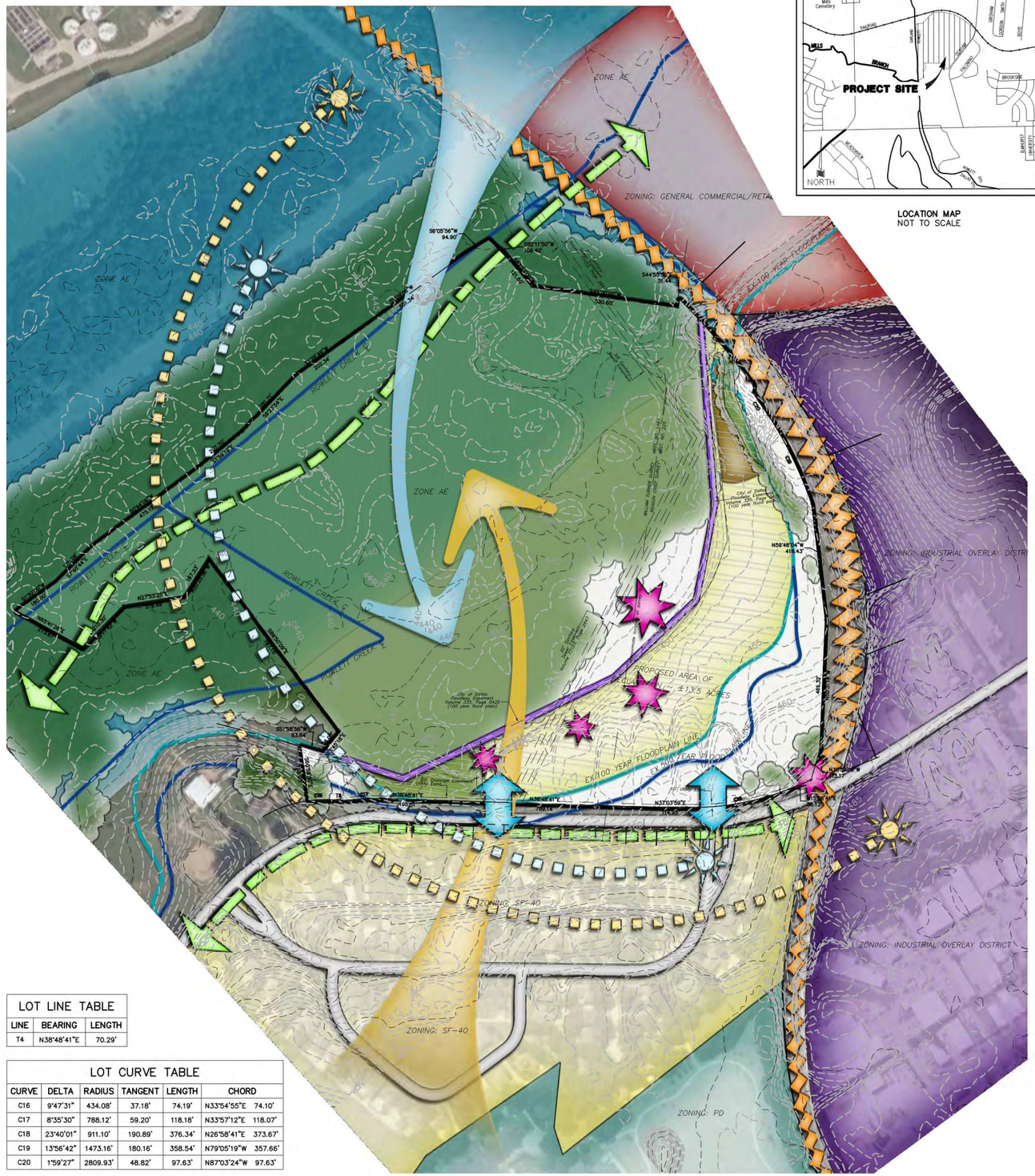
South 50 degrees 31 minutes 14 seconds East, a distance of 469.27 feet to a 1/2 inch iron rod set for angle point in the Southwest ROW line of MK&T Railroad and the Northeast line of Dexham Creek Ranch Estates;

THENCE: South 36 degrees 57 minutes 18 seconds East, along the Southwest ROW line of MK&T Railroad and the Northeast line of said Dexham Creek Ranch Estates, a distance of 113.20 feet and containing 83.250 acres of land.

REVISED: MAY 18, 2015

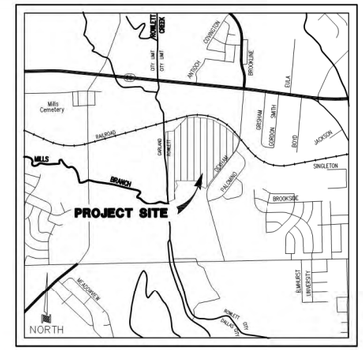
SURVEYOR DISCLAIMER:

All information shown hereon has been compiled from Deeds, Plats or Surveys done by other parties. There HAS NOT been any type of survey work performed on the ground by Dowdey, Anderson & Associates, Inc. to determine boundaries, easements, improvements or utilities of any kind. Information shown hereon should not be relied upon as an actual survey.



LOT LINE TABLE		
LINE	BEARING	LENGTH
T4	N38°48'41"E	70.29'

LOT CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C16	9°47'31"	434.08'	37.18'	74.19'	N33°54'55"E 74.10'
C17	8°35'30"	788.12'	59.20'	118.18'	N33°57'12"E 118.07'
C18	23°40'01"	911.10'	190.89'	376.34'	N26°58'41"E 373.67'
C19	13°56'42"	1473.16'	180.16'	358.54'	N79°05'19"W 357.66'
C20	1°59'27"	2809.93'	48.82'	97.63'	N87°03'24"W 97.63'



LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE
200 100 0 200 600
(IN FEET)
1 inch = 200 ft.

LEGEND

VE = VISIBILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
WE = WATER EASEMENT
H.O.A. = HOME OWNERS ASSOCIATION
BL = BUILDING LINE
D.R.D.C.T. = DEED RECORDS, DENTON COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS, DENTON COUNTY, TEXAS
IRF = IRON ROD FOUND
<CM> = CONTROLLING MONUMENT

= PROPOSED SITE ACCESS
= PROPOSED FOCAL POINT
= EXISTING TREE MASS
= EXISTING ZONING: SINGLE FAMILY RESIDENTIAL-40
= EXISTING ZONING: COMMERCIAL/RETAIL
= EXISTING ZONING: INDUSTRIAL OVERLAY DISTRICT
= EXISTING POOR SOILS
= EXISTING FEMA ZONE AE
= PROPOSED FEMA 100yr. FLOOD LINE RECLEMATION
= EXISTING MK&T / DART RAIL LINE
= PROPOSED CITY OF ROWLETT TRAIL
= DIRECTION OF WINDER WIND PATTERNS
= DIRECTION OF SUMMER WIND PATTERNS
= DIRECTION OF WINDER SUN PATTERNS
= DIRECTION OF SUMMER SUN PATTERNS
= CITY OF DALLAS FLOODWAY EASEMENT
= EXISTING FEMA 100yr. FLOOD LINE
= EXISTING FEMA 500yr. FLOOD LINE
= ROWLETT CREEK ℄
= EXISTING CIRCULATION
= PROPOSED ZONING AREA

83.250 GROSS ACRES
20.000 NET ACRES
FRAMEWORK PLAN

CREEKSIDE VILLAGE
EXHIBIT D – SITE ANALYSIS

AN ADDITION TO THE CITY OF ROWLETT
REASON CRIST SURVEY ~ ABSTRACT NO. 225
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481
DALLAS COUNTY, TEXAS
SEPTEMBER 2014 SCALE: 1"=200'

OWNER/APPLICANT:
CRESWELL ENTERPRISES, INC.
17409 CLUB HILL COURT
DALLAS, TX 75248
PHONE: 214-533-7233

SURVEYOR:
LANES SOUTHWEST SURVEYING INC.
2717 MOTLEY DRIVE, SUITE B
MESQUITE, TX 75150
PHONE: 972-681-4442

AGENT/REPRESENTATIVE:
PLANNER/ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

DOC. NO._____

13053A

TOWNSCAPE, Inc.
Town Planning and Urban Design

Memo

743 WILL RICE AVENUE
IRVING, TX 75039

Townscape.com

To: Marc Kurbansade, Director of Development Services

From: Arti Harchekar, AICP, CNU-A

Date: 2 June 2015

Re: Urban Design Officer Review of Creekside Village Framework Plan Package – NN-FB

Urban Design Officer Review

Per your request, we have reviewed the proposed re-zoning request (the *Statement of Intent* and *Framework Plan*), and find that it appears to be in general compliance with the principles of the Form Based Code, with the following exceptions:

1. The preliminary draft plan that was prepared (not part of the zoning) has homes backing onto the floodplain in the northwest portion of the developable area. The applicant should study alternatives with Staff and the UDO as part of the Regulating Plan process. Homes fronting on the natural feature and connected streets can be easily accommodated. Backing homes onto the floodplain fails to take advantage of the value that can be created by enhanced natural features. The natural feature will better serve as an amenity for the neighborhood and the public. It will be a safer place to be, provide a sense of identity, and the value gradient will be captured by the surrounding properties within the neighborhood. And further, a connected street network will provide continuous and comfortable pedestrian circulation throughout the site.

We support, for this particular development site,

1. The floodplain counting for 7% of the 14% required public open space, and the remainder 7% being based on 20 acres of developable area due to the fact that the floodplain will be enhanced with a multi-modal trail system and accessible, neighborhood serving, low impact recreation amenities in close proximity to the variety of housing types, shaded sidewalks and a network of smaller open spaces for active and passive recreation.
2. The New Neighborhood housing mix breakdown of 10-20 acres, due to the fact that only 20 acres of the 83.25 acres is developable with a well-enhanced floodplain.
3. The slip road configuration for Dexham Road, due to the fact that it will allow for visitor parking and the median will have large shade trees to reduce heat build up as well as shrubs to screen parking. While the parallel parking placement is not ideal for pedestrian safety and comfort, a tighter slip road configuration is reasonable based on site and infrastructure constraints.

Please note that as part of the Regulating Plan process -

- The location and design of a connected grid street network, orientation and distribution of housing types, further refinement of open space network and floodplain enhancements will be determined.

Recommendation: Approval of the application subject to item 1 above.

ARTI HARCHEKAR

Arti Harchekar, AICP, CNU-A
TOWNSCAPE, Inc.

ATTACHMENT 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, [illegible] 4601, [illegible] 4701 Dexham Road (further described as Lots 1 – 9, Block A of [illegible] Creek [illegible] Estates). A map is attached for reference. This notice and the [illegible] are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family [illegible] District to the [illegible] Neighborhood Form-Based-Zoning District with Major Warrants [illegible] purposes of [illegible] pedestrian-oriented, single family neighborhood to be governed [illegible] of Rowlett's [illegible] Based Code. The Major Warrants are to allow modification to the [illegible] Form Based [illegible] standards: lighting and facing open space. (PW14-740)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME (print): Michael Bobbitt

SIGNATURE: [illegible]

ADDRESS: 4602 Dexham Rd Rowlett, TX

Your written comments are being solicited in the above case. Additional information [illegible] Development Services located at 3901 Main Street. The Planning and Zoning Commission of [illegible] a public hearing at 7:00 p.m. on the 9th day of June, 2015, and that the City Council will hold a [illegible] at 7:30 p.m. on [illegible] 7th day of July, 2015. Both hearings 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 [illegible]. Your [illegible] must be received in the Development Service Department by 5 pm on Wednesday, June 3, [illegible] your comments [illegible] included in the Planning and Zoning Commission packet and/or by Wednesday, July 1, 2015, [illegible] in the City Council packet. All responses received by July 1st 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 [illegible] written protest (this form is sufficient) with the Director of Development Services within [illegible] above. The [illegible] shall object to the zoning map amendment, contain a legal description of the property on [illegible] the property [illegible] and be signed by the owner of the property. If protests in the form of opposition are received [illegible] property owners within [illegible] feet of the subject property, and the property owners own a combined minimum of 20 percent [illegible] of the land area, [illegible] by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	RETURN [illegible] City [illegible] Development Services [illegible] Rowlett [illegible]

ATTACHMENT 6

Rowlett TEXAS

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 am opposed because I do not want any future depreciation of my property to result from the building of new single family Homes. value at less than the current value on the opposite side of the road

PROPERTY OWNER NAME (print): Jose Garcia

SIGNATURE: Jose Garcia

ADDRESS: 4506 Dexham Rd Rowlett tx 75088

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06-04-15A11:05 RCVD

REASONS TO PROTEST THE NEW ZONING CHANGE

This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".

Inadequate location for such high density of homes.

Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.

The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.

Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.

Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly had to the problem.

It's uncertain what the lower end homes could do to the values of Dexham Estates homes.

ATTACHMENT 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: See attached sheet

PROPERTY OWNER NAME (print): Robert J. & Karen K. Haddox

SIGNATURE: Robert J. Haddox Karen K. Haddox

ADDRESS: 4410 Dexham Road

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 9th day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

06-02-15A08:41 RCVD

TO: City of Rowlett Department of Development Services
RE: Application for a Zoning Change with Major Warrants

COMMENTS: We are opposed to this request for a zoning change for many reasons.

1. Our neighborhood of CUSTOM homes has lots sized from 1/3 – 1 acre; with minimum of 10' between homes, and the minimum square footage is 2500 per home. The new development does not reflect this same type of neighborhood.
2. The property subject to the zoning change is next to a waste water treatment plant, a flood plain and a rail line. This does not seem to bode well for the infrastructure needed as properties in our existing neighborhood continue to experience sewage drainage problems.
3. This zoning change request does not seem to be in agreement with Realize Rowlett 2020.
4. There are already several areas in Rowlett zoned for this type of development (see #3 above).
5. PROPERTY VALUES!
6. Traffic!

06-02-15A08:41 RCVD

ATTACHMENT 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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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: This is a drastic change in zoning. Hige density of Home not appropriate for this small area. The extra 200-300 cars would further increase traffic problem on Dexham. The purposed pricing will not work next to DART, sewage plant + flood plain

PROPERTY OWNER NAME (print): Betty Littlejohn Jim Litt

SIGNATURE:

ADDRESS: 4418 Dexham Rd. Rowlett, TX 75088

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 9th day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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CHANGE IN OWNERSHIP
ATTACHMENT 6 5/26/15

Rowlett
TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

06-04-15A11:04 RC

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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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: too much traffic, not enough sewer, not nearly enough room there, lower property values

PROPERTY OWNER NAME (print): Angela McGaughey Cleveland McGaughey

SIGNATURE: 4502 Dexham Rd. - Rowlett 75088

ADDRESS: Angela McGaughey

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ATTACHMENT 6

Rowlett TEXAS

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:

PROPERTY OWNER NAME (print): Johnny & Cassandra Morgan

SIGNATURE: Cassandra Morgan

ADDRESS: 4406 Dexham Rd.

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glanford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services 06-04-15 RCVD PO Box 99 Rowlett, TX 75030-0099

✓

ATTACHMENT 6

06-04-15A11:00 RCVD

Rowlett TEXAS

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: This is exceptional poor urban planning to place a high density neighborhood adjacent to a sewage plant and floodplain and commuter rail line. These small homes will negatively impact Dexham Estate home values

PROPERTY OWNER NAME (print): LARRY PERKINS Diane Perkins

SIGNATURE: Larry Perkins Diane Perkins

ADDRESS: 4414 DEXHAM ROAD ROWLETT TEXAS

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RE: Application for a Zoning Change with Major Warrants

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EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: There is already too much traffic on Dexham Rd we do not want the increased number of homes & traffic.

PROPERTY OWNER NAME (print): Sheila J. Platter

SIGNATURE: Sheila Platter

ADDRESS: 1609 Palomino 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 9th day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

06-04-15A11:01 RCVD

ATTACHMENT 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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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 AM OPPOSED TO ADDING HIGH DENSITY NEIGHBORHOOD IN FLOOD PLAIN, CONCERNS WITH TRAFFIC.

PROPERTY OWNER NAME (print): JOHNATHON ROAN

SIGNATURE: Johnathon Roan

ADDRESS: 4317 DEXHAM ROAD ROWLETT TX 75088

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06-05-15A10:48 RCVD

06-05-15A10:48 RCVD

ATTACHMENT 6

Rowlett TEXAS

Department of Development Services

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☒ ~~I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:~~ WE ARE OPPOSED

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: HIGH DENSITY OF HOUSES WILL INCREASE TRAFFIC

SEE ATTACHMENT

PROPERTY OWNER NAME (print): MARK AND DEBRA SELLER

SIGNATURE:

ADDRESS: 1918 PALOMINO DR ROWLETT TX

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 9th day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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06-05-15A10:48 RCVD

REASONS MARK AND DEBBIE SEILER PROTEST THE NEW ZONING CHANGE

This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".

This is an Inadequate location for such high density of homes.

It is Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.

The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes. The noise is increasing with the large locomotive trains increasing in their traffic.

Dexham Estates could be subject to security issues with high volume of people in such a concentrated area. We already have heavy foot traffic of people passing through.

There is inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly add to the problem.

It's uncertain what the lower end homes could do to the values of Dexham Estates homes. Our home is on the corner of Dexham and Palomino by the railroad track. We would invite you to tour our place and tell us the value would not decrease with smaller houses and more congestion.

Mark and Debbie Seiler

1918 Palomino DR

Rowlett, TX

ATTACHMENT 6

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: See attached comments

PROPERTY OWNER NAME (print): JoAnn Slack

SIGNATURE: JoAnn Slack

ADDRESS: 4514 Dexham Rd.

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 9th day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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06-05-15A10:47 RCVD

Jo Ann Slack
4514 Dexham Rd.
Rowlett, TX 75088

May 29, 2015

City of Rowlett
Development Services
P.O. Box 99
Rowlett, TX 75030-0099

Dear Planning and Zoning Commissioners:

When the comprehensive Master Plan was first developed and adopted (4/24/96) the proposed zoning for land northwest of Dexham Road and south of the DART rail road tracks was SF-E (now reflected as SF-40 in Rowlett's Municode), i.e. residential estates (one acre minimum lot size with 2,400 sq. ft. minimum house size.) My understanding is that the whole intent of the comprehensive Master Plan for this land in question was to preserve the aesthetic beauty and country feel on Dexham Road and have zoning which would be comparable to homes along Dexham Road. The original homes along Dexham Road have acreage – average lot size in Dexham Estates is 19,000 to 24,000 sq. ft. with minimum house size of 2,500 sq. ft. Following the establishment of the SF-40 zoning code, McCool Sullivan & Lilly, P.C., on behalf of the former owner of the land in question filed a protest and opposed the SF-40 zoning and were successful in having an SF-S2 established/adopted (now reflected in the Rowlett's Municode as SF-15 – 15,000 sq. ft. minimum lot size).

In 2001, the Mayor of Rowlett, Shane Johnson, ordered a moratorium which halted approval of plats for future residential building/development. The moratorium was to allow our city officials to reassess Rowlett's adopted zoning to determine if current zoning would be in the best interest of Rowlett and/or complied with the intended land use as it was presented in the comprehensive Master Plan. The City of Rowlett had contracted with HOK. The whole purpose of hiring HOK was to "get a handle" on growth in Rowlett and to ensure that future development would promote and enhance the aesthetic quality of life and the enjoyment of living in Rowlett. Unfortunately, Rowlett had gotten away from the vision of our city planners. Land owners, who either acted alone or in collaboration with developers, were allowed to influence our city officials to change zoning from what was specified in the comprehensive Master Plan to what would best benefit them financially. Fortunately for the citizens of Rowlett, however, our former city officials realized that Rowlett's future had to be protected and reassessed the intent of our city planners as it was expressed in the comprehensive Master Plan. In the spring of 2001, Dexham Estates Homeowners were successful in going before the Planning and Zoning Commission, the City Council and mayor to urge them to change the zoning of the land in question back to SF-40.

Now, Dexham Estates homeowners are facing the intent of the property owner of 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates) to change the current zoning of that land from SF-40 to the "New Neighborhood Form Based Zoning District with Major Warrants". This proposed change is not comparable to the current homes on Dexham Road and in Dexham Estates. Our city planners had intended to maintain an aesthetic quality and beauty of being in the country along Dexham Road and for zoning to be comparable to current homes on Dexham Road and in Dexham Estates. Allowing a high density development to be constructed on this property would be in total opposition with the intent of our city planners. At this time, we as homeowners on Dexham Road and in Dexham Estates, respectfully request that you, members of the Planning and Zoning Commission, not approve the application for the zoning change of the land in question from SF-40 to the New Neighborhood Form Based Zoning District with Major Warrants. Consideration perhaps should be given to changing the zoning from SF-40 to SF-20 (a minimum lot size of 20,000 sq. ft.) which would be more in line with the lot sizes of Dexham Estates. We, as citizens and city officials of Rowlett, must strive to preserve the beauty and the aesthetic quality of this fast expanding suburb of Dallas and maintain that Rowlett is truly on the water, on the move (in the right direction!)

Sincerely,

Jo Ann Slack

Jo Ann Slack
4514 Dexham Road
Rowlett, TX 75088

REASONS TO PROTEST THE NEW ZONING CHANGE

This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".

Inadequate location for such high density of homes.

Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.

The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.

Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.

Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly had to the problem.

It's uncertain what the lower end homes could do to the values of Dexham Estates homes.

Joann Sluck
4514 Dexham Rd.
Rowlett, Tx 75088

ATTACHMENT 6

Rowlett TEXAS

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: INADEQUATE LOCATION FOR HIGH DENSITY OF HOMES, SECURITY ISSUES WITH HIGHER VOLUME OF PEOPLE IN AREA

PROPERTY OWNER NAME (print): FLOYD + VICKIE SMITH

SIGNATURE: Vickie Smith

ADDRESS: 4402 DEXHAM RD

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06-04-15A11:03 RCVD

ATTACHMENT 6

Rowlett TEXAS

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:

PROPERTY OWNER NAME (print): Kenneth L. and Aileen Svaty (25+ years residents)

SIGNATURE: [illegible] Svaty

ADDRESS: 4318 Dexham Rd. - Rowlett, TX 75088

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 9th day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7th day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099

06-04-15A08:10 RCVD

06-04-15A08:10 RCVD

ATTACHMENT 6

NOTICE OF PUBLIC HEARING

RE: Application for a Zoning Change with Major Warrants, Block A of the Dexham Creek Ranch Estates,

Property Owner Name: Kenneth L, and Aileen Svaty, (25+ year residents of Dexham Estates, in Rowlett, TX)

SIGNATURE:

ADDRESS: 4318 Dexham Road, Rowlett, TX 75088

I am opposed to the request for the following reasons:

- Changing the zoning from 9 single family lots to 100+ New Neighborhood lots is a huge change, and I do nor believe it would be beneficial to the City of Rowlett or for the other residents who live off of Dexham Road, between Miller and Lakeview Parkway.

- The land itself is bordered on the north by the DART Light Rail train tracks as well as regular train tracks; on the south by sewage lines for the entire city of Rowlett, running from the east side of Dexham Road to the Garland Sewage Treatment Facility; on the east by Dexham Road; and on the west by flood plains, Rowlett Creek, and the Garland Sewage Treatment Facility.

- - North Border of the property - About 10-years ago, there was a train derailment and fire on the west side of Dexham Road that would have been on the lot 4701 on your map – it certainly would have been much worse if homes, especially multi-family homes, had been there, The regular train does not run often; however, the DART rail runs 135 times a day on weekdays (67 southbound and 68 northbound trips, if I counted correctly).

- - South border of the property - All sewage for all of Rowlett runs along the east side of Dexham Road then under Dexham Road and across lot 4401 on your map, to the Garland Sewage Treatment Facility. At least one home in Dexham Estates has had sewage back up in their home already. Sewage lines for the new homes, and all other new homes in Rowlett have to tie in to these already overburdened lines. Construction equipment and additional traffic would be driving over these lines also.

- - East border of the property - Dexham Road was never intended to become a through-fare; however, it has become one. Traffic has increased tremendously, and we have had some cases of road rage from people who do not obey the 35 mph speed limit. curve. Dexham Road was not meant to carry the amount of traffic it currently has

06-04-15A08:10 RCVD

ATTACHMENT 6

adding more vehicles, construction and new home occupants, would create more problems.

- West border of the property - .Flood plains, Rowlett Creek, and the Garland Sewage Treatment Facility are all on the west. The entire property was filled with dirt from the Lakeview Parkway project; I understand that the city had not approved the fill – it just somehow happened. Adding all of the concrete and infrastructure foe this project is sure to affect the flood plain in a negative way.

Thank you for the opportunity to comment.

06-04-15A08:10 RCVD

Rowlett TEXAS

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: Flood plain, Traffic Congestion, Sewage Overload, Security, Property Value Drop

PROPERTY OWNER NAME (print): Randall W. Thomas

SIGNATURE: Randall W Thom

ADDRESS: 4606 Dexham Rowlett, Tx

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ATTACHMENT 6

06-04-15A11:05 RCVD

Rowlett TEXAS

Department of Development Services

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RE: Application for a Zoning Change with Major Warrants

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EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

As 20 yr residents of Dexham Estates,

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

☑ ~~I AM~~ we strongly are OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Zoning change does not reflect the current, existing Dexham Estates, smaller homes +/or Multi-family homes will ~~affect~~ decrease home values in Dexham Estates; infrastructure cannot support 200+ More vehicles We love our quiet neighborhood!

PROPERTY OWNER NAME (print): Michael + Molly Ulmer

SIGNATURE: Molly Ulmer

ADDRESS: 4518 Dexham Rd Rowlett Tx 75088

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Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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 believe this development will be a great addition for Dexham Road! Long Overdue

PROPERTY OWNER NAME (print): JST GROUP LLC

SIGNATURE: [illegible]

ADDRESS: 5806 Lindenshire Ln, Dallas, TX 75230

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06-04-15A11:01 RCVD

Rowlett TEXAS

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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: Too many houses, traffic concerns on Dexham, Security Issues
Too Close to FEMA Flood Zone

PROPERTY OWNER NAME (print): Brenda & Gaylord Krause

SIGNATURE: [signature]

ADDRESS: 4821 Palomino Dr. Rowlett, TX 75088

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06-01-15A09:29 RCVD

ATTACHMENT 7

Rowlett TEXAS

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: 1. This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood". 2. Inadequate location for such high density of homes. 3. Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line. 4. The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes. 5. Dexham Estates could be subject to security issues with high volume of people in such a concentrated area. 6. Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly add to the problem. 7. It's uncertain what the lower end homes could do to the values of Dexham Estates homes. 8. Increased storm water runoff into the floodplain. Additional trash and debris into Lake Ray Hubbard.

PROERTY OWNER NAME (print): E. H. and Betty J. Crosby

SIGNATURE: Betty J Crosby

ADDRESS: 1809 Palomino Drive, Rowlett, TX 75088

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06-04-15A11:05 RC

E.H. and Betty J. Crosby
1809 Palomino Drive
Rowlett, TX 75088

City of Rowlett
Development Services
P.O. Box 99
Rowlett, TX 75030-0099

RE: Zoning change for Dexham neighborhood

We have been away from our home since January of this year but have continued to be in touch with our home owners association regarding the zoning changes request for the neighborhood across the street on Dexham Road.

Our objections are in line with our neighbors. We received an email from our neighbor and have enclosed a copy of our objections to be filed with other home owners from Dexham Estates.

Thank You,
E.H. (Gene) and Betty Crosby

Betty J Crosby

5-28-2015

ATTACHMENT 7

06-03-15A11:20 RCVD

Rowlett TEXAS

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:

PROPERTY OWNER NAME (print): Debra Dotsy

SIGNATURE:

ADDRESS: 1705 Palomino Dr Rowlett Tx 75088

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ATTACHMENT 7

06-04-15A11:04 RCVD

Rowlett TEXAS

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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: not a good location for that many houses. Over crowds the Dexham ~~rd~~ road. etc.

PROPERTY OWNER NAME (print): Denis d'Rohan Neal

SIGNATURE:

ADDRESS: 1910 Palomino Dr Rowlett TX

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Rowlett TEXAS

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See below for further comments

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

☑ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: 1) Zoning should stay the same, This is why we bought our Home in Dexham Estates. 2) Rezoning is to much density for custom Home area.

PROPERTY OWNER NAME (print): MARK & Mary Hempkins

SIGNATURE: Mark Hempkins

ADDRESS: 1613 Palomino Dr., Rowlett Tx 75088

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06-04-15A11:02 RCVD

06-04-15A11:02 RCVD

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3. To much traffic for Dexham Road with high density.
4. Dexham Estates is one of the few truely custom home areas in Rowlett.
5. Last comment: Do not oppose building homes but oppose rezoning for high density housing. Rowlett cannot be that desparate for housing or a walking trail.

ATTACHMENT 7

Rowlett TEXAS

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: Poor Urban planning to put high density neighborhood next to waste water treatment plant (AWEFUL SMELL) Flood Plain

PROPERTY OWNER NAME (print): JAMES HENDRIKSEN

SIGNATURE:

ADDRESS: 1914 PALOMINO DR. ROWLETT, TX 75088

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06-04-15A11:03 RCVD

Rowlett TEXAS

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: All of the attached reasons!

PROPERTY OWNER NAME (print): Paul & Cynthia Hooker

SIGNATURE: ~~[illegible]~~ Cynthia Hooker

ADDRESS: 1721 Palomino Dr. Rowlett 75088

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05-29-15A08:51 RCVD

REASONS TO PROTEST THE NEW ZONING CHANGE

This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".

Inadequate location for such high density of homes.

Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.

The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.

Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.

Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly had to the problem.

It's uncertain what the lower end homes could do to the values of Dexham Estates homes.

05-29-15A08:51 RCVD

ATTACHMENT 7

06-04-15A11:00 RCVD

Rowlett TEXAS

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: Inadequate location / infrastructure for such high density homes. Impact to Property Values of Deerpath Estate homes.

PROPERTY OWNER NAME (print): LISA MORGAN

SIGNATURE: Lisa Morgan

ADDRESS: 1805 Palomino Dr. Rowlett TX 75088

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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: 1) inadequate location for higher density homes because built on flood plain, no adequate road system for neighborhood now, much less with added density. 2) Big change in zoning from what has existed.

PROPERTY OWNER NAME (print): Jim and Marcine Mullen

SIGNATURE: Jim Mullen, Marcine J Mullen

ADDRESS: 1801 Palomino DR, Rowlett, TX 75088

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06-04-15A11:02 RCVD

Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for 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: We want the ZONING TO REMAIN SF -40 or It will increase # of homes and traffic.

PROPERTY OWNER NAME (print): HARRY S. SEIDEL, JR / DAVID J. KOCA

SIGNATURE: Harry Seidel Jr. / David J. Koca

ADDRESS: 1901 PALOMINO DRIVE, ROWLETT 75088

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06-04-15A11:02 RCVD

ATTACHMENT 7

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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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: Inadequate location for such high density of homes.

PROPERTY OWNER NAME (print): Sean Sullivan

SIGNATURE: [signature]

ADDRESS: 1717 Palomino Rowlett TX 75088

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06-04-15A11:04 RCVD

ATTACHMENT 7

Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: Concerned that the project will reduce property value in the future

PROPERTY OWNER NAME (print): Houtrie Syed / Valerie Syed

SIGNATURE: [illegible] / Valerie Syed

ADDRESS: 1606 Patowmack Dr, Rowlett, TX 75088

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Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

05-01-15 10:19 RCVD

ATTACHMENT 7

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

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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: ~~Rowlett~~ Dexham Rd & That land cannot support the proposed addition. We need to raise the bar 7

PROPERTY OWNER NAME (print): Julie & Mike Tornatore

SIGNATURE: 1904 Palomino Dr. Rowlett, TX

ADDRESS: Julie Tornatore

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07-01-15A06:15 RCVD

And insist on homes that conform to the original plan for that property.

ATTACHMENT 7

Rowlett TEXAS

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: FLOOD PLANE / TOO DENSE

PROPERTY OWNER NAME (print): RANDY & PENNY TOWNZEN

SIGNATURE: [signature] Penny Townzen

ADDRESS: 1701 PALOMINO DR.

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07-01-15A08:13 RCVD

ATTACHMENT 7

06-02-15P03:21 RCVD

Rowlett TEXAS

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: Rezoning from 9 tracts to 100+ Changes the whole complexion of the development & is so different from Dexham Estates which is unique - rural within a city. The Dart Rail has affected us negatively (1)

PROPERTY OWNER NAME (print): Craig & Mary Williams

SIGNATURE: Craig Williams Mary Williams

ADDRESS: 1709 Palomino Dr Rowlett TX

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(1) with noise & the crossing gates. Adding all the additional cars will really create traffic issues, noise, & disrupt our idyllic little development. I feel this will adversely affect our property values

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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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: Do not wish to have a large neighborhood/apartments across the street, Too much traffic, security reasons, property values.

PROPERTY OWNER NAME (print): Jessica Allen

SIGNATURE: J Allen

ADDRESS: 1806 Clydesdale Court Rowlett 75088

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06-04-15P12:44 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

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MOST PEOPLE IN THIS NEIGHBORHOOD HAVE BEEN PAYING PROPERTY TAXES FOR 25-30 YEARS AND DESERVE MUCH MORE INPUT WITH THIS DECISION THAN THE DEVELOPER WHO WANTS TO MAKE A QUICK PROFIT FROM HIS FLOOD PLANE PROPERTY. REMEMBER WE WONT HAVE TO LIVE HERE. BELIEVE ME HAVING TO LISTEN TO THE DART RAIL EVERY 10 MINUTES IS ENOUGH. ROWLETT DOES NOT NEED ANY MORE CHEAP HOUSING PROJECTS!

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

☑ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We already have enough traffic congestion, Dexham Rd CANNOT take any more traffic, decrease on property value for our nice neighborhood! We have had enough by having to deal with DART!

PROPERTY OWNER NAME (print): Brent & Jennefer Brawley

SIGNATURE: Jennefer Brawley

ADDRESS: 1920 Stallion Circle, Rowlett TX 75088

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Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099

06-05-15A10:47 RCVD

Outside of 200'

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: Destruction of existing homes & threats to the General community environment

PROPERTY OWNER NAME (print): Jackson Bridges Phoebe Bridges

SIGNATURE: Jackson Bridges Phoebe Bridges

ADDRESS: 1913 Stallion Circle Rowlett 75088

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06-04-15A08:10 RCVD

ATTACHMENT 8

Rowlett TEXAS

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

☑ I AM Very! OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: 1. Too many homes in small area 2. Devalue Property in Dexham estates. 3. Not enough road capacity for traffic.

PROPERTY OWNER NAME (print): John & Johnyn Butler

SIGNATURE: John D. Butler Johnyn Butler

ADDRESS: 1809 Clydesdale Ct.

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

06-01-15A09:29 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

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

☑ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME (print): Gayle Carr

SIGNATURE: Gayle Carr

ADDRESS: 1910 Clydesdale Ct. 75088

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06-04-15A11:04 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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:

PROPERTY OWNER NAME (print): Louis C Cephus

SIGNATURE: [signature]

ADDRESS: 5001 Dexham Rd

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06-04-15A11:05 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: Plans are too vague to make a choice. Let us see the plans and final count of houses.

PROPERTY OWNER NAME (print): Edwin Cooley

SIGNATURE: [signature]

ADDRESS: 1610 Palomino Dr. Rowlett, 75088

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06-05-15A10:48 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: I have live across the street from this land for 25 years & I am totally opposed to this rezoning. (See attached)

PROPERTY OWNER NAME (print): Gregory & Jolene Craig

SIGNATURE: [signature]

ADDRESS: 1914 Stallion Circle Rowlett TX 75088

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06-03-15P04:12 RCVD

Public Hearing Notice for
properties along Dexham Road
4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613, 4701

I am opposed to the rezoning of the subject property for the following reasons:

- Dexham Estates has been here for 28 years and is one of the premiere properties in Rowlett.
- This proposed rezoned development will negatively impact our property values & quality of life
- The developer rezoned the property years ago in order to save money on infrastructure
- He created 9 estate lots that were a minimum 140' wide & between 6 - 14 acres each
- The residence of Dexham Estates were happy with the development but no housing was built over an almost 10 year period.
- If the city allows the developer to rezone this property, the lots will be smaller than our lots, the houses will be smaller than our houses & with additional traffic, will downgrade our property!
- The property is at the far western edge of Rowlett and backs up to Rowlett Creek
- In order to fit with the new formed based code - Comprehensive Plan, the developer should be using the 2.5 Rural Neighborhood Standards as Rural Estates and not the 2.3 New Neighborhood standards
- It appears to me that the landowner is trying to make more money on his development. I bet if he tried to sell the properties for homes less than a $1,000,000, he might be sucessful!

I am a 25 year resident living in Dexham Estates, a former P&Z Commissioner in Rowlett & I was appointed by city council to serve on the Realize Rowlett 2020 advisory committee.

I do not believe that New Neighborhood Standards were intended for properties like this one.

Greg Craig

1914 Stallion Circle
Rowlett, Tx 75089

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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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: BUILDING IN FLOOD PLAN INDANGERS OF FLOODING. YOU FILLED IN FLOOD PLAN AT ROWLETT RD AND CASTLE. WATER DIVERTED TO PARK

PROPERTY OWNER NAME (print): SAMMY A. DOWDLE

SIGNATURE: Sammy A Dowdle

ADDRESS: 5802 ANTIOCH DR ROWLETT, TX 75089

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06-24-15P01:26 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING 15-04-15A11:0

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: We do not want small homes & possibly multi-family units in a flood plain, near waste treatment plant or adding a lot of traffic on Dexham Rd.

PROPERTY OWNER NAME (print): CHRIS + MINNI ELKINS

SIGNATURE: Minni Elkins

ADDRESS: 1918 Stallion Circle Rowlett TX 75088

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ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

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TO: Property Owner

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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: Inadequate location for such high density homes Dexham Estates could face security issues with so many people in such a concentrated area

PROPERTY OWNER NAME (print): Bobby & Shirley Evans

SIGNATURE: Bobby Evans Shirley Evans

ADDRESS: 1814 Clydesdale Ct

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06-05-15A10:46 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: The homes built not mirror our neighborhood. Too many homes built in that section creating more traffic on 2-lane Dexham which is in need of widening or repair.

PROPERTY OWNER NAME (print): Peggy Fitch

SIGNATURE: [redacted] Peggy Fitch

ADDRESS: 1718 Clydesdale Ct. Rowlett, 75088

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01-15A08:13 RCVD

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Rowlett TEXAS

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: Do not want to have flooding. Already subject to flooding on Dexham. Lost Nature Trail

PROPERTY OWNER NAME (print): Frances & Joseph Faccibene

SIGNATURE:

ADDRESS: 3409 Elndiff Trail Rowlett Tx 75088

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06-24-15P01:26 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Excessive traffic on an already overcrowded road, which is the ONLY road to exit the neighborhood; floodplain = abandoned or ugly property; infrastructure inadequate; Types of proposed homes not consistent/compatible with existing neighborhood. 200 additional cars

PROPERTY OWNER NAME (print): THOMAS E. & SHARON L. GIPSON

SIGNATURE: Thomas E. Gipson / Sharon L Gipson

ADDRESS: 1810 Clydesdale Ct.

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06-04-15A11:04 RCVD

06-04-15A11:04 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: Dexham Rd is Not large enough to hold the increase in traffic, Smaller houses and multi family will decrease my property value

PROPERTY OWNER NAME (print): Steve Haught

SIGNATURE: S L Haught

ADDRESS: 1925 Stallion Cir, Rowlett.

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06-04-15A11:01 RC

ATTACHMENT 8

Rowlett TEXAS

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: Too much added volume of traffic to Dexham. Strong possibility of lowering our property values.

PROPERTY OWNER NAME (print): Michael D. Hildinger / Margaret Hildinger

SIGNATURE: [illegible] / Margaret Hildinger

ADDRESS: 1906 Clydesdale Ct. Rowlett, TX 75088

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06-04-15A11:02 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING 06-04-15A11:05 RCVD

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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: too denser, lower-cost housing, larger population, crowed and busier, reduce our properties's value, Tax increase

PROPERTY OWNER NAME (print): ICHANH HOANG

SIGNATURE: Ichanh V. Hoang

ADDRESS: 1909 Stallion Circle, Rowlett, TX 75088

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ATTACHMENT 8

Rowlett TEXAS

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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: Dexham Rd not big enough for increased traffic that would happen. Security Issue with increase of higher volume in concentrated area

PROPERTY OWNER NAME (print): Jennifer Huch

SIGNATURE: [signature]

ADDRESS: 4014 Dexham Rd

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06-10-15P12:08 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: The increased density of the request will is a safety issue, infastructure issue, value issue and →

PROPERTY OWNER NAME (print): DENNIS JACKSON

SIGNATURE: [signature]

ADDRESS: 1722 Clydesdale Ct 75088

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07-01-15A08:13 RCVD

1722 Clydesdale Ct

ATTACHMENT 8

quality of life issue for Deyham Estates "D.E." homeowners specifically. I moved to D.E. in 1997 not because it was the nicest neighborhood in Rowlett but because it offered and continues to offer a tranquility you can't buy anywhere else. Most residents in D.E. have been here a long time because we don't want cars running up and down our streets to get to a golf course or some other venue. We like that you don't drive through D.E. to get somewhere else except on Deyham. I'm not opposed to a smaller amount of homes built on Deyham just not a hundred or more. For the first time in a long time we are seeing home value on the rise in D.E. The proposed zoning will have a negative affect on our values in my opinion because it will spoil the reason why we like it here so well.

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

06-04-15A11:02 RCVD

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: increase in traffic, decrease in property values, increase in crime rate

PROPERTY OWNER NAME (print): William & Charlene Johnson

SIGNATURE: Charlene Johnson William Johnson

ADDRESS: 1710 Palomino Dr Rowlett, Tx

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 **9th day of June, 2015**, and that the City Council will hold a public hearing at 7:30 p.m. on the **7th day of July, 2015**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Rowlett TEXAS

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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: SMALL SQ. FT. RESIDENCES AND/OR MULTI-FAMILY UNITS WILL ADVERSELY AFFECT PROPERTY VALUES, TRAFFIC & CRIME.

PROPERTY OWNER NAME (print): Gerald Karby

SIGNATURE: [signature]

ADDRESS: 1706 PALOMINO DR, ROWLETT, TX

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06-04-15A11:03 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: Dexham Rd. Cannot sustain additional traffic – quiet enjoyment of property will be negatively impacted. Proposed development does not blend, is not cohesive – crime rate will increase

PROPERTY OWNER NAME (print): JoAnne Kerby

SIGNATURE: [signature]

ADDRESS: 1706 Palomino Dr., Rowlett, TX 75088

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06-05-15A10:46 RCVD

Rowlett TEXAS

Department of Development Services

06-04-15A11:00 RCVD

NOTICE OF PUBLIC HEARING

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RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

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

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: REASONS: BUILDING IN AN AREA THAT READILY FLOODS, HIGH DENSITY NEIGHBORHOOD WOULD STRAIN INFRASTRUCTURE, TRAFFIC AND DEPRESSION OF HOME VALUES.

PROPERTY OWNER NAME (print): Steven + Catherine Leinbaugh

SIGNATURE: [signature] + Catherine LeBaugh

ADDRESS: 1805 Clydesdale Ct.

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

Rowlett TEXAS

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

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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: Please see attached

PROPERTY OWNER NAME (print): David Louk & Ruth Louk

SIGNATURE: David E Louk & Ruth Louk

ADDRESS: 5913 Covington Rowlett TX

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07-01-15A08:13 RCVD

I am opposed to the rezoning to multifamily housing on dexham road for two major reasons. First of all I am concerned adjusting land out of the flood zone will cause a change to the current flood line. Recently water has crossed the 66 bridge and has come very close to flooding several houses along Springfield park. Any change to the flood plain can cause considerable harm to the current and future housing near Rowlett creek as well as the city sewer plant and road system. At a minimum, an environmental study should be performed with mandatory adjustments to Rowlett creek by the development firm to ensure the construction project does not negatively impact the flood zone.

Probably the more significant reason I am opposed to this new plan is that it will negatively impact the tax base of Rowlett. The current zoning of low occupancy single-family homes fits well with the surrounding area. The community surrounding the purposed development is moderately high value single-family homes. While developing the land might increase the tax basis directly on the property, overall values surrounding this development will plummet causing a likely loss to the Rowlett tax basis. The multi family homes next to a rail line and a sewer plant on the purposed rezoned land will end up being low cost housing due to the undesirable location which will force the house prices down on the development. The side effect will be a loss of pride in the area, which will also increase crime and undesirable activities. This will in turn cause the entire area to lose value and probably end up being a net loss to the Rowlett City tax basis.

I would like to see a return on investment for the landowner and the development of the property, but not at the cost of the City of Rowlett and its nearby residents. Perhaps a smarter avenue for the landowner would be to implement the 9 single family homes with a HOA running a community horse park in the flood zone area and push for agriculture exemption for the horse part of the land. This would provide 9 highly valued additional homes to tax by the City of Rowlett and no change to the flood plain.

Please deny the current rezoning plan.
Thank you

David E Louk & Ruth Louk

David E. Louk & Ruth Louk
5913 Covington Dr.

07-01-15A08:13 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

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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: area becoming crowded – road, congestion. Concern over smaller, cheaper houses being built.

PROPERTY OWNER NAME (print): Deena McNamee

SIGNATURE: Deena McNamee

ADDRESS: 1102 Clydesdale Court Rowlett 75088

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06-16-15P12:08 RCVD

ATTACHMENT 8

06-04-15A11:01 RCVD

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

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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 believe this is an inadequate location for such a high density of homes. It will greatly increase traffic creating congestion on Dexham Rd which is only 2 lanes.

PROPERTY OWNER NAME (print): Larry E. Magee

SIGNATURE: Larry E. Magee

ADDRESS: 1721 Clydesdale Ct., Rowlett Tx 75088

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ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

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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: Non Compliire with Neaber Hood

Poor Urban Planning to put a high density Neighborhood.

PROPERTY OWNER NAME (print): John & Diane Moore

SIGNATURE: John W Moore

ADDRESS: 1818 Clydesdale Ct Rowlett Texas 75088

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06-04-15A11:01 RCVD

ATTACHMENT 8

Rowlett TEXAS

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: Traffic, Prop values, flood plain

PROPERTY OWNER NAME (print): JOSH + HEATHER MOORE

SIGNATURE:

ADDRESS: 1718 PALOMINO DR

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06-05-15A10:48 RCVD

Rowlett TEXAS

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: ① Change in character of neighborhood ② increased traffic on two lane street that does not have shoulders or turn lanes ③ proposed development is subject to partial flooding as we just witnessed. ④ potential decrease in market value of any R-1 property and home sites.

PROPERTY OWNER NAME (print): Gerald D. and Cynthia Ann Murphy

SIGNATURE: Gerald D Murphy Jr

ADDRESS: 3826 Dexham Rd, Rowlett, TX

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ATTACHMENT 8

Rowlett TEXAS

1921 STALLION

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: Increased traffic on narrow 2 lane rd already over used. Decrease in property values.

PROPERTY OWNER NAME (print): Rick Narramore

SIGNATURE: Rick Narramore

ADDRESS:

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06-04-15A11:05 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

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☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME (print): Fred and Shauna Rashzad

SIGNATURE: Fred Rashzad

ADDRESS: 1706 Clydesdale Ct, Rowlett, Tx, 75088

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06-04-15A11:05 RCVD RCVD

Rowlett TEXAS

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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: this is a HUGE change in the current zoning, there is inadequate infrastructure for so many more homes off Dexham Rd.

PROPERTY OWNER NAME (print): Jon + STACEY Simpkic

SIGNATURE: [signature] [signature]

ADDRESS: 1902 Palomino Dr.

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If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com	**RETURN BY FAX OR MAIL** City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099

06-04-15A11:05 RCVD

ATTACHMENT 8

Rowlett TEXAS

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change with Major Warrants

LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

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

☑ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: SEE ATTACHED

PROPERTY OWNER NAME (print): BRENT C WILLIAMS

SIGNATURE: Brent C Williams

ADDRESS: 1902 CLYDESDALE CT ROWLETT TX 75088

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06-04-15A11:04 RCVD

06-04-15A11:04 RCVD

REASONS TO PROTEST THE NEW ZONING CHANGE

This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".

Inadequate location for such high density of homes.

Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.

The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.

Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.

Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly add to the problem.

It's uncertain what the lower end homes could do to the values of Dexham Estates homes.

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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: flood plain area

PROPERTY OWNER NAME (print): Kimberly Walcott

SIGNATURE: Kimberly Walcott

ADDRESS: 1710 Clydesdale Ct. Rowlett TX 75088

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06-03-15A10:46 RCVD

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Rowlett TEXAS

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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: INADEQUATE LOCATION FOR SUCH A HIGH DENSITY OF HOMES.

PROPERTY OWNER NAME (print): MATTHEW WISE

SIGNATURE: [signature]

ADDRESS: 1922 STALLION CIR. ROWLETT TX 75088

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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: Inadequate location for such high density homes

PROPERTY OWNER NAME (print): David Wood

SIGNATURE: David Wood

ADDRESS: 1714 Palomino Drive, Rowlett, TX

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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: Security issues + increased traffic

PROPERTY OWNER NAME (print): Melissa Wood

SIGNATURE: Melissa Wood

ADDRESS: 1714 Palomino Drive Rowlett, Tx

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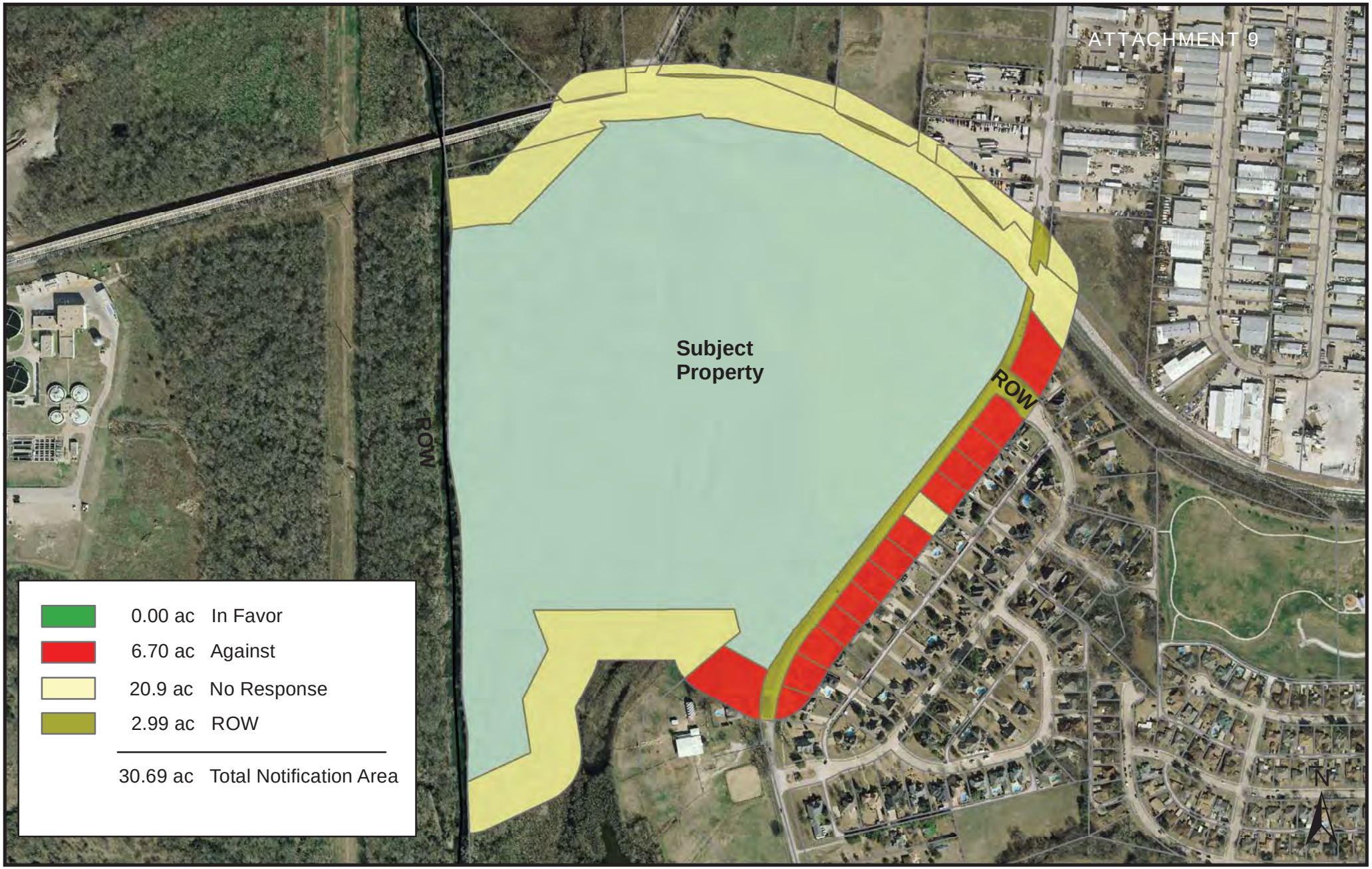
06-05-15A10:47 RCVD



Rowlett TEXAS

Creekside Village
4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613, and 4701 Dexham Road
Map Created: July 1, 2015

ZONING CHANGE
200 FT NOTICE
LOCATION MAP